

102-1A

City of Halifax

Council Minutes

October 14, 1844

to

August 18, 1848



— Records —  
— of the —  
— City Council —  
— of the —  
— City of Halifax —

Halifax October 11<sup>th</sup> 1844

At a Special Meeting of the City Council held this day, Present His Worship the Mayor, Honorable Hugh Bell, Aldermen MacKintay, Starr, Roper & Caldwell; Messrs Cleary, Anderson, Spike, Fairbanks, Black, Sinclair, Hunter, Jennings, Shind, Hermon, Reigg and Winters.

The City Council were summoned to receive the return of Election for Ward Number four - to elect an Alderman for said Ward, and the transaction of other business.

Read over the proceedings of October 3<sup>rd</sup> 1844

Read answer of Alexander Keith Esquire late Mayor to the City Council's Address.

Read the following Resignation of Alexander Keith Esquire late Mayor:

Halifax 5<sup>th</sup> October 1844

For,  
The period for which I was elected Mayor having terminated agreeably to the provisions of the Act, I have to inform you for the information of His Worship the Mayor and City Council, my desire to retire from the City Council.

I have the honor to be

James S. Clarke Esq.  
City Clerk

For,  
Your most obedient servant  
(Signed) A. Keith

The return for the Election of City Councillor for Ward Number four held on Friday last agreeably to a Proclamation of His Worship the Mayor having been read and Henry Mignowitz Esquire having been returned for said Ward, and that Gentleman being in attendance and having taken and subscribed the oath of Allegiance and the oath of Office prescribed by Law takes his Seat accordingly.

(The)



— October 14<sup>th</sup> —

The City Council next proceed to the Election of Alderman for Ward Number Four in place of His Worship the Mayor. Mr. Councillor Jennings having been proposed by Mr. Hunter seconded by Mr. Mignowitz. The Pollot is proceeded with when there appeared

For Mr. Jennings, nine (9)

Mr. Hunter, seven (7)

Blank one (1)

Mr. Jennings having a Majority of Votes is Elected Alderman for Ward Number Four and having taken and subscribed the Oath of Allegiance the Oath of Office, as also that of a Justice of the Peace, he takes his seat accordingly.

Alderman Story comes to the Council.

On taking into consideration the appointment of City Assessors the following Resolution is introduced:

Resolved, That the various Assessors returned for the different Wards be summoned forthwith to qualify themselves for the Office to which they have been elected.

which on being put is passed.

The following Resolution is next introduced.

Resolved, That the usual quantity of Fuel be provided for the different Offices and that His Worship the Mayor draw Cheques on the City Treasurer for the amount.

which on being put is passed.

The subject of the Bridewell Establishment is brought to the notice of the City Council by His Worship the Mayor when a letter prepared by His Worship the Mayor addressed to the Governors of the Penitentiary, is submitted and adopted.

The following Resolution is next introduced:

Resolved, That the Staircase leading to the Fish Market left be repaired.

which on being put is passed.

The City Council direct the payment of following Account by order on City Treasurer:

Bruce McDonald £7.10.0

The following Resolution is next introduced:

Resolved, That the night duty of the different Constables be equalized, and that one of the Police Constables be required to remove into Ward Number One, and perform all the necessary duties of a Ward Constable.

which on being put is passed

And then the Council Adjourned.

A. Bell Mayor



October 17<sup>th</sup> 1844. Gregory Dwyer William Pauld, Charles M. Hill, Thomas Mackie, William Crawford, Benjamin Dawson, William Patterson, Frederick W. Clarke, Robert W. Skimmings, James C. Lovett and John Smith, having taken the oath of Allegiance and the Oath of Office prescribed by Law qualify themselves for the Office of Assessors for the City to which they have been Elected.

Halifax October 18<sup>th</sup> 1844

At a Special Meeting of the City Council held this day Present, His Worship the Mayor, Aldermen Story, MacKinlay, Starr, Pryor, Caldwell, and Jennings; Messrs Cleary, Anderson, Spike, Fairbanks, Black, Sinclair, Hunter, Mignowitz, Rhind and Hemmeon.

The City Council were summoned to appoint the various Committees for ensuing year - to elect two City Assessors - and the transaction of other business.

Read over proceedings of 14<sup>th</sup> October.

Read Rule number 17 of Rules and Regulations of the Council.

The City Council next proceed to appoint the various Committees for ensuing year.

Commissioners of the Streets

- William G. Anderson Esq.
- Alderman Story
- Alderman Caldwell
- Alderman Jennings
- Adam Hemmeon Esq.
- John Winters Esq.

