

July 12th, 1928

Resolution of the City Council of the City of Sherbrook, Quebec, conveying the thanks of the Council to the Mayor and Council of the City of Halifax for courtesy extended members at the Convention of the Union of the Municipalities of the Province of Quebec at Halifax.

FILED.

✓
PUBLIC HOLIDAYS

Circular letter Acting City Clerk of the City of London Ontario covering a resolution in reference to the holding of statutory holidays on Monday.

Referred to the Committee on Laws and Privileges

*see Mr. Duff
Clerk*

✓
EARLY CLOSING OF BARBER SHOPS

Alderman Dickie brought to the attention of the Chair the fact that a delegation was present from the Barbers Union in the interests of the proposed Ordinance relative to the early closing of Barber Shops, and asked that the order of business be suspended and item No. 48 on the Agenda viz; - 3rd reading of Ordinance relative to the Early Closing of Barber Shops, be now taken up.

By unanimous consent of the Council this matter is now taken up for consideration.

Moved by Alderman Dickie, seconded by Alderman Redden that the Ordinance relative to the Early Closing of Barber Shops read the first and second time at a meeting of the City Council held on June 19th, be now read a third time. Motion

July 12th, 1928

Passed twelve voting for the same and four against it as follows:

FOR THE MOTION

Aldermen Dickie
Redden
Smith
Donovan
Cragg
McDuff
McCarthy
Rains
Ryan
Corbin
O'Toole
Mullane -12.

AGAINST IT

Aldermen Shannon
Mitchell
Drysdale
Robinson

-4-

Read Ordinance relating to the Early Closing of Barber Shops. Third reading.

An Ordinance in relation to the Closing of Barber Shops in the City of Halifax:

Be it enacted by the Mayor and Council of the City of Halifax under the authority of Chapter 43 of the Acts of the Province of Nova Scotia for the year 1902, and the Acts in amendment thereof as follows:

1. Ordinance No. 63 of the said City entitled "Early Closing of Shops, Barber Shops" is hereby repealed and the following ordinance substituted therefor;
2. "Barber Shops shall open in said City of Halifax not earlier than eight o'clock in the morning and shall close at seven o'clock in the afternoon on each day with the following exceptions, viz;
 - (a) They shall be permitted to remain open until ten o'clock in the evening on Saturdays and on any day preceding a public holiday.
 - (b) They shall close at 12.30 o'clock in the afternoon on all Wednesdays from May 1st to November 1st in each year except in any week in which a public holiday occurs, in which case there shall be no half holiday on Wednesday.
 - (c) Where the holiday occurs on a Monday, they shall be permitted to remain open in the fore noon up to 12 o'clock at noon on that day"
3. The time mentioned in this Ordinance shall be either Atlantic Standard Time or Daylight Saving Time, whichever is in force at the time by virtue of any resolution of the Council of the City of Halifax then in force.

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Moved by Alderman Dickie, seconded by Alderman Redden that the said Ordinance having been duly read a third time in Council be now adopted and engrossed and forwarded to the Governor-in-Council for approval. Motion passed.

✓
Hon & Mr
Rhodes? C

✓
LETTER INTERNATIONAL HOD CARRIERS UNION

Read letter International Hod Carriers Union Local 605 re the employment of non-union workmen in the City.

Referred to the Committee on Works.

✓
Engineer
City of Works

✓
STRAY DOGS

Read letter Secretary S.P.C., relating to the collection of stray dogs in the City.

Referred to the Police Committee.

Mayor

✓
TAG DAY-TRINITY CHURCH

Read application of Trinity Church for permission to hold tag day on Saturday August 18th.

Moved by Alderman Drysdale, seconded by Alderman Rains that the request be granted.

Motion passed

Miss
M & Waller

✓
TAG DAY-SEA VIEW BAPTIST CHURCH

Read application of the Seaview Baptist Church for permission to hold a Tag Day on Saturday July 14th:

Moved by Alderman McDuff, seconded by Alderman Rains that the request be granted. Motion passed.

J. Keeling

✓
TAG DAY-TRADES AND LABOR COUNCIL

Read application of the Halifax District Trades and Labor Council for permission to hold a Tag Day on September 3rd, 1928 (Labor Day):-

Moved by Alderman Rains, seconded by Alderman Drysdale, that the request be granted. Motion passed.

*S J Halifax
Secretary*

✓
WORKS DEPARTMENT ACCOUNTS

Read report of the Committee on Works recommending for payment accounts amounting to \$11,248.92:-

City Works Office,
Halifax, N.S.,
July 11th, 1928

WATER AND WORKS DEPT. ACCTS.

To the City Council.

