

Halifax March 11<sup>th</sup> 1842

The following Letter was this day transmitted to the Secretary of the Province:

Office of City Clerk  
Halifax 11<sup>th</sup> March 1842

For

I have the Honor to acquaint you for the information of His Excellency the Lieutenant Governor, that at a meeting of the City Council held this day Edward Kenny Esquire was unanimously elected Mayor of the City of Halifax for the remainder of the period for which the late Mayor Stephen Pimney Esquire was to serve, and I am directed by the City Council respectfully to request His Excellency's approval of said appointment, and that he will be pleased to name a day for the purpose of having Mr. Kenny sworn into office.

I have the honor to be

for

Your most obt. Servant

(Signed) James S. Clarke  
City Clerk

To

John Muddew Esquire & Co

Halifax 12<sup>th</sup> March 1842

The following Letter from the Secretary of the Province was received this day:

Provincial Secretary's Office  
Halifax 12<sup>th</sup> March 1842

For

I have laid before His Excellency the Letter of yesterday's date, which I had the honor to receive from you stating that at a meeting of the City Council held that day Edward Kenny Esquire was unanimously elected Mayor of the City of Halifax for the remainder of the period for which the late Mayor Stephen Pimney Esquire was to serve, and requesting by direction of the City Council His Excellency's approval of said appointment, and that he would be pleased to name a day for the purpose of having Mr. Kenny sworn into office. And I have it in command from His Excellency to signify to you for the information of the City Council His Excellency's approval of the Election of Mr. Kenny to the said Office, and that His Excellency will receive Mr. Kenny on Monday next the 14<sup>th</sup> Instant at 12 O'clock at

Government House for the purpose of administering to him  
the requisite Oaths.

I have the honor to be

Yours,

Your most obedient

humble servant

(Signed) John Whidden.

James I. Clarke Esquire

City Clerk to be

Halifax.

Halifax March 14<sup>th</sup> 1842.

In accordance with the foregoing communication, Alderman  
Kenny, accompanied by Aldermen Tremain, Duffus  
and McKinlay, this day proceeded to Government House,  
when Alderman Kenny was sworn into office as  
Mayor of the City of Halifax.

Halifax March 28<sup>th</sup> 1842.

At a Quarterly Meeting of the City Council held this day  
Present, His Worship the Mayor Alderman Pemmaire, Duffie,  
Williamson, MacKinnlay & Starr. Messrs Anderson, Allison,  
Keith, Stoy, Caldwell, Peniacke, Hon. Mr. Bell, Jennings,  
Hannison, West & Clarke.

Fined

Alderman Duffie	1/3	Mr. Stoy	1/3
Mr. Keith	1/3	Mr. Steele	2/6
Hon. Mr. Bell	1/3 remitted		

Read over proceedings of last day, also communications to and from the Secretary of the Province relative to the appointment of Alderman Kenny as Mayor, also the minutes of the Mayor's having been sworn into office.

Mr Jennings' fines for 9<sup>th</sup> and 11<sup>th</sup> March on motion are remitted. The following appointments of City Officers are this day made.

Clerks of Market

Francis Stevens Junior and Michael McKenna.

The following Resolution relative to the Measures of Salt & Grain, Coal and Wood is introduced.

Resolved, That the appointment of Measures of Salt & Grain, Coal and Wood be deferred for the present, and the Supervisors requested to make returns to the City Clerk of the Labour performed by each Measure under his charge for the last six years,

which on being put is passed.

Inspectors of Pickled Beef and Pork

Thomas O. Beamish and John Parker.

Surveyors of Lumber and Shingles.

James Sutton, John Fenerty, John Swaddle, William Lovett, J. Smith, Crook Miswell & William Henderson.

Dealers of Leather.

William Grant, Joseph Hamilton and George Anderson Junior.

Surveyors of Brick & Lime

Nicholas Wright and Thomas Towns

Inspectors of Pickled Fish and Quarters of Oil.

Timothy Connors	George Little	Thomas Shea
Frances Parrott	Edward Murray	George Kibbett
Archibald McIntosh	John Roxby jr	Thomas Graves
John Connors	Dennis Heffernan	J. Dauphiny
John Roxby	John Sargent	

— March 28<sup>th</sup> —— Measurers and Inspectors of Painters Work. —

Thomas Casady, Stephen Studley and William Merrick.

— Measurers of Masons Work. —

Nicholas Wright and Robert Malcolm.

— Wardens of May. —

John W. Young and John W. Paup.

— General Viewers. —

John Kline junr, John Winters, and William Merkel.

The following Resolutions were also introduced.

Resolved, That the Committee appointed to have the Engine House removed be authorised to have the same placed on the ground which has been sanctioned by the resolution of the Parishioners of St Georges Church.

which on being put is passed.

Resolved, That the City Treasurer be respectfully requested to bring before the Council a general Statement of all monies received from the time that the City was incorporated up to the present, applicable to City purposes, whether arising from Licence duty or otherwise, with the names of all those who have not paid, and the reasons for their not doing so.

