

January 17th, 1929

by Alderman O'Toole 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 Public Gardens \$491.33 and to Fleming Park \$41.92:

Committee Room, City Hall,
January 14th, 1929

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Committee on Gardens, Parks and Common held this day the attached lists of accounts amounting in all to \$553.25 were passed as correct and recommended to the City Council for payment:

| | |
|----------------|-----------------|
| Public Gardens | \$461.33 |
| Fleming Park | 91.92 |
| | <u>\$553.25</u> |

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.

LIBRARY ACCOUNTS

Read report of the Library Committee recommending for payment accounts amounting to \$306.12:

Citizens' Free Library
Halifax, N.S. Jan. 7th, 1929

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

Gentlemen:-

The Library Committee begs to submit the following accounts for payment:

| | | |
|-----------------------|--------------|-----------------|
| City of Halifax | Salaries | \$233.32 |
| T.C.Allen & Co. | Books | 23.90 |
| Nat.Geog.Soc. | Subscription | 3.50 |
| Leonard Scott Pub.Co. | " | 26.00 |
| Halifax Chronicle | " | 5.00 |
| H.W.Wilson Co. | " | 11.55 |
| MacLean's Pub. Co. | " | 2.00 |
| H.H.Marshall | Magazines | .85 |
| | | <u>\$306.12</u> |

January 17th, 1929

Respectfully submitted

L.F. Barnaby

LIBRARIAN

J.L. MacDuff

CHAIRMAN

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

CITY HOME- ADDITION TO BUILDING

Read report of the Charities Committee in reference to the lack of room at present at the City Home to take care of the feeble minded inmates and recommending that steps be taken to remedy this defect:

Halifax, N.S. Jan. 14th, 1929

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 and Aldermen Dickie and Ryan:

RESOLVED that in view of the fact that the City has a number of patients at the Nova Scotia Hospital chargeable at the rate of \$7.50 per week for maintenance and according to the statement of the Superintendent of the City Home they could be maintained at the City Home at the rate of \$3.50 per week, but owing to lack of room at the present time this cannot be done.

BE IT FURTHER RESOLVED that this Committee recommend to Council that the City Engineer be directed to prepare an estimate of the probable cost of this extension.

Respectfully submitted

James W. McCarthy

CHAIRMAN

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

Engineer

January 17th, 1929

CITY HOME AND. T. B. HOSPITAL
MONTHLY REPORT

Read report of the Charities Committee for the month of December showing the number of inmates in the City Home to be 261 and the number of patients in the T.B.Hospital to be 45:

Halifax, N.S. Jan. 14th, 1929

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 Ryan.

SUPT. REPORT CITY HOME DECEMBER 1928 NUMBER OF INMATES 291

The Superintendent's report shows that during the month of December 1928 there were 9 persons admitted into the City Home, 5 men, 3 women and 1 child. 3 women and 1 man were discharged. Of the number admitted eight were chargeable to the City and 1 to the Province.

The total number of inmates December 31st., 1928 was 261 made up of 141 men, 117 women and 3 children. On the same date last year there were 156 men, 112 women and 2 children a total of 270.

SUPT. REPORT TUBERCULOSIS HOSPITAL DECEMBER 1928 NUMBER OF PATIENTS 45

The Superintendent's report shows that during the month of December 1928 there were 5 patients admitted into the City Tuberculosis Hospital, 3 men and 2 women 3 men, 1 child and 2 women were discharged.

The total number of patients December 31st. 1928 was 45, made up of 15 men, 25 women and 5 children. On the same date last year there were 19 men 23 women and 5 children a total of 47.

Respectfully submitted
James W. McCarthy
CHAIRMAN

FILED.

✓
CHARITIES COMMITTEE

Read report of the Charities Committee covering resolution recommending that the City Council extend a vote of thanks to Mr. Henry Roper who has personally visited the City Home on Christmas Day for a number of years and provided gifts for the inmates and female nursing Staff;

Halifax, N.S. Jan. 17th, 1929

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 Ryan.

RESOLVED that this Committee recommend
to Council that a vote of thanks be tendered Mr. Henry
Roper who has personally visited the City Home on
Christmas Day for several years and has provided gifts
for each and every inmate as well as the Female Nursing
Staff and who is graciously accorded the title of
Santa Claus by the Folk of the City Home both young
and old.

Respectfully submitted
James W. McCarthy
CHAIRMAN

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

DEPARTMENTAL APPROPRIATIONS

Read report of the City Auditor
covering statement of Departmental Appropriations as
at December 31st 1928:

City Auditor's Office,
Halifax, N.S.,
Jan. 17th, 1929

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

I am enclosing herewith Statements
of Appropriations as at December 31st 1928, copies
of which have already been supplied Heads of De-
partments.

Yours truly,
A.M. Butler
CITY AUDITOR.

FILED.

