

AFTERNOON SESSION

SPECIAL MEETING.

5.00 o'clock,  
Council Chamber,  
City Hall,  
March 15th, 1939.

A meeting of the City Council was held this day. There were present His Worship the Mayor, Chairman; Aldermen Batson, MacKay, Breen, Donovan, Curran, Sullivan, Freda, Adams, McDonald, O'Toole, Power, Gough and Walker.

The meeting was called specially to consider legislation.

LEGISLATION

Moved by Alderman MacKay, seconded by Alderman Donovan that the legislation as submitted be considered clause by clause, and the City Solicitor asked to explain same. Motion passed.

5.10 o'clock,

Aldermen Keshen and Lloyd arrive and take their seats in Council.

The following legislation was then submitted and explained by the City Solicitor.

## LEGISLATION 1939

Sub-section (2) of Section 119 as that sub-section is enacted by section 4 of Chapter 53 of the Acts of 1932 is amended by striking out the words "two-thirds" in the second line thereof and substituting therefor the word "ten".

Explanatory note: The effect of this amendment will be that the heads of the departments of the City, such as the Collector, Treasurer, Solicitor, Auditor, Chief of Police, Engineer, Chief of the Fire Department, Assessor, City Clerk may be dismissed by a vote of ten members of the Council instead of twelve as at the present time.

Section 131 is amended by striking out the words "except the medical officer" in the first and second lines thereof.

(1) Clause (a) of Section 888 is amended by adding thereto immediately following the word "standing" in the second line thereof, the following words:

"who shall, in addition, hold the degree of Diplomate of Public Health from some recognized University."

(2) Clause (c) of said Section 888 is amended by inserting therein immediately following the word "salary" in the first line thereof the following words:

"not exceeding Five Thousand Dollars".

Section 889 is repealed and the following substituted therefor:

"889. The Council may by Ordinance prescribe the duties of such medical officer.

This section (or Sections & ) shall come into force on, from and after and not before such day as the Governor-in-Council orders and declares by Proclamation.

Explanatory note: The preceding sections are anticipatory in the expectation that the City will shortly appoint a full-time medical Health Officer. They will not come into effect until proclaimed.

(1) Subsection (1) of Section 159, as the same is amended by Section 10 of Chapter 66 of the Acts of 1933, is further amended by adding thereto immediately following the word "otherwise" in the ninth line thereof, the following words:

"or when requested to act by the Stipendiary Magistrate".

(2) Subsection (2) of Section 159 is amended by inserting therein immediately following the word "disqualification" in the fourth and fifth lines thereof, the words:

"or the expiration of the time during which he was requested to act by the Stipendiary Magistrate".

(3) Said subsection (2) of Section 159 is further amended by adding thereto immediately following the word "disqualification" in the seventh and eighth lines thereof the words:

"or expiration of the said time".

Explanatory note: This is submitted in order to enable the Stipendiary Magistrate to give Jurisdiction to his deputy without having to resort to the expedient of actually going out of the City. This will enable the deputy to act on the request of the Stipendiary Magistrate.

The Charter is amended by inserting therein, immediately following Section 260 thereof, the following section:

260A (1) In addition to the appointment of special constables as hereinbefore provided, the Committee may, at the request of any person appoint in writing such persons to be special constables as it shall determine to act as such in such place or places in the City as such person may request, who shall hold office for such period as the Committee shall determine, not exceeding one year, but the Committee may in writing renew the said appointment from time to time as it may determine. In the case of any such renewal it shall not be necessary for any such special constable to be resworn.

(2) Notwithstanding that the Committee has appointed any such constable for a certain period, the Committee may at its pleasure at any time terminate such appointment and thereupon such constable shall cease to act as such.

(3) Every special constable appointed under the authority of this section shall be sworn to the faithful discharge of his duties before the Mayor, the Clerk, the Stipendiary Magistrate, or an alderman, and shall during his continuance in office be under the supervision of the Chief of Police.

(4) The Committee shall designate in the written appointment of each such special constable the place or places in the City in which such constable is authorized thereby to act and such constable shall have authority only in such place.

(5) The Committee may furnish such special constables with a badge, baton or emblem of office, which shall be returned by such constables when the period for which he has been appointed, or any renewal or renewals thereof, has expired, or until his appointment has been terminated by the Committee as hereinbefore provided.

(6) No special constable appointed under the authority of this section shall have any claim whatever upon the Committee or the City or upon any person other than the person at whose request such constable was appointed for remuneration in respect to any services rendered by them as such constables.

(7) Every special constable appointed under the authority of this section, shall within the place set out in his written appointment, have, exercise and enjoy all such powers, authorities, immunities, indemnities, privileges and protection, and be liable to all such duties, responsibilities and penalties as any constable duly appointed has by virtue of any law or statute within his constabliwick.

Explanatory note: The existing provisions of the Charter provide for Special Police for general police protection of the City. Several cases have occurred in which particular property required protection, such as theatres, industrial plants, etc., and the owners wished to employ police and pay for them themselves. This legislation will enable such special police to be appointed for a limited time who will have jurisdiction only in certain places.

