Craigflower Road Again

An Old Question Once Mo e Occupies the Attention of the Council

Estimates for Harbor Borings Struck Out A Protracted Session.

Until 11:30 last night the City Council discusesd civic problems, finally adjourning until this evening, when the estimates will be taken up. An important part of the proceedings was the action of the board in segregating from the finance committee's report the sum set apart for borings in connection with the Sorby scheme. It was also decided to seek the advice of Mr. Bodwell on the matter of reopening Craigflower road, to ascertain if his views on the matter coincide with those of the city solicitors.

After the reading of the minutes a communication was submitted from Hon. C. A. Semlin acknowledging the resolution of the council in regard to the establishment of a school for deaf mutes for the province. Received and filed.

The department of militia and defence also acknowledged the resolution of the city referring to a new rifle range for Victoria. Capt. Benoit stated that the matter had been referred to the G.O.C., who had the whole matter under consideration.

Tupper & Peters wrote regarding their proposal for a Victoria-Chilliwack railway. The communication was as follows:

Victoria, 16th February, 1900.

To His Worship the Mayor of the City of Victoria, B. C.:

Sir:—Referring to our former correspondence relating to the proposition for establishing communication from Victoria to Chilliwack by means of a train ferry and railway communication, we are now instructed on behalf of a syndicate about to be formed, to submit for the consideration of the city council of Victoria, the following offer:

The syndicate are willing to acquire the Sidney railway or, if that is impracticable, to construct a railway from Victoria to a suitable point on the east coast of Vancouver Island, and to operate the same, and also to establish and run in connection therewith a train ferry from the said railway to Point Roberts or some other suitable point in that vicinity, and to establish and operate railway connection between that point and Chilliwack, the city to be asked on their part to guarantee interest at the rate of four per cent. per annum on bonds of the syndicate or of any company formed by the syndicate, to carry out the said work, to the amount of one million dollars, for twenty-five years from the date of the issue of the said bonds.

In order to satisfy the city council as to the bona fides of the offer, the syndicate before acquiring the guarantee with regard to any bonds, shall prove that they have subscribed and paid up capital for the said undertaking to the amount of three hundred thousand dollars, such sum to be the result either of subscription to shares, bonuses, or other resources. If the syndicate acquire the Sidney railway, they will relieve the city from all liability on their guarantee on Sidney railway bonds.

If this proposition is entertained, of course the details of agreement will have to be carefully settled between the city council and the members of the syndicate. If the city council are willing to entertain the completion of a contract on the lines here suggested, we will be prepared to give you the names of the persons constituting the syndicate within forty-eight hours after we have received notice of your willingness to treat. The syndicate, we may say, will be composed of gentlemen who are residents of Victoria, but while we will give you the names of the syndicate within the time mentioned, we do not deem it advisable that these names should be made public until such time as the terms of the agreement are arrived at, as these gentlemen do not desire to have their names made public until the matter has reached that stage. The names will be given to you, therefore, simply for private information at the first.

We have the honor to be, sir, your obedient servants,

TUPPER & PETERS.

Victoria, B. C.

Ald. Beckwith moved that the communication be received and filed and the gentlemen informed that as the original by-law had been read a third time and the date of voting set, the council was unable to treat with them. He regarded the offer of the two syndicates to be most gratifying, as demonstrating the financial feasibility of the matter. If the by-law were defeated the council would still be in a position to receive proposals.

Ald. Yates thought the proposal was very indefinite in some ways. They agreed to take over the Sidney road if it was feasible, but they didn't say who was to decide upon its feasibility. They also agreed to submit the names of the members of the syndicate, but it was well known that those members of a syndicate whose names appeared might own a very small interest in the affair.

The Mayor—A mistake was made in having the third reading last week.

Ald. Beckwith—I think not, your worship; I think we waited too long.

Ald. Williams wanted to know the names of the promoters. The city couldn't have too many schemes of this kind and he wanted a conference with the promoters.

It was pointed out by Ald. Yates that it would be impossible to learn the names unless the council agreed to treat with the syndicate.

Ald. Kinsman thought that the impression was that if any other communication was forthcoming from Tupper & Potts it should be considered.

The report was received and laid on the table until March 1st.

