

Halifax July 28th 1847

At an adjourned Meeting of the City Council held this day Present, His Worship the Mayor, Aldermen Stairs, Fairbanks, Hunter, Hammond, & Suggs. Messrs Richard and Bolton, King, Clarke, & Hon Mr Bell

Read over proceedings of yesterday - The following appeals referred to the City Council are this day decided upon as follows:-

Name of Appellants	Page	Amount Assessed	Amount reduced	Amount to be paid
Shannon J N from Wm Saltus	69	2 7 8		2 7 8
Snooks Robert	76	11 9		11 9
Phelp John	83	2 11 .	7 4	1 16 8
Preston George	26	2 11 4	7 4	2 4 .
Kennedy Hugh	86	1 2 .	3 8	18 4
Sutherland Donald	79	2 4 .		2 4 .
		1 13 .	7 4	1 5 8
Lounds Matthew	42	18 4	7 4	11 .
	57	1 13 .	3 8	1 9 6
Poland Mrs Bridget	56	5 10	5 10	
Paillie Mrs	78	14 8	7 4	7 4
McCarthy Mrs Mary	80	13 3	7 4	5 11
Egaw Mrs	77	3 13 4	1 9 4	2 4 .
Flinn Mrs	79	1 9 4	11 .	18 4
Barrett Miss	23	18 4	7 4	11 .
Fridlay Mrs	63	8 10	8 10	
Deputyas Manuel	57	14 8		14 8
Thomas Monaghan	57	1 2 .	7 4	18 4
Tipton Mrs	53	3 13 4	18 4	2 15 .
Woodhouse Mrs F.	21	7 4	7 4	
Boyer Miss	47	2 . 4	1 . 2	1 . 2
Murphy Andrew	10	1 5 8	3 8	1 2 .
Kott Ellen	91	8 10	8 10	
Major Mrs	18	11 .	3 8	7 4
Copswell Hon R H	23	2 4 .		2 4 .
	27	18 4		18 4
	40	4 . 8		4 . 8
	75	4 8 .	1 9 4	2 18 8
	78	2 4 .		2 4 .
	88	1 3 10		1 3 10
	98	13 3		13 3
Woodworth James E.	71	1 5 8	7 4	18 4
Dowling Margaret	21	1 15 2	14 8	1 . 6
Wilton Joseph	59	19 1	4 5	14 8
Kerr Mrs Robert	87	2 7 8	1 3 10	1 3 10

Hetta John
 Brennan Patrick
 Callahan Thomas
 Donnell James
 Doyle Margaret
 McLeay Mrs
 Simpson Mrs
 Moon Mrs Barbara
 Atz Mrs Elizabeth
 Kay Joseph
 Rugg David

94 . 11 . . 11 .
 96 1 2 . . 11 . . 11 .
 80 . 184 . 38 . 148
 61 1 168 . 74 194
 16 1 2 . . 11 . . 11 .
 67 1 710 . 74 1 - 6
 59 1 2 . . 2 . 1 . .
 58 - 74 . 74
 90 1 2 . . 74 . 148
 91 7 68 1 168 5 16 .
 65 . 56 . 56
 90 2 4 . . 2 4 .
 90 . 38 . . 38

Carlisle Miss
 Marchingtons Estate
 Thompson James
 Coleman William
 Post George
 Mooney Andrew

91 . 119 . 119
 18 . 148 . 74 . 74
 112 . 148 . . 148
 50 1 94 . 74 1 2 .
 90 . 11 . . 11 .
 42 . 184 . 38 . 148
 41 - 103 . . 103
 72 1 65 . . 1 65
 76 . 118 . 74 . 74
 13 . 38 . . 38
 17 11 . . 3 13 1 7 6 8
 25 . 74 . . 74
 67 2 15 . . 2 15 .
 . 3 13 4 . . 3 13 4
 70 . 56 . . 56

Kennedy John
 Book Robert
 Craig Mrs
 Knowlton Mrs Susanna
 Washington John
 Forrester May
 O'Brien Francis
 Higgins Micht
 Thompson Mrs Hannah
 Brennan Patrick
 Lefrow Mrs
 Kops Mrs
 Wall John

75 . 17 7/2 . . 17 7/2
 72 . 184 . 38 . 148
 2 1 71 . . 11 . 16 1/2
 71 2 4 . . 74 1 16 8
 11 . 148 . 51 . 97
 45 1 168 . . 11 . 1 5 8
 36 . 148 . 74 . 74
 79 . 184 . 74 . 11 .
 36 1 168 . . 11 . 1 5 8
 96 1 2 . . 74 . 11 8
 77 . 148 . 148
 18 1 65 . 74 . 19 1
 26 2 11 4 . . 2 11 4
 32 7 68 1 168 5 10 .
 29 1 3 6 . 74 . 16 2

Duggan James

Scott Mrs Shigail
Crow Abraham
Kobler Robert

91 . 148 . 38 . 11 .
92 . 810 . 38 . 52
11 . 38 . . 38
19 5 17 4 . . 5 17 4
31 18 6 8 3 13 4 14 13 4

Smith Mrs Thomas
Fox Mrs
Cunningham Mrs
Bauer J. & J.

