

EVENING SESSION

8.10 o'clock,  
Council Chamber,  
City Hall,  
Sept. 13th, 1928

A meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor and Aldermen Shannon, Mitchell, Smith, Donovan, McCarthy, Cragg, Ryan, Corbin, Rains, Drysdale, Mulla<sup>h</sup>o, O'Toole, Robinson, Smeltzer and Robertson.

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

The following papers were submitted:

✓ (1) Letter Halifax Trades and Labor Council disapproving of the appointment of a non-resident of the City to fill the position of Assistant City Engineer.

Deferred to be taken up with the report of the Committee on Works recommending the appointment of an Assistant City Engineer.

✓ (2) Letter Roberts Chapter W.C.T.U. covering resolution in reference to the amendment to the Nova Scotia Temperance Act proposed by resolution of Council submitted by Alderman O'Toole.

FILED.

✓ (3) Letter Housing Commission re publicity given its affairs by the Press.

Referred to the Special Committee appointed to confer with the Housing Commission for the improvement of its financial position.

*Wm Shannon  
ch*

Sept. 13th, 1928

WORKS DEPARTMENT ACCOUNTS

Read report of the Committee on Works recommending for payment accounts amounting to \$11,371.88:

City Works Office,  
Halifax, N. S.,  
Sept. 13th, 1928

ACCOUNTS WORKS AND  
WATER DEPT. AUGUST 1928

His Worship the Mayor and  
City Council.

Sirs:-

At a meeting of the Works Committee held September 12th, accounts were approved and recommended to Council for adoption, chargeable as follows:-

Works Dept- Capital	\$1,199.13	
Current	<u>9,105.69</u>	\$10,304.82
Water Dept. Capital	\$287.59	
Current.	<u>779.47</u>	<u>1,067.06</u>
		<u>\$11,371.88</u>

Respectfully submitted,

M. A. Hunter  
CLERK OF WORKS

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

GENERAL ACCOUNTS

Read report of the Finance Committee recommending the payment of General Accounts amounting to \$8,253.78:

Committee Room,  
City Hall,  
Sept. 13th, 1928

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 \$8,253.78 was passed as correct and recommended to the City Council for payment.

Respectfully submitted,  
S. L. Shannon

Sept. 13th, 1928

Moved by Alderman Shannon, second-  
ed by Alderman Robertson 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 \$5,245.37, and to the T.B.Hospital  
\$2,453.10;

Halifax, N. S. Sept. 10th, 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 Dickie and Robertson.

CITY HOME ACCOUNTS AUGUST 1928 AMOUNT \$5,245.37

City Home accounts for the month  
of August 1928 amounting to \$5,245.37 are recommended  
for payment.

TUBERCULOSIS HOSPITAL ACCOUNTS AUGUST 1928 AMOUNT  
\$2,453.10

Tuberculosis Hospital accounts  
for the month of August 1928 amounting to \$2,453.10  
are recommended for payment.

Respectfully submitted  
James W. McCarthy  
CHAIRMAN

Moved by Alderman Shannon,  
seconded by Alderman Robertson 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 \$11,592.71:

Sept. 13th, 1928

Committee Room, City Hall,  
Sept. 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 amounting to \$11,592.71, was passed as incorrect and recommended to the City Council for payment:-

Fire Alarm Maintenance \$402.42  
Fire Dept. Appropriation 11190.29

Respectfully submitted  
Thomas 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 \$2,243.26:

Halifax, N.S. Sept. 12th, 1928

His Worship the Mayor,  
and Members City Council.

Gentlemen :-

At a meeting of the City Health Board held on Wednesday, Sept. 12th, 1928, the following named accounts amounting to \$2,243.26, were passed as correct and are recommended for payment:

RECAPITULATION  
City Health Board \$1,215.82  
Isolation Hospital 481.44  
Capital Acct. New Hos. 546.00  
\$2,243.26

Respectfully yours  
Arthur C. Pettipas  
SECRETARY C.H.B.

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

September 13th, 1928

✓  
POLICE DEPARTMENT ACCOUNTS

Read report of the Police Committee recommending for payment accounts chargeable to the Police Department \$8,186.99:

Halifax, N.S., Sept. 10/28

His Worship the Mayor,  
and City Council.

Gentlemen:-

At a meeting of the Police Commission held this date, the attached accounts, amounting to \$8,186.99 were passed and recommended for payment.

Respectfully submitted

L. A. Gastonguay  
MAYOR AND CHAIRMAN

Moved by Alderman O'Toole, seconded by Alderman Smeltzer 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 \$3,453.63:

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

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 to \$2,868.60 chargeable to public gardens and \$585.03 chargeable to Fleming Park were passed as correct and recommended to Council for payment.

