

✓
EVENING SESSION

7.10 o'Clock,
Council Chamber,
City Hall,
September 16th, 1926

A meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor and Aldermen Russell, Weston, Sanford, McDuff, Gastonguay, McCarthy, Hubley, Rains, Power, O'Toole, Drysdale, Smeltzer, Daw and Robinson.

The meeting was called to proceed with business standing over and the transaction of other business

✓
COLD STORAGE PLANT

His Worship the Mayor submits and reads telegram from V.M. Drury, Esq., of Messrs Drury and Company, Brokers, St. James Street, Montreal, in reference to the valuation fixed for assessment of proposed Cold Storage Plant, and his reply:

Montreal, P.Q.,
Sept. 9th, 1926

J.B. Kenny, K.C.,
Mayor
Halifax, N.S.

As Government has reduced our proposed plans by Fifty per cent am compelled to ask you reduce fixed assessment Two Hundred Fifty Thousand in order I may be able complete financing and proceed with construction immediately Government approves please wire your decision.

V.M. Drury

September 16th, 1926

Halifax, N.S. Sept. 10-26

V.M. Drury, Esq.,
Messrs Drury and Co.,
Brokers,
James St., Montreal.

My decision favourable to proposed reduction in assessment and will urge same on Council at its meeting Thursday Sixteenth instant.

J.B. Kenny
MAYOR.

His Worship the Mayor suggested that a modification be made in the Resolution passed by the City Council at a meeting held on the 16th April last fixing the valuation of the Assessment of the Cold Storage Plant at \$500,000.00:

The following Resolution is submitted:

WHEREAS this Council at a meeting held on the 16th April 1926 resolved to fix the valuation for assessment for taxation on a Cold Storage Plant proposed to be erected at the Ocean Terminals at the sum of \$500,000 for a period of Twenty years.

AND WHEREAS such Resolution was passed on a representation to this Council that the cost of the said plant would be the sum of \$1,600,000.

AND WHEREAS the Council has been informed by the promoters of the said plant that the cost thereof would be a much smaller amount than that so represented and a reduction in the amount of said valuation has been requested.

THEREFORE RESOLVED that the amount of the said valuation be reduced from the said sum of \$500,000 to such a proportion thereof as the actual cost (not to be less in any event than the sum of \$250,000) of the plant bears to the said sum of \$1,600.00

Moved by Alderman Daw, seconded by Alderman Smeltzer and passed unanimously.

V.M. Drury Esq.

September 16th, 1926

GEORGINA JOHNSTON

Read application of Georgina
Johnson, a former nurse in the City Home, asking to
be given a hearing with reference to her dismissal.

Halifax, N.S.
Sept. 9th, 1926.

To His Worship the
Mayor and Members of the
CITY COUNCIL.

Gentlemen:-

I very much regret that there seems
no course open to me but to appeal to your Council
in a matter which to you, might seem trivial, but
which to me is of great importance, as it even effects
my opportunities of making a living. It is not my
purpose to encroach upon the time of your Council,
by going into a lot of details. I only want to take
exception to the manner of my dismissal as Nurse at
the City Home, and you can see the result which it
has upon my opportunities of receiving employment.

My dismissal as Nurse from the
City Home was certainly a summary one and done in
such a manner as to deny me a recommendation. I
would have no cause to complain of my dismissal had
my services not been required, but I must complain
when the cause which has been made apparent is not
in accordance with the facts. I have only asked and
still ask for an opportunity to be heard, and I
appreciate the recommendation of your Council to
refer the matter to the Committee and cannot under-
stand why the Committee refused to take the matter up
in the interests of Common Justice. My dismissal
meant that I was put on the street, as I am an orphan
with no home to fall back upon and must make my own
way. With this dismissal hanging over me and no
recommendation, my opportunities for employment have
been lessened and I appeal to your Council for that
same treatment which would be accorded me had I
been employed in any other Institution or in any other
employment.

Asking your consideration again,

I am,
Georgina Johnston.

By unanimous consent it was decided
to defer the consideration of this matter until item
No. 20 on the Agenda was taken up.

Sept. 16th, 1926

✓
MEETING WORLD'S MOTOR TRANSPORT
CONGRESS

His Worship the Mayor submits and reads a letter from W. Henry Robertson, Esquire, American Consul General inviting an appropriate Official of the Council to attend the National Automobile Show at New York City, January 10th, and 11th, 1927:

FILED

✓
ALBRO LAKE MISSION CHURCH
TAG DAY

Read application of Rev. F.D. Fader on behalf of Albro Lake Mission Church to hold a Tag day on or about September 18th:

Tufts Cove,
Halifax, N.S.
September 16th, 1926

H. S. Rhind, Esq.,
City Clerk,
Halifax, N.S.

Dear Sir:-

I have been requested by the Albro Lake Mission Church, to apply for permission to hold a Tag Day in the City of Halifax on or about September 18th.

This property has been bought from a widowed lady residing in the Albro Lake district, and is being paid for by voluntary contributions, as the time draws near for another payment we are taking this means of meeting it.

We have received and have held a Tag Day in the Town of Dartmouth, we would like you to place this matter before City Council so that we may receive permission to hold a Tag Day in Halifax.

Anticipating a favourable reply
I remain.

Yours very truly,

Pastor
F.D. FADER

Sept. 16th, 1926

Moved by Alderman Rains, seconded
by Alderman Power that the application be granted.

Motion put and lost six voting
for the same and nine against it as follows:

FOR THE MOTION

Aldermen Gastonguay
MacDuff
Rains
O'Toole
Power
Drysdale

AGAINST IT

Aldermen Weston,
Russell
Shannon
Sanford
McCarthy
Hubley
Robinson
Smeltzer
Daw -9

-6 -

Raw 7 2 Jader

BROWN BROTHERS & CO., VS CITY OF HALIFAX

Read notice of action by Messrs
Henry, Stewart, Smith and McCleave, Solicitors for
Messrs. Brown Bros., & Co., against the City of Halifax.

Referred to Laws and Privileges

Committee for report.

*acc Russell
C. Clerk*

WORKS DEPARTMENT ACCOUNTS

Read report Committee on Works
recommending for payment accounts amounting to
\$27,716.99.

Halifax, N.S.
Sept. 16-26

ACCOUNTS-WORKS AND WATER
DEPT.

His Worship the Mayor and City
Council.

Sirs:-

At a meeting of the Works Committee
held this day the undermentioned accounts for August
were approved and recommended to Council for payment:

Sept. 16th, 1926

| | | | |
|-------------|---------|------------------|--------------------|
| Works Dept. | Capital | \$12,466.17 | |
| | Current | <u>18,926.54</u> | \$23,392.71 |
| Water Dept. | Capital | 1,951.95 | |
| | Current | <u>2,372.33</u> | 4,324.28 |
| | | | <u>\$27,716.99</u> |

Respectfully submitted

A. F. Messervey
CLERK OF WORKS

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

✓
GENERAL ACCOUNTS

Read report of the Finance Committee
recommending for payment accounts amounting to
\$9,204.39.

Committee Room,
City Hall, Halifax, N.S.
Sept. 15-26

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee
held this day, the attached list of accounts, amounting
to \$9,204.39 were passed as correct and recommended for
payment.