39 . 184 . 184
74 . 45 . 45
48 . 11 . . 38 . 74
8 4 15 11 . . 4 15 4
28 6 12 . 1 2 . 5 10 .
76 . 148 . . 148

Simpson Mrs
Doan Mrs E.

75 . 148 . 74 . 74
36 1 14 6 . 38 1 10 10
71 . 184 . 74 . 11 .

Rudolf M. H.

30 5 10 . 1 2 . 48 .
31 1 9 4 . . 1 9 4
76 1 9 4 . 74 1 2 .
84 1 2 . . 1 2

Winton Mrs May
Khind Estate

73 . 15 . . 15 .
63 2 18 8 . 14 8 2 4 .

Kitchinough Mrs
Monro Francis

4 . 11 . . 53 . 59
73 . 148 . 53 . 95

Condon Mrs Ann

31 2 4 . . 11 . 1 13 .

Robinson George

21 1 16 8 . 74 1 9 4

Stoy John

93 . 184 . 74 . 11 .

Marshall Mrs

93 . 184 . 74 . 11 .

Selton Philip

7 7 6 8 1 16 8 5 10 .
29 2 3 3 . . 2 3 3

Tuder John

13 . 38 . . 38
13 6 12 . 1 2 . 5 10 .

Lawrence Thomas

81 1 . 6 . . 1 . 6
82 . 148 . 74 . 74

Stewart & McLeay

83 2 4 . . 2 4 .
30 2 7 8 . . 2 7 8
. 2 11 4 1 9 4 1 2 .

John Courcy

31 2 4 . 1 2 . 1 2 .
9 . 38 . . 38
9 . 184 . . 184

Muir Andrew

16 1 2 . . 11 . 11 .
8 . 133 . 74 . 5 11

Lawson Henry

17 3 13 4 . . 3 13 4
25 2 15 . . 14 8 1 . 11

McDonnell John

5 1 2 . . 74 . 14 8

Tucker Timothy	58	1 16 8	7 4	1 9 4
	75	11	5 6	1 5 6
	76	1 5 8		1 5 8
Henry James	90	1 9 4	7 4	1 2
Maguire John	58	12 6		12 6
	2	11	3 8	1 16 8
Thomas Francis	45	6 1	1 13	4 8
Sullivan James	85	1 5 8	7 4	18 4
Provost Abraham	45	5 13 8	1 9 4	4 4 4
Popson James	45	9 2	3 8	5 6
	45	1 9 4		1 9 4
	59	7 6 8		7 6 8
Fleming Patrick	42	1 16 8	7 4	1 9 4
Wisdom Wm Hester	68	14 8	7 4	7 4
Neville Wm	55	19 1		19 1
	58	3 6	14 8	2 11 4
Frederick Joseph	90	13 3	3 8	9 7
Henderson Elizabeth	12	7 4	7 4	
Ross Nicholas	32	4 8		4 8
	64	1 9 4		1 9 4
	63	18 4		18 4
	79	18 4	18 4	
	90	14 8	7 4	7 4
Kiles Nathaniel	82	6 7	6 7	
Heckman David	46	1 2	7 4	14 8
Clarke Joseph	47	14 8		14 8
Bartlett Henry	70	1 5 8	7 4	18 4
Costin Patrick	34	2 18 8	1 2	1 16 8
School House	19	1 16 8	1 16 8	
McLellan Thomas	70	3 2 6	14 8	1 7 10
Clarke Wm	38	1 2	11	11
	77	18 4	3 8	14 8
Glazebrook George	22	1 2	11	11
Roach W. K.	82	11		11
Whelaw David	59	18 4	7 4	11
Brehm B. G.	28	2 15		2 15
	73	2 4	11	1 9 4
Bain Mrs	19	3 13 4	1 9 4	2 4

The following Resolution is next introduced:

Resolved That the following accounts be paid by checks on the City Treasurer, on the same being duly approved of by the Committee of Public Accounts at present in the City

Union Marine and Compy £25 0 0

Bridewell apts £20 11 7

John Spry Morris 25 0 0

ditto 14 10 3

Jacob Currie 3 11 1

William Burgess 50 17 1

The Council then adjourned.

Halifax August 12th 1847. The following Appeals were this day heard and decided upon as follows: Present Alderman Hemmick, Messrs Clarke & Brewer.

