

EVENING SESSION

8.10 o'clock,
Council Chamber,
City Hall,
January 17th, 1935.

A meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor, Chairman; and Aldermen Gates, Mitchell, Donovan, Miller, Lordly, McManus, McCarthy, Hendry, MacDonald, O'Toole, Getley, Power, Gough, Smeltzer and Doyle.

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

The following named papers were submitted:

MINUTES

Moved by Alderman McManus, seconded by Alderman Doyle that the minutes of the previous meeting be approved. Motion passed.

NOTICE OF RECONSIDERATION BY ALDERMAN MCMANUS
RE WINFIELD LOTS.

Read report of the Committee on Works dated December 12th, 1934 re purchase of J. H. Winfield lots, Connaught Avenue and Coburg Road, which was approved at a meeting of the City Council held on December 13th, 1934.

Moved by Alderman McManus, seconded by Alderman Mitchell that this matter be now reconsidered. Motion put and lost, 5 voting for the same and 10 against it as follows.

January 23rd, 1935.

FOR THE MOTION

Aldermen Doyle
Lordly
McCarthy
McManus
Mitchell

AGAINST IT

Aldermen Donohue
Gates
Getley
Gough
Hendry
MacDonald
Miller
O'Toole
Power
Smeltzer
-10-

-5-

RAILWAY CROSSING SIGNAL, LADY HAMMOND ROAD

Read letter from City Solicitor together with the judgment from the Railway Commissioners for Canada covering railway crossing signal, Lady Hammond Road.

December 22nd, 1934.

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

Gentlemen:-

Re. Railway Crossing Signal on Lady Hammond Road.

I beg to advise that I have received word from the Board of Railway Commissioners for Canada to the effect that an Order has been granted permitting the Canadian National Railway Company to remove the automatic electric signal at the crossing on Lady Hammond Road, subject to the condition that railway crossing signs be erected forthwith and that the trees obstructing the view at the southeast angle of the crossing be removed.

I enclose herewith a copy of the letter to me from the Board, enclosing the judgment of the Board and the formal Order taken out thereon.

Yours very truly,

Carl P. Bethune,
CITY SOLICITOR.

THE BOARD OF
RAILWAY COMMISSIONERS FOR CANADA.

Application of the Canadian National Railways, on behalf of the Canadian Government Railways, for an Order authorizing the removal of protective devices now installed at the crossing of Lady Hammond Road, Halifax, N. S. Mile 1.20, Bedford Subdivision.
File 38681.34

Heard at Halifax, N. S. November 15th, 1934.

-490-

January 17th, 1935.

J U D G M E N T

Commissioner Stoneman:

This matter was heard at a sitting of the Board, held in Halifax, N. S. November 15th, 1934. The City of Halifax and the Canadian National Railways were represented by counsel.

The City of Halifax opposed the application on the ground that south bound trains are hidden from west-bound traffic, on the highway, owing to the configuration of the ground.

After adjournment of the sittings, members of the Board viewed the crossing, and while we were there a train approached the crossing from the south, putting into operation the bell and light which constitute the present protection.

The traffic count for a 48 hour period, taken in September 1934, shows there were 10 freight trains and 59 light engines passed over the crossing. Highway traffic consisted of 259 pedestrians, 11 horsedrawn vehicles, 181 automobiles, 50 auto trucks and 51 miscellaneous.

The railway crossing has two tracks at the point in question ascending from the north on a grade of about 1.25 to 100. The steepness of the grade is such that the trains from the north are working hard and making considerable noise.

The sight lines are fair. Approaching the crossing from the east the view of trains is as follows:

Distance from crossing on highway	Distance southbound	Train visible northbound.
200'	250'	300'
150'	300'	400'
100'	400'	450'
50'	500'	500'

Approaching the crossing from the west, the following views are obtained:

Distance from crossing on highway	Distance Southbound	Train visible Northbound.
200'	400'	500'
150'	400'	800'
100'	500'	1,000'
50'	500'	1,600'

The railway company states the maximum speed of trains over the crossing is 20 miles per hour. The highway surface is very rough, and because of this condition vehicles approaching the crossing are necessarily noisy. The present protective device consists of an automatic bell and light of an obsolete type. I am sure it would be impossible for anyone riding in a vehicle to either hear the bell or see the light unless they were paying very strict attention when the signal commenced operation as a train was approaching the

January 15th, 1935.

crossing, and if strict attention was being paid, protection other than the sound of an approaching train would not be necessary.

The cost of maintenance of the present automatic protective device is stated, by the railway company, to be \$184. annually. I am of the opinion that advance warning signs and ordinary crossing signs, well painted, would be a more effective protection than the present obsolete type of automatic device. I therefore recommend that this application be granted, on the understanding that advance warning signs and the ordinary railway crossing signs be erected forthwith. I also recommend the removal of the trees in the southeast angle of the crossing.

Order to issue accordingly.

J. A. Stoneman.

Ottawa, December 11th, 1934.

I agree,
S. J. McL.

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Order No. 51597.

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

FRIDAY, THE 14TH DAY OF
DECEMBER, A. D. 1934.

S. J. MCLEAN,
ASST. CHIEF COMMISSIONER.
J. A. STONEMAN,
COMMISSIONER.

IN THE MATTER of the application of the Canadian National Railway Company (on behalf of the Canadian Government Railway), hereinafter called the "Applicant Company", for authority to remove the automatic electric bell now installed at the crossing of Lady Hammond Road, in the City of Halifax, Province of Nova Scotia, mileage 1.20 Bedford Subdivision:

File No. 38681.34

UPON hearing the application at the sittings of the Board held in Halifax, November 15th, 1934, in the presence of Counsel for the Applicant Company and the City of Halifax, and what was alleged; and upon an inspection by the Board of the locus in quo; and upon the report and recommendation of the Chief Engineer of the Board

January 17th, 1935.

IT IS ORDERED that the Applicant Company, be and it is hereby granted leave to remove the automatic electric bell now installed at the crossing of Lady Hammond Road, in the City of Halifax, Province of Nova Scotia, mileage 1.20 Bedford Subdivision, subject to and upon the condition that railway crossing signs be erected forthwith, and that the trees obstructing the view in the southeast angle of the crossing be removed.

(Sgd) S. J. MCLEAN,
Assistant Chief Commissioner,
Board of Railway Commissioners for
Canada.

Board of Railway Commissioners
for Canada.

Examined and certified as a true
copy under Section 23 of "The
Railway Act".

(Sgd) A. D. Cartwright,
Sec'y of Board of Railway Commis-
sioners for Canada,
Ottawa, Dec. 18th, 1934.

FILED

NOTICE OF ACTION, MORTGAGE CORPORATION OF N.S.
VERSUS THE CITY OF HALIFAX.

Read notice of action, Mortgage
Corporation of N. S. versus City of Halifax
together with letter from City Solicitor advising
that this matter has now been settled.

January 17th, 1935.

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

Gentlemen:--

I note on the agenda for the
meeting of the City Council of January 17th, 1935,
that Item 2, referring to a Notice of Action -
Mortgage Corporation of Nova Scotia versus City of
Halifax. This matter has been settled and I am
enclosing herewith a copy of a letter written by me
to the City Collector, dated January 8th, and a
copy of a letter, dated January 17th, received by me
from the solicitor for the Mortgage Corporation,
which I think are self-explanatory. As this matter
now stands the action will not be proceeded with,
and there is no necessity for the City Council
taking any action in this matter, except to file
the Notice of Action and the copies of the letters
enclosed herewith.

Yours very truly,

Carl P. Bethune,
CITY SOLICITOR.