Section 310 is amended by adding thereto immediately following subsection (3) thereof, the following subsection:

(4) The amounts authorized to be assessed and levied under subsection (1) of this section in aid of the following

institutions, namely -

Halifax Visiting Dispensary  
Society for the Prevention of Cruelty  
The Infants' Home on Tower Road  
The Roman Catholic Infants' Home  
The Good Shepherd Reformatory & Industrial Refuge  
The Canadian National Institute for the Blind  
The Travellers' Aid Bureau of the Young Women's  
Christian Association  
The Home for Colored Children  
The Salvation Army Rescue Home for Females  
The Children's Hospital  
The Halifax Welfare Bureau  
The Victorian Order of Nurses  
The Nova Scotia College of Art  
The Halifax Supervised Playgrounds  
The Dalhousie Health Clinic

shall not be assessed and levied unless such assessment and levy of such amounts shall have been approved by a recorded vote of at least two-thirds of all the members of the Council.

Explanatory note: It was the opinion of the Council that the majority required to pass upon such grants as hereinbefore set out should be increased from a majority of those present to twelve members. At present a majority of those present is sufficient. This majority might be as few as six.

Section 366A (as the same is enacted by Section 19 of Chapter 70 of the Acts of 1931, and amended by Section 13 of Chapter 67 of the Acts of 1933) is repealed and the following substituted therefor:

(1) Every person, who has during the year ending December 31st immediately preceding, employed any other person or persons, shall, on or before the 15th day of February in each year, whether or not such person is at that time employing such other person or persons, furnish the Assessor with a list of all such persons so employed by him during the year preceding the year in which such list is furnished, and such list shall be verified by such person under oath, and shall contain the name and salary or remuneration paid such persons during the such preceding year and also, if known, the address and age of such persons.

(2) The Assessor may at any time demand such a statement from any person having other persons in his employ, but no person shall be compelled to furnish such statement more than twice in any year.

(3) Every such employer who fails to furnish such a statement on or before the 15th day of February, or within ten days after demand therefor made by the Assessor, as the case may be, shall be liable to a penalty not exceeding \$25.00 and in default of payment thereof to imprisonment for a period not exceeding ten days.

(4) The mailing of any form by the Assessor requiring such information to be given, in a prepaid letter addressed to such employer at his place of business or residence shall be a sufficient demand by the Assessor under this section.

Explanatory note: This is practically the same as the existing section which is intended to provide a means for the Assessor to obtain the names of persons who may be liable to pay Poll Tax.

Subsection (8) of Section 425, as that subsection is enacted by Section 13 of Chapter 58 of the Acts of 1938, is amended by inserting therein between the words "days" in the twelfth line thereof and the word "at" in the thirteenth line thereof, the word "interest".

Explanatory note: This is necessary to correct a typographical error in last year's legislation in which the word "interest" was omitted.

Section 478 is amended by striking out the word "or" in the second line and by inserting therein between the words "bones" in the second line thereof and "hereinafter" in the third line the words "or second hand bottles".

Explanatory note: This section includes second hand bottles under the definition of Junk so that restrictions may be placed on juveniles dealing with them.

(1) Section 495B, as that section is enacted by Section 16 of Chapter 58 of the Acts of 1938, is amended by striking out the words "One Hundred and Fifty" in the eleventh line thereof and substituting therefor the words "Three Hundred".

(2) Said section 495B is further amended by adding thereto the following subsections:

(2) In this section the expression "transient traders, traders of goods and other persons", includes:

- (a) persons not residents of the City and who have not been such residents continually for at least one year, unless such persons are conducting and have conducted a business in said City continuously for at least one year, and
- (b) corporations which have not had a place of business in the City continuously for at least one year.

(3) Every license granted under the provisions of this section shall be in force for a period of fifteen days next succeeding the day on which it is issued and no longer.

Explanatory note: This amends legislation obtained last year by increasing the license fee from One Hundred and Fifty Dollars to Three Hundred Dollars and also by defining the words "transient traders, traders of goods and other persons" as used in the legislation. The term of the license is also restricted to fifteen days.

Subsection (2) of Section 510A as the same is enacted by Section 22 of Chapter 65 of the Acts of 1937 is amended by inserting therein immediately following the word "licensees" in the fifth line thereof the words "and may differentiate between the license fee to be paid by residents of the City and non-residents thereof and may define the meaning of "resident" and "non-resident".

Explanatory note: This amendment is requested for the following reason: From time to time organized groups of canvassers descend upon the City from various places, and subject the citizens of the City to great annoyance by using high-pressure sales methods. These persons operate in direct competition to local persons in the same line of business, and do not pay any taxes and have very little overhead. After a

whirlwind campaign they leave the City and move on to other fields. It is urged that in order to protect the people of the City in some measure that the City be authorized to impose a heavier license fee against such persons. The proposed amendment is the same as that proposed for the Towns Incorporation Act at this session in respect to licensing chimney sweeps.

Section 511 is amended by adding thereto the following sub-section:

(6) In any case where any person to whom a license has been granted by the Council or by any committee or board appointed under the authority of the Charter, and which license has not expired, has been convicted for contravening or failing to comply with the provisions of the Charter or any other enactment respecting the matters in respect to which such license was granted, or of any ordinance, by-law or regulation made by the Council or by any such Committee or board under the authority of the Charter or of any other enactment for the purpose of regulating or licensing such person, the magistrate or Judge so convicting such person, in addition to imposing the penalty provided for such contravention or failure, may order that the license so granted shall be cancelled, and upon being advised of such conviction and order, the Mayor shall cause such license to be forthwith cancelled, notwithstanding that an appeal from such conviction has been asserted.

