

EVENING SESSION

8.10 O'Clock,  
Council Chamber,  
City Hall, January 15th, 1931

A meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor and Aldermen Dickie, Stech, Mitchell, Donovan, Redmond, Daley, Cragg, McInnes, McCarthy, Rains, McDonald, Shields, O'Toole, Drysdale, O'Malley, Probert and Adams.

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

✓ The following papers were submitted:  
SCHOOL BOARD OVERDRAFT

Read letter Colonel, the Honorable Gordon S. Harrington, Premier, offering the good services of his Government to support legislation authorizing an over expenditure of \$400.00 by the School Board:

Halifax, N.S., Dec. 16th, 1930

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

Dear Sir:

In reply to your letter of the 12th instant while the suggested legislation to which you refer is essentially private legislation yet I may say that in order to assist the Board of School Commissioners in attempting to meet the present situation the Members of Government are quite satisfied to support authority to expend \$400.00 by the School Board for services which were not taken into consideration when their appropriations were made.

I trust that this will be satisfactory to you and hope the matter may proceed.

Yours faithfully,

G.S. Harrington

January 15th, 1931

✓  
LOAN \$446,000.00

Read letter Messrs. Wood-Gundy and Company informing the City that they were prepared to take up their option for the loan of \$446,000.00, City of Halifax 4½% bonds due January 1st 1931 at a price of 93% and interest:

Montreal, B.Q.,  
January 12th, 1931

R.V. Dimock, Esq.,  
City Treasurer,  
Halifax, N.S.

Dear Sir:

We wish to confirm the purchase from the City of Halifax of-

\$446,000 City of Halifax, N.S.  
4½% Bonds,  
Due: 1st January, 1961  
Price: 93 and interest,

in accordance with the option granted us on these bonds at the time of our purchase of \$975,000 City of Halifax 4½% bonds due 1st January, 1952.

We would like to obtain delivery of both lots of bonds as early as possible. We understand from the Banknote Company that they will be shipping these bonds to you for signature about the 20th of this month and we will be glad if you will advise us how long you expect it will take to have the bonds signed and when they will be ready for us to take delivery of.

Yours very truly,

Wood, Gundy & Company

FILED.

✓  
PROVINCIAL EXHIBITION 1930

Read report of the City Auditor covering financial statement of the Provincial Exhibition Commission.

City Auditor's Office,  
Halifax, N.S., Dec. 18th, 1930

His Worship the Mayor,  
City of Halifax.

Dear Sir:

I am enclosing herewith a copy of the Financial Statement, Statement of Revenue and Expenditure, together with my report of the

January 15th, 1931

operations of the Provincial Exhibition Commission for the year ending October 31st 1930.

I am also enclosing sufficient copies for distribution to each Alderman.

Yours truly,

A.M. Butler,  
CITY AUDITOR

( For copy of report see  
Auditor's Annual Report 1930-31)

✓  
SCHOOL BOARD ESTIMATES

Read letter H.F. Bezanson, Secretary of the Board of School Commissioners covering School Board estimates 1931:

Referred to the Finance Committee.

✓  
NEW SCHOOL CHEBUCTO ROAD

Read letter Board of School Commissioners re construction of a new school on Chebucto Road.

Referred to the Finance Committee.

✓  
VOCATIONAL SCHOOL

Read letter Board of School Commissioners covering letter F.H. Sexton, in re construction of a vocational school:

Referred to the Finance Committee.

✓  
WORKS DEPARTMENT ACCOUNTS

Read report of the Committee on Works and City Engineer recommending for payment accounts amounting to \$16,411.19:

City Works Office,  
Halifax, N.S.,  
January 15th, 1931

Accounts- Works and Water Depts.

The City Council.

Gentlemen:

*W.C. Cragg  
Clerk*

*W.C. Cragg  
Clerk*

*W.C. Cragg  
Clerk*

January 15th, 1931

At a meeting of the Committee on Works held on the 14th instant accounts amounting to \$16,411.19, chargeable as follows, were approved and recommended to Council for payment:

Water Dept--	Capital	\$289.57	
	Maintenance		
		<u>3,233.07</u>	\$3,522.64
Works Dept--	Capital	\$5,920.61	
	Appropriations		
		<u>6,967.94</u>	<u>12,888.55</u>
			<u>\$16,411.19</u>

Respectfully submitted

M.A. Hunter  
CLERK OF WORKS

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

✓  
GENERAL ACCOUNTS

Read report of the Finance Committee recommending for payment accounts amounting to \$17,195.11:

Committee Room,  
City Hall,  
January 14th, 1931

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 chargeable to the various appropriations amounting to \$17,195.11 was passed as correct and recommended to the City Council for payment.

Respectfully submitted,

E.J. Cragg  
CHAIRMAN

Moved by Alderman Cragg seconded by Alderman McInnes that the report be adopted and accounts paid. Motion passed.

January 15th, 1931

✓  
CITY HOME & T.B. HOSPITAL ACCOUNTS

Read report of the Charities Committee recommending for payment accounts chargeable to the City Home \$10,159.87 and to the T.B. Hospital \$2,736.07:

Halifax, N.S. Jan. 14th, 1931

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 Redmond, McCarthy, O'Toole and Probert.

CITY HOME ACCOUNTS DECEMBER 1931 AMOUNT \$10,159.87

City Home accounts for the month of December 1930 amounting to \$10,159.87 are recommended for payment.

TUBERCULOSIS HOSPITAL ACCOUNTS DECEMBER 1930  
AMOUNT \$2,736.07

Tuberculosis Hospital accounts for the month of December 1930 amounting to \$2,736.07 are recommended for payment.

Respectfully submitted,  
F.W. Dickie,  
CHAIRMAN

Moved by Alderman Dickie seconded by Alderman Redmond 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 \$12,321.60 and to the Fire Alarm Maintenance Account \$424.95:

January 15th, 1931

Committee Room,  
City Hall,  
January 15th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Committee of Firewards held this day the attached lists of accounts chargeable to Fire Department \$12,321.60 and to Fire Alarm Maintenance \$424.95, were passed as correct and recommended to the City Council for payment.

Respectfully submitted,  
W.J. O'Toole  
CHAIRMAN

Moved by Alderman O'Toole seconded by Alderman Cragg 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 \$3,218.70:

Office of City Health Board  
Halifax, N.S. January 14th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the City Health Board held on Tuesday, January 13th, the following named accounts amounting to \$3,218.70, were passed and recommended to the City Council for acceptance.

Respectfully submitted,  
Arthur C. Pettipas,  
SECRETARY C.H.B.

Moved by Alderman Stech seconded by Alderman O'Toole 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 \$10,148.94:

January 15th, 1931

Halifax, N.S.,  
January 12th, 1931

His Worship the Mayor,  
and City Council.

Gentlemen:

At a meeting of the Police Committee held this date the following accounts amounting to \$10,148.94 were examined found correct, and recommended to the City Council for payment.

Respectfully Submitted,  
L.A. Gastonguay  
MAYOR AND CHAIRMAN

Moved by Alderman Mitchell seconded by Alderman Adams 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 \$2,167.61:

Committee Room, City Hall,  
January 9th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the City Prison Committee held this day the attached accounts amounting to \$2,167.61 were passed as correct and recommended to the City Council for payment.

Governor Grant's report for the month of December is also attached hereto.

Respectfully submitted,  
W.E. Donovan  
CHAIRMAN

Moved by Alderman Donovan 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 \$1,437.29 and to Fleming Park \$144.72:

January 15th, 1931

Committee Room, City Hall,  
January 8th, 1931

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 chargeable to the following appropriations were passed as correct and recommended to the City Council for payment:

Public Gardens	- Capital	\$747.38	
	Current	<u>689.91</u>	\$1,437.29
Fleming Park			<u>144.72</u>

Respectfully submitted,  
W.E. Donovan  
CHAIRMAN

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

CITIZENS FREE LIBRARY ACCOUNTS

Read report of the Library Committee recommending for payment accounts amounting to \$337.12 and covering a resolution asking that Legislation be obtained at the next session of the Legislature authorizing the use of a portion of the South Common for the erection thereon of a new public library:

Citizens Free Library  
Halifax, N.S. January 9th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

The Library Committee beg to submit the following accounts for payment.

Respectfully submitted,  
H.J. Stech  
CHAIRMAN



January 15th, 1931

RESOLVED that this Committee recommend to the Council that Legislation be obtained at the next session of the Legislature authorizing the use of a portion of the South Common known as Camp Hill for the erection thereon of a building for a public library and that application be made to the Department of Militia and Defence for its consent to the use of Camp Hill for that purpose.

FURTHER RECOMMENDED that the Engineer be instructed to prepare a plan and description of the portion of Camp Hill proposed to be used for the purpose aforesaid.

Moved by Alderman Stech seconded by Alderman Adams that the accounts recommended in the report of the Library Committee be passed for payment and that action on the resolution in re the construction of a new library be deferred until a future meeting. ✓ Motion passed.

MIGHT DIRECTORIES

Read report of the Finance Committee recommending for payment accounts of the Might Directories Atlantic Limited for directories furnished to the various civic departments:

Committee Room,  
City Hall,  
January 14th, 1931

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 account of the Might Directories Atlantic Ltd., for directories furnished to the City Works Department. This account has been held up for some time on account of irregularity in the issuing of the orders.

