

Dartmouth, N. S., August 6, 1945.

Regular meeting of the Dartmouth Town Council held this date at 8 P. M.

Present: Mayor Isnor, Councillors Pettipas, MacIntosh, Publicover, Hartlen, Ferguson and Mattatall.

Minutes of the last regular and special meetings were read and were approved on motion of Crs. MacIntosh and Ferguson.

HEALTH
SURVEY

Councillor Pettipas asked permission to introduce Dr. Milam from the Rockreller Foundation who is in Dartmouth conducting a health survey of the Town of Dartmouth and County of Halifax. Mayor Isnor welcomed Dr. Milam and introduced the different members of Council and promised that every co-operation and assistance would be given by the Town officials.

The report of Chief of Police Lawlor on the activities of the Police Department for the month of July was read and was received and adopted on motion of Crs. Ferguson and Publicover.

The report of Fire Chief Patterson on the activities of the Fire Department for the month of July was read and was received and adopted on motion of Crs. Ferguson and Mattatall.

Result of
plebiscite

The report of the Town Clerk on the result of the plebiscite for the recreational centre and curbs, gutters and sidewalks was read and was received and filed on motion of Crs. Mattatall and Publicover.

HALIFAX
NATAL DAY

Letter was read from Mayor A. M. Butler, Halifax, suggesting that Council proclaim a holiday in Dartmouth in honor of Halifax Natal Day, Monday, August 13th, and on motion of Crs. Ferguson and Hartlen it was:

"Resolved that Monday, August 13, 1945 be proclaimed a public half holiday in the Town of Dartmouth in honor of Halifax, Natal Day."

EXPLOSION
DAMAGE

Letter was read from the Board of School Commissioners advising that they were taking steps to have the explosion damage surveyed and have repairs made and on motion of Crs. Publicover and Hartlen was received and filed.

200TH
ANNIVERSARY

Letter was read from the Dartmouth Natal Day Committee suggesting that Council form a Committee to study a proposed week-long program for the Town's 200th Anniversary in 1950, and suggesting the personnel of this Committee. On motion of Crs. Ferguson

Council and the Swimming Pool Committee are making every effort to eliminate this hazard.

COMMUNITY
PLAN

Letter was read from Meadows, Uritoph & Misener in regard to Official Community Plan and was received and filed on motion of Crs. MacIntosh and Ferguson.

Letter was read from the Dartmouth Board of Trade enclosing copy of resolution in connection with the EXPLOSION at the BEDFORD MAGAZINE and on motion of Crs. Ferguson and Mattatall the council unanimously endorsed this resolution and are in full accord with the Board of Trade's action.

Report of Town Solicitor Moseley, as annexed, regarding the explosions at the Bedford Magazine was read and after considerable discussion and on motion of Crs. MacIntosh and Publicover the following resolution was unanimously adopted:

EXPLOSIONS

AT

BEDFORD

MAGAZINE

"WHEREAS on the night of July 18th and the early morning of July 19th, 1945, explosions took place in the Magazine at Burnside as a result of which damages were caused to properties in the Town of Dartmouth, the City of Halifax and surrounding territory; and within the said Town of Dartmouth practically no building escaped being damaged;

AND WHEREAS the Minister of Finance has announced that the policy of the Dominion Government is that these damages will be paid as if they were damages under the War Risk Insurance Act; with the additional proposal that small claims which would not ordinarily be paid under that Act will be paid from other Government funds if they are otherwise qualified;

AND WHEREAS the result of this will be that many persons will have to bear their own loss;

THEREFORE BE IT RESOLVED:

1. The Town Council of the Town of Dartmouth places itself on record as describing this entire proposal as discriminatory and unjust;

2. In the opinion of this Town Council the matter is not one for adjustment under the War Risk Insurance Act; but the damages caused by these explosions are the clear and distinct responsibility, both moral and legal, of the Government of the Dominion of Canada;

3. This Town Council therefore requests the Minister of National Defence for Naval Services, under whom the Magazine was operated, to make immediate arrangements for payment in full of all loss and damage caused by the said explosions;

4. This Town Council further requests that it be advised without undue delay, what attitude the Minister proposes to take upon this request."

and on motion of Crs. MacIntosh and Ferguson the following resolution was unanimously adopted:

EXPLOSIONS

"Resolved that this Town Council petition the responsible authorities to remove the explosives magazine from its present site at Burnside, to some location so far distant from Dartmouth as to eliminate danger to the town in the event of an explosion."