Committee of Public Property

- Charles M. Cleary Esq.
- Henry Spike
- Archibald Sinclair
- Henry Mignowitz
- John Rhind
- Alderman Starr

Committee of the Cemetery

- Alderman Pryor
- William B. Fairbanks Esq.
- Benjamin C. Black
- Alderman Jennings
- William G. Anderson Esq.
- Alderman Story
- Adam Hemmeon Esq.
- David Rugg

Committee of the Common

- Alderman Pryor
- William B. Fairbanks Esq.
- Benjamin C. Black
- Charles D. Hunter
- Adam Hemmeon
- John Winters

Committee of Public Accounts

- Charles M. Cleary Esquire
- William B. Fairbanks
- Benjamin C. Black
- Charles D. Hunter
- Alderman MacKinlay
- Alderman Starr

(The)



— October 18<sup>th</sup> —

The City Council next proceed to Elect Fire Wards for ensuing Year when the following Gentlemen are appointed:

— Ward No 1 —

J. J. Sawyer Esquire  
Henry Pryor  
William G. Anderson.

— Ward No 2 —

Joshua Lee Esq.  
Robert Richardson.  
Thomas A. Grapes.

— Ward No 3 —

William Caldwell.  
Archibald Sinclair.  
John McGregor.

— Ward No 4 —

Robert Roman Esq.  
Henry Mignowitz.  
John Epton.

— Ward No 5 —

Daniel Starr Esquire.  
Conrad West.  
Adam Kemmer.

— Ward No 6 —

John Longard Esquire.  
Alexander G. Fraser.  
William N. Silver.

The City Council next proceed to Elect two City Assessors when following Resolution is introduced:

Resolved, That Gregory Dwyer and Benjamin Dawson be the City Assessors for the ensuing Year agreeably to Act of Incorporation which being put is passed.

The following Resolution is next introduced:

Resolved, That a Committee be appointed to search into and investigate the Plans prepared by Mr. Fairbanks for the introduction of Water into the City, the probable cost, with such other matters as may be deemed necessary to carry the object into effect and report thereon to the Council.

which on being put is passed.

That Aldermen MacKintay, Starr and Caldwell, Messrs Winters & Mignowitz be that Committee.

And then the Council adjourned.

St Bell / Mayor.

November 7<sup>th</sup> 1844. Patrick Mahony having taken the Oath of Allegiance and the Oath of Office prescribed by Law qualifies himself for the office of Assessor for the City to which he has been elected.



Halifax. November 4<sup>th</sup> 1844

At a Special Meeting of the City Council held this day Present  
His Worship the Mayor, Aldermen Stoy, MacKinlay, Poyer, Caldwell,  
and Jennings; Messrs Cleary, Anderson, Black, Spike, Fairbanks, Sinclair,  
Hunter, Mignowit, Rhind, Hemmeow, Rugg and Winters.

The City Council were summoned to take into consideration a  
Petition from James Tremain Esq and others relative to Stopping of Drain  
in Ward Number one - the report of Committee relative to introduction of  
Water into the City - Petition from Gregory Poyer appointed a City Appraiser -  
the providing for Priscwell Establishment and the transaction of  
other business.

Read over proceedings of 18<sup>th</sup> October.

Read the following Petition from James Tremain Esq and others:

The Memorial of sundry persons owning property in  
Albert and Victoria Streets in Ward No 1.

Humbly Sheweth

That your Memorialists having purchased part of the  
property of the late Samuel Mitchell in Ward No 1, and expended  
a large amount in the erection of Houses, Wharf &c, with the  
intention of extending their improvements, are reluctantly brought  
before your Honorable Body to seek redress from what they  
consider a public nuisance of a very serious nature.

The Water which takes its rise in Schmidville and  
passes under the public sewers in the principal Streets and  
through the private Properties in its course, receiving also the water  
collected from the natural declivities of the surrounding Country, having  
been stopped in its progress to the sea through the channel it has followed  
since the earliest settlement of the place.

The Drain in Albert Street has been forced up by the late  
rains and the Water now flows over the surface of Albert and Victoria  
Streets destroying them and depriving the owners of the surrounding  
Properties of their access to them.

As the Streets above alluded to are flooded and continue  
impassable long after the rains cease from the quantity of water  
discharged your Memorialists are warranted in calling it a  
public nuisance which requires the interference of your Honorable  
Body to whom they are advised to report it.

As there are Buildings now erecting on Water Street  
which must remain untenanted until this evil is remedied they  
trust that some immediate measures may be adopted to grant the  
relief now sought by the subscribers.

Halifax Oct 23 1844

(Sign) James Tremain

To His Worship the Mayor

James Fitzgerald

and the City Council of Halifax: William Bates



6  
November 16

(Sign) Patrick McCarthy  
William Flinn  
Thomas Holden

(Sign) Thomas Noble  
Joseph Roles  
Hugh Campbell for Am. Commos.

Read following Petition of Edward Haney and Patrick McCarthy and the Recorder's opinion thereon of 13<sup>th</sup> August:

To the Commissioners of Streets.

The Memorial of Edward Haney and Patrick McCarthy Proprietors of part of Property owned by the late Samuel Mitchell Humbly Sheweth:

That your Memorialists in 1843 purchased part of the Property of the late Samuel Mitchell in Ward No. 1. through which the water from a Public Sewer which crosses Pleasant Street and part of the Property of the late Samuel Mitchell and Albert Street, thence through the Properties purchased by your Memorialists and continues its course through the Beach to the Sea.