FILED

January 17th, 1935.

LETTER, ROYAL SANITARY INSTITUTE RE HEALTH CONGRESS

Read letter from the Royal Sanitary Institute of London, England regarding the appointment of delegates to the Health Congress at Bournemouth, England, July 15th to July 20th, 1935.

90 Buckingham Palace Road,
London, S.W.1.,
England.

Health Congress at Bournemouth, July 15th to July 20th, 1935.

President of the Congress:
The Right Hon. the Earl of Malmesbury, D.L., J.P.

Sir:-

I am directed by the Council of the Royal Sanitary Institute to extend a cordial invitation to your Authority to appoint representatives to attend the Annual Health Congress to be held at Bournemouth from July 15th to 20th, 1935.

The subjects to be discussed will be classified under the following headings:- Sections on Preventive Medicine; Architecture, Town Planning and Engineering; Maternity, Child Welfare and School Hygiene; Veterinary Hygiene; National Health Insurance, and Hygiene in Industry; and special Conferences of Representatives of Sanitary Authorities, Medical Officers of Health, Engineers and Surveyors, Sanitary Inspectors, and Health Visitors. The titles of these divisions indicate that practically every branch of public health and sanitation will receive attention. In addition, there will be an Inaugural Address by the President of the Congress, and a Health Exhibition illustrating various products and appliances which aim at improving the public health.

Representatives of health authorities and other public bodies and of professional organizations meet at the Congress and discuss the many problems that arise in public health administration. The Congress affords an unrivalled opportunity for workers in public health from all parts of the world to meet each other and discuss subjects of mutual interest.

The names of delegates appointed should be recorded on the accompanying form, and sent to me.

1935

*London Works
City Health
Board.*

January 17th, 1935.

The subscription for tickets for the Congress and copies of the proceedings is \$1. 11. 6. for each delegate appointed.

I have the honour to be,
Sir,

Your obedient Servant,
J. W. Dudley Robinson,
SECRETARY.

The Town Clerk,
Halifax,
N. S., Canada.

Moved by Alderman Gough, seconded
by Alderman Power that this letter be forwarded to
the Committee on Works and City Health Board for
their information. Motion passed.

HALIFAX HARBOUR COMMISSION - TAXES

Read letter from City Solicitor
together with decision from the Supreme Court of
Canada covering the action, City of Halifax versus
Halifax Harbour Commissioners.

January 7th, 1935.

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

Dear Sirs: Re City of Halifax vs Halifax Harbour Commissioners

I have received a copy of the decision of the Chief Justice of the Supreme Court of Canada in the above matter. The decision covers sixteen pages and a copy is attached hereto. In effect the Court has decided that the Halifax Harbour Commissioners are not liable to be assessed for business or other occupation tax.

The basis of the decision is that the Harbour Commissioners are agents or servants of the Crown and are carrying on not only public services in the broad sense, but also, in the strictest sense, Government services, and that the property occupied by the Harbour Commissioners is being occupied and used "exclusively in and for the service of the Crown".

I have given the decision of the Chief Justice careful consideration and I cannot agree with his conclusions as set out in the foregoing paragraph.

Under Section 91 of the British North America Act the following matters are allocated to the Government of Canada:

9. Beacons, Buoys, Lighthouses and Sable Island.
10. Navigation and shipping.

Section 108 of the British North America Act is as follows:

"108. The public works and property of each province enumerated in the third schedule of this Act shall be the property of Canada."

"The Third Schedule
2. Public Harbours."

Under Chapter 57 of the Statutes of Canada of 1868, creating the Department of Marine and Fisheries, the administration of any laws made or to be made relating to

"4. Harbours, Ports, Piers and Wharves, Steamers belonging to the Government of Canada, except Gunboats and other vessels of war."

"5. Harbour Commissions and Harbour Masters"

are all to be under the Department.

There are several businesses now being operated by the Government, but in many if not all of the cases such businesses are monopolies and there is no competition with private businesses created by such governmental operation. A good instance of this is the Postal Service.

I have always been of the opinion and still am of the opinion, that the right of the Government as to harbours extends to the regulation of the use of the harbours, restricting navigation therein and perhaps the provision of facilities.

In Halifax, prior to the creation of the Halifax Harbour Commission we had a Harbour Master who collected fees from ships using the harbour, and directed the berthing and anchorage of ships and the general use of the harbour.

The Harbour Commission took over these duties and proceeded to expend large sums of money in the creation of excellent harbour facilities such as docks, piers, warehouses, grain elevators and have recently purchased a cold storage plant. In so far as the provisions of these facilities are concerned it is quite probable that the action of the Government in causing them to be erected is within the power of the Government of Canada under the British North America Act.

It is in my opinion, a different matter however, where the Harbour Commissioners proceed to carry on in these facilities a warehousing business, a cold storage business, a grain storage business, supply dockage, storage and warehouse facilities, sort potatoes and turnips etc., do coopering, reweighing goods, rebagging goods, tagging, stencilling, hiring cargo trucks at a fixed rate per day, turn, clean, mix and bag grain, and other things incidental thereto.

A schedule of charges for the above services is set out in the by-laws.

The operation of these facilities by the Commissioners and the carrying on of the above lines of business is in direct opposition to others in Halifax who were doing this business prior to the creation of the Harbour Commissioners. The business being done by the Harbour Commissioners is not a governmental monopoly but is in direct competition with private individuals who are taxed by the City for so doing and whose business has undoubtedly suffered by the competition offered by the Commissioners, whose facilities are of the finest and most efficient kind and who are equipped to give excellent service.

In my opinion the operation of the facilities cannot be justified as either a public service (i.e. for the good of the whole public) or as strictly a governmental service. I do not think that this can be read into Section 91 of the British North America Act which gives the government of Canada its powers.

As I have said the provision of the facilities may be a governmental duty, but the operation in my opinion is not.

This is borne out by the situation existing in Montreal, where the Harbour Commissioners have taken over the whole waterfront and have erected its wharves and docks and other facilities. These facilities are not operated by the Commissioners but are leased to private companies who carry on their business therein. The City of Montreal then places a business tax on such private corporations and individuals in respect to the occupation of such facilities.

The case in Halifax will therefore be noticed to differ in that in Montreal instead of leasing the facilities to private enterprise, the Commissioners operate them themselves.

In so far as the duties of the Harbour Master, as taken over by the Commissioners is concerned, it is quite probable that they constitute in the true sense, governmental services, but it should in my opinion go no further.

If the Act of Incorporation of the Harbour Commissioners gives the Commissioners power to carry on such business, to which I cannot agree, then in my opinion the Act of Incorporation in so far as it permits such business is ultra vires the Government of Canada under Section 91 of the British North America Act.

If this Council desires to go further with this matter, the next step will be an appeal to the Privy Council in London. The cost of an unsuccessful appeal to the Privy Council would be approximately \$5000.00. The City to date has at stake the sum of approximately \$35,000.00 in taxes for the years 1933-34 and 1934-35. No assessment has been made for 1935-36, as yet.

These are two possible reasons against the appeal:

1. The cost.
2. The question of the policy of hampering the Harbour Commissioners with taxes.

Both of these matters are for the Council to decide. The question in issue is of great importance,

and as the matter is not in any way free from doubt and the reasons underlying the decision of the Supreme Court of Canada are not by any means conclusive, I would suggest that the question of an appeal be seriously considered by this Council.

I would be pleased to receive any instructions in this matter and trust this matter will be promptly considered.

Yours very truly,

(Sgd) Carl P. Bethune

CITY SOLICITOR.