Your Committee concur in the action of the City Auditor in holding up the payment of this account, and reporting the same to this Committee, and recommend that as the directories have been in use by the Department for some time and are needful for its efficient service that the account be paid. Also that accounts for all directories ordered in the regular way be now paid.

Respectfully submitted,  
E. J. Cragg  
CHAIRMAN

January 15th, 1931

Moved by Alderman Cragg  
seconded by Alderman Mitchell that the report be  
adopted and account paid. Motion passed.

AIRPORT  
ST. PATRICK'S HOME EXPROPRIATION  
ACCOUNT L.A. LOVETT, K.C.

Read report of the Finance Committee  
recommending for payment account of L.A. Lovett,  
Esq., K.C., for services in submitting an opinion  
on the findings of the referee in the matter of the  
expropriation of a portion of St. Patrick's Home  
property for an airport:

Committee Room,  
City Hall, Jan. 14th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Finance Committee  
held this day the attached account of Messrs. McInnes,  
Lovett and McDonald for services rendered by Mr.  
L.A. Lovett, K.C., in giving an opinion on the decision  
of Judge O'Hearn in the proceedings relating to the  
St. Patrick's Home expropriation amounting to \$100.00,  
was submitted and read.

Your Committee recommend that the  
account be paid.

Respectfully submitted,

E. J. Cragg  
CHAIRMAN

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

EDWARD MAXWELL JUDGMENT

Read report of the Finance Committee  
covering a resolution in reference to the partial  
release of a judgment held by the City of Halifax  
against Mr. Edward Maxwell.

January 15th, 1931

Committee Room, City Hall,  
January 14th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Finance Committee held this day the attached resolution submitted to the Committee by Mr. W.L. Payzant asking for partial release of the judgment held by the City against Edward Maxwell, was read.

Your Committee recommend that the resolution be adopted by the City Council.

Respectfully submitted,  
E.J. Cragg  
CHAIRMAN

WHEREAS, the City of Halifax on the 27th day of October A.D. 1924, recovered Judgment against Edward Maxwell of Halifax in the County of Halifax, in an action instituted in the Supreme Court of Nova Scotia at Halifax for the sum of Twenty-One Thousand Seven Hundred and Forty-One Dollars and Forty-seven cents debt, and twenty-three dollars and ninety-five cents costs of suit.

AND WHEREAS the Certificate of the said Judgment was duly registered in the Registry of Deeds at Halifax aforesaid in Libro 529 Folio 691, on the 28th day of October A.D. 1924.

AND WHEREAS, Eva Halbot Huddy is now the owner of certain lands and premises hereinafter described which were owned by the said Edward Maxwell at the time of the said Judgment.

AND WHEREAS all moneys due and owing the City of Halifax in respect to the property hereinafter described have been paid.

NOW THEREFORE, RESOLVED that the Mayor and City Clerk are hereby authorized to execute a release from the operation of the said Judgment of A L L that certain dwelling house, shop, piece and parcel of land and premises situate, lying and being on the East side of Grafton Street in the City of Halifax, County and Province aforesaid, being part of lot number six in Block letter "F" in Colliers division of the Town of Halifax fronting on Grafton Street and measuring thereon twenty-one feet more or less and being in depth Sixty feet more or less bounded on the North by property now or formerly of Mr. Stevens on the South by the dwelling house and lot formerly of Peter Breury on the East by the premises of the late John Shaffner.

January 15th, 1931

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

SALARY ASSISTANT NIGHT ENGINEER  
T. B. HOSPITAL

Read report of the Finance Committee  
in re the salary of Mr. William Power, Assistant  
Night Engineer at the T.B. Hospital:

City Auditor's Office,  
Halifax, N.S., Dec. 1st 1930

The Chairman,  
The Finance Committee.

Dear Sir:

I am advised by the Superintendent  
of the T.B. Hospital that the services of one William  
Power have been engaged as of November 1st 1930, as  
Assistant Night Engineer at the Tuberculosis Hospital.

Under the schedule of salaries as  
laid down by Council some months ago this position  
enjoys a minimum salary of \$1,000.00 and a maximum  
salary of \$1,200.00. Mr. Power's predecessor was  
being paid at the rate of \$1,200.00 per annum.

Mr. Power has been in the employ of  
the City as an hourly labourer for some years, but is  
in a sense a temporary employee. If he were a per-  
manent employee with the Work's Department and was  
transferred for service at the City Home in the  
capacity of Assistant Night Engineer, I should say  
the transfer should not involve a financial loss to  
him to the extent it would were he required to accept  
the minimum salary. For several years his annual  
earnings have been in excess of \$1,200.00, and it  
seems to me that there is no reason why a civic  
employee going from one department to another should  
have his remuneration reduced to a point below  
the maximum laid down for the new position, provided  
he was receiving a salary in excess of the maximum.

Of course, the point I mentioned  
before must be kept in mind, that this man is a  
temporary employee, capable of being laid off at  
any time, but I think that this point is very  
technical and that Mr. Power was in every sense of  
the word a permanent employee of the Works' Department.  
The Charities Committee have appointed this employee  
at the maximum salary of \$1,200.00 "subject to the  
approval of the City Auditor". My own view of  
the matter is that if Power can be regarded as a  
permanent employee he is entitled to receive the  
maximum salary of \$1,200.00 inasmuch as his earnings  
for the past three years have been in excess of that  
amount.

January 15th, 1931

I shall be glad if you will discuss this case and let me know if you agree with this contention.

Yours truly,

A.M. Butler,  
CITY AUDITOR

Committee Room,  
City Hall, January 14th, 1931

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 letter in reference to the salary of Mr. Wm. Power, who was lately appointed Assistant Night Engineer of the Tuberculosis Hospital.

Your Committee recommend that Mr. Power be paid the maximum salary of \$1,200.00 as fixed by the Special Committee on Salary Revision for this office.

Respectfully submitted,  
E.J. Cragg  
CHAIRMAN.

Moved by Alderman Cragg seconded

by Alderman McInnes that the report be adopted.

*Mr. Buchanan*  
Motion passed. ✓

SUPERANNUATION J. WILLIS CALDWELL

Read report of the Finance Committee recommending that Mr. J. Willis Caldwell, a member of the staff of the City Collector's department be superannuated:

City Collector's Office,  
Halifax, N.S.,  
January 14th, 1931

The Chairman, and Members  
of the Finance Committee.

Gentlemen:

I beg to inform you that, since my last report, Mr. J. Willis Caldwell's health has shown considerable improvement. He will not, however, be returning to his duties at the City Hall.

January 15th, 1931

While I have considerable sympathy for Mr. Caldwell and his family, knowing as I do their financial position, yet I have reached the stage where I must have a Junior Clerk appointed in order to carry on the work of the office.

I would recommend that Mr. Caldwell be superannuated, or, as an alternative, that he be paid a little better than half pay, namely \$65.00 per month, until the end of the City's Fiscal Year, and then, superannuated to date from May, 1st 1931.

The funds to pay this amount are provided for in our salary account.

Yours faithfully,  
W.H. Morrow,  
CITY COLLECTOR

Committee Room,  
City Hall, January 14th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Finance Committee held this day the City Collector submitted the accompanying letter in reference to the illness of Mr. J. Willis Caldwell, one of his staff who has been on sick leave for the past nine months.

Your Committee recommend that Mr. Caldwell be superannuated under the provisions of Section 299 of the Charter, and that a junior Clerk be appointed to fill the vacancy in this department.

Certificates of Dr. Almon, City Medical Officer and Dr. M.A.B. Smith are hereto attached.

Respectfully submitted,  
E.J. Cragg  
CHAIRMAN

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

APPOINTMENT OF JUNIOR CLERK  
CITY COLLECTOR'S DEPARTMENT

Read report of the Finance Committee covering report of the City Collector recommending the appointment of Mr. W.E. Anderson, 32 Sullivan Street, Halifax, to the position of Junior Clerk in the City Collector's department.

*for Caldwell  
W.H. Morrow  
E.J. Cragg*



January 15th, 1931

City Collector's Office,  
Halifax, N.S.,  
January 14th, 1931

The Chairman,  
and Members of the Finance Committee,  
City Hall.

Gentlemen:

I submit, for your consideration, applications for the position of Junior Clerk, and recommend the appointment of Mr. W.E. Anderson, No. 32 Sullivan Street, Halifax, N.S. This man is eighteen years of age, and a graduate of Miss Forbes' Business College in shorthand, typing, spelling and general office work. He is of good appearance and, I feel, will fill the position very satisfactorily.

It is rather a difficult task to make a recommendation from the applications received, as several of the applicants could fill the position I feel sure.

I personally interviewed a large number of the younger men, including the person I have recommended.

Yours faithfully,

W.H. Morrow,  
CITY COLLECTOR

Committee Room,  
City Hall,  
January 14th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Finance Committee held this day the City Collector submitted the applications received for the position of Junior Clerk in his Department, and recommended the appointment of Mr. W.E. Anderson, 32 Sullivan Street, Halifax, N.S., for the position.

Your Committee recommend the appointment of Mr. Anderson to the position of Junior Clerk in the City Collector's Department, at a salary as fixed by the special committee on Salary Revision.

Respectfully submitted,  
E.J. Cragg  
CHAIRMAN

January 15th, 1931

Moved by Alderman Cragg seconded by  
Alderman McInnes that the report be adopted.

Motion passed.

HONORARIUM HON. F.P. BLIGH, K.C.