Respectfully submitted

B. A. Weston,
CHAIRMAN.

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

September 16th. 1926

✓
FIRE DEPARTMENT ACCOUNTS

Read report of the Committee of Firewards recommending for payment accounts amounting to \$11,977.55:

Committee Room, City Hall,
September 15th, 1926

His Worship the Mayor,
and Members of the City Council;

Gentlemen:-

At a meeting of the Committee of Firewards held this day the attached list of accounts amounting in all to \$11,977.55 was examined, found correct and recommended to the City Council for payment.

Fire Alarm Maintenance
Fire Department

\$362.12
11,615.43
\$11,977.55

Respectfully submitted

H.E. Rains
CHAIRMAN

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

✓
CITY HEALTH BOARD ACCOUNTS

Read report of the City Health Board recommending for payment accounts amounting to \$1,941.79:

Halifax, N.S. Sept. 15-26

His Worship the Mayor and
City Council.

Gentlemen:-

At a meeting of the City Health Board held on Wednesday September 15th, 1926, the following named accounts amounting to \$1,941.79 were

Sept. 16th, 1926

passed as correct and are recommended for payment

Respectfully yours,

Arthur C. Pettipas
SECRETARY C.H.B.

Moved by Alderman McCarthy seconded by
Alderman Smeltzer that the report be adopted and accounts
paid. Motion passed.

✓
POLICE DEPARTMENT ACCOUNTS

Read report of the Police Committee
recommending for payment accounts amounting to \$7,606.98:

Halifax, N.S.
Sept. 13th, 1926

His Worship the Mayor,
and City Council.

Gentlemen:-

At a meeting of the Police Committee
held this date, the following accounts amounting to
\$7,592.78 and \$14.20 were examined, found correct and
recommended for payment.

Respectfully submitted,

J.B. Kenny,
MAYOR AND CHAIRMAN

Moved by Alderman Daw, seconded by
Alderman O'Toole that the report be adopted and
accounts paid. Motion passed.

Sept. 16th, 1926

✓
CAMP HILL CEMETERY ACCOUNTS

Read report of Camp Hill Cemetery
Committee recommending for payment accounts amounting
to \$399.30:

Committee Room, City Hall,
September 15th, 1926

His Worship the Mayor,
and Members of the City Council.

Gentlemen:-

At a meeting of the Committee
on Camp Hill Cemetery held this day, the attached list
of accounts amounting to \$399.30 was submitted and
recommended to the City Council for payment.

Respectfully submitted

I. E. Sanford
CHAIRMAN

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

✓
CITY PRISON ACCOUNTS

Read report of the City Prison
Committee recommending for payment accounts amounting
to \$1,508.68 and covering report of the Governor for the
month of August:

Committee Room,
City Hall, Sept. 9th, 1926

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the City Prison
Committee held this day the report of the Governor
showing the number of Prisoners in custody on the 31st

September 16th, 1926

August to be 27 Males and three Females, was submitted and ordered filed.

The attached list of accounts amounting to \$1,508.68 was recommended to the City Council for payment.

Respectfully submitted,

Thomas Robinson
ACTING CHAIRMAN

Moved by Alderman Sanford seconded by Alderman Robinson that the report be adopted and accounts paid. Motion passed.

✓
GARDENS PARKS AND COMMON ACCOUNTS

Read report of the Committee on Gardens, Parks and Common recommending for payment accounts amounting to \$1,646.14:

Committee Room,
City Hall,
Sept. 10th, 1926

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Committee on Gardens, Parks and Common held this day, the attached lists of accounts amounting in all to \$1,646.15 were passed as correct and recommended for payment:

| | |
|----------------------------|------------------|
| Chargeable to Fleming Park | \$325.22 |
| " Public Gardens | 1320.92 |
| | <u>\$1646.14</u> |

Respectfully submitted,

J.B. Kenny
MAYOR AND CHAIRMAN

Sept. 16th, 1926

Moved by Alderman Shannon, seconded by Alderman O'Toole that the report be adopted and accounts paid. Motion passed.

CITY HOME AND T. B. HOSPITAL ACCOUNTS

Read report of the Charities Committee recommending for payment accounts chargeable to the City Home \$6,368.99 and chargeable to the T.B. Hospital \$2,333.79:

Halifax, N.S. Sept. 16th, 1926

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

The Charities Committee met this day and beg to submit the following report. MEMBERS PRESENT:- The Chairman, Aldermen Sanford, Daw, Hubley, Drysdale and Gastonguay.

CITY HOME ACCOUNTS AUGUST 1926 AMOUNT \$6368.99

City Home Accounts for the month of August 1926, amounting to \$6368.99 are recommended for payment.

TUBERCULOSIS HOSPITAL ACCOUNTS AUGUST 1926 AMOUNT \$2333.79

Tuberculosis Hospital Accounts for the month of August 1926, amounting to \$2333.79 are recommended for payment.

Respectfully submitted

B. A. Weston,
CHAIRMAN

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

Sept. 16th, 1926

✓
CAMP HILL CEMETERY FENCE ACCOUNT

Read report of the City Engineer recommending for payment the account of the Starr Manufacturing Co., Ltd., the final instalment on account of their contract for erecting the fence around the Cemetery amounting to \$1,711.47:

City Engineer's Office,
Halifax, N.S.
Aug. 27-1926

CAMP HILL CEMETERY FENCE

Chairman of the Cemetery Committee.

Sir:-

CERTIFICATE No. 3 (FINAL)

I beg to recommend payment to the Starr Manufacturing Company, Limited, of the sum of ONE THOUSAND SEVEN HUNDRED AND ELEVEN DOLLARS AND FORTY SEVEN CENTS (\$1,711.47) being payment in full on their contract for supplying and erecting a wrought iron fence at Camp Hill Cemetery.

| | |
|---------------------------------|-------------------|
| Amount of Contract. | \$7,153.00 |
| Special Brackets and Welding. | 115.00 |
| Repairs to panels Sackville St. | <u>21.00</u> |
| Total | \$7,289.00 |
| Amount paid on Certificate | |
| " " " " # 1 | 3,564.73 |
| " " " " # 2 | <u>1,812.80</u> |
| | 5,377.53 |
| Less deduction for painting. | <u>200.00</u> |
| Balance recommended in full | <u>\$1,711.47</u> |

Respectfully submitted

H. W. Johnston,
CITY ENGINEER

Sept. 16th, 1926

✓
auditor
Moved by Alderman Sanford, seconded
by Alderman Rains that the report be adopted and the
accounts paid. Motion passed.

✓
BICKLE ENGINE ACCOUNT-FIRE DEPARTMENT

Read report of the Committee of
Firewards recommending for payment the account of the
Bickle Fire Engine Co., for one Bickle Motor Pumper
amounting to \$6,660.00 less \$200.00 retained until
such time as suction hose, connections, Couplings etc.,
are received from the Bickle Company?

Committee Room,
City Hall,
Sept. 15th, 1926

His Worship the Mayor,
and Members of the City Council.

Gentlemen:-

At a meeting of the Committee of
Firewards held this day the attached account of
Bickle Fire Engines Ltd., per George W. Tingley Agent
amounting to \$6,600.00 was submitted.