Henry Roper

Civic Year
Prior to Mar 1.
1925
Civic Year
1925-26
Civic Year
1926-27
Civic Year
1927-28
CURRENT TAXES
Civic Year
1928-29
FAIRER DEPT
Rates and Taxes
GRAND TOTAL

TAX COLLECTIONS FOR DECEMBER 1928

Read report of the City Auditor covering statement of tax collections during the month of December 1928:

City Auditor's Office,
January 17th, 1929

His Worship the Mayor
and Members of City Council.

Gentlemen:-

Report on Tax collections for the month of December 1928 is submitted. Collections from the usual sources reported each month amounted to \$91,561.98. During the same month last year an amount of \$151,250.05, was collected. It will be recalled that collections as that time were large on account of arrears because of a final drive being made to clean up taxes on which liens were expiring. This partly explains the decrease as tax collections for the years up to May 1, 1925 have declined to a small amount.

Comparing collections of current years taxes there is a decrease of approximately \$20,000.00 Receipts for water rates and taxes show an increase of nearly \$14,000.00

| ARREARS TAXES | Outstanding Balance Previous Month. | New Accounts Added other debits | December collect-ions | Amounts written off and other credits | Outstanding Balances December 31 1928 |
|---------------------------------|-------------------------------------|---------------------------------|-----------------------|---------------------------------------|---------------------------------------|
| Civic Year Prior to May 1. 1925 | \$710,361.41 | | 1,182.73 | | \$709,178.68 |
| Civic Year 1925-26 | 93,327.18 | | 931.54 | | 92,395.64 |
| Civic Year 1926-27 | 133,628.28 | 50.00 | 5,751.36 | | 127,926.92 |
| Civic Year 1927-28 | 267,932.20 | 54.04 | 13,801.84 | | 254,184.40 |
| | <u>\$1,205,249.07</u> | <u>\$104.04</u> | <u>\$21,667.47</u> | | <u>\$1,183,685.64</u> |
| CURRENT TAXES | | | | | |
| Civic Year 1928-29 | 608,660.91 | 10.00 | 32,251.53 | | 576,419.38 |
| WATER DEPT | | | | | |
| Rates and Taxes | 119,012.83 | 2554.64 | 37,642.98 | 274.25 | 83,650.24 |
| GRAND TOTALS | <u>\$1,932,922.81</u> | <u>\$2668.68</u> | <u>\$91,561.98</u> | <u>\$274.25</u> | <u>\$1,843,755.26</u> |

Respectfully submitted
A.M. Butler
CITY AUDITOR

FILED

FIRES THEIR CAUSES AND LOSSES

Read report of the Committee of Firewards covering report of Chief Churchill

January 17th, 1929

re fires their causes and losses during the month of
November 1928:

Fire Department
Halifax, N.S.,
January 15th, 1929

Board of Firewards,

Gentlemen:-

During the month of November there
were 51 alarms from the following causes:

Chimneys 25, false 11, boys setting
fire to rubbish 1, pan hot fat 1, unknown 4, electric
wires on street 1, smoke 1, sparks 2, sprinkler
system 1, defective wiring 2, furnace and grate
fires 2.

| | | |
|--------------------|--------------|--------------------|
| Property at risk | \$520,195.96 | |
| Insurance Losses | | \$29,541.00 |
| Losses not insured | | 10.00 |
| Total Loss | | <u>\$29,551.00</u> |

Respectfully submitted
J.W. Churchill
CHIEF OF DEPARTMENT

Committee Room,
Jan. 15th, 1929

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

At a meeting of the Committee of Fire-
wards held this day the attached report of Chief
Churchill re fires their causes and losses for the
month of November was considered and ordered to be
forwarded to the City Council for its information.

Respectfully submitted
Thomas Robinson
CHAIRMAN

FILED. ✓

COAL WEIGHERS REPORT

Read report of A.H. Cullymore,
Supervisor of Coal Weighers for the month of
December 1928 showing each of the Permanent Wei
to have received \$112.62 in fees for their services
during the month.

FILED.

January 17th, 1929

BUILDING PERMITS IN RESIDENTIAL DISTRICT

Read report of the Committee on Works covering opinion of the City Solicitor re authority to grant permits for the erection of shops in residential districts:

City Works Office,
Halifax, N.S.,
Jan. 14th, 1928

Permits in Residential District

His Worship the Mayor and
City Council.

Gentlemen:-

Attached report of the City Solicitor re permits in residential district was read at a meeting of the Committee on Works on January 9th, and ordered forwarded to the City Council for its information:

Respectfully submitted
M.A. Hunter
CLERK OF WORKS.

Halifax, N.S. Dec. 24th, 1928

His Worship the Mayor,
Chairman, Committee on Works
City.

RE PERMITS IN RESIDENTIAL DISTRICT

Dear Sir:-

By the Residential District Act (Section 18) Cap. 46 of 1915) before any building could be erected, altered or used for certain purposes within that district permission must be obtained from the Board of Control. The question submitted to me is to what authority did the power to grant or refuse such permission pass on the abolition of the Board of Control.

