

March 27

The like Fees as now are paid for the Burial of any of the Parishioners of the Parish Church of Saint Paul. are or were intended to be in any wise abridged or altered by the said grant. now know ye. that for the quieting of the minds of our Protestant Brethren in this behalf, we the said Rector Church, Wardens and Vestry for the time being of the said Parish Church for ourselves and our successors in Office do by these presents testify acknowledge and declare that the Members of the Protestant Church or Congregation of St. Matthews in Halifax aforesaid, as well as the Protestant Dissenters from the Established Church of England. have since the first settlement of the Town of Halifax and Parish of Saint Paul: and still have forever hereafter have good right and claim to bury their dead in the said ground called the New Burying Ground on the payment of the same dues and Fees. to the Rector, sexton and other Officers for the time being of the said Parish Church of Saint Paul. as have been heretofore and now are paid to them for the Burial of any of the Members or Parishioners of the said Church of St. Paul. Any thing in the said Grant or Patent to the contrary notwithstanding

A Table of Fees was established at a Meeting of the Vestry held upon the same day. that this deed was executed viz October 29 1801 this first Item of which was.

To the Rector for Breaking the Ground five Shillings

The Burying Ground was used under these conditions for 43 Years or until the Year 1844 by all Classes of Protestants then existing in Halifax when the New Cemetery was opened and interments forbidden in all the Old grave Yards in the City since that Year the Authorities of Saint Pauls have been possession of the grounds. but they have not the Power of appropriating it or any part of it in any way whatever unless they first the Consent of all the particularities of Protestants who have any interest in the Lot that the Episcopal Church has a Claim superior to any other single denomination is evident from the fact. that all whether Episcopalians or Dissenters were compelled to pay the Rector's Fee of five Shillings for breaking ground thus tacitly acknowledging the right of that Church to charge a ground rent. In the Year 1844 the Building Committee charged with the erection of a Chapel of ease advertised for a Plan. the site of the Building it was stated would be upon a portion of this Burial Ground fronting on Pleasant Street. this Advertisement created a great excitement and the Building Committee met with a powerful opposition on the part of the Members of Saint Matthews Church

At Meeting

1849.

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A Meeting of this Congregation was held on the 15th April 1844 (when resolutions were passed against the exclusive right of Saint Pauls to the Premises. This was proved by a reference to the deed of 1801 by the occupation of the Ground, and by the fact, that Saint Matthews had been called on and did contribute towards the erection of ~~the~~^{the} Wall which encloses the ground now —

The Church Warden and those intrusted yeelded and among other intimates that the Church Warden and vestry of St Pauls would not proceed if found objectionable, and that they had only been desirous of ascertaining the sense of their Protestant Brethren, for or against the measure. — From all the information obtained your Committee have no hesitation in stating that in 1793, whether the measure was justifiable or not the church warden and vestry of St Pauls, had a legal right to the Burial Ground vested in them, and that in 1800 they voluntarily parted with a portion of that right in favour of Protestant dissenters but still retaining a superiority of claim by obliging dissenters as their own Parishioners to pay the Rectors Rent. — That they did not consider themselves sole Proprietors of the ground in 1844 is evidenced by the fact that they did not proceed with the erection of the proposed building in that year, on account of the opposition on the part of their "Protestant Brethren" who preferred their claims for an interest in the ground —

The 11th Clause of the Act for regulating Cemeteries passed in 1843. — Provides —

That the Burial grounds now used shall either be and remain under the Care management and disposition of the Church Warden Trustee or Committee of Congregation to which they belong, and be used and appropriated to such objects and purposes other than for the interment of the dead as the said Congregation Church Warden Trustee, or Committee for the time being thereof shall decide and think proper, or else the said Burial Ground or such part thereof as the respective Congregation Church Warden Trustee or Committee shall or may appoint, may be ^{by the} placed or any of them placed under the Control and direction of the said Commissioners and shall then be taken charge of Managed fenced and protected and planted by the said Commissioners in such way and manner and during such times and under such other regulations and restrictions as the Congregation Church Warden Trustee and Committee — to

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to Whom each of the said Burial Grounds. Appertains may think proper to order and agree to establish from time to time. concerning the same or any parts or portions thereof of such Burial Grounds respectively, and the same shall remain under the management and direction either of the said Commissioners or of some congregation from time to time appointed therefor."

all the Power and Authority vested in the Commissioners by the Cemetery Act. was passed over to the City Council by the Act of Incorporation. but no action can be taken by the City Council either with reference to this or or any other of the Old Burial Grounds. unless the Parties respectively interested give their consent.

