

April 19th

of such offender, or offenders.

The Council adjourned until tomorrow at two o'clock.

C. W. Henry
Mayor

Halifax April 20th 1842

At an Adjourned Meeting of the City Council held this day
Present, His Worship the Mayor, Aldermen Williamson, & MacKinty
and Mr. Minick.

The Council adjourned until tomorrow at two o'clock.

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Halifax April 21st 1842

At an Adjourned Meeting of the City Council held this
day Present, His Worship the Mayor, Aldermen Tremain & Williamson
Messrs Keith and Clark.

The Council adjourned until tomorrow at two o'clock.

C. W. Henry
Mayor.

Halifax April 22 1842

At an adjourned Meeting of the City Council held this day
Present His Worship the Mayor Aldermen Freeman Duffus
Williamson, MacKulay, Messrs Anderson, Story, Caldwell, Uniacke,
Hon Mr. Bell, Jennings, Hummon, West, Clarke and Steele.

Fin.

- | | | | |
|-----------------|-------|--------------|-----|
| Alderman Duffus | 1/3 | Mr. Story | 1/3 |
| Alderman Starr | 2/6 | Mr. Uniacke | 1/3 |
| Mr. Anderson | 1/3 p | Mr. Jennings | 1/3 |
| Mr. Allison | 2/6 | Mr. Steele | 1/3 |
| Mr. Keith | 2/6 | | |

Read the proceedings of 19th 20th and 21st Instant
Read the following Letter from Stephen Binney Esquire, addressed to
the City Clerk, dated 21st April

Halifax 21st April 1842

“ Sir,

I have to acknowledge Receipt of your communication
of 19th Inst enclosing a Resolution of the City Council, and beg
to have you a reply, which please lay before them.

I have the honor to be

James S. Clarke Esquire }
City Clerk }

Yours obt. Servant
(Signed) Stephen Binney,

Read also the following Letter from Stephen Binney Esquire
addressed to the City Council dated 21st April.

Halifax 21st April 1842

Gentlemen

With reference to the Resolution sent to me on the
19th Instant by the City Clerk, I beg to say that as my absence
in England has necessarily thrown an increased pressure of
private business on my hands - and the distressing illness of
my father, added to not a little by cares and solicitude of
mind, - I feel that if I legally can so do, to retire from all
offices in the Corporation will be most agreeable to me -
I am therefore desirous of waiving the right which I possess
of again assuming the office of Mayor; provided I can
retire from the City Council altogether without being subject
to any fine or penalty or creating any illegality or
confusion in the affairs of the City.

The City Council

I have the honor to be
Gentleman, your obt. servant
(Signed) Stephen Binney,

When the following Resolution is introduced:

Resolved, That the answer of Mr. Binney be referred to the Recorder, and he be requested to give his opinion whether under the Act of Incorporation Mr. Binney can retire from the Council without being subject to the fine imposed thereby.

To which the following amendment is introduced:

The City Council on the 19th April instant having officially notified Stephen Binney Esquire upon his return to the City from Great Britain that in consequence of his having been absent from the City for more than two Calendar Months, the City Council had deemed it expedient to elect a Mayor, and that Alderman Kenny had been elected, and Mr. Binney having by his letter to the City Council dated the 21st instant in reply thereto signified to the City Council in writing his desire to retire from the City Council:

Resolved, That the Resignation of Mr. Binney be accepted by the City Council.

Which amendment being put is carried, there appearing eight for the amendment and six against it, and the names being called for they stood as follows:

— For the amendment. —

Mr. Steele
 Mr. West
 Mr. Jennings
 Alderman Williamson
 Mr. Clarke
 Alderman McKimley
 Hon. Mr. Bell
 Mr. Story 8

— Against the amendment. —

Mr. Kemmion
 Mr. Anderson
 Alderman Duffus
 Alderman Freeman
 Mr. Caldwell
 Mr. Umacke 6

Senders from J. R. Farr and Thomas Fowler for the Exchange & Building are read, when it is Resolved, That Thomas Fowler's Sender be accepted upon condition of his finding competent Security.

Read the following Letter from John Spry Morris Esquire
 Halifax 9th April 1842

si.
 I beg leave to acknowledge the receipt of your communication of the 7th enclosing a Copy of a Resolution of the City Council of the same date, and in reply beg to inform you for their information that in 1840 I had commenced the Survey of the Roads referred to in the Resolution but was prevented from completing it by Mr. Howe, one of the proprietors of the land adjoining the Road in the rear of

the North West Corn lots, without whose assent it will be impossible to make the survey, the Road being within this enclosure. They leave to refer the City Council to the Copy of the communication from the Deputy Surveyor employed to survey the Peninsula Roads dated the 26th August 1840

I have the honor to be
Sir,

James S. Clark Esq
City Clerk

Your most obtt humble Servant
(Signed) John Spuy Morris
Com^r Lewis Sand,
Surveyor General.