H. D. Helmcken inclosed in a letter to the Mayor copies of the Amended School Act and of the Revenue Act, and asked for an expression of opinion from the members of the council regarding the proposals.

The Mayor thought it was a bad move to take away from the city the revenue tax. At present the per capita grant was a quid pro quo for the revenue tax, but he believed that next year the government would reduce the grant to schools, as by the present arrangement there was no saving to the government.

Ald Cameron was glad to see one member of the legislature who thought fit to consult the council. Too many of the members paid no attention to legislation which affected the city. He could see little difference by the new arrangement.

Ald. Yates differed from this view. The city tax was just beginning to realize out of the revenue tax, when it was proposed to withdraw it. The moment the school population reached 3,500 the city would actually receive less than at present.

It was finally decided to instruct the city's representatives to oppose the proposed legislation.

Fell & Gregory threatened the city with a writ of injunction because of the fact that a row of piles had been driven under the swing of Rock Bay bridge, reducing the width three feet on each side. This action would be taken unless the work was immediately stopped.

The engineer said that if the swing was being interfered with it was contrary to his instructions, and any piles driven in the channel were merely temporary for the purposes of safety.

The matter was referred to the city engineer and city solicitor for action.

Geo. Carter, commission agent, asked for consideration of his case, he being compelled to pay a wholesalers' license, which with his other taxes would consume 6 per cent. of his profits. He merely occupied sample rooms on a second floor and thought it unfair that he should be compelled to pay the same license as a large wholesaler.

Ald. Cameron said this opened up again the old question of licenses, for which the council had asked enlarged powers. He moved that the treasurer be instructed not to collect this for six months from any new wholesalers, in which time some modification of the law might be made.

The motion was seconded and supported by Ald. Beckwith, who also objected to the principle followed in these licenses. He hoped that the legislation sought would have been made by this time. When those were made the difficulties arising out of these cases would easily be adjusted.

The suspension of the rule was held, on the other hand, by Ald. Yates, to be unfair, as he thought the enforcement of the law in one case and not in another was introducing discrimination that would work an injustice.

Ald. Cameron replied that the law was unjust, and he for one was ready to move that the wholesale licenses be done away with.

Ald. Stewart supported Ald. Yates's motion. It would be unfair to other traders to grant Mr. Carter immunity from the operation of the law, while those with whom he came into competition were compelled to pay the tax. The law should be enforced, and if necessary Mr. Carter's money refunded.

Ald. Beckwith said it was absurd to enforce strictly the law in regard to the licenses. He would not like it to go abroad that Victoria was following such an antiquated system.

The amendment, viz., that Mr. Carter be informed that the council is endeavoring to secure the amendment of the law on a fairer basis and that the fee in the meantime be collected, was carried.

W. H Mason, secretary of the B. C. Benevolent Society, re the desirability of an establishment for the deaf mutes and blind. Received and filed.

Chief Deasy, of the fire department, reported that he had instructed P. Baker to remove the hay from the scene of the recent fire. He enclosed a letter from J. P. Walls, legal adviser of Mr. Baker, in reply, stating that as the hay had been unnecessarily spoiled by the firemen it had become the property of the city, and they declined to interfere in the matter. Laid on the table pending the investigation into the matter.

Acknowledging the city's request for the endorsation of the Kitimaat-Hazelton wagon road, Clerk McGuigan, of Vancouver, stated that the council there had endorsed the scheme. Clerk Glover of New Westminster asked for further information. A copy of the prospectus will go to New Westminster.

J. A. Henderson, publisher of Henderson's Directory, asked the council to attend to the matter of re-naming some of the streets which possessed duplicate names, and also asked that the city be re-numbered. Referred to the streets and bridges committee.

Skene Lowe again complained of the untidiness of the streets. He suggested that city workmen be instructed to clean up rubbish after completing their work, as they had again been guilty of slovenly work, "as per usual," as the writer expressed it.

Ald. Beckwith said that Mr. Lowe deserved the thanks of the council and suggested that the heads of departments in which the workmen were employed be asked to attend to the matter. He hoped Mr. Lowe would keep up his communications.

Ald. Stewart thought Mr. Lowe should remember that large bodies move slowly. He nevertheless seconded the motion.