Your memorialists knowing that the said water course had been used as such and being the only outlet for the Public Sewer continued the Stone Drain at considerable expense through their properties understanding that the Proprietors on the front range of lots had been required to do so by the former Commissioners of the Streets.

Your Memorialists after erecting good dwellings upon their Properties at great expense, with dry and proof Cellars, regret that they are compelled to call upon your Honorable Body to Complain of an obstruction to the said Drain. Your Memorialists find that by a recent Sale of the remainder of the Estate of the late Samuel Mitchell, the lot of Land lying to the Eastward of your Memorialists' Property had become the Property of M. Spike, and that he has obstructed the drainage by causing the Ground to be filled into the Trench by which it has always flowed on to the Sea in consequence of which obstruction the water which from an early period flowed through this Channel to the Sea has been forced into the Cellars of your Memorialists, and will, if your Honorable Body does not afford them immediate relief by asserting the City rights to the free discharge of water as it was previous to the purchase of the Land by the present Proprietors, be ruinous to your Memorialists by rendering their Cellars useless and their Houses unhealthy.

Your Memorialists having always paid the Taxes and other demands made by the City Authorities upon them, look up with confidence for that protection to them and their properties that they can alone receive from your Honorable Body, as the rights of the City are invested in you.

Your Memorialists are aware that in many parts of the City

(public)



public Drains run through private property which the Proprietors dare not  
obstruct, and they trust that your Honorable Body will take their case  
into your Consideration, and grant them the relief they seek, and as  
in duty bound they will ever pray."

Witness to Signatures

William H. Stearns "

(Sigs) Edward <sup>his</sup> Haney <sub>mark</sub>

" Patrick <sup>his</sup> McCarthy <sub>mark</sub>

"The Matters referred to in the preceding Memorial  
(which the City Council have this day submitted to me) appear to be of a  
private nature involving individual rights with which I conceive  
the Corporation ought not to interfere.

13<sup>th</sup> August 1844

To His Worship the Mayor  
of the City of Halifax }

(Sigs) W. L. Sowers

Recorder

Read Petition of Edward Haney and Patrick McCarthy of  
16<sup>th</sup> August:

The Petition of Edward Haney and Patrick McCarthy Proprietors  
of Property in Ward No. 1.

Your Petitioners respectfully beg to refer your  
Honorable Body to their Memorial laid before the Commissioners of the Streets  
showing the situation their properties are in, in consequence of the water  
from the Public Sewer in Ward No. 1 being obstructed by Mr. Spite.

Your Petitioners having been informed by those who reside around  
them that the water has always flowed through the Channel now obstructed  
and knowing that the authorities of the Town have from time to time  
expended the public monies upon the Drains crossing this ancient  
water Course, respected the rights the City had thus acquired and at  
their own Cost provided a sufficient Drain to carry the water past their  
properties in the same channel they found it in when they purchased the  
land.

Your Petitioners are now informed that the City authorities  
are unwilling to interfere to prevent the stoppage of water, and relinquish  
the City rights, they therefore pray that your Honorable Body will permit  
them also to obstruct the Drain, as in its present state they can  
force nothing but ruin to the properties on which they have expended  
the proceeds of all their earnings for many years.

If your Honorable Body are unwilling to insist upon the free  
passage of the water to the sea as formerly, and also are unwilling to  
grant the permission now asked for by your Petitioners. They pray  
your Honorable Body will cause the water from the public sewer, which  
flows even from the centre of Schmidtville through this Drain, and which  
after heavy rain swells to a torrent, - to be conveyed to the sea by such  
other route as your Honorable Body may deem advisable, either at the

(expense)



— November 17<sup>th</sup> —

expense of the City or of the person who has obstructed its natural course as we are informed has been done by a decision of the Courts in a former instance.

And your petitioners as in duty bound will ever pray.

Wm. H. Keenan (Signed) Edward <sup>his</sup> + Haney <sub>mark</sub>

To the City Council of Halifax: Patrick <sup>his</sup> + McCarty <sub>mark</sub>

When the following Resolution is introduced:

Whereas it appears to the Council that the Stoppage of the Drain leading through Albert Street is not only illegal but at the same time interfering with the Public rights,

Resolved, That the Commissioners of Streets forthwith prosecute the parties causing said obstruction if the same be not immediately removed:

To which the following amendment is introduced:

Resolved, That the Petition now introduced be withdrawn: which amendment on being put is lost.

The original Resolution is then put and carried, and the names being called for they stood thus:

— For the Resolution —

Mr. Muters  
" Megawick  
" Anderson  
" Hunter  
Alderman Jennings  
Mr. Rugg  
" Phillips  
" Sinclair  
Alderman Caldwell  
" Rye

— Against the Resolution —

Mr. Keenan  
" Rhind  
Alderman Gray  
Mr. Gray

The following Bye Law or Ordinance relative to removal of Dead is read a first time. [See folio 27]

Read the following Petition from Gregory Dwyer appointed one of the City Assessors:

" Halifax N. S. 24<sup>th</sup> October 1844.