Respectfully submitted

S. L. Shannon  
CHAIRMAN

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

Sept. 13th, 1928

✓  
CITY PRISON ACCOUNTS

Read report of the City Prison Committee recommending for payment accounts amounting to \$1,171.66:

Committee Room, City Hall,  
September 6th, 1928

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the City Prison Committee held this day, the attached list of accounts amounting to \$1,171.66 were passed as correct and recommended to the City Council for payment.

The attached report of Governor Grant was submitted showing there were thirty two males and five females in custody August 31st.

Respectfully submitted  
A. A. Robertson,  
CHAIRMAN

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

✓  
PUBLIC GARDENS-REPAIRS TO FURNACE

Read report of the Committee on Gardens, Parks and Common recommending the acceptance of the tender of Farquhar Bros., for repairs to the furnace at the public gardens green house:

Committee Room,  
City Hall,  
Sept 10th, 1928

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 tenders for repairing the furnace at the Public Gardens were considered as follows:-

Farquhar Bros. Ltd.	\$104.00
Longard's Ltd.	175.00

Your Committee recommend that the tender of Farquhar Bros. \$104.00 be accepted.

Respectfully submitted  
S. L. Shannon

CHAIRMAN

Sept. 13th, 1928

*Jarguehan  
Brosdick  
14 Hall*

Moved by Alderman Shannon, seconded

by Alderman O'Toole that the report be adopted.

Motion passed.

CITY HOME AND T. B. HOSPITAL MONTHLY REPORT

Read report of the Charities Committee for the month of August 1928 showing the number of inmates in the City Home to be 252 and the number of patients in the T.B. Hospital to be 41

FILED

TAX COLLECTIONS AUGUST 1928

Read report of the City Auditor covering statement of collections of taxes and other revenue during August 1928:-

City Auditor's Office,  
September 6th, 1928

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

Report on Tax Collections for the month of August 1928 is submitted. Collections from all sources amounted to \$285,292.40. During August 1927 collections amounted to \$556,142.85. When comparing collections with those of the same month last year, July and August should be taken as one period. Last year in these months collections amounted to \$1,217,747.10; this year the amount was \$1,287,065.03. Probably the best indication of the improvement is shown by a comparison of the amount of uncollected taxes on August 31, 1927, with the uncollected total on August 31, 1928. Last year taxes in the amount of \$2,674,619.29 were outstanding, At the end of August this year the amount was \$2,140,962.65 indicating a substantial improvement of over half a million dollars.

Collections on account of Poll Tax in August 31 amounted to \$3,166.00 against an estimated collection for the Civic Year of \$5,000.00. Collections on account of Dog Tax to August 31 amounted to \$3,452.00, indicating that an amount in excess of the estimated collection from this source of \$3,450.00 has been received.

Sept. 13th, 1928

<u>ARREARS TAXES</u>	Outstanding Balance Previous Month.	New accounts added and other debts	August Collections	Amounts Written Off and other credits	Outstanding Balances Aug. 31st 192
Civic Years Prior to May 1, 1925	\$719,326.08	\$50.00	\$1,868.58	\$383.44	\$717,124.06
Civic Year 1925-26	99,689.31		1,703.63	4.80	97,980.88
Civic Year 1926-27	164,720.15		9,160.77	5.00	155,554.38
Civic Year 1927-28	330,239.53		16,931.48	29.90	313,278.15
	<u>\$ 1,313,975.07</u>	<u>\$50.00</u>	<u>\$29,664.46</u>	<u>\$ 423.14</u>	<u>\$1283,937.47</u>
<u>CURRENT TAXES</u>					
Civic Year 1928-29	\$977,315.19	\$102.90	\$228,080.54	\$ 5.40	\$749,322.15
<u>WATER DEPARTMENT</u>					
Rates and Taxes	\$134,928.75	\$1028.78	\$ 27,547.40	\$ 707.10	\$107,703.03
<u>GRAND TOTALS</u>					
	<u>\$2,426,209.01</u>	<u>\$1,181.68</u>	<u>\$ 285,292.40</u>	<u>\$ 1,135.64</u>	<u>\$2,140,962.65</u>

Respectfully submitted

A.M. Butler  
CITY AUDITOR.

FILED

DEPARTMENTAL APPROPRIATIONS

Read report of the City Auditor covering  
statements of Departmental Appropriations as at August  
31st 1928:

City Auditor's Office  
Sept. 11th, 1928

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

I am enclosing herewith Statement of  
Appropriations as at August 31st 1928, copies of which  
have already been supplied Heads of Departments

FILED

Yours truly,  
A.M. Butler  
CITY AUDITOR.