The Act by which the Board of Control was abolished is Cap. 80 of 1919. By Section 15, it is provided that any power or duty conferred on that Board by the Charter of 1914 or by any subsequent enactment might be exercised or discharged by the Council or by the Committee, Board or official by whom such power would have exercised a duty performed under the Charter of 1907. Section 16 provides in more specific terms that for the future any power or duty imposed on that Board in respect to "City Works and property" shall be discharged by the Committee on Works.

January 17th, 1929

It is obvious that the power to grant the permission in question was never vested in any Committee of the Council under the Charter of 1907, because the legislation establishing the Residential District was not in force while that Charter was in operation. The only question is therefore whether that power passed to the Committee on Works under Section 16 or to the Council under Section 15. Although I was at first inclined to think that the power was vested in the Committee along with the general control of streets, street obstructions and similar matters, on more mature consideration and discussion occasioned by the recent application of the Frontenac Company, I have come to the conclusion that the expression City Works and property must relate only to the Works and property of the City and cannot be construed to cover what is primarily such a matter of private concern as the nature of the uses to which buildings may be put in a residential district, and that consequently the power in question has passed to the Council.

Respectfully submitted
F.H. Bell
CITY SOLICITOR

Engineer

FILED.

FILLING STATION-CORNER OXFORD ST. & QUINPOOL RD.

Read report of the Committee on Works and City Engineer on the application of the McColl-Frontenac Oil Co.Ltd., for a permit to erect and open a shop on the south west corner of Oxford Street and Quinpool Road.

Halifax, N.S.,
Jan. 14th, 1929

To the Halifax City Council.
Halifax, N.S.

Gentlemen:-

We hereby apply for permission to erect a shop, for the sale of goods by retail on the lot situate on the south west corner of Quinpool Road and Oxford Street, in the City of Halifax.

It is our intention to establish a Filling Station on the said lot, and we propose to install there modern tanks and pumps for the sale of gasoline and oil by retail, and we desire the permission of the Council to erect the said shop. In view of the fact that traffic on this corner is congested, and in order to permit the City to straighten the western side of Oxford Street at this point we are prepared upon the Council granting us permission to erect said shop, to enter into a binding agreement with the City to convey to the City, without charge, upon completion of the said shop according to plans

January 17th, 1929

of the said shop according to plans to be approved by the City Engineer, and upon the installation of said pumps and tanks, so much of the said lot as is shown in "red" upon the plan hereto annexed. If the said permission is granted we are further prepared to begin building operations within three months and to complete the said shop and the installation of the said pumps and tanks as soon as possible thereafter

An application was made some time ago to the Board of Works by Mr. Raynor to erect a Filling Station on the said lot. In making this application Mr. Raynor was acting as our Agent and on our behalf.

Yours truly,

FRONTENAC OIL REFINERIES LTD.
C.V. VAUGHAN
PER MANAGER

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

FILLING STATION-SOUTHWEST CORNER
OXFORD STREET AND QUINPOOL ROAD

His Worship the Mayor.

Sir:-

I beg to report on the application of Mr. E. Rayner for permission to erect a Filling Station at the southwest corner of Quinpool Road and Oxford Street, that the site is in the residential district.

The applicant has published an advertisement in the newspapers notifying any persons objecting to the erection of the Station on this property to lodge such objections with the Building Inspector. Letters have been received from five property owners on Oxford Street objecting to a permit being given and also a petition to the same effect with over fifty signatures attached.

The chief grounds of objection set forth are (1) that it is not a public convenience or necessity due to the fact that there is another Station within a very short distance; (2) the fear of the lessening in value of the properties within the residential district; and (3) the interference with traffic, especially in view of the location of the tram tracks at this point.

With regard to the first it is not thought that the fact of there being another Station within a short distance and that the new one would duplicate the service to the public is sufficient in itself to warrant the refusal of a permit, otherwise it would mean that the granting of a permit for any particular business in any part of the residential district would create a monopoly for the person to whom the first permit was issued.

January 17th, 1929

The second objection is of a more serious character as a hardship could be inflicted on property owners who relying on the Statute erect dwellings in the residential district in the expectation there would be no business carried on close to them. In the location under discussion the premises on two opposite corners are being used for business purposes, and the Town Planning Board some years ago decided that Quinpool Road as far west as Kline Street should be a business district

The third objection is, in my opinion, the most serious. There are tramway lines on Quinpool Road and Oxford Street and in addition one of the routes requires that cars reverse at this corner. This is an important transfer point and at times a very large number of persons congregate here waiting for their cars, this in addition to the ordinary pedestrian traffic.

Chiefly owing to the fear of the increased congestion of traffic that will result from the erection of this Station, I am unable to recommend that a permit be granted.

Respectfully submitted
H.W. Johnston
CITY ENGINEER

Works Department,
January 17th, 1929

Extract from Minutes of a Meeting of the Works Department of the City of Halifax, held on the 12th day of December 1928.

1. An application was read from the McColl-Frontenac Oil Co. Ltd., for permission to erect a filling station at the south-west corner of Quinpool Road and Oxford Street, also a report of the City Engineer on said application.