To the Worshipful Mayor and Council

Having been elected Assessor for ward No 1 at the Election of 1<sup>st</sup> October I am since informed that it is the intention of the City Council to call me to the Office of general Assessor for the City, I beg to Petition the Worshipful Mayor and Council that I may not have any more duty

(impoverished)



imposed upon me further than Ward Assessor No 1, on the following Grounds  
 viz: That I am the yearly hired Clerk and Servant of Wm. Peppor and  
 sons and not in command of my own time, that the enforcement  
 of a general Assessor which will require the time of six weeks, will be  
 the cause of my losing my Situation which is my total living.  
 Praying the Consideration of yourshipful Court - beg to be heard  
 (Signed) Gregory Dwyer.

When the following resolution is introduced:-

Resolved That Mr. Dwyer having qualified himself it is not in the  
 power of the Council to relieve him from the duties of City Assessor as  
 prayed for by the Petition.

which on being put is passed.

The following Accounts are ordered to be paid by cheques  
 on the City Treasurer:

John W. Bayne	4.13.6	J. W. Croftkill	12.6
Jacob Lurie	30.0.0	Wm. Adams	12.6
Joseph Clarke	12.6	Edw. Mitchell	12.6
Alex. Knight	12.6	John Storey	12.6
John Duffus J.	12.6		

The Council adjourned until tomorrow at two o'clock.

H. Bell Mayor



Halifax November 5<sup>th</sup> 1844.

At an Adjourned Meeting of the City Council held this day Present His Worship the Mayor Aldermen May MacNialay Caldwell & Jennings Messrs Henry Spike Fairbanks Black Sinclair, Hunt, Mignewitz, Rhind, Kemmeas and Waters.

Read over proceedings of yesterday.

Read Byo Law and Ordinance relative to removal of Dead a second time.

Read the following Report of the Committee of Public Accounts:

— Fire Department —		Pumps and Wells	
Robert Richardson	No	1	30 16
Thomas Holloway		2	30 11
Robert Motton		3	11 2
Wm. Caldwell ofon		4	13 12 1/2 115 9 10
— Engine Department —			
Robert Richardson 2 apts	No	1	26 15 1
Sinclair & McLean		2	66 16 3
Stephen Hedley		3	35 12
Benjamin Smithers		4	15 16 3
James Williamson 2 apts		5	8 13 6
Henry Spike		6	6 11 3
John Longars		7	11 5
Thomas Boggs		8	7 4 4
Caldwell ofon		9	15 3 9
Boyer & Murphy		10	1 7 6
Wm. Merrick ofon		11	1 13 6
Thomas Summing		12	2 12 6
D. Stevens ofon		13	3 6 7
John Smithers		14	2 265 10 6

The Committee on Public Accounts beg leave to Report That they have examined the Accounts submitted to him as above stated and find them properly vouched by the Chairman of the Fire Department.

The Committee further Report That upon a review of the prices charged for Materials in some of the Accounts they appear to them to be above the usual and customary prices by retail in the City, and suggest to the Council that the fact be brought to the notice of the Fire Department in order to its correction in future

Halifax 5<sup>th</sup> November 1844 (sgd) W. B. Fairbanks Chairman.

When the following Resolution is introduced:

"Resolved That the foregoing Report be received and adopted, and (What)



11  
That a Copy thereof be transmitted to the Chairman of Fire Wardens with a request to bring the same to the Notice of Fire Department.

Which on being put is passed.

The Council adjourned until tomorrow at twelve O'clock.

A. Bell / Mayor

Halifax, November 9<sup>th</sup> 1844

At an Adjourned Meeting of the City Council held this day Present His Worship the Mayor, Aldermen Story, MacKinty, Fryer, Caldwell, Messrs Cleary, Fairbanks, Black, Hunter, Mignewitz, Rhine, Hemmer, and Winter.

Read proceedings of yesterday.

Read Bye Law or Ordinance relative to removal of Dead a third time, which on motion is ordered to be engrossed and transmitted to the Secretary of the Province with a request that he transmit the same to His Excellency the Lieutenant Governor and Council for their approval.

His Worship the Mayor brings to the Notice of the Council the subject of Pridewell Establishment, when the following Resolution is introduced:

Resolved, That the City Treasurer be authorised to borrow the sum of one Hundred and fifty pounds to pay the demands now due by the Pridewell Establishment, and also to provide for the keeping of said Establishment until application is made to the Legislature for removal of the inmates, that application be also made to the Grand Jury to reimburse the City for the amount so borrowed, and that the same be obtained to be repaid in twelve months.

Which on being put is passed.