Halifax 26th August 1840

Sir, I have to inform you that John Howe Esquire declines giving permission for surveys being made upon his property, and that I am therefore unable to complete the survey of the street parallel with the North West Corn, which I commenced agreeable to your instructions.

I am, Sir, your most obedient humble Servant
(Signed) J^r McKeay
Surveyor General &
Halifax.

When the following is introduced:

Resolved, That His Worship the Mayor be requested to communicate with John Howe Esquire as to allowing the Surveyor General to pass through his land, to enable him to ascertain the proper line of roads situate in the Peninsula.

The Account of the Committee for breaking of Stone having been submitted to the Council it is

Resolved, That the account of the Stone breaking Committee be referred to a Committee of the Council to examine and report thereon, that Alderman Williamson and Duffus be that Committee

Whereas the Grand Jury has voted several sums of money amounting to Four Hundred pounds for the support of Bridewell and whereas the Bridewell is indebted the sum of thirty pounds for supplies be it therefore

Resolved, That the Bridewell Committee be authorized to borrow the sum of One Hundred and fifty pounds and pay off the debts of the Establishment, and also for its further support.

Resolved, That James Ham be appointed Health Inspector for the City of Halifax.

The following Resolution is also introduced.

April 22nd

Resolved, That the opinion of the Recorder be asked as to how the election to fill up the vacancy for Ward No 3 is to be conducted, whether the election is to be for an Alderman or for a Councilman, which resolution is passed.

The following answer is read.

In the present case of a vacancy created by the election of a Mayor, the exception to the general doctrine applicable to cases of extraordinary vacancy comes in force, and by the last provision in the sixteenth clause, an election of a Councillor for Ward No 3, should, in my opinion, take place in the first instance at a Short Notice, so as to allow an early appointment of an Alderman.

23 April 1842

(Signed) W. D. Savers

Recorder

Edw. Henry,
Mayor.

Halifax April 30th 1842

At a Meeting of the City Council, held this day Present His Worship the Mayor Aldermen Pichain, Duffus, Williamson, McKinlay & Starr. Messrs. Judson, Allison, Keith, Hoy, Caldwell, Amacke, Hon. Mr. Bell, Jennings, Neumann, West, Clarke and Steele.

Sined

Alderman Duffus 1/3 Mr. Keith 1/3
Alderman Starr 1/3

Read over proceedings of last day.

Read the Preamble to the Poll for electing a Councillor for Ward No 3, signed by John Duffus and Nephew Clarke. Edward Young Clerk. — Read the return to the said Election returning Mr. Thomas Bolton Junr as a City Councillor for Ward No 3 and signed John Duffus and Nephew Clarke. — Edward Young Clerk.

Whereupon Mr. Archibald Sinclair the other Candidate for Ward No 3, reads the following document

Mr. Mayor and Gentlemen

I demand that the return in the Election held yesterday for Ward No 3 be amended, as I had a majority of votes as a Candidate at 5 P.M. the hour appointed in the Charter Act as the limit of the polling, and I therefore claim as my right that I should be admitted as a member of the City Council for this Ward, and I further state that if this should not be done I shall still persist in my demand of a scrutiny of the votes, having as I believe a majority of the real voters who polled yesterday. And I reserve my rights herein protesting against the undue continuance of the polling after 5 P.M. and request to be heard by Council.

I am, Gentlemen,

Your Obedient Servant

(Signed) A Sinclair.

Halifax 30th April 1842.

Mr. Doyle who appears on behalf of Mr. Bolton, objects to any such proceedings and states that the returning Officers having made a return that Mr. Bolton had a Majority of votes at the close of the Poll, and having been summoned by them to attend this day a meeting of the City Council is now here agreeably to summons and claims his right to be sworn into office and take his seat.

Mr. Murdoch and Mr. Ritchie on behalf of Mr. Sinclair object to Mr. Bolton's taking his seat.

Arguments are heard on both sides when the following Resolution is introduced.

— April 30th —

Resolved, That Mr. Sinclair's petition as now read be received, and that he be heard by Counsel from the Bar.

The following amendment is introduced:

Resolved, That Mr. Bolton having been duly returned by the legal officers presiding at the Election, that he be now sworn in and admitted to take his seat.

which amendment being put is passed, there appearing for the same ten, and against it seven.

Mr. Thomas Bolton junior having taken the Oath of Allegiance and the Oath of Office, pointed out under the Act of Incorporation for a Common Councillor, is accordingly sworn into office as Common Councillor for the City and takes his Seat accordingly.

The following Resolution is also introduced

Resolved, That Mr. Sinclair, the petitioning Candidate for Ward No 3 be now heard by Counsel.

Which Resolution is passed unanimously

Mr. Murdoch is then heard on behalf of Mr. Sinclair, Mr. Mitche follows as to the illegality of continuing the Poll after five O'Clock.

