

Saturday, Nov. 18. 1905.

At a Meeting of the Council held at the Municipal Hall on Saturday, Nov. 18, 1905 at 2.30 p.m., in pursuance of adjournment.

Present: Reeve Sprott (in the chair) Councillors Byrne, Stride, Love, Hill and Rumble.

- 602 Minutes. The Minutes of Meeting held on Nov. 14. 1905 were read and confirmed.
603. North Road Crossing. Minute 566. A letter from Messrs Wilson & Senkler was read stating that they had applied for a copy of the order, but found that it had not been issued yet; a memorandum of the items which would be contained in the order had been forwarded to the Railway Co. and they had applied for a copy thereof.
- 604 Repair of Boundary Road. Minute 567. The C. M. C. of South Vancouver wrote acknowledging the receipt of communication concerning which his Council had taken no action.
- 605 Councillor Rumble reported that 4 chains of corduroy 4 x 15 were needed for Bridge covering, and he was requested to call for tenders for the same.
- 606 Tramway Sixth Street. Minute 568 was ordered to be continued owing to the absence of Mr. Glover from the district.
- 607 Hastings - Barnet Road. Minute 569. The Clerk reported having written, pursuant to the Reeve's instructions, to the Lands & Works Department asking if the road had been gazetted and, if not, applying for a description of the lines of the road for the purpose of gazetting.
- 608 Tenders were reported to have been again called for, and the following were submitted.

One tender - that of Mess^{rs} Nuttitt Bros - offering to make this section of road at \$ 6⁰⁰ per chain, was submitted.

Resolved: That the tender of Mess^{rs} Nuttitt Bros be, and the same is hereby, accepted.

614 Mr. Trapps assessment. Minute 575. The Clerk having reported payment in full of all taxes upon District Lot 155 South it was.

Resolved: That in consideration of the improvement made on Lot 155 South prior to the 15th day of April 1905 according to the affidavit of J. J. Trapp now before the Council, the difference between taxation upon Wild Land and that upon Improved Land (namely the sum of \$ 43²⁰) be allowed as refund of Taxes, and that a cheque for this sum be drawn next pay day.

615 Outlet from Armstrong Avenue. Minute 575^A was ordered to be continued.

616 Byrne Road. Referring to Minute 576, the Clerk read letter sent to Mr Woollard as instructed, and the same was approved.

The fence was reported as not having been moved, and the Minute was continued pending negotiations between the Committee and Mr Woollard.

Councillor Byrne was authorized to call for tenders for making that portion of Byrne Road from North Arm Road a distance of about 6 chains southward.

617 Rate of Interest on Loans from Sinking Fund. The Clerk having reported upon his inability to find any resolution fixing the rate of ^{interest on} loans, it was

Resolved (on the motion of Couns. Byrne seconded by Couns. Rumble): That for sums

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of \$500 and under interest be charged, on all future loans from the Sinking Fund, at the rate of Seven per centum per annum, and for sums over \$500 the rate be Six per centum per annum.

618 Loan to Thomas Brocklebank. Minute 543.

Resolved: That Minute 543 be, and the same is hereby, cancelled.

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Resolved: That the Council lend to Thomas Brocklebank of Central Park the sum of \$900 (Nine hundred dollars) from the Sinking Fund, the repayment of which sum, together with interest thereon at the rate of Six per centum per annum, being secured by a first mortgage on real property held and used for farming purposes by the said Thomas Brocklebank and described as Block 12 of District Lot 152, Group I, New Westminster District and comprising 6.79 acres or thereabouts, more or less, together with the dwelling house and buildings thereon, the same being assessed at the total sum of \$2479 according to the last revised and corrected assessment roll of the Municipality, provided that the said Thomas Brocklebank insure the house and buildings against destruction by fire in the sum of (\$250) Two hundred and fifty dollars in the name of the Corporation; and further that the clerk publish a copy of this resolution by affixing the same to the door of Council chamber for a least one week.