Sent. 13th 1928

COAL WEIGHERS MONTHLY REPORT

Read report of the Supervisor of Coal Weighers showing the amount received in fees by the Permanent Weighers during the month of August to be \$55.00 each.

FILED.

PUBLIC SCHOOLS  
OVERCROWDING-ST. PATRICK'S GIRLS' SCHOOL

Read report of the Finance Committee on the application of the Board of School Commissioners for increased accommodation at St. Patrick's Girl's School:

Committee Room, City Hall,  
Sept. 13th, 1928

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held this day, the Committee had under consideration the request of the Board of School Commissioners for increased accommodation at St. Patrick's Girls' School:

Your Committee had before them a report of the Supervisor, giving details of the enrollment of the several schools of the City showing the overcrowding in several of the departments. Also a report prepared by Mr. Hull, Mechanical Superintendent and Mr. Fegan, Assistant Building Inspector, showing the probable cost of extensions to St. Patrick's Girls Common School and St. Patrick's Girls High School.

In order that members of Council may familiarize themselves with the question and that this matter may be definitely dealt with at the next meeting of Council copies of the reports will be furnished to the Aldermen before the next meeting.

Your Committee recommend that a copy of this report be sent to the School Board with the request that the Board make a definite concrete request as to what will be necessary to increase the accommodations at St. Patrick's Girls' School.

Respectfully submitted  
S' L. Shannon  
CHAIRMAN

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

*Miss J. J. Wilson*

Sept. 13th, 1928

✓  
CREIGHTON STREET OILING

Read report of the Committee on Works and City Engineer on the oiling of Creighton Street from Cogswell St., to Cornwallis St.:-

City Engineer's Office,  
Halifax, N.S.,  
Aug. 17th, 1928

CREIGHTON STREET OILING

His Worship the Mayor.

Sir:-

I beg to report on the oiling of Creighton Street from Cogswell Street to Cornwallis Street, that the surface of this street is now in fair condition and an application of bituminous material would in addition be abating the dust nuisance tend to preserve the surface of the street.

I would recommend that these two blocks of Creighton Street be oiled when funds are available.

Respectfully submitted  
H.W. Johnston  
CITY ENGINEER

City Works Office,  
Halifax, N.S.,  
Sept. 13th 1928

CREIGHTON STREET OILING

To the City Council.

Gentlemen:-

Attached hereto is a report of the City Engineer recommending that Creighton Street be oiled from Cogswell to Cornwallis Streets when funds are available.

The Committee on Works at a meeting held on the 5th instant, resolved to recommend to the Council that said report be adopted.

Respectfully submitted  
M.A. Hunter  
CLERK OF WORKS

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

CAMBRIDGE STREET SEWER EXTENSION

Read report of the Committee on Works and City Engineer in re extension of the

*Engineer  
auditor*

Sept. 13th, 1928

sewer on Cambridge Street South to Jubilee Road.

City Engineer's Office,  
Halifax, N.S.,  
September 12th, 1928

CAMBRIDGE STREET SEWER

His Worship the Mayor.

Sir:-

In April 1927, the attached report was made on a petition for sewer extension on Cambridge Street South of Jubilee Road. This passed the Committee on Works but, through some oversight, was not recorded in the Minutes nor was it sent to the Council.

I would again recommend that the report be adopted and that the Council be recommended to order the construction of the sewer from Jubilee Road southwardly.

Respectfully submitted  
H.W. Johnston  
CITY ENGINEER

City Engineer's Office,  
Halifax, N.S.,  
Sept. 12th, 1928

CAMBRIDGE STREET SEWER

His Worship the Mayor.

Sir:-

I beg to report on the petition for sewer extension on Cambridge Street south of Jubilee Road that it is signed by three owners of lots on the east side of the street immediately adjoining the lot fronting on Jubilee Road. There are houses on two of these lots and there is also one on the west side. The natural fall of the ground is from Jubilee Road southwardly and the building of a sewer on these lines would require the extension to Coburg Road and is out of the question.

A sewer capable of draining the two houses on the east side could be laid to Jubilee Road, but could not be made low enough to drain the cellar of the house on the west side, although it could be utilized to drain all the plumbing, except any fixtures in the basement.

The length of the sewer would be about 260 feet and the estimated cost is \$1,590.00. The sewer assessment rates would amount to \$910.00. The houses at present drain into a cesspool. A sewer in the street would be a big improvement, and I would recommend that it be placed on the order paper to be done when funds are available.