Explanatory note: Under many of the Charter provisions and in those or Ordinances providing for the licensing of various persons, the only punishment which can be imposed is a fine or imprisonment in lieu thereof. Since many of these persons so fined or imprisoned are shown to be unfit to hold a license for various reasons including dishonesty, the right should be reserved to cancel such license upon conviction for such violation.

The Charter is amended by adding thereto, immediately following section 578 thereof, the following section:

578A. (1) The owner or occupier of any lot of land, except lands under cultivation for farming or gardening purposes, shall keep the same free from all dry and inflammable grass and/or weeds, by cutting and removing the same.

(2) Every person who fails to remove from such lot such grass and/or weeds within forty-eight hours after having been requested to do so by the City Engineer, shall be guilty of a violation and liable to a penalty not exceeding ten (\$10.00) dollars and in default of payment, to imprisonment for a period not exceeding seven (7) days.

(3) The request of the City Engineer may be made either verbally or in a registered letter, addressed to such owner or occupier at his last known address, and shall constitute prima facie evidence that such grass and/or weeds were dry and inflammable.

Explanatory note: During certain seasons of the year certain properties in the city become overgrown with grass and weeds which in addition to depreciating the appearance of the neighborhood are a source of danger from grass fires which destroy fences and buildings and a source of annoyance and damage to neighboring owners from the spreading of these weeds. This legislation will enable the City to cause such grass and weeds to be removed. Similar legislation is in effect in other cities in Canada.

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

588B. (1) No person in charge of any vehicle which is not habitually drawn or moved upon a street by human power, from which goods, wares or merchandise are sold or offered for sale, shall permit such vehicle to remain standing on any street in the city, which such goods, wares or merchandise are being sold or offered for sale therefrom, for a period of time longer than fifteen minutes.

(2) Any person who is convicted of the violation of the provisions of the preceding sub-section shall be liable, for the first offence, to a penalty of not more than \$25.00, and in default of payment, to imprisonment for a term of not more than thirty (30) days; for the second offence, to a penalty of not less than \$25.00, nor more than \$50.00, and in default of payment, to imprisonment for a term of not less than thirty (30) days nor more than sixty (60) days; for the third offence, or any subsequent offence, to a penalty of not less than \$50.00 nor more than \$100.00, or to imprisonment for a term of not less than thirty (30) days nor more than sixty (60) days, or to both.

Explanatory note: Many complaints have been received in respect to certain motor vehicles selling fried potatoes, hot dogs, hamburgers, ice-cream and candy which habitually park for hours at a time on the side of the street wherever any event is being held and where a number of people have congregated and carried on the business there. This has resulted in an obstruction of traffic and the street becoming littered with debris. This has become a nuisance and this legislation is desired in order to prevent future annoyance from this matter.

Section 938 is amended by adding thereto the following sub-section:

(3) The Council in addition to the power to make ordinances or by-laws conferred on it by any other part of this Act, and without limiting the generality of the provisions of this section, may make an ordinance forbidding any person in the City from buying bicycles, bicycle parts or accessories from any person who is not carrying on in the City the business of selling goods, wares or merchandise, unless the seller gives the buyer a certificate from the Chief of Police or his deputy to the effect that such articles belong to the said seller, and the buyer shall retain such certificate for at least one year following such purchase.

Explanatory note: The number of bicycles stolen in Halifax is increasing each year. Their recovery is very difficult and this legislation is submitted as a possible means of curbing or checking this type of crime. In 1936, 117 bicycles were stolen and only 78 were recovered. In 1937, 118 bicycles were stolen and only 48 were recovered. This legislation is similar to that recently put into effect in Montreal.

So much of the sewer assessment against the estate of George P. Dence in respect of the sewer laid on Quinn Street, as is applicable to that portion of the real property of the said estate of the said George P. Dence, on the western side of Quinn Street, fronting on such sewer, as lies between the lines of Watermain Street, shall hereafter not be charged against the said estate, and such estate shall not be liable to pay

the same, but it shall be paid by the City, and charged against the appropriation provided to pay the City's share of the cost of such sewer.

Explanatory note: Since a portion of the frontage of the above property lies between the lines of a proposed street and is therefore restricted as to the use to which it can be put, the City desires to release this portion from frontage sewer rates.

The City may sell and dispose of certain land and land covered with water owned by the City situated at Africville in the said City and known as the Tully property and which was purchased by the City from The Eastern Trust Company on the 31st day of January 1907, for the best price obtainable, and any moneys realized from the sale thereof shall be paid to the trustees of the General Sinking Fund for the purpose of that fund.

Explanatory note: The City requires legislative authority to sell its property.