CPB:H
Encl.

a person in occupation of premises, whether as servant or trustee for the Crown; and so far from being overruled in the case of Mersey Docks (Jones v. Mersey Docks, 11 H.L.C. at p.464), this principle was affirmed.

The courts have had to decide in a number of cases whether property occupied for public purposes was occupied "for the Crown", or in trust for the Crown, within this principle. I think the principle is properly applicable to the construction of such an enactment as Section 357. The rule has been uniformly followed in England and Scotland in the application of rating statutes, and one may fairly assume that one is not running counter to the intention of the legislature in applying it to a Canadian enactment expressed in terms having substantially the same effect, and in pari materia.

There are moreover relevant considerations resting upon the circumstances that the respondents are a public body charged with the management and administration of property of the Crown in the right of the Dominion, and that their revenues are derived from charges collected in the course of such administration, and from tolls levied under the authority of the Parliament of Canada, in respect of the use of the public harbour of Halifax of which the Crown, in the right of the Dominion, is proprietor, to which it will be necessary to advert.

Before discussing these matters, it is advisable to consider the powers and rights of the respondents under the statute of 1927 by which they were incorporated, and subsequent statutes affecting them, and, in particular, the relation in which they stand in the exercise of these powers to His Majesty and His Majesty's Privy Council and Ministers of State for Canada.

The property occupied by the respondents consists of property belonging to the harbour of Halifax, and is the

property of the Crown. The object and purposes of the Legislature in vesting the occupation of this property in the respondents are disclosed by the legislation we have to discuss. Broadly speaking, the duties of the Commissioners are, in general terms, of two descriptions. First, they are responsible for the management and administration of the harbour and of property belonging to the harbour and of facilities connected therewith; secondly, they are charged with the duty of regulating the exercise of public rights of navigation within the harbour, including the mooring, berthing, discharging or loading of vessels and everything incidental thereto.

In the exercise of all their powers, they are, as we shall see, subject to the control of the Crown, exercised either through the Governor in Council, that is to say, the Governor, as the representative of His Majesty, acting upon the advice of His Majesty's Privy Council for Canada, or through the Minister of Marine and Fisheries. This is a matter of no little importance and it is right, therefore, to enter into particulars.

By Section 8, the statute declares that nothing shall be deemed "to give the Corporation jurisdiction or control respecting private properties or rights" within the limits of the harbour as defined.

Then, by the same section, it is enacted that the respondents shall have no right to enter upon, or to deal with, any property of the Crown except when so authorized by order-in-council.

The respondents, by Section 10, are given wide powers for the acquisition of real and personal property for the purposes of the harbour, but these powers can only be executed

after approval by the Governor in Council. There is also, under the same section, a power to sell or lease, but subject to the same condition. The section, moreover, enacts that real property acquired under these powers shall "be acquired in the name of, and vested in, His Majesty".

Where the respondents proceed, (under the authority of the Government, of course), by way of expropriation, they are entitled to avail themselves of the provisions of the Railway Act, but, even in such proceedings, the powers vested by that statute in the Board of Railway Commissioners are to be exercised by the Governor in Council (Section 13).

Again (Section 14), the Governor in Council is authorized to transfer elevators, wharfs, piers, buildings, structures, machinery and equipment, the property of His Majesty, within the limits of the harbour, fore shores, water lots and other real property "to the jurisdiction of" the respondents, to be "subject to the control of and administration by" the respondents; but under such terms and conditions as may be prescribed by the Governor in Council.

The respondents are empowered to make regulations by by-law, concerning the conduct and government of the Corporation, its officers and servants; the compensation or salaries to be paid to such officers or servants; the management, control and improvement of the property, real and personal, under its jurisdiction; the use of harbour facilities; the lease or allotment of harbour property, plant or facilities; the construction and maintenance of wharfs, piers, buildings and other structures within the harbour limits; the imposition and collection of rates and tolls on vessels and their cargoes, on goods or cargo landed, shipped or stored in the harbour, and for the use of

any buildings, plant or facilities under the control of the Corporation; but no such by-law can have any force or effect until confirmed by the Governor in Council. The same observation applies to by-laws regulating the navigation of the harbour and matters incidental thereto.

For our present purposes, perhaps the most significant provisions of the statute are those relating to the sources of capital funds and revenue and the expenditure thereof. The contemplated sources of revenue appear to be the rates and tolls on vessels and cargoes, and on goods, and the charges for the use of buildings, plant and harbour facilities, which, as already mentioned, the respondents are empowered to impose by by-laws confirmed by the Governor in Council; and penalties imposed under like authority. As to the sources of capital funds, the respondents are, by the statute of 1927, invested with borrowing powers (Section 18). These borrowing powers are given for the purpose of enabling the respondents to construct, acquire, repair or improve wharves and other works and structures in the harbour;

but only

after the approval by the Governor in Council, on the recommendation of the Minister, of the plans, specifications and estimates in detail for the work proposed, and the amount proposed to be borrowed.....

Debentures may be issued, secured upon the revenues or property receivable or controlled by the Corporation and may be sold on terms approved by the Governor in Council.

It does not appear, from the statute of 1927 itself, whether or not it was supposed that the capital funds provided by borrowing should be obtained from or through the

Government or from other sources. However that may be, statutes were passed in substantially identical terms, except as to amounts, in the years 1928, 1929 and 1931, for providing the respondents with capital funds by loans from time to time from the Government of Canada, not exceeding a maximum named in each case.

Under the statute of 1928, the total amount to be advanced, which the statute declares it was understood would meet the total requirements of the respondents for the ensuing year, was not to exceed the sum of \$500,000. The statute of 1929 authorized the advance of a total sum not exceeding \$5,000,000. in addition to monies already placed at the disposition of the respondents; and that of 1931, a further sum of \$3,500,000.

It is material to refer to the conditions controlling the Governor in Council in making these advances. The purposes of the advances, the statutes declare in general terms, is to enable the respondents to construct such terminal facilities in the harbour of Halifax, according to plans approved by the Governor in Council, as may be necessary properly to equip the harbour. No loan, it is enacted, is to be paid, unless detailed plans, specifications and estimates for the works, on which the money is to be expended, satisfactory to the Minister of Marine, have been approved by the Governor in Council, before any part of the work has been commenced.

The respondents are required to

....submit to the Minister of Marine and Fisheries, for approval, monthly applications for loans on account of the different items of construction of terminal facil-

ities, accompanied by statements showing the total expenditures on these different items in detail, for the month which the loan is to cover, and any other statements required in such form as the Minister shall direct; and upon approval of the application, authority for the payment of the amount so applied for may be granted by the Governor in Council.

Upon any loan being made, debentures equal in par value to the loan bearing interest at five percent, payable half-yearly, are to be deposited with the Minister of Finance; and the principal and interest of the sums loaned are to be payable "by the Corporation out of its property and assets and out of all its tolls, rates, dues, penalties and other sources of revenue and income" and charged thereon under the conditions laid down by Section 19 of the Act of 1927.

The legislation provides no means of obtaining capital funds other than such borrowing, except the sale of property; and, in resorting to that, as well as in exercising their borrowing powers, the respondents are entirely under the control of the Governor in Council.

The property under the control of the respondents, other than its revenues, consists, therefore, of properties transferred by the Crown "to the jurisdiction of" the respondents, or "entered upon" with the authority of the Governor in Council; properties purchased with money taken from revenue, with the consent of the Governor in Council; properties acquired and constructed through the expenditure of monies borrowed (which, in fact, seem to have been confined to monies advanced by the Governor in Council under the Legislation of 1928, 1929 and 1931); and, as regards this last mentioned class, the respondents, as we have seen, are at every step

in the course of the acquisition of such properties under the control of the Minister of Marine and Fisheries and the Governor in Council.