Respectfully submitted

Signed John Wraylor Chairman
John Northrup
Joseph Jennings

Halifax 26 March 1849

Sumo: Although not bearing directly on the questions submitted to them The Committee deem it right to state for the information of the Council that they have not been able to discover that the Old Burying Ground ever received the right of consecration according to the usages of the Church of England. no importance is attached to this fact under present circumstances but the time may arrive when the knowledge of this omission of the Ceremony will influence the disposal of this Property.

When on Motion the said Report is received and lies on the Table

Resolved that the following Report of the Recorder on subject of Hon: H H Cogswell's Claim. when on Motion said report is received and the Balance of 16.14.8 claimed by Mr Cogswell be approved on the City.

(Report) I have examined the foregoing Account and on making the requisite searches at the Probatorys and ascertained that by a Rule of Court filed at that office the City have been ordered to pay back the sum first charged in the foregoing Account £26.17.6 together with the costs. The Rule of Court was not on file and on Application to James Cogswell Esquire who appears to have acted as counsel for Hon. H H Cogswell he furnished with the Amended Copy of Bill but could not find the Original and

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And I have consequently had no opportunity of comparing them. but have no reason to believe the copy is incorrect. For this however I cannot vouch.

The Court also appears to have decided that the "Abolition Tax" was illegal on the ground of this decision I presume that if the other Charge viz \$33.13.6 + £7.0.0 which appears to have been paid under protest and which I take it for granted were of the same character as those ~~or~~ which the Supreme Court have already exercised their Judgment, were brought before them for decision a similar result be obtained, and the City ought to refund these amounts without running the risk of further costs being incurred.

Signed George Blanchard
City Recorder

Resolⁿ rel Public
Well and Pump
North End.

The following resolution is next introduced —

Resolved that a sum not exceeding ten Pounds be given to ward No 6 to enable them to sink a Public Well and erect a Pump for the benefit of the Inhabitants of said ward — which on being put is passed

1849
April 12

Halifax 12 April 1849

At a Special Meeting of the City Council held
this day Present His Worship the Mayor. Alderman What
Richardson King Magnowicz Lavallaur and Matt. Messer
Smith Anderson Miss Braime Bennett Cabot Maylor King
Alderman Northup King and Jennings

Read Over the Proceedings of 27 March.
The Council were summoned to consider the Bye Law
relative to the Common to prepare the Roll or list of
Aldermen to regulate the salary of the City Assessors. to
receive a Report from Commissioners of Streets; and to
consider a Communication from Water Company. and the
Transactions of other Business

Read following Application from Mr Jacob Currie
Halifax 12 April 1849

To the Worshipful Board the Mayor Alderman and
Common Council men of the City of Halifax
Gentlemen

Application
Jacob Currie
rel. to employ-
ing person to
Superintend
Streets -

The time of my leave of absence being now
expired. I beg leave to return you my most sincere thanks
for the kind and generous manner in which you agreed in giving
me leave to Proceed to Bermuda for the benefit of my health
and although I have not received that benefit from the
voyage of which I was in hope. Still I think I am a little
better. but not so well, as that I would be able to resume the
full duties of my Office (particularly in the Mornings) for some
time yet. And as the season is now fast approaching in which
the Harbour commences on the Streets. I am again obliged to
a little further indulgence and request that the Commissioners
of Streets will employ or permit me to employ some fit person
as an assistant for a short time in the beginning of the season.
whose wages shall be paid from my salary, and I will at
the same time give every information and assistance to the
Commissioners and said Assistant laying in my power, until
I am able to resume the whole duties myself, which I hope
will be shortly after the weather gets warmer

Should your worshipful Board agree to this request
I will consider it a great favor conferred upon me. And
as in duty Bound will ever feel thankful for the same.

I remain

Gentlemen

Your most obedient Servant
Signed - Jacob Currie

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When the following resolution is introduced

Resolved that the Application of Mr Cunn be complied with. In furnishing a person subject to the approval of the Board of Commissioners of Streets. to which following Amendment is introduced

Resolved that said Application be not granted. which Amendment being put is lost two votes for it and fifteen Against it

The original resolution is then put and carried 15 Voting for it and 2 Against it and the names being called for they stood thus.

