

SPECIAL MEETING  
EVENING SESSION

8.10 o'clock,  
Council Chamber, City Hall,  
March 31st 1927

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

The meeting was called specially to deal with the estimates of the Water Department for the Civic Year 1927-28; to proceed with business standing over, and the transaction of other business.

✓  
WATER DEPARTMENT ESTIMATES

1927-28

Read report Committee on Works  
and City Engineer covering estimates of the Water  
department for the Civic Year 1927-28;

Halifax, N.S. March 30-27

WATER DEPARTMENT ESTIMATES

1927-28

His Worship the Mayor.

Sir:-

I beg to submit the Water Department

for the civic year 1927-28:

In addition are shown the estimated and the actual receipts and expenditures are far as ascertainable for the current year 1926-27.

The estimates as submitted, without taking into account the item in connection with the Halifax Relief Commission claim which will be discussed later, are within the limits of the amounts approved by the Board of Public Utilities. They show increases above the current years estimates of \$1600.00 in receipts and \$900.00 in expenditures. The estimated credit balance is \$3531.93 as compared with the estimate of \$2875.55 for the current year, which will in all likelihood be exceeded when the books are balanced at the end of April.

A brief summary of the work accomplished by the Water Department in the matter of the collection of rates during the past year may be mentioned here.

In February 1926 the arrears of water rates amounted to approximately \$245,000. In May and November the half yearly bills amounting in the aggregate to about \$230,000 were rendered. At the present date outstanding accounts amount to about \$145,000. A simple calculation will show that the collections were equivalent to the total of the whole years rates with an additional \$100,000. or over 40% of the arrears. These results justify the change in the law which made the Water Department responsible for sending out the bills and their collection.

Two new items appear in the estimates:

1. Ledger Keeper, \$1500.00

Last year this item was recommended for inclusion under the head of "salaries", but the Committee struck it out with the understanding that the money required would be taken from wages or some other account. This matter has been discussed with the City Auditor who agrees that the proper place for the pay of this Official is as set out in the estimates submitted.

2. Interest and sinking fund Halifax Relief Commission claim \$5,445.26.

This item is for the proportion of the interest and sinking fund payable on the bonds proposed to be issued in settlement of the City's indebtedness to the Halifax Relief Commission determined by the Finance Committee as being properly chargeable to the Water Department.

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This matter has only just come to my attention and I can find no record of its having been discussed by the Committee on Works; without further inquiry and information I am not in a position to advise the Committee as to the correctness or fairness of the charge imposed on the department or how it should be met.

The rates as fixed by the Utilities Board were not intended to cover an unforeseen expenditure of this nature. The embodiment of the item in the estimates results in an estimated deficit instead of the anticipated credit balance hereinbefore mentioned.

The exact effect that the new rates will have on the revenues of the department will not be known until the end of April, when the first year's trial of them will be completed, it is expected however that they will be more than estimated and may prove to be sufficient to pay the amount of this item. In the meantime it is suggested that it be allowed to stand as a debit balance, and if the receipts are not sufficient to take care of it an adjustment can be made when they are determined.

The item of expenditure "Interest on Bank Loans \$5700" should be noticed, and in connection therewith attention is drawn to the following remarks made by the Board of Commissioners of Public Utilities. After discussing the question of uncollected rates and Bank Loans and interest rendered necessary thereby it says:-

"Now although the City was called upon to pay the interest above mentioned on account of such loan and although the City Charter empowers the City Council by Resolution to require the payment of interest on overdue water rates and to fix the rate of such interest no action was taken in that regard. As a result the interest charge does not fall, where it properly belongs, on the delinquent water consumer but is defrayed out of the general revenue of the water department.

The Board feels that the attention of the City Council should be drawn to the above facts"

The reason that interest has not been charged on overdue accounts appears to have been due to the fear that if it were done, there would be a tendency to abandon the exercise of the power which the City has of turning off the water for non-payment of rates. This power is a more effective lever for the collection of arrears than the imposition of an interest charge.

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Under the existing law this fear would seem to be groundless and the argument advanced by the Commission gives sufficient reason for the City Council acting under the provisions of the City Charter to pass a by-law requiring the payment of the same rate of interest on overdue accounts as is paid by the City to the Bank on the loan made necessary by the delay in paying the water rates.

Respectfully submitted

H.W. Johnston,  
CITY ENGINEER.

