

1849

April 27

The first was to follow the course of Pleasant Street emptying at Fresh Water Bridge into the River the first Obstruction of any kind the course from the City being only liable to half the expense under the Act authorizing the Commissioners to make Drains on the west side of the Streets. though somewhat longer than the present drain, would not have materially increased the expense to the City — The second route was to cross Pleasant Street, pass down Victoria Street and cross Water Street placing the Mouth of the Sewer against Private Property — This course the City Authorities adopted, and completed the sewer accordingly. — When Mr Henderson wished to improve his Property he made two Offers to the City Authorities permitting them to continue the Sewer through his Lot — as the Mouth of it was near his property, but as the City Authorities declined doing any thing he proceeded with his improvements.

The sewer is now closed up by a quantity of earth being deposited at the Mouth. Notice of which has been lodged at the Police Office by the Constable and also by the Proprietors in their address to your Worship and the Aldermen a few days since — As a large Amount of Property is liable to be injured if not destroyed by the Stoppage of this sewer

The Proprietors of such Properties wish to give a Notice to your Respectable Body as the Guardians of the City, that any damage incurred by such Stoppage, to their Properties they will hold the City accountable for and they do hereby Respectfully give you this notice that they may avoid themselves of such Notice at a future period if they sustain damage and with respect they subscribe themselves

Your Obedient Servants

Proprietors of Properties in Ward No 2

Jegma

James Tremain

George Henderson Joseph Miles

Henry Rayer Patrick McCarthy

Robert Malcolm James Jukes

Edward Hanny Jas Fitzgerald

John Hogan and J Williamson

When the following resolution is introduced —

Resolved that the Petition and Notice just read be received and lie on the Table for future Consideration. to which the following amendment is introduced —

Resolved that the foregoing Notice and Petition be referred to the Commissioners of Works to make enquiry into the circumstances therein set forth and report thereon at the next Meeting of City Council. which Amendment being put

is carried

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is carried nine voting for it and four against it
Resolved that in the absence of Commissioners of Streets for
Grand No 1 Mr Alderman Naylor be added to the Committee appointed
to make enquiry into the circumstances set forth in the Petition of
James Freeman and others which on being put is passed

Read Petition of Sergeant Felmingham and Michael
Mulligan relative to the Reward offered for the Apprehension
of the Parties who broke into the Chapel when following resolution
is introduced

Resolved to
reward for the
breaking into
of Catholic
Chapel

Resolved that the reward offered for the Apprehension
and conviction of the Parties who broke into the Chapel viz. Twenty
Five Pounds be equally divided between Sergeant Felmingham and
Michael Mulligan being the two Parties who were instrumental
in the Apprehension and conviction of the Parties by Clerk of the
City Treasurer to which the following amendment is introduced

Resolved that the sum of Fifteen Pounds be paid
Michael Mulligan and ten Pounds be paid Sergeant Felmingham
being the amount of reward offered for the Apprehension of the
Parties who broke into the Chapel the same to be paid by Check on
the City Treasurer. which amendment being put is carried
nine voting for it and four against it the Original is therefore
lost and the names being called for they stood thus

For the Amendment	Against it
Mr Naylor - King	Mr Cabot
Drains - Laidlaw	Mignowitz
Jennings - Richardson	Matt
Watkins - Muttley	Andrew
Mr _____ 9	_____ 4

The City Council direct payment of Mr A Standup Account
amounting to Two Pounds eleven Shillings and three pence be paid
by Check on the City Treasurer. the same having been recommended
by Committee of Public Accounts

May 1

The following Bye Law, having been assented to is
Published in the Royal Gazette

An Ordinance or Bye Law relating to the Common
of Halifax

Be it ordained by the Mayor and Aldermen of
of the City of Halifax in Council assembled

John D.

1849

May 1st — First. — That from and passing of this Ordinance the Common of Halifax shall be under the Control of the Committee for the time being, but subject nevertheless to the rules and regulations herein after set forth, or which shall at any time hereafter be set forth by the said City Council of and concerning the same —

By Law re-
to Common

2nd (Second) — That no persons except Inhabitants in the City of Halifax shall be allowed to place Cows and Oxen or Sheep on said Common to depasture, thereon and that an Inhabitant shall place thereon more than one Cow or Ox or Three Sheep at any one time except as hereinafter provided —

3rd (Third) — That the said Committee shall have Authority to permit an additional number of Cows, Oxen, or Sheep belonging to Inhabitants to depasture on said Common on such terms as they may deem judicious and beneficial, and on payment in advance by the owner of any sum not to exceed ten shillings per annum for any such Cow or Ox or any three Sheep