Respectfully submitted  
Sgd. H.W. Johnston  
CITY ENGINEER

Sept. 13th, 1928

City Works Office,  
Halifax, N.S.,  
Sept. 13th, 1928

CAMBRIDGE STREET SEWER

His Worship the Mayor,  
and City Council.

Gentlemen:-

The Committee on Works at a meeting held on the 12th instant, resolved to recommend to Council that the attached reports of the City Engineer on sewer extension Cambridge Street, south of Jubilee Road, be adopted.

Respectfully submitted  
M.A. Hunter  
CLERK OF WORKS

Moved by Alderman Smith, seconded by

Alderman Corbin, that the report be adopted.

Motion passed.

✓  
BRENTON STREET CONCRETE SIDEWALK.

Read report of the Committee on Works and City Engineer re concrete sidewalk on Brenton St., in front of the property adjoining Purdy Bros., new garage:

City Engineer's Office,  
Halifax, N.S., Sept. 5-28

BRENTON STREET SIDEWALK

His Worship the Mayor.

Sir:-

A concrete sidewalk was ordered to be laid on Brenton Street in front of Purdy Bros., new garage. Work was started while I was in Sydney and through some misunderstanding the street was opened in front of the adjoining property. Before filling in the owner asked if the sidewalk could be laid in front of his property and that he would be perfectly willing to pay the usual assessment.

I could not bring this matter before your Committee as there was no meeting last week, and I took the responsibility of having the work done. So that the matter may be in order I would recommend that the Council order this extension of the sidewalk.

The estimated total cost is \$120.00 of which the City's share will be \$60.00

Respectfully submitted,  
H.W. Johnston  
CITY ENGINEER

*Engineer  
in order*

September 13th, 1928

City Works Office,  
Halifax, N.S.,  
Sept. 13th 1928

BRENTON STREET SIDEWALK

His Worship the Mayor and  
City Council.

Sirs:-

Attached hereto is report of the City  
Engineer on Brenton Street sidewalk which was re-  
commended to the City Council for adoption, at a  
meeting held on the 12th inst.,

Respectfully submitted

M. A. Hunter  
CLERK OF WORKS

Moved by Alderman Smith, seconded by Alderman  
Donovan that the report be adopted. Motion passed.

*Engineer  
Auditor*

✓  
LIGHTING CIVIC BUILDINGS

Read report of the Committee on Works  
and City Engineer regarding adjustment of rates charged  
for lighting all civic buildings:

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

RATES FOR LIGHTING CIVIC BUILDINGS

His Worship the Mayor.

Sir:-

I beg to report on the attached minute  
of the City Council regarding an application to the  
Public Utilities Commission for adjustment of rates  
charged for the lighting of Civic Buildings, that the  
rates at present charged are in accordance with the  
rate schedule approved by the Board of Public Utilities.  
There is nothing to prevent the City applying for a  
reduction, but as I read the Utility Act the Commission  
cannot make discriminatory rates and this is the  
attitude that has always been taken by it.

Respectfully submitted

H. W. Johnston  
CITY ENGINEER.

September 13th, 1928

City Works Office,  
Halifax, N.S.,  
September 13th, 1928

RATES FOR LIGHTING CIVIC BUILDINGS

The City Council.

Gentlemen:-

Attached hereto is a report of the City Engineer regarding the application of the Public Utilities Commission for adjustment of rates charged for the lighting of civic buildings. The Committee on Works at a meeting held on the 12th instant, resolved to recommend to Council that an application be made for a reduction in rates.

Respectfully submitted

M. A. Hunter  
CLERK OF WORKS

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

*Engineer*

PLANT WHARF WATER RATES.

Read report of the Committee on Works and City Engineer re Water Rates at the Plant Wharf:

City Engineer's Office,  
Halifax, N.S.,  
Sept. 12th, 1928

Water Rates Plant Wharf

His Worship the Mayor.

Sir:-

The old water ledger shows a charge against the then owners of the Plant Wharf of \$375.00 for water rates for the period from March 1918 to September 1919. On referring to the correspondence on file in this office and the City Collector's office, it would appear that this was an error and that the proper amount should have been \$150.00 for the period mentioned. I cannot find any record in the Minutes of the Committee on Works making a reduction. The Company have tendered their cheque for \$150.00 and to clear the matter up, I would recommend that the charge of \$375.00 for water rates from March 1918 to September 1919 be reduced to \$150.00

Respectfully submitted  
H. W. Johnston  
CITY ENGINEER

September 13th, 1928

City Works Office,  
Halifax, N.S.,  
Sept. 13th, 1928

WATER RATES-PLANT WHARF

His Worship the Mayor and  
City Council

Sirs:-

Attached hereto is report of the City  
Engineer on water rates-Plant Wharf.