Your Committee recommend the payment
of \$6,400.00 on account, the sum of \$200.00 being
retained until such time as suction hose connections
coupler etc., are received from the Bickle Fire
Engines Ltd.

Respectfully submitted

H. E. Rains
CHAIRMAN

✓
auditor
Moved by Alderman Rains, seconded
by Alderman Shannon that the report be adopted. Motion
passed.

Sept. 16th, 1926

✓
REPAIRS TO GARDENS FENCE

Read report of the Committee on Gardens Parks and Common recommending a progress payment of \$627.04 to Messrs Fleming Bros., on account of their contract for repairing the Gardens fence;

Committee Room,
City Hall,
Sept. 10th, 1926

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

REPAIRS TO GARDENS FENCE

At a meeting of the Committee on Gardens Parks and Common held this day, the attached certificate of the Assistant City Engineer, recommending a progress payment of \$627.04 to Fleming Bros., on account of repairs to the Gardens fence, was recommended to the City Council for payment.

Respectfully submitted,

J.B. Kenny
MAYOR AND CHAIRMAN

Moved by Alderman Shannon,
seconded by Alderman O'Toole that the report be adopted and the progress payment made. Motion passed.

✓
Auditor

✓
CITY OF HALIFAX vs FAIRBANKS

Read letter of F.H. Bell, Esq., K.C., City Solicitor, covering letter of Messrs Linklater and Paines asking for a deposit of the sum of £800, - £400 as security for costs and £400 generally on

Sept. 16th. 1926

account of costs and disbursements in the appeal before the Privy Council in the suit of the City of Halifax vs the Estate of Fairbanks:

Office of City Solicitor,
Halifax, N.S. Sept. 16-26

His Worship the Mayor,
CITY.

Dear Sir:-

RE: HALIFAX vs FAIRBANKS ESTATE

I beg to hand you herewith the accompanying letter in the above. It will be necessary for the Council to arrange for the amounts specified therein in order to go ahead with the appeal. I may add that this must be done within four months from the granting of the Order which took place about the date of the letter, the 10th of August.

Yours very truly,

F. H. Bell
CITY SOLICITOR.

2 Bond Court,
Walbrook, London, E.C. 4
10th, August 1926

Dear Sir:-

CITY OF HALIFAX v ESTATE OF FAIRBANKS

Referring to our letter of the 22nd ultimo we have today received from the Privy Council Office the formal Order granting leave to appeal and we now enclose this together with a copy. The original Order bearing the seal of the Privy Council must be filled in the Supreme Court of Canada.

As you will see the Order requires the deposit of the sum of £400 as security for costs and we should be glad if you would arrange to remit us this sum together with a further sum of say £400 generally on account of costs and disbursements

Sept. 16th, 1926

As soon as the security has been deposited we will take the necessary steps to enter an appearance for the Appellants.

Yours faithfully,

Linklaters & Paines

F.H. Bell, Esq., K.C.
City Solicitor
Halifax, N.S.

Moved by Alderman Weston, seconded by Alderman Russell that the City Treasurer be authorized to remit the said sum of £800 to cover costs, fees and disbursements in this suit.

Motion put and passed, fourteen voting for the same and one against it as follows:

FOR THE MOTION

AGAINST IT

Aldermen Weston,
Russell
Shannon
Sanford
Gastonguay
McDuff
McCarthy
Hubley
Rains
O'Toole
Power
Drysdale
Robinson
Smeltzer -14

Alderman Daw

-1-

*Amador
Treasurer
City Solicitor*

September 16th. 1926

✓
W & A. MOIR LIMITED ACCOUNT

Read report of the Committee on Works and City Engineer in reference to an account of W & A. Moir, Ltd. \$16.13 for repairs to the steam roller May 17th, 1924:

City Works Office,
Halifax, N.S.
Sept. 15-26

W & A. MOIR LTD. ACCT:

His Worship the Mayor and
City Council.

Sirs:

At a meeting of the Works Committee held September 1st, the City Engineer submitted a report in connection with account of W. & A. Moir Ltd., for repairs to steam roller May 17th, 1924, copy of report is hereto attached. The reason for non-payment is that the bill was not received until recently the original bill if sent, not being received by the Works Department before accounts for the Civic Year were closed.

After hearing the report and explanation, it was unanimously decided to recommend to Council that the following resolution authorising payment of the bill be passed-

"RESOLVED that the account of W. & A. Moir Ltd., for May 17th, 1924, amounting to \$16.13, be paid and that the amount so to be paid to be borrowed by the City under authority of Section 976 of the City Charter and to be included in the Estimates for the Civic Year 1927-28"

Respectfully submitted
A. F. Messervey
CLERK OF WORKS

Sept. 16th, 1926

City Engineer's Office,
Halifax, N.S. July 9th, 1926

W & A. Moir, Ltd.
694-704 Barrington St.,
HALIFAX, N.S.

Dear Sir:

I am enclosing your bill dated May 17th 1924 for repairs to the Steam Roller, amounting to \$16.13.

We have been unable to find a covering order for this work, and it would appear that it was on this account that payment was held up. The Engine-man and Fireman on the Roller recollect the work being done, and the bill has been O.K.'ed by A.L. Theakston, City Storekeeper. However, we are not permitted to pay accounts for 1924 out of this years appropriation, and I would suggest that you write a letter to the Mayor, explaining the situation and enclosing this bill, which he will then take up with the Board of Works who would probably be able to arrange payment if they so desired.

Yours very truly,

H.W.L. Doane,
ASSISTANT CITY ENGINEER.

Moved by Alderman Shannon seconded by Alderman Gastonguay that the report be adopted.

Motion put and passed thirteen voting for the same and one against it as follows:

FOR THE MOTION

Aldermen Weston
Russell
Shannon
Sanford
Gastonguay
McDuff
McCarthy
Rains
O'Toole
Power
Robinson
Smeltzer,
Daw.- 13

AGAINST IT

Aldermen Hubley

*Auditor
Treasurer*

-1

Sept. 16th, 1926

✓
LOAN \$44,000.00

Read report of the Finance Committee covering tenders for a loan of \$44,000.00 for various purposes.

Committee Room,
City Hall, Aug. 30th, 1926

To His Worship the Mayor,
and City Council.

Gentlemen:-

Your Committee on Finance beg to report that in response to invitation to brokers to submit offers for a loan sufficient to realize the sum of \$44,000.00 against the Halifax Consolidated Fund 1905 the following tenders were submitted:-

| | | | ROYAL SECURITIES | EASTERN SECURITIES | MAHON |
|----------|------------|--------|------------------|--------------------|---------|
| \$35,000 | 30 year | 5% | 99.73 | 98.32 | 98.799 |
| 35,000 | " | 4 1/2% | 90.85 | 90.37 | 91.086 |
| 7,500 | 15 year | 5% | 99.73 | 98.32 | 99.09 |
| 7,500 | 15 " | 4 1/2% | 93.55 | 92.77 | 93.8199 |
| 1,500 | short term | 5% | | 98.57 | 99.07 |
| 1,500 | " | 4 1/2% | | | 98.07 |

Your Committee recommend that the tenders for the Royal Securities Corporation for-

\$35,000.00 30 year 5% stock at 99.73 and accrued interest, for \$7,500.00 15 year 5% stock at 99.73 and accrued interest, and that of W. F. Mahon & Co. for \$1,500.00 short term 5% five equal annual instalments at \$99.07 be accepted- and the following resolutions adopted.