Read report of the Finance  
Committee recommending the payment of an honorarium  
of \$300.00 to the Hon. F.P. Bligh, K.C., for his  
services on the Tax Arrears Board:

Committee Room,  
City Hall,  
January 14th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Finance Committee  
held this day the Honorable F.P. Bligh, K.C., appeared  
before the Committee and asked that he be paid for  
his services as Chairman of the Tax Arrears Board for  
the past four years.

Your Committee recommend that Mr.  
Bligh be paid an honorarium of \$300.00 for his  
services on the Tax Arrears Board, this amount to  
cover any services rendered until the duties of the  
Board terminate.

Respectfully submitted,  
E.J. Cragg  
CHAIRMAN

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

BURIAL OF PAUPERS

Read letter of the City Auditor  
covering account of the Nova Scotia Undertaking  
Company for \$25.00 being the cost of burial of an  
inmate who died at the City Home:

City Auditor's Office,  
Halifax, N.S. Jan. 15/31

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

I am attaching an invoice from the



January 15th, 1931

Nova Scotia Undertaking Company for \$25.00 being the cost of the burial of an inmate who died at the City Home..

The circumstances of the case are that this inmate died after being there three or four days, and the body was claimed by relatives. In the event of the body not being claimed, the remains would of course have gone to the Medical College. The fact however, that a claim was made indicates the relatives responsible for the burial. The City is not liable for such cases. The relatives, having claimed the remains, are responsible for burial and the cost cannot be assumed by the City.

I understand that the undertaking company acted on instructions which is tantamount to the City guaranteeing the account.

Respectfully submitted,

A.M. Butler,  
CITY AUDITOR

Moved by Alderman McCarthy seconded by Alderman Daley that the report be referred to the Finance Committee for report. Motion passed.

BURIAL EXPENSES LATE JOSEPHINE WARREN

Read report of the Finance Committee in re the burial expenses of the late Josephine Warren, former Assistant Librarian in the Citizen's Free Library:

Committee Room,  
City Hall,  
January 14th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Finance Committee held this day the City Auditor submitted a letter from Miss Laura E. Warren, with the information that her sister Miss Josephine Warren, a former employee of the City had passed away on the 12th December last. Miss Warren was engaged for over thirty years as an Assistant Librarian, and was superannuated by the City some twenty years ago. Her superannuation was \$250.00 per annum.

Miss Warren informs the City that she is in very straightened circumstances and is unable to pay the funeral expenses of the deceased and asked that some assistance be rendered by the City.

January 15th, 1931

Your Committee recommend that the City Auditor be authorized to pay from the unexpended balance in the Superannuation Estimates the burial expenses of the late Miss Warren, a sum not to exceed \$150.00, and that the City Solicitor be instructed to prepare any legislation required for the ratification of this expenditure.

Aldermen McCarthy and Mitchell  
dissenting.

Respectfully submitted,

E.J. Cragg  
CHAIRMAN

Moved by Alderman Cragg seconded by  
Alderman McInnes that the report be adopted.

Moved in amendment by Alderman Daley  
seconded by Alderman Drysdale that the report be  
not adopted.

Amendment put and lost seven voting  
for the same and ten against it as follows:

FOR THE AMENDMENT

Alderman Mitchell  
Redmond  
Daley  
McCarthy  
McDonald  
Shields  
Drysdale - 7

AGAINST IT

Aldermen Dickie  
Stech  
Donovan  
Cragg  
McInnes  
Rains  
O'Toole  
O'Malley  
Probert  
Adams- 10

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

FOR THE MOTION

Aldermen Dickie  
Stech  
Donovan  
Cragg  
McInnes  
Rains  
O'Toole  
O'Malley  
Probert  
Adams-- 10

AGAINST IT

Aldermen Mitchell  
Redmond  
Daley  
McCarthy  
McDonald  
Shields  
Drysdale

- 7-

✓  
January 15th, 1931

CASH REGISTER CITY COLLECTOR'S DEPARTMENT

Read report of the Finance Committee recommending the purchase from the National Cash Register Company of a cash register for the City Collector's Department:

City Auditor's Office,  
Halifax, N.S.,  
January 12th, 1931

The Chairman,  
The Finance Committee,  
CITY.

Dear Sir:

The City Collector and I, for some time, have given consideration to a method of machine control over the cash paid into his office. There are two systems which can be selected to cover this control.

The first is a complete system of bookkeeping by machines. This system would prepare the tax rolls in the assessor's office, write receipts and operate a ledger system in the collector's office. This is an elaborate and costly system, and we do not need it, for the reason that the assessor has no difficulty in preparing the rolls, nor is there any difficulty in setting up the water bills in the Work's Office.

The second system is represented by a cash register which controls the cash and operates to a degree of efficiency that it guarantees that all sums of money paid into the Collector's office are properly accounted for. We, of course, obtain the same results with the system in vogue today, but the human element enters too largely into it to say that absolutely and beyond doubt it is always accurate. This is the response that the machine system gives us.

I had an opportunity when in Hamilton this summer of studying the system in operation there. Some few years ago serious defalcations were discovered in Hamilton and after a check up the system was completely gone over and modernized. In Hamilton they control tax payments of all kinds by means of an elaborately mechanized cash register manufactured by the National Cash Register Company.

The machine which would fill the requirements of Halifax would run into a cost of approximately \$2,500.00 to \$2,700.00. It will permit the classification of eighteen different groups of taxes, and take care of collections on account of interest as well as make deductions for discounts. It will control all transactions by consecutive numbers. It will register the number of the account for cross reference with the rolls. It will designate the method of payment by the taxpayer, i.e.,

January 15th, 1931

whether cash or cheque, or cheque and cash, or cash and cheque, or cheque by mail, or cash by mail, was paid. It will allow one clerk to control the machine in the absence of another and during such operation will identify by symbol the particular clerk who operated the machine during any group of transactions. It will eliminate the present method and the expense incidental thereto of issuing hand written receipts, because the machine will receipt the tax bill issued by the assessor's office. These are now written in triplicate, and the cost of printing is expensive. This would be a definite saving which, considered over the course of years, would very substantially reduce the cost of the machine. The first cost is practically all. Aside from these features which are very valuable from an accounting standpoint, it will enable us to modernize the system and effect balances of different tax rolls with general ledger controls. The machine will also print the cash book, and at the end of the day by simple key operation will show the various amounts received on account of the numerous classifications of taxes we have here.

We can use this machine to record all cash payments coming in to the collector's office, whether on account of water rates, taxes, current or arrears, or any local improvement account.

The cost as mentioned above will approximate \$2,500.00 to \$2,790.00, and, assuming the machine has a life of ten years only, the cost per year is very small when consideration is given to the fact that it both modernizes our method, prints a readable receipt and gives us absolute protection in the knowledge that money paid for civic services is properly accounted for.

I have given this matter considerable thought and have no hesitation in recommending the National Cash Register's machine as the one most suited to our needs. I would respectfully ask you to recommend the purchase of this equipment at this meeting so that the order can be placed with the Company in time for installation on May 1st next.

Yours respectfully,

A.M. Butler  
CITY AUDITOR

Committee Room,  
City Hall,  
January 14th, 1931

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

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letter asking that the Committee recommend the purchase from the National Cash Register Company of a cash register which controls the cash and operates to such a degree of efficiency that it guarantees that all sums of money paid into the Collector's Office are properly accounted for, said register to cost approximately \$2500 to \$2700.

Your Committee recommend that the City Collector be authorized to place an order for this machine as specified in the Auditor's letter, and that the City Solicitor be instructed to prepare the necessary legislation to borrow the amount of the cost of the machine, said amount to be repaid in five annual installments.

Respectfully submitted,  
E. J. Cragg  
CHAIRMAN

Moved by Alderman Cragg seconded  
by Alderman McInnes that the report be adopted.

Motion passed unanimously the following named

Aldermen being present and voting for the same:

Aldermen Dickie, Stech, Mitchell,  
Donovan, Redmond, Daley, Cragg, McInnes, McCarthy,  
Rains, McDonald, Shields, O'Toole, Drysdale,  
O'Malley, Probert and Adams.

CANADIAN NATIONAL INSTITUTE FOR BLIND  
BROOM FACTORY

Read report of the Finance Committee covering letter of F.H. Sexton and H.B. Campbell, in re the closing of the Broom Factory operated by the Canadian National Institute for the Blind in this City

Committee Room,  
City Hall,  
January 14th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Finance Committee held this day the attached letters of Professor F.H. Sexton, a member of the Board of Trustees of the Canadian National Institute for the Blind and H.B. Campbell, Divisional Superintendent, in reference to the closing on December 20th last, of the broom factory, operated by the Canadian National Institute for the Blind, was submitted and read.

*Collector  
Solicitor*

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A verbal application for some measure of financial assistance was made and after discussion it was moved by Alderman McInnes seconded by Alderman Stech that this Committee recommend to Council that the said application be refused on the grounds that it is both without the jurisdiction of the City to grant relief to private industrial enterprise and not expedient to do so because of the precedent which would result in subsequent applications.

Respectfully submitted,  
E.J. Cragg  
CHAIRMAN

The following resolution is submitted:

RESOLVED that this Council vote to the Canadian National Institute for the Blind the sum of \$500.00 to be applied to the relief of blind employees of the broom factory operated by that Institution, and that that sum be considered an advancement of the amount which ordinarily would be placed in the estimates for 1931-32 for that Institution and that such amount when placed in such estimates shall be used to replace the amount so advanced.