The revenues, as already indicated, would be revenues desired from charges collected for the use of the property and facilities under the "jurisdiction" of the respondents, and tolls payable for the use of the port, and from penalties; all such charges and tolls and penalties being fixed by by-laws which must be approved by the Governor in Council.

The control over the expenditure is singularly rigorous. We have noticed the conditions under which moneys borrowed are disbursed. By section 19 (1a) all revenue is to be applied, first of all, in payment of the necessary expenses incurred in the collection of it, and

in the management and operation of the harbour services and in the maintenance and ordinary repair of its works and facilities;

and, by the same clause, the expenditure of all revenue is subject to the supervision and control of the Minister. The Compensation and salaries of all officers, assistants, engineers, clerks and servants are to be fixed by by-laws, which must receive the approval of the Governor in Council.

By section 21(a) the respondents are required to keep separate detailed accounts of receipts and disbursements on capital account as well as on revenue account, and there is to be an audit by the Department of Marine and Fisheries.

Then, by section 20, the minister may, when the gross revenue exceeds \$50,000. per annum, require the respondents to submit at the beginning of each current year, an estimate of its expenditures on each of the different services of the harbour (a) out of revenue, and (b) out of capital funds.

These estimates are to be subject to the approval of the Minister; who may require the reduction of any item. And the statute requires peremptorily that the expenditure for the year shall be confined now "to a total within the estimates so approved". This last is a statutory provision binding, apparently, upon the Minister and the Governor in Council, as well as on the respondents. But further, within the limits so fixed, the expenditure of all revenue is, as already mentioned, by Section 19, subject to the supervision and control of the Minister. Any surplus of revenue, after payment of the costs of collection and services, is to be applied, first, in payment of interest on money borrowed, and, secondly, under the direction of the Minister, in the creation of a sinking fund.

The remaining provisions of the statute, except those concerned with the constitution of the Corporation, do not require any special comment save, perhaps, this: the powers of the respondents in respect of the collection of rates and tolls, and the enforcement and collection of penalties, and their rights in respect of the recovery of damages to their property are exceptional, and of such a character as to suggest that the services of the respondents are regarded by the statute as exclusively governmental services.

The constitution of the Corporation is important. There are three Commissioners, each of which is appointed by the Governor in Council on the recommendation of the Minister. Their tenure of office is "during pleasure". One of them is to be President, to be named from time to time by the Governor in Council. A Commissioner resigns his office by notice in writing to the Minister. The Governor in Council determines their remuneration, which is to be paid out of the revenue of

the harbour.

I agree with the view unanimously accepted by the Supreme Court of Nova Scotia that the relation of the respondents to the Crown, in respect of the occupation for which they have been assessed, is of such a character as to constitute that occupation an occupation "for the Crown" in the sense of the principle as stated above, in the language of Lord Blackburn, and as elucidated in its application by the courts in England and by the Judicial Committee of the Privy Council.

It is not necessary, I think, to go through the authorities in detail. The judgments of Lord Blackburn and Lord Watson in *Coomber v. Justices of Berks* show very clearly indeed the view accepted by these great judges as to the scope of the principle. They both adopt the statement of it by Lord Cairns in *Greig v. University of Edinburgh* (L.R. 1 H.L., Sc. 350) in these words:

The Crown not being named in the English or Scotch statutes on the subject of assessment, and not being bound by statute when not expressly named, any property which is in the occupation of the Crown or of persons using it exclusively in or for the service of the Crown, is not rateable to the relief of the poor.

It is quite clear, however, that the phrase "service of the Crown" is not understood by them in any such limited sense as would exclude such services as those performed by the respondents. At page 68; Lord Blackburn, after referring to Lord Westbury's language in the *Mersey Docks* case, says:

...in *Greig v. University of Edinburgh* he more clearly shows what was his view by using this language "property occupied by the servants of the Crown, and (according to the theory of the

Constitution) property occupied for the purposes of the administration of the government of the country, became exempt from liability to the poor-rate."

He proceeds to say that Lord Cranworth (in his judgment in the Mersey Docks case), was on his guard against being supposed to decide that all the earlier cases were right "in deciding that the purposes were those of the public government"; but that he does not impeach them.

Turning to the judgment of Lord Watson, we find him employing language pointing to the essential distinction as that between public purposes in the broad sense and (in Lord Blackburn's phrase) "purposes of the public government". At p.73, Lord Watson says it was sufficient in the Mersey Docks case

to establish that occupation for what were strictly speaking public, though in no sense Government, purposes, was not, as regarded exemption from the poor-rate, in pari casu with the occupation of the Crown.

He seems to say that the point for consideration in such cases is whether or not the occupation "must be held to be" for "a proper Government use", and this appears to be adopted by Lord Bramwell at p.79.

To state again, in more summary fashion, the nature of the powers and duties of the respondents: Their occupation is for the purpose of managing and administering the public harbour of Halifax and the properties belonging thereto which are the property of the Crown; their powers are derived from a statute of the Parliament of Canada; but they are subject at

every turn in executing those powers to the control of the Governor representing His Majesty and acting on the advice of His Majesty's Privy Council for Canada, or of the Minister of Marine and Fisheries; they cannot take possession of any property belonging to the harbour property without the consent of, and only upon such terms as may be imposed by, the Government; they cannot acquire property or dispose of property without the same consent; they can only acquire capital funds by measures taken under the control of the Government; they can only apply capital funds in constructing works and facilities under a supervision and control, the character of which has been explained; the tolls and charges which are the sources of their revenue they can only impose under the authority of the Government; the expenditure of revenues in the maintenance of services is under the control and supervision of a Government Department; the salaries and compensation payable to officers and servants are determined under the authority of the Government; the regulations necessary for the control of the harbour, the harbour works, officers and servants, the proceedings of the Corporation, can only take effect under the same authority; the surplus of revenue after providing for costs of services and the interest on the debenture debt goes into a sinking fund under the direction of the Minister; finally, they are appointed by the Crown and hold office during pleasure.

I cannot doubt that the services contemplated by this legislation are, not only public services in the broad sense, but also, in the strictest sense, Government services; or that the occupation of the Government property with which we are concerned is, in the meaning with which Lord Cairns used the words in the passage cited (and in the sense in which

those words were interpreted by Lord Blackburn and Lord Watson), an occupation by persons "using" that property "exclusively in and for the service of the Crown".

It is not without importance to observe that, since Confederation, except in special cases where it has been found convenient to make provision for the administration of harbours by the appointment of harbour commissioners, the control, management and regulation of the matters committed to the charge of the respondents have been treated in this country as belonging to the services of the Crown.

By Chapter 89 of the Revised Statutes of Canada (1927), Section 4,

...the use, maintenance and ordinary repairs of all harbours, wharfs, piers and breakwaters constructed or completed at the expense of Canada, or in any way the property of Canada, and the making and enforcing of regulations concerning such use, maintenance and ordinary repairs, and the collection of tolls and dues for such use, are placed under the control and management of the Minister of Marine and Fisheries. By the same statute (Section 7), the Governor in Council is empowered "on recommendation of the Minister" (of Marine and Fisheries) to "make rules and regulations for the use and management of such harbours, wharfs, piers and breakwaters" and to establish "a tariff or tariffs of tolls or dues to be paid for the use of" them "to be levied on persons or vessels using them, and on goods, wares or merchandise landed or shipped on or from off them."