For the resolution	Against the resolution
Miss ^{rs} McNaughton — Miss Northrup — Magnowitz — Richardson — Brand — Coleman — Cabot — Jennings — King — Anderson — Naylor — Rugg — Platt — Leblanc — <u>15</u>	Sup ^{rs} Bennett — Smith — <u>2</u>

Mr Jennings asks the opinion of the Recorder as to whether it is obligatory on the present Common Councilmen to be sworn into office

Recorder's opinion
rel. Aldermen
being sworn

When the Recorder gave as his opinion in the Affirmative and the following gentlemen being in Attendance and having taken the Oath of Allegiance and the Oath of office prescribed by Law, are sworn into Office as Aldermen for the City

Ward One	Ward Two	Ward Three
William Smith	J Rowland Brand	Joseph Bennett
W G Anderson	Benjamin Miss	Chas Cabot
Ward Four	Ward Five	Ward Six
John Naylor	W J Coleman	John King
Thomas King	John Northrup	Joseph Jennings

A Roll as then called was formed for the Respective Wards and the several gentlemen sign the Roll placing first on the said list the names of those whose term of office will expire on the first day of October 1849

The following resolution is next introduced.

Resolved that a Copy of "Marshals Justice" be purchased and kept in the Police office for the use of the Mayor and Aldermen which on being put is — passed —

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The City Council next proceed to fix the salary of the City Assessors.

Resol. rel. to City Assessors Salary

The following resolution is introduced Resolved that the sum of Forty Pounds be paid each of the City Assessors for their services for present year. to which the following Amendment is introduced

Resolved that the sum of Fifty Pounds be paid each of the City Assessors for their services for present year which Amendment being put is lost

For the Amendment

Against the Amendment

Sup^r Watt
Bennett
Muggeridge
Mies
Laidlaw
Colman

Mess^{rs} Ring - Jennings
Smith - Richardson
King - Northup
Cabot - O'Mahy
Rugg - Naylor
Anderson

10

11

The Original Resolution is then put and carried

The following Resolution is next introduced

Resolved that the City will at its next Meeting proceed to appoint two City Assessors and Notice to that effect be inserted in the City Papers. which on being put is passed

Resolved that fifty Copies of the Assessment Clauses be immediately struck off for the use of Council & Assessors

Resol. Bye Law rel. to Common

Read Bye Law or Ordinance relative to Common third time when the following Resolution is introduced

Resolved that the foregoing Bye Law be fairly engrossed and transmitted for the Approval of His Excellency the Lieutenant Governor and Council. which on being put is passed

Read following Report of the Commissioners of Streets

At a Meeting of the Commissioners of Streets which took on 21st March 1849 it was thought advisable to nominate a Committee to examine into the Acts of Mr John Mills, Collector of Road Rates. And by Motion. Resolved that a Committee of three viz Councilor Smith Alderman Richardson and the Chairman constitute the Committee. after having attentively examined the general Returns

Report as follows.

Deficiency in Cash as shown by the Treasurers returns Twenty Four Pounds Fourteen Shillings and two pence deficiency as shown.

1849

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Report Commiss.
ioners of Street and
Amount Statute
Labour

as shown between collectors Books and Overseers returns.
viz Thirty six Pounds nine Shillings and three pence making
a Total of Sixty One Pounds three Shillings and five Pence as
will appear of Aut. Your Committee beg further to remark
that several names were added by the Collector as paid, amounting
to several Pounds which did not appear in the Book when first
presented. These names were not added until challenged. They
have also the Receipts of several Persons whose names do not appear
in the Book presented. They likewise regret they could not
procure the Original Book. The Collector refusing to give the
said Book for investigation. Causes great suspicion in the minds
of your Committee. Mrs Mills acknowledges to have received the
sum of Eleven Pounds fifteen Shillings and three pence, and
making it appear on the Book presented. That such Persons
performed their Statute Labour by marking their names marked
instead of marking the same paid. Likewise acknowledges
to have marked others marked but does not know whether they
did or not.

Signed
Elias Cabot
Robert Richardson
William Smith

Statement referred to in the above

		Cash received of Mr Mills Book			Cash received of the Treasurer Books			Excep	Deficiency	Total Deficiency				
No 1	Ward	126	9	—	119	16	8	—	6	12	4			
2	Ward	124	17	—	119	16	4	—	5	0	8			
3	Ward	149	15	—	145	13	12	—	4	4	10			
4	Ward	96	13	—	90	18	—	—	5	15	—			
5	Ward	194	10	—	194	13	2 1/2	3	2 1/2	—	—			
6	Ward	46	5	—	43	0	6	—	3	4	6			
		738	12	—	713	17	10	3	2 1/2	24	14	4 1/2		
deduct the excep									—	3	2 1/2	21	14	2
		amt of Statute Labour from Mr Mills Book			Statute Labour of Overseers Returns			Excep	Deficiency					
No 1	Ward	83	17	—	76	11	9	—	7	5	3			
2	Ward	53	8	—	48	18	—	—	4	10	—			
3	Ward	106	11	—	106	11	—	—	—	—	—			
4	Ward	49	10	—	45	14	—	—	4	2	—			
5	Ward	148	8	—	137	3	—	—	11	5	—			
6	Ward	128	12	—	119	5	—	—	9	7	—			
		570	12	—	534	2	9	—	—	36	9	3		
										£	61	3	5	

1849
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Halifax 11 April 1849

The Commissioners of Streets beg leave to report that on the 21st March Inst a sub Committee was appointed from this Body to examine the Accounts of the Collector of Road Taxes

The foregoing Report is the result of their labours of the said Committee which they respectfully submit to the City Council to take such action upon as they in their wisdom may judge to be proper.