Clerk of Works Office,  
March 30th, 1927

His Worship the Mayor,  
and City Council.

Gentlemen:-

At a meeting of the Works Committee held this day the attached report of the City Engineer and accompanying Schedule of estimated Revenue and Expenditure for the Water Department for the Civic Year 1927-28 were unanimously approved and recommended to Council for adoption, the said estimates showing estimated receipts of \$230,100.00 and estimated Expenditure of \$226,568.07.

Respectfully submitted

A.F. Messervey  
CLERK OF WORKS

By unanimous consent it was decided to take up the Estimates item by item.

REVENUE

Item.....	Meter Rates.....	\$122,000.00
	Passed.	
	Meter Rentals.....	5,200.00
	Passed.....	
	Gov't. Premises.....	24,700.00
	Passed.	
	Bonds.....	7,000.00
	Passed.	
	Fire Protection Rates....	75,000.00
	Passed.	
	Miscellaneous.....	800.00
	Passed.	
		<u>\$234,700.00</u>

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Carried Forward.....	\$234,700.00
Less Estimated Discount.....	<u>4,600.00</u>
Total.....	<u>\$230,100.00</u>

EXPENDITURE

Item.....Wages.....	\$34,500.00
Passed.	
Materials and Supplies.....	6,000.00
Passed.	
General Expense.....	<u>5,000.00</u>
Passed.	
Total.....	<u>\$45,500.00</u>

SALARIES

Item.....Asst. City Engineer.....	\$2,675.15
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His Worship the Mayor stated that he had received an application from the Assistant City Engineer for an increase to his salary.

Moved by Alderman Shannon, seconded by Alderman Gastonguay that the salary of the Assistant City Engineer be increased to \$3,200.00

Motion put and passed, nine voting for the same and eight against it as follows:

FOR THE MOTION

Alderman Shannon  
Tobin  
Sanford  
Gastonguay  
McDuff  
Rains  
Ryan  
O'Toole  
Robinson- 9

AGAINST IT

Alderman Weston  
Halliday  
McCarthy  
Hubley  
Power  
Drysdale  
Smeltzer  
Daw- 8

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Alderman Daw gives notice of Reconsideration.

Item.	Clerk of Works	Passed.	\$1,980.00
	Asst. Clerk of Works (half)	Passed.	765.00
	Superintendent.	Passed.	1,800.00
	Stenographer.	Passed.	1,086.80
	Ledger Keeper	Passed.	1,500.00
	Asst. Engineer.	(part)	1,620.00
	Cashier.	Passed. (part)	600.00
	Entry Clerk.	Passed.	1,330.00
	Sub-Collector.	Passed.	1,140.00
	Plumbing Insp.	(Half)	1,000.00
	Meter Readers 60	Passed, \$1,330.00	7,980.00
	Ledger Keeper ( New)	Passed.	1,500.00

Moved by Alderman Daw, seconded by Alderman Robinson that the item \$1,500.00 for a new Ledger Keeper be struck out.

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

FOR THE MOTION

Aldermen Halliday  
MacDuff  
Robinson  
Smeltzer  
Daw- 6

AGAINST IT

Alderman Weston  
Shannon  
Tobin  
Sanford  
Gastonguay  
McCarthy  
Rains  
Ryan  
O'Toole  
Power  
Drysdale-11

Moved by Alderman Daw, seconded by Alderman Robinson that the two items- Salaries of Ledger Keepers- be reduced by the sum of \$150.00 each to \$1350.00 each.

Motion put and passed nine voting for the same and eight against it as follows:-

FOR THE MOTION

Alderman Halliday  
MacDuff  
McCarthy  
Hubley  
Rains  
Drysdale  
Robinson  
Smeltzer  
Daw- 9

AGAINST IT

Alderman Weston  
Shannon  
Tobin  
Sanford  
Gastonguay  
Ryan  
O'Toole  
Power- 8

Alderman O'Toole gives notice of reconsideration.

ITEM-	Uncollected Bills	Passed.	\$2,250.00
	Interest on Bank Loan	Passed.	5,700.00
	" Funded Debt.	Passed.	103,269.31
	Sinking Fund.	Passed.	19,871.81
	Depreciation and replacement	Passed.	25,000.00
	Total.		<u>\$226,568.07</u>
	Add Increase to Asst. City Eng. Salary		524.85
			<u>\$227,092.92</u>
	<u>Deduct</u> -Decrease-Two Ledger Keepers \$150. ea.		<u>300.00</u>
	Total		<u>\$226,792.92</u>

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Estimated Credit Balance.