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Drainage of Mr Lewis' property. Minute 578 was ordered to be continued

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Power House Road. Minute 581. The Committee reported having inspected this road, and the course of the gazetted line, and were of opinion that the travelled

road affords a much better grade than the gazetted road.

Resolved: That the clerk be instructed to write the owners of District Lot 159 Messrs R. P. Rithet & Co of Victoria to ascertain whether they would be willing to the gazetted description being withdrawn, and the road re-gazetted following the line of the present travelled road.

622 Widening of Hastings Road. Minute 585. The Clerk submitted a copy of the drawing made by Mr. A. J. Hill in 1893 giving the centre line of Hastings road from Johnson Road to Boundary Road. He further reported that the road had not been gazetted by the Council, and from information obtained from Mr. George Turner of the Public Works Department he had learned that the road had never been gazetted during the 41 years it had been formed. The line of the road was taken prior to the survey of the district.

623.

Tenders for the work.

The following tenders were submitted.

	Sec. 1.	Sec. 2.	Sec. 3.	Sec 4.	Sec 5.	Sec 6.	Sec 7.
G. Every-Clayton	8 ⁵⁰			12 ⁷⁵			
John H Ledger.	12 ⁴⁵						
W. Whiting						6 ⁹⁰	6 ⁴⁰
L. Claude Hill.	12 ⁵⁰	15 ⁷⁰					17 ²⁰

Resolved: That the tender of Mr Geo. Every-Clayton to execute the work in Sec. 1 for \$8⁵⁰ per chain, and in Section 4 for \$12⁷⁵ per chain; the tender of Mr L. Claude Hill for Sec. 2 at \$15⁷⁰ per chain; and the tender of Mr Wallace Whiting for Section 6 at \$6⁹⁰ per chain, and Sec 7 at \$6⁴⁰ per chain; be and the same are hereby, severally, accepted.

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Resolved: That fresh tenders be called for Sections 3 and 5.

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Tenders for the 5 chains.

The following tenders for widening the portion

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opposite Mr Troops property five chains in extent were received

H. Plester \$4 per chain

J. H. Ledger \$3⁴⁰ per chain.

Resolved: That the tender of J. H. Ledger be, and the same is hereby, accepted.

626 Deed of Gunn Road. Minute 586 was ordered to be continued, Mr Bento deed being in the hands of Mr. Mc Quarrie.

627 Lumigating apparatus. Minute 587 was continued for reply of D. Walker.

628 Mr. Maudevillie's claim for work on Walkem Rd. Minute 590 was ordered to be continued for a fortnight.

629 Prize Money for Exhibit. Minute 590. A letter from Manager Keary stating that the prize money had been paid to Mr. Whiting was read. The amount was reported to be \$275. Mr. Whiting, who was in attendance, stated that in order to put the receipt for prize money through the Corporation's books he would hand the amount over at the next meeting.

630 Corduroy Hastings Road. Minute 591 was ordered to be continued to allow further time for receipt of tenders.

631. Bridge - Gunn Road. Minute 592. Councillor Love brought in specification and sketch of bridge, and the same was adopted. Tenders were authorized to be called for.

632 Rock Westminister Road. Minute 597 was ordered to be continued.

633 Sunday Shooting. A letter from Mr. J de C Wetherell complaining of Sunday Shooting and asking for the Constable's services, was read, and laid over.

634 Application for use of Municipal Hall. A letter from Rev. W. Madill applying to know the terms upon which the Municipal Hall could be obtained for a Sunday morning service in connection with the Presbyterian Church of Canada was read.

Resolved: That the matter be left in the hands of the Reeve.

635 Petition for Road. A petition was presented from 17 settlers on the North side of Burnaby Lake asking for the gazetted road on the Western line of District Lots 44 and 59 to be opened up.

Resolved: That the petition be received and considered and that Councillors Byrne, Love, and Hill be a Committee to inspect the course of the road and to report.