The Clerk was instructed to forward copies of the above resolutions to the Minister of Finance,
Honourable Minister of National Defence or
Naval Affairs,
Gordon B. Isnor, M. P.
W. C. McDonald, M. P.
Halifax Board of Trade
Dartmouth Board of Trade
City Council

APPLY FOR
WATER
CONNECTION

Letter was read from Albert E. Blank applying for water connection to his property Preston Road, and on motion of Crs. Hartlen and Pettipas his request was granted under the usual terms.

WATER
CONNECTION

Councillor Ferguson informed the Council that Mr. W. E. Abbott, Boundary Street, desired water connection from the town mains and on motion was referred to the Town Engineer for a report.

REPAIRS TO
VICTORIA
ROAD

Letter was read from Mrs. George V. Gray complaining of the street light being out and also the condition of Victoria Road, and after some discussion the Clerk was instructed to advise Mrs. Gray that the light has been replaced but that it has been broken on numerous occasions and it is almost impossible to assure light at all times and further that the Streets Department are taking steps to make some repairs to the road.

PETITIONS
FOR CURBS,
GUTTERS AND
SIDEWALKS

Petitions were read from and granted to the following on motion of Crs. MacIntosh and Publicover, to be done in the order received:

Curbs, gutters and sidewalks, south side Dahlia Street between Victoria Road and Pine Street,

Sidewalks, west side Crichton Avenue between Cleveland Crescent and Farm Road,

Curb, gutter and sidewalk, Corporation Christ Church east side Wentworth Street.

TAXI
LICENSES

Applications for TAXI LICENSES were read from and granted to Eric Mahoney and F. G. Collings on motion of Crs. MacIntosh and Ferguson.

Applications for building permits approved by the Town Engineer were on motion of Crs. Ferguson and Hartlen granted as follows:

August 2, 1945.

The Mayor and Members of Town Council,
Dartmouth, N. S.

Gentlemen:

As the matter of payment by the Dominion Government for damages caused by explosions at the Naval Magazine at Burnside on the night of July 18th will no doubt engage your attention at your next Council meeting, and as I will not be able to attend that meeting, I felt that you may wish to have my report upon this subject.

The causes leading to these explosions are now under consideration by a Naval Board of Inquiry, and the findings of that Board have not been made public at this date. The facts, therefore, upon which this report must be based, are firstly those of which there is general public knowledge, and secondly those which have been reported in the press.

The Minister of Finance has taken the stand that damages sustained as a result of the explosions, will be paid for only under the War Risk Insurance Act, together with the payment of small claims from other funds provided that these claims otherwise qualify for payment under War Risk Insurance policies. This will work hardship upon a number of classes of persons who will be obliged to bear their own loss if this policy is adhered to. I may briefly list those who will be paid their damages, as follows:

- (1) those who have policies of War Risk Insurance for which they have subscribed and upon which all premiums have been paid, within the limits of such policies;
- (2) the householder in respect of the house in which he was residing on July 18th, to a maximum amount of \$3000.00;
- (3) the householder in respect of certain damages to chattels.

I may also briefly list those who will not be paid their loss unless they hold paid up policies, although this list cannot be taken as complete:

- (1) persons in business, in respect of their business premises;
- (2) landlords in respect of their rented properties;
- (3) churches, and religious bodies;
- (4) clubs, and fraternal organizations;
- (5) municipal corporations and their subsidiary boards and commissions.

Persons in business have had sufficient to worry about .

