

Sabbath Observance

Board of Aldermen Adopt the First Clause of the By-Law.

The Mayor's Clause Prohibiting All Work on Sunday Is Defeated.

Permanent Sidewalk on Government Street-Sewerage Connection.

The Board of Aldermen held a long session last night, there being a large quantity of correspondence to be dealt with and some important motions to be discussed. It was late before the order of "by-laws" was reached, Ald. Hayward obtaining leave to introduce his debt consolidation by-law, and it being read a first time. Then came the Sunday closing by-law, introduced by Ald. Beckwith, the second reading of which was agreed to and the committee stage entered upon. Clause 1, prohibiting the sale in the city of everything except "drugs, medicine and milk" was passed after some considerable discussion and then the mayor had a clause to insert to the effect "that on and after the passage of the by-law no one within the city limits should do any work for which remuneration is received." This clause was too strong for the introducers of the by-law, notwithstanding the statement by the mayor and Ald. Hayward that if a Sunday closing by-law is to be passed it had better be a good one, and that it is advisable the council should be consistent in the matter. This clause being defeated and it being 11:15 the committee rose, against the expressed wish of Ald. Beckwith, who was desirous of finishing the consideration of the by-law before adjourning.

A special meeting of the council will be held on Friday evening for the purpose of considering the report of the city engineer on street and sidewalk work.

The full board was present, his worship the mayor presiding; City Clerk Dowler and Mr. J. M. Bradburn (for the city solicitor) also being in attendance. After the reading and adoption of the minutes the city clerk heard communications as follows:

Jarrah Wood.

From F. Elworthy, secretary of the B. C. Board of Trade, enclosing a letter from Mr. James Martin, of the Jarrahdale Forests and Railways Company, directing the attention of the Board of Trade to the value of Jarrah wood for piles, bridges, block paving, etc. This is the letter which was read at a recent meeting of the council of the Board of Trade and published in full at the time in these columns. Mr. Martin offered to send samples of the wood for test, if they would defray the cost of freight.

Ald. Williams, in moving that the letter be referred to the city engineer for report, said that it might be well to try the wood for bridge and pile work, but as there was the best wood in the world right at hand for block paving it would not be wise to entertain the idea of using Jarrah wood for that purpose.

"The letter took the course indicated by the motion."

Fort Street Track.

A. T. Goward, secretary of the Electric Railway Co., stated that it is the intention of the company to improve the track on Fort street by laying heavier rails and asked that the engineer be given authority to furnish the company with the correct grade of Fort street above Douglas.

The mayor stated that the engineer had this work in hand and that he had been instructed to furnish an estimate of the cost of making the track to the proper grade. His worship recommended in this connection that it would be well for the aldermen to consider at this time the advisability having the track laid in the middle of the street, pointing out that as it is now there is a large portion of the roadway that cannot be used for any purpose.

Ald. Humphrey agreed with this, and Ald. Beckwith said that if the track be laid in the middle of the road it will be necessary that the railway company be instructed to keep the track in good condition, otherwise it would be inconvenient for the ordinary traffic. Ald. Humphrey explained that the difference in the height of the rails in some places was caused by the road not being properly graded, and the motion that the engineer furnish the correct grade was carried.

On the same subject a letter was read subsequently from the city engineer enclosing a plan of the rails proposed to be used by the railway company, which the engineer recommended to be adopted, the mayor explaining in answer to questions that the rails are to be seven inches high from the base to the top of the "T". The engineer's recommendation was endorsed on motion of Ald. Stewart.

Rockland Avenue Drain.

Mr. F. B. Pemberton called the attention of the council to the condition of a drain on Rockland avenue leading from Combe's house, which at present makes the street almost impassable. He thought that a box drain should be put in and that a couple of barrels of lime be used at once to abate the nuisance arising from the drain.

Referred to the city engineer with the understanding that if the work is only a small matter he has authority to carry it out.

School Board Request.

The secretary of the Board of School Trustees forwarded a copy of a resolution passed at the last meeting of that body asking the council if they are intending to remove the library to the fire hall building shortly to be vacated, to place the rooms now occupied as the library at the disposal of the school trustees.

His worship said the council have no

money at present to fix up the fire hall as a library, and Ald. Humphrey moved that the letter be received and filed and the school board informed that it is not the intention of the council to remove the library at present. Carried.

Waddington Alley.

