

# MINUTES

OF THE

## CITY COUNCIL

OF THE

CITY OF HALIFAX,

NOVA SCOTIA,

FOR THE CIVIC YEAR

1911-12.



HALIFAX, N. S. :  
OFFICE OF CITY CLERK,  
1911-12.

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# Minutes of City Council.

CIVIC YEAR 1911-1912.

J. A. CHISHOLM, K. C., Mayor.

OFFICE OF CITY CLERK, CITY HALL, May 11th, 1911.

JOSEPH A. CHISHOLM, K. C., having been on the 28th day of April, 1911, by the City Clerk, in the presence of the City Council, publicly declared duly elected Mayor of the City of Halifax for the civic year 1911-12, I do hereby certify that before entering upon the duties of the office of Mayor, he was, on the 11th day of May, inst., sworn before His Honor the Lieutenant-Governor of Nova Scotia at Government House, by subscribing and taking the Oaths of Allegiance, of Qualification and of Office, in the presence of Aldermen Whitman, Douglas and Martin, and Alderman-elect Gates and the City Clerk.

And that upon the said 11th day of May he was sworn as a Justice of the Peace for the City of Halifax before the City Clerk.

L. FRED. MONAGHAN,  
CITY CLERK IN AND FOR THE CITY OF HALIFAX.

OFFICE OF CITY CLERK, CITY HALL, May 11th, 1911.

Reginald V. Harris, for Ward Number One; Herbert E. Gates, for Ward Number Two; Melvin S. Clarke for Ward Number Three; John J. Hines for Ward Number Four; Arthur C. Hawkins for Ward Number Five, and Constant Upham, for Ward Number Six, having been on the 28th day of April, A. D. 1911, by the City Clerk, in the presence of the City Council, publicly declared duly elected Aldermen of the City of Halifax for the terms and wards for which they were respectively elected, I do hereby certify that before entering upon the duties of the office of Alderman they were each and severally sworn before His Worship the Mayor, by subscribing and taking the Oaths of Allegiance and of Qualification, and the Oaths of Office of Alderman and of Justice of the Peace for the City of Halifax, and signed the Roll of Aldermen, on the 11th day of May, A. D. 1911.

L. FRED. MONAGHAN,  
CITY CLERK IN AND FOR THE CITY OF HALIFAX.

## EVENING SESSION.

8.10 O'clock.

COUNCIL CHAMBER, CITY HALL, May 11th, 1911.

A meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor and Aldermen Corston, Douglas, Gates, Hines, MacKenzie, Upham, Clarke, Hoben and McManus.

Moved by Alderman Corston, seconded by Alderman Douglas, that the time for meeting be extended until 8 30 o'clock. Motion passed.

8.30. Roll called. Present the above named together with Aldermen Shaffner, Whitman, Harris, Kelly, Martin, Hawkins and Rankine.

### NOTICE OF RECONSIDERATION.

Read No. 1 on Order of the Day, viz. ;—"Alderman Kelly's notice of reconsideration of resolution re staff of City Prison." April 28th, 1911.

Moved by Alderman Kelly, seconded by Alderman Douglas, that said matter be now reconsidered. Motion passed, 10 voting for the same and 6 against it, as follows :—

For Reconsideration.

Aldermen Gates, McManus,  
Douglas, Hoben,  
Kelly, Hines,  
Hawkins, Martin,  
MacKenzie, Upham—10.

Against it.

Aldermen Shaffner, Harris,  
Whitman, Clarke,  
Corston, Rankine—6.

Read report City Prison Committee, clause 4, April 21st, 1911.

Also read report City Prison Committee, November 19th, 1909, re reorganization of the City Prison.

Moved by Alderman Kelly, seconded by Alderman Martin, that the same be referred to the incoming Prison Committee for consideration and report. Motion passed.

### PRESENTATION OF PAPERS.

The following named papers are submitted :—



Report Finance Committee, by Alderman Whitman, Chairman.

Report Charities Committee, by Alderman Shaffner, Acting Chairman.

His Worship the Mayor submits the following named papers:—

Letter Dartmouth Ferry Commission re Ferry Dock.

Cash Statements City Collector.

Application Chris. Connolly for position of Coal Weigher.

Report City Solicitor in re Suit G. C. Webster vs. the City.

Letter "Canadian Municipal Journal" re advertising.

Report Coal Weighers for April.

Annual Report Coal Weighers for 1910-11.

Annual Report Governor City Prison, 1910-11.

Report Police Committee covering accounts.

Report His Worship the Mayor in re Differential Freight Rate.

Applications City Officials for re-appointment.

List of Committees nominated by His Worship the Mayor.

Reports (8) Committee on Works, viz:—

Tender for Sprinkling Teams.

Telephone Conduits.

Official City Plan.

Accounts.

Liverpool Street Water Extension.

Preston Street Water Extension.

Water Meters.

Proposed New Streets.

#### REFERENCE OF PAPERS SUBMITTED.

Read letter "Canadian Municipal Journal" re advertising.

Referred to Finance Committee for report.

Read report of Coal Weighers for April. Filed.

Read Annual Report of Coal Weighers for 1910-11. Filed.

Read Annual Report Governor City Prison, 1910-11. Filed.

Read report City Solicitor in re suit George C. Webster vs. the City of Halifax.

Also read report Committee on Works and opinion City Solicitor on same subject.

#### WEBSTER VS. CITY OF HALIFAX.

OFFICE OF CITY SOLICITOR, May 11th, 1911.

HIS WORSHIP THE MAYOR.

Sir,—In this matter since my last report to the Committee on Works the Plaintiff has issued a Writ claiming \$800.00 damages to which I have entered an appearance and asked for a statement of claim.

F. H. BELL, City Solicitor.

MAY 11TH, 1911.

## GEORGE C. WEBSTER'S CLAIM.

CITY WORKS OFFICE, April 28, 1911.

TO THE CITY COUNCIL.

Gentlemen,—Attached hereto is a report from the City Solicitor in re compromise with George C. Webster on damage claim for overflowing of Agricola Street. Your Committee recommend that the same be adopted.

J. A. CHISHOLM, Mayor and Chairman.

OFFICE OF CITY SOLICITOR, April 5, 1911.

HIS WORSHIP THE MAYOR, Chairman Committee on Works.

Sir,—I have already made two reports on this matter, first as to the legal aspects of it, and second as to whether, on the facts, there appeared to me to be any evidence of negligence on the part of the City, both of which were adverse to the claim.

Since the resolution of the Council referring the matter back to your Board, Mr. Doane and myself have had an extended conference with Mr. Webster and his Counsel, Mr. Robertson, and I have carefully discussed the matter with Mr. Doane, and am still unable to see any ground upon which the City is legally liable. No further facts were elicited by the conference and the only ground upon which Mr. Robertson suggested that the City was in default, was a suggestion that after the first overflow, the City should have made enquiries from time to time to ascertain whether the remedy which had been applied, was effectual.

To this suggestion I am totally unable to agree. The City promptly attended when it had notice of the overflow, took steps to remedy it, which usually are effective, and in the absence of any further complaint, had every reason to believe that what had been done was effectual.

An overflow might not occur again for months even supposing the obstruction to have remained there. Such overflows are of very frequent occurrence and to suggest that the City has some indefinite liability to make enquiries in every case as to whether there has been a repetition of the trouble, is to my mind, utterly out of the question.

It seems to me, that to follow logically from this that the City cannot legally compromise this claim. The City can undoubtedly compromise any claim which is doubtful, and if either Mr. Doane or myself thought that this was a doubtful case I would gladly recommend any reasonable compromise; but when, after the most careful consideration, we are both unable to see any grounds upon which the City is liable, I do not see how the City can legally pay any amount upon the claim whatever.

On such a matter it appears to me that the Council must act on the advice of its expert advisors. They may be mistaken, the Court may take a different view of the City's duties and of what constitutes negligence, but until a judgment has been given against them, it appears to me, to pay a claim which in the opinion of the City's advisors is absolutely without foundation would be acting contrary to law.

F. H. BELL, City Solicitor.

Moved by Alderman Whitman, seconded by Alderman MacKenzie, that the report of the Committee on Works be adopted and the City Solicitor instructed to defend the action. Motion passed.

Read application Chris. Connolly for position of Coal Weigher Filed.

Read Cash Statements City Collector, Taxes and Water Rates, for August, September and October, 1910. Filed.

Read Committees nominated by His Worship the Mayor, as follows:—

COMMITTEE ON CABS.—His Worship the Mayor, Aldermen Douglas, MacKenzie. Approved.

COMMITTEE ON CHARITIES.—Aldermen Shaffner, Gates, McManus, Kelly, Corston, Upham. Approved.

COMMITTEE ON FINANCE.—Aldermen Whitman, Connolly, McManus, Hoben, Corston, Rankine. Approved.

POLICE COMMITTEE.—His Worship the Mayor, Aldermen Shaffner, Douglas. Approved.