Mr. Doyle is heard in answer. Mr. Murdoch is heard in reply.

The following Letter from Stephen Binney Esquire on subject of the City Council's address to Her Most Gracious Majesty is read:

Halifax 27th April 1842

My Dear Sir,

My connexion with the City Council having ceased I beg to request you will acquaint them that I had the Honor on the 16th ult. of laying before Her Majesty, at the foot of the Throne, their address of congratulation upon the Birth of the Prince of Wales, and that Her Majesty was pleased to receive the same very graciously.

I am Dear Sir

Yours very truly

(Signed) Stephen Binney

To His Worship

Edward Henry Esquire

Mayor of Halifax

&c &c &c.

When on motion it is unanimously

Resolved, That the letter from Stephen Binney Esquire, addressed to His Worship the Mayor, on the subject of the City Council's address of congratulation to Her Most Gracious Majesty on the birth of His R. Highness the Prince of Wales, be entered on the Records and published.

The following Resolution is introduced:

Resolved, That whatever ambiguity may exist in the phraseology of the

Act as to the hour of the day at which the Poll should close previously to October 1842, that Justice and common sense require and the right of franchise demands that the Candidate who had the greatest number of votes should be deemed as duly elected, and our own presiding Officers having declared that the Election was conducted impartially and in good faith, it is therefore now proper that if a scrutiny of votes be demanded it should be immediately proceeded in if it be legal so to do, without reference to any other consideration.

to which the following amendment is introduced.

Resolved, That the question relative to the legality of holding the Election, be reserved by the Council for consideration, and that the Gentlemen attending on behalf of the petitioning and sitting Councillors be requested to proceed with the scrutiny.

which amendment being put, there appearing for the amendment nine, and against eight, the amendment is carried and the original resolution lost, and the names being called for they are as follows

For the Amendment	Against the Amendment
Mr. Anderson	Mr. West
Mr. Clarke	Mr. Steele
Alderman Cuffus	Mr. Remmon
Mr. Allison	Alderman Williamson
Alderman Freeman	Alderman McShirley
Mr. Keith	Hon. Mr. Bell
Mr. Caldwell	Mr. Jennings
Mr. Umacke	Mr. Hoy
Alderman Starr 9	8

The following Resolution is also introduced.

Resolved, That the opinion of the Recorder be requested as to the legality of holding and closing the Poll at 7 O'Clock.

which Resolution is passed.

The following Agreement is entered into between the Council of sitting and Petitioning Members for Ward No 3.

It is agreed between the Council of the Petitioning and sitting members that Monday next shall commence with the scrutiny open to preliminary objection as if entered on Saturday notwithstanding to be taken to its not having been the next day after the Election. Tuesday as the second day being open for discussion on its legal grounds.

The Council adjourned until Monday next at Ten O'Clock.

Wm. Henry
Mayor

Halifax May 2nd 1842.

An adjourned Meeting of the City Council held this day Present His Worship the Mayor, Aldermen Freeman, Duff, Williamson, MacKulay and Starr. Messrs. Anderson, Glass, Keith, Stoy, Caldwell, Uniacke, Bolton, Hon. W. Bell, Jennings, Hamner, West, Clarke and Steele —

— Absent to be fined —

Alderman Duff	1/3	Mr. Keith	1/3
Alderman Starr	1/3	Mr. Stoy	1/3

Read over proceedings of Saturday.

Alderman Freeman, Chairman of Commissioners of Streets lays before the City Council a Statement of Tenders for cleansing the Streets. When on motion it is

Resolved, That George Cooks Tender for cleaning the Streets amounting to one Hundred and seventy two pounds nine Shillings be received, he carting the manure to the Pit on the Common, and giving security for the faithful performance of the duty agreeably to a Bond to be prepared by the Recorder, under the direction of the Commissioners of Streets.

The following Resolution is introduced.

Resolved, That the sum of Thirty Shillings each be paid to Michael O'Mara and Jeremiah Callinan for two Sheds erected by them in the Yard near the Market Slip, used as a Hay Market. which Resolution is passed.

The following Resolution of Saturday last is again introduced.

Resolved, That whatever ambiguity may exist in the phraseology of the Act as to the hour of the day at which the Poll should close previously to October 1842, that Justice and Common Sense require and the rights of franchise demands, that the Candidate who had the greatest number of votes should be deemed as duly elected, and our own presiding Officers having declared that the Election was conducted impartially and in good faith, it is therefore now proper that if a Scrutiny of votes be demanded, that it should be immediately proceeded in, if it be legal so to do, without reference to any other consideration.

To which the following amendment is introduced.