Report Committee
rel. Accounts of
Road Tax
Collector.

Signea Elias Cabot
Robert Richardson
William Smith
John Northup
Thomas King
David Rugg

when the following resolutions are introduced

Resolved that said report be received which on being put is passed

Resolved that Mr John Willis be called upon to make good the deficiency due the City as per Report of Commissioners of Streets. which on being put is passed

Resolved to removal
of John Willis the
Collector of Road
Tax. from Office

Resolved that Mr John Willis be removed from the Office of Collector of Road Taxes for Ward No 1 Ward No 2 Ward No 3 Ward No 4 Ward No 5 Ward No 6 which being put is passed.

Resolved that notice be given in the City Papers that the City Council will at its next meeting appoint a Collector of Road Taxes which on being put is passed

Read the following Report of Committee of Public Accounts.

Report Committee
Public Accounts
Estimate for year
1849

The Committee of Public Accounts beg leave to report that they have examined the Aunts due by the City for 1848 the Payment of which have been already authorized and after allowing a reasonable sum for the amount of Taxes which will probably be collected from the Assessments of that Year toward their liquidation; find that there will be a deficiency to be provided for in this Year's Assessments of £63. 6. 1

The additional accounts presented	}	
and now recommended by the Committee		
For payment Amount unto	}	230. 1. 7
Amount required for Pensions		550. 0. 0
ditto — Salaries for Civil officers		1805. 0. 0
ditto — Poor Asylum		1575. 0. 0
Carried forward		<u>£4227. 7. 8</u>

1849

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Amount brought forward	\$4223.7.8
Fire Department	1125.0.0
Bridewell	250.0.0
Fire Plugs & Hydrants	201.17.0
Interest on City Loan Certificates	540.0.0
Repairs of City Property	250.0.0
Treasurer's Commission	250.0.0
Contingencies	453.5.14
Amt Proposed for Night Watch	1110.0.0
do Lighting the City in part with Gas	400.0.0
	\$7403.10.0

Estimated Receipts for

Rents of City Property	703.10.0	
Fines and Fees in Mayor's ^{Court} & Police	500.0.0	
License Money	1200.0.0	2403.10.0

leaves a Balance of \$5000.0.0

As the Amount which the Committee recommend to be assessed upon the City for the present year. — The Committee believing that the employment of Watchmen throughout the City would afford greater security both to the persons and property of the Citizens. Have been induced to recommend a larger sum than usual for a Night Watch. — The proposed amount will provide for thirteen Watchmen during three months and for five Watchmen for the remaining nine months. —

Their Attention has likewise been directed to the necessity of having the City lighted, and although it is impossible to afford a sufficient sum out of an Assessment of \$5000 to provide for this service efficiently; yet they hope that the City Council will agree to their proposal of devoting \$400 for the purpose of scattering Lamp Posts in such parts of the City as require them most. This would be the commencement of a useful reform and if the Assessment Act should in practice be found to work equitably the next City Council might be induced to apply for authority to assess an additional amount for this specific object. — The Committee believe that Halifax, is the only City of its size on this Continent that is unprovided with Street Lamps, and when it is remembered that the gas Works are in operation in our midst. — Thus affording facilities for lighting the Streets, not possessed by some other Cities it would appear as if we were wanting in Public Spirit and in the duty which we owe to our fellow Citizens. If we do not make an effort to avoid ourselves of this Method