Gentlemen:-

The Committee on Works recommend for payment accounts attached hereto chargeable to the following services:-

Water Department:

Capital	\$117.81	
Maintenance	<u>559.85</u>	\$677.66

Works Department

Capital	\$681.80	
Appropriations	<u>9873.40</u>	10,555.20
		<u>\$11,232.85</u>

1927-28

Works Department
Appropriations

\$6.06	16.06
	<u>\$ 11,248.92</u>

Respectfully submitted,
M.A. Hunter
CLERK OF WORKS

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

July 12th, 1928

TUBERCULOSIS HOSPITAL
Amount \$2,748.50

GENERAL ACCOUNTS

Read report of the Finance Committee recommending for payment accounts amounting to \$7,166.23:

Committee Room, City Hall,
July 10th, 1928

His Worship the Mayor,
and City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day, the attached list of accounts chargeable to the various appropriations amounting to \$5,528.49 and to Capital Account \$1,637.74 was passed as correct and recommended to the City Council for payment.

Respectfully submitted

S. L. Shannon
CHAIRMAN

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

Motion passed.

CITY HOME AND T. B. HOSPITAL ACCOUNTS

Read report of the Charities Committee recommending for payment accounts chargeable to the City Home \$8,575.18 and to the T.B. Hospital account for 1928 \$2,748.50, and account for 1927-28 \$601.62:

Halifax, N.S. July 11th, 1928

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 Drysdale and Dickie.

CITY HOME ACCOUNTS June 1928 Amount \$8,575.18
City Home Accounts for the month of June 1928 amounting to \$8,575.18 are recommended for payment

July 12th, 1928

TUBERCULOSIS HOSPITAL ACCOUNTS JUNE 1928
Amount \$2,748.50

Tuberculosis Hospital Accounts for the month of June 1928 amounting to \$2,749.50 are recommended for payment.

TUBERCULOSIS HOSPITAL ACCOUNTS, YEAR 1927 AND 1928
AMOUNT \$601.62

Tuberculosis Hospital accounts chargeable to 1927 and 1928 amounting to \$601.62 are recommended for payment.

Respectfully submitted
James W. McCarthy
CHAIRMAN

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

FIRE DEPARTMENT ACCOUNTS

Read report of the Committee of Firewards recommending for payment accounts amounting to \$11,966.73:

Committee Room,
City Hall,
July 11th, 1928

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Committee of Firewards held this day the attached list of accounts chargeable to Fire Department - 1928-29 account \$11,442.06, 1927-28 account \$6.00 and to Fire Alarm System \$518.67, were passed as correct and recommended to the City Council for payment.

Respectfully submitted
Thos. Robinson
CHAIRMAN

Moved by Alderman Robinson, seconded by Alderman O'Toole 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 \$9,946.35:

Halifax, N.S. July 12th, 1928

His Worship the Mayor,
and Members, City Council.

Gentlemen:-

At a meeting of the City Health Board held on Wednesday, July 11th, 1928, the following named accounts amounting to \$9,946.35 were passed as correct and are recommended for payment.

Respectfully submitted,

Arthur C. Pettipas,
SECRETARY

Moved by Alderman Smith, seconded by Alderman Corbin 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 \$8,331.66:

City Hall, Halifax, N.S.
June 29th, 1928

His Worship the Mayor,
and City Council.

Gentlemen:-

At a meeting of the Police Committee held this date, the attached accounts amounting to \$8,331.66 were passed as correct and recommended for payment.

Respectfully submitted
L.A. Gastonguay
MAYOR AND CHAIRMAN

Moved by Alderman O'Toole, seconded by Alderman Robertson 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 \$1,201.66 and covering the annual report of the Governor for the Civic Year 1927-28:

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 \$1,200.00 was passed as correct and recommended to the City Council for payment.

The following accounts were presented for the month ending 31st March 1922 and were recommended as correct and recommended to the City Council for payment.

The following accounts were presented for the month ending 31st March 1922 and were recommended as correct and recommended to the City Council for payment.

Respectfully submitted,
W. J. [Name]
[Signature]

Moved by Alderman [Name]

seconded by Alderman [Name] that the report be adopted.
Motion passed.

GREENS PARKS AND COMMONS ACCOUNTS

Read report of the Committee on Greens Parks and Commons recommending for payment accounts chargeable to Public Gardens \$1,571.27 and to Tennis Park \$572.32.

Submitted by [Name]
[Signature]

His Worship the Mayor,
and Members of City Council.

Gentlemen.

At a meeting of the Committee on Greens Parks and Commons held this day, the attached list of accounts chargeable to Public Gardens \$1,571.27 and to Tennis Park \$572.32 was passed as correct and recommended to the City Council for payment.

Respectfully submitted,
W. J. [Name]
[Signature]

Moved by Alderman [Name], seconded by

Alderman [Name] that the report be adopted and accounts paid. Motion passed.

APPOINTMENT TRUSTEES FIREMENS' SUPERANNUATION FUND

Moved by Alderman Ryan, seconded by Alderman Robertson that Alderman Cragg be appointed a Trustee of the Firemens' Superannuation Fund to fill the vacancy caused by the retirement of ex-Alderman Weston. Motion passed.

✓
also Cragg
auditor
Treasurer

PROVINCIAL EXHIBITION RE-CONSTRUCTION

Read report of the Finance Committee recommending payment of the sum of \$1,149.59, being the City's share of the cost of grading and opening the drain at the track at the Exhibition grounds:

Committee Room, City Hall,
July 10th, 1928.