Resolved, That it is the opinion of this Council that the Election held on Friday the 29th of April to choose a Councillor to supply the vacancy created in Ward No 3 by the retirement of Mr. Binney is illegal, and not in conformity with the Act of Incorporation. The amendment being put is lost, there appearing for the same

seven against it nine, and the names being called for they stood as follows

— For the Amendment —
 Mr. Wmache
 Mr. Caldwell
 Mr. Keith
 Alderman Freeman
 Alderman Starr
 Mr. Allison
 Mr. Anderson

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— Against the Amendment —
 Mr. Story
 Alderman McKinlay
 Hon. Mr. Bell
 Mr. Clarke
 Alderman Williamson
 Mr. Jennings
 Mr. Hemmerson
 Mr. Steele
 Mr. West

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The original Resolution being put is carried, there appearing for it nine, against it seven.

Alderman Duffus subsequently comes in and requests his name to be recorded with that of the majority, making against the amendment Ten.

Mr. Doyle is heard on the point of the Council's right to proceed with the scrutiny, & is followed by Mr. Gray.

The Council adjourn for half an hour.

The Council reassembles. Mr. Murdoch is heard in reply to Mr. Doyle and Mr. Gray.

Mr. Gray answers Mr. Murdoch.

The following Resolution is introduced:

Resolved, That whatsoever ambiguity may exist in the phrasing of the Act that common sense and justice require, and the right of franchise demands that the Candidate who has the greatest number of best votes should be the Councillor entitled to the seat, it is therefore now proper that the scrutiny of the votes marked "sworn" should be immediately proceeded in, without reference to any other consideration.

To which the following amendment is introduced:

Resolved, That as the strict letter of the Law has been departed from, and it is determined to hold a scrutiny, that every vote to which either Candidate shall object, shall be submitted to their scrutiny.

Which amendment being put is lost, there appearing for the same Five, against it nine. The original resolution being then put is carried, there appearing for the same nine against it Five.

The following Resolution is introduced:

Saturday

— May 2nd —

Saturday the 30th April being the day next after the election of a City Councillor for Ward No 3, as also Monday the 2^d May, the City Council having been engaged in hearing Counsel both for the sitting Member and Petitioning Candidate as to the legality of the Election, as also upon the question of a scrutiny, whereby it was impossible to proceed in said scrutiny, Resolved, That it is the opinion of this Council that in justice to all parties two full days should be allowed for the said scrutiny, and that the same be gone into tomorrow, Tuesday, at 12 O'clock.

Which Resolution being put is passed there appearing for it Ten against it Seven, and the names being called for stood as follows

— For the Resolution —

Mr. Anderson
 Mr. Allison
 Alderman Ferman
 Alderman Williamson
 Mr. Clarke
 Mr. Caldwell
 Mr. Keith
 Mr. Uniacke
 Alderman Starr
 Alderman Cuffas 10

— Against the Resolution. —

Mr. West
 Mr. Steele
 Mr. Jennings
 Mr. Hemmen
 Hon. Mr. Bell
 Alderman McKinlay
 Mr. Story 7

The following Resolution is introduced:
 Resolved, That the City Clerk be directed to summon the several parties, whose votes in the Election for Ward No 3 are marked sworn; to appear before the City Council tomorrow, Tuesday, at 12 O'clock, to give evidence on the scrutiny of said Election.

Which Resolution on being put is passed, there appearing for it, nine, against it, eight, and the names being called for, they stood as follows:—

— For the Resolution —

Alderman Starr
 Mr. Uniacke
 Mr. Keith
 Mr. Caldwell
 Mr. Clarke
 Alderman Williamson
 Mr. Allison
 Mr. Anderson
 Alderman Ferman 9

— Against the Resolution —

Mr. West
 Alderman Cuffas
 Mr. Steele
 Mr. Hemmen
 Hon. Mr. Bell
 Alderman McKinlay
 Mr. Story
 Mr. Jennings 8

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The Council adjourned until tomorrow at Twelve O'clock

Edw. Henry
Mayor.

Halifax May 3^d 1812

An Adjourned Meeting of the City Council held this day
Present His Worship the Mayor, Alderman Tremain, Williamson,
McKenlay and Starr. Messrs. Allison, Andrews, Keith, Gray,
Caldwell, Uniacke, How, Mr. Bell, Jennings, West, Humeau,
Clark and Steele.

Read over proceedings of yesterday.

Mr. Doyle reads and hands in the following Protest of Thomas
Bolton Junior Esquire.

Mr. Thomas Bolton Junior having received a Majority of the votes as testified by the Poll Book for the late Election holden in Ward number Three of the City of Halifax, and being summoned by the returning Officers to serve as Common Councillor for the same, and having been further notified by the City Clerk to attend a Meeting of the Council upon business unconnected with and independent of the scrutiny and Election (as appears from the Copy of the notice hereto annexed) and having taken the Oath prescribed by the Statute of Incorporation, claims his seat, and is advised that he cannot acknowledge any authority to adjudicate on the validity of the same except that of Her Majesty in Her Supreme Court of Judicature for the Province to whom alone questions of Corporate Franchise or Eligibility such as the present exclusively appertain.