Names of Appellant	Page	Amount Assessed	Amount transferred	Amount to be paid
Lippert Rich ^d from Timothy Doughty who is to pay	67	8 10	8 10	
Pinker John from Edw Power	62	19 4	19 4	
ditto W. Ryan	62	1 6	1 6	
McLennan Donald from Joseph Bennett	29	12 6	12 6	
Odell Mr from Mrs Pullis	63	10 3		10 3
Moyné Edward	16	14 8		14 8
Ward Gordon from Jas Hogan	61	2 11 4		2 11 4
Ketcher Rich ^d from John M. Conyall	29	1 2		1 2
Lowndes Matthew	27	19 4	14 8	14 8
Chaplain William from Fredt Darrell	54	16 6		16 6
Power Michael	30	2 4		
Metzler John from S. M. Gee	88	14 8	14 8	
Saul Andrew from J. Metzler who is to pay	39	8 6	8 6	
McLaughlin J. from J. C. Tobin	45	14 8		14 8
McLaran Maurice from Longman & McLaughlin	30	19		19
Prater Jas from Dr. Masten McNeil	79	1 3 6		1 3 6
Scupins David from Pat Moran	85	6 3		6 3
Noonan Patrick from Wm Brown	61	14 8	14 8	
Galdwell Wm from adgt Thompson	80	2 4		2 4
Simms Tho from Jas Spiker	18	9 2		9 2
Hillman John from J. N. Metzler who is to pay	39	13 6	13 6	
Tucker Timothy from Paul Smith who is to pay	75	11	11	
Craws L. J. from Peter Smiley who is to pay	57	11	11	
Rusker Tho	72	14 8	7 4	7 4
Ginnard John from Pat Moran	85	6 3		6 3
Sutton Martin from Pat Moran	85	5 6		5 6
Greaves George from W. Dillon	41	12 10		12 10
Morrison Peter from H. S. Brown	43	11 8	11 8	
Bowen James	23	7 4		7 4
Bowen James from Cuggan & Reardon who is to pay	32	8 5	8 5	
Mozely Henry this is Eben Mozely who is to pay	64	14 8	14 8	
Mozely Eben from John Lannigan	95	11		11
Keating Michael	82	16 6		16 6
Marvin Mrs E. (widow)	71	1 2	3 8 4	
Smith Mrs Elizabeth	55	11 9	5 10	
Nelson Mrs (Poor)	93	14 8	14 8	
Robt Mrs	34	13 3	13 3	

Adjourned

Halifax September 15th 1847

At a Special Meeting of the City Council held
this Day Present. His Worship the Mayor
Aldermen Stairs, Hunter, Fairbanks, Messrs
Anderson, Thompson, Richardson, Black, Bolton
King, Clarke, & Hon W Bell

The City Council was summoned to take into
consideration the appointment of Surveyor of Lumber
Petition of James Spike and others relative to
Slaughter House near Tykes Bridge. Petition of
Henry Parker relative to Rent of Shop. Letter from
W Shannon Esq on subject of Tax on House in
Brunswick Street. Petition of Edward Bayers
relative to drain under Fish Market. Letter from
A W Godfrey relative to his Lots near Rowan Magazine
Report of Committee on subject of Lots in rear of
Spring Garden Lots. The payment of several
accounts, and the transaction of other Business
Read over proceedings of 28th July 1847.

The City Council next proceed to appoint
a Surveyor of Lumber.

Read recommendations of David
Rankin and James Byrns. The Council
proceed by Ballot to appoint a Surveyor of
Lumber, when there appeared for Rankin 11
for Byrns 1. David Rankin is therefore
appointed Surveyor of Lumber.

Read Petition of Henry Parker
— When following Resolution is introduced —
Resolved that the petition of
Henry Parker on subject of security for his Brother,
for Rent of Premises under Court House be
withdrawn
Which on being put is passed.

(On

On taking into consideration the Petition of James Spike relative to Slaughter House near Pykes Bridge

The following Resolution is introduced

Resolved that the Petition of James Spike and others relative to the nuisance created by the Slaughtering of Cattle in the Common near Pykes Bridge be referred to the Board of Health with instructions to apply to the Lieutenant Governor and Council to extend the limits for Slaughter House within the City in accordance with the power vested in them for that purpose

Which on being put is passed,

The following Resolution is next introduced

Whereas in the event of the Bredwell being removed to the land purchased for it in the North End of the City it would be a great advantage to have free access to the Shore of the Basin therefore

Resolved that application be made by His Worship the Mayor and the City Council for a grant of the Water Lots opposite to the property above named and at the end of the Roads on each side of said property

Which on being put is passed,

The following Resolutions are next introduced,

Resolved that His Worship the Mayor be requested to draw checks on the City Treasurer for the various accounts passed in December Quarter last and appear on the City

Which on being put is passed.

Resolved that in future as the Interest becomes due the respective parties in the Stock Certificates, His worship the Mayor be authorized to draw checks on the City Treasurer for the same

Which on being put is passed.

Sept 15th

Read Letter from L. St. Shannon Esq on
subject of Assessment on House in Brunswick Street
tenanted by Sir J. Alexander amounting to £2.7.8

When on motion it is resolved

That Mr Shannon be relieved from said Tax

On Motion it is

Resolved that M^{rs} Sabrains
Tax amounting to fourteen Shillings and Eight pence
be remitted in consequence of her inability
to pay

Read following Petition from Edward
Bayers relative to Drain under Fish Market

To His Worship the Mayor
and the City Council.