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day the Auditor submitted account for draining and grading at the Exhibition Grounds.

Your Committee recommend that the City Auditor be authorized to pay to the Commission the sum of \$1,149.59, being the City's share of the costs of this work.

Respectfully submitted,
S. L. Shannon
CHAIRMAN

City Auditor's Office,
Halifax, N.S.
July 6th, 1928

The Chairman
and Members
Finance Committee.

Dear Sirs:-

I attach two certificates for expenditures on Capital Account on the Exhibition Buildings. The first certificate amounts to \$1,776.15 made up of the following items:

Pay Roll opening drain at track	\$23.75
First pay roll Grading	776.90
Second Pay Roll Grading	975.50

The second certificate represents the amount required for pay roll in connection with the track fence and amounts to \$523.04.

July 12th, 1928

City Auditor

These certificates are signed by the Foreman in charge of the work, the Secretary-Treasurer of the Exhibition Commission, and I have verified the amounts by reference to the time book.

The City's share of the first certificate is \$388.07, and of the second \$261.52, making a total of \$1,149.59, and I shall be glad if you will approve of the paying of this sum.

Yours truly,

A.M. Butler,
CITY AUDITOR.

Exhibition Buildings, recommended to Messrs. Arthur and Conn of their contract.

Your Committee recommended the City's share of \$1,149.59

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

*Auditor
Treasurer*

PROVINCIAL EXHIBITION RE-CONSTRUCTION
PROGRESS PAYMENT

Read report of the Finance Committee recommending the payment of \$1,500.00 to the Exhibition Commission being one-half of the cost of installing and being the electric wiring/fittings, and \$187.59/one-half of the cost of erecting the fence bordering the track at the Exhibition grounds:

*Auditor
Treasurer*

City Auditor's Office,
Halifax, N.S.,
July 6-28

The Chairman,
Finance Committee,
City Hall.

Dear Sir:-

I attach certificate from Andrew R. Cobb, Architect, calling for a payment of \$3,000.00 to the Provincial Exhibition Commission on account of Arthur and Conn's contract. The City's share of this account is \$1,500.00, and I shall be glad if you will approve payment.

I also attach an invoice from the Piercy Supply Co., Ltd., for materials supplied to erect the fence bordering the track which amounts to \$375.18, the City's part being \$187.59. Would you please approve this invoice for payment.

Yours truly,

Sgd. A.M. Butler,
CITY AUDITOR

At a meeting held this day, the City Auditor

certificate of Andrew R. Cobb
payment of \$2,900.31 to the
Company.

Committee Room,
City Hall,
July 10th, 1928

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day the City Auditor submitted the attached certificate from Andrew R. Cobb, Architect of the new Exhibition Buildings, recommending a progress payment to Messrs. Arthur and Connof \$3,000 on account of their contract.

Your Committee recommend that the City Auditor be authorized to pay to the Exhibition Commission the City's share of this amount which is \$1,500.00

Your Committee also recommend that the City Auditor be authorized to pay to the Exhibition Commission the sum of \$187.59 being the City's share of the cost of erecting fence bordering the track at the Exhibition grounds.

Respectfully submitted
S.L. Shannon
CHAIRMAN

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

✓
Auditor
Treasurer

✓
PROVINCIAL EXHIBITION RE-CONSTRUCTION
FINAL PAYMENT TO CONTRACTORS

Read report of the Finance Committee recommending the payment of \$1,450.15 to the Exhibition Commission being one-half of the final payment to the McDonald Construction Company on account of their contract for constructing buildings at the Exhibition grounds:

✓
Auditor
Treasurer

Committee Room,
City Hall,
July 10th, 1928

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day, the City Auditor submitted the attached

July 12th, 1928

certificate of Andrew R. Cobb, recommending the final payment of \$2,900.31 to the McDonald Construction Company.

Your Committee recommend that the City Auditor be authorized to pay to the Exhibition Commission the sum of \$1,450.15 being one-half of the amount of the certificate submitted.

Respectfully submitted
S.L. Shannon
CHAIRMAN

City Auditor's Office,
Halifax, N.S.,
July 6th, 1928

The Chairman,
Finance Committee
City Hall.

Dear Sir:

I attach certificate from Andrew R. Cobb, Architect, calling for a final payment to the McDonald Construction Company Limited for \$2,900.31. This payment represents the balance due them on their contract including all extras furnished in connection with the Exhibition Buildings.

The City's share of this certificate is \$1,450.15, and I shall be glad if you will approve the account for payment.

Yours truly,

A.M. Butler
CITY AUDITOR

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

NOVA SCOTIA HOSPITAL ACCOUNT FOR
MAINTENANCE CLARA HAWKESWELL

Read report of the Finance Committee re account of the N.S. Hospital for maintenance of one Clara Hawkeswell:

Committee Room, City Hall,
July 10th, 1928

His Worship the Mayor,
and City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day, the Chairman submitted the attached opinion

✓
Auditor
Treasurer

of the City Solicitor on the account of the Nova Scotia Hospital for maintenance of one Clara Hawkeswell.