Notwithstanding the provisions of Section 315 of the Charter, the Council may during the civic year 1938-1939, with the approval of the Mayor first having been given therefor, enter into contracts binding upon the City for the supplying of uniform clothing for the members of the Police Force and for the supplying of such other commodities and services, which in the opinion of the Council and the Mayor shall be contracted for or performed in order that the same shall be received or performed prior to the proposed visit of Their Majesties, The King and Queen, during the civic year 1939-1940, and for which an appropriation has been provided and such uniform clothing and commodities and services so contracted for and received by the City or performed in the civic year 1938-1939 or in the civic year 1939-1940 shall be paid for out of the appropriation provided therefor for the civic year 1939-1940 in the same manner as if the Council had entered into such contracts during the civic year 1939-1940.

Explanatory note: This authority is requested to enable the City to order new uniform clothing for the Police Force and such other commodities and services in sufficient time to have the same on hand or the services performed for the visit to Halifax of the King and Queen.

The official plan of the City is amended by removing therefrom the lines of that portion of Payzant Street which lies between the western side of Larch Street and the eastern side of Oxford Street.

Explanatory note: A portion of Payzant Avenue as shown on the official City Plan has been decided not to be opened. The removal thereof from the plan will enable the property to be used.

(1) The payment by the City of the accounts incurred during the month of April 1938 by the Committee on Charities in respect to the City Home is hereby ratified and confirmed and declared to have been within the authority of the Council, notwithstanding that such accounts exceeded the amount to the credit of the said Committee for the civic year 1937-1938



and all acts of every officer of the City concerning such payment are hereby ratified and confirmed.

Explanatory note: The Charities Committee over-expended its appropriation, contrary to the provisions of the Charter. It was necessary to pay the accounts incurred and this legislation ratifies the act of the City in doing so.

(1) The resolution of the Council passed at a meeting held on the 17th day of November, 1938, providing an additional appropriation of Three Hundred Dollars (\$300.00) for paying the cost of the burial of paupers, is hereby ratified and confirmed and declared to have been within the competency of the Council, notwithstanding that an appropriation had been provided for this purpose, but was inadequate for the same.

(2) The inclusion of the said sum of Three Hundred Dollars (\$300.00) in the estimates for the civic year 1939-1940 is hereby ratified and confirmed.

Explanatory note: The appropriation provided for the Civic year 1938-1939 for the burial of paupers was insufficient to the extent of \$300.00. The above legislation ratifying the action of the Council for this necessary matter and providing the source of the supplementary appropriation is therefore submitted.

The resolution passed at a meeting of the Council held on the 13th day of October, A. D. 1938, whereby it was resolved that James Lynch, janitor of the City Hall, be retired and receive from the Officials' Superannuation Fund an annual allowance of thirty-fiftieths of the average amount of his yearly salaries for the three years next preceding his retirement is hereby ratified and confirmed.

Explanatory note: This section is desired in order to ratify and confirm the resolution of the Council to pay James Lynch superannuation on a basis of thirty-fiftieths of his average salaries for the last three years. The legislation is desired owing to a difference of opinion as to the meaning of the Statute.

(1) The City shall pay to Matthew J. O'Toole, retired meter reader, for the remainder of his life, an annual allowance of \$325.00, the said allowance to be in addition to the allowance which he is entitled to receive from the Officials' Superannuation Fund, and which sum shall be paid to him in quarterly instalments in advance and such instalments shall be paid at the same times as the instalments under the said Superannuation Fund are paid.

(2) The said allowance shall be paid as of the first day of February, A. D. 1939, and the sums required to pay the portion of the said allowance for the balance of the civic year 1938-1939 and for the civic year 1939-1940 may be borrowed by the City from any bank or fund available and with the interest thereon included in the estimates of the Committee on Works for the Water Department of the City for the civic year 1940-1941, and all sums necessary to pay such allowance in the civic year 1940-1941 and for subsequent years shall be included in such estimates for the civic year in which such allowance is to be paid.

Explanatory note: It was decided by the City Council

at the meeting held January 12th, 1939, to supplement the annual allowance of \$675.00 which Mr. O'Toole is entitled to receive from the Superannuation Fund by an additional sum of \$325.00. This legislation is to enable the City to do so.

(1) The City shall pay to John Bishop, retired Captain of the Fire Department, for the remainder of his life, an annual allowance of \$360.34, the said allowance to be in addition to the allowance which he is entitled to receive from the Superannuation Fund for the Fire Department, and which sum shall be paid to him in quarterly instalments, in advance, and such instalments shall be paid at the same times as the instalments under the said Superannuation Fund are paid.

(2) The said allowance shall be paid as of the first day of October, A. D. 1938, and the sums required to pay the portion of the said allowance for the balance of the civic year 1938-1939 and for the civic year 1939-1940 may be borrowed by the City from any bank or fund available and with the interest thereon included in the estimates for the civic year 1940-1941, and all sums necessary to pay such allowance in the civic years 1940-1941 and for subsequent years shall be included in such estimates for the civic year in which such allowance is to be paid.

Explanatory note: This legislation is necessary to carry out the desire of the Council to grant an increased retiring allowance in excess of the normal retiring allowance under the Charter.

(1) The City shall pay to Alexander McKay Hoare, retired member of the Fire Department, for the remainder of his life, an annual allowance of \$725.34, the said allowance to be in addition to the allowance which he is entitled to receive from Superannuation Fund for the Fire Department and which sum shall be paid to him in quarterly instalments, in advance, and such instalments shall be paid at the same times as the instalments under the said Superannuation Fund are paid.