COMMITTEE ON CITY PRISON.—Aldermen Harris, Connolly, McManus, Hines, Hawkins, Rankine. Approved.

COMMITTEE ON TENDERS.—Aldermen Shaffner, Connolly, Clarke, Martin, Kelly, Upham. Approved.

COMMITTEE ON CITY WORKS.—His Worship the Mayor, Aldermen Whitman, MacKenzie. Approved.

BOARD OF ARBITRATION BETWEEN CITY, COUNTY AND DARTMOUTH. Aldermen Shaffner, Gates, McManus, Corston, Kelly. Approved.

COMMITTEE ON LAWS AND PRIVILEGES.—Aldermen Bligh, Harris, Clarke, Hoben, Hawkins, MacKenzie. Approved.

COMMISSIONERS OF CAMP HILL CEMETERY.—Aldermen Harris, Bligh, Clarke, Upham. Approved.

COMMISSIONERS OF THE COURT HOUSE AT HALIFAX.—His Worship the Mayor, Aldermen Bligh, Hawkins, Rankine. Approved.

BOARD OF FIRE ESCAPES.—Aldermen McManus, Harris, Rankine. Approved.

DIRECTORS POINT PLEASANT PARK.—His Worship the Mayor, Aldermen Whitman, Gates, McManus, Hoben, Corston, Upham. Approved.

LIBRARY COMMISSION.—Aldermen Whitman, Connolly, Clarke, Hoben, Martin, Rankine; James C. Barnstead. Approved.

COMMISSIONERS OF HALIFAX COMMON.—Aldermen Kelly, Shaffner, Connolly, Douglas, Martin, MacKenzie; W. R. Powell, W. B. MacCoy.

Moved by Alderman Douglas, seconded by Alderman McManus, that said nominations be approved. Motion passed.

SHIPBUILDING COMMISSION.—His Worship the Mayor, Aldermen Douglas, Hawkins, MacKenzie. Approved.

COMMITTEE OF FIRE WARDS.—Aldermen Harris, Gates, Clarke, Hines, Martin, MacKenzie.

Moved by Alderman Douglas, seconded by Alderman Martin, that Alderman McManus be substituted for Alderman Clarke on the Commission of Fire Wards. Motion passed.

COMMERCIAL COMMITTEE.—His Worship the Mayor, Aldermen Whitman, Gates, Douglas, Hines, Martin, Rankine. Approved.

PUBLIC FRANCHISES—Aldermen MacKenzie, Harris, Connolly, Douglas, Hoben, Hawkins. Approved.

HARBOR CHAMPIONSHIP.—Aldermen MacKenzie, Harris, Gates, Hines, Upham. Approved.

His Worship the Mayor requests the Council to nominate members for the City Health Board.

The following are nominated :—

Alderman Dr. Hawkins, by Alderman Martin.

Alderman Dr. Rankine, by Alderman Whitman.

Alderman Dr. Corston, by Alderman Rankine.

Alderman Kelly, by Alderman Hoben.

Alderman Martin, by Alderman Hawkins.

Alderman Harris, by Alderman Douglas.

Alderman McManus, by Alderman Clarke.

His Worship the Mayor requests the Aldermen to vote first for the Medical representative, the nominees being Aldermen Hawkin, Corston and Rankine.

The vote being taken, there appeared for Alderman Hawkins 8, for Alderman Coston 1, for Alderman Rankine 4, as follows :—

*For Alderman Hawkins*—Aldermen Gates, McManus, Douglas, Hoben, Kelly, Hines, Martin, Upham—8.

*For Alderman Corston*—Alderman Clarke—1.

*For Alderman Rankine*—Aldermen Harris, Shaffner, Whitman, MacKenzie—4.

His Worship the Mayor declares Alderman Dr. Hawkins duly elected a member of the City Health Board.

The vote being taken for the other three members of the Board to be elected, the division appeared as follows :—

*For Alderman Corston*—Aldermen Harris, Whitman, Hoben, Hines, MacKenzie, Rankine—6.

*For Alderman Kelly*—Aldermen Gates, McManus, Hoben, Hines, Hawkins, Martin, Corston, Upham—8.

*For Alderman Harris*—Aldermen Shaffner, Whitman, Gates, Douglas, Clarke, Corston, Rankine—7.

*For Alderman Rankine*—Aldermen Harris, Shaffner, Whitman, Kelly, Martin, Corston, MacKenzie—7.

*For Aldermen Martin*—Aldermen Shaffner, Gates, McManus, Douglas, Clarke, Kelly, Hines, Hawkins, Upham, Rankine—10.

*For Alderman McManus*—Aldermen Douglas, Clarke, Hoben, Kelly, Hawkins, Martin, MacKenzie, Upham—8.

His Worship the Mayor declares Alderman Martin, elected a member of the City Health Board.

The second vote being taken, the division appeared as follows :—

*For Alderman Corston*—Aldermen Hoben, Hines, MacKenzie—3.

*For Alderman Kelly*—Aldermen McManus, Douglas, Hoben, Hines, Hawkins, Upham, Rankine—7.

*For Alderman Harris*—Aldermen Shaffner, Whitman, Gates, McManus, Clarke, Corston, Rankine—7.

*For Alderman Rankine*—Aldermen Harris, Shaffner, Whitman, Kelly, Martin, Corston, MacKenzie—7.

*For Alderman McManus*—Aldermen Gates, Douglas, Clarke, Kelly, Hawkins, Martin, Upham—7.

His Worship the Mayor declared no election on the said vote.

The third vote being taken, the division appeared as follows :—

*For Alderman Kelly*—Aldermen Gates, McManus, Douglas, Hoben, Hines, Hawkins, Upham, Rankine—8.

*For Alderman Harris*—Aldermen Shaffner, Whitman, Gates, McManus, Clarke, Corston, Rankine—7.

*For Alderman Rankine*—Aldermen Harris, Shaffner, Whitman, Hoben, Kelly, Martin, Corston, MacKenzie—8.

*For Alderman McManus*—Aldermen Douglas, Clarke, Kelly, Hines, Hawkins, Martin, MacKenzie, Upham—8.

His Worship the Mayor declared no election on the said vote.

The fourth vote being taken the division appeared : for Alderman Kelly 11, for Alderman Rankine 10, for Alderman McManus 11, as follows :—

*For Alderman Kelly*—Aldermen Harris, Shaffner, Gates, Mc-

Manus, Douglas, Hoben, Hines, Hawkins, Corston, Upham, Rankine—11.

*For Alderman Rankine*—Aldermen Harris, Shaffner, Whitman, McManus, Clarke, Hoben, Kelly, Martin, Corston, MacKenzie—10.

*For Alderman McManus*—Aldermen Whitman, Gates, Douglas, Clarke, Kelly, Hines, Hawkins, Martin, MacKenzie, Upham, Rankine—11.

His Worship the Mayor declared Aldermen McManus and Kelly elected members of the City Health Board.

Alderman McManus asked that Alderman Douglas be substituted for himself on the Finance Committee.

Unanimously agreed to by Council.

Alderman Hoben asks leave of Council to introduce a resolution  
Objected to.

The Council proceeds to the election of a Deputy-Mayor.

Moved by Alderman Douglas, seconded by Alderman McManus, that Alderman MacKenzie be Deputy-Mayor. Motion passed unanimously.

The Council proceeds to the election of City Officials.

Read applications from various City Officials for re-appointment, as follows :—

Assistant City Clerk.....	H. S. Rhind,	Re-appointed.
Clerk of Works .....	James J. Hopewell,	“
Foreman Streets and Sewers.....	John McDonald,	“
Foreman Water Department.....	Ewan Morrison,	“
Assistant City Engineer.....	H. W. Johnston,	“
Clerks Water Department .....	James Laidlaw,	“
	Louis R. Kaye,	“
City Electrician.....	P. R. Colpitt,	“
Water Inspector.....	John E. Burns,	“
City Medical Officer.....	Thomas Trenaman,	“
Stenographer and Typewriter.....	Minnie A. Hunter,	“
Plumbing Inspector .....	Wm. P. Morriscey,	“
Weighers of Coal .....	Simon Cummins, Supervisor,	“
	A. J. Smith,	“
	J. L. Egan,	“
	D. J. Sullivan,	“
	James L. Harraher,	“
	Wm. H. Hawley,	“
	John F. Selig,	“
	Mortimer Dwyer,	“
Registrar of Camp Hill Cemetery .....	Alex. McDougall,	“
Governor City Prison .....	William Murray,	“

Matron City Prison.....	Mrs. Murray,	Re-appointed.
Underkeepers City Prison.....	D. E. Keating,	"
	Wm. Higlett,	"
	George Grant,	"
Messenger City Prison.....	Daniel McDonald,	"
Janitor City Hall .....	John Spruin,	"
Matron Police Station .....	Mrs. Mary Spruin,	"
Superintendent City Home.....	B. J. Mulcahy,	"
Matron City Home .....	Mrs. Mulcahy,	"
Engineer City Home.....	John S. Grant,	"
Secretary City Home .....	James O'Bryan,	"
Baker City Home .....	Daniel Mackintosh,	"
Fireman City Home .....	John R. Hennigan,	"
Surveyors of Lumber .....	Wm. A. MacKenzie,	"
	Edwin Gibson,	"
Sealer of Leather.....	Jeremiah Barnstead,	"
Fence Viewer .....	Wm. T. Horton,	"
Inspectors of Painters' Work.....	Frank Reardon,	"
	James Harrison,	"
Inspector of Masons' Work .....	James A. Marshall,	"
Pound Keepers .....	No applications.	"
Weighers of Bundle Hay.....	J. S. Hubley,	"
Weighers of Loose Hay .....	Joseph Hubley,	"
	L. E. Godwin,	Appointed.
Librarian Citizens' Free Library .....	Lizzie Barnaby,	Re-appointed.
Assistant Librarian Citizens' Free Library .....	Mary Durney,	"
	Lilian Dunn,	"
Superintendent Public Gardens .....	Richard Power,	"
Assistant Superintendent Public Gardens.....	Richard L. Power,	Appointed.