Your Committee recommend that this account be referred to the Charities Committee to deal with.

Respectfully submitted

S. L. Shannon
CHAIRMAN

Halifax, N.S. June 14th, 1928

Chairman,
Finance Committee,
City Hall.

RE: HAWKESWELL

Sir:

The liability of the City to this claim of the Provincial Government depended upon the settlement of an insane pauper woman who has been for some years past confined in the Nova Scotia Hospital.

The facts of the case briefly are as follows: The woman undoubtedly had a settlement by birth in the City of Halifax. Some twenty years ago however, she left the City and led a more or less wandering life until she was deported from the States in an insane condition, came to Halifax where she was placed in the Nova Scotia Hospital as a pauper patient prima facie chargeable to the City of Halifax, by reason of her settlement of birth.

Upon the bill for her maintenance being presented, Mr. Buchanan, who has taken the greatest interest in the matter, proceeded to investigate the claim and it was ascertained that the man to whom she was married, named Hawkeswell, had resided for a number of years, and probably paid taxes, in the Town of Stellarton, and therefore if he had resided there continuously for five years or upwards, or paid taxes, he would have acquired a settlement there and as the settlement of the wife follows that of the husband her original settlement would have been changed to a settlement in Stellarton and that consequently her maintenance would be chargeable to that town.

Mr. Buchanan and myself proceeded to Stellarton where we spent two days in investigating the facts and obtained sufficient evidence to lay before the Minister of Public Works a claim that the maintenance of the pauper should be charged to Stellarton and not to Halifax. The Minister thereupon directed that notice of our claim should be given to Stellarton and that a hearing in the nature of a trial should be held to determine this question of settlement, and consequent liability, and appointed Mr. Wall to take the evidence.

The taking of evidence and the subsequent hearing before the Minister took place while I was in England in the summer of 1927 and I can only report what I have been informed by Mr. White and Mr. Buchanan. The City made a strong case of five years residence and also a conclusive case of payment of taxes. The point, however, was raised that Hawkeswell could not in either way obtain a settlement in Stellarton because he was at the time a deserter from

from the Army and therefore liable to be removed at any moment. The Minister offered to put his findings in the form of a Special Case and leave the question of law to the determination of the Supreme Court. Both parties, however, preferred to leave the matter to his decision which, by the terms of the Act, is final and without appeal. The Minister ultimately decided in favour of the contention of Stellarton and that no settlement had been acquired in that town and that consequently the original settlement of the woman being still in force, Halifax was liable for her maintenance.

As I have said, this decision is final. The late Mayor and myself discussed with the Minister the possibility of re-opening the matter or making a special case for reference to the Supreme Court, but the Minister pointed out, as I think correctly, he had no power to do so, and that Stellarton could properly disregard any such proceeding by him. It consequently follows that the City is liable for the maintenance of this pauper. The only defence which I can see could be made to an action by the Crown to recover the amount due, is the extremely technical one that the City is not included in the expression in the Act which makes the liability chargeable to "The Municipality or Incorporated Town" in which the pauper has a settlement. If the words "incorporated town" had not been used, there would not be any doubt that a city would be included in the general expression "municipality", but the use of these words may give ground for the argument that the word "municipality" was used in the more limited sense of meaning only a municipal corporation, under the Chapter dealing specifically with these bodies and did not include cities. It is impossible to foretell whether or not a Court would attach any importance to this contention. If the City sees fit to risk a lawsuit on so narrow a point, it can be raised, That, however, is a matter for the Council to determine.

Respectfully submitted
F.H. Bell
CITY SOLICITOR

Office of the City Solicitor
Halifax, N.S. July 13th, 1928

Chairman
Committee of Finance,
CITY.

RE: HAWKESWELL

Sir:-

In the opinion which I prepared and which will be handed to your Committee in the above matter, I refer to a possible technical defence on the ground that the expression "Municipality" or "Town" in the Nova Scotia Hospital Act, might not include a City. At that time the Acts of the last Session had not been published and I was unaware that this point had been expressly dealt with by Chapter 25, which provides that in the Act referred to "a municipality, town or incorporated town or any similar expression includes a City and shall be deemed to have prior to the enactment of this Section included a City"

This retroactive legislation completely disposes of the possibility of such a defence as I suggested, and consequently I am unable to see any ground upon which the City can successfully contest the claim of the Province.

Respectfully submitted
F.H. Bell
CITY SOLICITOR

July 12th, 1928

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

Mrs. H Buchanan

MRS. M. DURAND CLAIM FOR REFUND

Read report of the Finance Committee on the claim made by Mrs. M. Durand for refund of \$51.60 amount paid for Real Estate License for years 1924 and 1925:-

Committee Room,
City Hall,
July 10th, 1928

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day, the attached application of Mrs. Durand for refund of Real Estate License Fee paid in 1924 and 1925 amounting to \$51.60 was submitted.

The Chairman submitted an opinion from the City Solicitor to the effect that Mrs. Durand was not entitled to a refund.