FURTHER RESOLVED that legislation be obtained at the next session of the Legislature ratifying such action, and that the Premier of the province be asked to use the good offices of his government to facilitate the passage of such legislation.

Moved by Alderman McCarthy seconded

by Alderman Daley and passed unanimously.

TAXATION OF RAILWAY PROPERTY

Read letter City Auditor asking authority for an expenditure not exceeding \$700.00 to cover travelling expenses of a delegation to Ottawa to lay before the Honorable Minister of Railways and Canals the City's case in connection with the taxation of railway property:

City Auditor's Office,  
Halifax, N.S.,  
January 15th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

The special committee on Railway Taxation, appointed by the City Council at a recent meeting, report as follows:



January 15th, 1931

The Committee has met on several occasions and has about completed the preparation of a brief to be submitted to the Honorable Minister of Railways and Canals in support of the City's contention that the government should make a grant to the City in lieu of taxation on railway property. It is necessary that this brief be presented to the Minister so that it may be considered by the government before the estimates for the ensuing fiscal year are prepared. The Committee recommends that the Council authorize an expenditure not exceeding \$700.00 from the authorization already obtained, to cover the travelling expenses of such persons as this Committee may appoint to present this case to the Minister.

On behalf of the Committee,

A.M. Butler,  
SECRETARY

Moved by Alderman Daley seconded by Alderman McCarthy that the application of the City Auditor's be granted. Motion passed.

✓  
MCCOLL-FRONTENAC OIL STORAGE TANKS

Read report of the Committee on Works and City Engineer on the application of McColl- Frontenac Oil Company, Limited, for permission to erect two oil storage tanks on the east side of Barrington Street south of Crane & Company's warehouse:

City Engineer's Office,  
Halifax, N.S.,  
Jan. 13th, 1931

BARRINGTON STREET  
OIL STORAGE TANK

His Worship the Mayor.

Sir:

I beg to report on the application of the McColl Frontenac Oil Company, Limited for permission to erect two oil storage tanks on the east side of Barrington Street south of Crane & Company's warehouse, that the plans submitted show that one of these tanks will be 75 feet in diameter by 40 feet high of a capacity of about 35,000 barrels and another 50 feet in diameter and 40 feet high holding about 15,000 barrels.

It is proposed to lay a pipe line to the wharf near the Canada Cement Company's building to fill tanks from vessels lying at the dock.

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There is always a certain amount of fire hazard in the bulk storage of inflammable liquids, although the hazard is not directly proportional to the quantity of liquids in the container. But when the tanks are properly designed and constructed and protected by walls and dikes, with proper valves in the pipe line and proper separation of the tanks from the warehouse buildings and loading racks and hazard can be reduced to a minimum.

Under present conditions this storage proposition in tanks is a necessary evil and provision must be made for their location within the City limits. The best that can be done is to locate them outside and away from the congested and high value mercantile districts.

If storage tanks are to be erected at all within the City limits, the site proposed, with the exception possibly of some lands bordering on Bedford Basin, is as little objectionable as any.

The plans only reached this Office to-day and this report deals solely with a permit to locate the proposed tanks on this site. If such permit is given it should be on a definite understanding that the exact location, details and construction should be approved by the City Engineer before any work is begun.

Respectfully submitted,  
H.W. Johnston,  
CITYENGINEER

Clerk of Works  
January 13th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Committee on Works held on the 15th day of January 1931 the following resolution was passed.

The Committee on Works beg to recommend that a permit be granted for the erection of these tanks on the site mentioned subject to the conditions set out in the Engineer's report.

H.W. Johnston,  
ACTING SECRETARY.

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



January 15th, 1931

✓  
TENDERS FOR CAST IRON WATER PIPE

Read report of the Committee on Works and City Engineer on tenders for cast iron water pipe:

City Engineer's Office,  
Halifax, N.S.,  
December 15th, 1930

CAST IRON WATER PIPE

His Worship the Mayor.

Sir:

For water extensions already ordered and others that will be in the near future we require about 2,000 feet of 6-inch in diameter, cast iron water pipe.

I have obtained prices from several dealers as shown-

T. McAvity & Sons, Ltd. T & B. joints \$52.90 per net ton F.O. B. Wharf Halifax, all charges paid, including wharfage.

Wm. Stairs Son & Morrow, T & B. joints \$64.06 per net ton, F.O.B. cars Halifax, all charges paid.

Wm. Stairs Son & Morrow, B & S. joints \$52.94 per net ton, per net ton F.O.B. cars Halifax.

Drummond McCall & Co., Ltd. T & B. Joints \$49.35 per net ton ex ship on wharf, sales tax included.

Railway & Power Engineering Corp. Ltd. T & B. joints \$65.00 per net ton, F.O.B. Halifax, sales tax included.

Canada Iron Foundries Ltd., T & B. joints \$64.06 per net Ton, F.O.B. Halifax sales tax included.

Canada Iron Foundries Ltd., B & S. joints \$52.95 per net ton, F.O.B. Halifax, Sales tax included.

R.D. Wood & Co., T. & B. Joints, \$80.00 per net ton C.I.F. Halifax.

The James Robertson Co. Ltd. T & B. Joints \$70.00 per net ton f.o.b. cars Halifax.

The duty on cast iron pipe from England is \$7.00 per ton which makes the tender of Drummond McCall & Co., Limited \$56.35.

The tender of T. McAvity & Sons Ltd., for our standard pipe is the lowest and in fact is lower than any tender for plain pipe, and I would recommend that they be awarded the contract for 2,000 feet of pipe.

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

January 15th, 1931

City Works Office,  
Halifax, N.S.,  
December 23rd, 1930

CAST IRON WATER PIPE

The City Council.

Gentlemen:

Attached hereto is a report of the City Engineer on prices for 6" water pipe.

The Committee on Works recommend for acceptance the tender of Messrs. T. McAvity & Co., for T & B. joints, \$52.90 f.o.b. wharf, Halifax, all charges paid including wharfage.

Respectfully submitted,  
M.A. Hunter  
CLERK OF WORKS

Moved by Alderman Mitchell seconded by Alderman O'Toole that the report be adopted.

Motion passed. /

*Engineer*

ELM STREET SEWER

Read report of the Committee on Works and City Engineer on a petition from property owners on Elm Street asking that a sewer be laid on that Street:

City Engineer's Office,  
Halifax, N.S.,  
December 20th, 1930

ELM STREET SEWER

His Worship the Mayor.

Sir:

I beg to report on a petition from property owners on Elm Street asking for a sewer, that the petition is signed by the owners of about 40% of the total frontage of the street.

The sewer naturally divides itself into two sections, one draining into the sewer already laid in Quinpool Road and the other draining into the Oak Street sewer. The estimated cost of the two is \$5,000. and the estimated sewerage rates \$4,350.00

There will also be a water extension of about 250 feet required. The estimated cost of this is \$300.00.

It is recommended that the sewer and water be ordered and that a special water rate of \$43.00 for each house be charged.

Respectfully submitted,

H.W. Johnston,  
CITY ENGINEER.

January 15th, 1931

City Works Office,  
Halifax, N.S.,  
December 23rd, 1930

ELM STREET SEWER.

The City Council.

Gentlemen:

The Committee on Works recommend that the attached report of the City Engineer on sewer and water extension Elm Street, be adopted, and that the work be ordered to be done.

Respectfully submitted,

M.A. Hunter  
CLERK OF WORKS

Moved by Alderman Mitchell seconded by Alderman Shields that the report be adopted.

Motion passed. ✓

AIRPORT  
TAKING OVER AND FINAL PAYMENT

Read report of the Committee on Works and City Engineer re the taking over of the Airport:

City Engineer's Office,  
January 6th, 1931

HALIFAX AIRPORT

His Worship the Mayor.

Sir:

Your Sub-Committee consisting of your Worship Aldermen Mitchell, and Donovan appointed to consider matters in connection with the Airport, beg to report that they had under consideration a request from the contractor for grading and drainage at the Port, that the City take over the work and make a final settlement with him, retaining an amount sufficient to cover the seeding of the ground when the season is suitable.

They also had before them a claim for extra work done in deepening the excavation in the swamp and providing stone fill and borrow for the same.

The grading and drainage of the field was finished on the first of December and to that date the amount of liquidated damages accruing under the contract would be \$3,050.00 ( sixty-One days at \$50,00 per day)

January 15th, 1931

The contractor and his Solicitor appeared before the Committee and a full and frank discussion of the question of damages and claims for extras took place. It was finally agreed without prejudice to either side, that if the City would take over the work immediately, paying the contractor his final estimate less the amount estimated as the cost of seeding, and waive the liquidated damages, the contractor would on his part waive any claim he might have for extra work.

Your Committee for reasons which it will lay before you, recommend that the Committee on Works agree to this and that a recommendation to this effect be submitted to Council.

Your Committee further report:

(a) that application has been made to the Department of National Defence for an operating license for the Airport.

(b) That advertisements have been inserted in various papers asking for proposals for the lease, maintenance and operation of the Port for a period of three years, and that copies of this advertisement have been sent to local and other companies who may be interested.

Tenders are to be submitted on or before the 13th instant.

Respectfully submitted,  
H.W. Johnston  
CITYENGINEER.

City Works Office,  
Halifax, N.S.,  
January 15th, 1931

HALIFAX AIRPORT

The City Council.

