

Water Works total tops \$452,000 - November 2, 1891

Final price for City's purchase of Water Works was \$452,530. \$225 to be paid to A. Larwill for guarding lepers. Guard to be withdrawn and Mr Abbot of the CPR be notified. Police Officers allowed to receive rewards offered outside the City Limits for arrest of criminals and deserters for Her Majesty's ships.

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[original handwritten minutes here](#)

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Vancouver November 2nd 1891

The Council met on Monday November 2nd 1891.

Present: His Worship the Mayor and Aldermen Carroll, Brighthouse, Scoullar, Godfrey, Templeton, Hobson, Wm Brown, McDowell, C.L. Brown and Doering.

The minutes of last meeting were read and adopted.

The following communications were received and read:

From G.W. Thomas, Market Clerk, furnishing weekly report. Filed.

From H.T. Ceperley stating that he would insure the City Hall for 4 per cent for three years. Referred to Finance Committee.

From Tripper Thomson & Co applying for permission to stand with drays on the corner of Abbott and Hastings Streets. Referred to Police Committee.

From J.C. Coldwell wishing to know why \$200.00 should be granted to R.G. Mackay and E.J. Emanuels for making a voluntary enumeration of the City. Referred to the Finance Committee.

From S. Elkins and Wm Brown applying for the position of Pound Keeper. Referred to the Police Committee.

From H. Abbott drawing attention to the bad condition of Drake St between Homer and Richards. Referred to Board of Works.

From D.W. Walker drawing attention to the evil of allowing rewards to go to the Police. Referred to Police Committee.

From Mrs A.E. Webster thanking the

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Council for the use of the Market Hall. Filed.

From M Derosier [Desrosiers] asking for a sidewalk on the south side of Helmcken St. Referred to Board of Works.

From the Chief of Police reporting on the electric lights. Filed.

From Mrs. Fairbairn et al asking for a crossing on the south side of Prior St on Westminster Av. Referred to Board of Works.

From D.C. Coverley et al asking for a sidewalk on 7th Av to school house. Referred to Board of Works.

The following reports were read:

Finance

The Finance Committee met on Friday October 30th 1891.

Present: Aldermen Brown, Hobson & Carroll.

It was recommended:

1. That the following accounts be paid:

Daily Telegram, Printing \$15.30

D. McRae, Table etc. 22.75

C.P. Telegraph Co. 9.38

2. That R.G. Mackay and E.J. Emanuels be informed that if the Dominion Government will accept their enumeration of the City as correct that they will be paid the amount claimed by them.

W. Brown

Chairman

Moved by Alderman Brighthouse

Seconded by Alderman McDowell

That the Report be adopted. Carried.

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Board of Works

The Board of Works met on Thursday October 29th 1891.

Present: Aldermen Templeton (in the Chair), Wm Brown, C.L. Brown and Godfrey.

It was recommended:

1. That the Vancouver Street Railway Co be offered the sum of \$450.00 to plank their open extension at the Granville Street Bridge from end to end, to put a suitable hand-rail on the outside of the extension and to make the addition to the draw suggested by Mr J.F. Garden, all the work to be done to the satisfaction of the City Engineer, the City reserving the right to use the extension when required.

2. That the lane in Block 15, 196 be graded by the chain gang as soon as possible, also the lane in Block 87, 196.

3. That 7th Av be surface graded by day work from Centre Street east one block.

4. That W.G. Fraser be awarded the contract for the sidewalking of Pender Street.

5. That Front Street be graded narrow width from the crematory site to Cambie Street Bridge.

6. That the grade of Granville Street be cut down 1 ½ ft at the north intersection of said street and Georgia Street as recommended by the City Engineer, provided the property owners adjoining do not object.

7. That the following accounts be paid:

Connor & Moss, Painting City Hall 39.65

E. Cook, Rent of Wharf 25.00

Springer, Mellon & Co, Rock 40.80

W.D. Hobson, Heatley Av 73.20

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T. Bayley, Nicola St. 370.50

J.D. Fraser, Robson St. 62.64

W.H. Kendall, Rock 702.00

J.C. McCurdie, Hornby St. 185.20

E. Meyers, Lane in B 16, 185 17.64

Boyd & Co, Hastings St. 3445.20

H. Lomas et al, Labor 356.40

Sgd S. Brighthouse

Chairman

Moved by Alderman Hobson

Seconded by Alderman McDowell

That Clause one be struck out. Carried.

Moved by Alderman McDowell

Seconded by Alderman Hobson

That the balance of the Report be adopted. Carried.