The mayor said he had given the police chief the resolution of the council and the chief had promptly attended to the matter in so far as it related to private offenders, but the city was the chief sinner.

The motion carried.

The city engineer reported on the matter of the new pumping station.

The mayor stated that he had asked for the report in order that it might be placed on the records as explaining the large expenditure in regard to the pumping station.

Thos. H Gold wrote as follows:

Victoria, B.C., February 19, 1900.

The Mayor and Aldermen of the City of Victoria in Council Assembled:

Gentlemen:—At a meeting of the committee appointed by the citizens and ratepayers of Victoria West, it was unanimously resolved to petition your honorable body to repeal the by-law closing a portion of the Craigflower road.

In support of this appeal, we would beg to call your attention to the injustice perpetrated on the public by a former council, in passing the by-law in opposition to the wishes of 90 per cent. of the citizens affected thereby, causing them great loss of time, money and depreciation of real estate values:

That the road has been reserved in the first instance from sale, dedicated to the public as a highway, and in use for over forty years, and has never been disputed. Therefore no subsequent sale could vest any portion of the thoroughfare in any one, which the former purchaser never acquired.

The by-law, as it stands, is a constant source of irritation to the public, and fails to settle any question of ownership in the part closed by parties claiming an interest since the passing of the by-law.

That the repeal of the by-law is in the interest of the public, a boon to the ratepayers, a measure of justice to a long-suffering majority of the citizens of this section, and will open a way to compensate legitimate claims.

That your board will take speedy measures to settle this matter, in the spirit of this petition, is the prayer of your petitioners and their representatives.

THOS. T. GOLD,
Secretary to Committee.

Ald. Beckwith moved that the communication be laid on the table, to be considered later. While averse to litigation, the council should take some action to right a great wrong done a large section of the citizens of that district. The by-law had not established the matter of ownership. He hoped to see the by-law acted upon in some way.

The matter was laid on the table pending the submission of the next communication, which was from the city solicitors, in which they gave as their opinion that the by-law having once been passed its repeal would not reopen the thoroughfare.

Ald. Yates said this was a legal opinion on the city's right to undo what it had done. He had examined the matter and found that in July last the by-law had been passed through its three readings on the same night without any notice being given to the citizens of Victoria West.

This evoked loud applause from without the rail, where a large body of Victoria Westers sat.

Continuing, Mr. Yates said that the city solicitor was the father of the by-law, and he had now given an opinion on it. He hoped that the city solicitors would not take it amiss if he suggested that Mr. Bodwell's opinion in regard to the matter be secured, and that in the meantime proceedings be stayed. He did this in order that Victoria West people might see that the council was desirous of doing justice to them.

Ald. Stewart seconded the motion and hoped that the matter would be settled once and for ever.

Ald. Beckwith asked if it was understood by the motion that if Mr. Bodwell's opinion corresponded with that of the city solicitor that the matter was finally decided?

Ald. Yates said that it did not unnecessarily mean that.

Without discussing the main question, Ald. Cameron opposed the motion. The city had the opinion of really four lawyers, and he personally thought there had been too much law about it already. The question to be decided was one of ownership.

Ald. Kinsman said the petition set forth that the road had not been disputed for forty years, neither had the ownership of the road been questioned until a few years ago. Ald. Yates had claimed that the city could not close the road, but the courts had ruled that they could. Why couldn't our solicitors be trusted? If some of the money spent in fighting the matter had been spent in effecting a compromise the question would have been settled long ago. As far as his own property was concerned it made no difference whatever to the value of his land.

Ald. Brydon supported the motion of Ald. Yates.

Ald. Williams didn't think Ald. Yates's motion would do much good. It would be better to take up the matter of compensation. The people there should be refunded the money spent in fighting the matter, while those whose property was affected were also entitled to compensation.

The mayor, speaking as a layman, said that if the council wished to open the road, let the council expropriate the land, and if anyone could prove his title to it let him be recompensed.

This was productive of another demonstration beyond the rail.

Ald. Beckwith was in accord with this proposal. He didn't want to ride rough shod over anyone's rights, and if anyone owned the road he ought to be compensated. If the assessor had been taxing them for this land the amount so collected must be refunded.

Ald. Yates—They have not been taxed for it for some time.

Ald. Beckwith—Well, if that be so it weakens their case terribly.