The petition of Edward Bayers of Horton in the
Province of Nova Scotia

"Humbly Sheweth"

That your petitioner owns the
building at the corner leading down to the Market
wharf lately occupied by James Barrett and
his tenants but at present occupied by M^r Piers
and others

That the said House has been
built for upwards of Fifty Years, and the Drain from
it has always until lately been under the Fish Market

That within a short period past
the Drain has been stopped up, as your petitioner
has understood by the direction of the Commissioners
of Town Property, in consequence whereof, your petitioner
is now suffering loss not only in the destruction of
his Property but in the difference of Rent that he
is obliged to reduce on account of the water
logging in his cellar

Your petitioner has no way of
running a drain from his house, other than under
the Fish Market and he respectfully submits the
hardship under which he labours, by having the
water lodge in the cellar and the only mode of
carrying it off stopped up

(He)

He humbly prays that your Worship and the City Council will please to take the circumstances before set forth, into your favourable consideration and to grant that he may still continue his Drain under the Fish Market

And as in Duty bound

He will ever pray &c.

24th August 1847

(Sgn^d)

Edward Bayers

When following Resolution is introduced Resolved that the foregoing Petition be referred to the Committee of City Property to report at next meeting of City Council which on being put is passed,

Read Letter from A W Godfrey on subject of his Lots near Powder Magazine which on motion stands over for future consideration

The Report of Committee on subject of Lots in Rear of Spring Garden Lots is next taken into consideration

When following Resolution is introduced Resolved that the Committee who brought in the foregoing Report viz Alderman Stairs M^r Thomson & Bolton together with Mr McBell be a Committee to take up and Report and carry the same into effect which on being put is passed,

Read following Return of Interments in Cemetery for year from August 1845 to August 1847

Return of Burials in Public Cemetery showing the ages for one year commencing 14 Augth 1846 ending 14 Augth 1847

Children under 5 years	82	Paupers from Poor Asyl ^m	41
" from 5 to 10 yrs	16	do from the City	22
Males " 10 to 20 "	6	" "	63
Females " 10 to 20 "	6		
Males above 20 "	79		
Females do do	64	Total	253

(Sgn^d) Joseph Stepler Register &c 190

September 15th

The following accounts are ordered to be paid by Check on City Treasurer.

Burdwell Accts					
for Month July	17	18	6	Howell Cognell	12 10 "
ditto August	16	8	8	W ^m A Black	12 10 "
Andrew Bitcher	10	0	0	Thos Maynard	12 10 "
Francis Stephens	12	10	"	Gov ^o of Kings College	25 " "
Joseph Kepler	2	10	"	Daniel M ^r Quire	6 5 "
Sir James Kempt	112	10	"		

On Motion it is Resolved that the amount of tax, two pounds & four shillings, which was transferred from James Donaldson to George C. Bissett be relieved.

The following Resolution is next introduced:

Resolved That the Commissioners of Streets and the Commissioners of the Common examine respecting an encroachment said to be made by Councilor Anderson on some lots purchased by him contiguous to the Common, and that they take such measures by applying to the Surveyor General or otherwise as they may deem necessary, and report to the Council accordingly at its next meeting which on being put is passed

The Council then adjourned

September David Rankin sworn into Office as Surveyor of Lumber for the City

Halifax September 27th 1848

At a Quarterly Meeting of the City Council held this day
Present, His Worship the Mayor Aldermen Stairs, Hunter
Fairbanks Rugg, Messrs Thompson Richardson, Black, Botta
Rugg, Creamer, Belling

Read over proceedings of 15th September

Read following Report of Committee on subject of
Edward Bayes' Petition relative to Drain under Fish Market

"Halifax 23rd Sept 1847
The Committee of City Property met this day for the
purpose of considering the Petition of Mr Edward Bayes
relative to a Drain from his Property under the Fish
Market and according to a Resolution of the Council
passed on the 15th September instant

Resolved That as the Committee is not aware
of stopping any Drain, and for the preservation of the
cleanliness of the Market as far as possible do not think
it advisable to allow the Petitioner to carry his Drain in
that direction

(Signs) Chas McClay Chairman
W Belling
Robt Richardson
F W Clarke.

When the following Resolution is introduced:

Resolved That the foregoing Report be received, accepted
and acted upon

which on being put is passed.

Read following Report of Committee relative to Lot
in possession of W G Anderson Esq on Spring Garden

The Commissioners of Streets and of the Common
met this day Present the Chairman of Common Streets
Mr McCall Aldermen Heumen & Rugg Councillor Black
Alderman Fairbanks was appointed Chairman. On Motion
of Councillor Cleary seconded by Alderman Heumen it
was Resolved that the following Report be presented to
the Council.