Statement showing Amount of Balances unpaid for 1845.			
Amount of Accounts presented for payment and Estimate for 1849.			
Balances unpaid for 1848			
Quarters Salaries due Public Officers	31 December 1848	212 10	—
ditto due Jan 15 1849		172 10	—
Oversers of Streets		40	—
Constables 2 Months		80	—
Health Inspector and Keeper of Markets		12 10	—
Keeper of Fish Market		6 5	—
Keeper of Powder Magazine		5	—
Premium of Insurances in Court House		22 10	557 5
<hr/>			
Fire - Department			
Judalair & McLean		100 15 2	
Robert Motton		42 12 6	143 7 8
<hr/>			
Amount due the Commissioners of Poor Asylum on November 1 1848		900 0 0	
less being the proportion of losses and Appeals for 1848		300	600
			1294 12 8
<hr/>			
Deduct			
Amount in Hands of City Treasurer	November 1 1848.	131 6 7	
Probable Amount to be collected from Assessment 1848		800 0 0	1231 6 7
			63 10 1
<hr/>			
Accounts presented for payment			
Colin Mc Kinzie & Co Stationary	1847	26 16 11	
ditto ditto	1848	19 16 2	
Thompson & Esop Ballot Box		12 6	
Black & Brothers Sundries for Office		1 9 3	
W G Anderson for Cabinet Work		6 6 6	
W & W Mackinlay for Assessment Books		3 10 9	
Patrick Mahony for Carpenter Work		1 18 3	
Johnston & Fleming Consuls Fees &c	Relative to Property in front of the Ordinance	13 15	
Amounts Carried Forward		711 5 4	603 6 1

Amounts brought forward	44	54	63	61
A H Cogswell Overpaid Assessment	16	14	8	
John Munro Advertising	2	10		
James Barnes ditto	1	10		
English & Blackadar	5			
William Cumratis	3	10		
Joseph & Co. do		7	6	
William Joseph	1	10	6	
Concier Office	8	17	11	
Richard Nugent	6	2	9	
Thompson & Ritchie	2	0	0	
Royal Gazette	5	13	1	
Colonist	5	7	3	
J Ferguson	1	6	3	
W Howard	7	17	9	
W & G R Youngs Costs. suit of Collins vs the City	114	12	2	
do City vs W Linnam	20	9		
Peter Lynch ditto the City vs Hoskins	12	10		
James Bowes for Printing Blanks &c	23	11	1	230 1 7
				<u>293 7 8</u>

Estimate for 1849.
Pensions.

John Liddell Esquire	250		
D S Clarke Esquire	300		550

Salaries

The Mayor	300		
Recorder	200		
City Clerk	300		
Assistant City Clerk	140		
Marshal	50		
8 Constables £60 each	480		
Keeper of Market & Health inspec ^{tor}	50		
Under Keeper of Fish Market	25		
Keeper of Powder Magazine	20		
Overseer of Streets	160		
City Appraisers & Copying Assessments	80		1805 0 0
Amount Forward			<u>2648 7 8</u>

Amount brought forward 2648 7 8

Amount for Poor Asylum 1575 -- --

Fire Department.

for Additional Hoses	150	--	--
Pumps and Mills	100	--	--
Engine Service	125	--	--
Repairs of Engine House	15	--	--
Man in Charge of Tanks	10	--	--
Services of Secretary	10	--	--
Contingencies	15	--	--
			425 -- --

Amount required for Watchmen	410	--	--
do for Boardwalk	250	--	--
do for Fire Plugs & Manks	41	17	0
do for Fire Plugs & Hydrants			
do to November 1849	160	--	--
do for Lighting the City in part with Gas	400	0	0
			1261 17 --

12 Months Interest on Street Loan Certificate 540 0 0

Repairs to City Property	250	--	--
Contingencies	453	54	--
Treasurers Commission	250	--	--
			7403 10 --

Deduct.

Rents of City Property	703	10	--
Fines and Fees in Mayors Court & Police Office	500	0	0
Probable Amount of Licenses & Money	1200	0	0
			2403 10 --
			5000 0 0

April 11 1849

James M. Taylor
Chairman

1849

April 12

Method of having our darkness Enlightened

James J. Naylor Chairman
Joseph Bennett

Thomas King

W. J. Coleman

William Smith

April 11 1849

J. Rowland Brains

For Statement see next Sheet

When on Motion said Report is received and Ordered to lie on the Table.

April 17

Halifax 17 April 1849

At a Special Meeting of the City Council held this day present His Worship the Mayor, Aldermen Smith Anderson Laidlaw, Messrs. Richardson, Brains, Bennett Cabot Watt, Naylor, King, Magnowitz McNab, Northrup Rugg King and Jennings

The City Council were summoned to consider the reports of the Committee of Public Accounts and a Communication from Water Company standing over from last Meeting to Appoint two City Assessors, a Collector of Road Taxes, and the transaction of other business

On Motion the City Council proceed to the Election of City Assessors and Collector of Road Taxes, when following resolutions are introduced

Resolved that the Election of City Assessors be by Ballot which on being put is passed

Resolved that the election of City Assessors shall be decided by a clear majority of the votes of all the Members of the City Council who shall be present when such Appointment shall be made, and that no person shall be elected to the said Office who shall not have received such a majority to which in Amendment is introduced

Resolved that the City Council proceed to elect the City Assessors in the usual way which Amendment is put and lost the Original resolution is then put and carried by voting for it and seven Against it

and the names

Resol. rel. to City Assessors Election

1849

April 17

and the names being called stood thus
 for the Resolution _____ against it _____
 Messrs. Maylor — Miss _____ Messrs. Smith Cabot _____
 Watt — Lardlaw _____ Magnowly — Pegg _____
 Brown — Anderson _____ Jennings — Richardson _____
 King — Northup _____ Mc Nat _____
 Bennett _____ 9 _____ 7

Mr Richardson gives notice at the next meeting of the City Council he will move to reconsider the above resolution.