Read report Police Committee covering accounts.

#### POLICE ACCOUNTS.

MAYOR'S OFFICE, May 11th, 1911.

#### TO THE CITY COUNCIL:

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

Colwell Bros., mackintosh coats, \$671.52. Wm. Taylor & Co., Ltd., rubber boots, \$140.00. N. S. Telephone Co., Ltd., telephone, \$35.00. Blackadar Bros., advertising, \$4.35. Halifax Herald, advertising, \$7.80. Lane's, 4 helmets, \$6.00. T. C. Allen & Co., printing 500 notices, etc., \$7.40. Howard McFtridge, veterinary services to April 30, 1911, \$1.90. W. F. Pickering & Co., repairing clothing, \$1.50. J. Starr, Son & Co., electrical supplies, \$1.10. City Works Department, allowance for coal, \$20.00. Total, \$896.57.

J. A. CHISHOLM, Mayor and Chairman.

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

Read report Finance Committee on various matters and accounts.

REPORT FINANCE COMMITTEE.

COMMITTEE ROOM, CITY HALL, May 10, 1911.

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), Smith, Hoben and Edwards, the following matters were dealt with:—

1. Letter His Worship the Mayor covering account for \$42.60, expenses attending the hearing of the claim of Halifax Board of Trade against the Grand Trunk Railway before Board of Railway Commissioners at Montreal.

It is recommended that this amount be paid.

2. Letter "Standard of Empire" in re advertising Halifax; also petition British and Foreign Sailors' Society for subscription to the funds during the King's Coronation.

Your Committee report that there are no funds available to meet this request.

3. Letter School Board re issuing debentures for School purposes.

The subject matter of the letter was dealt with by resolution at a meeting of the City Council held on 28th ult. (See printed Minutes, pages 403-494.) It is recommended that same be filed.

4. Read letter Union Canadian Municipalities re subscription for 1911—\$150.00.

It is recommended that the City continue its subscription of \$120.00—the usual amount paid each year.

5. It is recommended that the subscription fee of \$50.00 to the Union of Nova Scotia Municipalities be paid.

6. The following accounts, amounting to \$2427.15, were examined, found correct and recommended for payment, viz:—

Industrial School, for maintenance of boys, quarter ending April 30th, 1911—Truants, \$278.87; Regular Commitments, \$221.25. Total, \$500.12.

St. Patrick's Home, for maintenance of boys, for quarter ending April 30th 1911—Truants, \$469.56; Regular Commitments, \$135.00. Total, \$604.56.

Dr. Finn, Medical Examiner, Certificates of death of Nathan Covey, \$4.00; Mrs. Andrews, \$4.00; Wm. Tomlin, \$4.00; Richard Hamilton, \$4; Catherin Weaver, \$4.00; C. Crooks; Peter Kaizer, \$4.00; Johanna Elworth, \$4.00; Florence Dear, \$4.00; W. J. Flemming, \$4.00; Joseph Goodyear, \$4.00; Patk. McCaffrey, \$4.00; G. L. Ryan, \$4.00. Total, \$52.00.

King's Printer, printing City Bills, \$49.25; MacAlpine Publishing Co., printing Voters' Lists, \$176.40; Halifax Posting Co., Posting Bills, \$11.64; Canada La Book Co., Can. Annual Digest, \$10.15; W. B. Dana Co., Can. & Finance Chronicle, \$11.50; King's Printer, Advertising Election Ward Two in Gazette, \$1.00; London Rubber Stamp Co., Rep. Stamp City Clerk, \$1.50; Dog Tags & Badg \$47.40, \$48.90; Joseph Spencer, removing dead bodies, \$6.00; Blackadar Bro Advertising, \$133.60; Herald Publishing Co., Advertising, \$169.02; Chronicle Publishing Co., Advertising, \$85.63; Holloway Bros., printing Minutes and Order of Day, \$252.36.

A. & W. MacKinlay, Ltd., Blank Books—License Inspector, \$11.00; Collector, \$26.00; City Treasurer, \$13.00; City Auditor, \$5.75; City Clerk, \$13 Total, \$69.45.

T. C. Allen & Co., Stationery, etc.—City Clerk, \$113.12; City Auditor, \$5



City Assessors, \$63.25; City Treasurer, \$6.30; City Collector, \$57.90; Total, \$245.57. Grand Total \$2427.15.

ALFRED WHITMAN, Chairman.

#### DIFFERENTIAL FREIGHT RATE.

MAYOR'S OFFICE, April 18, 1911.

ALDERMAN WHITMAN, Chairman Finance Committee.

Sir,—You will remember that at the request of the Board of Trade I went to Montreal to attend the hearing before the Board of Railway Commissioners of the claim respecting the differential rate against Halifax. I am enclosing a memo. of my expenses, and I would ask you to put the matter before the Finance Committee so that it may be dealt with before the end of our financial year.

J. A. CHISHOLM, Mayor.

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

Read report Charities Committee for April.

#### REPORT CHARITIES COMMITTEE.

HALIFAX, May 4th, 1911.

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, Aldermen McManus, Alderman Shaffner, and Alderman Rankine.

Alderman Shaffner was appointed Acting Chairman.

The Superintendent's report for April, 1911, shows that during the month there were 19 persons admitted into the City Home, 3 born, 56 discharged, and 9 died. Of the number admitted, 4 were chargeable to the Province and 15 to the City. The total number of inmates, April 30th, was 325, made up of 196 men, 127 women, and 2 children. On the same date last year there were 219 men, 136 women and 2 children, a total of 359.

The following accounts are recommended for payment, viz: Wentzell, Ltd., \$592.43; W. A. Maling & Co., \$491.04; P. T. Shea, \$130.93; J. M. Currie, \$67.50; J. & M. Murphy, Ltd., \$128.57; H. D. MacKenzie, Ltd., \$210.66; Henry Lovett, \$9.99; Halifax Electric Tram Co., Ltd., \$26.12; Frank W. Fraser, \$87.43; Geo. Gregoir, \$30.76; The Fleischman Co., \$4.05; Victoria General Hospital, \$41.43; The Herald, \$4.50; Department of City Works, \$32.67; The Nova Scotia Telephone Co., \$11.25; W. N. Brown, \$4.95; Malcolm & Johnson, 60c; T. Larsen & Co., \$5.40; R. B. Adams & Co., \$25.00; Howard McFatridge, \$4.50; Farquhar Bros., \$1.00; W. C. Knight, \$3.05; Banks & Williams, \$4.90; Nickerson & Hart, \$1.75; W. J. O'Connell, \$1.93; W. Stairs, Son & Morrow, \$16.18; Morton & Cragg, 75c.; W. Y. Kennedy, \$33.00; Brookfield Bros., \$4.50; Water Department, \$500.00; B. J. Mulcahy, \$128.41; Nova Scotia Hospital, \$931.91. Pay sheet, April, \$837.33. Total, \$4,284.49.

I. B. SHAFFNER, Acting Chairman.

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

Read report Committee on Works covering accounts.

## CITY WORKS ACCOUNTS.

CITY WORKS OFFICE, May 10, 1911.

TO THE CITY COUNCIL.

Gentlemen,—The Works Committee beg to recommend for payment the accounts attached hereto, amounting to \$8,422.19, chargeable to the following services:—

Street Lighting .....	\$4,158 07
City Hall Lighting .....	69 71
New Workshop .....	324 67
Teams and Stables .....	142 88
Sewerage .....	1,181 05
Electric Wiring Inspection .....	89 15
City Property .....	89 92
Fuel .....	74 00
Internal Health .....	43 82
Permanent Sidewalks .....	35 95
Telephones .....	28 19
Streets .....	1,592 24
Water Construction .....	252 86
Water Maintenance .....	348 68

\$8,422 19

J. A. CHISHOLM, Mayor and Chairman.

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

Read report His Worship the Mayor re Differential Freight Rate.