The Commissioners of Streets and of the
Common to whom was referred by a Resolution of the Council
dated 13 Sept 1847 an examination into an alleged
encroachment on the Common by Councillor Anderson
Have agreed to Report as follows:-

That

September 27th

"That the joint committee having on the spot examined the ground and also the plan of the Common Lots as laid out by the Surveyor General have found that in accordance with the Lease held by Mr Hudson stating the measurement of the Lots fronting on the Street as sixty six feet. Mr Hudson according to the present line of fence has more than his measurement by feet, that on the plan there are two lines marked. If the lots were let as laid out thereon and by the line which makes the road running north and south uniform then Mr Anderson has in the erection of his fence conformed thereto. If on the other hand it was intended to let him lots measuring no more than sixty six feet in front on Spring Garden Road then the fence is beyond the limit on that road. The committee therefore recommend to the Council to make good to Mr Hudson on the Spring Garden front of the Lots in question about ten feet which he has relinquished in the rear as shown by the plan and also give him a lease of the additional few feet which intervenes between the lines established and the angle of the road where the fence now stands for such annual consideration as may be mutually agreed upon."

To which motion the following amendment was moved by the Hon. H. Bell seconded by Alderman Rugg
Resolved that so far as the facts as moved to be reported the Commissioners of Streets and Common agree but that any recommendation as to the mode of arrangement by way of accommodation is beyond the powers of the Commissioners and should be left to the decision of the City Council

which amendment being put was lost
The original motion was then put and passed.

Halifax 25th September 1867

(Sd) Ch. McClary
Municipal

W. E. Black

W. P. Fairbanks, Chairman

When the following Resolution is introduced

Resolved That the Report just read be received, adopted and acted upon save and except that part which

recommends a lease of the additional few feet which intervene between the line established and the angle of the Road where the fence now stands and that the Commissioners of Streets and Commissioners of the Common see the same carried into effect, and that all the ground exceeding the ten feet in front intended as equivalent for the ten feet in the rear be opened to the Common.

which on being put is passed.

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

Thomas Cummins	£ 1. 0. 9
Jacob Currie	10. 17. 9
Gas Company	1. 12. 5
Edw Young, expenses of office	3. 12. 9

Read Alexander Cairns resignation as Surveyor of Lumber when on motion it is Resolved That an advertisement be inserted for an additional Surveyor of Lumber:

Read following Report of the Recorder on the subject of the cases of the Hon. Ones Collins vs. The City of Halifax relative to his Taxes.

In the case of Collins and the City of Halifax. Halifax p. In Michaelmas term on the 19th day of October 1846 John Halliburton Esq. read the affidavit of the Hon. Ones Collins and the papers thereto attached and moved thereon for a writ of Certiorari to bring into the Supreme Court for adjudication all the City Assessments upon the said Ones Collins from the commencement of the Incorporation of the said City that is to say, since the year 1841 to the present year 1846 both inclusive, but the Court upon hearing in argument the Hon. the Attorney General and the Recorder against the motion granted the rule hereunto annexed marked B under which the annexed Certiorari C was obtained and thereby the case only for 1846 was moved up as hereunto annexed from page 7 to page 20.

In last term 1847 on the eighth day of April the cause came on for argument before their Honors Mr Justice Hill & Mr Justice Phipps His Lordship the Chief Justice having retired from the Bench because of his affinity with the promorant. When it was objected by Mr. Halliburton that the Rate in question was illegal because 1st It was not in conformity to 23d. 9 Vict. C. inasmuch as it does not distinguish the amount assessed for City Rates, Poor Rates, & Fire Rates respectively, there being no columns or distinctive apartment showing the Poor rate. 2^d The rate upon the promorant is excessive inasmuch as the value placed upon his real estate is higher than that placed upon the adjoining and surrounding properties of other persons. - 3^d His ability is assessed at a much larger sum than that for which he is liable. The term "Ability" must apply to personal property visible to the Assessor and tangible to the Collector. Whereas his visible personal property does not in amount or comparatively with others warrant the sum assessed upon him under this head. 4th All the properties real and personal which he owns in the City are severally assessed and therefore under the head of ability he possesses nothing legally taxable.