The following resolution is next introduced
 Resolved that in the future that all appointments to office of enchainment be made by a clear majority of the Members of Council present, which on being put is yeas 13 Nays 3 and 3 against it.

Mr Richardson having asked permission to withdraw his notice for reconsidering this resolution just passed the Council grant the same

The Council then proceed to elect a City Assessor for the current year and the Ballot having been taken there appeared for Mr Patrick Mahony 12 Mr McDonald 3 Mr Joshua Lee 1 Mr James Geott Jr 1
 Mr Patrick Mahony is therefore elected one of the City assessors

The Ballot is then proceeded with for the election of another City Assessor and having been taken there appeared for Mr Donald 6 Mr B Lefain 6 James Geott Junr 3 Joshua Lee 1 and neither of the Parties having a clear majority the Ballot is again taken when there appeared for Mr Donald 6 Mr Francis B Lefain 11 Mr Francis Lefain is therefore elected

The City Council next proceed to elect a Collector of Road Taxes for Ward No 1 Ward No 2 Ward No 3 Ward No 4 Ward No 5 Ward No 6 and the Ballot having been taken there appeared for Mr Wm Smith 6, Mr F Leguire 2, Mr St E Pugsley 4, Mr Thomas Angus 1, Mr Patrick Cochran 2, Mr John Lepell 1
 and neither of the parties having a clear majority the Ballot is again proceeded with when there appeared for Mr Smith 8 Mr Leguire 1 Mr Cochran 3 Mr Pugsley 4 and neither of the parties having a clear majority the Ballot is again proceeded with when there appeared for Mr Smith 9 Mr Lepell 3 Mr Cochran 1 Mr Pugsley 3 Mr Smith is therefore elected collector of Road Taxes for Ward No 1 Ward No 2 Ward No 3 Ward No 4 Ward No 5 Ward No 6

Resol. rel. appointments to Office - be by a clear Majority -

Election of City Assessor

Election of Road Tax Collector

The

April 17

The following Resolution is next introduced

Resolved that the sum of One Hundred and ten pounds be granted to the Commissioners of Streets for Ward No 1 to be expended in such parts of the Ward as the Commissioners may deem most beneficial, and may most require the same to be taken out of general funds of the City. which on being put is passed

Resolved that the Ordinance of the Executive Council relative to Slaughtering Houses be published once in the Recorder, Colonist & Sun which on being put is passed

Resolved that the following sums be placed at the disposal of the Commissioners of the Streets for the purpose of cleaning the Streets of their respective Wards for Year 1849

Ward No 1	£	17	10	0
2		20	-	-
3		30	-	-
4		25	-	-
5		25	-	-
6		12	10	0
	£	130	0	0

The sums to be taken from out of general funds of City which being put is passed.

The Council then adjourned until 10 o'clock at two o'clock

April 18

At an adjourned meeting of City Council held this day present His Worship the Mayor Aldermen

- Laidlaw
- Richardson
- Braine
- Bennett
- Cabot
- Watt
- Weyler
- King
- Mignowit's
- and Jennings

Read over proceedings of yesterday

Resolved that the Recorder be requested to furnish this Council with his opinion as to whether it is in the power of the Commissioners of Streets to prevent the repairs now going upon the Building recently on Fire south of Horse St. the logs were property of Upper Water Trust, part of said House being an encroachment on the Street which on being put is passed

Resolved that His Worship the Mayor be requested to procure the Books and Blanks necessary for the Assessors to make out and complete their Assessment.

which being put is passed

The Mayor

Resolved to be placed at the disposal of the Commissioners of Street -

Resolved to Recorder's opinion on Street repairs

1849

April 18

The Mayor calls the attention of City Council to the subject of the Books and Papers, in possession of the late Collector of Road Taxes — the following resolution is introduced —

Resol. requiring John Mills to give all Papers, Books &c belonging to the City.