W. EVERETT MOSELEY, B.A., LL.B.
BARRISTER, SOLICITOR AND
NOTARY PUBLIC
ROYAL BANK BUILDING, DARTMOUTH, N. S.

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~~with~~ with price ceilings, shortages of help and of goods, rising costs, wartime regulations and V-day riots. Landlords also are in much the same class with their rentals fixed at pre-war levels while they operate under heavily increased overhead and onerous rental regulations. No church or religious body of which I have ever heard, has sufficient money to bear any sudden heavy extraordinary expense such as this, and the same applies to clubs and fraternal organizations. Municipal corporations generally have their money spent before it has been levied, and any such extraordinary expenditure must require an increased tax levy upon the ratepayers -- and surely the ratepayers in this Town have suffered sufficiently already. In short I find nothing to commend the discrimination against these classes, whereby they are singled out for additional and unnecessary expenditures such as those now imposed upon them through no fault of their own.

In the view which I take concerning the liability of the Crown, War Risk Insurance has no place whatever and provides only a convenient shelter behind which the Dominion may hide, or attempt to hide its responsibilities. No active warfare is in progress on this side of the Dominion. The explosions were such as could easily have taken place in time of peace. The Act was scarcely meant to cover the negligence of Government employees. It would be interesting to know what attitude the Government would have taken before there was any war risk insurance.

The law of this country is well settled upon the liabilities arising out of the custody of explosives. The mere fact that an accident results from the possession or use of dangerous articles such as explosives, where, with proper care, it should not so result, is prima facie evidence of negligence. The facts reported in the newspapers, however, go further and indicate that there was positive negligence in addition, in that:

- (1) a fire was permitted to take place in a barge at a jetty in the magazine, and sufficient precautions had obviously not been taken to control any such fire;
- (2) at the time the explosions began there was a very small staff of employees in the magazine;
- (3) large quantities of munitions had been placed in open dumps in fairly close proximity to the jetty and to each other;
- (4) insufficient arrangements existed for emergencies of this kind;

While I do not wish this to be considered as final without further study, my present opinion is that the Town or any

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person who suffered damages could successfully bring action by petition of right against the Crown in the Exchequer Court. The individual has in most cases suffered insufficient financial loss to warrant his taking such proceedings. It may be that this is the case, also, with the Town, although I understand the loss of the School Board is fairly substantial. But it does seem to me that serious consideration should be given to the taking of such action by the Town as a test case for the purpose of correcting the attitude of the Government, which can only properly be described as unjust, discriminatory and penurious.

I recommend:

(1) that the Town Council adopt a resolution along the lines of that enclosed herewith, pointing out that in the opinion of the Town the damages are the clear responsibility of the Crown and cannot adequately be compensated by means of War Risk Insurance, and requesting the Minister of National Defence for Naval Services to make immediate arrangements for payment in full of all financial loss;

(2) that unless the Minister accedes to this request, the Town Council give consideration to filing petition of right against the Crown for its damages resulting from the explosions of July 18th.

Respectfully submitted,


Town Solicitor.

Wartime Prices and Trade Board, and on motion of Crs. Ferguson and Mattatall the application was refused.

Letter was read from Mr. Roy S. Keeler complaining of the condition at the TOWN DUMP and after some discussion and on motion of Crs. Pettipas and Hartlen letter was referred to the Streets Committee with authority to engage competent engineers to submit a full report on the disposal of garbage.

HOUSE TOWN
EQUIPMENT

The matter of proper facilities to house the various town equipment was also discussed and was referred to the same Committee for a report.

A. R. P.
DISBANDED

Letter was read from the Dartmouth Civil Emergency Committee advising that the organization was being disbanded as from September 15th and on motion of Crs. Publicover and Mattatall was received and filed.

SEWER
EXTENSION

Letter was read from Mr. W. P. Eisenhower applying for extension of the sewer on Thistle Street, and on motion of Crs. Ferguson and Mattatall was referred to the Town Engineer for a report.

PLEBSICITE
AND
VOTE

Letter was read from the Dartmouth Park Commission requesting Council to hold a public meeting and plebiscite on the question of conveying the hospital lot in the Dartmouth Park containing five acres more or less, and on motion of Crs. Pettipas and Mattatall resolution, as annexed, calling for a public meeting to be held Tuesday, September 25th, and a vote of the ratepayers on Friday, September 28, was adopted.