(2) The said allowance shall be paid as of the first day of October, A. D. 1938, and the sums required to pay the portion of the said allowance for the balance of the civic year 1938-1939 and for the civic year 1939-1940 may be borrowed by the City from any bank or fund available and with the interest thereon included in the estimates for the civic year 1940-1941, and all sums necessary to pay such allowance in the civic year 1940-1941, and for subsequent years, shall be included in such estimates for the civic year in which such allowance is to be paid.

Explanatory note: See above note.

(1) The City shall pay to James O'Brien, retired member of the Fire Department, for the remainder of his life, an annual allowance of \$192.00, the said allowance to be in addition to the allowance which he is entitled to receive from the Superannuation Fund for the Fire Department, and which sum shall be paid to him in quarterly instalments in advance, and such instalments shall be paid at the same times as the instalments under the said Superannuation Fund are paid.

(2) The said allowance shall be paid as of the first day of October, A. D. 1938, and the sums required to pay the portion of the said allowance for the balance of the civic

year 1938-1939 and for the civic year 1939-1940 may be borrowed by the City from any bank or fund available and with the interest thereon included in the estimates for the civic year 1940-1941, and all sums necessary to pay such allowance in the civic year 1940-1941 and for subsequent years shall be included in such estimates for the civic year in which such allowance is to be paid.

Explanatory note: Same as in No. 23.

(1) Notwithstanding the provisions of Section 957 of the Charter, the Trustees of the Superannuation Fund for the officials and employees of the Fire Department may pay to Frances Shanks, wife of James Arthur Shanks, formerly a member of the Fire Department, the pension moneys payable to the said James Arthur Shanks, namely \$394.68, as the same shall become payable, until the first day of May, A. D. 1940, or until such time as the said James Arthur Shanks shall be discharged from the Nova Scotia Hospital or such other institution for the insane in which he may be a patient or until the said Frances Shanks shall cease to be the wife of the said James Arthur Shanks, or until the death of the said Frances Shanks or James Arthur Shanks, whichever event shall first occur.

(2) In the event of the said Frances Shanks ceasing to be the wife of the said James Arthur Shanks, prior to the said first day of May, A. D. 1940, while the said James Arthur Shanks is a patient in the said Hospital or such other institution, the said Trustees shall pay the said pension moneys to the City Treasurer to be applied toward the payment of the account for the maintenance of the said James Arthur Shanks at the said Hospital or such institution, during such time as he shall be a patient therein, or until the first day of May, A. D. 1940, whichever event shall first occur.

(3) The City shall also pay to the said Frances Shanks in quarterly instalments, One Hundred Dollars yearly, from the first day of May, A. D. 1939 until the 30th day of April A. D. 1940, for each of her two children, while such child is living.

(4) The City shall also pay the account of the Nova Scotia Hospital for the maintenance of the said James Arthur Shanks as a patient therein, as the same is rendered until the 30th day of April, A. D. 1940, and shall also pay the cost of the maintenance of the said James Arthur Shanks while a patient in any other institution for the insane until the said 30th day of April, A. D. 1940.

(5) The amounts necessary to pay the said sums to the said children as hereinbefore provided, together with such sums required to pay the said Hospital expenses or expenses in such other institution as aforesaid, shall be included in the estimates for the civic year in which the same are to be paid and any sums required therefor for the civic year 1939-1940 may be borrowed from any bank or fund available and with the interest thereon included in the estimates for the civic year 1940-1941.

Explanatory note: Special allowance made for a fireman, who is now ill in hospital and has a family depending on him. Same as obtained last year.

The City may pay a sum not exceeding Three Hundred Dollars (\$300.00) for the purchase of lumber and building material for four residents of Africville, in the City of Halifax, to assist such residents to rebuild their homes which were destroyed by fire, and such sum may be borrowed from any bank or fund available and with the interest thereon included in the estimates

for the civic year 1940-1941.

Explanatory note: The City is desirous of assisting four families residing in the colored settlement of Africville in the City of Halifax, whose homes were destroyed by fire and who were unable to rebuild, having no means to do so.

The City may borrow a sum not exceeding Five Hundred Dollars (\$500.00) and pay the same to the Board of School Commissioners to be expended by the said Board in the purchase of musical instruments for school bands or orchestras. The said sum may be borrowed from any bank or fund available and with the interest thereon included in the estimates for the civic year 1940-1941.

Explanatory note: The above sum of \$500.00 is to supplement other sums subscribed by private individuals for the purpose of purchasing instruments for school bands or orchestras. This legislation is necessary as the Board has no authority to include in its estimates any money for this purpose.

The City may borrow the sums set out in the first Schedule hereto and expend the same for the purposes set opposite each item respectively. The sums so borrowed shall be repaid with interest in five yearly instalments, the first payment to be made on the first day of August in the year succeeding the year in which the money was borrowed, and one instalment on each succeeding first day of August, the amount of each instalment with interest to be included in the estimates for the year in which the same is payable.

FIRST SCHEDULE

FIVE YEAR BORROWING

For the purchase of a motor-driven ladder truck,  
a sum not exceeding ..... \$10,000.00

March 15th, 1939.

Items 1 to 7 inclusive - Approved.