Mr. Chris. Morley called attention to the condition of Waddington alley, along which there is considerable heavy traffic just now and the letter was referred to the engineer for report.

James Bay Bridge.

The local manager of the Electric Railway Company stated that the company is now in a position to proceed with the erection of a temporary bridge across James Bay and asked that the engineer be instructed to give them the location for the same.

Ald. Stewart thought there was some mistake. He understood that there was some plan to erect a permanent bridge across James Bay and thought the engineer must have been intended to refer to Rock Bay. The mayor explained that the company had been granted permission to erect a temporary bridge so that the case of anything being done on the present bridge the traffic would not be interfered with.

Ald. Stewart then moved that the company be given the location, the bridge to be on the eastern side of the street. Ald. Humphrey seconded this, and suggested that the sidewalk on the east side of the bridge be cut off. When the permanent way is built it could be allowed for there was no necessity for two sidewalks. The mayor expressed the opinion that it is absolutely necessary that there be two sidewalks, one not being sufficient to accommodate the traffic. Ald. Hayward thought it would be a mistake to commit the council without due consideration, for if this temporary bridge be erected it may be in the way when the permanent work is undertaken.

Ald. MacGregor also wanted to know if this temporary bridge would not interfere with the work of the permanent one. He thought it was time the council was thinking about their own temporary bridge and that it would be better to let the tramway company have the use of it. Ald. Stewart said it would not interfere with the work except where the sidewalk is and where the line would have to make a turn, and Ald. Hayward said that if this temporary bridge was going to interfere with the street line he would vigorously oppose it. It would be well for the council to have the question referred to the city engineer, as he would be better able to decide whether or not the bridge would interfere with the work of the permanent one.

Considerable more discussion followed, the subject finally being decided to request the engineer to prepare the plans for the location of the temporary bridge, and submit them to the council for approval. Ald. Hayward suggested that the engineer be instructed that the location must be ten feet east of the eastern street line. The mayor thought it would be better to leave that to the city engineer, and this was done.

Sewage Disposal.

Mr. Philip Fewster, of Vancouver, addressed the council on the matter of the disposal of city sewage, stating that the "septic tank" system had been endorsed in England and was likely to prove of inestimable value to cities. Mr. Fewster intends visiting England for the purpose of inspecting the best systems in use, and placed his services at the disposal of the council in the matter of making reports upon it.

Ald. Humphrey moved that Mr. Fewster be paid for his services at the rate of \$100 per month, and that the city intend to make any change in its present system. Carried.

Infectious Diseases.

Mr. J. St. Clair suggested that measles be placed under the same regulations as apply to diphtheria, scarlet fever and other infectious diseases. To the medical health officer for report.

Water Connections.

There was quite a batch of correspondence regarding the subject of the city water to houses beyond the city limits, the first letter read being from Mr. L. J. Quagliotti, who wished to connect lots 3 and 4 of lot 6, Cloverdale. This property belongs to the city, and if the city water be available for domestic purposes Mr. Quagliotti can obtain a tenant at once and so allow Mrs. Tippens to retain revenue from the property. The new lot connected with the letter went to the city engineer for report.

The next letter came from Mr. F. M. Rattenbury, who said he was just finishing a house at Oak Bay and wants the city water. If permission be granted Mr. Rattenbury is willing to supply the pipe and make the connection.

Ald. Humphrey objected to recognizing the principle that a man can go outside the city limits to obtain water, and that city taxes and yet be allowed the privilege of city water. It was simply placing a bonus on the erection of residences in localities which would debar the city from the new lot revenue from them. He would oppose all such applications.

The mayor said that if it was the wish of the council that no one outside of the city limits except those already supplied should enjoy the advantage of city water, it would be well for the council to pass a resolution embodying that principle. It seemed to him, however, that while the city has plenty of water there could be no objection to the houses being supplied.

Ald. Humphrey said that although there might be plenty of water, now there might come a time when the water would be short, and besides that, it was an injustice to the people in the city who had property on which they were paying the city taxes.

Ald. Stewart suggested that in cases of this kind double rates be charged and was informed that extra charge is already made, which prompted Ald. Stewart to the statement that it seemed appropriate the people are not being charged enough.

Ald. Beckwith thought the council should be allowed to decide each case on its merits. In the case of Mrs. Tippens, an old resident of the city and who has no easy time to get along as it is, it seemed advisable that in order to enable her to get a tenant for her property she should be allowed the privilege asked for, but that is a different thing to allowing that privilege to people who wish to build magnificent residences beyond the city limits. He was prepared to use his judgment in each case as it came up.

