

## EVENING SESSION

8.05 o'clock,  
Council Chamber,  
City Hall,  
December 17th, 1936.

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 Mitchell, Stech, Donovan, Burgess, Curran, Sullivan, Freda, McCarthy, McDonald, Keshen, Curtis, Gough, Smeltzer and Walker.

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

The following named papers were submitted:-

### MINUTES

Alderman Stech informed the Council that in the minutes of the November 12th meeting, page 275, on the tenth line thereof, the number "4" should be changed to "3".

It was then moved by Alderman Stech, seconded by Alderman Smeltzer that the minutes be corrected accordingly. Motion passed.

Moved by Alderman Smeltzer, seconded by Alderman Gough that the minutes of the previous meeting as now amended be approved. Motion passed.

### PRESENTATION OF MEDAL TO ALDERMAN KESHEN

His Worship the Mayor asked Alderman Keshen to come forward, and, on behalf of the Canadian Basketball Association presented him with a medal in recognition of his services to Canadian Basketball.

December 17th, 1936.

The Mayor stated that he had much pleasure in making this presentation to Alderman Keshen.

LETTER, CITY ASSESSOR RE VACANCY IN THE OFFICE OF ASSISTANT CITY ASSESSOR.

*1  
McManus  
Finance Com*  
Read letter from the City Assessor advising Council of the vacancy in the office of Assistant Assessor.

Halifax, Nova Scotia,  
December 2nd, 1936.

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

Gentlemen:-

I beg to advise you that the office of Assistant City Assessor became vacant on the 27th of November, 1936, by the death of the late Mr. Charles R. Rosborough.

Yours respectfully,

J. F. McManus,  
CITY ASSESSOR.

Moved by Alderman Gough, seconded by Alderman Smeltzer that this letter be referred to the Finance Committee. Motion passed,

ACCOUNTS

The following resolution covering accounts of various committees was submitted.

RESOLVED that the Council approve for payment the bills and accounts of expenditures submitted to this meeting by the Committee on Finance amounting to \$16,936.47; Committee on Charities amounting to \$8,565.28; Gardens Committee amounting to \$552.07, Fleming Park amounting to \$113.27; Library Committee amounting to \$486.18; City Prison Committee amounting to \$2,151.57; Committee on Firewards amounting to \$13,462.60 chargeable to Fire Department and \$598.35 chargeable to Fire Alarm; Committee on Works amounting to \$11,056.47; City Health Board amounting to \$6,921.83; Committee on Camp Hill Cemetery amounting to \$443.32; Point Pleasant Park Committee amounting to \$580.52; Police Committee amounting to \$11,625.23 under the provisions of Section 315 of the City Charter.

December 17th, 1936.

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

TENDERS FOR ADDING MACHINE - CITY AUDITOR'S DEPARTMENT

*Director*  
Read report of the Finance Committee and letter of the City Auditor re quotations on an adding machine.

Committee Room, City Hall,  
December 11th, 1936,

His Worship the Mayor,  
and Members of City Council,

Gentlemen:-

At a meeting of the Finance Committee held on the above date, the attached letter from the City Auditor covering tenders for an adding machine for his department was considered,

Your committee recommends that the tender of Remington-Rand Limited for supplying an adding machine for the sum of \$265.00, being the lowest, be accepted.

Respectfully submitted,

H. J. Stech,  
CHAIRMAN,

December 10th, 1936.

The Chairman,  
Finance Committee,

Dear Sir:-

I am enclosing prices on adding machine for this office. The two tenders received are the only ones which answer the specification of a 10 keyboard machine,

The prices are \$265.00 and \$322.00. The machine priced at \$265.00 is the one I recommended for purchase last month, and I again make application for it.

Yours very truly,

A. M. Butler,  
CITY AUDITOR.

December 17th, 1936.

Moved by Alderman Stoch, seconded by Alderman Mitchell that the report of the Finance Committee be adopted. Motion passed.

MAINTENANCE - ELAINE JOHNSON AT CHILDRENS HOSPITAL

Read report of the Finance Committee and letter of the City Auditor re maintenance, Elaine Johnson at Childrens Hospital.

Committee Room, City Hall,  
December 11th, 1936.

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

The attached letter from the City Auditor regarding the transfer of Elaine Johnson from the Victoria General Hospital to the Childrens Hospital was considered by the Finance Committee at a meeting held on the above date.

Your committee recommends that arrangements be made to transfer Elaine Johnson to the Childrens Hospital and that the said Hospital be compensated for the cost of insulin used in treating the patient.

Respectfully submitted,

H. J. Stoch,  
CHAIRMAN.

December 10th, 1936.

The Chairman,  
Finance Committee.

Dear Sir:-

I wish to report further on the case of Elaine Johnson, a little girl who is suffering from diabetes and is a patient in the Victoria General Hospital.

It would seem reasonable that the City should compensate the Childrens Hospital for the cost of insulin, as the cost of maintaining such a patient greatly exceeds the average.

December 17th, 1936.

It would be desirable to make the transfer as early as possible, and I feel that if the City were able to inform the Childrens Hospital that we would pay the cost of the insulin that the transfer could be made at once.

The best method to pursue is to increase the grant to the Childrens Hospital during such time as the child is a patient there.

Mine very truly,

A. M. Butler,  
CITY AUDITOR.

Moved by Alderman Stech, seconded by Alderman Donovan that the report of the Finance Committee and letter of the City Auditor be adopted. Motion passed.

SUPERANNUATION CONTRIBUTIONS - LATE C. R. ROSBOROUGH.

*Chairman*  
Read report of the Finance Committee and letter of the City Treasurer recommending that the sum of \$1,769.42, being superannuation contributions of the late C. R. Rosborough, be paid to his widow, Mrs. Rose Aylmer Rosborough.

Committee Room, City Hall,  
December 11th, 1936.