Your Committee recommend that the opinion of the City Solicitor be concurred in and that Mrs. Durand be furnished with a copy of the opinion.

Respectfully submitted
S. L. Shannon
CHAIRMAN

Office of City Solicitor,
Halifax, N.S. June 14, 1928

Chairman
Committee on Finance
CITY

RE MRS. DURAND'S CLAIM

Dear Sir:

Previous to 1927 every Real Estate Agent doing business in the City was liable to a Special Tax of \$25.00, in addition to the ordinary business tax. There was always difficulty in ascertaining who were liable to this tax as so many persons, in addition to other businesses, handle Real Estate to a greater or less extent, and as a consequence in 1927 the tax was removed in the case of all persons who paid a Business Tax in excess of \$25.00.

As Mrs. Durand's payments were previous to this amendment I do not see any way in which she can claim a refund. Unless I am mistaken, Mrd. Durand's business is entirely that of a Real Estate Agent and consequently there would have been no question as to her liability to the tax previous to the amendment.

I take this opportunity, in view of the impending revision of the Charter, to call attention to what I consider the unwisdom of retaining a number of these special taxes on particular kinds of business. Previous to the introduction of the business tax and while taxation was imposed on personal property, there was excellent reason for their existence to impose a fair share of taxation on businesses which, though large and presumably profitable, escaped taxation by reason of their not requiring stock in trade. Today when all businesses alike are subject to a Business Tax, there seems no good reason for singling out certain forms of business for special taxation. These special taxes are a constant cause of trouble to ascertain what businesses are subject to them, and by the fact that in many cases forms of business overlap and they are a constant danger to troublesome litigation.

I would suggest that when the work of revision is taken up, consideration should be given as to whether or not many of them should be retained.

Respectfully submitted
F.H. Bell
CITY SOLICITOR

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

✓
W.F. HEALY CLAIM

Read report of the City Auditor on the claim of W.F.Healy for the payment of \$136.25 for damages to his car:

City Auditor's Office,
Halifax, N.S.,
July 9th, 1928

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At the meeting of Council held May 17th, 1928 the Council voted to pay the claim of W.F.Healy for \$136.25 for damages to his car.

The opinion of the City Solicitor read at this meeting was, on the facts of the case furnished him by responsible witnesses, that the driver of the car was not negligent, and the City therefore not liable. Further evidence received since has, I believe, only strengthened the City Solicitor's opinion.

In the face of this opinion and the express provision of the Charter, Paragraph "D" Sub-Section 1 of Section 326A Chapter 60, Acts of 1924, it is clear to me that it would be illegal to authorize this payment; Further more, the City Solicitor has informed me it would prejudice the case of the City in the event of suit.

For your information I will quote the Paragraph of the Charter referred to:

"It shall be the duty of the Auditor to examine into and make certain that each and every item of proposed expenditure is duly authorized by law, and in case he shall find that any proposed expenditure is not so authorized, to hold up such expenditure and report thereon to the Mayor and Council"

The matter was not reported to the June Council meeting as Mr. Healy only recently made a request for the amount, which for the reasons given I declined to pay.

Yours truly,

A.M. Butler,
CITY AUDITOR.

The City Solicitor submits and reads a letter in reference to the claim of the City against the third party Mr. Drummond:-

Office of City Solicitor,
Halifax N.S.
July 11th, 1928

His Worship the Mayor.

Dear Sir:

I beg to report that on the instruction of the Council I wrote Mr. Drummond claiming damage for the injury to our fire apparatus by his negligent operating his car on 10 March last, and have a reply from his solicitor repudiating liability.

Respectfully submitted,
F.H. Bell
CITY SOLICITOR.

Moved by Alderman Robertson, seconded by Alderman Shannon, that the City Solicitor be instructed to take legal proceedings against Mr. Drummond to recover damages for injury to the apparatus of the Fire Department:

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

For the Motion

Against it

- Alderman Shannon
- Mitchell
- Redden
- Smith
- Donovan
- Cragg
- McDuff
- McCarthy
- Ryan
- Corbin
- Robertson-11

- Alderman Dickie
- Rains
- O'Toole
- Mullane
- Drysdale
- Robinson

- 6-

Auditor
Solicitor
W F Healy

LETTER CITY AUDITOR ON PURCHASE OF FIRE APPARATUS AND POLICE PATROL

Read letter of the City Auditor in reference to the resolution passed by the City Council at its last meeting to purchase certain fire apparatus and a police patrol. Also read letter T.F. Tobin, Esq., Solicitor for Robertson Motors Ltd., on the subject:

City Auditor's Office,
Halifax, N.S.,
July 9th, 1928

His Worship the Mayor and Members of City Council.

Dear Sirs:-

I beg to call your attention to the serious question involved in the proposal to attempt to enter into contracts for a piece of Fire Apparatus and for a Police Wagon in excess of the funds on hand, or authorized credit available by special Legislation. In the one case only a sum of \$1,700.00 is available for the purchase of a Motor Service Ladder Truck, and in the other case the deficiency is \$250.00

Sub-Sections 2,3 and 4 of Section 340 of the Charter provides as follows:

340-2 Neither the Board of Control or any Committee or Board, nor any member of either, shall make any expenditure or enter into any contract involving the making of any expenditure for such civic year in excess of the amount to the credit of the Board of Control or of such Committee or Board, or such appropriation, respectively.