A petition was received signed by fifty-one property owners and residents in the district against the granting of a permit; also protests from the following named:

Mrs. M. Durand,
H.M. VanBuskirk
C.F. Jubien
A.L. Taylor
A.M. MacKay

The Rev. Harold Roe, Pastor of the Oxford Street United Church, and Messrs A.M. MacKay and J.E. Rutledge, representing property owners in the district, objected to an additional filling station being to operate in such close proximity to the Oxford St. Church; and to the establishing of another place of business in a residential district; they also claimed that it would lead to greater congestion at the corner of the two streets; and possible depreciation of property value in the vicinity.

Mr. C.H. Vaughan, representing the applicants, stated that the Company would be willing, if granted the permit, to give to the City at that point land measuring from twenty-five to thirty feet and that the building would be placed in position with a view to avoiding congestion.

January 17th, 1929

After discussion, it was moved by Alderman McCarthy that the report of the City Engineer be adopted.

Alderman Shannon moved in amendment that the request of the Mc Coll-Frontenac Oil Co.Ltd. be granted, provided the Company deed to the City a part of the lot not less than twenty-five feet from the corner of each street, and that an agreement be prepared by the City Solicitor, containing such terms as the City Engineer may approve, said agreement to be executed before a permit is given.

The amendment was put and passed, Alderman McCarthy and Smith dissenting.

A true extract.

M.A.Hunter
CLERK OF WORKS

City Engineer's Office,
Halifax, N.S.,
January 17th, 1929

FILLING STATION
SOUTH WEST CORNER OXFORD ST AND
QUINPOOL ROAD

His Worship the Mayor.

Sir:-

With further reference to my report on the application of Mr. E.Raynor for permission to erect a Filling Station at the south-west corner of Quinpool Road and Oxford Street made on the 12th ult., the offer of the owners of the property to convey to the City the triangular strip at the corner measuring twenty-five feet on the lines of Oxford Street and Quinpool Road and also the land lying between the existing west line of Oxford Street and the new official line of the street, which is something over five feet wide or a total area of 1,360 square feet, puts a different complexion on the matter.

The land between the two lines of Oxford Street will eventually have to be taken in order to straighten this street in the block between Pepperell street and Quinpool Road.

As stated in the report mentioned, the Town Planning Board some years ago, decided that Quinpool Road as far west as Kline Street be a business district and the Committee on Works have authorized several permits for business premises on this street.

The assessed valuation of the land is .20 cents a square foot, which means that the applicant for the permit offers to deed to the City land to the value of about \$300.00 provided a permit for the erection of the Filling Station as set out in the report of the 12th ult., will be removed

-351- Respectfully submitted
H.W.Johnston
CITY ENGINEER

January 17th, 1929

Moved by Alderman Ryan seconded by Alderman Rains that as a number of the property owners in the vicinity of the lot for which this application is made are present and object to the issuing of a permit that they be permitted to address the Council on the subject, also the representative of the Company making the application. Motion passed.

9.30 o'clock p.m.

Alderman Mitchell arrives and takes his seat in Council.

The Council is addressed by Messrs H.M. VanBuskirk , A.McKay, J.E.Rutledge and J.A.Walker who protested strongly against the granting of this application as it would greatly depreciate the value of their property and be ruinous to the residential property in that district.

Mr. Gordon McL.Daley, Solicitor on behalf of the applicant also addressed the Council setting forth the benefits that would be derived by the City in granting this application.

Moved by Alderman Ryan seconded by Alderman Rains that the report of the Committee on Works recommending that this application be granted be not adopted, and that the application be not granted.

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

FOR THE MOTION

Aldermen Dickie
Smith
Donovan
Cragg
McCarthy
Rains
Ryan
Mullane
Drysdale
Robertson
Robinson -11

AGAINST IT

Alderman Shannon
Mitchell
MacDuff
Corbin
O'Toole
Smeltzer

Engineer

January 17th, 1929

RESIDENTIAL DISTRICT
APPLICATION FOR A PERMIT FOR SHOP 295 SOUTH STREET

by Alderman Smitzer Read report of the Committee on
Works and City Engineer on the application of Mr.
H.L.Roche for permission to install a shop front in
his dwelling at 295 South Street in the residential
district:

Alderman Shannon
Lindsay
Smitzer-3

Alderman Dickie
Smith
Cowan
City Works Office,
Halifax, N.S. 29th, 1928

295 South St.
Shop in Residential District

His Worship the Mayor
and City Council.

Gentlemen:-

Attached hereto is report of the
City Engineer recommending the granting of an
application of Mr. H.L.Roche, for permission to instal
a shop front in his dwelling at 295 South Street;
also a protest from property owners on South Street.

The Committee on Works on December
19th decided to recommend to Council that the report
of the City Engineer be adopted. Alderman Corbin
dissenting.

Respectfully submitted

M.A.Hunter
CLERK OF WORKS

City Engineer's Office,
Halifax, N.S.,
December 19th, 1928

295 South Street
Shop in Residential District

His Worship the Mayor.