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held on the above date, the attached letter from the City Treasurer respecting the refund of contributions to the Officials Superannuation Fund by the late Charles R. Rosborough was considered.

Your committee recommends that the sum of \$1,769.42 contributed to the Officials Superannuation Fund by the late Charles R. Rosborough be paid to his widow, Mrs. Rose Aylmer Rosborough.

Respectfully submitted,

H. J. Stech,  
CHAIRMAN.

December 17th, 1936.

December 9th, 1936.

Chairman and Members,  
Finance Committee,  
Halifax, N. S.

Gentlemen:-

Herewith I hand you letter from Mrs. Rose Aylmer Rosborough, widow of the late Charles R. Rosborough, requesting refund of his contributions to the Official's Superannuation Fund.

Mr. Rosborough entered the civic employ on February 16th, 1918, and his contributions from then to November 30th, last, amount to \$1,769.42.

Section 150 of the City Charter reads, as follows:

"If any official or employee, who has contributed to the fund, dies before being superannuated, leaving a wife or child who is a minor, or who is dependent upon him, such wife or child shall be entitled to receive from the fund in one payment an amount equal to his total contributions without interest".

This is submitted for your approval and recommendation for refund.

Respectfully submitted,

George J. Allen,  
CITY TREASURER.

Moved by Alderman Stech, seconded by Alderman Donovan that the report of the Finance Committee and letter of the City Treasurer be adopted. Motion passed.

ASSESSMENT - HALIFAX RELIEF COMMISSION

Read report of the Finance Committee and letter from the Halifax Relief Commission re assessment.

Committee Room, City Hall,  
December 11th, 1936.

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the Finance Committee held on the above date, the attached letter from the Halifax Relief Commission regarding assessment was considered.

December 17th, 1936.

Your committee recommends that The Halifax Relief Commission be advised that the City is prepared to continue the present assessment viz: \$500,000.00 for another year reserving the right to discuss the matter next year.

Respectfully submitted,

H. J. Stech,  
CHAIRMAN.

November 25th, 1936.

Col. H. J. Stech,  
City Hall,  
CITY.

Dear Sir:-

With reference to the conference of the Committee of the City Council of which you are Chairman, with The Halifax Relief Commission, on Thursday, November 19th, with respect to the assessment figure at which The Halifax Relief Commission would accept the voluntary assessment notwithstanding their exemption under their Act of Incorporation, I beg to advise you that the Commission have decided on the following amounts:-

For the tax year	1937-38	\$500,000.	
"	"	1938-39	450,000.
"	"	1939-40	400,000.
"	"	1940-41	400,000.
"	"	1941-42	400,000.

Taxes will be paid on these voluntary assessments at the general rate decided upon by the City Council in the usual manner and the discount provided for ordinary taxpayers will also apply to taxes paid by this commission. These voluntary assessments are accepted on the same basis and the same terms as is set forth in Sections 10 and 11 of the adjustment made by the Commissioners in the City of Halifax claim dated December 30th, 1926 with a further specific condition that:

1. The City accepts full responsibility for ownership of the Lanes in the Hydrostone Area regarding which there was some discussion in February, March and April of this year as these lanes became City property under Section 18 of Chapter 61 of the Acts of 1918.

2. That adequate police protection be given to Richmond Heights District.

3. That the District shall receive the same degree of attention in regard to civic service, streets, lights, sewer, water, etc. as is given other parts of the City.

December 17th, 1936.

The Commission regrets that it finds it necessary to reduce the amount of voluntary assessment after the tax year 1937-38 but as pointed out to your committee we have a considerable number of houses vacant at the present time, whereas at the time of our conference in 1931 all our houses were occupied; and the very large number of homes that are now being built in various parts of the City and in the County adjoining the City, will no doubt have some effect on the tenancies of the houses under our jurisdiction, and indeed has already affected us.

We wish to thank you for your courtesies in the past and to assure you that this Commission is anxious to co-operate with the Government of the City of Halifax in every way possible.

Yours very truly,

Halifax Relief Commission,

W. E. Tibbs,  
COMPTROLLER.

Moved by Alderman Stoch, seconded by Alderman Donovan that the report of the Finance Committee be adopted. Motion passed.

8.15 P.M.,

Alderman Power arrives and takes his seat in Council.

ORDINANCE #34 RESPECTING "DUTIES OF  
TENDERS COMMITTEE"

*Submitted*  
Read report of the Committee on Laws and Privileges submitting draft ordinance respecting "Duties of Tenders Committee".

Committee Room, City Hall,  
December 10th, 1936.

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the Laws and Privileges Committee held this day, the attached Ordinance #34 respecting the duties of the Tenders Committee which was given a first reading at a meeting of the City Council held on November 12th, 1936 was considered.



December 17th, 1936.

Your committee recommends that this Ordinance be now given a second reading and forwarded to the Governor-in-Council for approval.

Respectfully submitted,

H. J. Stech,  
CHAIRMAN.

Moved by Aldorman Stech, seconded by Aldorman Donovan that the report be adopted and the draft ordinance relating to the duties of the Tenders Committee be approved and now read for a second and last time and forwarded to the Governor-in-Council for approval.

Moved in amendment by Aldorman Stech, seconded by Alderman Walker that the draft ordinance relating to the duties of the Tenders Committee be referred to the Laws and Privileges Committee for further consideration. Amendment put and passed.

The original motion not put.

APPOINTMENT OF COAL WEIGHER

Read report of the Laws and Privileges Committee recommending that Mr. Leslie John King be appointed as a permanent coal weigher.

Committee Room, City Hall,  
December 10th, 1936.

His Worship the Mayor,  
and Members of City Council,

Gentlemen:-

The attached letter from the Lorne Coal Company requesting to have Mr. Leslie John King appointed a permanent coal weigher was considered by the Laws and Privileges Committee at a meeting held on the above date.