Resolved that Mr John Mills be required to deliver to the City Marshal all Books, documents, Papers, and Writing in his power or authority as late collector of Road Taxes for the City within three days after service of a copy of this Resolution and should the said John Mills refuse or neglect so to do that the said City Marshal be authorized to make complaint on behalf of City Council to that effect before a Justice of the Peace pursuant to Law. And that such other proceedings be taken, as are pointed out by Law, to obtain possession of said Books and documents and Papers — which on being put is passed —

— Read the following communication from the Secretary of the Halifax Water Company relative to Fire Plugs & Hydrants

Communication Halifax Water Co. rel. to Fire Plugs and Hydrants.

— Halifax 2^d April 1849 —

To His Worship the Mayor

Sir

I have the honor to communicate to you by order of the Directors of the Halifax Water Company the following Resolutions which were passed at a Meeting of the Board on the 30th instant relative to the Contract to be entered into by the Company with the City, touching the Fire Plugs and Hydrants to be placed at the disposal of the City under Act 8 Vict. Cap 31 and for the consideration mentioned therein —

Resolved that a contract be entered into with the Corporation touching the Fire Plugs and Hydrants already placed and to be placed at the disposal of the City under the above act based upon the following propositions —

- 1st — that the foregoing shall only be used in case of Fire
- 2nd — that no Water shall be taken from the Hydrants by the Corporation or any person or persons whomsoever for the purpose of selling the same or offering it for sale
- 3rd — that the Fire Plugs and Hydrants shall be under the control of the Corporation, but be considered the Property of the Company, and be kept in order and repair at the expense of the Company, except in case of Fire, if injured by the servants of the Corporation when the damage is to be made good by

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by the Corporation. —

4th That the Company shall keep the Pipes full of Water unless in cases of unavoidable accidents or when the operations of the Company may require its pipes to be emptied —

5th That the Engineers and other Officers of the Company shall have at all times free access to the said Hydrants and Fire Plugs for purposes connected with the works of the Company

I have the honor to be

Yours Obt. Servant

J. S. Shannon Esq

When the following resolutions are introduced. —

Resolved that the Fire Plugs shall be used in case of Fire and for other City purposes under the direction of the City Authorities —

Resolved that no water shall be taken from the Hydrants by the Corporation or any person or persons whatsoever for the purpose of selling the same or offering it for sale. —

Resolved to
Fire Plugs and
Hydrants.

Resolved that the Fire Plugs and Hydrants shall be under the control of this Corporation, but considered the property of the Company and be kept in order and repair at the expense of the Company, except in cases of injury by the servants of the Corporation, when the damage shall be made good by the Corporation —

Resolved that the company shall keep the pipes full of water, unless in the case of unavoidable accident, or when these operations of the Company may require the pipes to be emptied —

Resolved that the Engineers and other Officers of the Company shall have at all times free access to the said Hydrants and Fire Plugs for purposes connected with the works of the Company —

Resolved that the City Council are prepared to comply with the terms of the foregoing resolutions on their parts to be performed, provided the said Water Company shall first enter into the Bonds required by the Bye Law

passed

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by the City Council at a Meeting on the 27th December 1848 and shall also comply with the terms of the said resolutions on their part to be performed and that the City Council consider £1000 as a reasonable sum to be inserted in the said bond as the penal sum thereof. —

Resolved that a copy of the propositions of the Water Company as amended by the Council, be conveyed to the Directors of said Company and that it be communicated that they were passed by the Council unanimously. —

Took up the Report of the Committee of Public Accounts as submitted to the Council on the 12th instant and received and ordered to lie on the Table. —

Read - rel. report
Committee of
Public Accounts

When following resolutions are introduced. —

Resolved that the report just read be adopted and acted upon, and that the sum of Five Thousand Pounds be assessed on the Citizens for the purposes set forth in said report which on being put is passed. —

Resolved that the sum of Five Thousand Pounds shall be assessed or levied on or be collected or raised from the City for and towards the necessary expenses of the City, and for the support of the Poor for year 1849. And agreeably to the statement submitted to, and passed by the Council. —

Which on being put is passed. —

Whereas the City Council have this day by resolution ordered and directed the sum of Five Thousand Pounds to be assessed or levied or be collected or received from the Inhabitants of the City for and towards the necessary expenses of the City, and for the support of the Poor 1849. — The City Council direct that the City Clerks give notice to the City and Ward assessors to make said assessment, as the Citizens of the respective Wards agreeably to Law, and make return of the same according to Law. —

Which on being put is passed. — The Council then rise. —

April 20

The Assessors elected by the several Wards of the City having this day assembled at the Mayor's office, then and there in the presence of the Mayor proceeded to nominate elect and appoint by Ballot one assessor from out of the same and the following having been so nominated selected and appointed for the Wards appertaining to their names respectively they the said assessors are then and then duly sworn, faithfully to perform their duty as the acting assessors according to the best of their judgment, and to make a fair and impartial assessment in their respective Wards. —