The following Accounts are ordered to be paid by checks on City Treasurer:

— Fire Department —

Bumps and Wells		Engines	
Robert Richardson	30.1.6	Henry Spike	6.14.3
Thos. Holloway	30.14.0	John Longard	11.5.0
Robt. Motton	41.2.0	Thos. Boyge jr.	7.14.4
Wm Caldwell & son	13.12.11	Caldwell & son	15.3.9
	£115.9.10	Boyer & Murphy	1.7.6
			£42.11.10



— November 9<sup>th</sup> —

Robert Richardson	42. 4. 10
Sinclair & McLean	56. 15. 1
Stephen Studley	66. 16. 3
Benj <sup>r</sup> . Smithers	35. 12. 0
James McWilliamson	15. 16. 3
W <sup>m</sup> . Merrick J <sup>r</sup> .	8. 13. 6
Thos. Humming	1. 13. 6
C. Stevens J <sup>r</sup> .	2. 12. 6
John Smithers	3. 6. 7
	2. 0. 0
	<u>£ 265. 10. 6</u>

Gas Company £ 2. 12. 2 Gas Company 7. 2

The following Resolution is next introduced:

Resolved That in future all Work or Materials necessary for any of the departments of the City exceeding the amount of Five Pounds shall be done by Contract and that a Copy of this Resolution be transmitted to the Chairman of the different Committees or Departments of the City.

which on being put is passed.

The following Resolution is next introduced:

Whereas it has been brought to the notice of the Council that the City Treasurer has proceeded to recover the amount of Assessment due by the Halifax Fire Insurance Company but that the same has been opposed on the grounds that the property is claimed by the Halifax Banking Company for rent, and whereas this Council are determined to enforce said Assessment,

Resolved That the City Treasurer do proceed with his Warrant of Distress and that His Honor the Recorder be requested to employ James J. Gray Esquire as Counsel in assisting him to meet or carry out any proceedings that may be necessary to meet so unreasonable an objection.

which being put is passed unanimously.

The following Persons are elected Fire Constables for the City for ensuing Year

— Ward No 1. —

Thomas Bruce  
John Romous  
James Mitchell  
William Adams  
Peter S. Archibald  
William Stairs Jr.

— Ward No 2 —

James Thompson  
Joseph Wier  
Hugh Lyle  
James Fenerty  
George Mitchell  
Edward Albro

(Ward)



— Ward No 3 —  
 John Henneppy  
 John B. Luskman  
 Peter Morisey  
 John Gibson  
 Adam Rice  
 George McKenzie

— Ward No 4 —  
 John Richardson  
 James Scott jun.  
 John Parker  
 James Isles  
 Eddy Supper  
 John Schaffer

— Ward No 5 —  
 George Crichton  
 Jeremiah Northrup  
 James Merkel  
 William McKay  
 James S. Langford  
 Joseph Milward

— Ward No 6 —  
 Henry Wilson  
 John Klein  
 Alex: McDonald  
 Joshua Brush  
 John Longard junior  
 David Faulkner

And then the Council adjourned.

A. Bell / Mayor

Halifax November 14<sup>th</sup> 1844.

John Adams, William Adams, Peter S. Archibald, James  
 Thompson, Joseph Wier, James Fenerty, George Mitchell, Edward  
 Miles, John Henneppy, Peter Morisey, John Richardson, John  
 Parker, James Isles, Eddy Supper, George A. S. Crichton, James  
 Merkel, John Klein, Alexander McDonald, Joshua Brush,  
 John Longard jun and David Faulkner, having taken the  
 Oath prescribed by Law on this day are sworn into Office as  
 Fire Constables for ensuing Year.

Nov<sup>r</sup> 15<sup>th</sup>. James Scott junior having taken the Oath prescribed  
 by Law is this day sworn into Office as Fire Constable for ensuing  
 year, — in presence of His Worship the Mayor.



Halifax December 5<sup>th</sup> 1844

At a Special Meeting of the Council held this day, Present, His Worship the Mayor, Alderman Hoy, MacKinnlay, Inger, Caldwell and Jennings. Messrs Cleary, Scamson, Fairbanks, Black, Sinclair, Mignowitz, Rhind, Humeon, Rugg and Waters.

The City Council were summoned to reconsider the subject of Stoppage of Drain in Victoria Street and Albert Street the report of Committee relative to introduction of Water into the City, and the transaction of other Business.

Read the following Report of Commissioners of Streets relative to repairs of Roads around the Common:

The Commissioners of Streets beg leave to recommend to the City Council the propriety of stopping the City for a sum of money sufficient to repair the Roads around the Common, viz: from Long's House along the North side of the Common to the Blacksmith's Shop, and from Kings Corner to St. Andrews Cross and from thence to the Road in rear of Citadel Hill; which sum to form one of the items in the general estimate for 1845.

Halifax 5<sup>th</sup> Nov. 1844. (Sign) William Hoy Junr  
Chairman

When the following Resolution is introduced:

Resolved, That the Report just read be not received which on being put is passed.

Read following Resolution of Commissioners of Streets relative to nuisance in Victoria and Albert Streets:

Halifax November 25 1844.