The statute substantially in its present form has been in effect since 1877. Prior to that date, the powers

vested in the Department of Marine and Fisheries by the statute of 1877 had been exercised in part by that Department, and in part by the Public Works Department. By Chapter 42 of the statutes of 1872 it was enacted,

2. The Governor in Council may from time to time appoint a fit and proper person to be Harbour Master for the Port of Halifax, in the Province of Nova Scotia.

3. Every Harbour Master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom he shall furnish a report in writing and on oath, as soon as possible after the thirty-first day of December in each year, of his doings in office, and of the fees of office received by him during such year.

4. The rights, powers and duties of the Harbour Master for the Port of Halifax, shall be such as may from time to time be conferred and imposed upon him by rules and regulations made by the Governor in Council for the government of his office and of the Port of Halifax, and for his remuneration, which rules and regulations the Governor in Council is hereby authorized and empowered to make, and from time to time to alter, amend or repeal.

These provisions applied to the Port of Halifax down to 1927.

Two judgments of the Judicial Committee of the Privy Council are relied upon by the appellants. The first is Fox v. Government of Newfoundland (1896 A.C. 667). The question

involved in that case was whether certain monies owing to the boards of education of Newfoundland took priority over ordinary debts in the liquidation of a bank, as falling within the description "debts and claims due to the Crown or to the government or revenue of the colony". The question considered by the Judicial Committee was whether or not these boards were agents of the government. It was held they were not. That view was based upon provisions of the statute by which the boards were constituted. Their Lordships held that,

The appointment of boards for each of the three religious denominations, and the constitution of the board, indicate that it is ... to have within the limit of general educational purposes a discretionary power in expending the monies transferred to it - "a power which is independent of the Government." There was provision for auditing of the accounts, but it was held that this was merely for the information of the Government and Legislature and not in order that any item of expenditure be disallowed if the Government did not approve of it. The statute made a distinction between money to be expended by a board of education and money to be expended as the Governor in Council might determine.

It is quite evident that these considerations have no application in the present case. The control, carefully reserved, as we have been, to the Government, by the statute before us, had no place in the Newfoundland statute.

In *Metropolitan Meat Board v. Sheedy* (1927) A.C. 899) a similar question was raised; that is to say, whether a debt due to the Metropolitan Meat Industry Board of New South Wales was a debt due to the Crown. Lord Haldane, who delivered the judgment of the Committee, discusses the cases to which re-

ference has already been made. As regards Fox v. Government of Newfoundland, he explains the ratio decidendi in this way:

The reason was that the various boards of education were not mere agents of the Government for the distribution of money entrusted to them, but were to have, within the limits of general educational purposes, uncontrolled discretionary power in expending it. The service, in other words, was not treated as being the service of the Sovereign exclusively within the meaning of the principle, but their own service.

As regards the New South Wales Board, whose powers were under review, he says,

They are a body with discretionary powers of their own. Even if a Minister of the Crown has power to interfere with them, there is nothing in the statute which makes the acts of administration his as distinguished from theirs. That they were incorporated does not matter. It is also true that the Governor appoints their members and can veto certain of their actions. But these provisions, even when taken together, do not outweigh the fact that the Act of 1915 confers on the appellant Board wide powers which are given to it to be exercised at its own discretion and without consulting the direct representatives of the Crown. Such are the powers of acquiring land, constructing abattoirs and works, selling cattle and meat, either on its own behalf or on behalf of other persons, and leasing its property. Nor does the Board pay its receipts into the general revenue of the statute, and the charges it levies go into its own fund.

Obviously, there is little relevant analogy between such a body and the respondents, whose duties mainly consist in managing and administering property which belongs to the Crown and whose activities, and whose revenues and expenditures, are subject to the control and supervision of the Crown, as explained above.

The position of the respondents cannot, I think, in any pertinent sense, be distinguished from that of the Commissioners whose status was in question in the *Queen v. McCann*. Indeed, if, instead of three Harbour Commissioners to be appointed by the Crown, holding office during pleasure, the statute had made provision for the appointment of a single Harbour Commissioner, that Commissioner to be the Minister of Marine, or the Deputy Minister of Marine, for the time being, we should have had an indistinguishable case.

But there is another point of view from which the controversy in this appeal ought to be considered. It results, I think, from the examination of the legislation; first, that, as I have already said, the occupation by the respondents of the property and facilities under their "jurisdiction" is an occupation for the Dominion of Canada; and, second, that the property of the respondents is part of the public property of Canada.

I have nothing to add upon the first branch of this proposition. As to the second, there are some points which ought, perhaps, to be emphasized.

First of all, the public harbour of Halifax passed, by force of Section 108 of the British North America Act, as property, to the Crown in right of the Dominion, and is still part of the public property of the Dominion. Admittedly, in-

deed, all the real property and harbour facilities over which the respondents exercise any control are the property of the Government. The sources of revenue are the charges and tolls payable in respect of the use of the harbour and harbour facilities. Moneys obtained by borrowing are obtained upon the security of these revenues and sources of revenue - in actual fact in the form of advances by the Government upon such security. The ultimate source of all revenue, outside of port dues (part of the duties and revenues vested in the Dominion by the British North America Act, Section 102), is the property of the Dominion. The statute treats all these revenues as moneys at the disposition of Parliament, and, subject to the specific directions of the statute, gives the control of them to the Government.

If the Corporation had been constituted as above suggested, as consisting of a single Commissioner, to be the Minister of Marine for the time being, it would not have been disputed that a proposal to levy a tax upon the Corporation's occupation of the harbour property was virtually a proposal to tax the Dominion Government, or the property of the Dominion Government. Any such attempt must fail, as ultra vires of a Provincial Legislature. The general words of the charter should be read as excluding such a tax.

The appeal should be dismissed with costs.

January 17th, 1935.

Moved by Alderman Lordly, seconded by Alderman McCarthy that His Worship the Mayor name a special committee to consider this matter. Motion passed.

His Worship the Mayor names the following as a special committee to deal with the above matter:-

COMMITTEE ON HARBOUR COMMISSION TAXES

Aldermen McCarthy, Gates, Miller, Adams, J. F. McDonald, Hendry, Doyle, McManus and Power.

NOVA SCOTIA HOUSING ACT

Read letter from the Halifax District Trades and Labour Council re N. S. Housing Act.

December 28th, 1934.

His Worship Mayor E. J. Cragg,
and City Council,
City Hall.

Dear Sirs:-

At the regular meeting of the Halifax District Trades and Labour Council held on Wednesday, December 12th, I was instructed to write to the Mayor and City Council of Halifax asking them to reconsider their attitude in reference to the request of the Nova Scotia Housing Commission for exemption from taxes so that they could proceed immediately to construct Houses for the better housing of City Workers and make an effort to abolish the slum districts that are detrimental of the Health of the tenants, who on account of their circumstances can only afford to accopy low priced tenements.

Trusting Your Worship and the City Council will give this matter your serious consideration.

I am, Respectfully yours,
E. J. Rudge,
Secretary.

To be considered with the following

item:-

G. F. Pearson

January 17th, 1935.

LETTER, N. S. HOUSING COMMISSION RE HOUSING ACT

Read letter from the N. S. Housing Commission together with letter from the Council of Social Agencies re Housing.

January 12th, 1935.

His Worship the Mayor,
Mayor's Office,
City Hall,
Halifax, N. S.

Dear Mr. Mayor:

At a meeting of the Nova Scotia Housing Commission today the opinion was expressed that the time had now arrived when we might very reasonably request the City of Halifax to give further consideration to the desirability of taking advantage of the Nova Scotia Housing Act.