And further that a Statement of all monies paid out by him, for what purpose and by whose orders.

which on being put is lost.

The City Council adjourned until tomorrow at Two O'clock.

Edw. Kemmy  
Mayor.

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Halifax March 29<sup>th</sup> 1849.

At an adjourned Meeting of the City Council held this day  
Present, His Worship the Mayor, Aldermen Ferman, Duffus, Williamson,  
MacKilay and Harr. Messrs Anderson, Allison, Keith, Story, Caldwell,  
Amacke, Hon. Mr. Bell, Jennings, Hemmison, West and Clarke.

Dined

Mr. Keith 4/3      Mr. Story 4/3      Mr. Steele 2/6

His Worship submits to the Council the subject of Thirty nine pounds  
due by George T. Russell Esquire, towards the Stone breaking  
fund placed in his hands some time ago, and being unable at  
present to meet the amount, hands to the Council a note  
of hand of H. D. Saver Esquire for Forty four pounds payable in three  
months from 12<sup>th</sup> March instant, which note His Worship is authorised  
to negotiate. Thirty nine pounds of the amount to be paid over to  
the City Treasurer in aid of the Stone Breaking Fund.  
which on being put is passed.

Read over proceedings of yesterday.

His Worship also brings to the notice of the Council the subject  
of J. F. Adams' application relative to the Theatre, whereupon the  
following Resolution is introduced.

Resolved, That Mr. J. F. Adams, the Manager of the Theatre, be  
called upon for the immediate payment of the amount  
due by him to the City, and in the event of its not being  
paid that Steps be taken to enforce the same. and further  
that J. F. Adams be notified that no performance will be  
allowed hereafter without first obtaining the sanction of  
the City authorities.

Which on being put is passed

The following Report of the Committee of conference with the  
Magistrates on the subject of Sessions occupying part of County  
Court House, is read and adopted, and ordered to be published

:At a Meeting of the several committees of Sessions and  
City Council held this day for the purpose of taking into con-  
sideration a Resolution of the Sessions upon the subject of the  
Sessions occupying any part of the County Court House, and  
other matters connected therewith: Present The Custos H. G.  
Mott and John Tempest Esquires, on behalf of Sessions.

Alderman Ferman, Alderman Williamson and Aspleen Clarke  
Esquires on behalf of the City Council.

Read the Resolutions of Sessions and City Council,  
when the following proceedings were adopted.

It appearing to be the unanimous opinion of both Committees

March 29<sup>th</sup>

that by the Act of Incorporation the County Court House is vested in the City Council, but there being every disposition mutually to meet the views of both Bodies and to afford every accommodation which the County Court House will admit.

Resolved, as the unanimous opinion of both Committees that the room in the rear of the Mayor's be set apart for the exclusive use of the Custos and the Magistrates, that the Grand jury room be occupied for the same purpose as formerly, and that the Quarter sessions have the use of the Court House as originally intended.

It was further Resolved, That the minutes of this day's proceedings be transmitted to the City Council and sessions, with a request to have the same entered on their Records.

Dated at Halifax this third day of March A.D. 1842.

(Signed) Edw. H. Lowe Justice of the Peace  
Chairman.

The Committee appointed to confer with a Committee of the Magistrates upon the subject of the sessions occupying any part of the Court House, and other matters connected therewith Report, That the joint Committee have agreed to the annexed Resolutions, which they beg leave to submit to the Council for their consideration.

Halifax March 27<sup>th</sup> 1842. (Signed) James Fennell, Chairman  
Thomas Williamson  
Stephen Clarke

The following Resolution is also introduced.

Resolved, That the manure deposited in the Pit on the Common be sold at Public Auction on Wednesday the 6<sup>th</sup> proximo, and that notice thereof be given in the Public Papers and by hand Bills. Such sale to be under the direction of the Commissioners of Common.

which on being put is passed.

The following Resolutions are also introduced.

Resolved, That the sum of Five thousand pounds shall be assessed or levied on, or be collected or raised from the City for and towards the necessary expences of the City for the Year 1842, and agreeably to a Statement this day laid before the City Council, and that the City assessors forthwith proceed to make an assessment of the value of the property in each Ward, and return said assessment to the Board of Aldermen agreeably to Law.

which on being put is passed.

Resolved, That the City Clerk do forthwith give notice that applications for the Office of Keeper of the Green, Meat and Fish Markets will be received at his Office until Wednesday the 6<sup>th</sup> April next. the applicants to state the amount for which he will discharge the duties for One Year from 1<sup>st</sup> May next - which on being put is passed.

Resolved, That Aldermen Duffus, & MacSteuart and Mr. Anderson be Commissioners in charge of Bridewell.  
which on being put is passed.

Resolved, That the Commissioners of Town Property be authorised to Let the Exchange Coffee Room and premises attached thereto on the best terms to be obtained, and that the same be advertised forthwith in the Recorder and Times.  
which on being put is passed.

The following persons are appointed Hog Receivers for the City.

