

EVENING SESSION

80'Clock,  
Council Chamber, City Hall,  
October 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 Stech, Mitchell, Minshull, Redmond, Daley, Donovan, McInnes, Logan, Conn, McDonald, Shields, Golden, Thompson, O'Malley, O'Toole, Adams, Smeltzer and Probert.

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

The following named papers were submitted: ✓

LETTER A.S. BARNSTEAD

Read letter A.S. Barnstead, Clerk of the Executive Council informing the Council of the approval by the Governor-in-Council of an amendment to Ordinance # 14 relating to hacks and of Ordinance # 80, re the removal of poles and wires from Chebucto Road.

FILED ✓

NOTICE OF ACTION AGAINST THE CITY  
BY GERALD TILLY

Read notice of action for damages against the City by Gerald Tilly

FILED ✓

LETTER CUNARD STEAMSHIP COMPANY

Read letter Cunard Steamship Company acknowledging receipt of a resolution of Council re naming of the new Cunard Steamship.

FILED

October 15th, 1931.

✓  
APPLICATION CANADIAN LEGION OF THE BRITISH EMPIRE  
SERVICE LEAGUE -- CORNWALLIS BRANCH

Read application of the Canadian Legion, British Empire Service League, Cornwallis Branch to sell poppies on Saturday November 7th, between the hours of 8 a.m. and 8 p.m.:-

Halifax, N.S. Oct. 8th, 1931

His Worship the Mayor,  
Halifax, N.S.

Dear Sir:

As has been customary at about the anniversary of Armistice Day in former years, the Canadian Legion again desires to sell poppies on the streets of Halifax this year. The day on which we desire to sell this year is Saturday Nov. 7th, between the hours of 8 a.m. and 8 p.m. The selling will be conducted by the various women's organizations in this City. I have, accordingly, been instructed to write you to ask if the City Council, as in former years, will kindly permit us to sell poppies on the day mentioned above between the hours as stated. We feel sure of your sympathy in this movement, particularly as the poppies are manufactured by disabled ex-service men and the profits resulting from the sale are used exclusively for the providing of relief to needy ex-service men and their dependents.

Yours truly,

Thomas Fenton,  
Secretary, Poppy Campaign,  
Canadian Legion.

Moved by Alderman Mitchell seconded  
by Alderman Adams that the application be granted.

Motion passed. ✓

WORKS DEPARTMENT ACCOUNTS

Read report Committee on Works  
recommending for payment accounts amounting to  
\$9,360.36:

✓  
*Thos Fenton*

October 25th, 1931

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

ACCOUNTS WORKS AND  
WATER DEPARTMENTS SEPTEMBER 1931

The City Council.

Gentlemen:

At a meeting of the Committee on Works held this day, accounts amounting to \$9,360.36 were approved and recommended to Council for payment.

Water Dept- Construction	\$437.17	
Maintenance	<u>981.11</u>	\$1,418.28
Works Dept.-Capital	1,124.34	
Appropriations	<u>6,817.74</u>	7,942.08
		<u>\$9,360.36</u>

G.E. Ritchie  
MAYOR AND CHAIRMAN

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

✓  
GENERAL ACCOUNTS

Read report of the Finance Committee recommending for payment accounts chargeable to the various services amounting to \$11,546.13:

Committee Room, City Hall,  
October 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 amounting to \$11,546.13 was passed as correct and recommended to the City Council for payment.

Respectfully submitted,

H. J. Stech  
CHAIRMAN

October 15thk 1931

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

CITY HOME AND T.B. HOSPITAL ACCOUNTS

Read report of the Charities Committee recommending for payment accounts chargeable to the City Home \$9,549.75 and to the T.B. Hospital \$2,898.29:

Halifax, N.S. Oct. 13th, 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 Probert, Minshull, Smeltzer and O'Malley.

CITY HOME ACCOUNTS SEPTEMBER 1931 AMOUNT \$9,549.75

City Home accounts for the month of September 1931 amounting to \$9,549.75 are recommended for payment.

TUBERCULOSIS HOSPITAL ACCOUNTS SEPTEMBER 1931  
AMOUNT \$2,898.29

Tuberculosis Hospital accounts for the month of September 1931 amounting to \$2,898.29 are recommended for payment.

Respectfully submitted,

W.E.G. Shields  
CHAIRMAN

Moved by Alderman Shields seconded by Alderman Minshull 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 \$14,041.05 and to Fire Alarm Maintenance \$392.87:

October 15th, 1931

Committee Room,  
Bedford Row Station,  
Halifax, N.S. Oct. 8th, 1931

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

Gentlemen:

At a meeting of the Committee of Firewards held this day the attached accounts amounting to \$14,041.05 for the Fire Department and \$392.87 for the Fire Alarm Department were considered.

Your Committee recommend that those accounts be passed for payment.

Respectfully submitted,  
Walter Mitchell  
CHAIRMAN

Moved by Alderman Mitchell seconded by Alderman Golden 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 \$9,302.16:

Halifax, N.S., Oct. 13, 1931

His Worship the Mayor,  
and City Council.

Gentlemen:

At a meeting of the Police Committee held this date, the following accounts amounting to \$9,302.16 were examined, found correct and recommended for payment.

Respectfully submitted,  
G.E. Ritchie  
MAYOR AND CHAIRMAN

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

✓  
October 15th, 1931

CITY PRISON ACCOUNTS

Read report of the City Prison Committee recommending for payment accounts amounting to \$2,062.24; and covering report of Governor Grant for the month of September 1931:

Committee Room, City Hall,  
October 9th, 1931

His Worship the Mayor  
and Members of City Council.

Gentlemen:

At a meeting of the Prison Committee held this day the attached list of accounts amounting to \$2,062.24 was passed as correct and recommended to the City Council for payment.

The report of Governor Grant, for the month of September is also attached hereto.

Respectfully submitted,

J.H. Conn  
VICE CHAIRMAN

City Prison, Halifax, N.S.,  
September 30th, 1931

To the Chairman,  
and Members City Prison Committee.

Gentlemen:

I beg to submit the report of the City Prison for the month ending September 30th, 1931 as follows:

Admitted during month, sixty seven males and two females, Discharged Seventy-eight males and four females. In custody September 30th, 1931 Sixty-eight males and two females. Total 70 inmates. Included in this number there are twenty-one males and one female, convicted under the Nova Scotia Liquor Act.

At this date last year, there were fifty-six in custody made up of fifty one men and five women.

Respectfully submitted,

Geo. Grant  
GOVERNOR CITY PRISON.

October 15th, 1931

Moved by Alderman Donovan seconded  
by Alderman McDonald 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  
\$5,185.40:

Halifax, N.S. Oct. 15th, 1931

His Worship the Mayor,  
and Members City Council.