Your committee recommends that the application be granted and Mr. Leslie John King sworn in as a permanent coal weigher.

Respectfully submitted,

H. J. Stech,  
CHAIRMAN.

December 17th, 1936.

Moved by Alderman Stech, seconded by Alderman Burgess that the report be adopted.

Moved in amendment by Alderman Gough, seconded by Alderman Walker that this appointment be deferred for one month, and in the meantime Mr. King to be sworn in temporary. Amendment put and passed.

The original motion not put.

BONDING - CLERK OF COURTS

*City Solicitor*  
Read report of the Laws and Privileges Committee recommending that legislation be obtained to bond the Clerk of the Police Court and the Clerk of the City Court.

Committee Room, City Hall,  
December 10th, 1936.

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the Laws and Privileges Committee held on the 10th instant, it was decided to recommend to the Council that legislation be obtained for the bonding of the Clerk of the Police Court and the Clerk of the City Court. In view of the fact that such clerk is not an employee of the City, although appointed by the Council and his salary paid by the City, the City is not liable for any defaults he may commit. In order therefore, to ensure some protection for persons using the said courts, it is recommended that legislation be secured to bond this official.

It is suggested that the legislation require such clerk upon appointment or re-appointment and before entering upon his duties to provide a bond of a recognized guaranty company approved by the City Council conditioned upon the faithful performance and execution of his duties as such clerk, the payment over on demand to the person or persons entitled to demand the same, all sums of money which come into his hands by virtue of his office, and also upon his proper conduct as a faithful officer.

December 17th, 1936 $\frac{3}{4}$

The legislation should enable both the City and any other persons suffering any loss or damage from misconduct or misfeasance or default of such clerk in respect to any legal proceedings to claim against the surety of the bond. The City should pay any premium therefor.

Yours very truly,

H. J. Stech,  
CHAIRMAN.

Moved by Alderman Stech, seconded by Alderman Burgess that the report be adopted.

Motion passed.

8.30 P.M., Aldermen Gates and Hondry arrive and take their seats in Council.

#### LEGISLATION

The City Solicitor submitted the following legislation which had been considered by the Laws and Privileges Committee and recommended to the City Council for approval.

1. (1) Clauses (1) and (2) of Subsection 1 of Section 109 are repealed and the following substituted therefor:

"(1) The Committee on Works".

"(2) The Police Committee,

each consisting of one alderman from each ward and the Mayor, who shall be chairman thereof."

(2) Clause (3) of said Subsection 1 of Section 109 is amended by striking out the word "each" in the second line thereof.

Moved by Alderman Walker, seconded by Alderman Gough that the legislation increasing the members of the Police Committee from 3 to 7 be approved. Motion put and passed, 10 voting for the same and 6 against it as follows:-

December 17th, 1936.

FOR THE MOTION

Aldermon Burgéss  
Curran  
Curtis  
Freda  
Gough  
Keshen  
McDonald  
Power  
Smeltzer  
Walker

-10-

AGAINST IT

Aldórmón Donovan  
Hondry  
McCarthy  
Mitchell  
Stech  
Sullivan

-6-

2. Section 121 is repealed and the following substituted therefor:

"121. A vacancy in any of the foregoing offices shall be filled by the Council, and notice that the appointment will be made shall be set out in the notice calling the meeting at which the appointment is to be made".

Moved by Alderman Hondry, seconded by Alderman McCarthy that the amendment to Section 121 of the City Charter as submitted by the City Solicitor be not approved. Motion put and passed.

3. Section 471 of the Charter shall be read and construed and shall be given effect to as if it had been enacted on, from and after, and not before the 10th day of April, A. D. 1930, and shall apply to all deeds and other conveyances of property described in Section 470 of the Charter.

Moved by Alderman Gough, seconded by Alderman Smeltzer that the legislation amending Section 471 as submitted be approved. Motion passed.

4. Subsection (1) of Section 493 is amended by striking out the words "Province of Nova Scotia", in the third line thereof and substituting therefor the word "City".

Moved by Alderman Stech, seconded by Alderman Gates that the legislation amending Section 493 of the City Charter as submitted be approved. Motion passed.

December 17th, 1936.

5. All sales of land within the City of Halifax, made prior to the passing of this Act, purporting to be made by the City Collector under the authority of the City Charter, for arrears of taxes due said City in respect to lands so sold are hereby validated and confirmed, and all deeds of land so sold, executed by the Mayor and City Collector of the said City purporting to convey any lands so sold to the purchaser thereof or his assigns, shall have the effect of vesting the lands so sold and conveyed, and the same are hereby vested in the purchaser or his assigns, and his and their heirs or successors and assigns, as the case may be, in fee simple, free and clear of and from any and all right, title and interest whatsoever of the owners thereof at the time of said sale or their heirs or assigns or anyone claiming under them and of all charges and encumbrances thereof, except taxes accruing after those for non-payment of which said lands were sold: provided however, that nothing herein contained shall affect any pending litigation in respect to any of the matters referred to herein.

Moved by Alderman Stech, seconded by Alderman Donovan that the legislation regarding Tax Sales as submitted be approved. Motion passed.

6. The Charter is amended by adding thereto immediately following Section 495 thereof the following section:

495A. (1) The City may by ordinance regulate the carrying on of the business of selling goods, wares or merchandise by means of pedlars employed by any person, or under any scheme or system whereby such person sells or disposes of goods, wares or merchandise by means of pedlars, and may require such persons and the pedlars employed by such person to obtain a license therefor, and may prescribe the amount of the license fees to be paid for such licenses, which fees shall not in the case of the person carrying on such business exceed three hundred dollars and in the case of each pedlar employed by such person fifty dollars; provided however, that any person who has been assessed for and has paid taxes to the City in respect of the year in which the application for a license is made to an amount of not less than three hundred dollars, and the pedlars employed by such person, shall not be liable to pay any fee for such license.