September 27th

Mr. Halliburton cited several authorities and advising to former decisions of the Court in the Case of *Oppenell*
 vs the City, and the *Helffer Fire Insurance Company vs the City* - he claims to set aside
 the said Assessment so far as the same relates to the Promovant - On the part
 of the Respondents these objections were answered to the following effect - 1st That it
 does not appear that there were no distinctive columns for all the rates that were
 actually made. If there was no assessment distinguishable as a Poor rate it is evidence
 that there was no City Tax upon that head, and the plain inference is that the
 Assessment against Mr. Collins for the Poor was a county rate. 2nd That if the
 Appellant had valued his property too high, he had his remedy by appeal
 under the Act and the mode pursued in dealing upon appeals constitutes in fact the
 party appellant to be his own appraiser for when he makes a declaration as to the value
 of his property, unless the Appraisers or Council can show to the contrary thereof the Committee
 to decide upon appeals reduce the sum assessed to the appellants own statement, which
 actually was the case in the present instance. (See annexed Statement D) 3rd The Appraisers are to use
 the best of their judgment and ability to make a fair and impartial assessment, always
 subject to an appeal and relief as aforesaid. But that ability means and is applied to
 something beyond visible personal property is evident from all the Assessment clauses in the Act
 particularly the 26 which reads the words "and further upon such Inhabitants according to the ability or capacity
 of every respective Inhabitant to pay or contribute towards such Assessment and the 27th Sec. distinctly calls an
 assessment upon the person for which he shall be liable to be committed to the County Gaol till the amount of
 such Assessment be paid" while the paw of the warrant under that Act is against the personal property
 and for want thereof his person to be committed, giving him the benefit of the Acts relating to insolvent debtors
 thereby presuming that he may have no visible personal property upon which to lay. It is notorious & possibly the
 Appraisers may have formed their judgment from the fact that the Promovant is alleged wherever his wealth is
 situated to be the most capable individual in this Community to contribute in the Assessments of the City
 and therefore ought not in this stem to be relieved. 4th If his personal property does not appear to be
 separably assessed, there is no column with that distinctive title. If therefore the English decisions as is
 argued have determined the term ability to apply to personal property, of course personal property must
 be ability and as it does not appear but that they were blended in this Assessment, and a Promovant was
 not relieved on his appeal from the whole tax for ability when he might have distinguished between personal
 property and ability and then by his declaration what would have been fair under each respective head this part
 of the Assessment ought not to be set aside for if it were he would then pay nothing either for personal
 property or ability, and thus escaping the largest portion of his assessment the poorer classes of the Community
 would be obliged to make up what he as a wealthy Citizen should contribute towards the City expenses.
 It was urged by the Recorder that if the Court should decide in this as is alleged they did in the former
 assessment cases, that it was illegal to assess for ability at all, then it is not likely that any City
 Assessment would be maintained, for it is more than probable that the Court will quash any
 rate that does not comprehend ability and make it an item of assessment since the words of the
 Act as just cited are "and further upon such Inhabitants according to the ability or capacity of every
 respective Inhabitant to pay and contribute towards such ass^t - All ought to pay towards
 the Assessments and it does not now lie with the Promovant to complain that upon
 the whole of his Assessment he is overrated for at his appeal he did not show a
 disproportion but chiefly complains that he was taxed for ability. Now it is of little
 consequence under what words he is charged so long as he does not pay more than any equal
 pound rate with others. The fact is that the Promovant does not pay so much. But surely the City is
 not

Halifax October 2nd 1847

At a meeting of the City Council held this Day. Present. His worship the Mayor. Aldermen Hemmison & Luzz. Messrs Anderson, Richardson, Bolt King, Clarke, & Hon Mr Bell

The City Council were summoned to receive the Returns for the Elections for the various Wards

Read over proceedings of 27th September

Read over names of Gentlemen returned as Councillors and Appraisers agreeably to Proclamation of His Worship the Mayor of 15th September 1847

When the following Resolution is introduced Resolved that the Council adjourn until Monday next at ten o'clock for the purpose of receiving Returns for the different Wards. To Elect an Alderman for Ward No 1. 3. & 4 To Elect a Mayor for the ensuing year, likewise two Auditors for the City, and the transaction of other Business.

The Council then adjourned

(September 27th)

Not in this dilemma that if we introduce the word ability the rate will be quashed and if we omit the word the rate will be quashed. Mr Halliburton shortly replies and the Court gave judgment. Mr Justice Hill said that we had not defined the word ability, that it was not known what was assessed under that head, that an assessment could not be made, but upon something visible, that it did not appear but that the party was assessed for all his real and personal property and also for something else not tangible which was illegal. Mr Justice Phillips agreeing admitted that the word ability was in the Statute, but denied that the Legislature could empower assessors to rate an individual for what they might think he was worth beyond his visible property. The whole matter was illegal. Rule absolute to quash the rate on ability. See the same annexed marked D. The question of costs was then mooted at considerable length, and at last also decided against the City. The Recorder then received notice to attend the taxation of costs which he did before Mr Justice Hill, the same were taxed, and sometimes afterwards he received a copy thereof with a notification relative to the payment attached which are also hereunto annexed marked E. This report has been drawn up that the City Council may fully comprehend what is now decided to be the law on the subject of our Assessments, and the necessity there is for an alteration in the Statute whereby we may be enabled more clearly to equalize the rates, and it is suggested that instead of Assessing for ability which term is undefined in the Statute, and income tax should be adopted. The liability or rather the State of the City with Mr Collins

under the foregoing decision will be understood by the following statement; In 1846, Mr Collins was assessed for March No 1 20.00. relieved on appeal 5.12.6 No 2 76 No 3 115.9.4 36.15.9 relief 7.10.0 29.5.9 No 4 1.3.6. The original tax including ability 58.10. - relieved on appeal 13.2.6 Bal £45.7.6. His ability was estimated at £8000. 5.11. on which £30 relieved on appeal 2000. 7.10.0 = £22.10. - He is relieved therefrom with Cost 15.8.4. -

Leaving to be collected from Mr Collins for £7.9.2 (sup) W.D. Sawers

Halifax October 4th 1847.