Gentlemen:

The Committee on Works on the 7th instant adopted the attached report of the Sub-Committee on the taking over of the airport, and resolved to recommend to Council that this be done, and that the City pay the contractor the amount due on the contract, less the City Engineer's estimate of the cost of supplying and sowing the grass seed.

Respectfully submitted,

M.A. Hunter  
CLERK OF WORKS

January 15th, 1931

Moved by Alderman Mitchell seconded  
by Alderman Shields that the reports be adopted.

*Engineer*  
Motion passed. ✓

KEMPT ROAD IMPROVEMENTS

Read report of the Committee on Works  
and City Engineer re improvements to be made on Kempt  
Road:

City Engineer's Office,  
Halifax, N.S., Jan. 6th, 1931

KEMPT ROAD IMPROVEMENT

His Worship the Mayor.

Sir:

Submitted herewith is Plan No. 6684,  
of Kempt Road which shows existing conditions and  
three schemes of improvement.

This report may be prefaced with  
the remark that the Federal and Provincial Governments  
combined have agreed to give the City \$12,500, towards  
the works undertaken for the improvement, provided the  
City will expend a like amount, or in other words  
there is a total of \$25,000 available for the purpose.

As the money was intended primarily  
for the relief of unemployment, all estimates are  
made on the basis of using hand labor where possible  
instead of steam shovel and other machinery which  
would give a far more economical result.

The work common to and a part of all  
the three schemes, is the widening of the road from  
Barrington Street to Station 59, a point south of the  
Morash property, so-called; laying a concrete curb  
and gutter and ash sidewalk on the east side of this  
portion of the road; constructing about three hundred  
feet of culvert at Lady Hammond Road, and grading the  
east sidewalk from Livingstone Street to the Cotton  
Factory Siding subway, the cost of all which work is  
estimated at about \$10,000.

In addition to this work which is  
common to all of them, the three alternatives are as  
follows:-

Suggested Improvement No. 1-

This contemplates diverting the road at Station 59  
near the Morash property and running it in a straight  
line to the northern line of the subway under the  
Cotton Factory Siding. This would cut out the  
reverse curve of the road, shorten the distance  
and afford a fair line of vision at the subway. A  
grade of approximately 2½% can be obtained. The  
work would necessitate a fill of about 80,000 cu. yds.  
the material for which would be obtained from the  
west side of the road at the Farrell and Hendry  
properties, and also from a knoll near the old  
Halifax and South Western right-of-way. It would  
also be necessary to acquire property from the  
Dominion Government and a private owner near the  
subway.



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Suggested Improvement No. 3- This scheme provides for the re-location and re-building of the subway and the new road following closely the lines of the one suggested in No. 1, to Station 59. An inspection of the Plan will show at a glance the effect of this alteration. It provides practically a straight route from Young Street to Lady Hammond Road with only one curve with a long radius. By using a 7% grade which with a little more expenditure, could be reduced to a 5%, the roadway can be depressed sufficiently to pass under the tracks.

The estimated cost of No. 1 for grading a street forty feet wide to sub-grade only, is \$50,000, to which must be added the cost of pavement, curb and gutter and land required, together with \$10,000, for improving the rest of the road.

The estimated cost of No. 3 would, in addition to the cost set out for No. 1, add the cost of concrete retaining walls and paving at the new subway, which would amount to about \$50,000, together with the overhead railway bridge, the cost of which may be roughly estimated at \$35,000. As the grades at this crossing are already separated it is unlikely that any money could be obtained from the Railway Commissioners or Railway towards the construction of the work.

Either of these schemes would give a much better alignment than No. 2, but on account of the large amount of money involved and for other reasons including the time which would necessarily elapse before arrangements could be made with the Governments, Railways and private owners to acquire the land, etc., they cannot be considered at present. The continuation of the dump will eventually provide a large part of the necessary fill for the new roadway and will reduce the cost when in the future the demands of traffic and the state of the finances of the City warrant the improvement.

Suggested Improvement No. 2- This provides for the widening of the street on the east side from Barrington Street to the end of the retaining wall near the Kempt Road Garage, construction of concrete curb and gutter, and an ash sidewalk on this side of the street, laying a drain on the west side from Lady Hammond Road to near the Sullivan property to intercept the drainage from the hill, and a short length of culvert on the east side from Lady Hammond Road southwardly and also the grading of the sidewalk from Livingstone Street northwardly. The material will be obtained from this latter cut and also from the west side north of the Sullivan Property. It is also proposed to repair and renew the existing paving to whatever extent the balance of the funds will allow. The estimated cost of the work without the paving is \$22,000. In order to do the necessary work to the paving the amount available must be supplemented when the street estimates are being made up.

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For the various reasons set out and especially in order to provide immediate work to help relieve the unemployment situation, it is recommended that the work as outlined in Suggested Improvement No. 2 be proceeded with at once. It will be necessary under the terms of the agreement with the Governments to have the approval of the Minister of Highways, which I have no doubt will be forthcoming immediately if the Committee adopt the recommendation.

Respectfully submitted,  
H.W. Johnston,  
CITY ENGINEER

City Works Office,  
Halifax, N.S., Jan. 14th, 1931

KEMPT ROAD IMPROVEMENT

The City Council.

Gentlemen:

At a meeting of the Committee on Works on the 7th instant, it was resolved to forward to the City Council for its information, the attached report of the City Engineer on Kempt Road Improvement.

Respectfully submitted,

M.A. Hunter  
CLERK OF WORKS

Moved by Alderman Mitchell seconded  
by Alderman Shields that the reports be adopted.

Motion passed. ✓

RESIDENTIAL DISTRICT  
SHOP 52 COBURG ROAD

Read report of the Committee on Works and City Engineer on the application of Messrs. G.U. Rafuse and Son for permission to extend their grocery store at 52 Coburg Road westwardly:

City Engineer's Office,  
Halifax, N.S.  
January 6th, 1931

52 COBURG ROAD-  
SHOP IN RESIDENTIAL DISTRICT

His Worship the Mayor.

Sir:

I beg to report on an application from G.U. Rafuse & Son for permission to extend

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their grocery store at No. 50 Joburg Road westwardly that at their present store situated at the south-west corner of Coburg Road and Seymour Street there is a space of fifteen feet between the shop and another occupied as a shoemaker shop. It is proposed to extend the first mentioned shop to cover this vacant lot. This location is in the residential district and I could not recommend any new stores being allowed on this street, but in the case under discussion, I do not think that an addition of fifteen feet to the shop will in any way effect the amenity of the district and would recommend that the permit be granted.

Respectfully submitted,  
H. W. Johnston,  
CITY ENGINEER

City Works Office,  
Halifax, N.S.,  
January 14th, 1931

52 Coburg Road- Shop  
in Residential District

The City Council.

Gentlemen:

Attached hereto is a report of the City Engineer on an application of Messrs. G.U. Rafuse & Son for a permit to extend their grocery store # 50 Coburg Road, westwardly.

The Committee on Works recommend that the said report be adopted and that a permit be granted.

Respectfully submitted,

M.A. Hunter  
CLERK OF WORKS

Moved by Alderman Donovan seconded by Alderman Shields that the reports be adopted.

*Carroll*  
Motion passed. ✓

WATER METER BILL ST. AGNES SOCIAL CLUB

Read reports of the Committee on Works and City Engineer re a reduction in the Water Meter Bill of the St. Agnes Social Club, Quinpool Road:



January 15th, 1931

City Engineer's Office,  
Halifax, N.S. Jan. 6th, 1931

Quinpool Road-  
St. Agnes Social Club- Water Bill

His Worship the Mayor.

Sir:

I beg to report on the application of St. Agnes Social Club for a reduction in the water bill at their premises on Quinpool Road, that the period complained of is the half year ending October 1930 and the amount of the bill is \$33.02. The meter was not read in May and in June there was a total consumption for the two months of 161,500 gallons. Notice was sent on the 8th of July and an underground leak was discovered between the meter box and the building, which was immediately repaired as evidenced by the consumption for the following month being only 1500 gallons.

I would recommend that the large reading be reduced by 80,000 gallons for May and June and the bill made up accordingly.

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

City Works Office,  
Halifax, N.S.,  
January 9th, 1931

QUINPOOL ROAD  
ST. AGNES SOCIAL CLUB  
WATER BILL

The City Council.

Gentlemen:

The Committee on Works recommend that the attached report of the City Engineer on an application of the St. Agnes Social Club for a reduction in the water bill for their premises Quinpool Road, be adopted, and that the consumption for May and June 1930, viz., 161,500 gallons be reduced by 80,000 gallons.

Respectfully submitted,  
M.A. Hunter  
CLERK OF WORKS

Moved by Alderman Mitchell seconded  
by Alderman O'Toole that the reports be adopted.