Respectfully submitted

B. A. Weston
CHAIRMAN

Sent. 16th, 1926

Moved by Alderman Weston, seconded by Alderman Power that the report be adopted. Motion passed unanimously.

The following Resolutions (8) are submitted:

WHEREAS the Royal Securities Corporation have offered to purchase City Stock to a sum sufficient to produce the sum of \$42,500.00 at the price of 99.73 of par, together with interest at the rate of 5% per annum from the first day of July 1926.

AND WHEREAS the Committee on Finance has recommended to the City Council the acceptance of the said offer of the Royal Securities Corporation which recommendation has been adopted by the City Council.

NOW THEREFORE BE IT RESOLVED that the said sum of \$42,500.00 be borrowed for the purposes in the resolution recited, viz:

30 Year Term

| | |
|----------------------------------------------------------|------------|
| Construction Public Baths under Chapter 79, Acts 1921 | \$5,000.00 |
| Construction Pub. Sewers Under Chap. 61 Acts 1926 | 5,000.00 |
| Water Extensions-Chap 52 Acts 1922 | 5,000.00 |
| Collection of Tax Arrears " 61 " 1926 | 12,500.00 |
| Street Paving. " 52 " 1922 | 7,500.00 |

15 Year Term

| | |
|-----------------------------------|--------------------|
| Street Paving. Chap. 52-Acts 1922 | 7,500.00 |
| | <u>\$42,500.00</u> |

and that the offer of the Royal Securities Corporation be accepted.

FURTHER RESOLVED that the City Treasurer be and is hereby authorized to issue stock of the Halifax Consolidated Fund 1905 sufficient to yield the sum of \$42,500.00 to the said Royal Securities Corporation.

The said Stock to be dated the first day of July 1926 and to be repayable respectively in 30 years and 15 years from the date thereof and to bear interest at the rate of five per cent per annum. It shall be in the form set out in the Halifax City Consolidated Fund Act 1905, shall be signed by the Mayor and Treasurer of the City and countersigned by the Clerk, and as to both principal and interest shall be payable at the office of the City Treasurer in Halifax. Y
35m

Sept. 16th, 1926

Moved by Alderman Weston, seconded by
Alderman Power and passed unanimously.

(2)

WHEREAS by an Act of the Legislature of the Province of Nova Scotia passed in the year 1921 as Chapter 79, the City of Halifax is authorized to borrow the sum of \$5,000 for public Bathing House in addition to the amount already authorized.

NOW THEREFORE BE IT RESOLVED THAT for the purpose aforesaid there shall be borrowed on the credit of the City of Halifax at large, and as part of the City of Halifax Consolidated Fund 1905, the sum of Five Thousand Dollars for a Public Bathing House and Stock sufficient to produce the sum of \$5,000.00 shall be issued therefor dated as of the first day of July 1926 bearing interest from the first day of July 1926 at the rate of 5% per annum payable half yearly on the first day of January and July in each year. The said Stock shall be payable in thirty years from the date thereof; shall be in the form set out in the Halifax City Consolidated Fund Act 1905 (Chapter 51) and shall be sealed with the corporate seal of the City and shall be signed by the Mayor and Treasurer of the City and Countersigned by the Clerk of the said City. The said Stock as to both principal and interest shall be payable at the Office of the City Treasurer at Halifax.

Moved by Alderman Weston, seconded by
Alderman Power and passed unanimously.

(3)

WHEREAS by an Act of the Legislature of the Province of Nova Scotia passed in the year 1926 as Chapter 61, the City of Halifax is authorized to borrow the sum of \$5,000 for the construction of New Sewers.

NOW THEREFORE BE IT RESOLVED that for the purpose aforesaid there shall be borrowed on the credit of the City of Halifax at large and as part of the City of Halifax Consolidated Fund 1905, the sum of FIVE THOUSAND DOLLARS for the construction of new Sewers and stock sufficient to produce the sum of \$5,000.00 shall be issued therefor dated as of the first day of July 1926, bearing interest from the first day of July 1926, at the rate of 5% per annum, payable half yearly on the first day of January and July in each year. The said Stock shall be payable in thirty years from the date thereof, shall be in the form set out in the Halifax City Consolidated Fund Act 1905 Chapter 51

Sept. 16th, 1926

and shall be sealed with the corporate seal of the City and shall be signed by the Mayor and Treasurer of the City and countersigned by the Clerk of the City. The said Stock as to both principal and interest shall be payable at the office of the City Treasurer at Halifax

Moved by Alderman Weston, seconded by Alderman Power and passed unanimously.

-4-

WHEREAS by an Act of the Legislature of the Province of Nova Scotia passed in the year 1922 under Chapter 52, The City of Halifax is authorized to borrow a sum not exceeding \$150,000 for the extension and improvement of the Water Service.

AND WHEREAS the said City has heretofore borrowed under the authority of the said Act sums amounting to \$80,000 for the purpose above mentioned.

AND WHEREAS save and except the said respective sums amounting to \$80,000. the Council has not heretofore borrowed any further sums for the purpose mentioned in the said Act.

AND WHEREAS it is now desirable to borrow the further sum of \$5,000 under the authority of the said Act for the purpose aforesaid.

NOW THEREFORE BE IT RESOLVED that for the purpose aforesaid there shall be borrowed on the credit of the City of Halifax at large and as part of the City of Halifax Consolidated Fund 1905 the sum of \$5,000. for the extension and improvement of the Water Service, and stock sufficient to produce the sum of \$5,000 shall be issued therefore dated as of the first day of July 1926, bearing interest at the rate of 5% per annum payable half yearly on the first day of January and July in each year.

The said Stock shall be payable in thirty years from the date thereof, shall be in the form set out in the Halifax City Consolidated Fund Act 1905 Chapter 51, shall be sealed with the corporate seal of the City, shall be signed by the Mayor and Treasurer of the said City and countersigned by the Clerk of the said City. The said Stock as to both principal and interest shall be payable at the office of the City Treasurer in Halifax, N.S.

Moved by Alderman Weston, seconded by Alderman Power and passed unanimously.

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Sept. 16th, 1926

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WHEREAS by An Act of the Legislature of the Province of Nova Scotia passed in the year 1926 as Chapter 61, the City of Halifax is authorized to borrow the sum of \$12,500.00 for collection of tax arrears.

NOW THEREFORE BE IT RESOLVED that for the purpose aforesaid there shall be borrowed on the credit of the City of Halifax at large, and as part of the City of Halifax Consolidated Fund 1905 the sum of Twelve Thousand Five Hundred Dollars for the collection of tax arrears, and stock sufficient to produce the sum of \$12,500.00 shall be issued therefor dated as of the first day of July 1926, bearing interest from the first day of July 1926 at the rate of 5% per annum payable half yearly on the first day of January and July in each year.

The said Stock shall be payable in thirty years from the date thereof; shall be in the form set out in the Halifax City Consolidated Fund Act 1905, Chapter 51 shall be sealed with the corporate seal of the City and shall be signed by the Mayor and Treasurer of the City and countersigned by the Clerk of the City. The said stock as to both principal and interest shall be payable at the office of the City Treasurer at Halifax.