\$3,307.08

Moved by Alderman Smeltzer, seconded by Alderman Robinson that the Estimates of the Water Department for the year 1927-28, as amended be adopted as a whole, subject to the notice of re-consideration given by Alderman O'Toole and Aldermen Daw. Motion passed.

The estimates of the Water Department for 1927-28 as finally adopted will be found following this minute.

✓  
POLICE OFFICER HORNE

Alderman Ryan asked permission to submit verbally a minority report dissenting from the finding of a majority of the Police Committee in the matter of the Charges against Police Officer Horne, and appeals to the Council to reverse or vary such determination of the Committee.

His Worship the Mayor calls upon the Deputy Mayor to take the Chair while he reads from the floor of the Council the report of the Police Committee on the charges against Police Officer Horne, and also addressed the Council asking that the Action of the Committee in dismissing Police Officer Horne be sustained.

Police Committee, Halifax, N.S.  
March 21st 1927

His Worship the Mayor  
and Members of City Council

Gentlemen: The Committee having investigated a complaint against Police Officer A. Horne, to wit:

"You are hereby charged for that on Wednesday the 23rd day of February A.D. 1927, while on duty as a Police Constable at night you saw the following occurrence and did nothing, viz:

A woman evidently drunk or unconscious was carried out of a restaurant with her feet dragging over the ground by two men to a cab, and put in the cab and with her feet dangling outside of the cab and the cab driver



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made unsuccessful attempts to close the door and failed to do so until one of the men accompanying this woman, reached down and pulled her legs back into the car"

By majority vote the Committee (Mayor and Alderman Daw) it was resolved that complaint was proved, and that this Officer should be dismissed from the force.

Alderman Ryan dissenting.

Respectfully submitted

J.B. Kenny  
MAYOR AND CHAIRMAN

Moved by Alderman Ryan, seconded by Alderman O'Toole that this Council reverse the decision of the Police Committee in the case of Police Officer Horne, and that he be not dismissed from the Police Force.

Moved in amendment by Alderman Daw, seconded by Alderman Hubley that the consideration of this matter be deferred until the regular meeting of this Council to be held in April.

Amendment put and lost three voting for the same and fourteen against it as follows:

FOR AMENDMENT

Alderman Shannon  
Hubley  
Daw.

AGAINST IT

Alderman Weston      McCarthy  
Tobin                      Rains  
Sanford                  Ryan  
Halliday                O'Toole  
Gastonguay              Power  
MacDuff                  Drysdale  
                                Robinson  
                                Smeltzer-14

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The Original motion is put and passed fourteen voting for the same and two against it as follows:

FOR MOTION

Alderman Weston  
Shannon  
Tobin  
Sanford  
Halliday  
Gastonguay  
MacDuff  
McCarthy  
Rains  
Ryan  
O'Toole  
Power  
Drysdale  
Robinson  
Smeltzer- 15

AGAINST IT

Alderman Hubley  
Daw

-775-

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*Change of Police*

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✓  
✓  
**EXPLOSION-HALIFAX RELIEF COMMISSION CLAIM**  
**- LOAN FOR SETTLEMENT -**

Read report Finance Committee re  
Loan for settlement of the Claim of the Halifax  
Relief Commission:

Committee Room,  
City Hall,  
March 30th, 1927

His Worship the Mayor ,  
and City Council

Gentlemen:-

Your Committee on Finance beg to report that at a meeting of the Committee held this day the matter of issuing a loan to pay the indebtedness of the City of Halifax to the Halifax Relief Commission as authorized by Chap. 61 of the Acts of N.S. 1927, entitled "An Act in Relation to the Indebtedness of the City of Halifax to the Halifax Relief Commission" was under consideration.

Your Committee after carefully considering this matter recommend that the report of the Finance Committee dated January 12th, 1927 and read at a meeting of the City Council held on January 13th, 1927, action on which was then deferred, be now adopted, and that stock certificates for \$685,200.00 being the amount required to liquidate the claim of the Halifax Relief Commission, bearing interest at the rate of 5% per annum, and running for a period of thirty five years from 1st December 1926 be issued and handed over to the Commission in payment and discharge of its <sup>claim</sup> and that the securities now held by the Commission for \$565,000 as collateral when returned be cancelled and mutual discharges be executed.