Mr. Bolton further finding that the City Council have determined to proceed into a Scrutiny though the same as the Law requires has not been demanded by a person who voted at the late Election, but as is apparent on the Poll Book by the petitioning Candidate himself who did not vote at the said Election, and as the two days, the time limited by Law, have expired without the Scrutiny being proceeded with as the Party petitioning should have done without any preliminary or antecedent Steps. And whereas the Scrutiny has been allowed under the twenty sixth Section of the Act, and by the twenty ninth Section it is enacted that in every case the Presiding Officer shall

May 3^d

Note in his Poll Book that the voter was sworn, and which of the Qualifications mentioned in that section, and the nature of the tenure he swore to, which has not in any instance by the Presiding Officer been done, so as to enable them to proceed with a Scrutiny.

Mr. Bolton cannot consistently with respect to his own feelings or his duty to the constituency of the Ward whose rights are thus seriously affected, consent to become a party to a course of proceeding which involves a compromise of his own rights, and as he is advised, a manifest breach of the Law, and would amount to a usurpation of Power alone possessed by the Highest Court of the Province

Halifax 3^d May 1842

(Signed) Thomas Bolton junr.

(Copy)

Office of City Clerk, Halifax 30th April 1842.

Sir You are requested to attend a Special Meeting of the City Council this day Saturday at Two O'clock, to Elect an Alderman, to consider the Tenders for clearing the Streets, and the transaction of other Business.

By order of Mayor

To Mr. Bolton Esquire

(Signed) James S. Clarke, City Clerk.

The following Resolution is introduced:

Resolved, That the order of the day be now proceeded in.

To which the following Amendment is introduced.

Resolved, That such Members of the City Council who have voted at or taken any part in the recent Election of Ward No 3, as also the Officers who presided thereat, be at liberty to withdraw from attendance and voting upon the Scrutiny of said Election.

which amendment is passed there appearing for the same seven, against it five

The following Protest is introduced

Whereas the subscribers are of opinion the whole proceedings respecting the entering into the Scrutiny of the Election of Ward No 3 has been illegal and contrary to Law and Justice - Still for the sake of justice they are willing to enter into a general Scrutiny of each and every vote that may be required by either the sitting member or the petitioning Candidate otherwise they are willing to set the Election aside and allow the parties to try their strength.

These propositions not having been accepted by the City

Council therefore we do hereby protest in the most solemn manner against the irregular unconstitutional and illegal manner as introduced and acted upon to unseat Mr. Bolton the sitting Member and disfranchise the Electors of Ward No 3.

(Sd) J. Steele
G. West
H. Bell
Adam Hemmen
Andrew MacKilay
J^r. Jennings

3^d May 1842.

When on motion it is Resolved, That the foregoing Protest be entered on the Records of the City Council.

which Resolution on being put is passed
The following Resolution is introduced:

Resolved That the Council proceed to the order of the day.
which on being put is passed, there appearing for the same nine against it five.

The following Resolution is also introduced
Whereas the Resolution to proceed to the order of the day having passed, and certain members of the Council having immediately retired, therefore be it Resolved That their names be entered on the Records.

which Resolution being put is carried. And the names of the Gentlemen being required to be entered they are as follow:

Alderman MacKilay, Mr. West
Hon Mr. Bell, Mr. Hemmen
Mr. Jennings, Mr. Steele.

The City Council proceed to scrutinize the votes given for Thomas Bolton junior Esquire. Alderman Tremain in the Chair.

Timothy Driscoll is called, who does not answer.
Thomas MacKie is called and sworn.

I know Timothy Driscoll, he resides in Ward No 3. I know the premises, he formerly rented them of me, paid me 3 shillings a week for his part about 18 months ago. Driscoll has since purchased the same House, paid £362 for it - Driscoll does not occupy the whole of the House - the premises sometimes realized £30 a year, sometimes less - It was generally let to weekly tenants. There are other Tenants living in the premises. it is a 3 story

May 3^d

House in front - has a front door and Shop door - premises are situated in Abchurch Lane Street.

Michael Murphy Sworn - I know the house Timothy Driscoll lives in - five other families live in it - I don't know what rent the tenants pay - from 3/ to 4/- Driscoll lives in the lower part of the house - it is the same premises he hires from MacKie - he does not occupy more now than when he hires the same from MacKie - he lets out the whole of the upper part of the House - MacKie mentions the names of the Tenants.

Edward Ely's Vote.