The Works Committee at a meeting held  
on the 12th instant, resolved to recommend to Council  
that the amount, \$375.00 charged in error from March  
1918 to September 1919, be reduced to \$150.00

Respectfully submitted

M. A. Hunter  
CLERK OF WORKS

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

*Auditor  
Collector  
Clerk of Works*

WATER RATES 226 Up. WATER STREET

Read report Committee on Works and  
City Engineer re Water Meter Rates 226 Up. Water St:

City Engineer's Office,  
Halifax, N.S.,  
Aug. 7th, 1928

226 Upper Water St-  
Water Consumption

His Worship the Mayor.

Sir:-

I beg to report on the complaint of  
excessive water consumption at the premises No. 226  
Upper Water Street that the period complained of is  
October 1927, to April 1928. The record of con-  
sumption is as follows:-

1927	Nov. 14	- 1,000
	Dec. -	-
1928	Jan. 20	124,000 Meter removed.
	Feb. -	-
	Mar. -	-
	Apr. 21	-
	May 23	Meter reset 18-5-28
	June -	-
	July -	-

September 13th, 1928

The large consumption took place during December and January and was caused by careless waste on the part of the tenant.

I find on looking up the records that water bills at these premises have been reduced five times during the past five years.

I cannot recommend any reduction.

Respectfully submitted  
H.W. Johnston  
CITY ENGINEER

City Works Office,  
Halifax, N.S.,  
Sept. 13th, 1928

226 Upper Water St.-Water  
Consumption

His Worship the Mayor and  
City Council.

Sirs:-

Attached hereto is report of the City Engineer on complaint of excessive water consumption at premises # 226 Upper Water Street.

The Committee on Works at a meeting held on the 12th instant, decided to recommend to Council that the consumption shown January 20th, 1928 viz. 124,000 gallons, be reduced to 24,000 gallons.

Respectfully submitted

M.A. Hunter  
CLERK OF WORKS

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

*Auditor  
Collector  
City of Works*

APPOINTMENT OF ASST. CITY ENGINEER

Read report of the Committee on Works and City Engineer recommending the appointment of Mr. R.W. McKinnon at present City Engineer of Sydney, C.B., to the position of Asst. City Engineer of the City of Halifax:

City Engineer's Office,  
Halifax, N.S.,  
Aug. 15th, 1928

Asst. City Engineer



Sept. 13th, 1928

His Worship the Mayor.

Sir:-

I reported under date of the 13th instant submitting a list of the applicants for the position of Assistant City Engineer.

Having carefully considered the qualifications of the various applicants I beg to recommend that Mr. R.W. MacKinnon at present City Engineer of Sydney be appointed to the position.

Mr. McKinnon has been Acting City Engineer and City Engineer of Sydney for the past twelve years or more. He is thoroughly familiar with all branches of Municipal work his duties under the City Charter being practically the same as the City Engineer of Halifax under the Halifax City Charter.

Respectfully submitted

H.W. Johnston,  
CITY ENGINEER

City Works Office,  
Halifax, N.S.  
Sept. 13th, 1928

Asst. City Engineer

His Worship the Mayor and  
City Council.

Sirs:-

At a meeting of the Committee on Works held on the 12th instant, it was unanimously decided to recommend to Council that Mr. R.W. MacKinnon at present City Engineer of Sydney, be appointed to the position of Assistant City Engineer.

Respectfully submitted  
M.A. Hunter  
CLERK OF WORKS

✓  
Read letter Trades and Labor Council:

Halifax, N.S. Sept. 13th, 1928

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

Gentlemen:-

At a meeting of the Halifax Trades and Labor Council held last evening, the following resolution was passed:

Resolved that this Council disapproves of the City Engineers recommendation in appointing a man outside the City to fill the position of Asst. City Engineer.

Sgd. S.J. Hatcher  
SECRETARY

Sept. 13th, 1928

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

Moved in amendment by Alderman Corbin, seconded by Alderman Cragg that Mr. Wm. J. DeWolf be promoted to the position of Asst. City Engineer.

Moved by Alderman Smith seconded by Alderman Rains that action on this matter be deferred for one month.