Your Committee further recommend that the following Resolution dealing with this matter be adopted:

Respectfully submitted

B.A. Weston,  
CHAIRMAN

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

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The following Resolution is submitted:

WHEREAS by Chapter 61 of the Acts passed at the Session of the Legislature of Nova Scotia held in the present year, it was provided that the City of Halifax might borrow the sum of \$687,200.00 and apply the same in discharge of the indebtedness of the City to the Halifax Relief Commission, and that the sum so borrowed should be in addition to the amount authorized to be borrowed by the Halifax City Consolidated Fund Act 1905, and that the stock or Debentures issued in respect of the moneys so borrowed should bear date of the 1st day of December 1926, with interest at a rate not exceeding five per cent per annum from that date, and that the said stock certificates or Debentures when issued, might be sold for the best price available and the moneys derived therefrom paid to the said Commission in discharge of the said indebtedness, or with the consent of the said Commission might be given to the Commission in exchange for Stock Certificate of the said City held by it, and in discharge of the indebtedness of the City to the said Commission.

AND WHEREAS the City is desirous of making the said loan and of giving the Stock Certificates issued under the authority thereof to the said Commission in exchange for the Stock Certificate of the City now held by it, and in discharge of the indebtedness of the City to the said Commission.

AND WHEREAS the said Commission has given its consent to the said exchange and discharge of indebtedness.

THEREFORE RESOLVED that for the purpose of 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 \$685,200.00 and that stock to that amount shall be issued therefor, dated the first day of December, 1926, with interest from that date at the rate of five per cent. per annum payable half yearly on the first days of December and June in each year. Such stock to be payable on the first day of December 1961 and to be in the form set out in the Halifax City Consolidated Fund Act 1905, and to be sealed with the corporate seal of the City and signed by the Mayor and Treasurer and countersigned by the Clerk of the City and to be payable both as to principal and interest at the office of the City Treasurer at Halifax.

FURTHER RESOLVED that when such stock has been issued the same shall be handed to the Halifax Relief Commission in exchange for the Stock Certificate of the City now held by it, and in discharge of the liability of the City to that Commission, and that the said Stock certificate now held by the Commission when returned to the City shall be cancelled and mutual discharges executed.

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

*✓ Auditor  
✓ Treasurer  
✓ Mr. Justice  
✓ Ryan  
✓ W & J Silko*

Aldermen Weston, Shannon, Tobin, Sanford, Halliday, Gastonguay, MacDuff, McCarthy, Hubley, Rains, Ryan, O'Toole, Power, Drysdale, Robinson, Smeltzer and Daw.

POLICE UNIFORM CLOTHING

Read report of the Police Committee re Tenders for Police Uniform Clothing:

Police Committee,  
Halifax, N.S. March 21-27

His Worship the Mayor,  
and City Council.

Gentlemen:-

At a meeting of the Police Committee held this day, TENDERS for the supplying of Police Uniform Suits, from the following were considered.

CLAYTON & SONS

No. 12041 -	Tunic & Trousers	\$21.62	
	Extra Trousers	<u>6.88</u>	\$28.50
No. 12534 -	Tunic & Trousers	29.22	
	Extra Trousers	9.98	39.20

Scotia Tailors

Sample # 1.-	Tunic Vest Trousers	30.30	
	Extra Trousers		39.35
Sample # 2-	Tunic vest Trousers	32.30	
	Extra Trousers		41.10
Sample # 3-	Tunic vest Trousers	32.10	
	Extra Trousers		42.05

Chas B. Lowe.  
Sample # 1-

Tunic & Trousers	42.00	
Extra Trousers	<u>13.00</u>	<u>55.00</u>

Your Committee recommend that the tender of Clayton & Sons at \$28.50 for 65 more or less

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uniform suits with two paid trousers, being the lowest tender be accepted.

Respectfully submitted

J.B. Kenny  
MAYOR AND CHAIRMAN

*Clayton & Sons*

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

POLICE UNIFORM CAPS

Read report Police Committee re

Tenders for Police Uniform Caps:

Police Committee,  
Halifax, N.S.  
March 21st 1927

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the Police Committee held this day, TENDERS FOR the supplying of Police Uniform Caps, from the following were considered.