Gentlemen:

At a meeting of the City Health  
Board held on Tuesday, October 15th, the following  
named accounts amounting to \$5,185.40 were passed  
and recommended to the City Council for payment.

Respectfully submitted,  
W.D. Forrest  
CHAIRMAN. C.H.B.

Moved by Alderman Smeltzer seconded  
by Alderman Redmond 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 \$937.17 and  
to Fleming Park \$405.07:

Committee Room,  
City Hall,  
October 14th, 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  
Public Gardens \$1,930.17 and chargeable to  
Fleming Park \$405.07- were passed as correct and  
recommended to the City Council for payment.

Respectfully submitted,  
W.E. Donovan  
CHAIRMAN

October 15th, 1931

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

✓  
ROAD OILS CONTRACT-FINAL PAYMENT OF ACCOUNT.

Read report of the Committee on Works recommending a final payment of \$83.41 to the Imperial Oil Co., Ltd. on their contract for supplying of gravel dust layer:

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

Road Oils-Imperial Oil Limited

The City Council.

Gentlemen:

The Committee on Works recommend payment to the Imperial Oil Company Limited, of the balance in full on their contract for the supply of gravel dust layer, amounting to \$83.41:

G. E. Ritchie  
MAYOR AND CHAIRMAN

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

✓  
IRON WATER PIPE CONTRACT

Read report Committee on Works recommending payment to the National Iron Corporation Company, Limited of the sum of \$1,925.12 -final payment on their contract for the supplying of iron pipe:

City Works Office,  
Halifax, N.S., Oct. 14, 1931

The City Council.

Gentlemen:

The Committee on Works recommend payment to the National Iron Corporation Limited, of the sum of \$1,925.12 for 6" water pipe.

G. E. Ritchie  
MAYOR AND CHAIRMAN



October 15th, 1931

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

✓  
CHEBUOTO ROAD SEWER CONTRACT

Read report of the Committee on  
Works recommending a final payment to Mr. Emile  
Bianco of \$1,927.28 being the balance in full on  
his contract for trenching for sewer and water pipe  
on Chebuoto Road:

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

Chebucto Road Sewer

The City Council.

Gentlemen:

The Committee on Works recommend  
payment to Emile Bianco of the balance in full on  
his contract for trenching for sewer and water pipe  
on Chebuoto Road amounting to \$1,927.78:

G.E. Ritchie  
MAYOR AND CHAIRMAN

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

✓  
CITY ENGINEER'S STAFF

Read report of the Committee on  
Works and City Engineer re the appointment of a  
qualified engineer to the City Engineer's Staff:

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

City Engineer's Staff

His Worship the Mayor.

Sir:

As you know there has been a very  
large amount of work done during the past season

October 15thk 1931

under the supervision of this office, and there promises to be more work than usual in connection with the unemployment relief during the next few months.

We have been in the habit of employing temporary men when necessary to try and keep up with the press of work, but on account of the temporary nature of this employment we are not always able to get suitable or the best men. In the interests of the City it is advisable that another qualified engineer be appointed permanently to this office. Such an appointment should be a man experienced and qualified in municipal engineering. To obtain such a man will require that a yearly salary of not less than \$3,000. be paid, with an automatic yearly increase to \$3,600.

It is suggested that if the Committee and Council agree to employ such a man, that the matter of his appointment be left to either the Committee on Works or a Committee consisting of the Mayor and two aldermen. If the position is advertised for it will prevent at least two properly qualified men that I know of from being applicants, owing to the fact that they are at present under engagement and in their own interests could not afford to have it known they were applying for another position. There may be others who are similarly situated.

It is proposed to discuss this matter more fully with the Committee rather than lengthen this report.

Respectfully submitted,

H.W. Johnston,  
CITY ENGINEER.

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

CITY ENGINEER'S STAFF

The City Council.

Gentlemen:

The attached report of the City Engineer recommending the appointment of another qualified Engineer to the staff of the office was considered by the Committee on Works on the 14th inst., and recommended to Council for adoption.

G.E. Ritchie  
MAYOR AND CHAIRMAN

Moved by Alderman Mitchell seconded by Alderman Adams that the report be amended by striking out the words in the third paragraph "committee and " in the first line, "either" in the third line and "or the Committee consisting of a Mayor and two Aldermen " in the fourth and fifth

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lines, and that the report as so amended be adopted;

Moved in amendment by Alderman Thompson seconded by Alderman O'Malley that the report be amended by the addition of the following paragraph namely--

That the applications for the position of Engineer be considered by the Works Department and their recommendation of a suitable person to fill the position be referred to the City Council for final approval.

Amendment put and lost two voting for the same and sixteen against it as follows:

FOR AMENDMENT

Alderman O'Malley  
Thompson

AGAINST IT

Alderman Mitchell  
Minshull  
Stech  
Donovan  
Redmond  
Daley  
McInnes  
Conn  
Logan  
Golden  
McDonald  
Shields  
O'Toole  
Probert  
Smeltzer  
Adams - 16

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The report as amended is then read as follows:

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

CITY ENGINEER'S STAFF.

His Worship the Mayor.

Sir:

As you know there has been a very large amount of work done during the past season under the supervision of this office, and there promises to be more work than usual in connection with the unemployment relief during the next few months.

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We have been in the habit of employing temporary men when necessary to try and keep up with the press of work, but on account of the temporary nature of this employment we are not always able to get suitable or the best men. In the interests of the City it is advisable that another qualified engineer be appointed permanently to this office. Such an appointment should be a man experienced and qualified in municipal engineering. To obtain such a man will require that a yearly salary of not less than \$3,000. be paid, with an automatic yearly increase to \$3,600.

It is recommended that if the council agree to employ such a man, that the matter of his appointment be left to the Committee on Works. If the position is advertised for it will prevent at least two properly qualified men that I know of from being applicants, owing to the fact that they are at present under engagement and in their own interests could not afford to have it known they were applying for another position. There may be others who are similarly situated.

It is proposed to discuss this matter more fully with the Committee rather than lengthen this report.

Respectfully submitted,  
H.W. Johnston,  
CITY ENGINEER

*Engineer*

The original motion is put and passed unanimously.

SEWER ST. ALBAN STREET

Read report of the Committee on Works and City Engineer on the application of W.D. Piercey for the construction of a sewer and the extension of water on St. Alban Street:

City Engineer's Office,  
Halifax, N.S. Sept. 30th, 1931

SEWER  
ST. ALBANS STREET

His Worship the Mayor.

Sir:

At a previous meeting I reported on an application from W.D. Piercey for the construction of a sewer and extension of water on St. Albans Street

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between Windsor Street and Walker Street, and on Walker Street to connect to the existing sewer. The Committee decided that it would recommend to Council that the sewer be constructed immediately, provided Mr. Piercey would give an undertaking to proceed with the construction of these five buildings as soon as the sewer was started. He is prepared to do this, and I would recommend that the Committee recommend to the Council that the sewer and water be proceeded with immediately.