Ald. MacGregor was quite willing to

allow anyone out at Oak Bay to have the city water while there is an abundance of it. It is one of the city's most desirable suburbs and a main is already laid down there. Of course anyone so supplied should be given to understand that in the case of a shortage of water they are liable to have the supply cut off. It seemed an unwise thing, however, to say to a man who had his house just finished that he cannot have the city water.

The letter was referred to the water commissioner for report.

The same subject came up in a letter from the water commissioner, who said he had received a number of similar applications and asked for instructions. He pointed out that if the requests were granted it would have the tendency to make people build their houses just beyond the city limits, and on the other hand, if refused the privilege was lost of possible revenue to the city. Those who are granted the privilege are charged 50 per cent. higher rates than those who are in the city.

Ald. Stewart then moved that the requests be granted. He referred to the people who erect residences in the suburbs as the "blue-blooded" people and they spend a good deal of money in the city. There is a good profit made in the supplying of such cases, and this would help to pay the interest on the bonds.

Ald. Humphrey wanted to know how the aldermen would feel if they were in the position of land owners within the city limits who could not find purchasers for their property because of the taxes, and yet saw people outside the city getting the same privileges without having to pay taxes. He believed most of the property owners in the city would oppose the granting of privileges asked for. The object of extending the city limits years ago was to bring into the taxing jurisdiction the property which it was to escape paying their share of the city's burden.

Ald. MacGregor seconded the motion to grant the privilege asked for. There was an abundance of water now and the building of residences at Oak Bay should be encouraged, it leaves money in the city.

Ultimately a special committee was appointed to consider the question in consultation with the water commissioner and report. The mayor appointed Ald. Brydon, Stewart and Hayward on the committee.

Mr. Moody's Claim.

Mr. C. C. Moody addressed another communication regarding the release of his claim for the sum of \$4 odd which he says is due to one E. A. Moody in regard to some sale of property for taxes. He disputed the title of any one of the subject matter, and enclosed a cheque for \$12 and some cents to pay out the interest of one Brown, who now holds the property.

The mayor pointed out that the name of C. C. Moody does not appear in the record of the transaction complained of by Mr. C. C. Moody and there was no evidence before the council to show that Mr. C. C. Moody has authority to act for E. A. Moody. The letter was referred to the city solicitor and city treasurer for report.

Irrelevant Communications.

The mayor stated that there was another long communication from Mr. Moody regarding the establishment of a mint and one from Mr. John Heary on the subject of the proposed new night for the last three weeks. Mr. Elison had learned that a petition was to be presented to the council asking them to keep the road open, and he wished to know if the council could not obtain signatures to a contrary petition. "Would the council please defer action for a week?" Received and filed and the request granted. Then came the request for the release of Mr. Beaumont Boggs and 72 others. It pointed out that the old Craigflower road, one of the main arteries of travel to the country tributary to the city, is almost impassable and that the sidewalks are in a dangerous condition. The petition stated that an attempt to close the road would be vigorously opposed and asked that a sidewalk be built on the east side of said road.

Engineer's Report.

The engineer recommended that the following box does be built on the following street: between Denman road and North Pembroke street, 400 feet. North Pembroke street, between Sayward avenue and Clarke street, 200 feet. Clarke street, between Denman road and North Pembroke street, 400 feet. Bay street, between First and Douglas streets, 300 feet. Richardson street, west of Moss street, extending 200 feet. Estimated cost \$150.

Adopted, provided that pipe drains be laid where advisable. The city carpenter reports the following inawalks worn out and requiring renewing: Belcher avenue, south side and east of Moss street, 970 feet by 6 feet. Estimated cost \$175.

Johnson street, south side between George and Camosun street, 800 feet by 6 feet walk. Estimated cost \$145. Adopted, provided the sidewalk is built on the street line. Surfaced lumber will be used in future on new sidewalks.

Pemberton Road Pond.

The health and sanitary officers reported on the matter of the pond on Mr. B. W. Pearce's property, which has formed the subject of considerable discussion at recent meetings of the board. They said they found the pond contained a quantity of decayed and decaying vegetable

matter and had no outlet. It was therefore a stagnant pond, and they did not consider it endangered public health as it contained nothing from any sewer or open drain.