## DIFFERENTIAL RATE OF RAILWAY COMPANIES.

MAYOR'S OFFICE CITY HALL, Halifax, N. S., April 26, 1911.

TO THE CITY COUNCIL.

Gentlemen,—With respect to the complaint made by the Board of Trade of Halifax in regard to the differential rate of Railway Companies of one cent per hundred pounds against the port of Halifax as compared with the port of St. John I desire to report that on January 25th, 1911, the matter came on for hearing before the Board of Railway Commissioners for Canada.

I attach hereto a copy of the complaint as filed by the Board of Trade.

After hearing witnesses and argument of Counsel, Mr. Mabee, the Chairman of the Board, delivered judgment dismissing the complaint, a copy of which judgment is annexed hereto.

Subsequently an application was made to the Hon. Mr. Justice Anglin of the Supreme Court of Canada for leave to appeal from the judgment of the Board of Railway Commissioners, and that application was refused. A copy of the decision of Mr. Justice Anglin is attached.

Application having been made to the Board of Railway Commissioners and the Courts without success, the only course now left is to apply to Parliament legislation to remove this unjust discrimination against the port of Halifax. It is a matter of very great interest to the City of Halifax that this discrimination should be removed. While it exists we cannot hope for any large share of through traffic to which on fair grounds we consider ourselves entitled.

With a number of prominent men from the Board of Trade I was present at the hearing in Montreal, having attended at the request of the Officials of the Board of Trade. I am of opinion that it would be advisable as soon as possible to prepare a Memorial addressed to the Government asking for a statutory relief in the premises, and I would respectfully request that the Council take action in that direction at our earliest convenience.

J. A. CHISHOLM, Mayor.

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA—APPLICATION NO. 15362.

In the matter of the complaint No. 15362 of the Board of Trade of Halifax, N. S., relative to the Differential Rate of Railway Companies of One Cent per Hundred Pounds which exists against the Port of Halifax, N. S., as compared with the Port of St. John, N. B.

The Board of Trade of the City of Halifax, N. S., hereby applies for an Order under sections 314-319 of the Railway Act, directing that the tolls levied by the Grand Trunk Railway of Canada and the Canadian Pacific Railway Company respectively be the same to the port of Halifax, N. S., as to the port of St. John, N. B., and further directing the Grand Trunk Railway of Canada to issue through bills of lading on all goods shipped from stations on the said Company's lines west of Montreal for shipment via the port of Halifax, N. S., to European and other foreign ports.

The Board of Trade of the City of Halifax, N. S., complains that the port of Halifax is discriminated against:—

1st. By the Grand Trunk Railway and the Canadian Pacific Railway, respectively, charging on all goods shipped from and imported to all stations west of Montreal via Halifax, a differential freight rate of one cent per hundred pounds against Halifax over the export and import freight rates charged by said Railways from and to such stations west of Montreal to and from Boston, Mass., Portland, Maine, St. John and West St. John, N. B., and

2nd. By the refusal of the Grand Trunk Railway to issue through bills of lading on goods shipped from stations west of Montreal via the port of Halifax, N. S., to European and other foreign ports, to which foreign ports steamships are plying from Portland, Maine.

Dated at Halifax, N. S., this 11th day of January, A. D. 1911.

R. T. MACILREITH,  
Solicitor for the Board of Trade, Halifax, N. S.

JUDGMENT.

HON. MR. MABEE: The matter is one of very great importance, we are fully alive to that, to the port of Halifax, and it is with regret we feel that we are not at liberty to enter into the merits of this contention. Perhaps as we have not heard the merits, it would be unfair to the parties that we should give any indication of what we might think of them or as to what impression we have obtained from the statement of the case by counsel for the applicants.

The one short ground upon which the case must be put, in so far as this Board is concerned, is that of jurisdiction, and we are all of the opinion that in the peculiar situation this matter stands it is not a case in which we are at liberty to interfere.

The matter lies within a brief compass. Parliament defines certain rules for Railways to operate under and live up to. It says that Railway Companies shall not discriminate against persons or localities. Then it constitutes this tribunal and hands this Act to us and says: "As far as you are able, see that the regulations we have laid down there are lived up to." But in handing us this Statute it says: "See that the provisions of this Act are in force so long as they are not

in conflict with some other Statutes that we have put upon the Books." It retains to itself power to incorporate a railway and insert in that Act of Incorporation anything it sees fit. And Parliament can to-morrow incorporate a railway and say that none of the provisions of the Railway Act with reference to discrimination shall apply to that road. If it did that it would paralyze the arm of this tribunal to the extent of preventing it from applying to that particular road the provisions in this law dealing with discrimination.

Parliament has said that, in so far as or wherever the provisions of the Railway Act and of any special Act passed by the Parliament of Canada relate to the same subject matter, the provisions of the special Act shall, in so far as is necessary to give effect to such special Act, be taken to override the provisions of this Act.

Now, is there a special Act? There clearly is: Chapter 5 of 62 and 63 Victoria. Does it deal with the same subject matter? Now, one of the subject matters of the Railway Act is that respecting rates which carriers may charge. Does the special Act deal with that? It clearly does. Because it says the Halifax rates are to be one cent per one hundred pounds on all classes over the rates to and from St. John or Portland.

Now, we have got a special Act in conflict with the provisions of the Railway Act to the extent of saying that the rates over these two roads to Halifax shall be one cent per one hundred pounds more than the rates to Portland or St. John. So that applying Section 3 of the Railway Act to the special Act we have got conflict and the law says that where there is conflict with reference to the same subject matter the provisions of the special Act shall govern.

Can there be any doubt about this being a special Act and about this Agreement really forming part of it? The special Act deals with the agreement, it confirms it, and part of the thing that is confirmed is this twenty-cent-a-ton differential against Halifax.

The late Mr. Justice Killam (for whose opinion both in his life-time and since his death the Bar of this country have always had the greatest respect) held that this supplemental traffic agreement of the first of February, 1898, must be considered to have been confirmed by Statute. I think we would have come to the same conclusion as that learned Judge did, even had we not had his well-considered opinion to guide us.

So it seems to us to be perfectly clear that this tribunal cannot interfere and wipe out the arrangement that Parliament put into effect between these two roads. We do not put it upon the ground that the Intercolonial is owned by the Government. The situation would be the same, we think, if it were an agreement between the Canadian Pacific Railway and the Grand Trunk, or between any two roads in Canada. If railway companies are able to get legislation of this character upon the statute, we have no alternative but to be guided by what Parliament has said. We cannot undo this transaction, we cannot interfere with it. The only body that can interfere with it is the body that brought it into effect and made it law. The application must fail.

#### BOARD OF TRADE OF HALIFAX VS. G. T. RAILWAY CO.

ANGLIN J.

#### MEMORANDUM.

Application for leave to appeal from a decision of the Board of Railway Commissioners dismissing a complaint of the Board of Trade of Halifax against the Grand Trunk Railway Company on the ground that the jurisdiction of the Board of Railway Commissioners over the subject matter of the complaint is ousted by Section 3 of the Railway Act, which provides that

"..... Where the provisions of this Act and of any special Act passed by the Parliament of Canada relate to the same subject matter the provisions of the special Act shall in so far as is necessary to give effect to such special Act be taken to override the provisions of this Act."

In granting leave to appeal under s. 2 of s. 56 of the Railway Act a Judge of this Court should be satisfied not only that a question of the jurisdiction of the Railway Board is involved but also that there is some reasonable doubt as to the soundness of the decision which it is sought to impugn.

By an agreement entered into between Her Late Majesty, represented by the Minister of Railways and Canals, and the Grand Trunk Railway of Canada, on the first of February, 1898, it is amongst other things provided that the rate over the Intercolonial from Montreal to Halifax or Halifax to Montreal shall be, on all classes and special classes of freight received by it from the G. T. Railway one cent per hundred pounds over the rates between Montreal and St. John over the I. C. R., or between Montreal and Portland over the G. T. Railway. By this agreement the G. T. Railway Company bound itself to route via the I. C. R. all traffic received by it west of Montreal and billed for points reached by the Intercolonial. This agreement was confirmed by statute of the Dominion of Canada, 62-63 Vic, c. 5. By s. 2 it is to provide that

"It shall be lawful for Her Majesty and for the Company to do whatever is necessary to the carrying out on her part, and on its part, of all the provisions contained in the main agreement to the true intent and meaning thereof."