Motion passed. ✓

JOHNSTONS MILK PLANT-DUNCAN STREET

Read report of the Committee on  
Works and City Engineer covering a judgment of  
Mr. Justice Ross in the Supreme Court of Nova Scotia

January 15th., 1931

In the case of Newcombe and Johnston:

IN THE SUPREME COURT

NEWCOMBE

V

JOHNSON

ROSS . The plaintiff owns houses on Duncan Street within what is known as the residential district of Halifax. The defendant resides and does business as a milk dealer within this district and has so resided and carried on such business continuously since a period prior to the 23rd day of April 1915. In the summer of 1930, and acting under a permit issued by the building Inspector of the city, he erected a brick and concrete building on the north side of Duncan Street to be used as a stable in connection with his business. This action is brought by the plaintiff who asks for an order that this building be destroyed or in the alternative that defendant be enjoined from using it as a stable, and for damages, on the ground that the defendant, before its erection, did not secure the permission of the Board of Control or the Committee on Works of the City of Halifax. This right of action is given to her by section 18, s s 9 of Chapter 46 of the Acts of Nova Scotia for the year 1915, under which section this residential district was created. That section provides among other things, as follows:

" 2- Within such residential district, except as hereinafter provided, no building shall be used for any purpose other than that of private residence"

" 5- Any building situated within the said district which at the time of the coming into force of this Act, is used in whole or in part for purposes other than residential, may continue to be used for the purpose for which it is so used at the time of the coming into force of this Act but no building shall be used for such purpose to any greater extent than it is so used at the said date"

" 6- A building may be erected or altered and used within the said district as a college, church, library, school house, public hall, or other similar public building, or as a hotel or boarding house or shop for the sale of goods by retail, but before any building is erected or altered for any such purposes, the plans and specifications thereof shall be approved by the Inspector of Buildings, and permission to erect or alter the building obtained from the Board of Control"

In 1922, owing to some regulations passed by the Board of Health requiring the cleansing and sterilization of milk bottles, cans etc., defendant found it necessary to instal considerable equipment and with the permission of the Board of Works proceeded with the erection of a building for the purpose of storing the additional plant. An action was brought by the present plaintiff and His

January 15th, 1931

Honourable the Chief Justice, who tried the action, filed a Judgment dated November 25th, 1922, in which he came to the conclusion, evidently with some regret, that the defendant should be restrained from carrying on his business on the premises otherwise than as it was carried on prior to the erection of the new plant, but intimated that if he had legislative powers he "could soon settle upon a course that would be just and equitable to the defendant and do no injustice to the plaintiff". The Injunction granted was suspended for six months to give the defendant an opportunity of taking such action as he might be advised.

It was no doubt in view of the decision of the learned Chief Justice and the unfortunate position in which defendant and other milk dealers found themselves that the following amendment, found in section 19 of Chapter 69 of the Acts of Nova Scotia for the year 1923, was passed-

"Section 18 of Chapter 46 of the Acts of 1915 is amended by adding thereto the following sub-section:

"(10) A building may be erected, enlarged or used within the said district by a milk dealer for the purpose of his trade, provided:

(a) that such dealer has resided and done business as a milk dealer in such district previous to, and since the 23rd day of April, 1915;  
(b) that such dealer comply with the regulations of the Halifax City Health Board; (c) that in the case of any building erected, enlarged or altered since the 23rd day of April 1915, permission for such erection, enlargement or alteration has been duly obtained from the "Board of Control or Committee on Works, and (d) that no cow is stabled, in such building"

Notwithstanding this amendment the plaintiff contends that the permit of the Building Inspector was not sufficient to authorize the 1930 erection but that under s.s. 10 (c) defendant should have procured the permission of the Board of Control or Committee on Works.

I have come to the conclusion that this provision has no reference to buildings erected subsequent to the passing of the Act of 1923. Undoubtedly the Legislature intended curing the situation revealed by the judgment of the Chief Justice, and removing the difficulty in respect to buildings erected by milk dealers between 1915 and the date of the Act; and it was obviously so easy, by the addition of a word or two, to make the provision plainly applicable to buildings erected in the future that I am persuaded that it was never intended to have such application. Not only was it not intended to apply to future buildings but in my opinion it only, in terms, applies to buildings previously erected. The use of the word "since" instead of the word "after" is significant. The former word, in the context in which we find it, would appear to me, according to its definition in such standard words as the Oxford, and Webster's International Dictionaries to have reference only

-  
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to the period between April 23rd, 1915, and the date of the passing of the Act. The 1923 legislation, in my opinion, gave a milk dealer the right to erect, enlarge or use buildings within the district for the purpose of his trade, providing that he resided and did business in such district previous to and since April 23rd, 1915, and he complies with the Health Board regulations, that no cow is stabled on the premises and in respect to any building erected between April 23rd, 1915, and the date of the Act that he obtains permission for such erection from the Board of Control or Committee on Works. Perhaps paragraph (c) is not happily worded but such I think is its effect.

The Act of course does not relieve him of the necessity of getting the regular permit from the building inspector for buildings erected after the amendment of 1923 was passed.

If I am correct in my conclusion, then the defendant was justified in erecting the building in 1930 under the permit of the Building Inspector and the plaintiff's action fails.

In this case the evidence is overwhelming that the building complained of is a great improvement over the three or four buildings it replaces. Indeed, there is no evidence to the contrary. The City Engineer and the Assistant Building Inspector are both emphatic on the point. The plaintiff does not pretend that she has suffered any damage or that the district has not been improved by the erection of the building in question. Indeed, such a building had been suggested by the City Engineer some years before its erection. The defendant has spent a large amount of money in its construction, and took every reasonable precaution to get all necessary permits and authority from the city authorities and it seems regrettable that the gratitude of the district for the improvement thus effected should find expression in an action at law seeking an order for its destruction. It seems to me inconceivable that the city, under the facts of this case, whatever its final determination may be, should allow the defendant to suffer any loss.

It was proved on the trial that on the 8th of October 1930, the Committee on Works of the City of Halifax by resolution granted permission for the erection of this building. The defence was delivered on or about the 18th day of September, 1930, and on the 14th day of October 1930, a further defence was filed by the defendant setting up the resolution of October 8th, to which amended defence plaintiff replied. In view of the conclusion to which I have come it is unnecessary to deal with the argument urged by defendant's counsel as to the effect of this further defence.

The action will be dismissed with costs.

January 14th, 1931

City Engineer's Office,  
Halifax, N.S.,  
December 31st 1930

DUNCAN STREET  
JOHNSON MILK PLANT

His Worship the Mayor.

Sirs:

For purposes of record I am submitting herewith a copy of a judgment given by Mr. Justice Ross in the Supreme Court of Nova Scotia in the case of Newcombe v Johnson, which case was decided in favor of the defendant.

A perusal of the judgment will show that in the opinion of the learned Judge, the building inspector was justified in giving a permit for the erection of the brick and concrete building to replace the old structures that were on the premises. It also bears out the contention of the City Solicitor that the permit was legally issued.

Respectfully submitted,  
H.W. Johnston  
CITY ENGINEER

City Works Office,  
Halifax, N.S., Jan. 9th, 1931

DUNCAN STREET  
JOHNSON MILK PLANT

The City Council.

Gentlemen:

On the 7th instant, the Committee on Works decided to forward to the City Council for its information, the attached report of the City Engineer, together with a copy of the judgment given by Mr. Justice Ross in the Supreme Court of Nova Scotia in the case of Newcombe vs Johnson.

Respectfully submitted,  
M.A. Hunter  
CLERK OF WORKS

FILED

SEWERAGE AND WATER EXTENSION NORWOOD STREET

Read report of the Committee on Works and City Engineer on the application of the Eastern Trust Company for the extension of sewer and water on Norwood Street between Rosebank Avenue and Beech Street:



January 15th, 1931

City Engineer's Office,  
Halifax, N.S.,  
January 14th, 1931

NORWOOD STREET  
SEWER AND WATER

His Worship the Mayor.

Sir:

I beg to report on the application of the Eastern Trust Company for the extension of sewer and water on Norwood Street, between Rosebank Avenue and Beech Street, that it is proposed to erect three houses in this block. The length of the sewer extension will be about 260 feet, and the estimated cost will be \$1,200.00 with sewer rates of \$350.00. The estimated cost of the water extension will be about \$900.00.

I would recommend that the extensions be made when two houses are under construction, and that the special rate for water be fixed at \$27.00 for each of the two houses, to be reduced in the ordinary course as other houses are built.

Respectfully submitted,  
H.W. Johnston  
CITY ENGINEER

City Works office,  
Halifax, N.S., January 15th, 1931

NORWOOD STREET  
SEWER AND WATER

The City Council.

Gentlemen:

The Committee on Works recommend that the attached report of the City Engineer on an application of the Eastern Trust Company for an extension of the sewer and water on Norwood Street, between Rosebank Avenue and Beech Street, be adopted, and that the extensions be made when two houses are under construction.

Respectfully submitted,  
M.A.H unter  
CLERK OF WORKS

Moved by Alderman Donovan seconded  
by Alderman Shields that the reports be adopted.  
Motion passed. ✓

RESIDENTIAL DISTRICT  
SHOP AT CORNER HARVARD STREET AND CHEBUCTO ROAD

Read report of the Committee on Works and City Engineer covering an application of Alex Werenka for permission to instal a grocery

January 15th, 1931

shop in a set of flats which he proposes to erect at the south-east corner of Harvard Street and

Chebucto Road:

City Engineer's Office,  
Halifax, N.S.,  
January 6th, 1931

CHEBUCTO ROAD SHOP IN  
RESIDENTIAL DISTRICT

His Worship the Mayor.

Sir:

I beg to report on the application of Alex. Werenka for permission to instal a grocery shop in a set of flats which he proposes to erect at the south-east corner of Harvard Street and Chebucto Road, that advertisements were inserted in the Evening Mail and Daily Star on December 3rd and 4th, notifying the public that application had been made and that any objections should be lodged with the Building Inspector none have been received.