EXPLOSIONS

Letter was read from Mr. D. C. Abbott, Minister for Naval Services, re MAGAZINE EXPLOSIONS, acknowledging resolutions passed by the Council on August 6th and assuring Council that every consideration will be given and was received and filed on motion of Crs. Ferguson and Hartlen.

EXPLOSIONS

Letter was read from Mr. W. C. MacDonald, M. P. acknowledging resolutions re BEDFORD MAGAZINE EXPLOSIONS and was received and filed on motion of Crs. Ferguson and Mattatall.

PARKING
METERS

Letter was read from Mi-Go Meter (Canada) Limited regarding PARKING METERS and on motion of Crs. Pettipas and Ferguson was referred to the Chief of Police.

RENTAL
ADAMS
PROPERTY

Letter was read from the Wartime Prices and Trade Board advising that they would be unable to advise the rental on the property #78 Ochterloney Street owing to the illness of their appraiser and on motion was referred back to the Clerk to use every effort to have this rental fixed without delay.

The report of the Bi-Centennial Committee, as annexed, was read and on motion of Crs. MacIntosh and West it was:

Bi-Centennial Committee

"Resolved that the report of the Bi-Centennial Committee, submitted to this meeting, be received; and that the Town Solicitor be instructed to prepare legislation providing for the incorporation of a Bi-centennial Committee, and authorizing the Town to include in its estimates a sum not exceeding Five Thousand Dollars each year for this and the four succeeding years, for the purpose of defraying the expenses of the celebration. "

The report of Town Engineer Allan re explosion damage claims was read and Item 4, Town Hall, was referred back to the Engineer **Explosion Damage claim**to negotiate with the adjusters with a view of obtaining a better settlement.

On motion of Crs. MacIntosh and Haley it was:

"Resolved: that the Town do accept the appraiser's estimate of damages caused by the Bedford Magazine Explosion, on the following items:

Fire Station and Town Jail	1,658.00
Windmill Road and Park Avenue	94.75
74 Ochterloney Street	113.50
80 Ochterloney Street	228.00

and that the Mayor and Town Clerk be authorized to execute all necessary releases and other documents in connection therewith, on behalf of the Town."

Letter was read from Mr. D. B. Dorman offering the sum of \$150.00 for lot #19 Fernbrae sub-division, together with the Public Works Committee report recommending that the lot be offered to Mr. Dorman for \$200.00

Letter was read from Captain William J. McCall offering the sum of \$200.00 for the same property.

After considerable discussion the motion to adopt the report of the Works Committee was put, Crs. Haley, Mattatall and Publicover voting for, Councillors Nichols, MacIntosh and West against. Mayor Isnor postponed casting the deciding vote.

Letter was read from Mr. R. Ernest Morley offering the sum of \$200.00 for lot #32 James Simmonds Sub-division, Erskine Street, together with report of Town Engineer Allan, pointing out that Council had set a price of \$400.00 plus sewer frontage \$109.16 for this lot. On motion of Crs. Haley and Publicover report of the Town Engineer was adopted.

Letter was read from the Patriot Printing and Publishing Company tendering the price of \$3.00 per page to print the annual report of the Town for the year 1945. On motion of Crs. Publicover

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Dartmouth, N. S.,
March 7, 1946.

His Worship the Mayor and Members of Town Council,
Town of Dartmouth.

Gentlemen.

Your Committee on FINANCE beg to recommend the adoption of
the following estimates for the current year:

EXPENDITURES

1. GENERAL GOVERNMENT		23,678.
2. PROTECTION TO PERSONS AND PROPERTY		
(21) Fire Protection	18,493.	
(22) Police Protection	23,825.	
(23) Law Enforcement	2,825.	
(24) Street Lighting	<u>6,769.</u>	51,912.
3. PUBLIC WORKS		42,256.
4. SANITATION AND WASTE REMOVAL		16,660.
5. CONSERVATION OF HEALTH		475.
6. EDUCATION:		
(61) School Board Estimates	81,338.	
(62) Municipal School Fund	8,256.	
(63) School Capital Account	<u>5,636.</u>	95,230.
7. RECREATION AND COMMUNITY SERVICES		7,450.
8. PUBLIC WELFARE		15,836.
9. DEBT CHARGES		90,403.
11. LEVY FOR CEMETERY		600.
12. CAPITAL EXPENDITURES FROM REVENUE		
(121) Police Patrol	1,500.	
(122) Works Truck	2,500.	
(123) Fire Truck	5,000.	
(124) Crichton Ave. land and widening	<u>4,600.</u>	13,600.
13. JOINT EXPENDITURES:		
(131) County Rates	3,141.	
(132) Highway Tax	<u>5,990.</u>	<u>9,131.</u> 367,229.

REVENUES

1. POLL TAXES		4,500.
2. LICENSES AND PERMITS		5,000.
3. RENTS CONCESSIONS		300.
4. LAW ENFORCEMENT		3,000.
5. INVESTMENT EARNINGS		3,000.
8. GRANTS AND SUBSIDIES		695.
9. DEBENTURE DEBT CHARGES RECOVERABLE		
(93) Water	23,111.	
(94) Ferry	<u>11,009.</u>	34,120.
10. UNCLASSIFIED		
(101) Starr Manufacturing Works	600.	
(102) Wartime Housing Ltd.	8,052.	
(103) Explosion Damage Recovered	2,403.	
(104) Post War Fund	<u>19,236.</u>	30,291.
11. PUBLIC UTILITIES		
(111) Dartmouth Ferry Grant	15,000.	
(112) Water Department	<u>20,000.</u>	35,000.
12. SURPLUS OF PREVIOUS YEAR		<u>6,500.</u> 122,406.
Real Estate	5,248,010.	
Personal Property	<u>1,194,700.</u>	
	<u>6,442,710.</u>	6 3.80 = 244,823.

Respectfully submitted,

BOARD OF SCHOOL COMMISSIONERS
ESTIMATES 1946

REVENUES

1.	Grant from Municipal School Board		8,500.
2.	" " Provincial Government		
	(21) Household Science	500.	
	(22) Grant #98	750.	
	(23) " #99	750.	
	(24) Music	<u>500.</u>	2,500.
4.	Tuition Fees		1,500.
5.	Sundry		8,501.
	(54) Explosion claims		
6.	Appropriation from General Account		101,399.
	" " " " (Cptl.)		<u>5,636.</u>
7.	Surplus		<u>12.</u>
			<u><u>128,048.</u></u>

EXPENDITURES

1.	General Expenditures		
	(11) Air Cadet Committee	100.	
	(12) Fuel	4,500.	
	(13) Water Rates	160.	
	(14) Telephones	250.	
	(15) Fire Insurance	550.	
	(16) Janitors Salaries	9,400.	
	(17) " Substitutes	100.	
	(18) " Insurance	90.	
	(19) Plumbing and Heating	1,200.	
	(20) Painting and Glazing	800.	
	(21) Electrical Repairs	400.	
	(22) Carpentry	1,000.	
	(23) Masonry	100.	
	(24) Equipment	300.	
	(25) Light and Power	1,000.	
	(26) Grounds		
	(27) Janitors Supplies	1,400.	
	(28) Teachers Salaries	67,500.	
	(29) " Substitutes	500.	
	(30) Stationery, Printing	400.	
	(31) Technical Classes	300.	
	(32) Victorian Order of Nurses	700.	
	(33) Medical Health Officer	200.	
	(34) Medical Supplies	50.	
	(35) Reference Books	500.	
	(36) School Supplies	1,400.	
	(37) Office Supplies and Expenses	650.	
	School Census	<u>300.</u>	93,850.
2.	Capital Expenditure		
	Bal. Park School Repairs	3,136.	
	Decorating interior Park School	2,500.	
	<u>Explosion damage (Park School)</u>	<u>8,501.</u>	14,137.
3.	Debenture Debt Charges		
	(31) Sinking Fund Requirements	3,390.	
	(32) Principal Instal. Serials	7,500.	
	(33) Int. on S. F. Serial Bonds	<u>9,171.</u>	<u>20,061.</u>
			<u><u>128,048.</u></u>

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Works Committee for a report.