Read the opinion of the Recorder relative to nuisance in Victoria Street and Albert Street, when the following Resolution was introduced:

Whereas by a Resolution of the City Council it was decided that the Drain in Ward No 1 through what was lately Mitchell's fields was so injuring the Streets or lanes called Victoria and Albert Streets as to be a nuisance, yet as there was difference of opinion among the Commissioners of the Streets on the subject and they therefore thought it necessary to have a written opinion on the subject, and whereas the written opinion of the Recorder is unfavorable to proceeding in a lawsuit, and that the prospect of success is doubtful, therefore Resolved, That the Commissioners consider it injudicious to prosecute said lawsuit, and advise that the Resolution above alluded to be rescinded.

Which Resolution being put passed.

Read following opinion of His Honor the Recorder on the same subject.

(Recorder)



15  
"Recorder's Office, 19<sup>th</sup> Nov. 1844.

Sir,

To the Resolution of the Commissioners of Streets handed me for my opinion respecting the Resolution of the City Council of 9<sup>th</sup> instant relative to the nuisance said to exist in that part of the City called Mitchell's fields and whether upon the facts connected with it, so far as I have been able to ascertain them a lawsuit can be entered into with reasonable prospect of success, I have to state that I find that when Mitchell's fields was divided into, and sold as Town lots, a part thereof was necessarily set off as Streets and opened up for the use of the public as such. That since the lots have been built upon and fenced in the lanes designated as Victoria and Albert Streets have not only by the appropriation of the owners of Mitchell's field, but by user and as the only means of traversing that part of the City and obtaining access to the different dwellings therein become public highways and although I do not find any record of assignment to the public of these Streets yet under all the circumstances they are now as much in the charge of the Commissioners of the Streets as any other Street of the City, and the protection of them to the public by the City Council equally incumbent. Any encroachment or nuisance upon them is therefore indictable. The low situation of the field before it was built upon made a part of it the natural course of descent of water from the adjacent higher land, and a Sewer crossing the Street which leads to Fresh-water Bridge empties its contents into one of the lots so set off as before stated upon which a House is now built, and the owner, as I understand, by order or under the direction of the late Commissioners of the Streets made a Drain through his Cellar which discharged on to the declining lots towards the Shore of the Harbour. Subsequently other lots immediately below and on the course of the water were built upon and Drains similarly made until it came to a very lot lately the bed of a Pond, which is now occupied by Mr. James Spike. He to secure it from being a bed of water and to save it from the incursions of high tides, has placed several feet of earth upon it which while it effectually stops the water from the Drain, and throws it back upon his neighbour, has not raised his lot higher than is necessary to secure him against the tides. His neighbour above, Mr. McCarthy, to preserve his property also fills up his lot and closes the Drain at his upper Boundary, and so on until it comes to Albert Street, where the water bursts up from the Drain across it, overflows a part of Albert Street a great part of Victoria Street finds its way into several adjoining cellars and certainly is a nuisance in  
(That)



that neighbourhood. The Drain to be sufficient for the flow of Water therein must not be small, and would, as I am informed have to be raised considerably above some of the cellar floors. The Commissioners had no right at first to pass the public drains through private property and although they have got them made through some of the very dwellings of the Citizens, how are they to enter for the purposes of repair when necessary and may such Drains not even endanger the health of the inhabitants and breed disease? Although as I said before Indictments might be maintained against the parties thus forcing the water of a public sewer on to the public street so as to render it almost impassable as is the case in the present instance, yet it would necessarily very seriously injure the parties and very much lessen the value of the property in that quarter. I have visited the place and find the people very reasonable and anxious to have the cause of the nuisance removed, most of them <sup>tho'</sup> subscribe to pay a portion of the expense of making the sewer like others throughout the City in the streets either towards Fresh Water Bridge or in Albert and Victoria streets. Now if the City Council adhere to their resolution, as a matter of course, will prefer and prosecute the Indictments against all concerned in obstructing the free use of the streets in question. Yet I beg leave to suggest whether the amicable mode and offer proposed by the people interested, should not be adopted. Particularly when under all the circumstances there can be no certainty of the Court and Jury supporting the prosecution, with due deference I confess I woud not upon the principle that although the City Officers are bound to protect the public rights, they must exercise their functions so as not to prejudice those of individuals.

Yours &c

To His Worship the Mayor

(Signed) W D Sewers

Recorder.

When the following Resolution is introduced:

Resolved, That the resolution of City Council of 7th November relative to prosecuting for the nuisance caused in Victoria and Albert streets be rescinded.

which on being put is passed. And the names being called for they stood thus:

For the Resolution. Aldermen Jennings, MacKintay and Stoy, Messrs Hemmen, Winter, Abine, Mignowety, Begg and Cleary.

Against the Resolution. Aldermen Pryor and Caldwell, Messrs Black, Sinclair, Fairbanks and Anderson.



11

Read Communication from Chairman of Firewards on subject of erection of a Spar and for a Fire Bell, which stands over for next meeting.