(2) A certificate signed by the City Collector shall be conclusive evidence as to the amount of taxes paid by such person.

December 17th, 1936.

(3) Nothing in this section shall apply to persons selling or offering for sale motor vehicles, bakery products, dairy products, ice, office furniture, typewriters, accounting machines, pianos or other musical instruments or electric appliances, but the said section shall be deemed to apply to the sale or offering for sale of all other goods usually sold in retail stores.

(4) The schedule of fees prescribed under the authority of Section 495 shall not apply to pedlars employed by any person who carries on the business of selling goods, wares or merchandise by means of pedlars employed by such person, or to pedlars who are associated with any person under any scheme or system whereby such person sells or disposes of goods, wares or merchandise by means of pedlars.

(5) In any proceeding to enforce any penalty for breach of this section, any person so employing pedlars as aforesaid shall be liable for such penalty, and if such employer is a partnership or limited company the partners or the officers of the company and the person in apparent charge of the carrying on of the business in the City shall be deemed to have knowledge of such failure to comply with the provisions of this section and shall severally be liable for the penalties proscribed herein and any person who employs a pedlar who has not obtained a license as herein provided shall be guilty of a breach of this section.

(6) Any person who contravenes or fails to comply with the provisions of this section shall be liable to a penalty not exceeding three hundred dollars and in default of payment to imprisonment for a period not exceeding three months, and each day on which such contravention or failure continues shall constitute a separate offence.

Moved by Alderman Gates, seconded by Alderman Donovan that legislation respecting Pedlars as submitted be approved. Motion passed.

7. Section 510 A is repealed and the following substituted therefor:

"510A (1) No person shall in the City of Halifax carry on Halifax

(a) The business of selling or offering for sale, in the streets or from door to door, magazines, books, newspapers or other periodicals, or

December 17th, 1936.

(b) The business of canvassing or soliciting, in the streets or from door to door, for subscriptions to or orders for magazines, books, newspapers or other periodicals, unless such person has obtained a license therefor.

(2) The Council may by ordinance regulate the carrying on of such businesses as set out in the preceding paragraph hereof, including the hours during which the same may be carried on by any licensee or class of licensees, and may require the applicant for such license to secure from some designated public official or officials or from the publisher of the periodical or periodicals which the licensee proposes to sell, offer for sale, or in respect to which the licensee proposes to canvass or solicit subscriptions or orders, or the agents of such publisher residing in the City or of both such public official and publisher, a recommendation that the applicant should receive such license, and may provide for the suspension or cancellation of such license upon the holder thereof being convicted of any criminal offence, misconduct or of any breach of the provisions of the said Ordinance, and prescribe the fees to be paid on the granting of such licenses, and may differentiate in the fees payable in respect to the types of business as set out in the preceding paragraph and in respect to whether such magazines, books, newspapers or other periodicals are published within or without the City, and define the persons who shall be eligible to receive such licenses, including the ages of such persons, and may define the meaning of the words "selling", "offering for sale", "canvassing" and "soliciting" and make such other regulations as it shall consider necessary to carry out the provisions of this section.

(3) Every person who contravenes or fails to comply with the provisions of this section, shall, for every such offence, be liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment for a period not exceeding thirty days.

(4) Nothing in this section shall apply to bona fide commercial travellers selling magazines, books, newspapers or other periodicals for the purpose of re-sale.

(5) Subsection (1) hereof shall come into force and effect immediately upon the coming into effect of the Ordinance enacted pursuant to Subsection (2) hereof.

Moved by Alderman Gates, seconded by Alderman Donovan that the legislation respecting 510A. as submitted be approved. Motion passed.

December 17th, 1936.

8. The Charter is amended by adding thereto, immediately following Section 588 thereof, the following section:

588A. (1) No person, association, society or organization, or other body or group of persons shall on the streets or elsewhere in the City of Halifax collect money or solicit donations for any purpose or for or on behalf of any organization through the medium of "tag days" or similar means, unless such person, association, society, organization or other body has previously obtained permission therefor from the City Council.

(2) Every person, association, society, organization or other body of persons who violates any of the provisions of this section shall be liable to a penalty not exceeding fifty dollars or to imprisonment for a term not exceeding six months.

Moved by Alderman Power, seconded by Alderman Stech that the legislation regarding Tag Days as submitted be approved. Motion passed.

9. Section 656 is amended by adding thereto the following subsection:

(2) Notwithstanding any of the provisions of the Charter the Committee on Public Gardens, Parks and Commons may grant leases of concessions in the Public Gardens and in the Sir Sanford Fleming Park for any term not exceeding three years, and any revenue received in respect of such leases of concessions shall be paid into the appropriation of the Committee for the civic year in which such revenue is received and form a part thereof.

Moved by Alderman Donovan, seconded by Alderman Hendry that the legislation amending Section 656 relating to "Control of Parks" be approved. Motion put and passed, 12 voting for the same and 5 against it as follows:-

FOR THE MOTION  
Aldermen Burgess  
Curran  
Curtis  
Donovan  
Froda  
Hendry  
Keshen  
McCarthy  
McDonald  
Power  
Smeltzer  
Sullivan

AGAINST IT  
Aldermen Gatos  
Gough  
Mitchell  
Stech  
Walker



December 17th, 1936.

10. Clause (b) of subsection (1) of section 899 is amended by striking out the word "property" in the first line thereof and substituting therefor the word "assessment".

Moved by Alderman Stech, seconded by Alderman Gates that the legislation amending Section 899 of the Charter relating to "Qualifications of members of the School Board" as submitted be approved. Motion passed.

TENDERS FOR PRINTING ORDINANCES

*Solicitor  
Halifax*  
Read report of the Tenders Committee re tenders for printing City Ordinances.

Committee Room, City Hall,  
November 30th, 1936.