Fire, Water and Light

The F.W. & L. Committee met on Wednesday October 28th 1891.

Present: Alderman Templeton, Brown and Godfrey.

It was recommended:

1. That the account of the Gutta Percha and Rubber Mfg Co for hose etc amounting to \$1289.41 be paid if found correct.

2. That the hydrant account be paid as advised by the City Solicitor.

3. That a carload of anthracite coal be ordered through C.G. Johnson provided it can be had at \$9.50 per ton.

4. That permission be granted to the B.C. District Telegraph & Delivery Company to connect with the fire alarms under the supervision of the Chief Engineer of the

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Fire Brigade.

5. That the Electric Light Co be requested to give a better street lighting service than that at present in force as there are many complaints lodged as to their inefficiency of late.

6. Re the petition of Wm Jones et al for a light on 14th Av & Quebec Street, the Committee in this instance cannot take any action, as the number provided for in the Estimates have all been placed. However the light on 12th Av and Quebec St will be raised to throw light over a greater area.

7. Re the petition of Geo Campbell et al for a light on Prior Street and Dunlevy Av, the Committee has already ordered a light for the corner of Barnard and Jackson which will help to light this district.

The petition of E.C. Coldwell was filed.

Sgd Wm Templeton

Chairman

Moved by Alderman McDowell

Seconded by Alderman Brighthouse

That the Report be adopted. Carried.

Market

The Market Committee met on Wednesday October 28th 1891.

Present: Aldermen Godfrey, Brown and Templeton.

A communication was received from S.H. Brown and J.W. Robinson asking for the Market Hall one night each week in consideration of the use of 150 chairs.

Your Committee cannot see its way clear to recommend the altering of the present arrangements as the rates now paid barely cover expenses.

We further recommend:

1. That the City Engineer be instructed to prepare

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plans for sheds to be erected on the Market grounds and when such plans are prepared and approved that tenders be invited for carrying out the work.

2. That the following accounts be paid:

John Scuitto, Brooms \$1.05

Fraser & Co, Ensign 14.00

McKay & Ross, Glazing 3.00

Sgd A. Godfrey

Moved by Alderman Scoullar

Seconded by Alderman Hobson

That the Report of the Market Committee be adopted. Carried.

Health

The Health Committee met on Tuesday October 27th 1891.

Present: Aldermen Templeton, Scoullar, Carroll and McDowell.

It was recommended:

1. That the following accounts be paid:

A. Larwill et al, Guarding Lepers \$225.00

T.R. Morrow, Supplies 52.08

John Scuitto, Supplies 98.09

Mrs. Broderick, Nursing 12.00
H.H. Layfield, Supplies 22.50
A. Goldstein, Supplies 1.00
Thos Dunn & Co, Supplies 8.25
R. Cook, Labor 5.00
Palmer Bros, Supplies 15.75
Van Steam Laundry, Washing 65.75
Wm Ralph, Supplies 79.30
Mrs. McKenzie, Nursing 115.50

2. That the City Solicitor be instructed to report by Monday night November 2nd as to the City's liability for the payment of the Union S.S. Co's account for Wharf rent.

Sgd J.T. Carroll

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Moved by Alderman Templeton
Seconded by Alderman McDowell

That the Report be amended by adding the following clause:

That the guard be withdrawn from the lepers and that Mr Abbott be notified to that effect. Carried.

Ayes: Brighthouse, Templeton, Wm Brown, C.L. Brown, McDowell and Hobson.

Nays: Carroll, Scoullar, Doering and Godfrey.

Moved by Alderman McDowell
Seconded by Alderman C.L. Brown

That the balance of the report be adopted. Carried.

Water Lots Committee

Gentlemen

The Committee appointed by this Council in conjunction with our City Members and representatives of the Vancouver Board of Trade had the honor of an audience on Friday with the Provincial Secretary and the Chief Commissioner of Lands and Works.

We were most courteously received and had ample opportunities afforded to express the wishes of this Council respecting the desired acquisition of the Water Lots on old Granville Townsite.

In answer to a request that the Government would be pleased to make a grant to the City of all or a portion of the said lots we were informed that such action was beyond the powers of the executive and could only be done by vote of the Legislature.

The delegation then asked that the Government would postpone the sale until after the meeting of the Provincial Parliament in order that a petition for said lots might be presented to that body on its assembly and finally the whole subject was left in abeyance until certain legal proceedings about to be

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instituted by the C.P.R. had been decided.

sgd. D. Oppenheimer, Mayor

sgd. John McDowell

sgd. A.W. Scoullar

Moved by Alderman Brighthouse
Seconded by Alderman Templeton
That the Report be adopted. Carried.