Sir:-

I beg to report on the appli-
cation of Mr. H.L.Roche for permission to instal a
shop front in his dwelling at No. 295 South
Street, that this is in the residential district.

Advertisements were inserted in
the newspapers that the application had been ma
I am in receipt of a petition opposing the granting
of the permit. The building is on the north side of
the street in the block between Henry and Seymour
Streets. There is a shop on the corner of Henry
Street and one on the opposite side, the former at
present unoccupied. Another shop will not in my
opinion be any detriment to the property in this
block and I would recommend that the permit be
granted.

Respectfully submitted
H.W.Johnston
CITY ENGINEER

January 17th, 1929

FOR THE MOTION

AGAINST IT

Moved by Alderman Shannon seconded by Alderman Smeltzer that the report of the Committee on Works and City Engineer be adopted. Motion put and lost three voting for the same and thirteen against it as follows:

Engineer

FOR THE MOTION

AGAINST IT

Alderman Shannon
Drysedale
Smeltzer-3

Alderman Dickie
Smith
Donovan
Cragg
MacDuff
McCarthy
Rains
Ryan
Corbin
O'Toole
Mullane
Robertson
Robinson-
13-

WATER DEPT.
PURCHASE OF AN ADDRESSING MACHINE

Read report of the Committee on Works recommending the purchase of an Elliott Addressing Machine for the office of the Water Department at a cost of \$620.00:

City Works Office,
Halifax, N.S.,
January 17th, 1929

ELLIOTT ADDRESSING MACHINE

His Worship the Mayor
and City Council.

Gentlemen:-

At a meeting of the Committee on Works on the 16th instant, it was resolved to recommend to Council that an Elliott addressing machine be purchased at an estimated cost of \$620.00 for use in the office of the Water Department.

Respectfully submitted

M.A. Hunter
CLERK OF WORKS.

Moved by Alderman Shannon seconded by Alderman McCarthy that the report be adopted. Motion put and passed fourteen voting for the same and one against it as follows:

Engineer Auditor

FOR THE MOTION

AGAINST IT

Alderman Shannon
Smith
Donovan
Cragg
MacDuff
McCarthy
Rains
Ryan
Corbin
O'Toole
Mullahe
Drysdale
Smeltzer
Robinson-14

Alderman Robertson

-1-

FILLING STATION N.E. CORNER CUNARD AND
ROBIE STREET

Read report of the Committee on Works and City Engineer on an application of R. A. MacLeod to open a filling station on the North East corner of Cunard and Robie Streets:

County Court House,
Halifax, N.S. Dec. 11-28

H.W. Johnston, Esq.,
City Engineer
City Hall,

Dear Sir:-

I hereby apply for a permit to erect and operate a filling station on the north east corner Cunard and Robie Streets in the City of Halifax

The plan for same is now in your possession.

Yours truly,

Sgd. R.A. MacLeod

City Engineer's Office,
Halifax, N.S.,
Jan. 16th, 1929

FILLING STATION NORTHEAST CORNER
CUNARD AND ROBIE STREETS

His Worship the Mayor.

Sir:-

The application for permission to erect a Filling Station at the northeast corner of Cunard and Robie Streets, was referred to me to interview the applicant regarding conditions under which he would, if granted permission, deed to the City the land required for the proposed widening of Robie Street in front of this property. The accompanying

Plan No. 6220. has been prepared showing the existing boundaries of the properties, the proposed alteration in the east line of the street and the proposed site of the Station. The sketch submitted with the application shows a proposed lawn at the present corner.

For some years it has been in contemplation to lay down on the Official Plan the new street line as shown on the Plan submitted. The worst danger at the busy intersection of Cunard and Robie Streets arises from the fact that the buildings on the east side of Robie Street project beyond the line of the eastern roadway of Robie Street boulevards. The moving of the buildings to the proposed line would undoubtedly make a big improvement in the situation.

The owner estimates it will cost about \$14,000 to acquire the corner property and remove the building. He states that \$5,000 would be a fair price for the City to pay.

As the cost of making this improvement is, under present conditions, considerably more than the City can pay, the objective can, to a large extent, be obtained if the portion of the property coloured green on the Plan, were left open and unobstructed. This in my opinion would more than compensate for any increase in traffic congestion due to the location of a station here.

The property includes the corner fronting on Cunard Street and also another property fronting on Robie Street, the former is within the residential district. A permit was granted some years ago for the shop which is at present in use at this location.

I would recommend that a permit be given if the owner will undertake to keep that part of the property shown in green on the above mentioned plan, open and free from buildings or structures of any kind.

Respectfully submitted,
H.W. Johnston,
CITY ENGINEER.

City Works Office,
Halifax, N.S.,
Jan. 17th, 1929

FILLING STATION NORTH EAST CORNER
CUNARD AND ROBIE STREETS

His Worship the Mayor and
City Council.