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

FOR THE MOTION

AGAINST IT

Alderman Shannon  
Mitchell  
Smith  
Rains -4

Alderman Donovan  
Cragg  
McCarthy  
Ryan  
Corbin  
O'Toole  
Mullane  
Drysdale  
Robertson  
Smeltzer  
Robinson -11

The amendment submitted by Alderman Corbin seconded by Alderman Cragg is put and passed twelve voting for the same and three against it as follows:

FOR THE AMENDMENT

AGAINST IT

Alderman Donovan  
Cragg,  
McCarthy  
Rains  
Ryan  
Corbin  
O'Toole  
Mullane  
Drysdale  
Robertson  
Smeltzer  
Robinson- 12

Alderman Shannon  
Mitchell  
Smith-

-3-

His Worship the Mayor declares  
Mr. W. J. DeWolfe duly elected Assistant City Engineer  
of the City of Halifax

*Engineer  
Assistant  
W. J. DeWolfe*

September 15th, 1928

N.W. ARM SEWER  
MR. W.M.P. WEBSTERS CLAIM FOR DAMAGES

Read report of the Committee on Works covering an opinion of the City Solicitor on the claim of Mr. W.M.P. Webster for damages against the City of Halifax by reason of improper and negligent performance of the work in constructing the North West Arm Sewer through his property;

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

WEBSTER CLAIM

To the City Council.

Gentlemen:-

Attached hereto is a notice of claim from Messrs. Kenny & Archibald, Solicitors for Mr. W.M.P. Webster for alleged damages claimed to have resulted from improper construction of North West Arm sewer; also opinion of City Solicitor in re said claim.

At a meeting of the Committee on Works held on the 5th instant, it was resolved to recommend to Council that the said report of the City Solicitor be acted upon, and that the City Solicitor be instructed to defend any action that may be brought.

Respectfully submitted,  
M. A. Hunter  
CLERK OF WORKS

City Solicitor's Office,  
July 24th, 1928

The Chairman,  
Committee on Works  
City.

RE WEBSTER CLAIM

Sir:-

I have discussed this claim with Mr. Johnston, City Engineer and also with Mr. Kenny, Solicitor for Mr. Webster. There appears to be some doubt as to the facts of the case, but for the purpose of this opinion I can assume them to be as strongly in favor of the claimant as I believe they can possibly be made.

On this assumption it would appear that the City under its ample statutory authority in that respect resolved to construct the North West Arm Sewer and legally expropriated the right of way

through the various properties, including that now owned by Mr. Webster but at that time the property of Mr. Kenny. For the work of constructing the sewer the city made a contract with the Cook Construction Company and Wheaton Bros., regarding whose standing and Capacity for properly executing the work I assume there will be no question. The contractor was particularly notified by the City to be careful not to cut off or obstruct any private drain leading into the Arm. In spite of this, a stone box drain discharging surface water from Mr. Kenny's property was intercepted. Mr. Kenny seems to have been unaware of this and no claim for damages or notification of any sort was given to the City until the present claim. The work of constructing the sewer was completed in February 1918. Subsequently the property was sold to Mr. Webster who now makes a claim for damages not only to himself but apparently for damages suffered by Mr. Kenny, for the latter of which he relies on an assignment from Mr. Kenny of recent date. I am assuming, for the purpose of this opinion that damages have been sustained traceable to the obstruction of the drain both by Mr. Kenny and by Mr. Webster. The question as to the City's liability on this assumption raises a number of interesting questions of law. To discuss these fully would involve an opinion of inordinate length. I shall specify them briefly with my conclusions on each

1. Whether the compensation paid Mr. Kenny for the the right of way and right to construct the sewer must be held to have been in full of all claims arising out of the construction of the sewer. On this point, as at present advised, my opinion would be adverse to the City, If a work done under statutory authority necessarily involves damage to a private owner, no claim for such damage can be made beyond the compensation given by the statute. But if such damage can be avoided or is the result of negligence, a claim for further compensation is not barred.

2. The fact that the City engaged a competent contractor to perform the work and that the negligent act was that of the contractor and not of the City raises the much discussed question of the "independent contractor". On this the cases run very fine and the former doctrine has been considerably modified, especially in relation to work done "on or in the immediate vicinity of highways". Nevertheless I believe it to be still the law that in such a case as this when there is no question of a highway or danger to the public the law still is that the contractor and not the City is liable for the negligent performance of the statutory work

3. Whether the claim is barred by the provisions in the City Charter barring any action for an act committed more than six months previously. The contention of the plaintiff will I assume be that this is what is termed a "continuous trespass" for which a fresh cause of action arises on each successive occasion of damage. At the most, it appears to me this could only entitle Mr. Webster to such damages as he could prove to have occurred within the last six months. But I do not think the case is one to which the doctrine of a continuing trespass is applicable. The injury was complete when the drain was stopped and the damage done to Mr. Kenny's property could have been then assessed. To claim that

the party injured could increase the damages merely by lying idle and suffering the injury to continue, does not appear to me maintainable on any legal principle. The damages if any legally recoverable were complete before Mr. Webster acquired the property.