At an adjourned meeting of the City Council held this day Present, His Worship the Mayor Aldermen, Hammon, Fairbanks and Nugg M^r Anderson, Richardson, Bolton, King, Clarke and Hon^{ble} Mr Bell.

The City Council met this Day agreeably to Resolution of Yesterday to receive the returns for the different Wards To Elect an Alderman for Wards No 1. 3 + 4 To Elect a Mayor for ensuing year.

Likewise two auditors for the City and the transaction of other Business.

The Returns for the Elections of City Councillors and assessors for the ensuing year held on Friday last agreeably to a Proclamation of His Worship the Mayor for Wards No 1. 2. 3. 4 + 5 + 6 having been read and the following Gentlemen having been returned

William Stairs + William Smith Esquire	Ward No 1
Benjamin Wier	Ward No 2
Elias Cabot + John Watt	Ward No 3
Henry Mignowitz + Geo B Naylor	Ward No 4
John McNab	Ward No 5
John King Esqr	Ward No 6

And these Gentlemen being in attendance and having taken and subscribed the Oath of Allegiance and the Oath of Office prescribed by Law Sign the Roll accordingly.

There being two Gentlemen returned as common Council men for Wards Nos 1. 3 + 4 The City Council direct that those Gentlemen's names should be respectively Balloted for by the Mayor, and the name first drawn should be considered as standing as first for each of their Wards on the list of Common Councilmen to go out of Office agreeably to the Act which being adopted they stood as follows

(William)

William Smith }
William Stairs } Ward No 1

John Watt }
Elias Cabot } Ward No 3

Henry Mignowitz }
John B Taylor } Ward No 4

When these Gentlemen sign the Roll accordingly

The City Council next proceed to Elect an Alderman for Wards No 1, 3 & 4 when it is agreed that the Ballot should be taken for an Alderman for each Ward separately

The Council proceed to Elect an Alderman for Ward No 1

The Ballot is proceeded with when there appeared for Mr Anderson one for Mr Stairs 17. Mr Stairs is therefore elected Alderman for Ward No 1

The Council next proceed to Elect an Alderman for Ward No 3

When there appeared for Mr Bolton ten for Mr Watt Five

Mr Bolton is therefore elected - Alderman for Ward No 3

The Council next proceed to Elect an Alderman for Ward No 4

When there appeared for Mr Mignowitz 9 for Mr Taylor 7

Mr Mignowitz is therefore elected Alderman for Ward No 4

The City Council then direct that the Gentlemen's names who have just been elected Aldermen, be balloted for by the Mayor as as drawn by His Worship should stand on the Roll of Aldermen agreeably to the Act which course being adopted they stood as follows.

Henry Mignowitz
William Stairs
Thomas Bolton

And these Gentlemen having taken and
subscribed the Oath of Allegiance and
the Oath of Office as well as that of
a Justice of the Peace for the City
— Sign the Roll accordingly. —

The City Council next proceed to the
Election of a Mayor for the ensuing
year. When Alderman Hemmen having
been proposed by Alderman Stairs seconded
by F W Clarke Esq.

The Ballot is proceeded
with when there appeared for

— Alderman Hemmen 6 Six —
— Alderman Stairs — 12 Twelve —

Alderman Stairs is therefore
duly elected Mayor of the City of Halifax
for the ensuing year."

His Worship the Mayor
having been requested to leave the Chair
on Motion Alderman Fairbanks takes the
Chair

The following Resolution is introduced
Resolved that a complimentary
address be presented to His Worship the
Mayor, Joseph Jennings Esq. on his
retiring from office and that the following
be adopted

"To Joseph Jennings Esquire"
Mayor of the City of Halifax

Sir

As the period for which you were
elected Mayor for the City of Halifax
is now about to terminate We the undersigned
Aldermen & Councillors, who have been
associated with you during the past year

1 Jul 1

feel much pleasure on the present occasion
in expressing our perfect satisfaction, with the
Honest, Independant, Straight forward course which
has invariably marked all your proceedings
in conducting the General Business of the City

Your assistance as Head of
the Civic Body has at all times contributed
towards carrying out the great and leading
objects for which the Corporation was originally
established

In retiring therefore from the
Duties of your important Office, We beg
leave to convey as a Body our cordial
Approval of your conduct throughout
and our warmest regards to yourself
and Family

The following Resolution is next introduced
Resolved that a copy of
the foregoing Address be presented by the
City Clerk to His Worship the Mayor
Joseph Jennings Esquire, and that he
be requested to appoint a time and place
to receive the same

— Which on being put is passed, —

— Alderman Fairbanks quits the Chair —

— His Worship the Mayor resumes the Chair —

The City Council next proceed to the Election of City Auditors for the ensuing year. Messrs Thomas C Kenner Thomas R Grassie & Gilbert H Frith having been proposed. The Ballot is proceeded with when there appeared for Mr Kenner 14 Mr Grassie 3 and Mr Frith 1.