His Worship the Mayor,  
and Members of City Council.

Gentlemen:-

At a meeting of the Tenders Committee held this day, the attached tenders for printing 500 copies of each City Ordinance were considered.

Your committee recommends that the tender of The Halifax Graphic for printing 500 copies of each City Ordinance for the sum of \$318.00, being the lowest, be accepted and that the printing of same be done under the supervision of the City Solicitor.

Respectfully submitted,

J. F. McDonald,  
CHAIRMAN.

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

MCDONALD VERSUS CITY OF HALIFAX

*Solicitor*  
Read letters from the City Solicitor, also notice of action in the suit McDonald versus City of Halifax.

December 17th, 1936.

Office of City Solicitor,  
Halifax, N. S.  
December 1st, 1936.

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

Gentlemen: Re: D. Harold MacDonald vs. City of Halifax

I am in receipt of Notice of Action in the above entitled cause, a copy of which is hereto attached. I would be pleased to receive instructions of the City Council as to what course it desires me to take in this matter.

In explanation I might say that the action is for a declaration -

- (a) that permission was given to Mr. D. H. MacDonald to alter his premises #56 Coburg Road into a shop, and
- (b) that the Chairman of the Committee on Works had the right to give a second or casting vote.

Yours very truly,

Earl P. Bethune,  
CITY SOLICITOR.

Office of City Solicitor,  
Halifax, N. S.  
December 17th, 1936.

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

Gentlemen:- Re: D.H. MacDonald versus City of Halifax

Since writing to you respecting the Notice of Action in the above matter I have received the Writ issued in this matter on behalf of the Plaintiff. The Writ has not been served upon the City and I have not accepted service thereof, nor will I do so until I have instructions to that effect.

I am also in receipt of the Statement of Claim, which follows the terms of the Notice of Action. If the City decides to contest this matter I would suggest that the solicitor for the persons opposing the granting of the permit should be advised, for the reason that the proceedings would certainly affect such people more particularly than the City generally. Your authority to carry on the action in collaboration with such solicitor is requested.

Yours, very truly,

Carl P. Bethune,  
CITY SOLICITOR.

December 17th, 1936.

To the City of Halifax,  
To the Mayor of the City of Halifax,  
To the Council of the City of Halifax,  
To the Committee on Works of the  
City of Halifax.

TAKE NOTICE that an action at the suit of me, the undersigned, D. Harold MacDonald, of the City of Halifax, an assessed ratopayer of the said City, will be brought against you the said City of Halifax in the Supreme Court of Nova Scotia after the expiration of twenty days from the service on you of this Notice for the cause or causes of action following, namely:

(a) For a Declaration that the Committee on Works of the City of Halifax gave permission to me, the undersigned, on or about the 2nd day of April, 1936, to alter my dwelling house and premises No. 56 Coburg Road, Halifax, into a shop.

(b) For a Declaration that in the month of April, 1936, I obtained permission from the Committee on Works of the City of Halifax to alter my said residence No. 56 Coburg Road into a shop.

(c) For a Declaration that the Mayor of the City of Halifax sitting as Chairman of the Committee on Works of the said City of Halifax at the meeting of such committee held on April 2nd, 1936 had the right to give a second or casting vote on the resolution proposed at said meeting to give me, the undersigned, permission to alter my said dwelling house and premises into a shop.

(d) For the costs of such action and for such other relief as I, the undersigned, may be entitled to or the Court may deem it expedient to give on account of you or any of you having taken the position that permission to alter my said dwelling house and premises into a shop was never given and that the said resolution passed by the Committee on Works at the meeting held on the 2nd day of April 1936 is void and of no effect because the Mayor of said City of Halifax, sitting as Chairman of said Committee, was not entitled to give a second or casting vote to carry said resolution.

Dated at Halifax, N. S. this 24th day  
of November, 1936.

D. Harold MacDonald

by  
McInnes, Lovett & Macdonald,  
Attorneys.

December 17th, 1936.

Moved by Alderman Power, seconded by Alderman McCarthy that the City Solicitor be instructed not to accept service of a writ in this case, but, if a writ is served the City Solicitor to enter appearance, file a defence and defend the action, also that the co-operation of Mr. G. McL. Daley be accepted providing the City is not liable for his costs. Motion put and passed.

Aldermen Gates, Gough and Walker wishing to be recorded against.

TURNING OFF WATER IN DWELLINGS

*to Clerk of Works*  
Road resolution which was approved at a meeting of the Halifax Direct Relief Committee re turning off water in dwellings.

"Extract from minutes, November 30th, 1936.

'After a general discussion re turning off water in houses, it was moved by Alderman Gates, seconded by Alderman McCarthy that representation be made to the City Council to the effect that in no case shall water be turned off in houses in City used as a dwelling, as other means of collection are available. Carried " ".

His Worship the Mayor stated that the Relief Committee is not a committee of Council and it is simply asking the Council not to deprive citizens the use of water.

The Mayor personally assured the Council that no unnecessary hardship would be placed on any consumer of water in the City of Halifax, and he felt that it was only necessary for this Council to request the Clerk of Works to use discretion in this matter,

December 17th, 1936.

SEWER ASSESSMENT RATES EDGEWOOD PROPERTY,  
CONNAUGHT AVENUE.

*Engineer  
of Works*  
Read report of the Committee on Works  
together with opinion of the City Solicitor re  
sewer assessment rates, Edgewood property, Connaught  
Avenue.

December 17th, 1936.

The City Council.

Gentlemen:-

Attached hereto is a letter from  
the Eastern Trust Company in reference to sewer  
rates, together with an opinion of the City Solicitor  
in respect thereto.

At a meeting of the Committee on Works  
December 9th, 1936, the said opinion of the City  
Solicitor was on motion of Alderman Donovan and  
Alderman Gough, approved and recommended to Council  
for adoption.