Ald. Kinsman—Then there won't be any necessity to build that drain we have been so much about? Ald. Beckwith did not agree with the report, because although he did not claim expert knowledge such as these gentlemen possess, he did know something about the conditions existing in the neighborhood. He suggested that the visit for determining whether or no the pond is a menace to public health had not been made at the proper time of the year, and was satisfied that if the pond be allowed to remain in its present condition there will be much sickness arising therefrom during the next six months.

Ald. Hayward moved that the report be received and filed, which was seconded by Ald. Williams. Ald. Humphrey suggested that a copy of the report be sent to those who had called the attention of the council to the matter, which part of the work expected from them. They were to have conferred with the government in regard to transferring the property to the city, and they moved an amendment that the report be referred back to the committee to complete this part of the work. The amendment was lost and the report as received was adopted.

Home For Aged and Infirm. The committee asked that the purchasing agent be instructed to obtain a quantity of underclothing for the inmates and some sundries, the total amount being \$125. Adopted.

Brass Goods Delivered. The standing committee on finance recommended the expenditure of \$5,038.68 out of current revenue and the report was just being adopted when Ald. Brydon raised a question about some brass goods which had not been delivered, as provided in the contract.

By April 12th, Ald. Beckwith made the assertion that although the tender of Messrs. Body & Co., of Vancouver, who had quoted \$185 less than the firm who obtained the contract, had been rejected because they stated they could not undertake to deliver the goods in the time specified, the contractor to whom the contract was given relied on obtaining a delay in payment, and hence the delay. He believed that the city had a claim for damages against the contractor, and wanted to see the matter pressed. Ald. Brydon insisted upon the item being laid over, but the mayor said there was no danger of the money being paid until the goods were received, and he did not think the city was suffering any loss in consequence of the delay. Ald. Hayward said if damages could be proved to have been sustained by the city a suit might be entered, but it would be necessary to prove that the city had suffered damage.

Permanent Sidewalks. Ald. Hayward's motion ordering the construction of permanent walks on both sides of Government street, between Courtney and Johnson streets, was taken up. A statement of the estimated cost had been prepared by Engineer Cousins and was submitted to the council as follows:

Estimated cost of concrete sidewalks, with curb and gutters on following streets: Courtney street to Broughton street, \$1,196.35; Broughton to Fort, \$355.70; Fort to Yates, \$2,123.35; Yates to Johnson, \$1,390; total, \$5,034.40.

Ald. Beckwith called attention to the unsightly sidewalk opposite the new post office, and favored the continuation of the permanent work from Humboldt to Courtney. The estimated cost of this work might be obtained from the city engineer without delaying the work planned by the original motion. Ald. Hayward objected to hampering his resolution with this addition, as it would surely result in delay. His intention was that if the motion carried the preliminary work should be done by the preliminary work immediately. Ald. Brydon and Beckwith said they had no intention of blocking the work proposed by Ald. Hayward. Ald. Brydon, failing to see how the embodiment of the addition could block the work. Ultimately Ald. Hayward's motion carried as introduced, it being understood that granite curbs will be used instead of concrete, although where there are concrete curbs now they will be allowed to remain.

Block for Street Paving.

Ald. Humphrey's motion calling for tenders for the supply of 200,000 ft blocks each, 30x6x5 and 30x6x6, was carried. The blocks are needed for the Fort street paving work, the object in calling for tenders for the two sizes being to enable the council to decide which is the better size for the purpose.

Sewerage Connection.

Ald. Kinsman moved: Whereas the summary compulsion of owners of property along the line of or within the 150 feet of a public sewer, to connect with such sewer, will necessitate the expenditure in a number of instances of a large sum of money, which added to the ordinary taxes will be greater than the income derivable therefrom for upwards of a year or more; and whereas it is a well known and fundamental principle of municipal government, that the powers conferred upon a municipality should not be exercised in an arbitrary manner, or in such a way as to work hardship to any portion of the ratepayers, unless absolutely necessary for the safety and protection of all; and whereas the said property owners are already required to pay the sewer rental tax as if the sewer property was connected with the public sewer; therefore be it resolved that the payment of the said tax on the part of the said property owners be considered as exempting owners from making sewer connection until such time as the council shall, under the provisions of sub-section 10, 11 and 17 of section 245 of the Municipal Act, make such house connections under the local improvement plan, providing an option to the owners of property of paying full amount of cost of such connection, down or by equal yearly instalments extending over a term of years. The properties in question to be subject in the meantime to regular sanitary inspection.