Respectfully submitted,  
H.W. Johnston  
CITY ENGINEER.

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

Sewer St. Albans Street

The City Council.

Gentlemen:

Attached hereto is a report of the City Engineer on an application from W.D. Piercey for the construction of a sewer and extension of water on St. Albans Street, between Windsor and Walker Streets.

The Committee on Works recommend that said report be adopted and that the work be done.

G.E. Ritchie  
MAYOR AND CHAIRMAN

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

Motion passed.

CLIFTON STREET WATER EXTENSION

Read report Committee on Works and City Engineer on the application of Mr. Bonar for extension of water supply northwardly on Clifton Streets:

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

CLIFTON STREET WATER  
EXTENSION - - - - -

His Worship the Mayor

Sir:

I beg to report on an application

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of Mr. Bonar for the extension of the water supply northwardly on Clifton Street from Charles Street that at present his house No. 44 Clifton Street is supplied by a pipe running through the property No. 77 Charles Street owned by Mr. Hossell. This was laid some years ago.

The estimated cost of extending the 6-inch pipe far enough to supply the Bonar house is \$600.00. I would recommend that the extension be made provided he will sign a bond agreeing to pay a yearly rate of \$36.00 which is the interest at 6% on the estimated outlay, and that the said amount of \$36.00 be fixed as a special rate.

Respectfully submitted,

H.W. Johnston  
CITY ENGINEER

City Works Office,  
Halifax, N.S. Oct. 14, 1931

Clifton Street Water Extension

The City Council.

Gentlemen:

The attached report of the City Engineer on an application of Mr. Bonar for the extension of the water supply northwardly on Clifton Street from Charles Street is recommended to Council for adoption.

G.E. Ritchie  
MAYOR AND CHAIRMAN

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

Motion passed.

POLES AND WIRES CHEBUCTO ROAD

Read report of the Committee on Works and City Engineer with reference to the removal of poles and wires from Chebucto Road opposite the Air Port:

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

CHEBUCTO ROAD POLES AND WIRES

His Worship the Mayor.

Sir:

Ordinance No. 80 dealing with

October 15th, 1931

erection and maintenance of poles and wires on Chebucto Road opposite the Airport, which was passed by the City Council on the 17th of September 1931, was approved by the Lieutenant Governor of Nova Scotia in Council on the 9th day of October.

This Ordinance is now in force and I would recommend that the City Engineer be instructed to notify the various companies maintaining poles and wires on that part of Chebucto Road lying between the east line of Connaught Avenue and the west line of Westmount Street, to place the wires underground or remove them from their present location to one that will comply with the Ordinance.

Respectfully submitted,  
H.W. Johnston,  
CITY ENGINEER

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

CHEBUCTO ROAD-  
POLES AND WIRES

The City Council.

Gentlemen:

Attached hereto is a report of the City Engineer with reference to the removal of poles and wires from Chebucto Road opposite the Airport.

Said report is recommended to Council for adoption.

G.E. Ritchie  
MAYOR AND CHAIRMAN

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

*Engineer*  
Motion passed. ✓

STREET LIGHTS CONNAUGHT AVENUE

Read report Committee on Works and City Engineer on the lighting of Connaught Avenue between Norwood Street and Quinpool Road:

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

Connaught Avenue Street Lights

His Worship the Mayor.

Sir:

I beg to report on the lighting of Connaught Avenue between Norwood Street and Quinpool Road, that there are no lights in this block except at each end. The street is a wide one and

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and there are now two houses on the west side and five on the east. When the boulevards are completed an ornamental system of lighting should be put in on this street, at least between Quinpool and Jubilee Road.

For the present, the requirements may be met by installing lights on poles which are already erected on the east side of the street.

The estimated cost of installing three 250 candle power lights is \$96.86 and the additional maintenance cost per year \$90.00.

I would recommend that this additional lighting be ordered.

Respectfully submitted,

H.W. Johnston,  
CITY ENGINEER

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

CONNAUGHT AVENUE STREET  
LIGHTS

The City Council.

Gentlemen:

The attached report of the City Engineer on the lighting of Connaught Avenue, between Norwood Street and Quinpool Road is recommended to Council for adoption.

G.E. Ritchie  
MAYOR AND CHAIRMAN

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

Motion passed.

STREET LIGHTS EDINBURG AND LIVERPOOL STREETS

Read report Committee on Works and City Engineer re Street lighting on Edinburg and Liverpool Streets:

City Engineer's Office,  
Halifax, N.S.  
Oct. 5th, 1931

Street Lighting

His Worship the Mayor,

Sir:

At present the last lights on the



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west end of Edinburg and Liverpool Streets are only a short distance from Oxford Street, and the houses extend to Conolly Road.

I would recommend that an additional light be installed on each of these streets about 360 feet west of the present lights. The increased cost for maintenance for the two lights would be about \$31.00 each, and the capital cost to the City about the same.

Respectfully submitted,  
H.W. Johnston  
CITY ENGINEER

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

Street Lighting

The City Council.

Gentlemen:

The Committee on Works recommend the adoption of the attached report of the City and that additional lights be installed on Edinburg and Liverpool Street.

G.E. Ritchie  
MAYOR AND CHAIRMAN

Moved by Alderman Mitchell seconded by Alderman Probert that the reports be adopted.  
Motion passed.

*Engineer*

WIDENING OAKLAND ROAD

Read report of the Committee on Works and City Engineer re widening on Oakland Road at the property owned by Mr. Richard H. Williams:

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

OAKLAND ROAD -WIDENING

His Worship the Mayor.

Sir:

In laying the concrete sidewalk on the north side of Oakland Road, it was necessary to encroach on property owned by Mr. Richard H. Williams, between Waterloo and Cartaret Streets. The area required between the property line and the official street line is about 639 square feet.

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Mr. Williams offers to deed this land to the City at a price of twenty cents ( \$0.20) a square foot. I wrote him suggesting that the improvement to his property due to the straightening of the line on Oakland Road would more than offset the value of the land taken for the straightening, and that for this reason it would not be unreasonable to ask that he give the land to the City, or in the alternatice that as the assessed value of the land on Oakland Road was twelve cents ( 0.12) per square foot, that this would be a fair price for the City to pay. In rēply he states that due to the width of land taken at the corner of Waterloo Street and Oakland Road it would prevent him selling the lots on Waterloo Street to advantage, and also that the new line destroyed a portion of his hedge.

The price of Twenty cents ( \$0.20) per square foot, or a total of \$137.80, seems to be the best bargain that can be made and I would recommend that the offer be accepted.