Gentlemen:-

The Committee on Works at a meeting on the 16th instant, resolved to recommend to Council that the report of the City Engineer be adopted and permission granted, to erect a filling station at the north-east corner of Cunard and Robie Streets, on the conditions named in the said report.

Respectfully submitted
M.A. Hunter
CLERK OF WORKS

Moved by Alderman Shannon

seconded by Alderman Smeltzer that the report be adopted.

Moved in amendment by

Alderman Drysdale seconded by Alderman Cragg that the consideration of this matter be deferred until the next regular meeting of Council.

Amendment put and lost six vot-

ing for the same and ten against it as follows:

FOR THE AMENDMENT

AGAINST IT

Alderman Dickie
Cragg
Rains
Mullane
Drysdale
Robertson -6

Alderman Shannon
Smith
Donovan
MacDuff
McCarthy
Ryan
Corbin
O'Toole
Smeltzer
Robinson-10

The original motion is put

and passed eleven voting for the same and five against it as follows:

FOR THE MOTION

AGAINST IT

Alderman Shannon
Smith
Donovan
MacDuff
McCarthy
Rains
Ryan
Corbin
O'Toole
Smeltzer
Robinson-11

Alderman Mitchell
Cragg
Mullane
Drysdale
Robertson

-5-

Engineer

FILLING STATION SOUTHWEST CORNER
DRESDEN ROW AND SACKVILLE ST.

Read report of the Committee on Works and City Engineer on the application of R.A. MacLeod to open a filling station on the Southwest corner Dresden Row and Sackville Street!

January 17th, 1929

County Court House,
Halifax, N.S. Dec. 11-28

H.W. Johnston, Esq.,
City Engineer,
City Hall,
Halifax, N.S.

Dear Sir:-

I hereby apply for a permit to erect and operate a filling station on the south west corner of Dresden Row and Sackville Street in the City of Halifax.

The plan for same is now in your possession.

Yours truly,
Sgd. R.A. MacLeod.

City Engineer's Office,
Halifax, N.S.
Jan. 16th, 1929

FILLING STATION SOUTH WEST
CORNER DRESDEN ROW AND SACKVILLE ST.

His Worship the Mayor

Sir:-

In accordance with the instructions of the Committee on Works the applicant for permission to erect a filling station at the south-west corner of Dresden Row and Sackville Street published an advertisement in two papers, two insertions in each, notifying anyone objecting to the erection of this station at this point to file such objections with the Building Inspector, no such objections have been received.

This corner being practically the intersection of three streets, Dresden Row, Queen and Sackville Street, is and has been a dangerous one due to a large extent to the fact that the line of the building on the south-west corner projects northwardly of the intersection of Queen Street and Dresden Row.

The proposed filling station, will in my opinion, improve conditions at this point, provided the triangular area colored "green" on the attached plan is left open, and I would recommend that a permit be granted provided the owner of the property agrees to keep this part of it clear of buildings, levelled and sodded to the approval of the City Engineer.

Respectfully submitted
H.W. Johnston
CITY ENGINEER

the owner of the premises No. 759-761 Robie Street
for a reduction in the water consumption, that the
monthly consumption at these premises for the
six months has been as follows:

January 17th, 1929

June 13th, 6,400
July 12th, 8,400
Aug. 9th, 16,000
Sept. 7th, 19,800
Oct. 10th, 16,000
Nov. 9th, 19,800

City Works Office,
Halifax, N.S.,
Jan. 17th, 1929

FILLING STATION-SOUTH WEST CORNER
DRESDEN ROW AND SACKVILLE STREET

His Worship the Mayor
and City Council

Gentlemen:-

The Committee on Works at a meeting on the 16th instant, decided to recommend to Council that the attached report of the City Engineer, recommending the granting of application for permission to erect a filling station at the south-west corner of Dresden Row and Sackville Streets, be granted on the conditions contained therein.

Respectfully submitted
M.A.Hunter
CLERK OF WORKS

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

Engineer

NOVA SCOTIA PUBLIC COLD STORAGE WAREHOUSE
WATER RATES-EXEMPTION

Read report of the Committee on Works and City Engineer re Water Rates exemption Nova Scotia Public Cold Storage Warehouse Limited:

By unanimous consent, and at the request of Alderman Redden who through illness was unable to be present, the consideration of this report was deferred until the February meeting of Council.

Council

WATER METER BILL 759-761 ROBIE STREET

Read reports Committee on Works and City Engineer re Water Meter Bill 759-761 Robie St:

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

No. 759-761 Robie Street-Water
Consumption

His Worship the Mayor.

Sir:-

I beg to report on the complaint of

the owner of the premises No. 759-761 Robie Street for a reduction in the water consumption, that the monthly consumption at these premises for the past six months has been as follows:

| | |
|------------|--------|
| June 13th, | 6,800 |
| July 12th | 6,200 |
| Aug. 9th | 8,400 |
| Sept. | - |
| Oct. 10th | 16,000 |
| Nov. 9th | 19,800 |

W.C.W.(N) 14-11-28

It will be seen that there was a large consumption for the month ending November 9th and a notice was sent on the 14th. The owner, in her letter, states that the tenant did not notify her of the waste which was caused by a leaky ball cock, and immediately on receipt of notice the conditions were remedied.