OFFER
FOR LOT

Letter was read from C. N. MacIntosh, M. D. offering the sum of \$200.00 for lot #6 Faulkner Field sub-division. On motion of Crs. Haley and Mattatall referred to the Public Property Committee for a report.

WEIGHER

Letter was read from the Department of Transport asking that Mr. Joseph Lowe be appointed a sworn weigher. On motion of Crs. MacIntosh and West request was granted.

CONSIDER
FIXED
TAXATION

Letter was read from the Dartmouth Rehabilitation Committee asking Council to give consideration to fixed taxation for servicemen applying for lands under the Veterans Land Act. On motion of Crs. Haley and West was referred to the Solicitor.

SCHOOL
ESTIMATES

Letter was read from the Board of School Commissioners asking that in future school estimates be not reduced except by consultation with the Board, and further that the Board is not satisfied with the explosion damage claim being shown recoverable in full. On motion of Crs. MacIntosh and Nichols letters received and filed.

LANDING
FOR
PASSENGERS

Letter was read from Arthur H. Tait applying for permission to place a landing on Lake Banook to pick up and discharge passengers and on motion of Crs. Haley and West permission was granted.

EXTENSION
OF WATER

Letter was read from Clyde Cox asking the Town to extend water and sewer on Beech Street together with Town Engineer Lahey's report. On motion of Crs. Mattatall and Nichols report adopted.

EXTENSION
OF WATER

Letter was read from J. Harrison Cleveland on behalf of Messrs. Richards and Tait applying for an extension of water and sewer facilities, Crichton Park sub-division. On motion of Crs. Mattatall and West referred to the Town Engineer for a report.

EXTENSION
OF WATER

Letter was read from W. Eric Whebby applying for further extension of water facilities on Victoria Road to service 7 lots. On motion of Crs. West and Haley referred to the Engineer for a report.

APPLY FOR
WATER

Petition was read from Raymond P. Hollett and others applying for water and sewer extensions Newcastle Street, Brennan subdivision, together with Town Engineer Lahey's report showing

Dartmouth, N. S., May 6, 1946.

Regular meeting of the Dartmouth Town Council held this date at 8 P. M.

Present: Mayor Isnor, Councillors Mattatall, Nichols, MacIntosh, Haley and West, also Town Solicitor Moseley.

Minutes of the last regular and special meetings were read and were approved on motion of Crs. MacIntosh and Nichols.

Report of the Town Clerk on the result of the plebiscite, incinerator, roller and grader, was read and was received and filed on motion of Crs. MacIntosh and Mattatall.

The report of Fire Chief Patterson on the activities of the Fire Department for the month of April was read and was received and filed on motion of Crs. West and Nichols.

The report of Chief of Police Lawlor on the activities of the the Police Department for the month of April was read and was received and adopted on motion of Crs. Haley and Nichols.

The report of J. Lorn Allan recommending the explosion claim for damage to the Town Hall, submitted by the appraisers, be accepted. Report adopted on motion of Crs. Mattatall and Haley.

Explosion Claim

Dr. C. N. MacIntosh

Report of the Public Works Committee recommending that lot #6 Faulkner's Field sub-division be sold to Dr. C. N. MacIntosh for the sum of \$400.00, was received and adopted on motion of Crs. Haley and Mattatall.

Ward Distribution

The report of the Committee on ward distribution was read and on motion of Crs. MacIntosh and Nichols was received and the Town Engineer was instructed to prepare a plan showing the outline of the proposed wards.

Water and sewer

Letter was read from the Woodlawn Dairy Limited applying for water and sewer connections to the proposed dairy Canal Street, together with report of Town Engineer, recommending that no action be taken for the time being. On motion of Crs. MacIntosh and West report received and adopted.

Water and sewer

Letter was read from Mr. W. A. Hoskin applying for water and sewer on lot #46 Harbour Drive, together with report of Town Engineer showing estimated cost \$5,000. and stated that there are no other applications for these facilities on that street. On motion of Crs. Haley and Mattatall resolved that the extension be not made until further applications are received.