- |                |                |
|----------------|----------------|
| Joseph Milward | C. Tupper      |
| John Silver    | P. Donohue     |
| George Russell | Wm. H. Crocker |

Resolved, That the Alderman on duty at the Police Office shall the week subsequent visit the Bridewell at least once a week. which on being put is passed.

Resolved, That His Worship the Mayor be requested to address a communication to the Custos informing him that the City Council have already advanced a large amount and are without any funds for the maintenance of the Bridewell establishment, and that he will be pleased to obtain means for that purpose the Council having observed that the Grand jury in December Term last voted £250 towards the support of that Establishment.  
which on being put is passed.

The City Council then adjourned till tomorrow at Two O'clock.

*Edw. Henry*  
Mayor.

— Halifax March 30<sup>th</sup> 1812 —

An adjourned Meeting of the City Council, held this day. Present, His Worship the Mayor, Alderman Fremain, Duffin, Williamson, MacKenzie & Starr. Messrs Anderson, Allison, Keith, Story, Caldwell, Peniacke, Hon. Mr. Pell, Jennings, Hemmeon, West, and Clarke.

— Absent —

Mr. Steele fined 2/6

Read over the proceedings of yesterday.  
Read a Letter from John Steele Esquire, addressed to His Worship the Mayor.

Read the following opinion of His Honor the Recorder relative to Resolution of 1<sup>st</sup> March on Subject of Investigating the conduct of any one of its members for libellous publication against the body.

"The case submitted to me by the City Council, as disclosed in the foregoing Resolution, appears to be whether that Body can investigate and punish the conduct of a member for a Libel upon itself.

The rights of a corporate Body when the object of a Libel are similar to those of an Individual, who, to vindicate his reputation, must resort to the legal remedies in the established Courts of Judicature, and no member of a Corporate Body is entitled to any exemption from liabilities which attach to strangers in such cases.

The power of a Corporate Body to punish the misconduct of its members, and to secure its own good Rule and peaceful government is necessarily incident to its constitution though not expressly given in its Charter. Amotion from preferment in case of its Officers, and disfranchisement in the case of a mere Common Councillor are courses of proceeding frequently to be found in the English authorities, upon sufficient grounds shown.

What constitutes a sufficient ground for these extreme punishments is not very definitely stated, but it is expressly said that "the conviction of an Assault, the vilifying of an Alderman by the name of a Knave, or an Alderman using insulting words to a Mayor in Council are insufficient, as personal offences from one member to another, are matters for the cognizance of a jury." Also the use of insulting words to a principal Officer of a Corporation, are not sufficient to disfranchise the author, or in other words, to warrant



expulsion from the Body. In a case (analogous to the one submitted to me) that of the Plainfield Academy, the charges of disrespectful language towards his associates were not held sufficient to warrant a removal; and I find that where a member wrote a letter to the Secretary of State charging the Mayor with subornation "it was deemed insufficient to expel him, so also, a libel on the Mayor, or on another member of the Corporation, is insufficient, nor is it a good cause of either disfranchisement or amotion, that a members conduct is troublesome, or displeasing to the Body at large. On a Habeas Corpus a custom was returned to disfranchise and commit a freeman for speaking opprobrious words of an Alderman, but the Court in effect said they might (under their charter) fine him, though the custom to remove was void notwithstanding a Statute of confirmation thereof. And it has been said that a corporator cannot be removed for writing a libel without a previous conviction.

I am therefore of opinion that such a Municipal Officer as a Commissioner of the Streets in this City may be removed from his office at the pleasure of the same Body who appointed him; and that the most expedient remedy for a Libel is an action or Indictment against the Authors, Printers and Publishers thereof.

(Signed) W. D. Savers

2<sup>d</sup> March 1842 -

Recorder

Read the following publication in the Acadian Recorder of 19<sup>th</sup> February last signed "Commissioner of Ward No 6".

For the Acadian Recorder.

Messrs English & Blacadar,

Gentlemen. In continuation of my defence against the anti-Christian and unparalleled charges preferred against me before the City Council, by Alderman Tremain Commissioner of Ward No 1, it will be necessary for me to introduce the various clauses as produced by the gentlemen of the old school, and in replication, show their futility, falsehood and nothingness. It was shown on the 23<sup>rd</sup> June, a motion was made by the Alderman of Ward No 1, to request His Excellency would permit a return of the expenditure of the service funds &c, and the Council could not discover that any attempt had been to divert part of the vote to the southward of Fresh Water Bridge; neither did it appear that the