Moved by Alderman Weston, seconded by Alderman Power and passed unanimously.

-6-

WHEREAS by an Act of the Legislature of the Province of Nova Scotia passed in the year 1922 as Chapter 52, the City of Halifax is authorized to borrow a sum not exceeding \$151,000 for Street Paving.

AND WHEREAS the said City has heretofore borrowed under the authority of the said Act the sum of \$33,900.00 for the purpose above mentioned.

AND WHEREAS save and except the said sum of \$33,900.00 the Council has not heretofore borrowed any further sums for the purpose mentioned in said Act.

AND WHEREAS it is now desirable to borrow a further sum of \$15,000 under the authority of the said Act for the purpose aforesaid.

NOW THEREFORE BE IT RESOLVED that for the purpose aforesaid there shall be borrowed on the credit of the City of Halifax at large and as part of

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Sent. 16th. 1926

the City of Halifax Consolidated Fund 1905 the sum of \$15,000 for Street paving, and Stock sufficient to produce the sum of \$15,000 shall be issued therefore dated as of the first day of July 1926, and bearing interest at the rate of 5% per annum payable half yearly on the first days of January and July in each year. The said Stock to the amount of \$7,500 shall be payable in thirty years from the date thereof and \$7,500 thereof shall be payable in fifteen years from the date thereof. The said Stock shall be in the form set out in the Halifax City Consolidated Fund Act 1905, Chapter 51, shall be sealed with the corporate seal of the City; shall be signed by the Mayor and Treasurer of the said City and countersigned by the Clerk of the said City.

The said debentures as to both principal and interest shall be payable at the office of the City Treasurer in Halifax.

Moved by Alderman Weston, seconded by Alderman Power and passed unanimously.

-7-

WHEREAS at the prices quoted and accepted for the loans at thirty years and fifteen years respectively aggregating \$42,500. for the purposes of a Public Bath construction of New Sewers and Water Extensions, Street Paving and collection of Tax Arrears it will be necessary to borrow an additional sum of \$200.00 to produce the amount required.

THEREFORE BE IT RESOLVED that the City Treasurer be and is hereby authorized under Section 1, Chapter 73, of the Acts of 1907 subject to a two thirds vote of all the members of the Council as provided for in Section 311 of the City Charter, to issue such additional amounts of such stock as will, when sold by the City, produce such further amount as is required to make up the sum so authorized to be borrowed.

Moved by Alderman Weston, seconded by Alderman Power and passed unanimously the following named Aldermen being present and voting for the same:

Aldermen Weston, Russell, Shannon, Sanford, Gastonguay, McDuff, McCarthy, Hubley, Rains, O'Toole, Power, Drysdale, Robinson, Smeltzer and Daw.

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Sept. 16th, 1926

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WHEREAS by an Act of the Legislature of the Province of Nova Scotia passed in the year 1926 as Section 33, Chapter 64, the City of Halifax is authorized to borrow the sum of \$1,500, and expend the same in completing the fence around the Public Gardens and repay the same in five yearly instalments, the first with interest repayable on the first day of August 1927 and one with interest on each succeeding first day of August until the same is repaid.

NOW WHEREFORE BE IT RESOLVED that for the purpose aforesaid there shall be borrowed on the credit of the City of Halifax at large and as part of the City of Halifax Consolidated Fund 1905, the sum of \$1,500. and stock to the amount of \$1,514.00 (under Section 1 Chap. 73 Acts 1907) sufficient to produce the sum of \$1,500. be issued therefor, bearing interest at the rate of 5% per annum and dated as stated above.

The said debentures shall be sealed with the corporate seal of the City, shall be signed by the Mayor and treasurer of the said City and countersigned by the Clerk of the said City. The Interest coupons attached to the said debentures shall be signed by the Mayor and City Treasurer and their signatures thereon may be printed, stamped, lithographed or engraved.

The said debentures as to both principal and interest shall be payable at the office of the City Treasurer in Halifax, and the Royal Bank of Canada in Montreal, Toronto, Winnipeg or Vancouver at holders option.

*audited
Treasurer
Royal Securities*

Moved by Alderman Weston, seconded by Alderman Power and passed unanimously.

✓
CITY HOME AND T. B. HOSPITAL MONTHLY REPORT

Read report of the Charities Committee for the month of August:-

Halifax, N.S. Sept. 16th, 1926

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

The Charities Committee met this day and beg to submit the following report. MEMBERS PRESENT:-
The Chairman, Aldermen Sanford, Daw, Hubley, Drysdale and Gastonguay.

Sept. 16th, 1926

SUPT. REPORT CITY HOME, AUGUST 1926 NUMBER OF INMATES
272

The Superintendent's report shows that during the month of August 1926 there were 22 persons admitted into the City Home, 9 were discharged and 2 died.

The total number of patients August 31st, 1926 were 272, made up of 147 men, 120 women and 5 children. On the same date last year there were 160 men, 136 women and 7 children a total of 303.

SUPT. REPORT TUBERCULOSIS HOSPITAL AUGUST 1926 NUMBER
OF PATIENTS 45

The Superintendent's report shows that during the month of August 1926 there were 8 patients admitted into the City Tuberculosis Hospital, 4 men and 4 women, 2 men and 2 women were discharged and 1 man and 1 woman died.

The total number of patients August 31st, 1926 was 45, made up of 22 men and 23 women. On the same date last year there were 17 men and 23 women a total of 40.

Respectfully submitted

B. A. Weston,
CHAIRMAN

FILED

✓
CITY HOME-APPOINTMENT OF MATRON

Read report of the Charities
Committee recommending the appointment of Miss
Catherine Graves to the position of Matron of the
City Home:

Halifax, N.S. Sept. 16-26

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

The Charities Committee met this day and beg to submit the following report. MEMBERS
PRESENT: The Chairman, Aldermen Sanford, Daw, Hubley,
Drysdale and Gastonguay.

MATRON CITY HOME

Advertisement for applications for
the position of Matron of the City Home was reported.

Sept. 16th, 1926

Only three applications were received and these with the accompanying recommendations were considered by the Committee and the application of Catherine Graves was recommended to the Council for appointment by a majority vote. The other applicants were Miss Baker and Mrs. Rhoda Smith.

Respectfully submitted.

B.A. Weston,
CHAIRMAN.

Moved by Alderman Weston, seconded by Alderman Sanford, that the report be adopted and that Miss Catherine Graves be appointed to the position of Matron of the City Home.

Moved in amendment by Alderman Daw, seconded by Alderman Hubley that the appointment of Miss Graves to the position of Matron of the City Home be deferred until after the investigation is held regarding conduct of affairs in the City Home.

Amendment put and lost four voting for the same and eleven against it as follows:

FOR AMENDMENT

Aldermen Hubley
Robinson
Smeltzer
Daw

-4

AGAINST IT

Aldermen Weston
Russell
Shannon
Gastonguay
McDuff
McCarthy
Rains
O'Toole
Power
Drysdale- 11

The original motion is put and passed eleven voting for the same and four against it as follows:

FOR THE MOTION

AGAINST IT

Aldermen Weston
Russell
Shannon
Sanford
Gastonguay
MacDuff
McCarthy
Rains
O'Toole
Power
Drysdale -11

Aldermen Hubley
Robinson
Smeltzer
Daw
-4

*Miss Johnson
Council*

Alderman Daw gives notice of re-
consideration. ✓

The Council now proceeds with the con-
sideration of the application of Miss Georgina Johnson
for a hearing.