Edward Ely - Sworn - I voted at last Election for Ward No 3 - went to the hustings - I went to vote for Mr Sinclair - I did not mention Mr Sinclair's name at the Hustings - I did say I voted for Mr Bolton - finding that I had mentioned Mr Bolton's name in mistake I requested it to be corrected before I left the Poll and requested that my name might be recorded for Mr Sinclair - I was sworn by Mr Stephen Clarke one of the Officers - in the morning when I first went forward to vote for Mr Sinclair - Mr Bolton required me to be sworn.

I pay a Rent of £35 - I receive 12/6 a week for part that I let - My part I consider worth more than £25 - consist of a top room - sitting room - bedroom - two garret rooms, Pan and part of yard - I keep a Shop - I receive 11/6 a week for part of the premises - I think that the premises I occupy of myself is well worth twenty five pounds per Year.

Richard S. Marc Sworn - I was present when Edward Ely returned to vote - I said Mr Bolton say to him I have already said to you this morning that I questioned your Vote - Ely replied yes - Ely was then sworn - he was then asked who he voted for - he said Bolton - but immediately corrected himself and said Mr Sinclair.

Alderman Puffus said your name is down for Mr Bolton and cannot be altered - there was a good deal of Bolton at the time - Ely was sworn at the request of Mr Bolton - I think the Oath was administered by Mr Clarke.

William Wilkinson's Vote

William Wilkinson is called - does not answer.

Stephen Studley Sworn - I know the House that William Wilkinson lives in - it is in Ward No 3 - he has tenants living in his house - heard Mr Wilkinson say this morning they paid 11/6 for the whole premises, but their own rent did not amount to more than £10 - it is a two story house towards the Clock - Mrs Wilkinson told me they had four tenants in the House.

Wilkinson occupies lower part of the house being a Shop and room back. he lets out the other part - has no Garden or Stable as I know. I do not think the part he occupies worth more than £14 or £15 - not worth £20 in my opinion. I would be glad to let it for £15 a year if it was mine.

James Sull sworn. I know William Wilkinson - I served him last evening with a notice to attend a Meeting of the City Council to day - he told me this morning he was coming. I know the premises he occupies - I do not think it more than £15 - am sure that it would not bring £20 - he is a Cordwainer - he works in the Shop - the Shop is a small room - he lives in the Street below the Town Clock - thinks that £15 is the outside value of it. I know the premises he occupies - have been there before. I do not know the names of the Tenants that live in the other part of the house, or how many there are.

Sequan Clarke Esquire one of the Presiding Officers at the Election for Ward No 3 is called upon by the Council to give information relative to Edward Oly's vote. States that Edward Oly came forward in the morning to vote - objections were made to him - he went away - returned in the afternoon to vote - he was first sworn think he was objected to by Mr. Bolton - not certain - after he was sworn he was asked who do you vote for - he replies Mr. Bolton there was a great shout at the time - I do not recollect whether he demanded the name to be altered, but if he had, it would not have been done - I think Mr. Duffus said the vote was recorded.

As to Edward Oly's vote Benjamin Smithers sworn. I was at the Hustings when Edward Oly voted. I was quite near him. I assisted to get him to the hustings - it was near the close of the Poll. I am favorable to Mr. Sinclair. I do not know which Candidate objected to his vote. I heard him say he voted for Mr. Bolton - there was a great noise at the time - heard him say he had made a mistake, he had intended to vote for Mr. Sinclair - he had not left the Hustings - heard Alderman Duffus say it was too late - when he first went in he asked me the name of the other person (not Bolton) I told him Sinclair. After he was sworn it appears he forgot the name and said Bolton. Mr. Smithers recalled. When Oly said he made a mistake he was at the Hustings - in front of the presiding Officers. I think Oly's remarks were addressed to the presiding Officers, and that Alderman Duffus answer was in reply to Oly's remark of his having made a mistake.

Mr. Murdoch addresses the Council on the subject of the above votes. The City Council adjourned until tomorrow at 9 o'clock.

Wm. Murray
Mayor.

Halifax May 4th 1842

At an adjourned Meeting of the City Council held this day
 Present, His Worship the Mayor, Alderman Fenwick, Williamson,
 Starr, Messrs. Judson, Alison, Keith, Hoy, Caldwell, Uniacke,
 Clarke.

— Absent to be fined —

Alderman Puffus	2/6	Mr. Jennings	2/6
Alderman McKinlay	2/6	Mr. Hemmison	2/6
Alderman Starr	1/3	Mr. West	2/6
Mr. Uniacke	1/3	Mr. Steele	2/6
Hon. Mr. Bell	2/6		

Read over proceedings of yesterday, as also the evidence taken in the
 scrutiny now pending before the Council, when the following
 Resolution is introduced.