Mr Thomas C Kenner is therefore elected one of the Auditors of the City for the ensuing year.

Mr Edward Albro is next proposed as the other Auditor for the City.

The Ballot is proceeded with when there appeared for Mr Albro 4 Mr Grassie 8 Mr Frith — 6

Mr Thomas R Grassie is therefore elected one of the Auditors of the City. The Council then adjourned.

Office City Clerk

Halifax October 4th 1847.

Sir

I have the honor to transmit for the information of His Excellency the Lieutenant Governor that at a meeting of the City Council held this Day William Stairs Esquire was elected Mayor of the City of Halifax for the ensuing year; 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 Stairs sworn into Office.

I have the honor to be

Yours

Sir

Sir Rupert D George Bart^{ts} Your most Obedt Servant

Per: Secy

(187²)

J S Clarke

City Clerk

The following Letter from the Provincial Secretary relative to the approval by His Excellency the Lieut Governor of Mr Stairs as Mayor is this day received:

Provincial Secretary's Office
Halifax 1st October 1847

for

I have had the honour of laying before the Lieutenant Governor your letter dated this day announcing the Election of William Stairs Esq to the Office of Mayor of this City for the ensuing year and requesting by the direction of the City Council His Excellency's approval of the same

His Excellency is hereby pleased to signify His approval and confirmation of the said Election and commands me for to say that he will be prepared to receive the Mayor Elect and swear him into Office at the Government House tomorrow (Tuesday) at one o'clock in the afternoon

I have the Honour to be

Your Most Obedient

Humble Servant

Sy^r R D George (Sec^y)

James Stewart Clarke Esq

City Clerk &c

October 3rd 1847

Alderman Stairs having taken and subscribed the Oath of Allegiance and the Oath of Office agreeably to Law was this day sworn into Office as Mayor of the City, before His Excellency the Lieutenant Governor in presence of Aldermen Hemmeon, Fairbanks and Bolton,

Halifax October 13th 1847

At a Special Meeting of the City Council held this day Present His Worship the Mayor Aldermen Himmison, Fairbanks, Fuzz Mynovity & Bolton M^r Anderson, Smith, Richardson, Wier Watt, Cabot, King, Taylor, M^r Nat, Hon^{ble} M^r Bell and M^r King

The City Council were summoned to receive return of Election for Ward No One to elect an Alderman for said ward and the transaction of other business.

Read over proceedings of 4th October

Read following answer of late Mayor Joseph Jennings Esquire to City Council address

To the Mayor Aldermen and City Council Gentlemen

I cannot but feel flattered by the Address with which you have now been pleased to present me

I may well feel proud that the manner in which I have discharged the duties lately devolving upon me has met with your approval.

For myself I can safely say, that from the first time I took my seat at the Council Board to the present moment when I am about to retire from it I have only been actuated by one single purpose, a sincere desire to forward as far as lay in my power the interests of my fellow Citizens

When I was elected Chief Magistrate my duties and responsibilities were necessarily heavily increased

My desire to be useful was as strong as before. My determination fixed to act with firmness and impartiality

It is due to myself however as well as to those Gentlemen with whom I have been associated at the Council Board to state that but for their cordial cooperation, but for the unvaried support which on all occasions they have afforded me, my feeble efforts would have proved unavailing

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To these Gentlemen then my warmest acknowledgements and thanks are justly due not only for their Courtesy to me but for their exertions for the Public weal.

I should deem it unpardonable in myself were I to pass unnoticed our Civic Officers

From me these Gentlemen deserve the warmest acknowledgements for their personal Kindness and Urbanity as well as for the promptitude with which their Counsel and assistance have invariably been tendered when required

Many years ere the Act of Incorporation had passed it was my anxious desire that the People of Halifax should have the election of their own officers, and the control of the Monies which they themselves paid into the Treasury

I have lived to see the practical workings of the Corporation of this City and I now retire from my Official duties with the proud Satisfaction that the utility as well as necessity of such a body is already acknowledged by all parties: and that its benefits will slowly but surely be diffused among the People

For the kind regards which you have expressed towards myself and family accept my most sincere thanks

Allow me Gentlemen in retiring to wish to each and to all of you, to yourselves and to your families, health, prosperity and domestic happiness

I have the honour to be
Gentlemen

with much respect

Halifax

Oct 5th 1847

Your Obedient Servant
(Sgn^d) Joseph Jennings