340-3 Any mayor who signs or countersigns any cheque for the payment of any sum on account of any

July 12th, 1928

Auditor who certifies for any payment on account of any such expenditure shall be liable to a penalty of Five Hundred Dollars.

340 4 Any contract so entered into involving the making of an expenditure in excess of such amount shall not be binding upon the City, and notwithstanding that the City has benefited by such contract,

Sub-Section 2 of Section 366 is as follows:

366 2 If any debt is incurred, or any money is expended by the Council, or under its authority beyond the amount provided by law, such debt or expenditure shall not be recovered from the City, but the members of the Council voting for the resolution for the incurring of such debt, or for the making of such expenditure shall be jointly and severally liable therefor.

It is clear that the City cannot legally enter into either of the proposed contracts. The Council apparently is aware of this and proposes to meet the difficulty by entering into a provisional agreement by which it obtains the required apparatus, and undertakes to procure Legislation at the next session, the City paying in addition to the purchase price interest on the deficiency. In the case of the deficiency of \$250.00 on the Police Wagon I have not been advised how this is to be met. Such an undertaking I am advised by the City Solicitor is of no legal effect whatever, and if the necessary Legislation is not obtained would leave myself, and the members of the Council open to legal proceedings under the section quoted.

Assuming however, that the necessary Legislation could be obtained I should nevertheless point out that the proposal to incur expenditures in this way is a most dangerous one. The provisions quoted from the Charter are intended to prevent a Council from spending beyond the powers entrusted to it for the year, or by special enactment. If expenditures can be made in this way there would be no limit to the expenditures of an extravagant Council, or the extent to which it would involve future Taxpayers in expenditures of which they did not approve.

It may be that in the case of strong emergency it would be necessary to violate in this way the spirit of the Charter and the established principles of Municipal finance, but except in such a case it appears clear to me that it should not be resorted to. Whether such emergency exists in the present instance appears doubtful.

Yours truly,
A.M. Butler
CITY AUDITOR.

Halifax, N.S.,
July 11th, 1928

RE ROBERTSON MOTOR CO
CONTRACT FOR FIRE APPARATUS

Allan M. Butler, Esq.,
City Auditor, City Hall.

July 12th, 1928

Dear Mr. Butler:

In this matter I have been perusing the correspondence and resolution of the City Council with reference to the purchase of this apparatus and before discussing the legal questions it seems to me that the City must require the apparatus for which the Robertson Company tendered on the 6th ult., and that there should be no difficulty in the City and the Company arriving at a mutually satisfactory agreement.

I am instructed that the only cash available for the purchase of the ladder truck was the sum of \$1,700. that the balance of \$2,500.00 is not available and that the expenditure has not been authorized. It is suggested without prejudice that if the City requires the truck that the Robertson Company will deliver it upon payment of the sum of \$1,700., and upon a contract being made on the part of the City undertaking to apply for the necessary legislation at the next session of the Local Assembly authorizing the expenditure. The balance of \$2,500. to bear interest at the rate of $5\frac{1}{2}\%$ per annum until payment.

If, therefore, upon consultation with the Firewards and after discussion by the Council it is decided that it would be in the interests of the City to acquire the truck, please advise me and ask the City Solicitor to forward to me a draft contract along the lines of the suggested settlement and I will take the matter up with Mr. Robertson with a view to arriving at a definite agreement which will be satisfactory to all concerned.

Yours truly,

T. F. Tobin.

Moved by Alderman McCarthy,
seconded by Alderman Cragg that the resolution of Council passed at a meeting held on the 19th June authorizing the purchase of a chassis for a motor service ladder truck be now rescinded. Motion passed unanimously.

Moved by Alderman Rains, seconded by Alderman Cragg that the report of the Committee of Firewards dated June 19th, 1928 recommending the purchase of a chassis for the motor service ladder truck from the Robertson Motors Limited be referred back to the Committee of Firewards for further consideration Motion passed

Moved by Alderman Cragg, seconded by Alderman McCarthy that the City Auditor be authorized to pay the difference between the price of the Police Patrol ordered to be purchased at the last meeting of Council, and the sum available by legislation, but of the Contingent Account, and that if necessary legislation be obtained to re-imburse this account at the next session of the legislature. Motion passed

*Amable
and Robinson
Clerk*

RESIGNATION OF H.W.L. DOANE-ASSISTANT CITY ENGINEER

Read report of the Committee on Works covering resignation of Mr. H.W.L. Doane, Assistant City Engineer:

City Works Office,
Halifax, N.S.,
July 11th, 1928

ASSISTANT CITY ENGINEER
RESIGNATION

To the City Council.

Gentlemen:-

The Works Committee beg to submit herewith the resignation of Mr. H.W.L. Doane as Assistant City Engineer.