Respectfully submitted,

H.W. Johnston  
CITY ENGINEER

City Works Office,  
Halifax, N.S., Oct. 14/31

Oakland Road Widening

The City Council.

Gentlemen:

The attached report of the City Engineer on the purchase from Mr. Richard H. Williams of land on Oakland Road taken for the widening of the street, is recommended to Council for adoption.

G.E. Ritchie  
MAYOR AND CHAIRMAN

Moved by Alderman Mitchell

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

*Engineer*

✓  
REPLASTERING\_INFECTIOUS\_DISEASES\_HOSPITAL

Read report of the Committee on Laws and Privileges covering the opinion of the City Solicitor re claim against the Contractor of the Infectious Diseases Hospital for the expense of replastering the Hospital:

October 15th, 1931

Committee Room, City Hall,  
October 9th, 1931

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

Gentlemen:

At a meeting of the Committee on Laws and Privileges held this day your Committee had under consideration the matter of re-plastering at the Infectious Diseases Hospital, and in view of the City Solicitor's opinion, which is attached hereto, respectfully recommend that no further action be taken against the Contractors.

Respectfully submitted,  
Russell McInnes  
CHAIRMAN

Office of City Solicitor  
Halifax, N.S. Oct. 14th, 1931

The Committee on  
Laws and Privileges.

INFECTIOUS DISEASES HOSPITAL PLASTER

Dear Sirs:

The contract for the construction of the building was executed on 1927, and the building was to be completed within eight months. The final certificate was given on Sept. 1st 1928, and the building taken over shortly after the 14th of that month.

The specifications which formed part of the Contract provided in the usual way that all work and materials are to be of the best and that all work is to be done under the supervision of the architect, who was to have power to order any improper work or defective materials to be replaced. He was empowered, if he saw fit, to call for samples of all materials to be used.

The specifications contain the usual provision for progress payments on the certificates of the Architect. The work was, I understand, done under the supervision of the Architect and all customary certificates given by him and the building passed as complying with the specifications.

Section 22 is as follows:

"No certificate given or payment made under the contract nor the occupancy of the building, either partial or entire, by the owner shall be conclusive evidence of the performance of the contract, either wholly or in part, and no payment shall be construed to be an acceptance of defective work, or improper materials. No payment or certificate, final or otherwise, shall be construed to relieve the contractor from his

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obligation to make good any defects arising or discovered in his work within one year after the completion and acceptance of the same, nor as a waiver of any specific obligation the Contractor may assume as to the durability of his work"

And the specifications for the plastering contains the following clause:

"This Contractor shall guarantee plaster against popping, cracking or falling off or scaling for a period of one year".

The first question to be determined is the effect of these clauses. In the second report I gave, I expressed the opinion that the probable effect of these clauses would be to limit the right of the City to claim for defective work or materials discovered within one year from the completion of the building. Since then I have been able to find a case ( Lord Bateman vs Thompson, found only in the 2nd Volume of Hudson on Building Contracts , page 36) which strongly confirms that opinion. The facts of the case have a closer resemblance to those of the case under discussion than is usually found in searching for authority. The contract provided in the usual way for the performance of work of the best character, and the supervision of the architect and made him the judge of the quality of the work and materials. It then contained two clauses which may be summarized as follows:

(1) "If within twelve months after completion the Architect considers any work defective, the contractors on notice in writing should make the same good and if they fail, to do so within seven days from notice, the architect might make the same good and the owner might deduct the cost from any money coming to the contractor or recover the cost as liquidated damages"

(2) "If within twelve months from final completion notwithstanding any certificate for payment, if it appeared that the contractors had done any bad work or used any defective materials, the owner might take action for damages for the same".

It is difficult to find any distinction between the effect of these clauses and those in the present case. It is not clear whether under Clause 2, both the discovery of the defective work and the institution of an action must take place within the twelve months. The Court construed it as meaning the latter. If that is the correct construction the same meaning must apparently be attached to the Clause in the contract under consideration and if so it necessarily follows that the City has no possible chance of success, unless fraud can be established, to which I will refer further on.

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In addition to this question as to the time within which the action should be brought, the opinion of the Court was that prima facie the contract was completed when the work was done and passed by the architect and that in the absence of fraud, the doctrine of caveat emptor must apply, that the twelve months clause was really in the nature of an indulgence to the owner and that he must clearly bring himself within its terms to obtain any benefit from it.

Assuming, however, that it was sufficient if the defective work was discovered within the twelve months, it is not by any means clear that such a discovery as would be sufficient was made in the present case. The first written notice of defect was not given until September 13th, 1930, or nearly two years after the completion of the work. There is evidence that some minor defects were discovered within the year and verbal notification of the same given to the contractors. The defects so discovered were apparently minor cracking and falling of the plaster, and were apparently believed to be due to the settling of the building, and to be not unusual or extensive. Whether this could be considered such a discovery as to lay a foundation for so extensive defects as were subsequently discovered is doubtful.

Further assuming that this difficulty could be overcome there remains the question whether the defect in the plastering, great though it is, was necessarily due to bad work or defective materials. Upon that point the evidence submitted to me is open to much uncertainty. The City's case must in the main rest on the condition of the plaster and the two analyses of the plaster. Undoubtedly this would make a strong prima facie case. But there would appear to be answers to it. I understand the analyses are not necessarily conclusive of the composition of the plaster when laid, and in fact there appears to be general agreement that it could not have been made to adhere at all if its composition was originally that shown by the analysis. Mr. Fegan's report also indicates that the defect may have been the result of other causes than bad work or defective materials. I attach a copy of Mr. Fegan's report. There does not appear to me any certainty that the City could establish its case in this respect.

There remains only the question of deliberate fraud on the part of the Contractor. If that could be shown it would, of course, solve all difficulties. But in my opinion there would, so far as I have been informed, be little or no prospect of establishing a charge of this character. Mere badness of work or defective materials is not enough to establish such a case. Proof of deliberate intention would be required. It might, of course, be inferred, but the evidence would have to be much clearer than any so far laid before me.

Respectfully submitted,  
F. H. Bell,  
CITY SOLICITOR

October 15th, 1931

PLASTERING AT INFECTIOUS DISEASES HOSPITAL

On Wednesday, December 10th, Mr. Fegan made a thorough examination of the plaster walls throughout the Hospital building.

In the attic he could see the laths of the ceiling on the second floor. The keys of the plaster only came through the laths at intervals and in some places the mortar was flush with the upper side of the laths and did not bend over. Wherever the plastering was done on the brick work or metal lathing it appeared to be hard and in good condition. Where plastered on wooden laths, in many rooms the plaster is loose as can be found by tapping it.