He proposes to erect a building to contain two flats and a shop at the corner at an estimated cost of \$6,000. There is now a shop at the southwest corner of Oxford Street and Chebucto Road and also one almost opposite, at the corner of Willow Street and Chebucto Road.

As no objections have been received from the owners of the property in the immediate vicinity and as the public's interest will not be affected by the location of a shop in this district, I can see no objection to a permit being granted.

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

City Works Office,  
Halifax, N.S.,  
January 15th, 1931

CHEBUCTO ROAD  
SHOP IN RESIDENTIAL DISTRICT

The City Council.

Gentlemen:

The Committee on Works recommend that the attached report of the City Engineer on an application of Alex. Werenka for a permit to install a grocery shop in the premises south-east corner of Harvard Street and Chebucto Road, be adopted, and that a permit be granted.

Respectfully submitted,  
M.A. Hunter  
CLERK OF WORKS

January 15th, 1931

Moved by Alderman Mitchell

seconded by Alderman Shields that the reports be adopted. Motion passed.

*Engineer*

✓  
AIRPORT LICENSE

Read report of the Committee on Works and City Engineer informing the Council that the Department of National Defence has issued a temporary certificate of license for use of the Air Harbour at Halifax until March 15th, 1931:

City Engineer's Office,  
Halifax, N.S.,  
January 12th, 1931

AIRPORT

His Worship the Mayor.

Sir:

I beg to report that the Department of National Defence have issued a temporary certificate of license for the use of our Air Harbour by day only, until March 15th 1931. This temporary license is issued pending a final inspection of the Airport.

Respectfully submitted,  
H.W. Johnston,  
CITY ENGINEER

City Works Office,  
Halifax, N.S.,  
January 15th, 1931

AIRPORT LICENSE

The City Council.

Gentlemen:

Attached hereto is a report of the City Engineer with reference to a temporary certificate of license for the use of the Air Harbour.

Respectfully submitted,

M.A. Hunter  
CLERK OF WORKS

FILED

✓  
POLICE DEPARTMENT-PURCHASE OF MOTOR CYCLE

Read report of the Police Committee recommending the purchase of 1930 model Harley-Davison Motor Cycle from the Nash Motor Company for the sum of \$385.00.



January 15th, 1931

Police Department,  
Halifax, N.S.,  
January 14th, 1931

His Worship the Mayor  
and City Council.

Gentlemen:

At a meeting of the Police Committee held this date, the offer of the Nash Motor Sales Co., to supply a 1930 model Harley Davidson Motor Cycle, with sidecar and spare wheel Ducoed in Police Blue, for the sum of \$385.00, was considered.

As this machine is practically new and means a great saving to the City, your Committee recommend that this machine be purchased same to be paid for out of traffic and appropriation at present in the Police estimates.

Respectfully submitted,  
L.A. Gastonguay,  
MAYOR AND CHAIRMAN

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

*Chief of Police*

CITY HOME-TENDERS FOR PLUMBING

Read report of the Charities  
Committee covering tenders for plumbing at the City  
Home:

Halifax, N.S., Jan. 14th, 1931

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 Redmond, McCarthy, O'Toole and Probert.

Tenders for renewal of plumbing  
at the City Home were received as follows;

D.A. Cummings & Co.	\$3,035.00
Mitchell & McRae	2,741.00
George Allen	1,973.70

January 15th, 1931

It is recommended that the tender of George Allen be accepted he to provide sureties to be approved of by the Charities Committee.

It is further recommended that in the event of the said George Allen not entering into a contract or providing suitable sureties that the tender of Mitchell & McRae being the next lowest be accepted they to provide sureties to be approved of by the Charities Committee.

Respectfully submitted,

F.W Lickie,  
CHAIRMAN

Moved by Alderman Dickie seconded by Alderman Redmond that the report be adopted.

*Henry Roper*  
Motion passed.

CITY HOME -VOTE OF THANKS TO HENRY ROPER

Read report of the Charities Committee tendering to Mr. Henry Roper a vote of thanks for his kindness and generosity in providing gifts during the Christmas Season at the City Home:

Halifax, N.S. Jan. 14th, 1931

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 Redmond, McCarthy, O'Toole and Probert.

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,  
F.W. Dickie  
CHAIRMAN

Moved by Alderman Dickie seconded by Alderman Redmond that the report be adopted and a copy of the resolution forwarded to Mr. Roper.

*Henry Roper*  
Motion passed.

January 15th, 1931

✓  
NOVA SCOTIA COLLEGE OF ART

Read report of the Committee on Gardens, Parks and Common on the application of the Nova Scotia College of Art for a piece of land situated on the North East Corner of Robie Street and Quinpool Road for the purpose of erecting a new College of Art:

Nova Scotia College of Art,  
Halifax, N.S.,  
December 16th, 1930

The Chairman & Members  
of the Public Gardens Commission,  
Halifax, N.S.

Dear Sirs:

On behalf of The Nova Scotia College of Art, I hereby apply for a piece of land situated on the North east corner of Robie Street, and Quinpool Road, for the purpose of erecting a new College of Art.

I understand that this land belongs to the City, That a lease for the period of ninety-nine (99) years at a nominal rental might be granted to the College of Art for that purpose.

I am enclosing a rough sketch of the proposed situation, and College, and also a copy of the plan showing the area for which application is now made.

Trusting this will receive your most favorable consideration, I remain,

Yours truly,

S.L. Shannon  
PRESIDENT OF THE NOVA SCOTIA COLLEGE  
OF ART

Committee Room, City Hall,  
January 13th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Gardens Committee held this day the attached application from the Nova Scotia College of Art for a piece of land situated on the North East corner of Robie Street and Quinpool Road for the purpose of erecting a new College of Art was considered and the following resolution adopted.

January 15th, 1931

RESOLVED that this Committee recommend to the Council that Legislation be obtained at the next session of the Legislature authorizing the leasing by the City to the Trustees of the Nova Scotia School of Art of a suitable site for the erection of an Art School on the North West corner of that portion of the common known as Camp Hill, and that application be made to the Department of Militia and Defence for its consent to such legislation and proposed lease.

FURTHER RECOMMENDED that the Engineer be instructed to prepare a plan and description of the land proposed to be leased for the foregoing purpose.

Respectfully submitted  
W.E. Donovan  
CHAIRMAN

Moved by Alderman Donovan seconded by Alderman Stech that the consideration of this report be deferred. Motion passed.

*Carried*

ORDINANCE RE WEIGHING OF COAL AND COKE

Read report of the Committee on Laws and Privileges covering Draft Ordinance re the Weighing of Coal and Coke:

Committee Room,  
City Hall,  
January 13th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Laws and Privileges Committee held this day the attached draft ordinance relating to the weighing of coal and coke in the City of Halifax was considered.

Your Committee recommend that the attached draft ordinance as submitted, be adopted.

Respectfully submitted,  
Russell McInnes  
CHAIRMAN

Moved by Alderman McInnes seconded by Alderman Daley that the report be received and the Ordinance read a first time. Motion passed.

*Carried*

January 15th, 1931

Read an Ordinance to amend Ordinance  
No. 28 re the weighing of Coal and Coke- 1st Reading.

✓  
REMOVAL OF SNOW

Read report of the Laws and Privileges  
Committee recommending that the City Solicitor pre-  
pare an Ordinance or By-Law enabling the City to have  
snow removed from vacant or unoccupied properties:

Committee Room,  
City Hall, Jan. 15th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Laws and  
Privileges Committee held this day the question of the  
removal of snow from unoccupied properties and vacant  
lots owned by persons not residing in the City, was  
under consideration.

Your Committee recommend that the  
City Solicitor be instructed to prepare an ordinance  
or by-law enabling the City to have the snow removed  
from such vacant or unoccupied properties and the cost  
of removal to be a lien upon such land and collected  
by the City with the other City rates and taxes.

Respectfully submitted,  
Russell McInnes  
CHAIRMAN

Moved by Alderman McInnes seconded  
by Alderman Dickie that the report be adopted.

Motion passed. ✓

TAX COLLECTIONS

Read report of the City Auditor  
covering Tax Collections for the month of December  
1930:

City Auditor's Office,  
December 31st 1930

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

Report on Tax Collections for the  
month of December is submitted. Collections amounted  
to \$75,514.85. Collections on account of taxes for  
civic years prior to May 1st 1925 were \$391.90.

January 15th, 1931

The outstanding book value of this group on December 31st was \$647,057.68:

ARREARS TAXES	OUTSTANDING BALANCES NOVEMBER 1930	NEW ACCOUNTS AND OTHER ADJUSTMENTS	DECEMBER COLLECTIONS	OUTSTANDING BALANCES DECEMBER 1930
Civic Year 1925-26	\$70,966.59		\$180.63	\$70,785.96
Civic Year 1926-27	51,568.47		310.77	51,257.70
Civic Year 1927-28	63,671.21		1,013.03	62,658.18
Civic Year 1928-29	139,578.91		6,683.65	132,895.26
Civic Year 1929-30	280,933.64		17,461.37	263,472.27
	<u>\$606,718.82</u>		<u>\$25,649.45</u>	<u>\$581,069.37</u>

CURRENT TAXES

Civic Year 1930-31	604,216.12	246.55	-29,153.40	575,309.27
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Water Department

Rates & Taxes	68,425.80	4067.39	20,712.00	51,781.19
	<u>\$1,279,360.74</u>	<u>\$4313.94</u>	<u>\$75,514.85</u>	<u>\$1208,159.83</u>

Poll Tax	Estimates	Outstanding Previous Month	December Collections	Balance
1930-31	- 18,000.00	\$11,194.15	- \$808.00	-\$ 10,386.15

Respectfully submitted,  
A.M. Butler,  
CITY AUDITOR

FILED

DEPARTMENTAL APPROPRIATIONS

Read report of the City Auditor covering statement of Departmental Appropriations as at December 31st 1930.