4th — That every Cow Ox or Sheep which shall be permitted to depasture on said Common, shall before being placed thereon be registered by the owner thereof and in his own name ^{in a Book} to be kept for this purpose by the Superintendent of Common who shall file a Copy thereof at the Police Office —

5th — That all Persons authorized to place Cows Oxen or Sheep on the said Common shall cause such Cows Oxen to be designated by an Iron Put or Leather Collar on the neck thereof with the Owners name on the said Collar, and each Sheep to be distinguished or marked with the initials of the Owner named on some conspicuous part of said Sheep —

6th — That every Cow, Ox, or Sheep found at large on or depasturing on said Common without being first registered and designated by a Collar or Mark as herein before required shall be impounded, and released only on the payment of a sum not exceeding ten shillings and costs to be paid at the Police Office —

7th — That no Horses, Pigs, or Cattle of any description except such as herein before provided for shall be allowed to depasture on said Common and all such Horses, Pigs or Cattle found at large thereon shall be impounded and not released without the payment of at the Police Office of a sum not exceeding Ten Shillings —

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Shillings for any or each so impounded

8th That all Persons depositing broken glass rubbish the
 Carcases of dead animals. Manure offals or filthy
 substances of any description on the said Common
 except in the Places appointed by the Committee
 or removing earth soil stones Peat mould or fods
 on or from the said Common or erecting any building
 booth. tent. shed. Posts. or Pickets unless in writing
 from the said Committee of Common. shall be deemed
 guilty of a trespass, and shall forfeit and Pay a
 Penalty of not exceeding forty Shillings for each
 Offence. and on Non Payment thereof shall be
 committed to the House of Correction for a period
 not exceeding thirty days. and that all Manure
 and Compost Heaps found on said common shall
 be forfeited. and the said Committee may apply
 the same to the use of the Common

9th That all Persons prostrating destroying defacing or
 injuring any fences reservoirs. bridges. drains.
 trees or Plantations on said Common shall forfeit
 and pay a fine not exceeding forty Shillings
 for each offence and on Non Payment thereof shall
 be imprisoned in the House of Correction for a
 period not exceeding thirty days

10th That any Person who shall wash clothing bedding
 or Articles of any description upon any part of the
 Common. except in the Places appointed by the
 said Committee shall forfeit a sum not exceeding
 five Shillings for said Offence. to be paid at
 the Police office. and the superintendent shall. and he
 is hereby Authorized to seize and detain any such
 clothing or other Articles lying and being upon said
 Common. and to retain the same until the Person to
 whom they shall belong. or the Person washing the same
 shall pay at the said office the said fine and all
 costs incurred. after which he shall be released and
 deliver up the same.

11th That any person who shall enter the waters or any
 reservoir on said Common for the Purpose of washing
 swimming or bathing shall forfeit and pay a fine
 not

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exceeding Ten Shillings for each Offence or in default thereof be confined to the House of Correction for a Period not exceeding fully Eight Hours

12th That all persons trespassing said Common with Carts or Carriages or other Conveyances. except on the road of said Common. shall forfeit and pay a fine not exceeding ten Shillings for said Offence

(inserted) - In Council 30th April 1849

— Signed, Approved. —

— Joseph Hoice —

Alderman Watt and Alderman Brains Appointed this day to act as auditors on behalf of City Council to act with the City Auditors in examining the various Accounts of City Treasurer.

John McLean Having taken the oath prescribed by Law in this day sworn into office as one of the Inspectors for holding the election in Ward Number One. in presence of His Worship the Mayor

Office of the City Clerk

Gentlemen

Halifax 1st May 1849

Order to Assess-
to City and Ward
Assessors

I have it in command from the City Council to direct you to assess the Citizens of Halifax agreeably to law in the sum of Three thousand four hundred and twenty five Pounds for and toward City Purposes, and the further sum of one thousand five hundred and seventy five Pounds for and toward the support of the Poor for the ensuing year, making together the sum of Five thousand Pounds, distinguishing the City Rates and Poor Rates respectively. I am also directed to state that the City assessors make returns of the Assessment for City Rates and Poor Rates to the Office of the City Clerk agreeably to the Act.