Samples were taken from the hall leading to the basement. In the main hall of the second floor and a room on the first floor. These samples show similar results to the ones previously taken from the ceiling and from appearance would indicate that too much sand was used in mixing the mortar although there is a possibility that the hard wall plaster used may not have been up to the standard.

The poor quality of the plaster may be due to one of the following causes. Too large a proportion of sand in the mix for the selenite or hard wall. Frost having got into the plaster when laid before the moisture had evaporated. Excessive heat.

The proportion of sand shown by the Analyst at the Technical College may be in error, inasmuch as cement may have through exposure or for other reasons, become inert and in the analysis would appear as sand. It is hard to conceive that a mortar mixed one to four would hold on the ceilings.

\*\*\*\*\*

Moved by Alderman McInnes

seconded by Alderman Daley that the report be adopted. Motion passed.

*D. J. Forrest -  
A. C. Pettipas*

✓  
CITY HOME CONCRETE FLOOR IN KITCHEN

Read report of the Charities Committee recommending the acceptance of an offer of the Standard Construction Company, Limited, to lay a re-enforced concrete floor in the Kitchen at the City Home for the sum of \$444.00:

October 15th, 1931

Halifax, N.S. October 13th, 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 Probert, Minshull, Smeltzer and O'Malley.

Your Committee beg to report that during the removal of portions of the main kitchen floor to permit the erection of concrete footings to support the steel columns for the extension it was found that the floor has deteriorated to such an extent that it is necessary to replace same. It is recommended that the floor be replaced with a reinforced concrete slab  $3\frac{1}{4}$  inches thick and 1-3 concrete  $\frac{3}{4}$ " wearing service, the slab to be laid on a tamped fill of rock or broken brick and properly drained, at a cost of \$444.00 quoted by the Standard Construction Co., Ltd., the work to be done by said company.

Respectfully submitted,  
W.E.G. Shields,  
CHAIRMAN

Moved by Alderman Shields seconded

by Alderman Minshull that the report be adopted.

Motion passed. ✓

CITY HOME AND T. B. HOSPITAL MONTHLY REPORT

Read report of the Charities

Committee for the month of September showing the number of inmates in the City Home to be 382 and the number of patients in the T.B. Hospital to be 53.

FILED ✓

FIRE DEPARTMENT -TENDERS FOR UNIFORM OVERCOATS

Read report of the Committee of

Firewards recommending that the tender of Messrs. Clayton & Sons for supplying eighty or more uniform overcoats for the Fire Department at \$20.50 each be accepted:

*W. E. G. Shields  
J. R. Buchanan  
Standard  
Co. Co.*

October 15th, 1931

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

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

Gentlemen:

At a meeting of the Committee of Firewards held this day tenders for making and trimming 80 or more Uniform Overcoats were considered as follows:

Clayton & Sons cloth # 14631	\$20.50
" " " " 14935	25.00
Sales Tax Extra	
Tip Top Tailors 32 Oz.	20.00

Your Committee recommend that the tender of Clayton & Sons for cloth # 14631 at \$20.50 per coat be accepted.

Respectfully submitted,  
Walter Mitchell  
CHAIRMAN

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

Motion passed.

*Clayton & Sons  
Chief HFD*

FIRE DEPARTMENT TENDERS FOR FIRE HOSE

Read report of the Committee of Firewards recommending for acceptance the tender of the Gutta Percha & Rubber Limited for 400 feet Duraflex fire hose at \$1.25 per foot:

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

COMMITTEE ROOM BEDFORD ROW FIRE STATION

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

Gentlemen:

At a meeting of the Committee of Firewards held this day tenders for supplying 400 feet of 2½ inch cotton rubber lined hose were considered as follows:

Dominion Rubber Co. "Keystone"	\$1.25 ft
Dunlop Tire & Rubber Co.	
"Red-Flex"	1.25 "
"Hercules"	1.10 "
"Samson"	.90 "
Goodyear Tire & Rubber Co.	
"Goodyear"	1.25 "
"Magnet"	1.15 "
"Duples"	.90 "



October 15th, 1931

Gutta Percha & Rubber Ltd.	
"Duraflex"	\$1.25 ft
"Ajax"	.90 "
"Paragon"	1.25 "
"Peerless"	1.10
"Empire"	.90

Your Committee recommend that the tender of the Gutta Percha & Rubber Limited for 400 feet of "Duraflex" at \$1.25 per foot be accepted.

Respectfully submitted,

Walter Mitchell  
CHAIRMAN

Moved by Alderman Mitchell seconded

by Alderman Golden that the report be adopted.

Motion passed.

CITY GRANT TO TOURIST INFORMATION BUREAU

Read report of the Finance Committee recommending that a grant of \$2,000.00 to the Tourist Information Bureau be paid. s-

Committee Room, City Hall,  
October 14th, 1931

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

Gentlemen:

At a meeting of the Finance Committee held this day the City Auditor submitted a letter from E.A. Saunders, Secretary of the Board of Trade asking that the City's contribution to the Tourist's Information Bureau be paid, provision having been made in the estimates for this purpose.

Your Committee recommend that the City Auditor be authorized to pay to the Tourist Information Bureau the sum of \$2,000.00.

Respectfully submitted,

H. J. Stech  
CHAIRMAN

Moved by Alderman Stech seconded by

Alderman Daley that the report be adopted. Motion passed

*E. A. Saunders*

October 15th, 1931

✓  
INTERNATIONAL FISHING VESSEL CHAMPIONSHIP RACE

Read report of the Finance Committee recommending that the City contribute the sum of \$200.00 from the advertising appropriation towards the expenses of the International Fishing Vessel Championship Races to be held off Halifax Harbour commencing October 17th:

Committee Room, City Hall,  
October 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 addressed to His Worship the Mayor from R.A. Corbett, Esq., Treasurer of the International Fishermen's Race, asking that the City make a contribution towards the expense of conducting this event.

Your Committee recommend that the Auditor be authorized to pay out of the advertising appropriation \$200.00 for this purpose.

Respectfully submitted,

H.J. Stech  
CHAIRMAN

Moved by Alderman Stech seconded by Alderman Daley that the report be adopted. Motion passed.

✓ R.A. Corbett

✓  
APPOINTMENT OF ASSISTANT CITY COLLECTOR

Read report of the Finance Committee recommending that the City Clerk be authorized to advertise for applicants to fill the position of Assistant City Collector:

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

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the Finance Committee held this day the matter of the appointment of an Assistant City Collector was under consideration.

October 15th, 1931

Your Committee recommend that the City Clerk be authorized to advertise for applicants to fill the position, said applications to be submitted to the Finance Committee and reported up to Council at its next regular meeting.

Respectfully submitted,

H.J. Stech  
CHAIRMAN.

Moved by Alderman Stech seconded by Alderman Daley that the report be adopted.