E. J. Cragg,  
MAYOR AND CHAIRMAN.

Office of City Solicitor,  
Halifax, N. S.  
December 8th, 1936.

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

Dear Sir:-

Some months ago I received an extract  
from the minutes of the Committee on Works, under  
which the matter of the disclaimer and refusal  
of the Eastern Trust Company to pay or acknowledge any  
liability respecting sewer charges for the sewer  
laid on the portion of Connaught Avenue which lies  
through the so-called Edgewood property, owned by  
the Eastern Trust Company, was brought up. I have  
given considerable thought to this matter, and in  
my opinion, the Eastern Trust Company is not liable  
for the sewer charges in question.

The Edgewood property is bounded on  
the south by Bayers Road and extends northerly to  
the property known as the Hendry property.  
Connaught Avenue runs through this property from  
its north boundary to its south boundary, and it  
is as to this portion of the sewer that, in my  
opinion, no liability rests on the Eastern Trust Co.

December 17th, 1936.

I do not know whether you are interested in the reasons, but if required I would be very pleased to submit a reasoned opinion. However, briefly put the reasons which induced me to arrive at this decision are as follows:

Under the provisions of the City Charter the only persons who are liable for sewer rates in respect to the laying of a sewer are the owners of properties fronting on either a "street" or a "highway". Under the City Charter a "street" is a thoroughfare used by the public, and under the general law a "highway" must also be used by the public before it can be a "highway". This is not the case with that portion of Connaught Avenue extending through the Edgewood division.

I am informed by the Eastern Trust Company that they are prepared to pay these sewer rates at such time when a subdivision is opened up, and would not oppose any legislation which would merely delay the imposition of the charge upon them until such time arrives. I would suggest that in the first instance if such legislation is enacted that it be enacted for a period of five years, with the understanding that if the property is not opened up within that time that the period be further extended. During this period, of course, no interest would be chargeable on the rates.

Yours very truly,

Carl P. Bethune,  
CITY SOLICITOR.

Moved by Alderman Gates, seconded by Alderman Donovan that the report of the Committee on Works and opinion of the City Solicitor be adopted. Motion passed.

STREET LIGHT - PAYZANT AVENUE

*Committee on Works*  
Read report of the Committee on Works re street light, Payzant Avenue.

December 17th, 1936.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works December 2nd, 1936, on motion of Alderman Gates, seconded by Alderman Donovan, it was decided to recommend to Council that a street light be installed on Payzant Avenue immediately.

E. J. Cragg,  
MAYOR AND CHAIRMAN.

December 17th, 1936.

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

Motion passed.

STREET LIGHT - YOUNG STREET

*done  
12/17/36*  
Road report of the Committee on Works,  
and Asst. City Engineer re street light, Young Street.

December 1st, 1936.

His Worship the Mayor,

Sir:-

An application has been received from Mr. Hilton Hamm who resides at 399 Young Street, requesting the installation of an electric light west of Oxford Street. There is now a lamp on the south-east corner of Oxford and Young Streets and Mr. Hamm's residence is about 250 feet west of this point.

It is estimated that the cost of installing this light is \$30.00 and the increased cost of maintenance per year about \$28.00.

There is no doubt that a light is very necessary in this section but there are no funds available in the lighting appropriation at present.

It is recommended that a light be installed in this locality when funds are available.

Respectfully submitted,

W. J. DeWolfe,  
ASST. CITY ENGINEER.

December 17th, 1936.

The City Council,

Gentlemen:-

At a meeting of the Committee on Works December 2nd, 1936, on motion of Alderman Gough, seconded by Alderman Keshon, the attached report of the Assistant City Engineer recommending the installation of a street light on Young Street when funds are available, was approved and recommended to Council for adoption.

E. J. Cragg,  
MAYOR AND CHAIRMAN.

Moved by Alderman Goguh, seconded  
by Alderman Keshon that the reports be adopted.

Motion passed.

December 17th, 1936.

WATER SUPPLY OUTSIDE CITY LIMITS

*Read report*  
and City Engineer re water supply outside City limits.

December 9th, 1936.

His Worship the Mayor,

Sir:-

On October 14th a report was made on an application from Mr. Wm. Whiting for a water supply to a new building outside the City limits on the north side of the Pipe Line, and it was then recommended that the matter be deferred until the question of increased rates was decided.

The question of prosecuting the application before the Utilities Board for such increased rates was before the Committee at its meeting of November 4th and consideration of the matter was deferred.

Mr. Whiting is at present obtaining a water supply from the pipe running to the Rodden property and it would be more satisfactory to all concerned if the water was taken direct from the main.

As he would be required to sign an agreement under which the water could be turned off at any time on giving one months notice, it is not thought that any rights or interests of the City would be jeopardized by supplying the water or by making a connection in the main pipe under the usual terms and conditions.

Respectfully submitted,

H. W. Johnston,  
CITY ENGINEER.

December 17th, 1936.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works December 9th, 1936, the attached report of the City Engineer on an application from Mr. Wm. Whiting for water supply to a new building outside the city limits was on motion of Alderman Keshen and Alderman Gates, approved and recommended to Council for adoption.

E. J. Cragg,  
MAYOR AND CHAIRMAN.



December 17th, 1936.

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

Motion passed:

WATER EXTENSION - ARMVIEW AVENUE

*W. H. Johnston*  
Read report of the Committee on  
Works and City Engineer re water extension,  
Armview Avenue.

December 16th, 1936.

His Worship the Mayor:

Sir:-

I beg to report on an application from  
the Modern Homes Limited, the owner of Shore Acres  
Sub-division, formerly known as the Armdale Sub-  
division, for an extension of the water on Armview  
Avenue, that at present houses on Lots Nos. 10,  
12, and 13 are under construction and tenders are  
being called for the erection of a new house on  
Lot no. 14 which the owner informs me will be  
started at once.