Moved by Alderman Hubley seconded by
Alderman Daw that His Worship the Mayor be requested
to nominate a Committee of Six Aldermen, one from each
Ward, exclusive of the present members of the Charities
Committee, to investigate the affairs of the City Home.

Moved in amendment by Alderman Russell,
seconded by Alderman O'Toole that the consideration of
this matter be deferred until the next meeting of this
Council.

Amendment put and passed ten voting for
the same and four against it as follows:

FOR
AMENDMENT

AGAINST

Aldermen Weston,
Russell
Shannon
Sanford
Gastonguay
McCarthy
Rains
O'Toole
Power
Drysdale- 10

Alderman Hubley
Robinson
Smeltzer
Daw
-4

Council

Sept. 16th, 1926

✓
FIRE DEPARTMENT TENDERS FOR CLOTH

Read report of the Committee of Firewards covering tenders for cloth for uniform overcoats for members of the Fire Department :-

Committee Room, City Hall,
Sept. 15th, 1926

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

Gentlemen:-

At a meeting of the Committee on Firewards held this day, the following tenders for cloth for Uniform Overcoats for members of the Halifax Fire Department were submitted:

| | | | | |
|---------------------------|-------|--------------|----------|---------|
| Mark, Fisher, Sons & Co.- | 29200 | Gray Frieze | ⊙ \$2.20 | per yd. |
| | 29201 | " " | 2.30 | " |
| | 29202 | " " | 2.75 | " |
| S.R. Cossey & Co. | 3113 | Irish Frieze | 2.08 | " |
| Clayton & Sons | | " " | 2.45 | " |

The tender of Mark, Fisher Sons & Co., for 130 yards Cloth, sample # 29201 at \$2.30 per yard is recommended to the City Council for acceptance.

Respectfully submitted,

H.E. Rains,
CHAIRMAN

Moved by Alderman Rains seconded by Alderman Shannon that the report be adopted. Motion passed.

Committee of Mark Fisher Sons & Co. Chief M. S. D.

✓
FIRE DEPARTMENT TENDERS FOR MAKING AND TRIMMING UNIFORM OVERCOATS

Read report of the Committee of Firewards covering tenders for making and trimming 53 uniform coats for members of the Fire Department:

September 16th, 1926

Committee Room, City Hall,
September 15th, 1926

His Worship the Mayor,
and Members of the City Council

Gentlemen:-

At a meeting of the Committee of Firewards held this day, the following tenders for making and trimming Firemen's uniform Overcoats were opened:-

| | | | |
|---------------------|----------------------|---------|----------|
| M.E.Griffin | 365 Barrington St. ● | \$16.65 | per coat |
| T.M. Vaughan | | 14.85 | " |
| Clayton & Sons | | 18.50 | " |
| Scotia Tailors Ltd. | | 16.65 | " |
| S.C.MacCormack | | 15.50 | " |

The tender of M.E.Giffin for making and trimming fifty three Uniform Coats at \$16.65 is respectfully recommended to the City Council for acceptance.

Respectfully submitted

H.E. Rains
CHAIRMAN

Moved by Alderman Rains seconded

by Alderman Daw that the report be adopted. Motion passed

*Carroll
Mr. & B. Rains
Chairman*

FIRE DEPARTMENT-TENDERS FOR LAUNDRY WORK

Read report Committee of Firewards covering tenders for Laundry work of the Fire Department:

Committee Room, City Hall,
September 15th, 1926

His Worship the Mayor,
and Members of the City Council.

Gentlemen:-

At a meeting of the Committee of Firewards held this day, the following tenders for Laundry were opened:

September 16th, 1926

Ungar's Laundry & Dye Works-

| | |
|--------------|-----|
| Sheets | .06 |
| Pillow Slips | .03 |
| Face Towels | .02 |
| Bed Spreads | .15 |
| Blankets | .20 |

| | | |
|------------------------|--------------|-------------------|
| Halifax Steam Laundry- | Sheets | .05 |
| | Pillow Slips | .02 $\frac{1}{2}$ |
| | Face Towels | .02 $\frac{1}{2}$ |
| | Bed spreads | .12 |
| | Blankets | .40 per pair |

The tender of the Halifax Steam Laundry, being the lowest is respectfully recommended to the City Council for acceptance.

Respectfully submitted

H. E. Rains
CHAIRMAN.

*Acc. order
- Check to H. E. Rains
H. E. Rains
Chairman*

Moved by Alderman Rains, seconded by
Alderman Daw that the report be adopted. Motion passed.

✓
FIRE DEPARTMENT ANNUAL REPORT CITY ELECTRICIAN

Read report Committee of Firewards covering
Annual report of the City Electrician for the Civic
Year 1925:

Committee Room, City Hall,
September 16-26

His Worship the Mayor,
and Members of the City Council.

Gentlemen:-

At a meeting of the Committee of Firewards held this day, the City Electrician submitted the Annual Report for the year ending April 30th, 1926, covering recommendations for improvements of the Fire Alarm Service.

September 16th, 1926

Your Committee recommend that the report of the City Electrician be adopted.

Respectfully submitted

H.E. Rains
CHAIRMAN

City Electrician's Office,
Halifax, N.S. Sept. 2nd, 1926

To the Chairman and
Members of Board of Firewards.

Gentlemen:-

I herewith beg to submit the annual report with reference to Fire Alarm Telegraph System for year ending April 30th, 1926.

The Fire Alarm System at the end of April 1926 had 119 Fire Alarm Signal Boxes installed on it with approximately fifty (50) miles of overhead line wire.

All the Fire Alarm circuits were given the annual overhauling and repairs during the summer and fall and the usual inspections and tests were made and defects found, remedied. There were forty-five (45) boxes brought into the workroom for repairs and cleaning.

During the past year there was one complete failure to respond to operation, that of Box 6 caused by the non-interfering cutout not functioning properly. There were also two partial failures of boxes 39 and 214; 39 caused by bad brush contacts and 214 by the carrier pin becoming loose.

Two new Fire Alarm Signal Boxes were added to the system by the City; 614 at the corner of Mumford and Chebucto Roads in June, and No. 87 on Barrington Street near Cranes, Ltd., in the same month. In addition box 412 was purchased and installed by the Public Works Dept. at the Immigration Shed and connected to the system by the City in October.

The City placed an order for fourteen (14) new Fire Alarm Signal Boxes to replace the oldest type of fire Alarm Signal boxes connected to the system

A start was made to multiple No. 6 circuit in the west end which means making it 2 wire similar to the other circuits, which facilitates the locating of a broken circuit and other troubles. It is the intention to complete this work during the season of 1926.

Sept. 16th, 1926

There was one fall of heavy wet snow the weight of which broke down a number of miles of Fire Alarm Wire on circuits 1, 4 and 6.

Also on account of the heavy snow falls during the winter considerable time was denoted to clearing the boxes of snow and ice.

Some tree trimming was done which assisted in keeping the lines clear of grounds in stormy weather.