Resolved, That the City Council having taken into consideration
 the votes scrutinized given in favor of Thomas Bolton Junior Esq.
 as City Councillor for Ward No 3, and also having taken
 into consideration the evidence adduced, are of opinion
 that two of the votes are bad, and one of the said votes is
 good, that the respective Candidates have an equality of votes,
 and that said Election is therefore null and void, and do
 therefore order and direct another Election to be held for
 said Ward No 3.

which Resolution on being put is passed unanimously.
 The following Resolutions are also introduced:

Resolved, That the Contractor for cleaning the Streets be paid monthly
 and that His Worship the Mayor be authorized to draw for the
 amount on the 1st day of each month on the City Treasurer
 which Resolution on being put is passed.

Resolved, That His Worship the Mayor be requested to obtain
 the opinion of His Honor the Recorder how and by whom the
 Election to fill the vacancy in Ward No 3 is to be held, and
 at what hour the Poll should be closed.

which Resolution on being put is passed.

The Committee to whom was referred the duties of Keeper of
 Markets hand in the following Report: which is ordered to lie on
 the Table.

The Committee of the Council to whom was referred the subject
 of the appointment of a Superintendant of Markets, have to
 Report

That they have made diligent enquiry as to the duties as well
 as the actual expence connected with said Office, and

although in the opinion of this Committee It is would not be too large a remuneration to the present holder of the Office, considering the efficient manner in which the duties have been discharged by him. Still they would suggest that as one of the Police Constables might be spared without prejudice to the duties of the Police Establishment, the one who is at present indisposed should be appointed to the above Office with his usual Salary, and that any additional expense for brooms sweeping & connected with said Office be defrayed by the City, whereby a considerable saving would thus be effected; and that the present holder of the said Office should discharge the duties until the new Officer is able to assume the Charge thereof.

Halifax 4th May 1842

(Signed) Andrew McKeilay
(Signed) Nepean Clarke

The Council adjourned until tomorrow at Two o'clock.

Edw. Henry
Mayor.

— Halifax May 5th 1842 —

An Adjourned Meeting of the City Council held this day Present, His Worship the Mayor, Aldermen Freeman, Williamson, Starr, Messrs Anderson, Alison, Keith, Stoy, Caldwell, Umiacke & Clarke.

— Absent to be fined —

Alderman Duffus	1/3	Mr Jennings	2/6
Alderman McMillan	2/6	Mr Hummer	2/6
Alderman Starr	1/3	Mr West	2/6
Hon Mr Bell	2/6	Mr Steele	2/6

Read over the proceedings of yesterday

The following opinion of His Honor the Recorder on the subject of the Resolution of yesterday, is read.

The following Resolution is introduced.

Whereas the City Council have declared that the Election for Ward No 3 on Friday the 29th day of April last is null and void and that another Election be held for said Ward, therefore be it

Resolved, That notice for an Election be immediately given and that the same be held on Thursday next the 12th Instant for the said Ward before Alderman John Duffus and Councillor Aspinall Clarke Esquires.

which Resolution on being put is passed unanimously.

The Council adjourned sine die

Edw. Henry
Mayor

— Halifax May 13th 1842 —

At a Meeting of the City Council held this day Present,
His Worship the Mayor, Alderman Tremain, Duffus, Williamson,
MacKinnon & Starr. Messrs Anderson, Allison, Keith, Story,
Caldwell, Uniacke, Hon. Mr. Bell, Jennings, Hemmison, West,
Clark and Steele.

— Absent to be fined. —

Alderman Duffus	1/3	Mr. Keith	1/3
Mr. Story	1/3		

The Council were summoned to take into consideration
the manner of disposing of the Broken Stones on the Parade,
to consider the Report of the Committee relative to Keeper
of Markets and the transaction of other business.

Read over proceedings of 4th and 5th Instant.

The Return for the Election held for Ward No 3 on
yesterday, having been laid before the Council, the following
Resolution is introduced:

Resolved, That the return for the Election for Ward No 3 held
yesterday be read.

which Resolution is passed.

Read the preamble to the Poll for electing a City Councillor
for Ward No 3 signed John Duffus, Nathan Clarke,
Edward Young Clerk.

Read the return to the said Election, returning Mr. Archibald
Sinclair as a City Councillor for Ward No 3, signed John Duffus,
Nathan Clarke - Edward Young Clerk.

Read the following Letter from Thomas Bolton Junior Esquire
dated 5th May, addressed to His Worship the Mayor.

Halifax 5th May 1842.