Frank Colwell

Sample No. 1	3.40 each
3	3.50 "

Clayton & Sons

Sample No. 1 Per Dozen.	30.00
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Your Committee recommend that the tender of Clayton & Sons at \$30.00 per dozen for 65 more or less Uniform Caps, being the lowest tender be accepted.

Respectfully submitted

J.B. Kenny  
MAYOR AND CHAIRMAN

*Clayton & Sons*

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

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BOY SCOUTS PARADE

Read letter Mr. G. Ross Marshall,  
asking on behalf of the Boy Scouts Association  
permission to hold their Annual Motor Show at the  
Armories and a Street Parade on the opening day  
April 2nd.:-

Halifax, N.S. March 26-27

Mayor J.B. Kenny,  
City Hall,  
Halifax, N.S.

Dear Sir:-

The Boy Scout Association of Nova  
Scotia would like to get permission from you and  
your Council to hold their Annual Motor Show in  
the Halifax Armouries April 2nd to April 9th. We  
would also like to have permission to hold a street  
Parade on the opening day, April 2nd, next Saturday,  
Parade starting about 2.30 p.m., and composed of  
Scouts, Guides, Fire Department, Mounted Police and  
Civic Officials.

Enclosed you will find copy of letters  
that I have written to the Chief of the Fire Department  
and the Chief of Police.

Every dollar of the revenue goes to  
support the Headquarters of the Boy Scout Association,  
and I trust you and your Council will not only grant  
this permission, but also seize this opportunity  
to boost the Boy Scout Association.

Thanking you, I remain,

Sincerely Yours,

G. Ross Marshall.

Moved by Alderman Power, seconded by  
Alderman Tobin that the request be granted. Motion  
passed.

*G. Ross Marshall*

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HALIFAX HARBOUR COMMISSION

Read letter Hon. J.L. Ralston  
Minister of National Defence in re Bill introduced  
in the Federal Parliament in reference to the appoint-  
ment of a Harbour Commission for the Port of Halifax:

Ottawa, March 26th, 1927

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

Dear Mayor Kenny:

Last night, the Bills respecting  
the Saint John Harbor Commission and the Halifax  
Harbour Commission were given first reading. I enclose  
herewith copies of both bills for the information of  
yourself and the City Council. I will ask Honorable  
Mr. Cardin not to give the Bills second reading until  
I have had an opportunity of hearing from you.

The Bills, as the Minister in-  
timated last night, are simply "enabling" Bills, in  
the standard form, practically similar to those adopted  
for Vancouver, Montreal and Quebec. The Halifax Bill  
is, I think, almost word for word with the Bill res-  
pecting Saint John, except as to the property involved.

Mr. Saunders, the Secretary of  
the Board of Trade, is here, but as I intimated to him  
I desire that the Bill itself be put before the City  
Authorities at the earliest possible moment. The  
end of the Session is in prospect, and I would therefore  
like it if you would be good enough to let me have any  
representations or suggestions promptly.

I am addressing a similar letter  
to the President of the Board of Trade, Halifax

Yours very truly,  
J.L. Ralston,

Moved by Alderman Power, seconded  
by Alderman Rains that this Council approve of the  
principle of the Bill entitled "An Act Respecting the  
Halifax Harbour Commission" now before the Parliament  
of Canada, and that His Worship the Mayor be requested

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to communicate this decision to the Minister of National Defence with the intimation that the Committee on Works will co-operate with the Committee of the Board of Trade now appointed to arrange for any details in the interest of the Port of Halifax; that the same will be communicated to the Honourable Minister at the earliest possible date, and while the Bill is progressing through Parliament. Motion passed.

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**CITY COLLECTORS DEPARTMENT**  
**APPOINTMENT OF TEMPORARY SUB-COLLECTORS**

Read report of the Finance Committee  
re the appointment of two Temporary Sub-Collectors  
in the City Collector's Department:

Committee Room, City Hall,  
March 9th, 1927

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day, the attached correspondence of the City Collector in reference to the appointment of appointment of two additional sub-collectors at a salary of \$95.00 per month was under consideration.

Your Committee after careful consideration of this matter adhere to their former recommendation contained in their report of December 15th, that Mr. Harris J. Norris and Jas. R. Clancey be appointed the two additional sub-Collectors, they being recommended by the City Collector.

A list of the applicants for this position is attached hereto.

Respectfully submitted

B.A. Weston,  
CHAIRMAN



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Deferred to be taken up with the  
Annual Appointment of Officials.