I am Gentlemen

Your Obedt Servants

to Mess^{rs} Patrick Mahony

Francis W Llan

City assessors 3

to James Mitchell - assessor for Ward Number One

James McFaldwell de de Imo

Thomas Thursty de de Three

John Clewden de de Four

B C Barks de de Five

Alexander Knight de de Six

2nd May

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May 2

Messrs Henry Poyer and John Fryder Having taken the Oaths prescribed by Law, are this day sworn into office as two of the Inspectors for holding the election in Ward Number One in presence of His Worship the Mayor. —————

May 18

Halifax 18 May 1849

At a Special Meeting of City Council. Present
His Worship the Mayor. Alderman - Anderson. Laudlaw - Richardson
Bennett. Cabot. Pratt. Mayor. King. Mignowitz. Mr. Colman
Northup. Mugg. King. & Jennings. —————

The City Council were summoned to receive the Return of Election for Ward Number One. to Appoint an Overseer of Streets for said Ward. to take into consideration a communication from Water Company also Application of Patrick Healey ^{for remuneration} for injury done his Barn at late fire in Danack Street and the transaction of other Business —————

Read over proceedings of 27th April last —————

Read order to Apprais bearing date 1st May 1849 to make an apportionment. —————

Make following communication from Water Company in answer to city councils resolution of 18th April. —————

Halifax Water Company's Office

— Ju — — April 27th 1849. —

Communication
Water Co. re. to
Fire Plugs &c.

I have the Honor to acknowledge the receipt of the letter of City Clerk of 20th Instant enclosing copy of extract from the Records of the City Council under date 15th instant which communications, have been laid before the Directors of the Halifax Water Company. and in answer. I beg to state that the Board have come to the following resolutions — viz. —————

Resolved. — That the Board of directors Consider that the Fire Plugs should be used only in cases of fire. and that they therefore assent to the first resolution of the City Council contained in the above mentioned communication. but they are willing to agree to the remaining Resolutions therein contained.

Resolved that the secretary communicate the above to the City Council. and to state that an early answer is particularly requested. as the directors are desirous of proceeding with the Company's works without delay. — And they wish to be prepared with

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with the necessary information in order to decide upon the mode in which they must be carried on.

I have the honor to be

Your Most Obedt. Servt.

To His Worship
The Mayor

J. L. Hannan

Secretary

When on Motion the communication is ordered to lie on the table for future consideration

Read following communication from Patrick Leahy.

Halefax NS May 14. 1849

To the Mayor and City Council.

Gentlemen

Communication from P. Leahy re: to fire in Barracks Street.

In consequence of the fire that took place in Barracks street where the Waterloo Tavern and the adjoining house was burned down. it was agreed by the firemen to pull down a part of my premises in order to stop the progress of the fire. on application to Mr. Sinclair he sent Mr. Lounds a Master builder to value the damages and he has valued the loss and damages to be five pounds ten shillings. I hope gentlemen you will take it into consideration, and allow me some compensation, as I agree as to what my loss was estimated to be altho I do not think that it is fully satisfactory for said damage

I remain - Gentlemen -

Your humble servant -

Barracks Street

(Signed)

Patrick Leahy

when the following resolution is introduced

Resolved to inquire into injury sustained by P. Leahy by fire in Barracks Street

Resolved that the sum of five pounds ten shillings be paid Patrick Leahy in full for injury done his premises at the late fire in Barracks Street. agreeably to estimate furnished and approved by the Board of Fire Wards. which on being put is passed

Resolved to the suspension of Thomas Kirby Coal Measurer

His Worship the Mayor brings to the notice of the City Council his having suspended Thomas Kirby. One of the Measurers of Coals when the following resolution is introduced

Resolved that Thomas Kirby's suspension be confirmed and that he no longer be considered a Measurer of Coals - which on being put is passed

The City Council next proceed to appoint a Measurer of Coals when the Ballot is proceeded with when there appeared for Henry Inglis & Alexander Grant 8 - Linnam 2. when neither party having a clear majority the Ballot is again proceeded with when there appeared for Alexander Grant 13

Henry

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Henry Inglis & Alexander Grant having a clear Majority is appointed measures of Coals

The following Resolution is next introduced.

Whereas it has been clearly established to the satisfaction of the City Council that various sums of Money have been received by Mr John Willis while collector of Road Taxes for this City which have not been included in his Account Book exhibited to the Commissions of Streets and have not been paid over into the City Funds.

Resol-rel to John Willis the collector of Road Taxes

And whereas in consequence of such default and after full inquiry the said John Willis by unanimous Resolution of the City Council passed on the twelfth day of April 1849. was dismissed from his Office.