In order "to give effect" to this special legislation which is enacted with special reference to the G. T. Railway and its operation [Railway Act s. 2 (2S)], it is necessary to treat it as overriding *pro tanto* the provisions of the Railway Act against discrimination in rates, assuming that upon the merits, but for the provisions of the agreement and the statute ratifying them, a case of unjust discrimination might be established. Railway Act, s. 315, s. 4. I think this case is readily distinguishable from the G. T. Railway Company v. City of Toronto, 42 S. C. R. 613. The subject matter of the special legislation in this case is the rates of tolls between different localities—precisely the subject matter dealt with by s. 315 s. 4 of the Railway Act. If but for the special legislation, the extra charge of one cent per hundred pounds for carriage to Halifax would amount to an unjust discrimination, it is obvious that the special legislation is inconsistent with the general provision of the Railway Act. Both may not stand together; both may not operate with either interfering with the other. *Tabernacle Permanent Building Society v. Knight*, 1892 A. C. 298, 302. In order to give effect to the Complainant's contention the Railway Board must either compel the G. T. Railway Company to charge for freight destined for Halifax from any point on its line west of Montreal one cent less per one hundred pounds for its transport to Montreal than it charges for carrying the same freight from the same point to Montreal if billed to St. John, or it must override the special act of Parliament and compel the Intercolonial to accept for freight received at Montreal from the G. T. Railway billed to Halifax the same tolls as it charges for freight received from the Grand Trunk billed to St. John. The Board certainly would not have jurisdiction to make the former order against the Intercolonial, which is excluded from the operation of the Railway Act (Railway Act s. 5). To make the latter order against the Grand Trunk would not only be unfair to that Railway—a consideration to which I should perhaps not now attach weight—but would involve a breach of the provisions of s. 3, 5 of the Railway Act as to equality of tolls.

I entertain no doubt whatever that the decision of the Railway Board, that it was without jurisdiction to entertain the complaint of the Halifax Board of Trade was correct. I am therefore of opinion that their application for leave to appeal should be refused with costs.

Placed on Order of the Day.

Read letter Dartmouth Ferry Commission in re Ferry Dock.

DARTMOUTH FERRY.

DARTMOUTH, N. S., May 10th, 1911.

HIS WORSHIP MAYOR CHISHOLM:

Dear Sir,—I have been directed to ask that if in order you would kindly bring

before the attention of your Council a letter from the Ferry Commission, under date of January 25th, requesting certain portions of the City property in order to erect a modern station house, and enclosing a plan of what was required. The Commission are anxious to make improvements which would be a benefit to your City as well as themselves.

PRESCOTT JOHNSON, Secretary.

Moved by Alderman Hawkins, seconded by Alderman Martin, that Number 21 on Order of the Day, viz. :—" Reports Committee on Works and City Engineer on Dartmouth Ferry," be now taken up and considered with said letter. Motion passed.

The same are now read.

Moved by Alderman Hawkins, seconded by Alderman McManus, that the report of the Committee on Works be adopted.

Moved in amendment by Alderman Hoben, seconded by Alderman Gates, that these reports be referred back to the Committee on Works, and that said Committee be instructed to further negotiate with the Dartmouth Ferry Commission with a view to having more extensive improvements at the Ferry Dock than are proposed in the report.

Amendment put and lost.

The original motion is put and passed.

Read report Committee on Works on Section Eleven of the Official City Plan.

#### OFFICIAL CITY PLAN.

CITY WORKS OFFICE, May 10th, 1911.

TO THE CITY COUNCIL :

Gentlemen,—At a meeting of the Committee on Works held this day, after hearing certain objections by John P. Longard, which were satisfactorily explained by the City Engineer, it was decided to recommend the approval and confirmation of Section 11 of the Official City Plan.

J. A. CHISHOLM, Mayor and Chairman.

The following resolution is submitted :—

WHEREAS, At a meeting of this Council held on the 28th day of April, 1911, certain plans of certain sections of the City, being sections of the Official City Plan, were submitted for the approval of this Council, after the same had been duly advertised, and notice of the intention to approve the same having been given ;

AND WHEREAS, Certain of the said plans to which no objection was made were approved at the said meeting, and one of the said plans, being that numbered Eleven of the Official City Plan, to which objection was made, was referred back to the Committee on Works for consideration of the said objections, all of which will on reference to the resolution respecting the same as at appears in the Minutes of the said meeting more fully appear ;

AND WHEREAS, The Committee on Works have reported that they have duly considered the matter of the said objections and have disposed of the same to the satisfaction of the persons making the same ;

THEREFORE RESOLVED, That the said Plan, being a Plan of the portion of the

City comprised within the following boundaries, that is to say: Bounded by Upper Water Street, Jacob Street, Brunswick Street, Cogswell Street, Gottingen Street, and North Street, be, and the same hereby is approved and confirmed as part of the Official City Plan.

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

Read reports Committee on Works and City Engineer re Telephone Conduits.

#### TELEPHONE CONDUITS.

CITY WORKS OFFICE, May 10th, 1911.

TO THE CITY COUNCIL:

Gentlemen,—The Committee beg to recommend for adoption the accompanying report of the City Engineer in favor of laying conduits on Inglis Street and Gerrish Street, as proposed by N. S. Telephone Co., Ltd.

J. A. CHISHOLM, Mayor and Chairman.

CITY ENGINEER'S OFFICE, April 26th, 1911.

HIS WORSHIP THE MAYOR:

Sir,—In May, 1910, Mr. Johnston, Assistant City Engineer, reported on a request from the Nova Scotia Telephone Company recommending that they be given permission to complete a part of the design for underground work in the City by laying an underground conduit on Inglis Street from Pleasant Street to Tower Road with branches at the intersecting streets and with the necessary manholes; also to lay a conduit on Gerrish Street from Lockman Street to Brunswick Street, subject to the usual conditions and under the City regulations.

The Works Committee, Deputy Mayor Bligh presiding, recommended the adoption of the report, provided a duct for the use of the City be laid by the Company at the same time.

Later the Company offered to lay a duct for the City along the line of its proposed underground conduit providing the City would pay for the cost of the duct and the laying, the Company to do the excavating and backfilling at its own expense.

The Works Committee, Mayor Chisholm presiding, recommended the acceptance of this offer and the granting of permission accordingly. The matter was referred by the Council to the Committee of Fire Wards who took the ground that the City should not pay anything; but as there is no law, and as far as I am aware, no principle of law under which the City can compel the Telephone Company to make them a present, the position of the Board of Fire Wards does not seem a business-like one.

The Company are now asking me to give them permission to erect cables on their poles on Inglis Street. If such permission is granted it will delay the construction of underground work in that street for some years and I think it would be a grave mistake.

I would therefore recommend the adoption of the last recommendation, namely, that the Company be given permission to lay their conduits on Inglis Street and Gerrish Street on condition that they lay a duct for the City along the line of the proposed conduits, the City paying for the cost of the duct itself and the laying, and the Company doing the excavation and backfilling at its own expense.

F. W. W. DOANE, City Engineer.

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

Moved in amendment by Alderman Hoben, seconded by Alderman Hawkins, that the said reports be referred to the Committee of Fire Wards, and the City Engineer instructed to request the Telephone Company to delay action until a report is made. Amendment is put and lost.

Moved in amendment by Alderman McManus, seconded by Alderman Hawkins, that the reports be referred back to the Committee on Works. Amendment put and lost, six voting for the same and nine against it, the division of Council being as follows:—

For the Amendment.	Against it.
Aldermen McManus, Hoben, Kelly, Hines, Hawkins, Martin—6.	Aldermen Harris, Shaffner, Whitman, Gates, Douglas, Clarke, MacKenzie, Upham, Rankine—9.

The original motion is put and passed.

Read report City Engineer re Uniacke Street sidewalk.

#### UNIACKE STREET SIDEWALK.

CITY ENGINEER'S OFFICE, April 28th, 1911.

HIS WORSHIP THE MAYOR:

Sir,—Since the last meeting of Council I have carefully gone over the sidewalk work ordered, and find that Uniacke Street was not placed in the sidewalk schedule.

I therefore recommend that the sidewalks on Uniacke Street be placed in the sidewalk schedule, and that a sidewalk be constructed on the north side, between Brunswick Street and Gottingen Street

F. W. W. DOANE, City Engineer.

Moved by Alderman Hawkins, seconded by Alderman Martin, that the same be adopted. Motion passed.

Read reports Committee on Works and City Engineer re Sprinkling Teams.

#### SPRINKLING TEAMS.

CITY WORKS OFFICE, May 10th, 1911.

TO THE CITY COUNCIL:

Gentlemen,—Attached hereto is a report from the City Engineer in re tender of A. Drysdale for sprinkling teams.

Your Committee recommend that the tender of Wm. Parsons, the next lowest, be accepted for the balance of the teams required.

J. A. CHISHOLM, Mayor and Chairman.



CITY ENGINEER'S OFFICE, May 9th, 1911.

HIS WORSHIP THE MAYOR :

Sir,—The contract for supplying horses and drivers and operating street sprinkling carts was awarded to A. Drysdale, whose tender—\$3.50 per day—was lowest. Mr. Drysdale tendered for one or more carts, but states that he will be unable to supply more than one outfit.