— March 20<sup>th</sup> —

Commissioner of Ward No 6 had ever offered to place on the Campbell Road 2,500 tons of gravel, and complete the Road from Wards to Donovan's corner as stated in the publication. The public care not (neither will they inquire) what motions were made by the pompous Alderman, who assumed the Commissionership of six wards, or whether they were made in public or private, when they are informed of his usual practice, when a measure had passed at the Board of Street Commissioners he generally avoided to sign it, but left it open until he met with his colleagues of the Old School, or what he termed at a convenient season, as he observed that he wished to put it in better form, which he really did, for upon its reappearing before the Council it commonly had some additions. This ingenious manner of transacting public business had been acquired by long experience of many years, and he must have arrived at the grand climax of public usefulness about the years 1832 and 1833, when it was quite common to expend on our streets ten thousand pounds per annum, and before the debt and interest be liquidated it may be a source of some uneasiness to our good citizens. The sagacious Commissioner of Ward No 1, neglected to tell the public or even the City Council why his nervous system was so much convulsed, when he loudly remonstrated against the assignments made by Alderman Starr and McLean, Clarke Esq: of their which had been conferred upon them by a vote of the City Council in August last to expend fifty pounds upon the South East end of the Campbell Road from Donovan's corner, and also that I should expend fifty pounds upon the other part. I readily acquiesced, as it would have raised a fair competition, and the public would have benefitted thereby, and Street Commissioners would have passed without suspicion of doing public business upon the Old School System of which he greatly boasts. I candidly confess that I was extremely anxious to raise competition upon the Highway especially as this Commissioner had underrated my excavations and improvements upon the Campbell and Stempt Roads as much as the public extolled them. I shall here quote as perfect and high an authority as the City records, with respect to the funds which were to be expended on the Campbell Road, viz. A notice from the Secretary's Office came down to the Commissioners of Streets, bearing date the 28<sup>th</sup> day of September expressive of His Excellency's willingness to transfer the balance

of the Provincial Grant into the hands of the Commissioners of Streets, not into the hands of Commissioners of Ward No. 1 who had already monopolised the whole Wards, and I do say without fear of contradiction by any gentleman of legal knowledge, that neither Commissioner No. 1, nor any other could pass from his own Ward into another's and commence operations without the approbation of the Commissioner respectively, nor is it in the power of the City Council to authorise him. But if they are displeased with any one of the Commissioners, they can legally discharge him at any moment and appoint another in his place, till no other Commissioner can interfere with the new one appointed. I also admit that if the City Council should discontinue a Commissioner through malice or any other impure motive, the person feeling himself aggrieved can serve them by a writ of Mandamus to show cause at a higher tribunal; and this wonderful councillor of City authority and his colleagues may escape with impunity, if an action of this kind be not brought to recover from their private pockets a certain amount of damages, also an invitation of the City Marshal to attend the Supreme Court for the malicious and libellous resolution passed, recorded and published dated the 19<sup>th</sup> of November! It may be possible to teach the Gentlemen of the Old School a lesson of wisdom which if not serviceable to themselves may be useful to their offspring. It will not be marvellous should the self important commissioners be called upon by the Legislature to refund the amount drawn from the Provincial Chest, having been improperly expended contrary to law and usage, in defiance of the proper Commissioner, while acting in that capacity, and without censure. I do think that the public will not mourn should the City Council have to pay for their tender mercies so lavishly bestowed upon me, for what Jackal who ever read the act, and did not know that the Corporation could not go into full operation before the first day of October? Ignorance of Law works the same <sup>substantive</sup> injustice as corruption of principle, but when they amalgamate in one person, he becomes a pest to his neighbours, poisonous to Society, and dangerous to the State, and ought to be avoided by every honest and well disposed person.

I have taken up I fear as much of your space as can at present be allowed in one paper, and shall therefore break off, but with your

- March 30<sup>th</sup> -

leave will resume my subject next week.

Commissioner of Ward No 6.

Read the following Letters addressed to Alderman James Freeman Esquire, from Hon. Hugh Bell, George St. Russell Esquire, Hon. H. H. Cogswell, and James H. Tidmarsh Esquire.

Dear Sir,

In reply to your question I beg leave to say that I do not know of your ever having altered any Resolution of the Board of Commissioners at which we have served together, and no such change was made to my knowledge during that period, and I never made any assertion to that effect.

I am Sir

James Freeman Esq<sup>r</sup>  
23 Feb 42.

very respectfully

(Signed) H. Bell.

Thursday 23 February

Dear Sir,

In reply to your note of this morning, I have much pleasure in certifying that during the many years we acted together as Com<sup>rs</sup> of the Streets, I never knew an instance of your having taken the liberty of your having taken the liberty altering a Resolution after it had passed the Board.

I am, Dear Sir

Yours very truly

(Signed) G. St. Russell

To James Freeman Esq<sup>r</sup>.

Dear Sir

In reply to your letter of yesterday's date enquiring whether during the period that we served together as Commissioners of Streets and you acted as Secretary, there ever was a charge made or implied against you for altering the Resolutions of the Board, or my knowing that you had done so?

To this question, I unhesitatingly reply in the negative. For had such been your conduct we should no longer have acted together as members of the same Board. I may add that great harmony and unanimity of feeling appeared to exist at the Board, and that their united exertions were employed for the Public Good. Altho' each Commissioner had his peculiar Ward or district, in which he felt a more direct interest in making repairs and preventing encroachments, yet when any Commissioner met

with opposition, or was supposed by the Inhabitants not to act for their interests, the subject was submitted to the Board collectively who visited the spot and gave their opinions in which each individual Commissioner acquiesced, and as far as my knowledge extends their united exertions were supposed to have promoted the interests of the inhabitants of Halifax.