James

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James Mitchell	Ward No 1	1
Samuel B. Caldwell		2
Thomas Fierberg		3
John Cleverdon		4
B. C. Brubaker		5
Alast. Knight		6

Signed

A. Hummel. Mayor

April 21

Mr Patrick Mahany and Francis Le Cain appointed to the office of City Assessors Having taken the oath prescribed by Law on this day sworn into office as City Assessors in presence of His Worship the Mayor

Mr William Smith Having taken the oath of Office prescribed by Law and having executed a Bond to the City agreeably to the Act. is this day sworn into Office as Collector of Road Taxes for Wards No 1. Ward No 2 Ward No 3 Ward No 4 Ward No 5 Ward No 6 in the presence of His Worship the Mayor.

April 24

Henry Spivey, William Lovitt, James Fulton, William Anderson and John McPherson. Having taken the oath of office prescribed by Law on this day sworn into Office as Jurymen of Lunacy for the City of Halifax. in presence of His Worship the Mayor

1849

April 27

— Halifax 27 April 1849 —

— At a Special Meeting of the City Council held this day Present His Worship the Mayor. Aldermen. Anderson. Landman. Wm. Richardson. Braine
 " Cabot. Watt. Mayhew. King (Mignowitz) Mnat.
 " Northup, " " and Jennings —

— Read over the Proceedings of 13th April —

— The City Council are summoned to appoint an Alderman and three Inspectors to hold the Election for Ward No One to consider a communication from James Trimain Esquire relative to stoppage of drain in Victoria Street. —

— also an application from Jerg: Fulingham & Michael Mulligan offered for reward for apprehension of Persons who broke into the Chapel. — and the transaction of other business —

— Read Mr McEwan Smith's Bond as Successor of Streets

— His worship the Mayor brings to the notice of the City Council the necessity of appointing an Alderman for holding an election for Ward No One. when Mr Alderman Mignowitz is proposed to which an amendment is introduced that Mr Alderman Mue be the presiding Officer at the Election to be held for in Ward No One. which Amendment being put is carried. Eight Voting for it and four against it — the original Motion is therefore Lost. —

— The City Council next proceeded to appoint three Inspectors for holding said election when Messrs John Fryder. Henry Poyser and John McLean are appointed to that Office —

— Read following Petition of James Trimain and others relative to the stoppage of Drain in Victoria Street — viz

— To His Worship the Mayor and Aldermen of the City of Halifax. —

— The Complaint and information of sundry persons who are Owners of Property in Victoria Street in Ward No 1 —

— Sheweth —

— That in the Year 1844 a Public Sewer was made from Pleasant Street through Victoria Street from Lands principally

Petition of James Trimain et al. relative to stoppage of Drain Victoria Street —

1849

April 27 — principally supplied by the City and under the direction of the City Authorities this Public Sewer, was made to convey the water collected from various streets in the neighbourhood into the sea

Your Memorialists have now complains, the mouth of the said Public Sewer is closed up and the outlet for the water is obstructed by a quantity of earth and rubbish being deposited at the mouth of the sewer, and your memorialists fear that much damage will be done to the surrounding property and the street destroyed, unless immediate attention is given to the subject of complaint and the obstruction removed, by an order of the City Authorities, to whom the Proprietors look for redress

As the City claims the Taxes on the Properties in the neighbourhood and the performance of Statute labor of the inhabitants there also, they feel they have claim for the same protection from the City Authorities, as if the sewers in the Centre of the City were obstructed

As in the case of the late Mr George Innes where the decision of the Judges compelled him to remove the obstruction and pay the expences incurred amounting to more than £200.0.0

If the City Authorities cannot protect the outlets of the Public sewers required for draining the City, the Properties of parties past which the drain is carried, are injured by the act of the Public Authorities placing the sewers in situations that may be obstructed or closed up at the caprices and will of an individual

Your memorialists pray that immediate steps may be taken to remove the obstruction complained of before the accumulation of water injures the streets and property in the vicinity of the sewer

Halifax April 17 1849
Signed — James Freeman & others

Read the following Notice given James Freeman and others relative to the stoppage of drain in Victoria Court

To His Worship the Mayor and the Aldermen of the City of Halifax

The Respectful representation and notice of the Proprietors of Property in part of Ward No 1
Sheweth

That when the City Authorities determined to construct a Public Sewer to carry off the accumulation of water collected from South Street, Morris Street, Queen Street, a part of Schmidells and that district of land lying between the Quarters of the Commandant and Fort Massy as far to the eastward as Pleasant Street. They had the choice of two routes by which to make the sewer

Notice rel. to Sewer South Street

The