Police

The Police Committee met on Tuesday October 27th 1891.
Present: Aldermen McDowell, Hobson, Scoullar and Carroll.

It was recommended:

1. That the agreements with the Police Officers be altered to allow said officers to receive rewards offered outside the City limits for the arrest or criminals and deserters from Her Majesty's ships within the City limits.
2. That tenders be invited for supplying 11 water proof over coats to the Police, samples to be furnished with each tender, and that officer McKeown be supplied with a frieze overcoat.
3. That applications be invited for a pound keeper.
4. That the following accounts be paid:
Henry Beular, Interpreting \$3.00
E.A. Harris, Ry fares 3.00
Van Gurney Cab Co, Ry fares 2.50
M. McLean, Ry fares 3.00
John McLaren, Ry fares 2.60
M.G. McLeod, Ry fares 3.00
5. That R.S. Coldwell be paid a salary of \$60.00 per month for his services as Police Officer.

sgd. John McDowell
Chairman

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Moved by Alderman Carroll
Seconded by Alderman Scoullar
That Clause one of the Police Report be so amended as to allow of a fund being formed from rewards received by the Police, from which each officer may receive a share of said rewards. Lost.

Moved by Alderman McDowell
Seconded by Alderman Hobson
That the Report be adopted as read.

Water Works

The Water Works Committee met on Monday November 2nd 1891 for the purpose of receiving the report of the Deputation sent to Victoria in connection with the settlement of the Water Works purchase.

Present: His Worship the Mayor and Aldermen Scoullar, Wm Brown, Templeton and McDowell, and the City Solicitor.

After hearing the report read it was moved by Alderman Templeton that the Report be adopted and that a resolution be passed by Council confirming the basis of the agreement arrived at between the Co and the City. Carried.

sgd. A.W. Scoullar
Chairman

The following memorandum and agreement were read and adopted on motion of Alderman Hobson seconded by Alderman C.L. Brown.

In pursuance of a resolution of the Council of the 26th day of October the Committee appointed proceeded to Victoria to arrange as to the account payable by the City to the Water Works Company for interest and adjust the claims made by the Company

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on Friday the 30th October. The Committee held a meeting with Sir Joseph Trutch and the Solicitors representing the Water Works Co. After considerable discussion as to the amount claimed by the Company, namely \$454,182.03 being made up as follows:

Award \$330,080

20 per cent added 66,016

10 per cent interest on paid up capital from May

1889 to 31st July 1891 less \$16,277.40 net profits

as found by award 58,085.03

and also as to the claim made by the Company to the revenue earned from the 1st August 1891 to the date of payment for the works by the City and also as to the agreement dated August 1891.

It was finally agreed by all present to leave to Mr Justice Drake's decision whether under the agreement of the 20th August 1891 the \$7747 money paid by the Company for interest on bank overdraft and \$2453.61 interest paid by the Company on certain open accounts should not be paid by the City to the Company in full of all claims made by the Company, and that all parties should be bound by the decision of Mr Drake on the construction of the above agreement. The representatives of the Company agreeing at the same time that all proceedings against the City should be stayed and that they would forego all claims to the interest and revenue claimed by them as above.

The question was submitted to Mr Justice Drake and he decided that the agreement was the settlement of all disputes between the City and the Company, that the amount of \$7747 was payable by the City and that the amount of \$2453.61 was not payable. In consequence of this decision and as a settlement of all claims the Company may have against the City for the works and pro-

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perty and as a final settlement an arrangement was made by your Committee subject to confirmation by the Council.

The terms of the agreement are set out in the annexed memorandum.

The difference to be adjusted between the City and the Company may be shortly stated to have been as follows:

The City under the construction placed by them on the provisions of the 11th clause of the Water Works Company Act stated that the total amount payable under the award was \$429,944.41 up to the 31st July 1891.

The Company claimed that the amount of \$454,182.03 was payable and also that the City had no claim to the revenue earned between the 31st July and the date of payment of the purchase money. This would average probably about \$2500.00 a month.

The Company also claimed interest on bank overdraft and open accounts as above.

It was stated that the agreement of the 20th August 1891 was made in full satisfaction of all claims and the amount payable and construction of that agreement was left for the decision of Mr Drake.