I am, with much respect

Dear Sir Yours truly

James Fremain Esq<sup>r</sup>  
do do do

Henry M. Cogswell  
24 Feb<sup>y</sup> 42

Halifax 25<sup>th</sup> Feb<sup>y</sup> 1842

Dear Sir

In answer to your request dated 23<sup>rd</sup> Instant I have to say that during the time I remained in the Commission of the Streets I know of no complaint of your conduct either as a Commissioner or Secretary of the Board, neither have I ever heard of your altering any Resolutions passed by that Board.

I remain, Sir Sir

Jas<sup>s</sup> Fremain Esq<sup>r</sup>

Your Obedt Serv<sup>t</sup>

(Signed) Jas<sup>s</sup> H. Tidmarsh

Read the following minutes of proceedings of Commissioners of Streets:-

Tuesday March 1<sup>st</sup> 1842

The Commissioners of Streets met this day Present James Fremain Esquire Chairman Messrs Story Caldwell Hon<sup>ble</sup> Mr Bell & Mr West.

The Chairman stated that he had called them together to ask the Gentlemen of the Board, whether he had to their knowledge ever altered a Resolution of the Board after it had passed. To him the gentlemen expressed their opinion separately that no alteration had ever been made in any of the Resolutions to their knowledge. Adjourned

(Signed) James Fremain Chairman

The above is a correct entry of the proceedings of the last meeting.

Signed

C. West  
William Story Jun<sup>r</sup>  
William Caldwell  
Hugh Bell

Read the following Letter from Alderman James Fremain Esquire addressed to Messrs Cogswell & Coade, and Messrs Cogswell & Coade's answer.

Messrs Cogswell & Coade

28<sup>th</sup> Feb<sup>y</sup> 42

Gentlemen A writer in Acadian Recorder

— March 30<sup>th</sup> —

charges me with publishing the proceedings of the City Council on 19 November last. Will you inform me for the Council whether I induced you to publish them, or if you ever had any conversation with me respecting them previous to your inserting them in the Times.

Yours &amp;c &amp;c

(Signed) Jas. Freeman.

Dear Sir, In reply to the above, we have not the least hesitation in stating for the Council, that you never in any shape used any inducement to publish the proceedings to which you allude - nor did any conversation ever take place with both or either of us respecting them, previous to their insertion in The Times. Whoever therefore charges you with publishing these proceedings, or causing them to be published in our paper, states what is untrue.

I remain, Sir, Yours respectfully

Halifax Feb 28. 1842

(Signed) Wm. Goslip  
J. C. Coade.

On Motion it is Resolved, That the Council do now form themselves into a Committee

Alderman Duffus is called to the Chair.

On Motion Alderman Duffus leaves the Chair, and His Worship the Mayor resumes the Chair.

Whereupon the following Resolution is introduced.

Resolved, That the Letters submitted and the explanations given by Alderman Freeman in vindication of the charges preferred against him by Commissioners of Ward No 6 (John Steele Esquire) are highly satisfactory to the City Council and fully exculpate him from the accusation conveyed in the publications in the Acadian Recorder of 19<sup>th</sup> and 26<sup>th</sup> February last and signed by the same Commissioners, and the said City Council cannot refrain from expressing their entire confidence in the conduct of Alderman Freeman as Chairman of Commissioners of Streets during the period he has discharged that duty, which Resolution on being put is unanimously passed.

The following Resolution is also introduced.

Resolved, That the Commissioners of Streets be directed to view the fence now renewing on the east front of the Hon. Mr. Justice Blows Garden, and to take such steps as they may deem most advisable for the purpose of putting the public in possession of Ground belonging to the West Side of Pleasant Street.

(which)

which on being put is passed.

The Council to be summoned for Wednesday at 2 O'clock.

Edw. Henry  
Mayor.

— Halifax April 6<sup>th</sup> 1872 —

At a Meeting of the City Council held this day Present  
His Worship the Mayor, Aldermen Frenais, Duffus, Williamson,  
MacKinlay & Starr. Messrs. Anderson, Allison, Keith, Story, Caldwell,  
Uniacke, Hon. Mr. Bell, Jennings, Kemmion, West, Clarke and  
Steele.

Signed, Alderman Duffus 1/3 Mr. Keith 1/3 Mr. Steele 1/3

The City Council were summoned to take into consideration  
certain communications which appeared in the Scadian Recorder  
of 19<sup>th</sup> and 26<sup>th</sup> February last signed "Commissioner of Ward No 6" —  
reflecting on the City Council and other matters connected  
therewith. Also the appointment of Messrs of Salt & Grain, Coal  
and Wood, and the transaction of other business.

Read over proceedings of 30<sup>th</sup> March last.