Ald. Yates said his motion was in the nature of clearing the ground by getting an opinion from an unbiased source.

The mayor said he was opposed to the motion. Mr. Bodwell would have to be told whether or not the council wished to reopen the road.

Ald. Cameron said that would be established when the second reading of Ald. Beckwith's repeal by-law would be voted upon.

It was then moved by Ald. Yates that the opinion of Mr. Bodwell be taken as to whether the city can reopen the Craigflower road by passing a by-law repealing the Craigflower road closing by-law of 1899. This was carried.

The solicitor reported in reference to the impounding of Mr. Brown's cows that the pound-keeper had simply done his duty. The pound-keeper also submitted a highly original communication, in which he quoted law and described the capture of Mr. Brown's cows in graphic language. The communications were received and a copy of the solicitor's opinion will be forwarded to Mr. Brown.

The engineer reported as follows:

Victoria, February 19, 1900.

To His Worship the Mayor and Board of Aldermen:

Gentlemen:—In accordance with instructions I have the honor to submit the following report for your consideration:

Application from Mr. Thornton Fell re extension of sewer on Fort street to the intersection of Yates street: I find 27 houses from which rental could be obtained, but regret to say a large amount of rock would be met with in carrying out the work in question. The distance between the above points is 2,250 feet. Total estimated cost, including probably rock work, $5,500.

Re water troughs:

1. From information obtained I find the life of the present wooden troughs has been from 3 to 4 years.

2. If the present number be kept in use it will be necessary to renew five of same.

3. The steel troughs as per commissioner's report of recent date, would cost $57.50 (complete), as against $25 for wooden tank with same ball cock attachments.

4. The estimated difference therefore between steel and wooden tanks with similar attachments is $32.50.

5. Estimated cost of adding ball cocks to all present tanks exclusive of the above mentioned renewals, $120.

Re cement testing machine: I again respectfully call your attention to the necessity of purchasing the above mentioned machine, as stated in my annual report. I would therefore recommend the same be purchased at an early date, as the time shall soon be at hand when permanent sidewalks and street pavements will be under construction.

R. H. Swinerton, re repairs to sidewalk around Masonic Temple on Douglas street: I have examined this locality, and would recommend the same be gravel or tar surfaced. Estimated cost, $55 (for tar finish).

The city carpenter reports upon the following sidewalks:

Re sidewalk on north side of Esquimalt road from E. & N. Ry. crossing westerly, a distance of 460 feet. Estimated cost, $70.

Communication from Mr. Verdier, re walk on the east side of Richmond avenue, from Oak Bay avenue, a distance of 1,150 feet. The carpenter states this walk would only accommodate two houses, and for this reason would recommend no action at present.

Since hearing the remarks at a recent meeting of your honorable body, in regard to the matter of cleaning up all old lumber, etc., immediately after the repairs to sidewalks: After due consideration I find that time and expense would be saved, to say nothing of the rubbish complained of, if the council would purchase a light wagon and horse for this purpose. I would respectfully ask that this matter be considered at an early date, as same is a system followed in many cities, and surely would be satisfactory in Victoria.

I have the honor to be, gentlemen, your obedient servant,

C. H. TOPP,
City Engineer.

The report being taken up seriatum, it was decided to write to Mr. Fell, enclosing a copy of the clause affecting him.

The next clause was laid over until the meeting of the streets and bridges committee.

In reference to the suggested purchase of a cement testing machine, it was decided to adopt the suggestion and purchase such a machine.

Mr. Swinerton's request and the following one were both referred to a committee, while that in regard to Mr. Verdier's place was not adopted.

The resolution regarding the purchase of a horse and wagon was referred to the streets and bridges committee.

Tenders for electric supplies were opened and referred to the purchasing agent and superintendent of the electric light committee and superintendent of works for report.

Upon the finance committee's report being read, Ald. Yates said that in view of the conference with Messrs. Ker and Shallcross, he moved that the item for covering the cost of boring the harbor be struck out. Ald Stewart also supported the motion, while Ald. Beckwith and Brydon said that if they had as little faith in Victoria's future as Messrs. Ker and Shallcross their property would be for sale.

The item was finally struck out and the amended report adopted.

The board then rose.

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