In the hope that the City Council would see its way to permit a fair trial of the Provincial housing scheme in this City the Commission has proceeded with its plans and hopes shortly to be in a position to recommend an experimental housing project which we believe will not only contribute to the improvement of housing conditions for the working classes but also will provide some relief to the unemployment situation in the building trades.

As you know, the object of the Act is to render available reasonable accommodation to worthy families who because of low income now live under congested and unsanitary conditions. Those with incomes high enough to afford adequate quarters can be provided for by private initiative. The immediate problem is to secure such cooperation between governmental, municipal and private agencies as will ensure the erection of houses which can be made available to families with small incomes at a rental within their ability to pay.

The Commission will, of course, invoke every safeguard of the law to see that there is no injustice to anyone, and to fulfill the purpose for which the Commission was created, namely "to encourage and promote better housing of the people".

If the City Council approves of the application of the Act to the City of Halifax as it has been asked to do, the Commission will proceed with its plans and negotiations with the hope that it will shortly be able to present in proper form a proposal for the erection of a group of houses to the City Council for approval.

Yours very truly,
G. Fred Pearson,
CHAIRMAN.

January 17th, 1935.

Jan. 14th, 1935.
Council of Social Agencies

His Worship Mayor E. J. Cragg,
City Hall,
Halifax, N. S.

Dear Sir:

I submit herewith a copy of a resolution unanimously passed by the Division of this body concerned with dependency and delinquency problems and representing a large number of Halifax Welfare Agencies.

"RESOLVED that this meeting of executives and representatives of social welfare organizations regrets the action of the City of Halifax in failing to endorse the Nova Scotia Housing Act and urges the earliest possible reconsideration of the matter by the City Council with a view to the application of the provisions of the Act to the present deplorable housing conditions".

I may add that at a recent session of the Child Welfare Division of the Council a resolution was passed appealing to the City to deal with the housing situation at once as a definite child welfare measure of utmost importance.

Faithfully yours,

Barbara Bell,
Secretary-Treasurer.

155 Barrington St.,
Halifax, N. S.

BE IT RESOLVED that the City Council of the City of Halifax, in regular meeting assembled, do hereby record itself as approving of the improvement of the unsanitary and dangerous housing conditions at present existing in the City of Halifax, hereinbefore referred to and that projects tending to improve such conditions should be encouraged.

AND BE IT FURTHER RESOLVED in the event of any company or companies being formed under Chapter 174 of the Revised Statutes of Nova Scotia 1923, "The Nova Scotia Companies Act", or by special Acts of the Legislature of this Province for the purpose of building and providing sufficient and suitable dwelling houses in the City of Halifax and selling or leasing such dwelling houses or apartments therein, as contemplated by the said "The Nova Scotia Housing Commission Act" and the dividends being paid by such companies being limited to such rates as may from time to time be approved by this Council, and the said companies being for the purpose of carrying into effect the intention of the said "The Nova Scotia Housing Commission Act",

that the City Council do and hereby goes on record as favoring an exemption from taxation of such dwelling houses and the improvements thereon thereto for a period not to exceed twenty years after the completion of the erection of such dwelling houses or improvements, provided however that such exemption shall apply only while such dwelling houses and improvements shall be owned and operated by such company as hereinbefore set out.

AND BE IT FURTHER RESOLVED that no exemption herein referred to shall apply to any sidewalks, curbs or gutters or paving or other charges known under the provisions of the Halifax City Charter as "betterments" or "improvements".

AND BE IT FURTHER RESOLVED that any exemption from taxation as hereinbefore provided shall only be granted by the City Council of the City of Halifax, after receiving a request from any such company for such exemption and upon being assured and receiving evidence that such exemption will assist in carrying into effect the intention of the said "The Nova Scotia Housing Commission Act", and after receiving a report concerning the same from the Taxation and Tax Exemption Committee.

Moved by Alderman McCarthy,

seconded by Alderman Donovan that the letter from the N. S. Housing Commission and resolution as read be adopted. Motion passed unanimously.

Sir J. A. Chisholm

SIR JOSEPH ANDREW CHISHOLM

His Worship the Mayor instructed the City Clerk to read the following resolution.

WHEREAS it has pleased our Sovereign, George V. to confer the High Honour of Knight Bachelor upon the Honourable Joseph Andrew Chisholm, Chief Justice of Nova Scotia, and a former Mayor of the City of Halifax;

BE IT THEREFORE RESOLVED that the City Council of the City of Halifax, in regular meeting assembled, do hereby express its satisfaction and pleasure in learning of the bestowal of this high and well-merited honour, by His Majesty The King, upon one of the finest citizens of this City;

AND BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the City Council of the City of Halifax, and that a copy thereof be forwarded to Sir Joseph Chisholm.

January 17th, 1935.

Moved by Alderman Miller, seconded by Alderman McCarthy that the resolution as submitted be adopted. Motion passed.

City Treasurer

GRANT. CANADIAN RED CROSS SOCIETY

Read letter from the Clerk of the Executive Council regarding grant of \$6,000.00 to the N. S. Branch of the Canadian Red Cross Society.

Halifax, 17th December, 1934.

Dear Sir:-

I am directed to advise you that the Government has agreed to contribute the sum of \$6,000. to the Nova Scotia Branch of the Canadian Red Cross Society for use in furnishing clothing, boots and shoes, etc., to needy cases in the City of Halifax, on the condition that the City of Halifax contribute the sum of \$3,000. for the same purpose.

Yours truly,

A. Evelyn Horne
for

Clerk of the Executive Council.

The City Clerk,
Halifax,
Nova Scotia.

FILED

RESOLUTION TO HALIFAX HARBOUR COMMISSIONERS

Read letter from the Halifax Harbour Commissioners acknowledging receipt of resolution passed at the last regular meeting of Council and expressing their thanks for same.

December 19th, 1934.

E. J. Cragg, Esq.,
His Worship the Mayor of Halifax,
City Hall,
Halifax, N. S.

Your Worship:-

The resolution passed by the City Council on 6th December, copy of which was handed by you to Mr. Hetherington at the Luncheon held in the Nova Scotian on last Monday, has been placed before the Commissioners, who have instructed me to write to you and express their thanks to you and the City Council for their action in passing

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this resolution and the sentiments, much appreciated
by the Commissioners, which were expressed therein.

Yours very truly,

Alan S. Martin,
SECRETARY.

FILED

JAMES WOOD APPOINTMENT

Read letter from the Halifax
District Trades and Labour Council regarding
appointment of James Wood as Superintendent of
Streets and Sewers.

December 28th, 1934.

His Worship,
Mayor E. J. Cragg
and City Council.

Dear Sirs:-

I have been instructed by the
Halifax District Trades and Labour Council at
their regular meeting held December 12th to write
you protesting against the action of the City
Council in rescinding the appointment of James
Wood to the post of Superintendent of Streets.
We wish to state that it has always been the aim
of the organized labour movement to regard seniority
in making awards of promotion as essential to
promoting efficiency on public work or service.
And, in James Woods' case we are of the opinion
that his twelve years in the service of the City
should have been taken into consideration when the
appointment was made, rather than preference being
given to a person not permanently employed by
the City Works Department.

I am,
respectfully yours,

E. J. Rudge,
SECRETARY.

FILED

GENERAL ACCOUNTS

Read report of the Finance Committee
recommending for payment accounts amounting to
\$11,533.79 chargeable to the various services.

January 17th, 1935.

Committee Room, City Hall,
January 14th, 1935.

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

Gentlemen:-

At a meeting of the Committee on Finance held this day, your committee had under consideration the attached list of accounts amounting to \$11,533.79 chargeable to the various services.