The following Resolution is introduced: Resolved that the Council  
having negatived and directed to be expunged certain Resolutions  
or Memorandums in reference to some letters published in the Scadian  
Recorder by the Commissioner of Ward No 6 — the Memorandum so  
expunged should not have been exhibited for inspection as the  
Acts of the Council, and that their being published as they  
were in the Times of 23 November last, without further stating  
that they were negatived, gives an unfair and one sided view  
of the subject, and is contrary to the decision of the Council.

which upon being put is lost, there appearing seven for  
the resolution and nine against it, and the names being  
called for they appeared as follows:

— For the Resolution —

- Mr. West
- Steele
- Kemmion
- Jennings
- Alderman Duffus
- Hon. Mr. Bell
- Alderman MacKinlay

— Against the Resolution —

- Mr. Caldwell
- Uniacke
- Keith
- Alderman Frenais
- Williamson
- Starr
- Mr. Allison
- Anderson
- Clarke

— April 6<sup>th</sup> —

The following resolution is also introduced:

Resolved, That as it appears that the course pursued by John Steele Esquire, Commissioner of Ward No. 6, has been entirely owing to his impression that the publication of the preamble to the resolution of the 19<sup>th</sup> November published in the Times of 23<sup>rd</sup> November was authorized by the City Council, which preamble was not passed by the Council, and Mr. Steele having in his place apologized for any reflections made by him against the Body: The Council are therefore willing to accept Mr. Steele's apology, and to refrain from further remarks on the subject.

which resolution on being put is passed unanimously.

Resolved, That Alderman Fermaniff, Williamson MacKenlay and Han, and Councillors Story & Jennings be a Committee to consult with the Assessors.

which resolution is passed.

The following appointment of Measurers are this day made.

— Measurers of Salt and Grain —

Alexander Johnston	John Kichey
John Jennings	John Palmer
Thomas McCann	Azor Stevens
John Kelly	John McKay
Walter C. McKie	

— Measurers of Coal —

William Holland	Patrick O'Connor
Godfrey M. Schwartz	J. O'Brien Fuel Yard
John Stirling	Wanelius Falvey
Joseph Findlay	Samuel King
Dennis Curran	Henry Inglis
Malcolm Douglass	Patrick Cochran
John O'Connell	

— Measurers of Wood —

Jacob Hausner	Alexander Malcolm
John Walker	Wanelius Sullivan

The following Resolution is introduced:

Resolved, That each Supervisor shall keep a Book wherein he shall record the names and dates of all vessels arriving with Grain, Salt, Coals, Wood &c. where such vessel or vessels are from — the master's name — the description or kind of grain, Salt, Coals, and Wood. The Measurers name that may be appointed to attend to whom delivered &c. And such Book to be provided by the Supervisor for the information of the Mayor and City Council at all times when required by them. which



April 6<sup>th</sup>

Resolution on being put is passed unanimously  
The Council adjourned until tomorrow at Two O'Clock.

C. W. Kemp  
Mayor

Halifax April 7<sup>th</sup> 1842

At an adjourned meeting of the City Council held this day Present,  
His Worship the Mayor, Aldermen Freeman, Cuffus, Williamson, McKimley,  
Messrs Anderson, Allison, Keith, Stow, Caldwell, Uniacke, Hon. Mr Bell,  
Jennings, Kemmer, West and Clarke

Absent to be fined

Alderman Cuffus	1/3	Mr Keith	1/3
Alderman Stow	2/6	Hon. Mr Bell	1/3 p <sup>a</sup>
Mr Anderson	1/3 p <sup>a</sup>	Mr Steele	2/6

Read over the proceedings of yesterday.

The following Report of the Commissioners of City Property  
as also the Opinion of His Honor the Recorder relative to the  
letting or selling of the Docks belonging to the City, are read.  
"Halifax April 1<sup>st</sup> 1842

The Commissioners of Public Property met this day agreeably to  
summons by the Chairman. Present, The Chairman, Alderman  
Stow, Messrs Keith, Stow, Anderson, Allison, Uniacke and West.  
Absent, Alderman McKimley.

Having visited the different portions of City Property, the  
Commissioners agreed to lease the property as follows:-

To Michael Fox the premises now in his occupation for a  
term of four years at £45 p annum.

To Michael Murphy the premises now in his occupation for  
a term of 4 years at £55 p annum.

They recommend John Parker to remain at his present  
rent of £40 p annum - (declines)

Jeremiah Callahan to remain at the rent of Forty Eight  
pounds per annum upon giving a lease, which he has agreed to.

Recommend that John August pay £60 instead of £50  
and give him a lease.

Mr Gibson to pay £40 p annum, and Mr Stanford to pay  
£25 p annum, and give leases to both.

The Tenant of Shop No 1 on the Steam Boat Wharf, George  
Fraser declining to continue recommend the same as well  
as the Straw Yard on the same wharf to be let by Public

Auction.

Resolved, That the City Clerk give notice to Messrs. Nugent, Setson and Stanford.

It is recommended, that the Recorder's opinion be taken whether the Corporation has the power of letting or selling the Public Docks and a Slip to the southward of Fairbank's Wharf. The Commission then adjourned.

(Signed) W. Williamson  
Chairman.