FILED.



✓  
January 15th, 1931

FIRES THEIR CAUSES AND LOSSES

Read report of the Committee on Firewards covering report of Chief Churchill re fires their causes and losses during the months of November and December 1930

FILED

✓  
FIRE DEPARTMENT RE GRANT TO WIDOW THOMAS WHALEN

Read report of the Committee of Firewards recommending a grant of \$1,000.00 to the widow of Hoseman Thomas Whalen?

Halifax, N.S. Jan. 15th

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Committee of Firewards held this day the attached report of Chief Churchill, and letter of the widow of the late Hoseman Whalen, making application for a grant of \$1,000.00 were considered.

Your Committee recommend that legislation be sought at the next session of the Legislature enabling the City to pay to the widow of the late, Hoseman Whalen a grant of \$1,000.00

Respectfully submitted,  
W.J. O'Toole  
CHAIRMAN

Moved by Alderman O'Toole seconded by Alderman Oragg that the report be adopted.

Moved in amendment by Alderman McCarthy seconded by Alderman Dickie that the consideration of this matter be deferred.

Amendment put and passed.

✓  
FIRE DEPARTMENT-TENDERS FOR UNIFORM CAPS

Read report of the Committee of Firewards recommending for acceptance the tender of Colwell Brothers for fifty uniform caps at \$2.06 each

January 15th, 1931

Committee Room,  
City Hall,  
January 15th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Committee of Firewards held this day tenders for the purchase of fifty (50) fireman's winter caps were received as follows:

Colwell Bros # 1	\$1.94 each
Limited	
2	2.06 "
T.J. Whalen & Co. 1	2.10 "
2	2.65 "
Frank Colwell Ltd. 1	2.25 "
2	2.75 "
Clayton & Son 1	2.25 "
2	3.00 "

Your Committee recommend that the tender of Colwell Bros., Limited at \$2.06 being the lowest be recommended to the City Council for acceptance.

Respectfully submitted,  
W.J. O'Toole  
CHAIRMAN

Moved by Alderman O'Toole seconded  
by Alderman Cragg that the report be adopted.

Motion passed. ✓

REPORT COAL WEIGHERS

Read report Supervisor of Coal Weighers showing that the Permanent Weighers received the sum of \$131.05 each, for their services during the month of December.

FILED

✓  
PROJECTING SIGNS

Ordinance to Amend  
Ordinance No. 43 of Illuminated Signs, read a first time at a meeting of the City Council held on the 11th day of December 1930:

January 15th. 1931

Moved by Alderman Mitchell  
seconded by Alderman Shields that the said Ordinance  
be now read a second time. Motion passed.

Read an Ordinance to Amend  
Ordinance No. 43 of Illuminated Signs. Second  
reading.

AN ORDINANCE TO AMEND ORDINANCE NO. 43  
OF ILLUMINATED SIGNS

Be it enacted by the Mayor and  
Council of the City of Halifax:

Section 1, of Ordinance No. 43  
of Illuminated Signs is hereby amended by adding  
thereto the following sub-section:

(2) If such sign is intended to be  
hung on the outside of any building and to  
project over any street, in addition to the  
permit so specified the applicant shall execute  
a lease from the City of the right to place and  
maintain such sign. Any such lease shall be for  
one year, and from year to year thereafter,  
terminable at any time after the first year  
on three months notice in writing from the  
Inspector of Buildings, and shall provide for  
the payment to the City yearly of a rental  
of ten cents for every square foot of the area  
of the sign, in no case to be less than five  
dollars yearly.

Section 8 of the said Ordinance  
is repealed and the following substituted:

8. No sign or advertisement shall  
overhang any street for a distance greater than  
two-thirds of the width of the sidewalk from  
the street line to the outside line of the  
nearest curb.

Moved by Alderman Mitchell  
seconded by Alderman Shields that the Ordinance to  
amend Ordinance No. 43 of Illuminated Signs,  
having been read a first time December 11th, 1930,  
and having now been read a second time, be  
adopted, engrossed, and forwarded to the Governor-  
in-Council for approval. Motion passed

*Wm. B. S.  
Harrington*

January 15th, 1931

✓  
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 376 and the number of patients in the T.B.Hospital to be 48

FILED

✓  
AIRPORT EXPROPRIATION  
ST PATRICKS HOME PROPERTY

Read report of the Committee on Works and City Engineer on the opinion of L.A.Lovett, Esq., K.C., on the findings of the referee in the matter of the expropriation of the St.Patrick's Home property for the Airport, also read opinion of L.A.Lovett, Esq., K.C., on the said matter: ( See page 427 Minutes of Council)

City Engineer's Office,  
Halifax, N.S.,  
December 31st 1930

AIRPORT-ST.PATRICK'S HOME PROPERTY

His Worship the Mayor.

Sir:

A careful perusal of the lengthy opinion submitted by Mr.L.A.Lovett, K.C., regarding the advisability of an appeal from the award of the Referee in the St.Patrick's Home arbitration, would seem to show that in effect it is as follows:

1. That if the Appeal Court interprets the word "compensation" to mean only the actual value of the land the St.Patrick's Home will be entitled in the award to \$2,500.00 plus possibly the cost of the fencing and while there are decisions bearing out this interpretation there is no binding one applicable to the Statute under which the expropriation was made, that our Court would be bound to follow:
2. That in view of the evidence submitted in his opinion the amount of damages allowed for injuries affection is excessive.
3. That it is possible that the Court might find that evidence would support some further items of injurious affection although such items were disregarded by the Referee.

January 15th, 1931

4. That as a whole an appeal is justified because of the legal point referred to in (1) and because the damages awarded are apparently larger than the circumstances in the evidence warrant.

Respectfully submitted,  
H.W. Johnston  
CITY ENGINEER

City Works Office,  
Halifax, N.S.,  
January 9th, 1931

AIRPORT ST. PATRICK'S HOME PROPERTY

The City Council.

Gentlemen:

The attached report of the City Engineer on an opinion submitted by Mr. L.A. Lovett K.C., with reference to the award of the referee in the St. Patrick's Home Arbitration, was read at a meeting of the Committee on Works on the 7th instant, and ordered forwarded to the City Council for their information.

Respectfully submitted,  
M.A. Hunter  
CLERK OF WORKS

Moved by Alderman Cragg seconded by Alderman Dickie that this Council accept the findings of the referee Mr. Justice O'Hearn in the matter of the expropriation of part of the St. Patrick's Home property for the airport.

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

FOR THE MOTION

Alderman Dickie  
Donovan  
Remond  
Cragg  
McCarthy  
McDonald  
O'Toole  
Drysdale  
O'Malley  
Probert. -10

AGAINST IT

Alderman Mitchell  
Stech  
Daley  
Rains  
Shields  
M<sup>c</sup>/M<sup>v</sup>/S

-6-

SALARY-SECRETARY CITY HEALTH BOARD

By unanimous consent it was decided to defer this matter until a future meeting of Council.

January 15th, 1937.

NOTICE OF MOTION RE  
MARITIME TELEGRAPH AND TELEPHONE COMPANY

Alderman Dickie submitted the following notice of motion which he will move at a future meeting of Council:

BE IT RESOLVED that the City Council of the City of Halifax under Section 72 of the Public Utilities Act of Nova Scotia do complain and does hereby complain to the Board of Public Utilities against the Maritime Telegraph and Telephone Company Limited that the rates at present charged for telephone service in the City of Halifax are unreasonable, excessive and unjustly discriminatory and further that a certified copy of this resolution be transmitted by the City Clerk of the City of Halifax to the Board of Public Utilities for the Province of Nova Scotia.

BE IT FURTHER RESOLVED that the City Council of the City of Halifax, provide the necessary amount required to prepare, present and follow up the said enquiry in the interests of the telephone users in the City of Halifax.

BE IT FURTHER RESOLVED that expert counsel experienced in such work be retained by the City of Halifax in the person of Mr. Robert A. Reid, L.L.B., D.C.L. of Toronto who has acted in such capacity for the Province of Ontario before committee's of Parliament in connection with applications of the Bell Telephone Company.

*Council*  
Moved by alderman Mitchell seconded by Alderman Donovan that this meeting do now adjourn. Motion passed.

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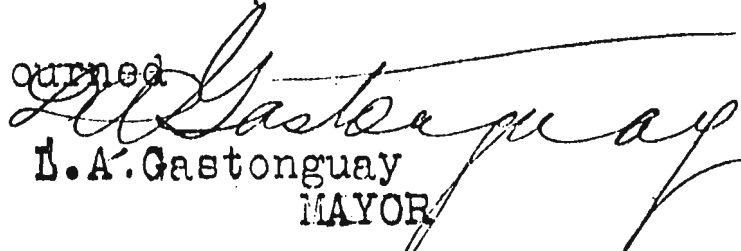
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11.30 o'clock p.m.

Meeting adjourned

  
H.S. RHIND  
CITY CLERK

  
L.A. Gastonguay  
MAYOR