Your Committee consider that they agreement they have made is in every way satisfactory to the City and strongly urge its adoption by the Council.

sgd. D. Oppenheimer

Mayor

sgd. Alderman McDowell

sgd. Alderman A.W. Scoullar

Memorandum of amount payable by the City of Vancouver to the Vancouver Water Works Company under the act authorizing the acquisition of the Works by the Company [sic], the award thereunder and the agreement between

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the City and the Company dated the 20th day of August 1891 and otherwise calculated to the 31st day of October 1891 inclusive:

Award on arbitration \$330,080.81

Interest 20% 66,016.16 Balance of interest to make up 10% 33,847.44

\$429,944.41

And also the following amounts are payable by the City:

Lowering pipes and rent of hydrants to July 31st \$7,015.58

Arbitrator's expenses 27.75

Load of wood 2.00

Water for July & flushing & co. 650.10

\$7,695.43

Also an amount payable by the City in accordance with Mr Justice Drake's decision on 30th October 1891 on the construction of the agreement dated 20th August 1891. 7,747.53

And also the following amounts of interest are payable by the City:

Interest August 1 to August 5 \$321.29

Interest from 6th August to 31st, 26 days @ \$90.55 per day 2,354.30

Interest September 2,716.41

Interest to 31st October 2,806.95

\$8,198.95

Making a total as payable by the City of \$453,586.32

From which has to be deducted the following accounts payable by the Company:

Taxes \$137.70

½ cost of arbitration paid by City 868.62

½ jury fees in Schmidt case 50.00

1056.32

Leaving a balance payable to the Company up to 31st October 1891: \$452,530.00

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It is agreed that a resolution under seal (a draft of which has been settled between the Solicitors and initialed by them) for payment of the above monies and in all other respects affirming the agreement of the 20th day of August 1891 (as interpreted by Mr Justice Drake) shall be passed by the Corporation, the Company hereby assenting to the above figures as forming their claim under the agreement exclusive of the item of interest on \$330,500 from the 31st day of October 1891 to the date of payment, the Company accounting for the net revenue from the date of the award to such date of payment.

Signed by the solicitors for the Corporation and the Company conditionally on the agreement being satisfied by resolution of the Council before Tuesday the 10th day of November 1891.

Victoria B.C. sgd. A. St. G. Hamersley

October 31, 1891 Solicitor to City of Vancouver

sgd. D.M. Eberts

Solicitor for Vancouver Water Works Co

Moved by Alderman Godfrey

Seconded by Alderman Doering

Whereas under the Vancouver Water Works Act and amendments an award has been duly made by which it is found that the value of the Company's works and property is \$330,080.81; the expenses of operation and maintenance to the date of award was \$51,281.93; and the gross income to the said date was \$67,559.37.

And whereas by articles in writing concluded between the solicitors for the City and Company respectively dated the 20th day of August 1891 and subsequently interpreted by Mr Justice Drake, provision is made for settlement of the amounts payable under the award and the act

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by the terms of which it is among other things provided that the Company shall account to the Corporation for the net revenue between the date of the award and the date of payment by the City. And whereas by a memorandum assented to by the solicitors aforesaid the amount of all monies receivable by the Company under the award and the act and otherwise due by the Corporation to the Company upon the balance of account between them is fixed up to and inclusive of the 31st day of October at \$452,530 less net revenue which is to be accounted for as hereinafter mentioned.

Be it therefore resolved that the aforesaid agreement of the 20th day of August 1891 and memorandum of monies received thereunder be and the same are hereby respectively ratified and adopted by the Corporation and that the said sum of \$452,530.00 together with interest at 10 per cent on \$330,500 from the 31st day of October to the date of payment be and is hereby declared as payable by the Corporation to the Company in full satisfaction of all claims and demands of the Company against the City, the Company at the same time accounting to the Corporation for the net revenue between the date of the award and the date of payment. Carried.

Moved by Alderman Templeton

Seconded by Alderman Wm Brown

That the Mayor be authorized to affix the City Seal to the resolution passed this date providing for the purchase of the Vancouver Water Works Company's property on the Water Works Co affixing their seal to the agreements of the 20th August 1891 and of the 31st October 1891. Carried.

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Moved by Alderman Templeton

Seconded by Alderman Wm Brown

That the Mayor be authorized to make arrangements with a Bank for the temporary advance of sufficient moneys to pay the amount payable to the Water Works Company for their works and property and that as collateral security for such temporary advance he be authorized to deliver to the Bank when issued the Debentures under By-Laws numbers 126 and 127. Carried.

The Council then adjourned.

D. Oppenheimer

Mayor

Thos. F. McGuigan

City Clerk