His Worship the Mayor brings to the notice of the Council the subject of the Bridewell and Gaol Establishments, and informs them that a Committee of the Magistrates had been appointed to confer with the Commissioners of the Poor and City Council on the matter, when the following Resolution is introduced:

Resolved, That a Committee of three be appointed to confer with the Committee of Sessions, Grand Jury and Commissioners of the Poor, on subject of the Bridewell and Gaol Establishments, that Aldermen Stoy, Caldwell, and Mr Fairbanks be that Committee.

which on being put is passed.

Read the following Petition from Gregory Dwyer, appointed one of the City Assessors:-

"The Petition of Gregory Dwyer humbly sheweth

That having been elected on 1<sup>st</sup> Oct. last as Assessor for Wards 1 without notice or being present - Your Petitioner was under belief that he was Ward Assessor of Wards 1 only - with same belief he attended notice from the Mayor's Office and was sworn - That a few days after he was informed he was nominated City Assessor, Your Petitioner prays the Worshipful Court not to compel him to be City Assessor - upon the reason of his being a yearly hired servant, and that he would lose his living and employment.

Your Petitioner again prays the Worshipful Court to reconsider the severity of his case and release him as general City Assessor that he may hold his employment.

And your petitioner will ever pray

Halifax 14<sup>th</sup> Dec: 1844.

(Signed) Gregory Dwyer."

When the following Resolution is introduced:

Resolved, That the opinion of His Honor the Recorder be obtained as to whether it is in the power of this Council legally to excuse Petitioner, Gregory Dwyer, from serving as City Assessor, he having qualified himself and been Elected to that Office

which on being put is passed.

Read Petition from James Cameron relative to his assessment which on motion stands over for future consideration.

Read Petition from William J. Metzler relative to Assessment made on him:

Halifax 14<sup>th</sup> November 1844

Sir, I have been informed by the City Treasurer since my arrival in Town that I am Assessed £1.11.2 for Poor, City and County rates on House No 37, Snyde Street. As I reside altogether in the Country

(and)



— December 3<sup>th</sup> —

and this is the first demand upon me for it, I have not had an opportunity of appealing at the proper time. The House has been let by me to a yearly tenant, for some years who has always paid the Taxes thereon, and I respectfully request you will be so kind as to bring my case before the City Council to whom I appeal for relief from the said Tax. The House in question is occupied by the Misses Carrol who was assessed 14/9, and are quite willing to pay the same amount as last year, but plead their inability to pay so large an amount as has been assessed on it. She has two undertenants, Mr. Arch<sup>r</sup> Gorham and Miss Mills. I beg to enclose the notice to Miss Carrol for last year.

To His Worship  
The Hon<sup>ble</sup> Hugh Bell  
Mayor

I am, Sir, very respectfully,  
(yours) William J. Metzler.

When the following Resolution is introduced:

Resolved, That Mr. W. J. Metzler be relieved from his assessment, and that the amount be transferred to the tenants, the Misses Carrol.

Read following Letter from Mr. Edward Duckett on subject of Erection of a Building near Steam Boat Wharf:

Halifax 12<sup>th</sup> November 1844

Sir, I beg respectfully to call your attention to a Building now about being erected by Mr. McLellan on the property owned by Peoples Estate a deed of which is in my possession and states the front to admeasure 34 feet northwily from the Public Dock, and as an admeasurement there appears to be only 24 feet 9 inches I would feel obliged if you will call the attention of the City authorities to the subject, and cause a Survey to be made so as to ascertain whether the public has encroached on Peoples Estate, or Peoples Estate on the Public. Your early attention to this matter will oblige

Your Obedient Servant

(yours) E. Duckett

Agent for Peoples Estate.

His Worship  
The Mayor.

When the following Resolution is introduced:

Resolved, That the Commissioners of City Property do take immediate and prompt measures to cause the removal of the Building erected by Donald McLennan on that part of the City Property near Steam Boat Wharf.

Which on being put is passed.

Read the following Communication from Chairman of Fire Ward on subject of enclosing the Pump:

(Halifax)



Halifax 5<sup>th</sup> Dec<sup>r</sup> 1844.

Sir, For the information of His Worship the Mayor and City Council I beg leave to inform you that no application or even a Tender has been received by me applicable to the Advertisement relative to Pumps.

The season has far advanced and no time should be lost in protecting them from the frost. The Council I hope will take this duty under their favorable consideration and point out what Plan the Firewards are to adopt under the present circumstances.

I have the honor to remain,

Your obtl<sup>t</sup> Servant

J. S. Clark Esq  
Halifax.

(S<sup>r</sup>) J<sup>r</sup> Sec<sup>r</sup>

When the following Resolution is introduced:

Resolved, That the Fire Wardens be authorized to have the Pumps enclosed as soon as possible on the best terms they can.

The following Account is ordered to be paid by order on the City Treasurer:

William Holmes L<sup>o</sup>. 0. 0

And thus the Council adjourned.

H. Bull / Mayor



Halifax December 23<sup>d</sup> 1844.

At a Quarterly Meeting of the City Council held this day  
Present His Worship the Mayor, Aldermen, Staw, Poyer, Caldwell,  
Messrs Cleary, Anderson, Spike, Fairbanks, Black, Sinclair,  
Mignowit, Akind, Kemmison and Minutes.