And whereas the said John Willis is still accountable for a Portion of the City Revenues. not accounted for or paid over as aforesaid, but has notwithstanding been declared as elected one of the Aldermen for Ward No 1 at the election held yesterday for that Ward

Resolved that the said John Willis being so accountable was not capable of being elected an Alderman for the said City and that Aldermen near the Presiding Officer be authorized and requested not to return the said John Willis as duly elected which being put is passed unanimously

The following return from City Marshal having been read
Calicut 17 May 1849

To

Agriably to a Resolution passed by the City Council on the 18th April last. I called on Mr John Willis and demanded all the Books and papers in his power or possession as late Collector of Road Taxes for the City who replied that he had taken them to Mr Poyor except some Blank summonses which he gave to me

Return from City Marshal rel to demand made on John Willis

I have the honour to be
Sir your Ob^t Servant
Signed George Stovin
City Marshal

The following resolution is next introduced

Whereas by the return of the City Marshal made this day it appears that John Willis late Collector of Road Taxes for this City has neglected to deliver within three days after being thereunto required by a Resolution of the City Council passed on the eighteenth day of April 1849. and served upon him by the City Marshal. all Books documents Papers and writings in his Custody or Power as late Collector of Road Taxes

Resolved that proceedings in accordance with the Provisions of 53rd Section of the Act of Incorporation be forthwith commenced against the said John Willis. for the purpose of obtaining

May 18 — All ~~the~~ such Books documents Papers and writings as have or may have been in his possession or that he be further dealt with according to law. which on being put is passed. —

Resol. rel. to Resol. — Resolved that the resolution of April 12th and the
in case of John Resolutions passed this day, together with the Report of the
Willis being — Commissioner of Streets relative to Mr Willis' Accounts & adopted
Printed. — by the Council be published in the "Sun" "Colonist" and
"Records" — which on being put passed unanimously —

— The following Resolution is next introduced: —

Resol. rel. Comm. — Resolved that a Committee consisting of One Alderman
the on Street Lamps. from each ward, be appointed to make arrangements
respecting the most eligible sites for Street Lamps, and
further to ascertain from the Directors of the Gas Company
the Number of Lamps they will be willing to provide for
one Year for Four Hundred Pounds, and Report to the
City Council at an early day, which on being put is passed

— Resolved that Alderman Landau, Richardson
Leabot, Naylor, Coleman and Jennings be the said
committee which on being put is passed —

— On Motion the City Council proceed to elect a Com-
missioner of Streets for Ward No One —

— Mr Alderman Anderson being proposed Commissioner of
Streets for Ward No One, which proposition having been second-
ed Mr Anderson is appointed to that Office. —

The following Resolution is next introduced

Resol. rel. Night — Resolved that in accordance with the Report submitted
Watch. — by the Committee of Public Accounts and received by the
City Council. Six Persons, be appointed to the City Night
Watch, and that they be directed to enter upon their duties
forthwith and that His Worship the Mayor and Aldermen
Landau, Richardson, Cabot, Naylor, Coleman, and Jennings
file up said Appointments which on being put is passed

May 21 — The following By Law relative to Public Cunntry
having been appointed to is published in the Royal Gazette

1843

May 21

An Ordinance or Bye Law respecting the Public Cemetery in the City of Halifax.

Whereas it is necessary to establish suitable Rules and regulations for the Management of the Public Cemetery in the City of Halifax.

Be it Ordained by the Mayor, Aldermen and Common Council of the said City, in City Councils Assembled

By Law rel. to Public Cemetery

1st That a strip of Ground nine feet wide extending the whole length of the eastern side of the said Cemetery and divided into Lots of Three feet in width from North to South, shall be entirely devoted to the interment of Strangers and other persons who die and have no relatives residing in the said City.

and for this purpose the said strip (with the Exception of such parts thereof as have been already disposed of, or appropriated to the Burial of the dead, shall be sold under the direction of the Committee of the Cemetery for the time being for the sum of Twenty Shillings for each Lot payable on all occasions before they are allowed to be used for interment.