Respectfully submitted
M. A. Hunter
CLERK OF WORKS

City Engineer's Office,
Halifax, N.S.,
July 1st 1928

His Worship the Mayor

Sir:-

I beg to resign my position as Assistant City Engineer to take effect from August first, or at any date after that convenient to you, and at the same time to express my appreciation of the many courtesies which I have received from Members of the City Council and the other officials

Respectfully submitted

H.W.L. Doane
ASST. CITY ENGINEER.

July 12th, 1928

Moved by Alderman Shannon, seconded by Alderman Dickie that the resignation be accepted, and the Committee on Works be instructed to advertise for applicants for the position, and report on said applications to this Council. Motion passed.

The following resolution is submitted:

RESOLVED that this Council place on record its appreciation of the services rendered by Mr. H.W.L. Doane during his term of office as Assistant City Engineer and trust that success may attend him in his new undertakings.

Moved by Alderman Rains, seconded by Alderman Cragg and passed unanimously.

COAL TENDERS

Read report of the Committee on Works covering tenders for the supply of coal for one year until the 1st day of July 1929:

City Works Office,
Halifax, N.S.,
July 11th, 1928

Tenders for Coal

To the City Council.

Gentlemen:-

Attached hereto are tenders for supply of coal until the first day of July, 1929, from the following named:

Union Coal Company
R.E. Archibald.

The Committee on Works recommend for acceptance the tender of the Union Coal Co., for Acadia (Run of mine) coal at seven (\$7.00) dollars per ton, it being the lowest tender.

Respectfully submitted
M.A. Hunter
CLERK OF WORKS

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

*Engineer
Clerk of Works
H.W.L. Doane*

*auditor
Engineer
Clerk of Works*

July 12th, 1928

LEASE OF LAND CORNER QUINPOOL AND CHEBUCTO
ROADS

Read report of the Committee
on Works re lease of City land at the corner of
Quinpool and Chebucto Roads:

City Works Office,
Halifax, N.S.,
July 12th, 1928

P.C.Neville-Lease of land Cor.
Chebucto and Quinpool Roads

To the City Council.

Gentlemen:-

Attached hereto is an application from Mr. P.C.Neville for a five years' lease of land owned by the City at the South-east corner of Chebucto and Quinpool Roads, for the purpose of erecting thereon a building to be used as a tourist information bureau and service station.

The Works Committee at a meeting held on the 12th inst., decided to recommend to Council that the property be leased to Mr. P.C.Neville for a period of five years at a rental of six Hundred Dollars (\$600.00) per annum, payable monthly in advance; that the building be erected and maintained to the satisfaction of the City Engineer and a lease drawn by the City Solicitor containing conditions satisfactory to the Committee on Works.

Respectfully submitted,
M.A.Hunter
CLERK OF WORKS

208 Robie Street,
Halifax, N.S.
July 11th, 1928

Chairman-Board of Works,
City of Halifax, N.S.

Dear Sir:-

I do hereby make application for a five year lease of that piece of land owned by the City at the South-east corner of Quinpool and Chebucto Roads.

If my request meets with the approval of your Board, I shall immediately erect a Tourist Information Bureau and Service Station and the building will have rest rooms, wash rooms and toilets for both ladies and gentlemen which will at all times be kept nicely.

For this privilege I will pay the City the sum of Six Hundred Dollars (\$600.00) per year, payable monthly and should at the expiry of the lease the Board of Works viewed favorably the continuation of leasing this land I would ask for

July 12th, 1928

the first chance of leasing at the same figure.

It is understood that the building will be of a type that will present an attractive appearance and in compliance with Civic Regulations.

Yours very truly,

P.C. Neville

*Engineer
and
Clerk of Works*

Moved by Alderman Dickie, seconded by Alderman Corbin that the report be adopted. Motion passed.

PRINCES LODGE

Read report of the Committee on Works re land and buildings at Princes Lodge:

City Works Office,
Halifax, N.S.,
July 11th, 1928

PRINCE'S LODGE

His Worship the Mayor,
and City Council.

Gentlemen:-

At a meeting of the Works Committee held on the 4th inst., an extract from Minutes of City Council re land and building at Prince's Lodge was considered, and the following resolution recommended to Council for adoption.

WHEREAS the Nova Scotia Historical Society has asked the City Council to support and further the project of acquiring the Prince's Lodge property as a public park:

AND WHEREAS it is the opinion of the City Council that in view of the historic associations of this property it should be acquired by the Government for the use of the public;

BE IT THEREFORE RESOLVED that the Parks Sites Branch of the Department of the Interior be requested to acquire and maintain as a National memorial and historic shrine the property in the vicinity of Halifax known as the Prince's Lodge;

AND BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Honorable J.L. Ralston, Minister of National Defence, with a request that he use his kind offices in aid of the acquisition of the property.

Respectfully submitted,
M.A. Hunter
CLERK OF WORKS

*Cal Hon J L
Ralston
Major J P
Edwards*

July 12th, 1928

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

OILING WEST STREET

Read report of the Committee on Works and City Engineer re oiling West Street from Maynard Street to Agricola Street:

City Works Office,
Halifax, N.S.,
July 11th, 1928

WEST STREET OILING

To the City Council.