Read over proceedings of 5<sup>th</sup> December 1844.

Read statement and accounts from Commissioners of Poor of  
expenditure for past year and amount required for ensuing  
year, which on motion is referred to Committee of Public Accounts.

The following Report of the Committee on Public Accounts  
is read:—

"The Committee on Public Accounts, beg leave to Report  
That they have had submitted to them by the City Clerk  
various Accounts of the Expenditure of the City funds for the past  
year, and having found the same certified as correct by the  
Chairman of the several Committees and others under whose  
direction the same have been incurred, have approved of the same  
and sanction their payment.

The Committee in the investigation of the accounts against  
the various departments, observed with regret, as they have  
already reported to the City Council, charges at extravagant  
prices in some few of the accounts for Materials furnished for  
the use of the City; and deeming it necessary that the most  
rigid economy be exercised in the expenditure of the finances of  
the City, recommend that no accounts in future be paid, in which  
extravagant prices appear to exist without their being first  
certified by three respectable dealers in the articles that they are  
the fair current rates of the City.

Although during the year expenditures to a very heavy  
amount have been made in the improvement of the City, and for  
the protection and convenience of the Citizens, particularly in  
putting in an efficient state the Fire Department, the formation  
of Tanks, the opening of new and repairs of the Streets generally,  
as also those of the Public Buildings and Ships, together with  
others scarcely observable but highly essential; yet the Committee  
congratulate their fellow Citizens on the advantages to them which  
are gradually developing themselves in the application of the Act  
of Incorporation. In the expenditure of their funds every item  
undergoes a searching investigation by their Representatives,  
an improved system of keeping the accounts of the City—plain  
and easy to be understood—is being gradually introduced;  
the appointment of City Officers and faithful discharge of  
their duties carefully regarded; and ere long it is confidently  
(6)



to be hoped, that all classes will be fully satisfied that the affairs of the City are conducted with economy and advantage by those selected by themselves for that purpose.

(Signed) William B. Sauback, Chairman  
 B. C. Black  
 Cha. McLeary  
 Jas. Edw. Starr  
 C. C. Hunter.

Statement showing the amount of Balances unpaid for 1844, Amount of Accounts presented for payment, and Estimate for 1845.

Balances unpaid for 1844.

Salaries of Public Officers & due December 31 <sup>st</sup> 1844.	388	15		
Constables no month	40	6	8	
Overseer of Streets	30			
Health Inspector and Keeper of Markets	5	5		
Under Keeper of Fish Market	6	5		
Keeper of Powder Magazine	10			
Premium of Insurance on County Jail House	20		50	1 8
Amount due Commissioners of Poor			600	
<u>Deduct</u>				<u>£ 1101 1 8</u>
Amount in hands of City Treasurer	377	15	1	
Probable amount to be collected from Assessment of 1844.	723	6	7	<u>1101 1 8</u>

Accounts presented for payment

William Merrick & Son	6	6		
Robert Motton	1	18	6	
J. S. Thompson		7	6	
William Cinnahell	1			
ditto	7	15		
George Smithers	2	5	9	
Dechyeau & Son	1	12	3	
Black and Brothers	2	10		
W. A. Black Esq. 14 years Interest on £809. 12-0 from 1 <sup>st</sup> May 1844. to 1 <sup>st</sup> May 1845	53	7	6	
English and Blackadar	8			
Gossip and Coade	20	17	3	
James Ives	15	8	7	
C. M. Kenzie & Co	21	10	1	
(Carried forward)				<u>142 12 11</u>



— December 23<sup>d</sup> —

Amount Brought Forward		142	12	11
— Estimate for 1845 —				
Amount required for Support of Poor		1200		
— Pensions —				
John Liddell Esq:	250			
D. S. Clarke	300	550		
— Salaries —				
Mayor	300			
Recorder	200			
City Clerk	300			
City Marshall	80			
Assistant Clerk	125			
3 Police Constables	£180	240		
5 Ward ditto	£50	250		
Keeper of Markets and Health Inspector	20			
Under Keeper of Fish Market	25			
Keeper of Powder Magazine	20			
Overseer of Streets	120			
City Assessors	15			
Copying Assessment	7 10	1702	10	
— Fire Department —				
Pumps and Wells	200			
Fire Engine Department	125			
Erection of Fire Bell	20	345		
Repairs of Public Property	650			
Contingencies	400			
Treasurer's Commission	201	12	1	1251
				12
				1
— Deduct —		£ 5191 15		
Probable amount of Fines, Fees &c in Police Office and Mayor's Court	450			
Rents of City Property	741	15		
				1191
				15
		£ 4000		
Signed / William B. Fairbanks Chairman Com. Pub. Accts				

When the following Resolution is introduced:

Resolved, That the Report of the Committee on Public Accounts just read be received, adopted and published.

Which on being put is passed.

The following Resolution is next introduced:

Resolved, That the Sum of Four thousand pounds shall be assessed or levied on, or be collected or raised from the City

(for)