Under these circumstances I would recommend that the consumption for November be reduced by 10,000 gallons and the bill made up accordingly.

Respectfully submitted
H.W. Johnston
CITY ENGINEER.

City Works Office,
Halifax, N.S.
Dec. 29th, 1928

759-61 ROBIE STREET-WATER CONSUMPTION

His Worship the Mayor and
City Council.

Gentlemen:-

The Committee on Works recommends for adoption the accompanying report of the City Engineer on water consumption # 759-761 Robie Street and that the consumption for November 1928 be reduced by 10,000 gallons.

Respectfully submitted
M.A. Hunter
CLERK OF WORKS

Moved by Alderman Shannon seconded by Alderman McCarthy that the report of the Committee on Works be adopted. Motion passed.

WATER METER BILL 110 CHESTNUT STREET

Read reports Committee on Works and City Engineer re Water Meter Bill 110 Chestnut Street:-

City Engineer's Office,
Halifax, N.S.,
Dec. 31st 1928

110 CHESTNUT STREET
WATER CONSUMPTION

His Worship the Mayor
Sir:

I beg to report on the application

*and not
Collector
Clerk of Works*

January 17th, 1929

of the owner of the premises No. 110 Chestnut Street for a reduction in the water consumption at these premises, that monthly consumption has been as follows:

| | | |
|----------|---------------|---------------------|
| Aug. 21- | New Meter set | |
| Sept. 20 | 3,300 | |
| Oct. 19 | 1,700 | |
| Nov. 20 | 10,400 | W.C.W. (N) 29-11-28 |
| Dec. 27 | 4,300 | |

Sir:- Our meter foreman inspected the premises on the 27th of December and reported that there was no waste on that date, but that the tenant states that the closet had been wasting for about two months before being repaired, he also stated that the landlord was notified of the waste on two different occasions, however our records would seem to bear out the landlord's statement, and I would recommend that the November consumption be reduced to 5,000 gallons

Respectfully submitted
H.W. Johnston
CITY ENGINEER

City Works Office,
Halifax, N.S.,
Jan. 14th, 1928

110 Chestnut Street
Water Meter Account

His Worship the Mayor and
City Council.

Gentlemen:-

The Committee on Works recommend that the accompanying report of the City Engineer on Water Meter Account # 110 Chestnut Street be adopted, and the consumption shown November 1928 be reduced to 5,000 gallons

Respectfully submitted
M.A. Hunter
CLERK OF WORKS

Moved by Alderman Shannon seconded by Alderman McCarthy that the report of the Committee on Works be adopted. Motion passed.

WATER METER BILL 24-26 NORTH STREET

Read reports of the Committee on Works and City Engineer re Water Meter Bill 24-26 North Street:

January 17th, 1929

City Engineer's Office
Halifax, N.S.,
Dec. 20th, 1928

24-26 North Street
Water Consumption

His Worship the Mayor

Sir:-

I beg to report on the application of the owner of the premises No. 24-26 North Street for a reduction in the meter readings, that the readings for the past two months have been as follows:

| | |
|---------|---------------------|
| July 9 | 3,700 |
| Aug. | - |
| Sept. | - |
| Oct. 9 | 16,800 |
| Nov. 10 | 21,700 (N) 14-11-28 |

The premises were inspected on the 18th instant and no waste was found the tenant stated that a closet had been wasting but had been repaired.

As steps were taken immediately upon notice to remedy the defective plumbing, I would recommend that the November consumption be reduced to 7,000 gallons and the bill made up accordingly.

Respectfully submitted,
H.W. Johnston
CITY ENGINEER.

City Works Office
Halifax, N.S. Jan. 14-29

24-26 North Street -
Water Meter Account

His Worship the Mayor and
City Council.

Gentlemen:

The attached report of the City Engineer on application of the owner of premises 24-26 North Street for reduction in meter rates was adopted by the Committee on Works on January 9th inst., and it is recommended that the consumption shown November 1928 be reduced to 7,000 gallons.

Respectfully submitted
M.A. Hunter
CLERK OF WORKS

Moved by Alderman Shannon seconded by
Alderman McCarthy that the report of the Committee on
Works be adopted. Motion passed

*M.A. Hunter
Clerk of Works*

January 17th, 1929

WATER METER BILL MISS PIERS
DUTCH VILLAGE ROAD

Read reports Committee on Works and City
Engineer re Water Meter Bill Miss Piers Dutch
Village Road:

City Engineer's Office,
Halifax, N.S.,
January 4th, 1929

DUTCH VILLAGE ROAD MISS PIERS'
WATER BILL

His Worship the Mayor:

Sir:-

I beg to report on the water bill for water supplied the property belonging to Miss Piers on the west side of the Dutch Village Road and outside of the City limits, that Mr. Harry Piers appeared before your Committee on behalf of the owners of the property and also wrote a letter, copy of which is attached, setting forth their claim for consideration. The water is supplied to these premises through a $\frac{1}{2}$ inch pipe connecting to the 24-inch low service main, which is laid along a right-of-way through their property, under an agreement originally made in 1897. In 1922 all the agreements made for the supply of water to properties outside the City limits were cancelled and new ones entered into. The agreements provide that water will be supplied through a meter and that the owner shall pay the regular meter rates with a minimum yearly charge of \$12.00, the City retaining the right to terminate the agreement at any time upon giving one month's notice, and also to turn the water off if the rates are not paid.