As pointed out with details in my report of June 8th, 1925, there still are considerable portions of the City where additional boxes are required to more closely cover same.

Also three tower strikers in service are very old and unreliable, details of the conditions and suggested repairs of which were contained also in my report of June 6th, 1925. The repairs suggested should prolong the service of these strikers but as to whether they are necessary to the service of the Fire Department is a question which I feel the Fire Chief is in a better position to give information on than myself; I may say I believe they are of some value to the Water Department Employees however.

I wish to point out that all the Fire Stations with the exception of Grafton Street and Quinpool Road are equipped with punch registers. These punch registers these punch registers give a double service in the way of receiving an alarm and do away with the necessity of having to count the strokes of the gong in order to obtain the number of the box coming in. Should the gong only strike sufficient taps to arouse the firemen they would still have a visible punched record of the box on the register tape. Also these registers in addition give a permanent record of the alarm as received by that station.

I would recommend from the point of improved service that the two stations named above be equipped with these registers; the approximate cost of each including take up reel would be \$290.00

Respectfully submitted

G.H. Durling
CITY ELECTRICIAN

Moved by Alderman Rains seconded by Alderman Shannon that the report of the Committee of Firewards be adopted. Motion passed.

*Auditor
City Electrician*

Sept. 16th, 1926

✓
ARTHUR COOPER-TAX ACCOUNT

Read report of the Finance Committee in reference to the Tax Account of two ratepayers both of the same name viz; Arthur Cooper:-

Committee Room, City Hall,
September 15th, 1926

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day the attached letter of the City Collector in reference to a mix up in the tax accounts of two ratepayers, both of the same name- namely Arthur Cooper was under consideration.

After hearing the explanation from the City Auditor, your Committee recommend that the action of the City Collector be concurred in.

Respectfully submitted

B.A. Weston,
CHAIRMAN.

City Collector's Office
Halifax, N.S. Aug. 9th, 1926

H.F. Glass,
City Auditor
CITY HALL.

DEAR SIR:-

Re Arthur Cooper 17 Dresden Row
59 Longard Road.

There are two men of the same name, one living at each address as indicated.

In June 1925, we sued Arthur Cooper living at 59 Longard Road for taxes from 1919 to 1925, some \$42.66 and interest, and he had paid the amount in instalments.

For some reason only known to himself the ex-Collector in the Spring of 1922, collected from Arthur Cooper, 17 Dresden Row, taxes due by Arthur Cooper, 59 Longard Road, for the years 1914, 1915, 1916, 1917 and 1918, and so applied them. This action left 17 Dresden Row open for 1918, and on the 19th

Sept. 16th, 1926

July , we billed Arthur Cooper of 17 Dresden Row for 1918 with the result that he brought in his receipts whereupon we found the conditions above outlined. The situation, as it appears to me, is as follows:

We sued Arthur Cooper of 59 Longard Road for 1919 to 1925, and he paid, we, therefore, cannot go back and charge him with the taxes paid by 17 Dresden Row, so I would recommend writing it off.

Arthur Cooper of 17 Dresden Row was not assessed from 1914 to 1917 because in 1915 he was ill and boarded with his mother at 76 Coburg Road for three months; in 1916 and 1917 he boarded at 21 Birmingham Street, and in 1918 took the house 17 Bedford Row where he paid his taxes up to 1924, when he became the owner of 114 South Kline Street, where he has lived and paid his taxes up to the Current Year.

We will, therefore, be obliged to refund him the following:

| | |
|-----------|--------------|
| 1914-1915 | \$6.00 |
| 1915-1916 | 6.40 |
| 1916-1917 | 6.52 |
| 1917-1918 | 6.73 |
| 1918-1919 | \$7.91 2.64 |
| | 5.27 |
| | <u>28.29</u> |
| | <u>12.92</u> |
| | <u>15.37</u> |

Twenty Eight and 29/100 Dollars, and apply it to his taxes for the current year at 114 South Kline Street. Will you please have the foregoing entries made?

Yours faithfully,

R. V. Dimock
CITY COLLECTOR

✓
Accepted
Collector

Moved by Alderman Weston, seconded by Alderman Hubley that the report be adopted. Motion passed

ESTATE A.G. KINGDON-CLAIM FOR REFUND

Read report of the Finance Committee in re claim of F.C.Kingdon for a refund of the sum of \$500.00 paid in error on account of the taxes of the late A.G.Kingdon Feb. 18th, 1916, covering reports of the City Solicitor and City Collector:

Sept. 16th, 1926

Committee Room, City Hall,
September 15th, 1926

His Worship the Mayor,
and Members of the City Council.

Gentlemen:-

The Committee on Finance beg to report that at a meeting held this day the claim of Mr. F.C. Kingdon for a refund of the sum of \$500.00 being, the amount of a cheque dated February 18th, 1916 and claimed to have been overpaid on account of taxes of the late A.G.Kingdon. This matter has been under consideration by your Committee for some time. The City Solicitor has submitted an opinion, which is hereto attached, that the City is not liable for the claim.

Your Committee are of the opinion that the Cheque was paid in error and recommend that the Claim be allowed and that the amount of the cheque be refunded and credited to the taxes of the Estate of A.G.Kingdon.

Respectfully submitted

B.A.Weston,
CHAIRMAN.

Halifax, N.S. Aug.12-26

Chairman,
Finance Committee,
CITY.

RE CLAIM OF KINGDON

Sir:-

I have gone through this matter with Mr. Glass and agree with report of the Collector as confirmed by Mr. Glass. Unless the \$500.00 cheque was cashed by Mr. Theakston for Mr. Kingdom, which does not seem at all probable and of which there is no evidence, it seems probable that the amount was overpaid by mistake under the circumstances explained by Mr. Kingdom in his declaration. The improbability of this seems the less, because similar cases were established before the Board of Adjustment of Tax Appeals.

But even assuming that there was so, I am unable to see that the request for repayment can be legally complied with. The law is clear that such

Sept. 16th, 1926

a payment by mistake if made voluntarily as seems to have been the case here, cannot be recovered even where the money paid has reached the treasury of the municipality. In Cyc. Vol. 37, page 1181 the law is stated as follows:

"Taxes paid by mistake cannot be recovered where the mistake is made by the taxpayer himself and is the result of his neglect of some legal duty or where the facts which would have shown the mistake were within his own possession or within his reach"
143 Mech. 582, 30 Oct. 209.

and the cases cited bear out the statement in the text, In the case of Betz v New York City 119 N.Y. App. Div. 9 the Court laid down two cases in which taxes paid by mistake must be considered as voluntary payments and so irrecoverable.

"In the case of payment of tax void on its face as a matter of law, the conclusive legal presumption, that every one knows the law, makes the payment of a voluntary one. In the case of payment of a tax not void on its face, knowledge at the time by the facts dehors which make it void also make the payment a voluntary one"

These cases, it will be observed were ones in which the money had actually reached the treasury of the Municipality and the principle will therefore apply with much greater force where as here, it never did so, but was embezzled by the Collector.

Apart however, from what may be termed the legal merits of the case the claim for repayment is absolutely barred by lapse of time, and in such a case as this, so involved in doubt and of such a remote period, the statute of limitations should undoubtedly be pleaded.