4. As to the claim that Mr. Kenny could assign to Mr. Webster a claim for damages for injuries suffered by himself. I can only say that the authorities as I read them are distinct that no such assignment is possible. A debt or similar "chose in action" may be assigned, but not a claim for damages arising out of what in law is known as a tort.

Respectfully submitted  
F.H. Bell  
CITY SOLICITOR.

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

WEBSTER CLAIM

To the City Council.

Gentlemen:-

Attached hereto is a notice of claim from Messrs. Kenny & Archibald, Solicitors for Mr. W.M.P. Webster, for alleged damages claimed to have resulted from improper construction of North West Arm Sewer; also opinion of City solicitor in re said claim.

At a meeting of the Committee on Works held on the 5th inst., it was resolved to recommend to Council that the said report of the City Solicitor be acted upon, and that the City Solicitor be instructed to defend any action that may be brought.

Respectfully submitted  
M.A. Hunter  
CLERK OF WORKS

Moved by Alderman Shannon, seconded by Alderman O'Toole that the report be adopted and the opinion of the City Solicitor concurred in. Motion passed.

*Engineer  
Solicitor*

NON-RESIDENT EMPLOYEES

Read report of the City Assessor giving details of the assessment of Non-resident employees of the City:

Moved by Alderman Corbin, seconded by Alderman Robertson that consideration of this matter be deferred until next meeting of Council. Motion passed.

*Council*

✓  
PAVING ASSESSMENTS

Read report of the Committee on Works and City Engineer re paving assessment deferred for consideration at the last meeting of Council:

It was unanimously decided to further defer action on this matter until the next meeting of Council.

*Council*

✓  
OXFORD STREET "PAVING"

Read report of the Committee on Works and City Engineer re paving of Oxford Street deferred for consideration at the last meeting of Council.

It was unanimously decided to further defer consideration of this matter until the next meeting of Council.

*Council*

✓  
CONSOLIDATED BALANCE SHEET-  
REPORT OF THE CITY AUDITOR

It was unanimously decided to defer consideration of this report until the next meeting of Council owing to the absence from the City of the City Auditor:

*Council*

9.20 o'clock p.m.

Moved by Alderman Smeltzer seconded by Alderman Robertson that this meeting do now adjourn.

LIST OF HEADLINES

Works Department Accounts	201
General Accounts	201
City Home and T.B. Hospital Accounts	202
Firewards Committee Accounts	202
City Health Board Accounts	203
Police Department Accounts	204
Gardens, Parks and Common Accounts	204
City Prison Accounts	205
Public Gardens, -Repairs to furnace	205
City Home and T.B. Hospital monthly report	206
Tax Collections August 1928	206

September 13th, 1928

LIST OF HEADLINES (CONTINUED)

Departmental Appropriations	207
Coal Weighers Monthly report	208
Public Schools-Overcrowding St. Patrick Girls's	208
Creighton Street Oiling	209
Cambridge Street Sewer Extension	209
Brenton Street Concrete Sidewalk	211
Lighting Civic Buildings	212
Plant Wharf Water Rates	213
Water Rates 226 Up. Water Street	214
Appointment of Asst. City Engineer	215
N. W. Arm Sewer Mr. W. M. P. Websters Claim for damages	218
Non-Resident Employees	220
Paving Assessments	221
Oxford Street Paving	221
Consolidated Balance Sheet report of the City Auditor	222

Meeting adjourned

*L. A. Gastonguay*  
L. A. Gastonguay,  
MAYOR

*H. S. Rhind*

H. S. RHIND  
CITY CLERK

✓  
EVENING      SESSION

8.10 o'clock p.m.,  
Council Chamber,  
City Hall,  
Oct. 11th, 1928

A meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor and Aldermen Mitchell, Dickie, Smith, Donovan, McCarthy, Gregg, Ryan, Corbin, Rains, Mullane, Robinson, Smeltzer and Robertson.

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

The following named papers were submitted :

✓  
LETTER E.A. GEORGE

Letter E.A. George re establishing a parking place for automobiles on the Grand Parade.

Referred to the Committee on Works.

✓  
LETTER LOCAL UNION No. 83 UNITED BROTHERHOOD  
OF CARPENTERS AND JOINERS  
OF AMERICA

Letter Local Union No. 83, United Brotherhood of Carpenters and Joiners of America, asking for an interview with the City Council.

Moved by Alderman Smeltzer, seconded by Alderman Rains that as there was a delegation from the Carpenters Union present ~~their~~ representatives be permitted to address the Council. Motion passed

The Council is addressed by Ex-Alderman Ira Mason on the subject of taxation of outside carpenters and labour coming into the City and

*Engineer  
Clerk of Works*



October 11th, 1928

and obtaining work and not contributing to the City's finances.