Your committee recommends that the accounts as submitted be paid.

Respectfully submitted,

H. J. Stech,
CHAIRMAN.

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

CAMP HILL CEMETERY ACCOUNTS

Read report of the Committee on Camp Hill Cemetery recommending for payment accounts amounting to \$2,059.35.

Committee Room, City Hall,
January 16th, 1935.

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

Gentlemen:-

At a meeting of the Committee on Camp Hill Cemetery held this day, the committee had under consideration the attached list of accounts amounting to \$2059.35.

Your committee recommends that the accounts as submitted be paid.

Respectfully submitted,

A. J. Smeltzer,
CHAIRMAN.

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

January 17th, 1935.

CHARITIES COMMITTEE ACCOUNTS

Read report of the Charities Committee recommending for payment accounts amounting to \$8,382.47 chargeable to the City Home and \$2,731.77 chargeable to the T. B. Hospital.

Halifax, N. S.
January 14th, 1935.

His Worship the Mayor,
and Members of City Council.

Gentlemen:-

The Charities Committee met this day and beg to submit the following.

MEMBERS PRESENT:- The Chairman,
Aldermen Donovan, Gates and Doyle.

CITY HOME ACCOUNTS DECEMBER 1934, AMOUNT \$8382.47

The City Home accounts for the month of December 1934 amounting to \$8382.47 are recommended for payment.

TUBERCULOSIS HOSPITAL ACCOUNTS DECEMBER 1934,
AMOUNT \$2731.77.

Tuberculosis Hospital accounts for the month of December 1934 amounting to \$2731.77 are recommended for payment.

Respectfully submitted,

J. W. McCarthy,
CHAIRMAN.

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

CITY HEALTH BOARD ACCOUNTS

Read report of the City Health Board recommending for payment accounts amounting to \$2,409.75.

January 12th, 1935.

His Worship the Mayor,
and Members, City Council.

Gentlemen:-

At a meeting of the City Health Board held on Friday, January 11th, the following

January 17th, 1935.

named accounts amounting to \$2,409.75 were passed and recommended to the City Council for payment.

Respectfully submitted,

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

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

9.25 o'clock,

Alderman Stech arrives and takes his seat in Council.

GARDENS COMMITTEE ACCOUNTS

Read report of the Committee on Gardens, Parks and Commons recommending for payment accounts amounting to \$650.06 chargeable to the Public Gardens and \$109.99 chargeable to Fleming Park.

Committee Room, City Hall,
January 11th, 1935.

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

Gentlemen:-

At a meeting of the Committee on Gardens, Parks and Commons held this day, the following list of accounts amounting to \$650.06 chargeable to the Public Gardens and \$109.99 chargeable to Fleming Park were considered.

Your committee recommends that the accounts as submitted be passed as correct and recommended to the City Council for payment.

Respectfully submitted,

W. E. Donovan,
CHAIRMAN.

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

JANUARY 17th, 1935.

LIBRARY COMMITTEE ACCOUNTS

Read report of the Library Committee recommending for payment accounts amounting to \$344.12.

January 11th, 1935.

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

Gentlemen:-

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

City of Halifax	Salaries	\$275.82
T. C. Allen & Co, Ltd.	Books	3.41
Book Room	"	39.30
Amer. Lib. Ass.,	Booklist	2.50
Halifax Chronicle	Subsc. Hal. Chron. 1935	7.00
National Geog. Soc.	" Nat. Geog. Mag. 1935	3.50
Office Spec. Mfg. Co.	Set Chair Castors	1.82
Univ. Toronto Press.	Subsc. Can. Hist. Rev. 1935	2.00
Heaton's Pub. Co.	Heaton's Handbook 1935.	3.77
Copp Clark Co.	Can. Almanac 1935	5.00
		<u>\$344.12</u>

Respectfully submitted,

P. A. Gough,
VICE-CHAIRMAN.

Moved by Alderman Gough, seconded by Alderman Lordly 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 \$2,049.10.

Committee Room, City Hall,
January 3rd, 1935.

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

Gentlemen:-

At a meeting of the City Prison Committee held this day, the attached list of accounts amounting to \$2,049.10 were submitted.

Your committee recommends that the accounts as submitted be passed as correct and forwarded to the City Council for payment.

Respectfully submitted,

E. L. Miller,
CHAIRMAN.

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

POLICE COMMITTEE ACCOUNTS

Read report of the Police Committee recommending for payment accounts amounting to \$9,777.35.

January 14th, 1935.

His Worship the Mayor,
and City Council.

Gentlemen:-

The following list of accounts amounting to \$9,777.35 for the month of December have been passed by the Police Committee, and are submitted to the City Council for payment.

Respectfully submitted,

E. J. Cragg,
MAYOR AND CHAIRMAN.

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

FIRE DEPARTMENT ACCOUNTS

Read report of the Committee on Firewards recommending for payment accounts amounting to \$12,918.19 chargeable to the Fire Department and \$458.01 chargeable to the Fire Alarm Telegraph System.

January 17th, 1935.

Jan. 14th, 1935.

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

Gentlemen:-

At a meeting of the Committee on Firewards held this day the attached accounts amounting to \$12,918.19 for the Fire Department and \$458.01 for the Fire Alarm Department were considered.

Your committee recommends that these accounts be passed for payment.

Respectfully submitted,

A. J. Smeltzer,
CHAIRMAN.

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

WORKS DEPARTMENT ACCOUNTS

Read report of the Committee on Works recommending for payment accounts amounting to \$10,983.46.

January 12th, 1935.

The City Council.

Gentlemen:-

The Committee on Works recommend payment of accounts amounting to \$10,983.40 chargeable as follows:-

Works Dept.	Capital	\$193.90	
	Appropriations	<u>7564.10</u>	\$7758.00
Water Dept.	Construction	356.82	
	Maintenance	<u>1168.28</u>	1525.10
Public Works			<u>1700.36</u>
			<u>\$10983.46</u>

E. J. Cragg,
MAYOR AND CHAIRMAN.

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

January 17th, 1935.

BRITISH OAK INSURANCE COMPANY (RELEASE)

Read report of the Committee on Works requesting the release from claims by the City against the British Oak Insurance Company.

January 10th, 1935.

The City Council.

Gentlemen:-

The Committee on Works recommend that the City Council authorize the release from claims by the City against the British Oak Insurance Company in connection with damage to a street light standard broken by Mr. J. Gillis Keator, Cor. South and Oxford Street, payment for which amounting to \$9.74 has been received by the City.

E. J. Cragg,
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded by Alderman Donovan that the report be adopted and that the Mayor and City Clerk be authorized to sign the release on behalf of the City. Motion passed.

LEAVE OF ABSENCE, JAMES QUIRK

Read report of the Committee on Works regarding further leave of absence to James Quirk.

January 14th, 1935.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works held the 10th instant, it was recommended that Council be asked to approve of additional leave of absence with pay to James Quirk; said leave of absence to expire on April 30th next.

This employee has already been granted leave with pay from June 6th to September 6th, 1934, at which time he resumed work for a short period and from October 10th, 1934 to January 10th, 1935.

-530-

*James Quirk
City Auditor
Chief of Works*

January 17th, 1935.

In recognition of Mr. Quirk's services with the City extending more than forty years, and his continued illness, a recommendation for additional leave with pay is forwarded for approval.

E. J. Cragg,
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded by Alderman Donovan that the report be adopted and that James Quirk be granted additional leave with pay until April 30th next. Motion passed.

MOTOR REFUSE COLLECTION UNIT

Read report of the Committee on Works recommending the purchase of a motor refuse collection unit.