Respectfully submitted

F.H. Bell,
CITY SOLICITOR.

City Collector's Office,
Halifax, N.S. July 2-26

H.F. Glass, Esq.,
City Auditor,
CITY HALL.

Dear Sir:-

RE A.G. KAIZER (KINGDON) DECEASED

Attached are letter and affidavit F.O. Kingdon, and copy of cheque on the Bank of Montreal for \$500. drawn Feb. 18th, 1916, which passed through the cheque specification book on Feb. 25th, 1916.

Sept. 16th, 1926

All records of payments on account of taxes, Water Rates, and Betterment charges in this name have been thoroughly searched, and no credit on or about this date is to be found.

It was suggested to Mr. F.O. Kingdon that his father may have cashed the cheque through the Ex-Collector- he scouts the suggestion, as the evidence of his Cash Book shows there was no necessity for such a proceeding- the entry in the Cash Book under date, February 18th, 1916, being for "City Taxes"

All taxes due by the estate of A.G. Kaizer (or Kingdon) have been paid, and this payment of \$500.00 is not applied in any such payments, There are, however, outstanding taxes on a Lot on South Street for which there is no record of payment either in the City Rolls or in Mr. Kaizer's Cash Book viz;

| | |
|------|--------|
| 1914 | \$8.00 |
| 1915 | 8.52 |

and it was whilst searching for receipts in this connection that this cheque for \$500.00 was found.

The money would appear to have been mis-appropriated by the Ex-Collector.

Yours faithfully,

R. V. Dimock,
CITY COLLECTOR.

Moved by Alderman Weston, seconded by Alderman Hubley that the report of the Finance Committee be adopted, and that the City Solicitor be instructed to draft Legislation to be presented at the next session of the Legislature ratifying the action of the Council in this matter. Motion passed unanimously.

*Auditor ✓
Collector ✓*

✓
SEWERAGE RATES-FREEMAN PROPERTY WINDSOR STREET

Read report of the Finance Committee covering report of the City Collector in reference to the claim for sewerage rates against the property 160-166 Windsor Street formerly owned by W.B. Freeman, Esq.

M Sept. 16th, 1926

Committee Room, City Hall,
September 15th, 1926

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day the attached letters of the City Collector with reference to the Sewerage Rates on property # 160-166 Windsor Street, together with correspondence of representatives of Messrs. Freeman and Clayton was under consideration.

Your Committee recommend that the suggestion of the City Collector be concurred in, and that he be authorized to accept \$371.25 and waive the City's right to collect interest on this account.

Respectfully submitted

B.A. Weston,
CHAIRMAN.

Halifax, N.S. Aug. 31st 1926

The City Collector,
CITY HALL.

Dear Sir:-

RE FREEMAN PROPERTY

On the facts as stated by Mr. Read and yourself, it appears to me most probable that a Court would hold that the City was stopped from enforcing this Claim against either Mr. Freeman or Mr. Clayton.

Assuming Mr. Freeman to have been the owner of the property in 1914 when the Almon Street sewer was laid, the mistake of assessing it to Lady Thompson could have been corrected under Section 647 (3) and if he had continued the owner he would have become liable and could have been compelled to pay notwithstanding the lapse of time. But he has not remained the owner and on the sale in 1916 adjusted the terms of the sale on the faith of the certificate of the Collector that all sewerage charges against the property had been paid. I do not see how consistently, with established legal principles, a Court could permit the City now to say that the certificate was incorrect and compel the payment of a charge against the property after the owner had parted with the property and so lost the means of protesting himself.

Sept. 16th, 1926

As to Mr. Clayton, I see no way in which he could be called upon except for instalments due since he became owner. As to these I have no information

Mr. Read suggests a compromise. I would strongly recommend the acceptance of any reasonable offer.

Yours truly,

E.H. Bell
CITY SOLICITOR.

City Collector's Office,
Halifax, N.S.
Sept. 1st. 1926

The Chairman,
Finance Committee,
CITY HALL.

Sir:-

✓
Re- Property 160-166 WINDSOR STREET

I beg to enclose herewith for favor of your consideration the following letters:-

| | | |
|------|--------|----------------|
| | Letter | John E. Read |
| Copy | " | City Solicitor |
| | " | " " |
| | " | G. McL. Daley. |

I think, in view of the facts as set out in these letters, and chiefly that the City made a mistake in the first place, and also of the uncertainty of the success of a law-suit, the matter should be amicably settled, if possible, and in this connection I would respectfully suggest that the debtors be asked to pay the original cost, viz; \$371.25, and the City waive its right to the accrued interest. I am led to believe that this would be accepted to Messrs. Freeman and Clayton, and I further believe it to be in the interests of the City to settle on that basis.

Yours faithfully,

R.V. Dimock,
CITY COLLECTOR.

*Dimock
Collector*
Moved by Alderman Weston, seconded by Alderman Hubley that the report be adopted. Motion passed.

✓
Sept. 16th, 1926

MOTT STREET-ACCEPTANCE AS A CITY STREET

Read report of the Committee on Works and City Engineer in reference to the acceptance of Mott Street as a City Street:

City Works Office,
Halifax, N.S.
Aug. 27-26

MOTT STREET ACCEPTANCE

His Worship the Mayor and City Council.

Sirs:-

At a meeting of the Works Committee held on the 18th instant, the City Engineer submitted a report in connection with the acceptance of Mott Street. The Committee approved of same, and it was recommended to Council that the said Street be taken over and accepted as an Official Street of the City.

Respectfully submitted,

A. F. Messervey
CLERK OF WORKS.

City Engineer's Office,
Halifax, N.S.
Aug. 28-26

His Worship the Mayor

Sir:-

I beg to report on the attached petition from residents of Mott Street asking that the City take over that street.

Mott Street runs between Preston Street and Oxford Street and has been graded by deposits of material made on it from time to time.

If it were a street with a flat grade, I should be prepared to recommend that it be taken over now, but as it is a street with a hill to it, I think the acceptance should be deferred until next spring as otherwise the City would be liable to make good any damage done to it by fall rains, while our street appropriation available for repairs is approaching the vanishing point.

Respectfully submitted

F. W. W. Doane,
CITY ENGINEER.

Sept. 16th, 1926

Moved by Alderman Russell, seconded by Alderman Shannon that the report be adopted.

Moved in amendment by Alderman Rains seconded by Alderman Daw that the consideration of this matter be deferred until a comprehensive report is submitted by the City Engineer on the taking over of streets:-

The amendment is put and resulted as follows:

FOR AMENDMENT

Alderman Hubley
Rains
O'Toole
Robinson
Smeltzer
Daw -6

AGAINST IT

Alderman Weston
Russell
Shannon
Gastonguay
McCarthy
Drysdale -6

TIE VOTE

His Worship the Mayor gives casting vote against the amendment and declares it lost.

The original motion is put and resulted as follows:

FOR THE MOTION

Aldermen Weston
Russell
Shannon
Gastonguay
McCarthy
Drysdale -6

AGAINST IT

Aldermen Hubley
Rains
O'Toole
Robinson
Smeltzer
Daw -6

His Worship the Mayor gives his casting vote in favor of the motion and declared it passed.

Alderman Daw gives notice of reconsideration.

*City Engineer
Commence*