Motion passed. ✓

PURCHASE OF LAW BOOKS

Read report of the Finance Committee recommending the purchase of certain law books on criminal law for the use of the Stipendiary Magistrate:

Committee Room, City Hall,  
October 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 addressed to the Stipendiary Magistrate from the Canada Law Book Company offering to supply to the Magistrate certain books published by the Company relative to criminal law.

Your Committee recommend that the City Auditor be authorized to order-

Tremear's Criminal Code	\$17.00
Chitty's Abridgement of the C.C.C.	20.00
" Supplement	7.50

also that he be authorized to pay an account incurred by the City Solicitor for a book on Municipal Law- \$7.50.

Respectfully submitted,

H.J. Stech  
CHAIRMAN

Moved by Alderman Stech seconded by Alderman Daley that the report be adopted. Motion passed.

✓  
October 15th, 1931

POLL TAX OFFICER

Read report of the Finance Committee recommending that Mr. R.H. Gass be appointed Poll Tax Officer at a minimum salary of \$1,600.00 with \$60.00 yearly automatic increase until a maximum of \$2,000.00 is reached:

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

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

Gentlemen:

At a meeting of the Finance Committee held this day the Committee had under consideration the report of the City Auditor re the appointment of a Poll Tax Officer referred back to this Committee for further consideration at the last meeting of the City Council.

Your Committee now recommend that the report be amended and that Mr. Robert H. Gass be appointed Poll Tax Officer at a minimum salary of \$1,600.00 with \$60.00 yearly automatic increase until a maximum of \$2,000.00 is reached and that the report as so amended be adopted. Alderman Probert dissenting.

Respectfully submitted,

H.J. Stech  
CHAIRMAN

Moved by Alderman Stech seconded by Alderman Conn that the report be adopted. Motion put and passed sixteen voting for the same and two against it as follows:

FOR THE MOTION

Alderman Mitchell  
Minshull  
Stech  
Donovan  
Redmond  
Daley  
McInnes  
Conn  
Logan  
Golden  
McDonald  
Shields  
O'Toole  
Thompson  
Smeltzer  
Adams- 16

AGAINST IT

Aldermen O'Malley  
Probert

*A J E Probert  
R H Gass*

October 15th, 1931

✓  
CITY PRISON--TENDERS FOR FISH

Read report of the City Prison Committee recommending the acceptance of the tender of H. Bowman for the supplying of fish for six months ending April 30th, 1932:

Committee Room, City Hall,  
Oct. 9th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the City Prison Committee held this day the offer of Harris Bowman to supply the City Prison with fish for a further period of six months at the present price, was recommended to the City Council for acceptance.

Respectfully submitted,  
W. E. Donovan  
VICE CHAIRMAN

Moved by Alderman Donovan seconded by Alderman Conn that the report be adopted.

Motion passed. ✓

CITY PRISON TENDER FOR MEAT

Read report of the City Prison Committee recommending the acceptance of the tender of J. A. Leaman & Co., Ltd., for the supplying of meat for a period of six months ending April 30th, 1932:

Committee Room, City Hall  
Oct. 9th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

At a meeting of the City Prison Committee held this day the offer of J. A. Leaman Co., Limited., to supply the City Prison with beef for a further period of six months at the present price, was recommended to the City Council for acceptance.

Respectfully submitted,  
W. E. Donovan  
Chairman  
V. H. Conn,  
Vice-Chairman

October 15th, 1931.

Moved by Alderman Donovan seconded  
by Alderman Conn that the report be adopted. Motion  
passed. ✓

TAX COLLECTIONS FOR SEPTEMBER

Read report of the City Auditor  
covering statement of Tax Collections for September  
1931

City Auditor's Office,  
September 30th, 1931

His Worship the Mayor,  
and Members of City Council.

Gentlemen:

Report on Tax Collections for the  
month of September is submitted. Collections  
amounted to \$155,777.86. Collections on Account of  
taxes for civic years prior to May 1st, 1925 were  
\$191.57. The outstanding book value of this group  
on September 30th, 1931, after deducting Reserves for  
Short Collection was \$564,360.04:

	Outstanding Balance August 1931	New Accounts and other adjustments	September Collections-	Outstanding Balances Sept. 1931
<u>Arrears Taxes</u>				
Civic Year 1925-26	\$68,962.77	\$3.17	\$192.46	\$68,773.48
Reserve- Nil				
Civic Year 1926-27	47,155.68	80.81	164.00	47,072.49
Reserve \$33,815.49				
Civic Year 1927-28	50,835.32	-42.33	419.59	50,373.40
Reserve \$60,552.02				
Civic Year 1928-29	76,045.95	-184.52	2,201.81	73,659.62
Reserve \$54,715.55				
Civic Year 1929-30	177,745.85	-248.24	8,329.20	169,168.41
Reserve \$55,548.30				
Civic Year 1930-31	354,240.56	-116.29	17,558.33	336,565.94
Reserve \$56,576.45				
	<u>\$774,986.13</u>	<u>507.40</u>	<u>\$28,865.39</u>	<u>\$ 745,613.34</u>
<u>Current Taxes</u>				
Civic Year 1931-32	\$781,881.46	\$3,808.69	116,305.45	669,384.70
Reserve \$51,522.26				
<u>Water Department</u>				
Rates & Taxes	67,320.32		8,091.02	59,229.30
Reserve \$13,645.91.				
	<u>\$1,624,187.91</u>	<u>\$ 3,301.29</u>	<u>\$153,261.86</u>	<u>\$1, 474,227.34</u>

October 15th, 1931

	Estimated Rev.	Outstanding Previous Month	Sept. Collections	Balance
Poll Tax 1930-31	\$18,000.00	\$1,401.80	\$770.00	\$631.80
1931-32	18,000.00	13,773.30	1,746.00	12027.30

Respectfully submitted

A.M. Butler  
CITY AUDITOR.

FILED. ✓

APPOINTMENT OF SCHOOL COMMISSIONERS

The City Clerk reported that there would be two vacancies on the Board of School Commission caused by the retirement of Alderman Donovan and Alderman O'Toole on November 1st, their term of office then having expired:

Moved by Alderman O'Malley seconded by Alderman Thompson that Alderman O'Toole be reappointed a School Commissioner for the next ensuing term of three years.

Moved by Alderman Probert seconded by Alderman Smeltzer that Alderman Donovan be reappointed a School Commissioner for the next ensuing term of three years.

Moved by Alderman Shields seconded by Alderman Minshull that Alderman O'Malley be appointed a School Commissioner.

Alderman O'Malley declined to accept the nomination.