January 10th, 1935.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works December 19th, 1934, the purchase of a motor refuse collection unit referred back to the committee by the City Council was again considered, and it was resolved to recommend to Council that a Diamond T. Unit be purchased at a cost of \$2895.00 from E. B. Boyd.

E. J. Cragg,
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded by Alderman Gough that the report be adopted.

Moved in amendment by Alderman Mitchell, seconded by Alderman Getley that a federal truck be purchased at \$1,610.00 with a closed steel body (C.28 Wood) at \$850.00. Amendment put and passed, 10 voting for the same and 6 against it as follows.

*City Engineer
Buck of Works*

January 37th, 1935.

FOR THE AMENDMENT

Aldermen Donovan
Getley
Hendry
Lordly
MacDonald
McManus
Miller
Mitchell
Power
Stech

-10-

AGAINST IT

Aldermen Doyle
Gates
Gough
McCarthy
O'Toole
Smeltzer

-6-

Alderman Gates gives notice of reconsideration.

Moved by Alderman Gates, seconded by Alderman Gough that a stay of proceedings in the purchase of the motor unit be granted. Motion put and lost, 6 voting for the same and 10 against it as follows.

FOR THE MOTION

Aldermen Doyle
Gates
Gough
McCarthy
O'Toole
Smeltzer

-6-

AGAINST IT

Aldermen Donovan
Getley
Hendry
Lordly
MacDonald
McManus
Miller
Mitchell
Power
Stech

-10-

PLANS, NEW FIRE STATION

Read report of the Committee on Works submitting account of Messrs. Pickings & Wilson amounting to \$1,776.60 for preparing plans and specifications and calling for tenders for the central fire station.

January 10th, 1935.

The City Council.

Gentlemen:--

The Committee on Works recommend payment to Messrs. Pickings & Wilson of the attached bill amounting to \$1,776.60 for preparing plans and specifications and calling for tenders for the central fire station.

E. J. Cragg,
MAYOR AND CHAIRMAN.

January 14th, 1935

Moved by Alderman Gates, seconded by Alderman Power that the report be adopted and account paid. Motion passed.

Alderman Gough wishing to be recorded against.

STREET LIGHTING

Read report of the Committee on Works and City Engineer re street lighting.

January 14th, 1935.

The City Council.

Gentlemen:~

Attached hereto are reports of the City Engineer on applications for lights on the following streets:~

Armdale Road
Studley Avenue
Norwood Street

The Committee on Works recommend that the said reports be adopted and that lights be installed at the locations named when funds are available.

E. J. Cragg,
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded by Alderman Donovan that the reports be adopted and that lights be installed at the locations named, when funds are available. Motion passed.

PUMPING STATION, ELECTRICAL CONNECTION

Read report of the Committee on Works and City Engineer re electrical connections made to the pump house on Robie Street.

January 17th, 1935.

His Worship the Mayor,

Sir:~

Since the meeting of the Committee on Works when it was recommended to Council that

*City Engineer
Chief of Works*

*City Engineer
Chief of Works*

January 17th, 1935.

electrical connections be made at the Pump House, the City Electrician and myself have given the matter further consideration.

Until the demand or service rate is fixed by the Board of Public Utilities it is difficult to decide as to whether it will be cheaper for the City to make the installation itself or to call on the Tram Company to supply the materials and do the work.

It is recommended that a rider be attached to the recommendation contained in the report of the Committee on Works recommending that the Council give the committee authority to adopt whichever plan that after further study and information may be considered by them to be in the best interests of the City.

No delay will be occasioned in any event, as the Tram Company will order the transformers immediately on the adoption of the Committee's report by the Council.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

January 14th, 1935.

The City Council.

Gentlemen:-

Attached is a report from the City Engineer recommending that he be authorized to have electrical connections made to the pump house on Robie Street by the Nova Scotia Light & Power Company in accordance with their offer to do the work at cost.

The Committee on Works recommend that the said report be adopted and that the Nova Scotia Light and Power Company do the work at an estimated cost of \$3,500.00.

E. J. Cragg,
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded by Alderman Donovan that the reports be adopted.
Motion passed.

PRINCE ARTHUR STREET, WATER EXTENSION

Read report of the Committee on Works and City Engineer re Prince Arthur Street, water extension.

*City Engineer
Committee on Works*

January 17th, 1935.

electrical connections be made at the Pump House, the City Electrician and myself have given the matter further consideration.

Until the demand or service rate is fixed by the Board of Public Utilities it is difficult to decide as to whether it will be cheaper for the City to make the installation itself or to call on the Tram Company to supply the materials and do the work.

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H. W. Johnston,
CITY ENGINEER.

January 14th, 1935.

The City Council.

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The Committee on Works recommend that the said report be adopted and that the Nova Scotia Light and Power Company do the work at an estimated cost of \$3,500.00.

E. J. Cragg,
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded by Alderman Donovan that the reports be adopted.

Motion passed.

PRINCE ARTHUR STREET, WATER EXTENSION

Read report of the Committee on Works and City Engineer re Prince Arthur Street, water extension.

*City Engineer
Chief of Works*

January 17th, 1935

Jan. 10th, 1935.

His Worship the Mayor.

Sir:

I beg to report on the application of L. W. Hamilton for the extension of the water main on Prince Arthur Street, that the length of the extension to supply the house proposed to be erected on his lot is about 140 feet. The estimated cost of the work if a 6-inch pipe were laid is \$512.00.

The pipe on Prince Arthur Street and Pryor Street should be at least 9-inches in diameter.

It is recommended that a 9-inch pipe be laid on this street at an estimated cost of \$600.00, provided the applicant will sign a bond for \$35.00 and that the said sum of \$35.00 be fixed as a special rate.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

January 14th, 1935.

The City Council.

Gentlemen:-

The Committee on Works recommend that the attached report of the City Engineer be adopted and that a 9" water pipe be laid on Prince Arthur Street to supply the premises of Mr. L. W. Hamilton at an approximate cost of \$600.00 provided the applicant will sign a bond to pay a special rate of \$35.00 per year.

E. J. Cragg,
MAYOR AND CHAIRMAN.

Moved by Alderman Gough, seconded by

Alderman MacDonald that the reports be adopted.

Motion passed.

PRESTON STREET WIDENING

Read report of the Committee on Works and City Engineer covering Preston Street widening.

*Chief of Works
City Engineer*

Jan. 16th, 1935.

His Worship the Mayor.

Sir:-

In accordance with the instructions of the Committee on Works, Plan No. 7180 has been prepared showing how the proposed new west line of Preston Street will affect the various properties, also the east line for a distance of about 200 feet south of Jubilee Road.

The estimated cost of the improvement is \$13,000.00. This is based on the assumption that the property owners will accept the assessed value as compensation for the land taken.

If the committee decides to proceed with the improvement, it is recommended that a special borrowing for the purpose be made, rather than that the work be undertaken piece-meal through a series of years.

Respectfully submitted,

H. W. Johnston,
CITY ENGINEER.

January 17th, 1935.

The City Council.

Gentlemen:-

The attached report of the City Engineer on Preston Street Widening was read at a meeting of the Committee on Works on the 16th instant.

It was resolved to recommend to Council that the work of widening and straightening Preston Street be proceeded with provided the owners of property will agree to accept the assessed valuation of the land required, also that legislation be obtained to borrow a sum not exceeding \$15,000.00 to pay the cost of such widening and straightening including the moving of buildings.

E. J. Cragg,
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded

by Alderman Donovan that the reports be adopted.

Motion passed.