636 Judgment in the cause of Woollard v Burnaby.
The following judgment was forwarded by the Council's Solicitors Mess^{rs} Martin, Cassidy, Weart & McQuarrie.

In the Supreme Court of British Columbia.

— In the Full Court. —

On appeal from the County Court of Westminster holden at New Westminster.

Present. The Hon. Mr Justice Iving

The Hon. Mr Justice Martin

The Hon. Mr Justice Duff.

Between John Woollard Plaintiff (Respondent)
_____ and _____

The Municipality of the District of
Burnaby. Defendants (Appellants)

Wednesday the 8th day of November A.D. 1905.

This appeal coming on for hearing in the
City of Vancouver on the 16th day of June 1905

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in the presence of Mr Joseph Martin, K.C. of
 Counsel for the Defendants (appellants) and Mr
 A. D. Taylor of Counsel for the Plaintiff (respondent)
 and upon reading the Appeal Book herein, and
 upon hearing what was alleged by counsel
 aforesaid, this Court was pleased to order
 that this appeal should stand for judgment,
 and the same coming on for judgment this
 day

It is ordered that the said appeal be,
 and the same is hereby, allowed and that
 the Plaintiff (Respondent) do pay to the
 Defendants (Appellants) the costs of the said
 appeal forthwith after taxation thereof

And it is further ordered that the
 plaintiff (respondent) may have a new trial
 of this action in the County Court of
 Westminster upon, within 21 days from the
 date hereof giving a written notice to the
 defendants (appellants) of his desire so to do,
 and paying to the Defendants (appellants)
 the costs of this appeal and also the costs
 thrown away by the trial of this action
 in the said County Court, within one week
 after taxation thereof.

And it is further ordered that
 in case the plaintiff (respondent) does not
 within said period of 21 days give said
 notice, or in case the plaintiff (respondent)
 does not pay the said costs to the defendants
 (appellants) within one week after taxation
 then this action in the said County Court
 of Westminster shall be dismissed with
 costs without further order.

By the Court.

Registrar.

Resolved: That the judgment be received
 and entered on the minutes.

- 637 Crossing Nelson Road. Resolved: That the clerk write the B.C. E. Railway asking for a crossing to be put, and the wire fencing removed at the point where Nelson Road crosses the tramways.
- 638 Gazetting of Roads. The registered plan of the subdivisions of District Lot ^{157.} not shewing the gazetted road on the Western boundary thereof (namely, South Road, which has been made) the clerk was, ^{instructed to} obtain the opinion of the Solicitors as to whether the registration of the plan invalidates the gazetting or vice-versa.
- The Clerk was further instructed to prepare a return of all roads in the Municipality and to shew therein whether they have been gazetted.
- 639 Payment of W^m Stevens contract amount. The clerk explained that, through an oversight, the account of W. Stevens for hauling gravel on the Byrne Road had not been presented at the last meeting. He submitted the certified account.
- Resolved: That a cheque be drawn in favour of W^m Stevens for \$ 89⁷⁰ and that the account be presented at the next meeting to be passed with accounts for payment.
- 640 Extra Work Johnson Road. Mr Stevens having called attention to the fact that about four chains of Johnson Road next to the Pole Line Road had not been included in his contract, it was
- Resolved: That this portion of the road be taken as included in the existing contract at the same rate per chain, namely \$5⁶⁵.
- 641 Inman Avenue. Resolved: That Councillor Kumble be authorized to call for tenders for about 5 chains of corduroy, and that Councillors Byrne and Kumble be a Committee to deal with the matter.

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- 642 Ledger's ditch. Councillor Hill was authorized to have this matter seen to.
- 643 Rock for Hastings Road. Councillor Love was authorized to call for tenders for hauling and laying 100 cubic yards of rock.
- 644 Adjournment. Resolved: That the Council adjourn till Saturday, Decr 2nd, at 2.30 p.m.

B. J. Walker
C.M.C.

Charles F. Sproul
Reed