Sir

Having heard it reported that Notices are to be issued for
a New Election for Ward No 3, I beg to inform you in reference
to the Protest delivered by me into the City Council against
any attempt at a Scrutiny, I consider myself legally
elected admitted and sworn into office as a Common Councillor
for Ward No 3. Believing as I do and being advised that
the Council cannot, unless for some default of duty, remove
me from office, and having protested against the proceedings since
Monday last, I deem it due to you as well as to myself
and those Electors whose votes have placed me in the Council
to assert my intention to retain the Office, and thus
formally to notify you that I shall exercise my right and enter

upon the discharge of my duties, and trust that your sanction will be withheld from any attempt at interference, unless you are satisfied of the legality of your procedure

I have the honor to be

To His Worship
The Mayor

Sir, Your very Obedt Servt
(S^{rs}) Thomas Bolton Jun^r

Read Letter of City Clerk of 11th May in answer thereto, as also the Resolutions of City Council of 14th & 15th May

Office of City Clerk

Halifax 7th May 1842

Sir,

In answer to your communication of yesterday's date, I am directed by His Worship the Mayor to transmit you the accompanying extracts from Records of City Council

I have the honor to be

Thomas Bolton Esquire

Sir your most Obedt Servant

(S^{rs}) James Clarke
City Clerk.

Resolved, That the City Council having taken into consideration the votes scrutinized given in favor of Thomas Bolton Jun^r Esq^r as City Councillor for Ward No 3, and also having taken into consideration the evidence adduced are of opinion that two of the votes are bad, and one of the said votes is good, that the respective Candidates have an equality of votes, and that said Election is therefore null and void, and do therefore order and direct another Election to be held for said Ward No 3.

Whereas the City Council have declared that the Election for Ward No 3 on Friday the 29th day of April last is null and void and that another Election be held for said Ward: therefore be it Resolved, That notice for an Election be immediately given, and that the same be held on Thursday next the 12th day of May instant for the said Ward, before Alderman John Duffus and Councillor Keplan Clarke Esquires.

Read the following Letter from Thomas Bolton Jun^r Esq^r of 11th May addressed to His Worship the Mayor

Halifax 11th May 1842

Sir,

It is intimated to me that notices were issued yesterday by your orders calling a special Meeting of the City Council on Friday next for the transaction of City affairs, As I am yet without a notice of such intended meeting and not being in any particular disqualified from holding my seat as

— May 12th —

Councillor as required by the Act of Incorporation. I respectfully request to be informed if the omission is made with your sanction or authority and would be particularly obliged by an early answer.

I have the honor to be

Yours very Obedt Servant
 (signed) Thomas Bolton Junr
 Councillor for Ward No 3.

To His Worship
 Edward Henry Esq
 Mayor

Read City Clerk's letter of 11th May in answer thereto
 Office of City Clerk
 Halifax 11th May 1842

I am directed by His Worship the Mayor in reply to your Letter of this days date to state that the whole of his official proceedings connected with the Election of Ward No 3 have been merely as the organ or head of the Corporate body, by whose resolutions and instructions he has thus far felt himself bound to Act, and he begs to refer you to my communication of 7th Instant and the documents enclosed which he conceives sufficiently discloses the information you seek.

I have the honor to be,

Your most Obedt Servant
 (signed) James J Clarke
 City Clerk

Thomas Bolton Esquire
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Read the following Letter from Thomas Bolton Esquire of 13th May addressed to His Worship the Mayor.

Halifax 13th May 1842

Having already Protested against every Act of your Worship and the City Council in attempting to set aside the Election holden on 29th April last by which I was elected Councillor for Ward No 3, the legality of which was acknowledged by your learned Recorder who stated the entire concurrence in opinion by Mr. Maney General, and which was confirmed by your Worship and the Council in admitting me as a Member of their Body. I now claim from your Worship, on behalf of the voters and myself that protection of our just rights and privileges which the Act of Incorporation confers, and cannot allow that

May 13th

Your Worship or the Council possess the Power to place any other in my stead until I become disqualified, in terms of the Statute, again repeating the hope that the sanction of your Worship will be withheld from any Act of the legality of which your Worship is not perfectly satisfied.

I have the honor to be

To His Worship
Edward Kenny Esq:
Mayor &c &c.

Your very Obedt Servant
(Signed) Thomas Bolton

The Council adjourned until tomorrow at Two O'clock.

Edw. Kenny
Mayor.

Halifax May 11th 1842

At an Adjourned Meeting of the City Council held this day Present His Worship the Mayor, Aldermen Fremant, Duffies, Williamson & Starr, Messrs Anderson, Allison, Keith, Hoy, Caldwell, Wmacks, Clarke and Steele.

Absent to be fined

Alderman McKintay (excused)	Mr. Jennings	2/6
Alderman Starr	Mr. Hemmeon	2/6
Hon. Mr. Bell	Mr. West	2/6

Read over proceedings of yesterday.

The following Resolution is introduced

Resolved, That Mr. Archibald Sinclair having been duly returned by the legal Officers presiding at the Election for Ward No 3 held on Thursday last, he be now sworn in, and admitted to take his seat.

Which on being put is passed, Ten appearing for it, and one against it, and the names being called for they stood as follows:

For the Resolution		Against it
Mr. Wmacks	Alderman Williamson	Mr. Steele
" Caldwell	" Fremant	
" Keith	" Duffies	
" Hoy	Mr. Anderson	
" Clarke	" Allison	