As the Council would not meet for nearly a fortnight, and as the necessity for sprinkling was very urgent, after consultation with Your Worship, I notified W. Parsons, whose tender was next, namely, \$3.65 per day, that the contract would be awarded to him, subject to the approval of the Council.

He accepted it on that condition and is doing the work. I would therefore recommend that the contract for the operation of the other teams be awarded to W. Parsons at \$3 65 per day.

F. W. W. DOANE, City Engineer.

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

Read reports Committee on Works and City Engineer re Laundry Lane Sewer.

## LAUNDRY LANE SEWER.

CITY WORKS OFFICE, April 21th, 1911.

TO THE CITY COUNCIL :

Gentlemen,—The Committee on Works beg to recommend for adoption the accompanying report of the City Engineer in favor of the construction of a sewer in Laundry Lane.

J. A. CHISHOLM, Mayor and Chairman.

CITY ENGINEER'S OFFICE, April 4th, 1911.

HIS WORSHIP THE MAYOR :

Sir,—I beg to report on the accompanying petition asking for the construction of a sewer in the west end of Laundry Lane.

There is a sewer in the east end, laid by the property owners, with which the petitioners have no right to connect.

The estimated cost is \$1980.00; estimated assessment, \$712.00. I would recommend that a sewer be constructed far enough to drain the properties which are not accommodated by the private sewer.

F. W. W. DOANE, City Engineer.

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

His Worship the Mayor brought to the attention of the Council the matter of the celebration of the King's Coronation.

Moved by Alderman Whitman, seconded by Alderman Shaffner, that a special committee be appointed to consider and report on the matter. Motion passed.

His Worship the Mayor nominates as said special committee, Aldermen Douglas, Martin, Whitman and Gates. Nominations approved.

Read reports Committee on Works and City Engineer re Richmond and Merkelsfield Trunk Sewer.

RICHMOND AND MERKELSFIELD TRUNK SEWER.

CITY WORKS OFFICE, April 28th, 1911.

TO THE CITY COUNCIL:

Gentlemen,—Attached hereto is a report from the City Engineer recommending that a trunk sewer be constructed from the east side of the railway property to Campbell Road, thence along Roome, Acadia, Kenny and Gottingen Streets to a point near the culvert through which the Merkelsfield drainage now runs, at an estimated cost of \$35,375.00.

Your Committee recommend that said report be adopted.

J. A. CHISHOLM, Mayor and Chairman.

CITY ENGINEER'S OFFICE, January 17th, 1911.

HIS WORSHIP THE MAYOR:

Sir,—I beg to report on the accompanying resolution moved by Aldermen MacKenzie and Rankine in May last, asking for a report on the feasibility and cost of draining the Merkelsfield district, bordering on Gottingen Street, by a sewer from a point on Gottingen Street, near Columbus Street, following the course of the present water course through Mulgrave Park.

As an outlet in this neighborhood must be designed to carry the drainage of a considerable area, a good deal of work was necessary before a report could be prepared, and in consequence, we have been unable to overtake it until this month. A trunk sewer emptying in the neighborhood of Mulgrave Park will drain an area of about three hundred acres, and our studies show that it will be advisable to provide for the draining of all that district east of Longard Road, north of Cabot Street to Agricola Street, north of Young Street to Gottingen Street, north of Fort Needham and Richmond Street to the Harbor, and south of the Willow Park branch of the I. R. C. While sewers will not be required all over this district in the near future, we must provide an outlet of sufficient size, as that is the first part of the system to be constructed.

A trunk sewer to take the drainage of the Merkelsfield district must reach the point mentioned in the resolution, on Gottingen Street near Columbus Street. The natural water course draining Merkelsfield, crosses Gottingen Street between Columbus Street and Stanley Street. However, while a trunk sewer following the course of the present water course down through Mulgrave Park could be constructed more cheaply than in any other location, it would not accommodate the drainage of any of the streets in the district. While a trunk sewer constructed up Roome Street to Acadia Street, south along Acadia Street to Kenny Street, west on Acadia Street to Gottingen Street and south on Gottingen Street to the brook draining Merkelsfield, would cost more, it would provide sewers for the streets named which must be done in any case, and the additional cost would not be so great as the cost of a trunk sewer through Mulgrave Park and smaller sewers in Roome, Acadia and Gottingen Streets. The trunk sewer in the streets named would be the most economical looking to the future.

The resolution contemplates the construction of a trunk sewer only, but if the trunk sewer is constructed, it will be a simple matter afterwards to build the laterals whenever and wherever they are asked for, provided the appropriation is available.

It is probable that the swampy portion of Merkelsfield will not be in a satisfactory condition until sewers are constructed all through it. The outlet from the foot of Roome Street must run through railway property. I have studied carefully

the conditions in this neighborhood and decided on a location which I think will be in the best interests of all concerned. I have consulted some of the railway engineers respecting the proposed location of the outlet, and think that it will meet with their approval, but it will be necessary to submit the proposed scheme to the railway authorities and obtain formal approval and permission. The outlet, if constructed where I have located it, will empty into deep water at the east face of the railway property and will be clear of their docks so that it will not be filling them up as the present water course and drainage outlet is doing.

The estimated cost of constructing the trunk sewer from the east side of the railway property to Campbell Road, thence along Roome, Acadia, Kenny and Gottingen Streets to a point near the culvert through which the Merckelsfield drainage now runs, is \$35,375.00, including the necessary catchpits. The estimated assessment is \$4,287.50. I would recommend that the trunk sewer as described be constructed.

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CITY ENGINEER'S OFFICE, April 4th, 1911.

HIS WORSHIP THE MAYOR :

Sir,—Since making my former report on this matter (attached thereto) I have been in communication with the authorities of the Intercolonial Railway, and have to report that the Railway Board has consented to the construction of the work as proposed, provided that it shall be done under the supervision and to the satisfaction of an official of the railway; that the railway shall have the use of the sewer for its drainage, free of charge; that a watchman be put on during the construction of the sewer, if required, by the railway officials, and to be paid for by the City—the City to enter into an agreement with the railway authorities to carry out the above provisions and such other provisions as may be considered necessary to protect the railway.

As the answer is satisfactory, I repeat my former recommendation.

F. W. W. DOANE, City Engineer

Moved by Alderman Rankine, seconded by Alderman MacKenzie, that the same be adopted.

Moved in amendment by Alderman Hoben, seconded by Alderman Whitman, that this matter be deferred for consideration with the subject of sewers for the western slope of the City.

Amendment put and lost.

Original motion put and passed.

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

Council adjourns 11.25 o'clock.

## EVENING SESSION.

8.10 o'clock.

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COUNCIL CHAMBER, CITY HALL, May 18th, 1911.

A meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor and Aldermen Whitman, Douglas, Corston, Rankine, Harris, Clarke, Hines, and Upham.

Moved by Alderman Clarke, seconded by Alderman Hines, that the time for meeting be extended until a quorum is present or until 8.30 o'clock. Motion passed.

8.25 o'clock. Roll called. Present the above named together with Aldermen Shaffner, Gates, McManus, Hoben, Martin, Hawkins and MacKenzie.

### PRESENTATION OF PAPERS.

The following named papers are submitted:—

Report Committee on Laws and Privileges, by Alderman Harris, Chairman.

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

Report Finance Committee, by Alderman Whitman, Chairman.

His Worship the Mayor submits the following named papers:—

Letter Board of Trade re Board of Control.

Application Academy of Music for renewal of theatre license.

Letter Retail Merchants' Association re public holidays.

Report City Engineer re Charles Street Extension.

Reports (7) Committee on Works, viz:—

Burns and Kelleher property.

Robie Street sidewalk.

Mott Street water extension.

Coburg Road and Oxford Street sewer.

Charles Street extension.

Carleton Street sidewalk.

Fire Insurance.

### REFERENCE OF PAPERS SUBMITTED.

Read application Academy of Music for renewal of theatre license.

Referred to Committee on Laws and Privileges for report.

## CONSIDERATION OF PAPERS SUBMITTED.

Read letter Retail Merchants' Association re Public holidays.

## PUBLIC HOLIDAYS.

HALIFAX, May 17th, 1911.

TO HIS WORSHIP THE MAYOR AND MEMBERS OF THE CITY COUNCIL.

Gentlemen,—A meeting of the wholesale and retail merchants of this City was held at the Board of Trade rooms the evening of the 11th to discuss the holiday situation, it having been stated in the Press that June 3rd, the King's birthday, and June 22nd, Coronation Day, would be Federal holidays—these added to the usual holidays kept in this City would make five in as many weeks, two of them falling on consecutive days.

A resolution was unanimously passed at the meeting to observe May 24th and June 22nd only—July 1st was not discussed, it being left to the discretion of those who wish to observe it, as it falls on Saturday.