This provoked considerable discussion. Ald. Stewart opening the ball with the suggestion that the health officer should use his discretion in the matter of enforcing connection with sewers, the matter had been delayed long enough and that it would be settled next week. This with an air of determination. The motion carried, and the following committee was appointed—

Ald. Humphrey, MacGregor and Beckwith.

The Old Graveyard.

The cemetery committee reported on the condition of the Quadra street graveyard, saying that "after carefully looking over the necessary work required they desired to report that a portion of the back fence, about 150 feet, requires renewing and the northern and western fences need some repairs, and also painting. The gates also require repairing. The growth of underbrush will need cutting down, and a general cleaning up, and your committee would recommend that \$150 be expended under the guidance of the city engineer, and that the necessary repairs may be done by the city carpenter. Also that the local government be requested to meet one half of said expenditure, as it is government property, and in former years the government did so contribute."

The report was signed by Ald. Kinsman, Cameron and Williams. Ald. Hayward and Humphrey thought the committee had failed in the main part of the work expected from them. They were to have conferred with the government in regard to transferring the property to the city, and they moved an amendment that the report be referred back to the committee to complete this part of the work. The amendment was lost and the report as received was adopted.

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Block for Street Paving. Ald. Humphrey's motion calling for tenders for the supply of 200,000 ft blocks each, 30x6x5 and 30x6x6, was carried. The blocks are needed for the Fort street paving work, the object in calling for tenders for the two sizes being to enable the council to decide which is the better size for the purpose.

Sewerage Connection.

Ald. Kinsman moved: Whereas the summary compulsion of owners of property along the line of or within the 150 feet of a public sewer, to connect with such sewer, will necessitate the expenditure in a number of instances of a large sum of money, which added to the ordinary taxes will be greater than the income derivable therefrom for upwards of a year or more; and whereas it is a well known and fundamental principle of municipal government, that the powers conferred upon a municipality should not be exercised in an arbitrary manner, or in such a way as to work hardship to any portion of the ratepayers, unless absolutely necessary for the safety and protection of all; and whereas the said property owners are already required to pay the sewer rental tax as if the sewer property was connected with the public sewer; therefore be it resolved that the payment of the said tax on the part of the said property owners be considered as exempting owners from making sewer connection until such time as the council shall, under the provisions of sub-section 10, 11 and 17 of section 245 of the Municipal Act, make such house connections under the local improvement plan, providing an option to the owners of property of paying full amount of cost of such connection, down or by equal yearly instalments extending over a term of years. The properties in question to be subject in the meantime to regular sanitary inspection.

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Brass Goods Delivered. The standing committee on finance recommended the expenditure of \$5,038.68 out of current revenue and the report was just being adopted when Ald. Brydon raised a question about some brass goods which had not been delivered, as provided in the contract.

By April 12th, Ald. Beckwith made the assertion that although the tender of Messrs. Body & Co., of Vancouver, who had quoted \$185 less than the firm who obtained the contract, had been rejected because they stated they could not undertake to deliver the goods in the time specified, the contractor to whom the contract was given relied on obtaining a delay in payment, and hence the delay. He believed that the city had a claim for damages against the contractor, and wanted to see the matter pressed. Ald. Brydon insisted upon the item being laid over, but the mayor said there was no danger of the money being paid until the goods were received, and he did not think the city was suffering any loss in consequence of the delay. Ald. Hayward said if damages could be proved to have been sustained by the city a suit might be entered, but it would be necessary to prove that the city had suffered damage.

Permanent Sidewalks. Ald. Hayward's motion ordering the construction of permanent walks on both sides of Government street, between Courtney and Johnson streets, was taken up. A statement of the estimated cost had been prepared by Engineer Cousins and was submitted to the council as follows:

Estimated cost of concrete sidewalks, with curb and gutters on following streets: Courtney street to Broughton street, \$1,196.35; Broughton to Fort, \$355.70; Fort to Yates, \$2,123.35; Yates to Johnson, \$1,390; total, \$5,034.40.

Ald. Beckwith called attention to the unsightly sidewalk opposite the new post office, and favored the continuation of the permanent work from Humboldt to Courtney. The estimated cost of this work might be obtained from the city engineer without delaying the work planned by the original motion. Ald. Hayward objected to hampering his resolution with this addition, as it would surely result in delay. His intention was that