The estimated cost of the extension from  
the present dead end of the pipe south of Quinpool  
Road to Lot No. 14 is \$3200.00 and the estimated  
assessment \$1400.00.

The owners of the property are laying  
the necessary sewer pipe for draining these lots  
and advantage can be taken of part of the excavation  
made for the sewer which will reduce the cost  
somewhat.

In addition to the proposed buildings  
mentioned above lots 1 to 5 have been sold and it is  
anticipated that work of construction of dwellings  
on the last two of these will be undertaken  
immediately.

It is recommended that the extension be  
ordered when at least four houses are under  
construction.

Respectfully submitted,

H. W. Johnston,  
CITY ENGINEER.

December 17th, 1936.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works December 16th, 1936, the attached report of the City Engineer on an application for an extension of the water service on Armview Avenue was approved and recommended to Council for adoption.

E. J. Cragg,  
MAYOR AND CHAIRMAN

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

Motion passed.

PURCHASE OF LAND - DUTCH VILLAGE ROAD

*see  
by Works*  
Read report of the Committee on Works and City Engineer re purchase of land, Dutch Village Road at north-east corner of Chebucto Road.

December 8th, 1936

His Worship the Mayor

Sir:-

At a meeting of the Committee on Works held on June 17th, 1936, the City Engineer made a verbal report on the acquisition of land required for widening the Dutch Village Road at the north-east corner of Chebucto Road.

Since that time I have been negotiating with Mr. George P. Dence, the owner of the property and have reached an agreement with him.

The land required to widen the Dutch Village Road between the old and new lines is approximately 12 feet in width, extending the whole frontage of the Dence property and has an area of approximately 1540 sq. feet. In addition to this, a triangular piece of land should be obtained which will enable us to avoid the acute turn at the corner of the Streets and make it practically a right angle. The area of this strip will be approximately 180 sq. feet. Mr. Dence will sell these pieces of property to the City for the sum of Three Hundred Dollars (\$300.00). This is at the rate of about seventeen cents per square foot. The property is assessed for fourteen.

The price, in my opinion, is a fair one and it is recommended that this portion of the Dence property be purchased at the figure mentioned.

Respectfully submitted,

H. W. Johnston,  
CITY ENGINEER.

December 17th, 1936.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works December 9th, 1936, the attached report of the City Engineer recommending that the City purchase from G. P. Donce land required for widening the Dutch Village Road at the north-east corner of Chobucto Road, was approved and recommended to Council for adoption.

E. J. CRAIG,  
MAYOR AND CHAIRMAN.

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

Motion passed.

SLIPPERY SIDEWALKS

*see  
works*  
Road report of the Committee on Works and letter of the City Engineer submitting draft amendment to Ordinance #3 respecting "Streets".

December 16th, 1936.

His Worship the Mayor.

Sir:-

At the last session of the Legislature an amendment to the Charter was made enabling the Council to make an ordinance in respect to the abatement of dangerous conditions arising from the presence of snow and ice on the sidewalk.

This amendment was made at the instance of the Committee who thought that property owners should be compelled to sprinkle ashes or other suitable material on sidewalks when they are in a dangerous condition due to the ice thereon.

In order to obtain this result it will be necessary to amend the present street ordinance and it is recommended that such ordinance be amended as follows:-

"BE IT ENACTED by the Mayor and City Council as follows:

1. Ordinance #3 respecting Streets is amended by adding thereto, immediately following Section 48, the following section:

December 17th, 1936.

48A. Within the area as described in subsection (2) of Section 42 hereof the owner, agent, lessee or occupier of any premises shall whenever the sidewalk in front of such premises is in a slippery condition, due to ice thereon, place ashes, sand, calcium chloride, common salt or a mixture of these materials on the sidewalk. The amount to be used shall not exceed the minimum quantity required to remedy the slippery condition.

Respectfully submitted,

H. W. Johnston,  
CITY ENGINEER.

December 17th, 1936.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works December 16th, 1936, the attached report of the City Engineer in reference to slippery sidewalks was on motion of Alderman Gough and Alderman Frede, approved and recommended to Council for adoption.

E. J. Cragg,  
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded

by Alderman Mitchell that the report of the Committee on Works and letter of the City Engineer be adopted and the amendment to Ordinance No. 3 relating to "Streets" be now read and passed a first time and referred to the Laws and Privileges Committee. Motion passed.

The amendment to Ordinance No. 3 was then read and passed a first time.

Alderman Mitchell, at this time, suggested that the snow shovelling area be extended by adding thereto, both sides of Quinpool Road from Oxford Street to the Arm Bridge.

The Mayor stated that the Engineer would submit a report on this matter.

December 17th, 1936.

WEST END BAPTIST CHURCH - PRESTON STREET

Read report of the Committee on Works  
and City Engineer re West End Baptist Church,  
Preston Street.

December 15th, 1936.

His Worship the Mayor.

Sir:-

I beg to report on the attached letter from the West End United Baptist Church with reference to the sidewalk assessment, that the matter has been reported on at length on previous occasions and I would beg to refer you particularly to my reports of April 24th and July 5th, 1934, and also to correspondence between the Clerk of the Church and the City.

I have referred the letter to the Solicitor who has given me an opinion, copy of which is attached, in which the various points in dispute are considered. His opinion is set out in the last paragraph which states that, "I am therefore unfortunately in the position of being unable to advise definitely whether the City can hold the sidewalk and compel payment and compel the Church to give a deed of the land gratis to the City."

Plan No. 8319 has been prepared which shows the location and area of the sidewalk and land required from the Church on Preston Street. The area of the land is 1520 square feet. The assessed value per square foot is approximately twenty (.20) cents.