As June 22nd is Coronation Day, and it is understood that attractions will be arranged and that it will be observed this year only, it was considered that June 21st, Natal Day, could be merged with the 22nd.

I was desired at the meeting to draw the attention of your Honorable Body to the above matter, and trusting that the holding of the mentioned days as holidays will meet with your favorable consideration when the matter comes before you for discussion.

E. A. SAUNDERS, Secretary.

Moved by Alderman Douglas, seconded by Alderman McManus, that the celebration of the City's Natal Day take place this year on June 22nd, (Coronation Day), instead of June 21st. Motion passed.

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

## REPORT COMMITTEE OF FIRE WARDS.

COMMITTEE ROOM, CITY HALL, May 18th, 1911.

TO HIS WORSHIP THE MAYOR AND CITY COUNCIL.

Gentlemen,—The Committee of Fire Wards met this day at four p. m. Present Aldermen McManus (chairman), MacKenzie, Hines, Harris, Martin and Gates.

Your Committee beg to report and recommend as follows:—

1. That Cornelius Leahy, driver of No. 3 Waggon, has resigned.
2. That James Quirk, Callman on No. 1 Engine, has resigned.
3. That Alex. Jennings, Callman on No. 4 Hose, has resigned.
4. That Henry Adams, Supernumerary No. 2 Engine, has resigned.
5. That William McGuire, Driver No. 4 Engine, reported sick April 1st, reported for duty May 1st.
6. That Robert MacKenzie, Driver No. 2 Chemical, reported sick on April 14th, has not yet reported for duty.
7. That Dominick Healy, District Chief, reported sick on March 15th, has not yet reported for duty.

8. That William Brunt, District Chief, broke his arm May 1st, at the West Street Fire Station, while on duty after an alarm of fire from Box 67, and has not yet reported for duty.

9. That a horse has been sold for \$157.50 and another horse bought for \$360.00.

10. That the Department has furnished the Department of City Works with 200 feet of watering cart hose, and it is recommended that all old hose of use to the Works Department be given to them.

11. That Joseph Fultz, Chemical Engineer, reported sick May 15th, 1911, has not yet reported for duty.

12. That Richard Baker, Acting Blacksmith, be appointed permanent Blacksmith, vice Charles Yetman, resigned.

13. That Thomas Waterfield, Acting Assistant on No. 1 Chemical, be appointed Permanent Assistant on No. 1 Chemical, vice John Whalen, dismissed.

14. That Joseph Whelan, Supernumerary on No. 4 Engine, be appointed Acting Driver on No. 3 Waggon, vice Cornelius Leahy, resigned.

15. That Thomas Powell, Acting Driver on No. 1 Waggon, be appointed to the permanent force.

16. That Gustave Hoganson, Joseph Ryan, Charles Longard and James Leary, Supernumeraries, be appointed to the Call force, vice Thomas Waterfield, promoted, and Walter Oaklay, dismissed and James Quirk and Alex. Jennings, resigned.

17. That Cornelius Leahy be appointed Supernumerary.

18. The Chief reported to the Board that he has no Supernumeraries and has considerable difficulty in getting any. It is recommended that Supernumeraries be advertised for and that the City Solicitor be requested to give an opinion as to the authority of the Board to pay the Supernumeraries out of fines imposed on the Call Force and Permanent Force and out of the regular appropriation.

19. It is recommended that box No. 21, at the corner of South Park Street and Spring Garden Road, be moved a few feet south of its present location, at the request of Mr. J. D. Walsh, the owner of the building upon which it is now placed.

20. The last Committee, at a recent meeting of the Council, obtained authority to advertise for tenders for a new service ladder truck. Your present Committee find that there is no fund out of which such a truck could be procured and no authority to borrow the money, and it is recommended that the opinion of the City Solicitor be obtained as to what means the City can adopt by which this necessary piece of apparatus may be obtained at the earliest possible date.

21. The Committee had before them a letter from the National Drug Company relating to the fire at the Merchants' Bank building on Duke Street, with a report of the City Engineer on the matter.

The Chief stated that the Fire Department had never complained of lack of water at that fire, and denied the statement in the City Engineer's report that the Department had been given any information at that fire by Water Department officials as to the placing of the streams.

It is recommended that the Department be furnished by the City Engineer with a plan of the down town district showing the fire hydrants and the mains they draw from and how the Fire Department can place the engines to the best advantage—a sufficient number of said plans to be furnished so that the drivers in the different houses can study the same. A similar recommendation was made some time ago by Alderman Smith when he was a member of the Committee on Works.

22. Tenders were opened for various supplies for the Department during the year and the following, being the lowest in each case, are recommended for acceptance:—

Laundry—Ungar's Laundry.

Soap and Soda—Wentzells, Ltd.

Corn Brooms—W. A. Thompson.

Removal of Manure from Bedford Row, Central, West Street and Grafton Street Houses—S. Chittick & Son.

Oil and Gasoline—Canadian Oil Co.

Acid—National Drug Co.

Veterinary Services and Medicine—Howard McFatrige, at \$1.00 per horse.

Ten feet of 4" Suction Hose—Austen Brothers.

23. It is recommended that the Chairman become a member of the British Fire Prevention Committee of London, England. The subscription fee is one guinea a year.

24. The following accounts are recommended for payment:—Halifax Electric Tram. Co., light \$19.95, power \$5.95—\$25.90. Austen Bros., emery wheel, \$3.40. T. C. Allen & Co., stationery, \$1.65. Arthur C. Adams, one ladder, \$14.00. Recorder, advertising, \$2.90. Burns & Kelleher, clips, 35c. Chronicle, advertising, \$4.86. City Home, wood, 90c. S. Cunard & Co., coal, \$20.38. Canadian Rubber Co., tubing, etc., \$10.70. Jas. Dempster & Co., lumber, \$7.84. E. B. Eddy Co., paper, \$6.50. Farquhar Bros., repairs, \$1.10. F. P. Farquharson, Pitner lights, \$3.75. Neil Fox, saddlery, \$12.00. Globe Laundry, work, \$12.08. M. A. Hunter, reporting investigation, \$32.85. Herald, advertising, \$10.72. Imperial Oil Co., gasoline, \$9.20. T. C. Johnson & Sons, repairing badges, \$2.00. W. C. Knight, saddlery, \$32.40. Kline & Mullins, caps, \$3.00. Henry Lovett, leather, \$4.00. Melvin & Co., hardware, \$16.76. W. & A. Moir, machine work, \$27.00. J. MacInnes & Son, lumber, \$5.00. Wm McFatrige, repairs roof, \$10.00. Dr. Howard McFatrige, veterinary services, \$65.55. N. S. Telephone Co., phones, etc., \$83.10. National Drug Co., sponges, \$3.25. Wm. J. O'Connell, shoeing, \$3.35. Robinson Bros., one gray horse, \$360.00. Wm. Robertson & Son, hardware, \$3.12. David Roche, glazing, etc., \$4.49. Stroud & Eveleigh, carriage work, \$2.50. J. Starr, Son & Co., supplies, \$10.20. Stairs, Son & Morrow, hardware, \$5.15. F. A. Shaw, forage, \$244.30. J. McD. Taylor, drugs, \$1.05. Wentzells, Ltd., soda, etc., \$14.70. Total, \$1082.00.

P. J. McMANUS, Chairman.

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

Read report Finance Committee on various matters.

#### REPORT FINANCE COMMITTEE.

COMMITTEE ROOM, CITY HALL, May 18th, 1911.

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), Corston, Douglas and Rankine, the following matters were dealt with by the Committee:—

1. Application City Treasurer for authority to borrow on Temporary Loan from Royal Bank of Canada a sum not exceeding \$157,000 for purpose of defraying expenditures for current year 1911-12 until taxes for same are collected.

It is recommended that authority be given City Treasurer to make this temporary loan.

2. The Chairman brought to the attention of the Committee that \$64,600.00 of Bonds issued by the Board of School Commissioners will become due on 1st of July next.

It is recommended that the City Treasurer be authorized to advertise tenders for a loan sufficient to produce said amount of \$64,600.00.

3. Re Charles Street Extension—the City Council having by resolution on 18th day of August, 1910, decided to extend Charles Street to Gottingen Street, it is now proposed to borrow the sum of Twenty-five Hundred Dollars (\$2500) for the purpose of acquiring land necessary to be taken from the Board of School Commissioners for the said extension.

The City Treasurer submitted an offer from the Trustees of the Sinking Fund to loan to the City the sum of Twenty-five Hundred Dollars (\$2500) at four per annum, for this purpose.

It is recommended that the offer of the Trustees of the Sinking Fund be accepted, and that His Worship the Mayor and the City Treasurer be authorized to negotiate the loan on behalf of the City.

ALFRED WHITMAN, Chairman.

The same is considered clause by clause.

Read clause 1 re current overdraft.