CITY OF HALIFAX VS ROBINSON

Read letter City Solicitor  
covering Judgment of Mr. Justice Carroll, in the suit  
of the City of Halifax vs Robinson:

Halifax, N.S. Feb. 24th 1927

His Worship the Mayor  
Halifax, N.S.

Dear Sir:-

Halifax v Robinson

I hand you herewith the Judgment  
of Mr. Justice Carroll in the above case, being the  
Judgment of a single Judge it will not appear in the  
regular reports, and therefore not available unless  
printed in the Minutes.

Respectfully submitted

H.F. Bell,  
CITY SOLICITOR.

IN THE SUPREME COURT

City of Halifax

vs

Thomas Robinson

Carroll J S- This action is against the  
Defendant for the sum claimed to be due by him to  
the City for his proportion of the cost of paving  
Almon Street on which the Defendant resides and owns  
property.

The requirements of the  
Statute, Section 606 of the City Charter, previous to  
actual work of pavement, have, I take it, been  
satisfactorily complied with.

that: Section 607 of the Charter enacts

607 (1) Upon the completion of the Work of paving the Engineer shall make a plan of the street, or portion of a street, so paved, showing the frontage thereon of each property, and the name of the owner of each property. He shall also make a list of the owners of such properties, with the frontages of each property and the amount due in respect of each property, and shall file such plan and list in his office.

(2) Upon such plan and list being completed and filed, the same shall in any action or proceeding be conclusive evidence of the liability of every person named therein, in respect to each property of which he is stated to be the owner, for the amount stated in respect of each such property.

(3) Any such plan or list may be amended from time to time by the Engineer, and any such amendment shall in like manner be conclusive evidence of the facts stated therein.

The defence is that notwithstanding the conclusive nature of the plan and list filed by the Engineer, the amount of Almon Street paving as shown in the list is made up in part of items not properly chargeable to paving and it is alleged "that certain "frauds and substantial error have been committed in "the proceedings that the City, its officers and agents "failed and neglected to perform or cause the work to "be done in a careful, intelligent, proper and "economical manner and have fraudulently included "charges and expenses therein which are not lawfully "or justly chargeable on account of said work or "against the property liable to assessment therefrom"

Under this plea I allowed the defence to put in evidence as to the items which make up the charges in the list as it appertains to property owners; and as regards the cost of certain works in connection with the pavement and concerning the inclusion of certain items of overhead expense, and the payment of extras to the paving company, but from such evidence I am unable to find any fraud on the part of the City, its officials, workmen or agents. I find no dishonesty, fraud, or sinister motives in ascertaining the cost of pavement or in making the list; and I do not think that I should infer fraud because of the high cost of some particular item or the inclusion of some item in the overhead expense, which perhaps should not be strictly included in making up the total cost of pavement.

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I do not think that the Court can act in the capacity of an appeal tribunal from the findings of the Engineer as entered in the plan and lists filed. Unlike the usual assessments findings there is no appeal from the findings of the Inspector. The initial statutory requirements giving him jurisdiction to proceed have been complied with and after the roll or list has been finally revised there is no authority or tribunal by which the sum that ought to have been assessed can be inquired into. In the event that mistakes, such as alleged, are made, the provisions of s s 3 of Section 607 seem to give the engineer the power of amendment and correction, and I have no doubt if serious mistakes were made in calculating the amounts due by property-holders, that the Engineer would readily correct the same under the power vested in him by said sub-section. There is no evidence that the defendant or any other person interested sought to have the list amended under that section and therefore I think in the absence of fraud that no relief can be granted in an action of this kind; and apart altogether from the provisions of that sub-section if there was fraud proved I think I would have no power to apportion or deal in any way with the costs of the pavement.

The course I think would be to quash the list or assessment and I offer no opinion whether that can be done collaterally in such an action as this or whether the proper proceedings would be by direct attack.

It was suggested on the argument that a strict construction of the sections of the Charter regarding pavements might lead to serious consequences. I think I must, however, construe them according to their plain sense regardless of consequences, the Legislature no doubt having assumed that the City authorities would act in a fair, just and reasonable manner when acting under the power conferred by the Act.

There will be judgment for the amount claimed with costs.

Halifax, Feb. 8-1927

FILED.