Item 8 relating to Junk Dealers

A vote was taken on this item which resulted as follows:-

FOR

Aldermen Adams  
Batson  
Breen  
Freda  
Lloyd  
MacKay  
D'Toole  
Sullivan  
Walker

-9-

AGAINST

Aldermen Curran  
Donovan  
Gough  
Keshen  
McDonald  
Power

-6-

Passed.

Items 9 to 11 inclusive - Approved.

Item 12 relating to Care of Land

A vote was taken on this item, which resulted as follows:-

FOR

Aldermen Adams  
Batson  
Breen  
Donovan  
Keshen  
Lloyd  
McDonald  
MacKay  
O'Toole  
Power  
Sullivan  
Walker

-12-

AGAINST

Aldermen Curran  
Freda  
Gough

-3-

Passed.

Item 13. Pedlars selling from Vehicles

A vote was taken on this item, resulting as follows:-

FOR

Aldermen Breen  
Batson  
MacKay  
Donovan  
Sullivan  
Freda  
Adams  
Lloyd  
McDonald  
Keshen  
O'Toole  
Power  
Walker

-13-

AGAINST

Aldermen Curran  
Gough

-2-

Passed.

-576-

March 15th, 1939.

Items 14 to 28, inclusive - Approved.

The Solicitor submitted further legislation, as follows:-

1. Sub-section (2) of Section 361 as that section is enacted by Section 4 of Chapter 55 of the Acts of 1936 amended by adding thereto immediately after Clause (c) thereof, the following clause:

(p) Every collection agency licensed under Chapter 126 of the Revised Statutes of Nova Scotia 1923, and doing business in the City.....\$50.00.

Moved by Alderman Donovan, seconded by Alderman MacKay that this item be approved. Motion passed.

2. (1) The payment by the City of the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to the American Red Cross Society for the purpose of relieving the distress and suffering in the New England States of the United States of America, caused by floods and hurricanes, is hereby ratified and confirmed and declared to have been within the authority of the said City. The City may borrow the said sum from any bank or fund available and with the interest thereon include the same in the estimates for the civic year 1940-41.

Approved.

3. Section 466 is amended by adding thereto the following sub-section:

(2) (a) In addition to the amount for which the Collector, or other person conducting the sale, is authorized to bid for any property, as provided in the preceding sub-section, in any case where the City is the holder of a judgment which is registered so as to be binding upon such property, the Collector, or such other person, if he shall have been advised by the Committee on Finance on a recommendation of the Collector and Assessor that in the opinion of such Committee there is sufficient equity in the said property to satisfy such judgment together with all encumbrances against the property prior to such judgment of the City and in addition to the amounts for which the sale is had, may bid the amount due on such judgment and encumbrances and, unless a higher bid is made, such bid by the Collector, or such other person, shall vest the property sold in the City in like manner as such property would have vested in a person who had made an accepted bid on his own behalf. -577-

March 15th, 1939,

- (b) Any sums required by the City to pay for or satisfy such prior encumbrances may be paid from the Tax Reserve Accounts for the years in respect to which the taxes for which the said judgment was taken were due in proportion to the amounts of such taxes.
- (c) This section shall remain in full force and effect until June 1st, 1940.

Moved by Alderman MacKay, seconded by Alderman Donovan that this item be approved.

Motion passed.

4. (1) Notwithstanding the provisions of Section 437, the lien of the City upon real property for rates and taxes assessed for the civic year 1936-1937 is hereby extended from the expiry of the said lien up to and including the 1st day of November, 1939, and such lien shall expire on such day unless prior thereto the said lien has been further extended by the Governor in Council, as hereinafter provided, or unless, prior thereto proceedings have been begun to sell such property for rates and taxes as provided in the City Charter, and the giving of a notice under Section 445 shall be deemed a beginning of such proceedings.

(2) The Governor in Council may, at the request of the City, made prior to the 21st day of September 1939, and filed with the Clerk of the Executive Council, prior to the 21st day of September 1939, extend the said lien upon real property for the civic year 1936-1937 beyond the 1st day of November 1939, until such time as the City requests, and such lien shall expire upon the expiration of such extended time unless, before such expiration, proceedings have been begun to sell such property for rates and taxes as provided in the City Charter, and the giving of a notice under Section 445 shall be deemed a beginning of such proceedings.

(3) This section shall be read and construed and shall be given effect as if it had been enacted on, from and after and not before the 29th day of April, A. D. 1939.

Moved by Alderman MacKay, seconded by Alderman Donovan that this item be approved.

Motion passed.

March 15th, 1939.

5. (1) The lien on the personal property of any person for real property tax or business tax for the civic year 1938-1939 conferred by section 438 of the Halifax City Charter is hereby extended from the expiry of that year up to and including the 1st day of November, 1939.

(2) The Governor in Council may, at the request of the City, made prior to the 21st day of September, 1939, and filed with the Clerk of the Executive Council, prior to the 21st day of September, 1939, extend the said lien for real property tax and business tax beyond the 1st day of November 1939 until such time as the City requests.

(3) This section shall be read and construed and shall be given effect as if it had been enacted on, from and after and not before the 29th day of April, A. D. 1939.

Moved by Alderman MacKay, seconded by Alderman Donovan that this item be approved.