Gentlemen:--

Attached hereto is a report of the City Engineer recommending that West Street be oiled between Maynard and Agricola Streets.

The Works Committee recommend that said report be adopted.

Respectfully submitted,
M.A. Hunter
CLERK OF WORKS

City Engineer's Office,
Halifax, N.S.
July 10th, 1928

West Street Oiling

His Worship the Mayor

Sir:--

I beg to report on the request of Alderman O'Toole that West Street from Maynard Street to Agricola Street be oiled, that in my opinion it would be a great improvement. The surface of the street from Agricola Street to Robie Street is now oiled and part of the benefit of this oiling is lost by not having the remainder of the street done, and I would recommend that the oiling of this street be ordered.

Respectfully submitted
E.W. Johnston,
CITY ENGINEER.

Moved by Alderman Shannon, seconded by Alderman O'Toole that the reports be adopted. Motion passed.

Engineer

July 12th, 1928

OILING OXFORD STREET

Read report Committee on Works and City Engineer re oiling Oxford Street between Quinpool Road and Chebucto Road;

City Works Office,
Halifax, N.S.
July 11th, 1928

OXFORD STREET OILING

To the City Council.

Gentlemen:-

Attached hereto is a petition from residents of Oxford Street between Quinpool Road and Chebucto Road asking that the street be oiled, also report of City Engineer recommending that the prayer of the petitioners be granted.

The Committee on Works beg to recommend that said report be adopted.

Respectfully submitted,

M.A. Hunter
CLERK OF WORKS

CITY ENGINEER'S OFFICE
Halifax, N.S.,
July 10th, 1928

OXFORD STREET OILING

His Worship the Mayor,

Sir:-

I have a petition from several residents of that portion of Oxford Street between Quinpool Road and Chebucto Road asking that the Street be oiled. There is a very large traffic on this street as owing to the condition of Quinpool Road people going to the Arm Bridge generally drive up this street and use Chebucto Road.

The estimated cost of the work is \$1,065.00 half of which is payable by the abutting owner.

I would recommend that the prayer of the petitioners be granted and that Oxford Street from Quinpool Road to Chebucto Road be oiled.

Respectfully submitted
H.W.L. Johnston
CITY ENGINEER

Moved by Alderman Shannon, seconded by Alderman O'Toole that the reports be adopted. Motion passed.

Engineer

July 12th, 1928

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OILING PRESTON STREET

Read report of the Committee on Works and City Engineer re oiling Preston Street between Shirley and Cornwall Streets:-

City Works Office,
Halifax, N.S.,
July 11th, 1928

Preston Street Oiling

To the City Council

Gentlemen:-

The Committee on Works at a meeting held on the 4th inst., recommended to the City Council for adoption the accompanying report of the City Engineer on Preston Street Oiling.

Respectfully submitted,
M.A. Hunter
CLERK OF WORKS

City Engineer's Office,
Halifax, N.S.,
June 28th, 1928

Preston Street Oiling

His Worship the Mayor.

Sir:-

I beg to report on a petition from the owners of property on Preston Street asking to have this street oiled between Shirley and Cornwall Street, that the petition is signed by the owners of over 67% of the frontage.

Preston is now in fair condition and the oiling would be an undoubted benefit. To reap the full advantage of it the oiling should be done from Quinpool Road to Jubilee Road, and I would recommend that this part of the street be ordered done.

Respectfully submitted
H.W. Johnston
CITY ENGINEER

Moved by Alderman Shannon, seconded by Alderman O'Toole that the reports be adopted. Motion passed.

Engineer

July 12th, 1928

LIVERPOOL STREET-WATER EXTENSION

Read report Committee on Works and
City Engineer re extension of Water on Liverpool
Street to the property of Mr. Edward Appleby:

City Works Office,
Halifax, N.S.,
July 4th, 1928

LIVERPOOL STREET WATER EXTENSION

To the City Council.

Gentlemen:-

The attached report of the City
Engineer recommending water extension to property
of Mr. Edward Appleby # 100 Liverpool Street is
recommended to the Council for adoption.

Respectfully submitted,
M. A. Hunter
CLERK OF WORKS

City Engineer's Office,
Halifax, N.S.
June 27th, 1928

LIVERPOOL STREET WATER EXTENSION

His Worship the Mayor

Sir:-

I beg to report on the application
of Mr. Edward Appleby for the extension of water to
his property No. 100 Liverpool Street, that to supply
these premises with water will require an extension
of about 128 feet. The estimated cost of the extension
is \$498.00. The size of the pipe will be 6 inches.

I would recommend that the extension
be made provided the applicant will sign a bond guar-
anteeing the interest on the outlay and that a special
rate of \$30.00 be set as the amount to be paid.

Respectfully submitted
H. W. Johnston
CITY ENGINEER

Moved by Alderman Shannon, seconded
by Alderman O'Toole that the reports be adopted.
Motion passed.

*Engineer
City Works
Auditor*