As there were no other nominations submitted His Worship the Mayor declares Alderman Donovan and Alderman O'Toole duly appointed School Commissioners for the ensuing term of three years

✓ J. J. Benjamin

October 15th, 1931

APPOINTMENT OF EXHIBITION COMMISSIONER

The City Clerk reported that there would be one vacancy on the Board of Commissioners of the Provincial Exhibition Commission caused by the retirement of Ex-Alderman J.W. McCarthy on November 1st.

The following named Aldermen were duly nominated.

Alderman Adams nominated by Alderman Mitchell seconded by Alderman Donovan.

Alderman Smeltzer, nominated by Alderman O'Toole seconded by Alderman Golden.

Alderman Mitchell nominated by Alderman Shields seconded by Alderman McInnes.

J.W. McCarthy nominated by Alderman Adams.

On a vote being taken there appeared for Alderman Smeltzer 9, Alderman Mitchell

4, J.W. McCarthy 3, and Alderman Adams 1, as follows:

<u>FOR</u>	<u>FOR</u>	<u>FOR</u>	<u>FOR</u>
<u>Alderman Smeltzer,</u>	<u>McCarthy,</u>	<u>Adams.</u>	<u>M. 11</u>

Ald. Minshull Redmond Daley Logan Golden McDonald O'Toole Thompson Probert	Ald. Mitchell O'Malley Adams-	Ald. Cann	Ald. Stech Donovan McInnes Shields
--	-------------------------------------	-----------	---

-9-

-3-

-1-

-4-

His Worship the Mayor declared Alderman Smeltzer duly appointed to the Exhibition Commission for the ensuing term of four years.

DEFERRED BUSINESS

Read report of the City Auditor on Tax Collections for the month of August 1931:

*Don't know  
to B*



October 15th, 1931

Referred to the Finance Committee  
to be taken up with the City Auditor

*See Sheet  
to Clerk  
under*

✓  
PUBLIC UTILITIES ENQUIRY  
N.S. LIGHT AND POWER COMPANY LIMITED

Read report of the Special Committee  
on Public Utilities in re the application of the N.S.  
Light and Power Co., to amalgamate with the Avon  
River Power Company and several other companies out-  
side of Halifax:

Halifax, N.S. Oct. 15th, 1931

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

Gentlemen:

At a meeting of the Public Utility  
Committee held this day it was resolved to recommend  
to Council that the services of a Solicitor be engaged  
to intervene before the Board of Commissioners of  
Public Utilities and present the case for the City in  
connection with the proposed amalgamation of  
various public utility companies with the Nova  
Scotia Light and Power Company Limited.

Your Committee further recommend  
that the services of L.A. Lovett, Esq., K.C., be  
engaged to represent the City in this connection.

Respectfully submitted,  
Russell McInnes,  
CHAIRMAN

Halifax, N.S. 15 Oct. 1931

To His Worship the Mayor,  
and Members of City Council, N.S.

Dear Sirs:

Re Nova Scotia Light and Power Co. Ltd.

My opinion has been requested as to  
whether the City of Halifax is interested in the sub-  
ject matter of applications of The Avon River Power  
Company Limited, the Edison Company Springhill,  
the Chester Company, the Dartmouth Company, the  
Sackville River Company, and the Nova Scotia Light  
and Power Company, Limited, now pending before the  
Board of Public Utilities, or affected thereby

The Nova Scotia Light and Power  
Company Limited is hereinafter referred to as the  
Halifax Company, and the five Companies above ment-  
ioned are hereinafter referred to as the outside  
companies.

October 15th, 1931

At the present time the Halifax Company's operations are practically all confined to the City of Halifax where it has an exclusive franchise for supply of electrical energy and gas and for the operation of a tram service. It procures electrical energy under agreement with the Nova Scotia Power Commission from the St. Margaret's Bay development roughly on the basis of payment of operating and maintenance cost of such development and payment of an annual sinking fund which sinking fund will in thirty years pay all the capital cost of the development. This sinking fund has been paid for ten years. The payments to this sinking fund are allowed to be made out of revenues received from tolls paid by customers of the Halifax Company, the amount of such revenues being in accordance with schedule of rates prescribed by the Board of Public Utilities. It also procures electrical energy from The Avon Company, under agreement, to such extent as its requirements may not be met by the St. Margaret's Bay development. It also has a steam plant for the supplying of Electrical Energy, capable of being used as a stand by and auxiliary plant. \*

It now owns or controls the ordinary shares (and no doubt some of the Preference Shares and bonds) of all the outside companies. Presumably these shares were paid for out of undivided net profits or moneys borrowed from the Banks. No stock or bond issues of the Halifax Company have so far been made or approved by the Board of Public Utilities to provide proceeds to be used for such purpose.

The Halifax Company according to its petition now on file has the following obligations, after allowance for sinking funds, paid to date:

Bonds- \$4,264,500.00 secured under Trust Deed dated June 1st 1928.

Preferred shares- \$1,250,000.00  
Ordinary Shares 34,523.00

The Company subject to the approval of the Public Utilities Board proposes to issue further bonds under said Trust Deed (all bonds under said Deed ranking pari passu) amounting to \$2,400,000.00 at a price not less than ninety percent of the face value of the bonds, and \$800,000.00 Preferred Shares at a price not less than ninety, and to use the proceeds for the following purposes:

(a) For payment for extension and improvements to Halifax properties of the Company \$305,500.00

(b) For extension and payment of foreclosure and incidental expenses re Oxford Property..... 3,500.00

(c) For purchase of physical assets and undertaking of Avon River Power Co., Limited. 2,457,200.00.

For purchase of physical assets and undertaking of Edison Company, Springhill 5,700.00

October 15th, 1931

and undertaking	For purchase of physical assets of Chester Company	\$129,300.00
assets and undertaking	For purchase of physical Company of Dartmouth	32,000.00
assets and undertaking	For purchase of physical Company of Sackville River	19,000.00
of Securities	(d) For payment of discount	<u>295,200.00</u>
Grand Total		<u>\$3,247,400.00</u>

Applications are now before the Board of Public Utilities from the above companies, namely Avon River, Edison Chester, Dartmouth, and Sackville River, for approval of sale of their physical assets and undertaking to Nova Scotia Light and Power Co., Limited.

The Bonds of the Halifax Company now outstanding are secured by the physical assets and undertaking of the Company and by the shares and bonds or other securities which the Company may own.

Each of the outside companies above mentioned is a separate corporate entity and has its own revenues and obligations, and of course is operated in the manner directed by the Halifax Company, which is not liable for any of the obligations of the outside companies nor entitled to any benefits from the companies except in the way of net profits if any are made.

The result of the present applications before the Board of Public Utilities, if successful, will be to blot out the outside companies above named, and to leave one Company, namely the Halifax Company, directly owning and operating as its own business the undertakings which formerly existed as separate and distinct entities.