In view of the Solicitor's opinion and of the fact that the other property owners were paid at the rate of the assessed value for the land taken, it would seem advisable to pay the owner the assessed value of the land required namely \$304.00. This suggestion is made primarily in view of the City Solicitor's opinion, and is made only as a matter of expediency and not of principle.

It is the intention of course that if the City pays for the land that the Church will pay the sidewalk assessment.

Respectfully submitted,

H. W. Johnston,  
CITY ENGINEER.

December 17th, 1936.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works December 16th, 1936, the attached report of the City Engineer re Preston Street West-End Baptist Church, was on motion of Aldermen Donovan and Alderman Gough, approved and recommended to Council for adoption.

E. J. Cragg,  
MAYOR AND CHAIRMAN.

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

FINAL CERTIFICATE TO BIANCO BROS.

*see  
my notes*  
Read report of the Committee on Works recommending payment to Bianco Bros. of the sum of \$4,340.35, being the balance due on their contract.

December 17th, 1936.

The City Council.

Gentlemen:-

At a meeting of the Committee on Works December 16th, 1936, the attached certificate of the City Engineer recommending payment to Bianco Bros. of the sum of Four Thousand Three Hundred and Forty Dollars and Thirty-Five Cents (\$4,340.35) being the balance in full on their contract for the construction of concrete sidewalks, curbs and gutters for the year 1936 was on motion of Alderman Gough and Alderman Freda, approved and recommended to Council for adoption.

E. J. Cragg,  
MAYOR AND CHAIRMAN.

Moved by Alderman Gates, seconded by Alderman Freda that the report be adopted.  
Motion passed.

SUPT'S REPORT RE INMATES IN THE CITY HOME FOR THE MONTH OF NOVEMBER, 1936.

Read report of the Charities Committee for the month of November 1936, showing the number of inmates in the City Home to be 461.  
FILED

December 17th, 1936.

TAX COLLECTIONS FOR THE MONTH OF NOVEMBER, 1936.

Read report of the City Auditor  
covering tax collections for the month of November,  
1936.

TAX COLLECTIONS, NOVEMBER, 1936.

Arrears Taxes

Civic Year	Reserve	Outstanding Balance October	Now accounts and adjustments	November Collections	Outstanding Balances November.
1932-33	\$53,101.92*	\$47,737.88		\$816.17	\$46,921.71
1933-34	57,969.10*	109,754.86		14,303.66	95,451.20
1934-35	53,492.38.	257,113.10		11,277.99	245,835.11
1935-36	57,741.79	428,302.95		20,308.92	407,994.03
		<u>\$42,908.79</u>		<u>46,706.74</u>	<u>796,202.05</u>

Current Taxes

1936-37	48,749.36	717,079.70		27,934.37	689,145.33
---------	-----------	------------	--	-----------	------------

Water Dept.

Rates, etc.

	57,685.82	72,000.00	31,827.07	97,858.75
	<u>1,617,674.31</u>	<u>72,000.00</u>	<u>106,468.18</u>	<u>1,583,206.13</u>

Poll Taxes 1932-33	\$3,242.81		\$54.00	\$3,188.81
Poll Taxes 1933-34	2,631.23		81.00	2,550.23
Poll Taxes 1934-35	3,953.41		140.00	3,813.41
Poll Taxes 1935-36	5,686.78		433.50	5,253.28
Poll Taxes 1936-37	17,299.00		1,312.50	15,986.50

Additional Collections

Tax years 1908-9 to 1924-25			\$139.26	
Corresponding period last year				\$9.13
Tax years 1925-26 to 1931-32			868.47	
Corresponding period last year				\$1,478.32
Collections per above statement			106,468.18	
Corresponding period last year				79,802.99
		<b>TOTAL</b>	<u>\$107,475.91</u>	<u>\$81,290.44</u>

Collections of Poll Taxes

Nov 1st to Nov. 30th, 1936.		\$15,533.42	
Corresponding period last year			\$15,208.50

\* Includes special tax payments, and unexpended balances.  
Any excess in this account above the outstanding tax balance is  
transferable to the General Reserve or the General Sinking Fund,  
as the case requires, on April 30th of each year.

Respectfully submitted,

A. M. Butler,  
CITY AUDITOR.

December 17th, 1936.

DEPARTMENTAL APPROPRIATIONS AND EXPENDITURES

Read report of the City Auditor re  
departmental appropriations and expenditures.  
FILED

10.40 P.M.,

Moved by Alderman Gates, seconded by  
Alderman Stech that this meeting do now adjourn.

Motion passed.

Meeting adjourned.

LIST OF HEADLINES

Minutes	293
Presentation of Medal to Alderman Keshon	293
Letter, City Assessor re Vacancy in the office of Assistant City Assessor	294
Accounts	294
Tenders for Adding Machine - City Auditor's Department	295
Maintenance - Elaine Johnson at Childrens Hospital	296
Superannuation Contributions - Late C. R. Rosborough	297
Assessment - Halifax Relief Commission	298
Ordinance #34 respecting Duties of Tenders Committee	300
Appointment of Coal Weigher	301
Bonding - Clerk of Courts	302
Legislation	303
Tenders for Printing Ordinances	309
McDonald versus City of Halifax	309
Turning off water in Dwellings	312
Sewer Assessment Rates Edgewood property, Connaught Avenue	313
Street light - Payzent Avenue	314
Street light - Young Street	315
Water supply outside City limits	316
Water extension - Armview Avenue	317
Purchase of land - Dutch Village Road	318
Slippery sidewalks	319
West End Baptist Church - Preston Street	321
Final certificate to Bianco Bros.	322
Supt's report re inmates in the City Home for the month of November, 1936	322
Tax collections for the month of November, 1936	323
Departmental Appropriations and Expenditures	324

*W. P. Publicover*  
W. P. Publicover,  
CITY CLERK.

*E. J. Cross*  
E. J. Cross,  
MAYOR AND CHAIRMAN.