Though the first clause of the Act of Incorporation is full and plenary as to the power of the Corporate Body to sell or lease, yet this clause, it would seem, more immediately regards real Estate to be subsequently acquired, and as the 58<sup>th</sup> Section distinctly contemplates those portions of public property of which the docks or landing places in question constitute part, and seems to confine the authority of the City Council to the limits assigned to Trustees by 3 W. 4, ch. 18, requiring that at all times, in the management of such estates due regard shall be had to the true intent and meaning of the original grants, and as the Grants of the Properties now discussed, necessarily intend and mean a free, public and common thoroughfare.

I am of opinion that the City Council is not by law authorized to alienate those properties: and that either a lease or sale thereof would abridge the rights of Citizens and others, by excluding them from the use of their public means of communication with the Harbour originally intended and would be in violation of rather than in conformity to the true object and meaning of the King's Grant.

(Signed) W. D. James  
Recorder.

2 April.

On motion it is Resolved unanimously That said Report be adopted.

The following Resolution is also introduced:

Resolved, That the Measures of Salt & Grain, Coal & Wood be annually elect a Supervisor and return his name to the City Council for their approval.

which resolution is passed unanimously

The following communications on the subject of the fence fronting on Pleasant Street, and east front of Chief Justice Blower's garden, and the opinion of His Honor

The Recorder on the subject, are read.

My Dear Sir

I received last evening your note with the accompanying documents relative to the Garden fence of Chief Justice Blowers. At his very advanced age with its consequent infirmities, it is wholly out of the question for him to attend properly to the subject, and the very intimation of any difficulty being now made respecting it would I feel be only a source of anxiety and annoyance to him. I much regret therefore that any question should appear to be raised at this time to a right which I believe he always considered undoubted. His fence having, as I have understood, continued too on the same line for upwards of sixty years. It is not a great while since the present Stone wall with the Board fence, was erected on the site of the old one, and at considerable expense. Two or three years ago some of the posts being decayed were renewed and the fence repaired: lately other posts becoming also defective, a part of the fence from the effect of a high gale was thrown down, but the remainder of it and the whole of the wall stand undisturbed as before. It will be thus seen that it is a part only of the board fence that is now being repaired: the posts indeed are already in the ground and all that remains is to nail on the boards again, that the Garden may be protected from its present exposure.

The City Council, I make no doubt, are only influenced by a desire to protect what they suppose to be a public right, though as I am persuaded, erroneously; but on this I have no intention to say more and indeed I have no authority to do so. But I beg to suggest whether under all the circumstances to which I have alluded, it is fitting or necessary for them at present to interfere further in this matter.

As I am naturally anxious to save the Chief Justice from all vexation and trouble which can be avoided, I have not communicated the matter to him, and I hope there will be no occasion to do so.

I am, My Dear Sir

Thursday 31 March

Yours truly

(Sgd) W. P. Blif.

J. S. Clarke Esq.

At a Meeting of the Commissioners of Streets held on the 2<sup>d</sup> day of April 1852, the following Resolution

- April 7<sup>th</sup> -

was passed. Resolved That the communications relating to the late Chief Justice's fence be referred to the Recorder for his opinion as to whether the claim of the Public has been lost by adverse possession and the lapse of time.

If the fact be as Mr. Justice Bliss states viz. the fence having continued on the same line for upwards of Sixty Years there appears no reason to doubt the Chief Justice's title. If the Records of the Town contain a Memorandum permissive of the erection then its existence being authorized by the representatives of Public Property at the time will not operate against the present right of the City. If the fence be an obstruction of a Highway and the devotion of the latter to the Public as such is capable of proof an Indictment will lie at the instance of the Attorney General, and no length of time, Suppichend, would legitimate a nuisance.

(signed) W. D. Lawrence

6<sup>th</sup> April 1842

Recorder.

The following Resolution is introduced.

Resolved, That the subject of the fence at present fronting on Pleasant Street and the East front of the Hon Chief Justice Blowers' Garden, be at present deferred in consequence of the infirmities and advanced State of life of Judge Blowers, but at the same time it be intimated to Judge Bliss the agent of Chief Justice Blowers, that the City Council conceive that the said Fence is an encroachment, but out of delicacy to Chief Justice Blowers at present abstain taking any measures relative thereto.

Which resolution on being put is passed unanimously.

Resolved, That the City Clerk forthwith transmit a Copy of the foregoing Resolution to Judge Bliss.

Which resolution is unanimously passed.

Resolved, That the Surveyor General be requested to complete the Survey of the roads, and return a plan of the same as early as practicable to the City Council.

Which resolution is passed unanimously.

Resolved, That the Supervisors will give a monthly report of any improper conduct of those connected with their departments to the Mayor or Presiding Alderman, whether arising from neglect of duty by intemperance or otherwise.

Which resolution is unanimously passed.

The City Treasurers accounts up to 31<sup>st</sup>. March having been submitted to the Council, the same are ordered to remain in the City Clerk's Office, to be taken up on some future day.