✓  
WATER METER BILL 5½ DRESDEN ROW

Read report Committee on Works and  
City Engineer re Water Meter Bill 5½ Dresden Row:

March 31st 1927

City Engineer's Office,  
Halifax, N.S.  
March 29th, 1927

5½ Dresden Row-Water Bill

His Worship the Mayor.

Sir:-

I beg to report on the complaint of excessive water consumption at the premises # 5½ Dresden Row, that the monthly consumption at these premises has been as follows:-

1926	Oct.	18-	3,200
	Nov.	18-	2,600
	Dec.	17-	2,800
1927	Jan.	18-	3,800
	Feb.	16-	3,700
	Mar.	17-	42,500 (N) 23-3-27

It will be seen that there was a regular consumption at these premises except in March. The large consumption in this month was due to a closet and pipe bursting. Before the notice was sent the owner had had the same repaired. Under the circumstances I would recommend that the consumption for March be reduced to 3,800 gallons, the highest consumption for any month in the half yearly period, and that the bill be made up accordingly.

Respectfully submitted

H.W. Johnston,

CITY ENGINEER.

City Works Office,  
Halifax, N.S. March 30-27

His Worship the Mayor  
and City Council.

Gentlemen:-

At a meeting of the Works Committee held this day the attached report of the City Engineer recommending that the Water Consumption for premises No. 5½ Dresden Row for month ending March 17th, 1927 be reduced from 42,500 gallons to 3,800 gallons was approved and recommended to Council for adoption.

Respectfully submitted

A.F. Messervey,

CLERK OF WORKS

March 31st 1927

*Auditor  
Collector  
Clerk of Works*

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

11.15 o'clock p.m.

Moved by Alderman Power, seconded  
by Alderman Sanford that this meeting do now adjourn.  
Motion passed

✓  
March 31st 1927

**HALIFAX WATER WORKS  
ESTIMATES 1927- 1928**

REVENUE

ITEM	ESTIMATED FOR 1926-27	ACTUAL 1926-27	ESTIMATED FOR 1927-28
Meter Rates		\$120,404.53	\$122,000.00
Meter Rentals		5,000.00	5,200.00
Gov't .Premises		24,957.47	24,700.00
Bonds		7,229.50	7,000.00
Fire Protection rates		74,524.86	75,000.00
Miscellaneous		900.00	800.00
		<u>\$233,016.36</u>	<u>\$234,700.00</u>
<u>Less Est. Discount</u>		<u>4,600.00</u>	<u>4,600.00</u>
<b>Totals</b>		<b>\$228,416.36</b>	<b>\$230,100.00</b>

EXPENDITURE

Wages	34,305.59	34,500.00
Materials and Supplies	5,764.85	6,000.00
General Expense	5,392.93	5,000.00
	<u>\$45,463.37</u>	<u>\$45,500.00</u>

SALARIES

Asst. City Engineer	2,675.15	3,200.00
Clerk of Works	1,980.00	1,980.00
Asst. Clerk (Half)	765.00	765.00
Supt.	1,800.00	1,800.00
Stenographer	1,086.80	1,086.80
Ledger Keeper	1,500.00	1,350.00
Cashier ( Part)	600.00	600.00
Asst. Eng. (Part)	1,620.00	1,620.00
Entry Clerk	1,330.00	1,330.00
Sub-Collector	1,140.00	1,140.00
Plumbing Insp. (Half)	1,000.00	1,000.00
Meter Readers 6@ \$1330.	7,980.00	7,980.00
Ledger Keeper (New)		1,350.00
	<u>\$23,476.95</u>	<u>\$25,201.90</u>

Uncollectible Bills

	<u>\$2,250.00</u>	<u>\$2,250.00</u>
		<u>\$ 2,250.00</u>

Interest on Bank Loan	5,640.53	5,700.00
Interest on Funded Debt.	103,615.26	103,269.31
Sinking Fund.	19,782.24	19,781.81
Depreciation and replacement.	15,432.95	25,000.00
	<u>\$144,470.98</u>	<u>\$153,841.12</u>

**Totals**

	<b>\$215,661.30</b>	<b>\$226,792.92</b>
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**Estimated Credit Balance**

**\$3,307.08**

Halifax Relief Commission Claim  
allocated to Water Maintenance  
(See Accompanying report)

Interest  
Sinking Fund

\$4,282.39  
1,162.87

\$5,445.26.

March 31st 1927

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Meeting adjourned

  
H.S. Rhind  
CITY CLERK

J.B. Kenny,

Mayor