The claim in this case is made that a question of damage to the property through leaks of the main pipes therein has been outstanding since the original agreement for the supply of water was made and that on several occasions this was discussed with former officials of the City, but as stated by me to the Committee and acknowledged by the claimant, there is no record of any formal demand for any particular damage ever having been made until the present time. I do not think that this question should be mixed up with the question of the water rates, each should be decided on its own merits. With regard to the City's liability, I am attaching an opinion from the City Solicitor, which in effect says that in case of an action it is doubtful if the claimants could recover more than nominal damages and in any event the damages would be confined to those arising within the last six months.

January 17th, 1929

The claimants have paid in the last few years amounts as follows:-

| | | |
|----------------|-------------------|---------|
| April 4, 1926- | rates for 1925-26 | \$12.00 |
| Nov. 9th, 1926 | " to April 1927 | 12.00 |
| Oct. 20, 1927 | " " April 1928 | 12.00 |
| May 29, 1928 | Rates | 6.00 |

It will be noticed that with the exception of the last payment the moneys were paid for specific years. The last payment would seem to have been a payment on account of the whole bill.

It will be seen from the Solicitor's opinion that the liability for water rates in this case is different from the ordinary liability for such rates, as the claimants are not entitled to the supply of water, but receive it under a special agreement and consequently the relations between the City and the claimants are purely contractual and the ordinary statute of six years limitations would apply, and the three payments made to particular years would not have the effect of preventing the debt from being outlawed. With regard to the last amount it would be a question of fact as to what was said or done at the time of payment. If nothing was said and the amount was credited generally on account of the whole outstanding bill this would probably have the effect of preventing the statute of limitations from operating. The City Solicitor advises that "this, however, is largely a question of fact, and if the City saw fit to take the doubtfulness of it into consideration, they would be justified in so doing, particularly as it is not a case of ordinary water rates but purely a matter of the sale of water outside the City"

The applicants claim that the payment made on the 29th of May, 1928 was made under the same conditions as those previously made, viz, for the current half year and the surrounding circumstances would tend to bear this statement out.

In view of the City Solicitor's opinion I am inclined to the view that this is a case for a compromise. I would recommend that the City agree, without prejudice, to settle the bill for \$50.00

Respectfully submitted
H.W. Johnston
CITY ENGINEER

Office of the City Solicitor
Halifax, N.S. Dec. 24-28

City Engineer
City

RE PIERS CLAIM

Dear Sir:-

As I understand your request in this you with my opinion on two points.

First: the liability of the City for any damage claimed for the overflow of the claimants to pay for the water supplied to them.

On these two points I beg to say as follows: The claim for damages is of the vaguest character. The land appears to have been a swamp previous to the installation of the pipe line in 1846. It is possible that it may have been at times, a little wetter than it otherwise would have been by drainage down the pipe line, and also possibly from leakage from pipe, but it would be impossible in my opinion to say to what extent the property of the claimants was damaged by this apparently small additional amount of water. I doubt very much if the claimants, in an action, would recover more than nominal damages. In any event, the damages would be confined to those arising within the last six months.

As to the City's right to overflow the land arising out of the length of time in which the overflow, if any, has continued, that is a different question under the law of prescription and I would prefer not to give a definite opinion until the question definitely arises.

Secondly: as to the liability of the claimants for water, it differs from an ordinary liability for water rates, whether fire protection or consumption. The claimants do not reside in the City and consequently are not entitled to a supply of water. They are supplied under a special agreement, consequently the relations between them and the City are purely contractual and the ordinary statute of six years limitations would apply. As to the effect of the payments made in preventing the debt from being outlawed, it is clear that the two payments credited to particular years could not have this effect. As to the other two, on general account it would be a question of fact as to what was said or done at the time of this payment. If nothing was said and the City credited them generally on account of the whole outstanding debt, that would probably have the effect of preventing the Statute from running. This, however, is largely a question of fact, and if the City saw fit to take the doubtfulness of it, into consideration, they would be justified in so doing, particularly as it is not a case of ordinary water rates but purely a matter of the sale of water outside the City.

Yours truly,
(sgd) F.H. Bell
CITY SOLICITOR.

City Works Office,
Halifax, N.S. Jan. 14-28

Dutch Village Road-
Water Bill

His Worship the Mayor and
City Council

Gentlemen:-

The attached reports of the City
Engineer and City Solicitor on water bill of Elizabeth