His Worship the Mayor through the City Solicitor requested the delegation to appear before the Committee on Private and Local Bills at the next session of the Legislature when the City's bills are being considered and present their grievances.

WORKS DEPARTMENT ACCOUNTS

Read report Committee on Works recommending for payment accounts amounting to \$10,885.37:

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

ACCOUNTS WORKS AND  
WATER DEPT. SEPT 1928

His Worship the Mayor and  
City Council.

Gentlemen:-

The Committee on Works at a meeting held October 10th, approved and recommended to Council for payment the undermentioned accounts, chargeable as follows:-

WATER DEPT. Capital	\$9.66	
Maintenance	<u>1136.93</u>	\$1146.59
Works Dept. Capital	\$2260.35	
Appropriations	<u>7478.43</u>	<u>9738.78</u>
		<u>\$10885.36</u>

Respectfully submitted,  
M.A. Hunter  
CLERK OF WORKS

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

October 11th, 1928

✓  
GENERAL ACCOUNTS

Read report of the Finance Committee recommending for payment accounts amounting to \$774.76:-

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

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 \$774.76 were passed as correct and recommended for payment.

Respectfully submitted

S.L.Shannon  
CHAIRMAN

Moved by Alderman Robertson, seconded by Alderman McCarthy 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 \$6,921.37 and the T.B.Hospital \$2,411.41:

Halifax, N.S.Oct.8th,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 Redden, Drysdale, Robertson, Dickie and Ryan.

CITY HOME ACCOUNTS SEPTEMBER 1928 AMOUNT \$6,921.37

City Home accounts for the month of September 1928 amounting to \$6,921.37 are recommended for payment.

TUBERCULOSIS HOSPITAL ACCOUNTS SEPTEMBER 1928 AMOUNT \$2411.41

October 11th, 1928

Tuberculosis Hospital accounts for the month of September 1928 amounting to \$2411.41 are recommended for payment.

Respectfully submitted,  
J.W. McCarthy,  
CHAIRMAN

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

FIRE DEPARTMENT ACCOUNTS

Read report of the Committee of Firewards recommending for payment accounts chargeable to the Fire Department \$11,794.32 and to the Fire Alarm Maintenance \$329.41:

Committee Room,  
City Hall,  
Oct. 9th, 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 amounting in all to \$12,123.73 was passed as correct and recommended to the City Council for payment.

Fire Department	\$11,794.32
Fire Alarm Dept.	329.41
	<u>\$12,123.73</u>

Respectfully submitted

Thomas Robinson  
CHAIRMAN

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

CITY HEALTH BOARD ACCOUNTS

Read report of the City Health Board

Oct. 11th, 1928

recommending for payment accounts amounting to  
\$15,645.24:

Halifax, N.S. Oct. 10th, 1928

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the City Health Board held on Wednesday October 10th, 1928, the following named accounts amounting to \$15,645.24 were passed as correct and are recommended for payment.

Respectfully yours,

Arthur C. Pettipas  
SECRETARY C.H.B.

Moved by Alderman Mitchell, 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

\$8337.40:-

Halifax, N.S. Oct. 9th, 1928

His Worship the Mayor,  
and City Council.

Gentlemen:

At a meeting of the Police Commission held this date, the attached accounts, amounting to \$8,324.70 and an amount of \$12.79, provided for in the 1927-28 estimates were passed and recommended for payment.

Respectfully submitted  
L. A. Gastonguay  
MAYOR AND CHAIRMAN

Moved by Alderman Smeltzer seconded by Alderman Ryan 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

Oct. 11th, 1928

to \$1,255.04 and covering the monthly report of Governor Grant showing that there were 34 Prisoners in custody on the 30th September:

Committee Room,  
City Hall,  
Oct. 9th, 1928

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the City Prison Committee held this day the attached list of accounts amounting to \$1,255.04 was passed as correct and recommended to the City Council for payment.

The report of the Governor for the month of September showing there to be thirty-four inmates in custody is attached hereto.

Respectfully submitted,

A. A. Robertson  
CHAIRMAN

Moved by Alderman Robertson, seconded by Alderman Rains 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 chargeable to the Public Gardens \$1323.08 and to the Fleming Park \$410.57:

Committee Room,  
City Hall,  
Oct. 8th, 1928

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 list of accounts amounting to \$1323.08 chargeable to the Public Gardens, and \$410.57 chargeable to Fleming Park, were passed as correct and recommended to the City Council for payment.

Respectfully submitted

W. E. Donovan  
ACTING CHAIRMAN