Motion passed.

6. Section 450 is amended by adding thereto the following subsection:

(3) Notwithstanding the provisions of sub-section (1) the Collector may accept a portion of the rates, taxes or other lien charges and interest thereon, together with the expenses, and may withdraw the said lands from the sale, but neither such acceptance or such withdrawal shall operate to prevent him at any subsequent time, from again advertising and selling such lands for the balance of the rates, taxes or other lien charges and interest thereon, for which the said lands were previously advertised for sale, together with any rates, taxes or other lien charges and the interest thereon and expenses which have become due since such acceptance and withdrawal in the same manner as if such lands had not been previously advertised for a portion of the same, and the lien of the City in respect to any of the rates, taxes, or other lien charges or interest thereon, so unpaid, shall not be in any way affected by such acceptance or withdrawal.

Moved by Alderman Donovan, seconded by Alderman MacKay that this item be approved.

Motion passed.



March 15th, 1939.

7. The Charter is amended by inserting therein between Sections 153 and 154 thereof the following section:

153A, Any person who has been continuously in the employ of the City as a call fireman or supernumerary and otherwise in the employ of the City for a total period of not less than thirty years, and who was at the time of his resignation or other retirement in the employ of the City, and who has contributed to the fund for not less than ten years and who has reached the age of sixty years, shall be entitled on resignation or other retirement from office to receive for the remainder of his life an annual allowance equal to thirty-fiftieths of the average of his yearly salaries for the three years immediately preceding his retirement, and the difference between the amount of the allowance which he is entitled to receive from the fund and the amount of such thirty-fiftieths shall be included in the yearly estimates and collected therewith.

Moved by Alderman Donovan, seconded by Alderman MacKay that this item be approved.

Motion passed.

8. Sub-section (2) of Section 453 is amended by striking out the words "and his balance refunded to him on demand" in the fifth and sixth lines thereof and substituting therefor the following words:

"and the balance shall become the property of the City and shall be credited on the account on the books of the City containing the record of the indebtedness outstanding in respect of properties acquired by the City at Tax Sale".

Moved by Alderman Donovan, seconded by Alderman MacKay that this item be approved.

Motion passed.

9. (1) Section 873 is amended by adding thereto the following sub-section:

(2) Any person who has been in the employ of the fire department and was previously in the employ of the City as a call fireman or supernumerary may be permitted, in calculating for the purposes of this section the period of time in which he has been in the employ of the fire department to add to such time one-half of the number of complete years that such person was in the employ of the City as such call fireman or supernumeraries.

(3) This section shall be read and construed and shall be given effect as if it had been enacted on the 1st day of May, A.D. 1938.

March 15th, 1939.

Moved by Alderman Donovan, seconded  
by Alderman MacKay that this item be approved.

Motion passed.

10. The resolution passed by the Council at a meeting held on September 14th, 1933, whereby it was resolved to grant a retiring allowance to Matthew J. Young is hereby ratified and confirmed and declared to have been within the competency of the Council.

Moved by Alderman Donovan, seconded  
by Alderman MacKay that this item be approved.

Motion passed.

11. The City may borrow the sums set out in Schedule "B" hereto and expend the same for the purposes set out opposite each item. The sums so borrowed shall be repaid with interest in such number of yearly instalments as the Council shall determine, not exceeding five such instalments, the first payment to be made in the year succeeding the year in which the money was borrowed, at such time in such year as the Council shall determine, and one instalment in each succeeding year at such time in such year as the Council shall determine, and the amount of each instalment with interest shall be included in the estimates for the year in which the same is payable.

SCHEDULE "B"

Five Year Maximum Borrowing.

|  |          |
|--|----------|
| To pay the cost of repairing the canteen at Fleming Park, not exceeding  | \$700.00 |
| To pay a share of the cost of placing a permanent surface on the road leading from the Purcell's Cove Road to the canteen in Fleming Park, not exceeding   | 1,800.00 |
| To pay the cost of a suitable memorial to be erected in the City of Halifax to Sir Samuel Cunard on condition that a sum of not less than \$15,000. be raised from other sources for this purpose, a sum not exceeding | 5,000.00 |

Moved by Alderman Donovan, seconded  
by Alderman MacKay that this item be approved.

Motion passed.

Alderman Lloyd wished to be recorded against \$5,000.00 being spent towards the cost of a memorial to Sir Samuel Cunard.

March 15th, 1939.

12. The City may borrow from any bank or fund available the sum set out in Schedule "A" hereto and the same with interest thereon shall be included in the estimates for the civic year 1940-41, and repaid therefrom.

SCHEDULE "A".

To pay deficit in appropriation for Charities Committee for the civic year 1937-1938, not exceeding \$3,500.00

To pay deficit in appropriation for Charities Committee for the civic year 1938-1939, not exceeding 3,500.00

To pay to the Children's Aid Society for the civic year 1939-1940 the sum of 500.00

Moved by Alderman Donovan, seconded by Alderman MacKay that this item be approved.