The monies required for the purchase of the physical assets and undertakings of the outside companies will be secured by all the property and assets acquired as well as all the properties and assets already owned by the Halifax Company.

The monies necessary for the operation and maintenance of the whole of the new undertaking will have to be paid from the revenues of the Company wherever earned.

If the business of the outside companies or any of them is not such as to give a favourable return necessarily the making up of this weakness will fall on the revenue derived from other more profitable parts of the undertaking, and it is quite probable that the Halifax Business of the Company may have to pay most of this amount. Should any of the business of the Company in the territory now occupied by the outside companies

October 15th, 1931

or any of them, not supply sufficient revenue, together with the revenue derived from other parts of the territory, to pay bond interest, the whole of the assets secured by the Trust Deed are of course liable to be sold or an increase in rates would have to be procured, to meet the difficulty.

At the present time the City of Halifax can with some degree of confidence look for a reduction in the rates now charged by the Halifax Company. If this is correct it is quite possible that the acquisition of the undertakings of the outside companies may change the situation and defeat such reduction. This matter can only be intelligently discussed after a reasonable investigation by experts, as to the real value of the assets of the outside companies, and the revenues present and potential of said companies.

Nothing appears to have been advanced before the Board of Public Utilities to show the real value of the assets and undertakings of the outside companies or their present or potential revenues, and I understand the Board may not consider this aspect of the matter until the hearing of the application of the Halifax Company for issue of securities, but as both applications are still pending it would certainly clarify the situation if the Board delayed decision so far as approval of the applications of the outside companies are concerned until they have dealt with the application of the Halifax Company for issue of bonds and stock. The sale of the physical assets and undertakings of the outside Companies to the Halifax Company, is by reason of the ownership or control of the ordinary shares of said outside companies by the Halifax Company, a sale by a vendor to itself.

Such transactions merit the closest scrutiny by the proper authorities, and if exorbitant prices have been paid for the shares, the Company should not be allowed to jeopardize the interests of the City, through imperilling the Halifax assets for the benefit of outside undertakings.

The difficulty in determining whether the City can be said to be interested in or affected by the subject matter of the applications now before the Board of Public Utilities so as to have a status to be heard by the Board, arises from the contentions that can be made as to the proper construction of the Public Utilities Act.

It will no doubt be contended by the applicants-

1. That the only question the Board can consider with reference to the acquisition of the physical assets and undertakings of the outside companies by the Halifax Company is whether the latter Company (the purchaser) is fully equipped to provide a service for the community presently served by said outside companies reasonably safe and adequate and at fair and just rates. It will no doubt be urged, that the questions of value and price paid are not matters to be enquired into on such applications.

October 15th, 1931

2. That the purpose of the proposed new issue of bonds and preference shares by the Halifax Company is within the statutory powers of that Company, and is to be made in accordance with law, and that the Board cannot question the amounts to be paid, as this is a matter solely for the Company to decide.

3. That the City can lodge an application to the Board requesting it to prescribe that rates for the City be fixed solely on the basis of fair valuation of the Halifax assets of the Halifax Company and fair operating expenses of the Halifax business of that company so that the City will not be paying rates to make up deficiencies in other territories and will not be subject to increase in rates and will be entitled to reduction of rates if the Halifax business later warrants such reduction.

The first contention is in my opinion correct, but the practical result of its adoption is to make it necessary for the Board to thoroughly investigate the financial position of the purchaser at the time, and the effect such purchase may have on that position. It should be ascertained before approval whether such result would possibly be to imperil the assets and undertakings of the Purchaser or cause an increase in rates, or prevent a reduction in rates. The City would be interested in or affected by the determination of these questions.

The second contention involves a matter of considerable doubt. Put in short form the question is whether the Board can or should enquire into the value of the assets and undertakings proposed to be purchased? If so would the valuation arrived at (a) limit the issue of bonds and shares to such an amount as would equal this valuation and (b) form a correct basis for making rates?

The Public Utilities Act is not at all clear as to these matters, and the decisions of the Board of Public Utilities in various matters which have been before it for determination are not as decisive or conclusive as one would wish or expect. The City would be interested in or affected by the determination of these questions as well as in the valuation if same were to be made by the Board.

It is necessary to deal with the third contention except to say that if the first and second contentions were held to be correct, the City could of course make application to the Board for segregation of accounts etc., for the purpose of having the Halifax business kept separate so far as rates, are concerned.

While the matter is not free from doubt, I think the situation justifies the City in claiming the right to be heard by the Board of Public Utilities in connection with the present applications, and if the Board refuses a hearing the matter can be referred to the Supreme Court either by the Board or by way of appeal to determine whether such right exists or not.

October 15th, 1931

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

*La Lovett*

✓ \*\*\*\*\*

NOTICE OF RECONSIDERATION

Alderman Logan gives notice  
of reconsideration of the resolution adopting  
Items No. 33 and 34 on the Agenda viz., Report of  
City Prison Committee on Tenders for fish and  
report City Prison Committee on tenders for meat.

Moved by Alderman Daley seconded  
by Alderman Logan that a stay of proceedings be  
taking in respect to these reports and resolutions.

Motion put and passed thirteen  
voting for the same and four against it as follows:

FOR THE MOTION

AGAINST IT

Aldermen Stech  
Daley  
McInnes  
Conn  
Logan  
Golden  
McDonald  
Shields  
O'Toole  
Thompson  
Smeltzer  
Adams  
O'Malley- 13

Aldermen Mitchell  
Minshull  
Donovan  
Probert.

- 4 -

*Council*

QUESTIONS BY MEMBERS

Alderman Minshull asked for  
information from the Chairman as to the activities  
of the special committee on unemployment recently  
appointed by the Council to consider the advisability  
of opening an office for registration.

October 15th, 1931

His Worship the Mayor informed Alderman Minshull that this matter was receiving due consideration from the Committee and the staff at present employed were handling the matter satisfactorily and further explained that as soon as the Minister of Highways, the Hon. Percy Black, returned to the City, the Committee would be in a position to prepare a report.

Moved by Alderman Mitchell seconded by Alderman Stech that this meeting do now adjourn.  
Motion passed.

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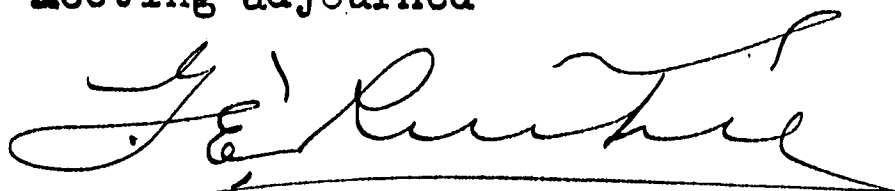
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Meeting adjourned



G.E. Ritchie  
MAYOR



H.S. Rhind  
CITY CLERK