The following Resolutions are also introduced:

Resolved, That His Worship the Mayor be authorised to draw a warrant for the last quarter's Salary due to Jacob Currie up to 1<sup>st</sup>. February.

which Resolution is passed unanimously.

Resolved, That the sum of six pounds per week be expended in cleansing the Streets from the present time to the 1<sup>st</sup>. May.

which is passed unanimously

A Letter from the Clerks of the Market, as also a report is read (See files of 26<sup>th</sup>. March)

Car: Kenny  
Mayor.  
OK

Halifax April 13<sup>th</sup> 1842 —

The following Measurers and Weighers of Salt and Grain are this day sworn into office:—

Alexander Johnston	W. C. Wilkie
John Jennings	John Palmer
Thomas McCann	Azou Stevens
John Kelly	John McHay

The following Measurers of Coal are sworn into office

William Holland	Malcolm Douglas
Godfrey M. Shwartz	John O'Connell
John Stirling	Patrick O'Connor
Joseph Findlay	Henry Ingle
Cornelius Falvey	Patrick Cochran
Dennis Cushman	Samuel King

The following Measurers of Wood are sworn into office.

John Walker	Jacob Housman
Alexander Malcolm	Cornelius Sullivan

Halifax April 16<sup>th</sup> 1842

Order sent to Assessors this day.

Halifax April 19<sup>th</sup> 1842

At a Meeting of the City Council held this day Present His Worship the Mayor Aldermen Freeman Duffus Williamson & MacKintay Messrs Anderson Allison Roy Caldwell Uniacke Hon Mr Bell Jennings Hummer West Clarke and Steele.

Absent to be fined

Alderman Starr	2/6	Mr Keith	2/6
Alderman Duffus	1/3	Mr West	1/3
Alderman Freeman	1/3	Mr Steele	1/3

The City Council were summoned to consider the appointment of Keeper of Markets and the transaction of other business Read over proceedings of last day

The List of applicants for Keeper of Markets with the amount of their tenders is read, as follows

Thomas M. Garby	£70
Thomas Gilfoyle	£62
James M. Cameron	£65
John Packer	£65
Azor Stevens	£69
Frances Stevens Jr	£70
Thomas Garby	£65
Edward Parker	£65
W. H. Macfurdy	£60
Michael McKenna	£50
Gerrish Potts	£75
Dennis Connors	£60

The following Resolution is introduced On reading the Tenders for Keeper of the Market It was Resolved That the further consideration of the subject be deferred till next day of meeting and Alderman McKintay and Councillor Clarke be a Committee to obtain information as to the duties of the Office. which Resolution is unanimously passed.

The following Resolution is also introduced:

Stephen Binney Esquire having returned to the City of Halifax Resolved It be immediately communicated to Mr Binney that in consequence of his absence from the City for more than two Calendar months (the period limited by law) and the City Council having no documents before them to shew that he was detained by illness, the City Council considered it expedient to elect a Mayor, and that Alderman Kenny was therefore unanimously elected. And further that Mr Binney be requested to intimate to the City Council whether he had

any communication to make to the Council on this subject.  
which Resolution is unanimously passed.

Resolved, That the City Clerk forthwith transmit to Mr. Rimey a Copy of the foregoing Resolution: which is unanimously passed.

Resolved, That the Rules and Regulations for the Government of Truckmen passed on 12<sup>th</sup> October 1844, as now amended, be immediately carried into effect and that applicants do take out their Licences by first day of May next, the said Licences to be renewed yearly.  
which is passed.

Resolved, That the City Clerk give public Notice requiring Truckman to take out their Licences by the first day of May next, and that any person trucking after that day will be prosecuted as the Law directs. which is passed.

Resolved, That the Committee of the Bridge will be authorized to expend the sum of Fifty Pounds the same to be repaid the City from the sum voted by the Grand Jury for 1842.

Resolved, That the following Section of the Bye Law to prevent nuisances in, and to regulate the Streets of the City, be published.

And be it Ordained That no Auctioneer or other person shall sell at Auction or put or expose for sale, open unstack or discharge, or put or place any Cask, Crate, or Hogshead, Box, Bale or Barrel, Goods, Wares or Merchandise Household Furniture or other Articles in or upon any Street or Sidewalk Lane, Square, Alley or Public Wharf in this City under a penalty not exceeding Two pounds for each and every offence.

Read a Petition from J. F. Adams for leave to continue his Theatrical performances, whereupon it is

Resolved, That Mr Adams have a Licence for Theatrical performances.

The following Resolution is also introduced:-

Resolved, That the tenders for cleaning the Streets be received until Monday 25<sup>th</sup> Instant at 12 O'Clock. The tenders to express the amount for which the service will be performed provided the Contractor or Contractors have the manure, and also the sum required, provided the manure be taken to the pit on the common. which Resolution is passed unanimously.

The following Resolution is also introduced:

Whereas some wicked, ill disposed malicious and evil minded person or persons are in the habit of annoying the Citizens, by breaking Windows, Knocking Spouts &c, it is

Resolved, That His Worship the Mayor be authorised to offer such reward as he may deem requisite in order to lead to the conviction