Motion put and passed unanimously; the following Aldermen being present and voting therefor:-

Aldermen Breen  
Batson  
MacKay  
Donovan  
Curran  
Sullivan  
Freda  
Adams  
Lloyd  
McDonald  
Keshen  
O'Toole  
Gough  
Walker  
-14-

The City may borrow the sums set out in Schedule "C" hereto and expend the same for the purposes set opposite each item respectively. The sums so borrowed shall be repaid with interest in ten yearly instalments, the first payment to be made on the first day of August in the year succeeding the year in which the money was borrowed, and one instalment on each succeeding first day of August, the amount of each instalment with interest to be included in the estimates for the year in which the same is payable.

SCHEDULE "C"

Ten Year Borrowing.

For the purchase of a motor-driven ladder truck, a sum not exceeding \$10,000.00

March 15th, 1939.

|  |             |
|--|-------------|
| For the purchase of a pumping engine,<br>a sum not exceeding   | \$15,000.00 |
| To pay the cost of repairs and renewals<br>to the plumbing at the City Home, a<br>sum not exceeding                        | 10,000.00   |
| To pay for the repairs and renewals to<br>the floors and windows of the City Home,<br>a sum not exceeding                  | 10,000.00   |
| To pay for the repairs and renewal of<br>electric wiring at the City Home, a<br>sum not exceeding                          | 5,000.00    |
| To pay the cost of caulking and repairs<br>to the chimney, furnace and fire walls<br>at the City Home, a sum not exceeding | 2,050.00    |
| To purchase, transport and/or repair the<br>residence of the Superintendent of the<br>City Home, a sum not exceeding       | 2,700.00    |
| To pay the cost of repairs to the renewals<br>and extensions of the fire escapes at<br>the City Home, a sum not exceeding  | 6,000.00    |

Approved.

Sub-section (1) of Section 310 is amended  
by adding thereto the following:

"A sum not exceeding Twenty-five  
Hundred Dollars (\$2,500.00) for the  
Grace Maternity Hospital".

Moved by Alderman Donovan, seconded  
by Alderman Mackay that this item be approved.

Motion passed.

The Charter is amended by adding  
thereto immediately following Section 727 the  
following section:

727A. The Council may by Ordinance to be known  
as a Zoning by-law, make regulations for any or all  
of the following purposes:-

(a) designing certain districts within which  
it shall be lawful to erect, construct, alter,  
reconstruct, repair or maintain certain buildings or  
types of buildings, or to carry on certain businesses,  
trades or callings.

March 15th, 1939.

(b) designing certain districts within which it shall be unlawful to erect, construct, alter, reconstruct, repair or maintain certain buildings or to carry on certain businesses, trades or callings.

(c) designing the height, ground area, and bulk of buildings hereafter erected, constructed, altered, reconstructed or repaired.

(d) prescribing building lines and the depth, size or area of yards, courts and other open spaces to be maintained, and the maximum density of population permissible within any district; the minimum size of rooms and the means of lighting and ventilating the same.

(e) prescribing as to any district the class of use of buildings or land that shall be excluded or subjected to special regulations and designing the uses for which buildings may not be erected, constructed, altered reconstructed or repaired, or land used, or designating the class of use which only shall be permitted.

(f) controlling the architectural design, character and appearance of any or all buildings proposed to be erected in any district, or fronting upon any street or part of a street, and prohibiting the erection of any building in contravention of such regulation.

(g) prohibiting the erection of any building in any district or part of a district until satisfactory provision has been made for the supply to such building of light, water, sewerage, street transit or other facilities or any of them which may be deemed necessary.

Moved by Alderman Donovan, seconded by Alderman MacKay that this item be approved.  
Motion passed.

#### LEGISLATIVE COMMITTEE

Alderman Donovan suggested that the Mayor appoint a legislative committee.

The Mayor stated that he thought every member of Council, particularly the members of the Laws and Privileges Committee, should appear before the Private and Local Bills Committee when the City's legislation is being discussed.

March 15th, 1939.

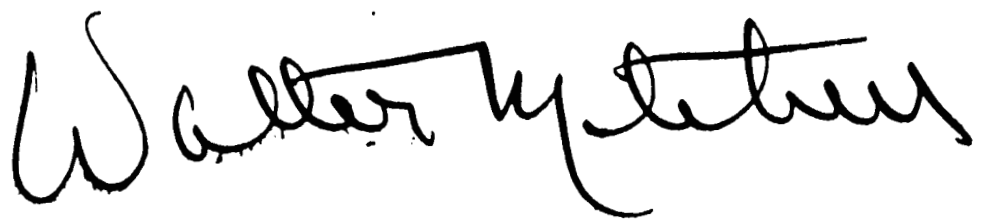
The Mayor suggested that the City Solicitor notify the members of Council when to appear before the said committee.

6.25 P.M.,

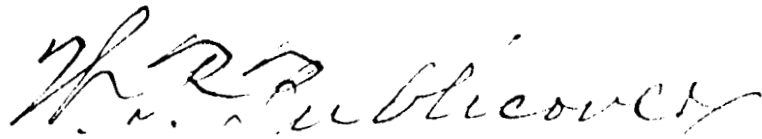
Moved by Alderman Lloyd, seconded by Alderman Walker that this meeting do now adjourn.

Motion passed.

Meeting adjourned.



Walter Mitchell,  
MAYOR AND CHAIRMAN.



W. P. Publicover,  
CITY CLERK.