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

Alderman Whitman submits the following resolution :—

WHEREAS, It is considered advisable, for the purpose of defraying expenditure for which the taxes of the current year (1911-12) would, if now collected, be applied that the City of Halifax do borrow, under Section 310 of the City Charter, from the Royal Bank of Canada, an amount not exceeding thirty per cent. of the taxes for the current year now uncollected ;

AND WHEREAS, The taxes uncollected for the current year amount to a sum over \$530,000.00 ;

BE IT RESOLVED, That the City of Halifax do forthwith borrow from the Royal Bank of Canada the sum of \$159,000.00, to be applied for defraying expenditures for which the taxes of the current year would, if now collected, be applied—to be repaid to the said Bank out of the said taxes when collected ; and that the City Treasurer be authorized on behalf of the City of Halifax to negotiate the said loan, and to pledge the credit of the City of Halifax therefor.

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

Read clause 2 re School Board debentures.

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

Alderman Whitman submits the following resolution :—

WHEREAS, On the First day of July next, Sixty-four Thousand Six Hundred Dollars (\$64,600) of bonds issued by the Board of School Commissioners for the City of Halifax will become due and payable, and the City of Halifax is now responsible for making provision for the same ;

THEREFORE RESOLVED, That the City Treasurer be and hereby is instructed to advertise for tenders for a loan sufficient to produce the said sum of Sixty-four Thousand Six Hundred Dollars (\$64,600.00) on the security of City of Halifax Consolidated Fund, 1905, bearing interest at four per cent. per annum, and repayable on the First day of July, 1945, under authority of Chapter 40 of the Acts of Nova Scotia, 1911.



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

Read clause 3 re Charles Street extension.

CHARLES STREET EXTENSION.

OFFICE OF CITY SOLICITOR, May 12th, 1911.

W. W. FOSTER, ESQ., City Auditor :

Dear Sir,—By Chapter 71 of the Acts of 1907 the City was authorized to borrow sums not exceeding in all Thirty Thousand (\$30,000) Dollars for a number of purposes, one of which was the acquisition of the land requisite for the extension of Charles Street to Gottingen Street. Sums not exceeding in all Ten Thousand Dollars (\$10,000) have been borrowed for some of the purposes specified. It is now proposed to borrow under the same Act the sum of Two Thousand Five Hundred (\$2500) Dollars for the purpose of acquiring some land necessary for the extension of Charles Street.

I am of opinion, as I have previously expressed myself, that the powers of the Council to borrow under an Act of this character are not exhausted by a single exercise of them, but that the Council may exercise them from time to time for the purposes specified up to the limit of the amount. It consequently follows that the money being available for one of the purposes specified in the Act, it can legally be applied thereto.

F. H. BELL, City Solicitor.

OFFICE OF CITY TREASURER, May 15th, 1911.

HIS WORSHIP THE MAYOR AND CITY COUNCIL.

Gentlemen,—I am instructed by the Trustees of the Sinking Fund to offer to loan to the City the sum of Two Thousand Five Hundred Dollars (\$2500) for the extension of Charles Street, under authority of Chapter 71, Acts of 1907, the said loan to bear interest at 4% per annum and to be repayable on the first day of July, 1945.

W. L. BROWN, City Treasurer.

Moved by Alderman, seconded by Alderman Douglas, that clause 3 be adopted. Motion passed.

The following resolution is submitted :—

WHEREAS, The City will require the sum of Two Thousand Five Hundred Dollars (\$2500) for the purchase of a lot of land from the Board of School Commissioners for the extension of Charles Street ;

AND WHEREAS, The Trustees of the Sinking Fund have offered to loan the City said sum under the authority of Chapter 71 of the Acts of 1907 ;

THEREFORE RESOLVED, That the offer of the Trustees of the Sinking Fund be accepted, and that the City Treasurer be and he is hereby authorized and instructed to issue out of the Consolidated Fund 1905 stock certificates for the sum of Two Thousand Five Hundred Dollars (\$2500), bearing interest at the rate of four per cent. per annum and repayable on the First day of July, 1945.

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

Read report City Engineer re Charles Street extension.

MAY 18TH, 1911.

Also read report Committee on Works re Charles Street extension.

CHARLES STREET EXTENSION.

CITY ENGINEER'S OFFICE, May 18th, 1911.

HIS WORSHIP THE MAYOR.

Sir,—I have been in negotiation with the owners of property affected by the proposed extension of Charles Street from Maynard Street to Gottingen Street and beg to report.

The Board of School Commissioners will require \$2500 to make good the land taken from them, and I would recommend that this amount be paid to them.

Mr. William McFatrige offers to accept \$2000 for the property taken from him, provided he is permitted to retain his houses. I would recommend that his offer be accepted.

Miss Sinclair offers to accept \$1800 for the damage done to her property, and I would recommend that her offer be accepted.

Mr. Archibald McFatrige asks the sum of \$2000 for damage done to property which he owns or controls. The damage has been assessed at \$1700 and I would recommend that the sum of \$1700 be offered to him in full for all damages.

Mr. William Barnes values his property at \$6300. It will be necessary to take the whole of his property, but his valuation is excessive. The property is assessed at \$2400 only, and I would recommend that he be offered the sum of \$3000 in full, which is 25% in addition to the amount for which it is assessed.

F. W. W. DOANE, City Engineer.

CITY WORKS OFFICE, May 12th, 1911.

TO THE CITY COUNCIL:

Gentlemen,—At a meeting of the Committee on Works held this day, Alderman Douglas, Chairman, and Secretary Wilson of the Board of School Commissioners were present to urge the prompt payment of Two Thousand Five Hundred (\$2500) Dollars for land purchased by said body to replace that taken by the City for Charles Street extension.

It was decided to recommend to Council that funds be provided at once for this payment.

J. A. CHISHOLM, Mayor and Chairman.

Moved by Alderman Martin, seconded by Alderman MacKenzie, that the report of the City Engineer be adopted. Motion passed.

Read report Committee on Laws and Privileges on various matters.

REPORT LAWS AND PRIVILEGES COMMITTEE.

COMMITTEE ROOM, CITY HALL, May 17th, 1911.

TO HIS WORSHIP THE MAYOR AND CITY COUNCIL:

Gentlemen,—Your Committee on Laws and Privileges beg to report that at a meeting held this day, there being present Aldermen Harris, Chairman, Clarke, Hawkins and MacKenzie, the following matters were dealt with:—

1. Applications for renewal of licenses for Moving Picture and Vaudeville Shows from James E. Roy, for Orpheus Hall; George A. Wootten, for Acker's Family Theatre; Jacob Withrow, for King Edward Theatre; and St. Mary's Y. M. T. A. & B. Society for the Nickel.

It is recommended that these applications be granted, and that the Committee of Fire Escapes be requested to report on all buildings which are under license for public entertainment.

2. Applications of Wm. Parsons, Jr., J. P. O'Connor, Agnes Cahalane, T. M. Mullane and Joseph Ferguson for refund of the deposits made with their Liquor License applications.

It is recommended that the amounts deposited be refunded, less cost of advertising, etc.

3. Applications Henry Hechler and S. Mosher for Auctioneer's Licenses.

It is recommended that these applications be granted.

4. Application R. R. Horne for Bill Poster's license.

It is recommended that this application be granted, subject to the condition that the bill board on east side of Robie Street, north of West Street, be removed.

5. The Chairman was requested to obtain information regarding the regulation of bill boards in other cities, with the view of drafting an Ordinance governing bill boards in this City.

R. V. HARRIS, Chairman.

The same is considered clause by clause and the several clauses thereof adopted.

Moved by Alderman Harris, seconded by Alderman Clarke, that the report be adopted as a whole. Motion passed.

Read report Committee on Works re street line at Burns and Kelleher's property, Lower Water Street.

#### LOWER WATER STREET STREET LINE.

CITY WORKS OFFICE, May 18th, 1911.

TO THE CITY COUNCIL.

Gentlemen,—At a meeting of the Committee on Works held this day, it was resolved to tender Messrs. Burns & Kelleher the sum of Two Thousand Dollars (\$2000) for the land fronting on the property now owned by them and on that about to be acquired by them known as the Forrestall Property as between the present line of street and that laid down on the Official Plan. The City to have immediate possession of the land connected with the corner property and to be given a deed of the land frontage required from the Forrestall Property (so called). The City on their part to give a lease of the land frontage of the Forrestall property (so called) for a consideration of four and a half per cent. (4½%) interest paid yearly on its estimated cost—Eight Hundred Dollars (\$800).

Messrs. Burns & Kelleher accept this offer, and your Committee recommend that this report be adopted.

J. A. CHISHOLM, Mayor and Chairman.

Moved by Alderman MacKenzie, seconded by Alderman Whitman, that the report be adopted and that the City Solicitor be requested to prepare an Act to enable the City to borrow the amount necessary to acquire the property so that the same may be refunded to this year's Street appropriation. Motion passed.

Read reports Committee on Works and City Engineer re straightening Larch Street.