2nd That whatever portions of the remaining part of the said Cemetery are now or may be divided into lots of Nine feet square shall be sold under the direction of the Committee aforesaid for the sum of Forty Shillings for each Lot, except such as have been already used for the purpose of interment. The Proposed purchaser at the time of Applying for the same, to have his Name and the Number of his lot or lots, Registered by the City Clerk in a Book to be kept by him for the purpose, and to pay therefor and take out his title thereto within Thirty days from the time of his said Application and if he shall not so pay therefor within the time aforesaid, he shall forfeit all interest therein provided the said Lot or Lots shall not have been used for the purpose of interments. - but if the said Lot or Lots shall have been so used, and the Purchase Money or any part thereof shall after the expiration of the said time remain unpaid the amount so due and unpaid, may be sued for by the Committee of the Cemetery, in the Name of the City of Halifax and recovered in the same manner and form, as other debts of like amount are sued for and recovered

3 - That Divisions Number Five and Six, on the Plan of the said Cemetery having been allotted to the Parishes of Saint Pauls and Saint Georges respectively a Sale of any Portion of these Grounds shall not be made, nor shall a title be delivered to any intending purchaser unless in addition to registering his Name

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name as aforesaid. he shall first produce in writing to the City Clerk, the Approval of the Rector, and Church Wardens of the Parish to which the division comprehending the said required Lot or Lots has been assigned —

4th — That no Person shall be allowed to use any Lot or Lots for purposes of enclosure or the erection of monuments or the cultivation of Trees Shrubs or Plants in the same unless he shall first produce a title to the said Lot or Lots to the Chairman of the Committee aforesaid, who shall thereupon give a written permission addressed to the Keeper of the Cemetery —

5th — That no Person shall become the Proprietor of more than 4 Lots. —

6th — That no Lot shall be used for any other purpose than as a Place for the burial of the Dead, except that the Proprietors of Lots shall have the right to erect Monuments or Sepulchral Structures and to cultivate Trees Shrubs and Plants in the same. subject to the restrictions aforesaid. —

7 — That any Proprietor may exchange his Lot if it has not been used for purposes of interments, and select another more appropriated, on the terms of giving a Challenge for such Privilege the right to the Lots thus selected to be acquired by complying with the conditions herein before mentioned to be observed by the Purchasers of Lots —

8 — That the Proprietor of a Lot or Lots shall have a Right (subject however to the Restrictions by these Regulations imposed) to enclose the same with a Wall fence or a Railing of Bricks, Stone, Wood, or Iron within the boundaries of his Lot or Lots such wall, fence, or Railing not to exceed three and a half feet in height from the surface of the Ground either along the main Avenue or alleys nor to encroach upon the main Avenue, or upon two and a half feet allowed for the alleys, and no Post, Pillar, or Ornament shall be erected as to Project in any part beyond the Lot or Lots owned by such Proprietor. And it shall be the Duty of the Keeper of the Cemetery to require the terms of this Regulation to be complied with, and in all cases of Violation to give Notice to the Committee of the Cemetery, who shall have full Power when they may deem it advisable, to cause any Wall fence Railing, Post, Pillar, or Monument improperly erected to be removed —

9th — That no Wall, fence, or Railing shall at any time be placed or erected in or around any Lot or Lots, the Material and design of which shall not have been first Approved of by the Chairman of the Committee of the Cemetery or a Majority

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of the Members of the said Committee, nor shall the Surp of the Cemetery allow any such Walls, Fences, or Railings to be erected unless the consent of the Chairman or a Majority of the Members of the said Committee be presented to him in Writing

10th That the Proprietor of a Lot or Lots shall erect at his own expense suitable Landmarks of Stone, Iron or Wood at the Corners thereof, and shall also cause the Number or Numbers of said Lot or Lots to be legibly and permanently marked on the Premises and if the Proprietor shall omit, for Thirty days after Notice, to erect such Landmarks and mark the Number of the Lot or Lots the Committee aforesaid shall have Authority to cause the same to be done, and the expense thereof shall shall be paid by the said Proprietor, and on failure of such Payment, The said Committee shall have power to sue for and recover the same in the Name of the City of Halifax, in Manner and Form as other debts of a similar Amount are sued for, and recovered within the said City

11th That if any Trees or Shrubs situated in any of Lots shall by means of their Roots, Branches or otherwise encroach upon, or in any way become detrimental to the adjacent Lots, or become dangerous, or inconvenient to Passengers it shall be the duty of the Committee aforesaid for the time being, or such Person, as they shall duly Authority be enter into the said Lot or Lots and in such way as they may deem necessary remove the same or such parts thereof as thus encroach and are detrimental dangerous or inconvenient

12th That the Lots shall be held subject to the Provisions contained in the Act of the Legislature passed in the third year of His late Majesty William 4th Chapter 32, entitled "An Act concerning Cemeteries or Burial Grounds in the Town of Halifax"

13th That it shall be the duty of the Surp of the Cemetery to require that every grave be dug at least four feet in depth

14th That no proprietor shall transfer any Lot or Lots without the Consent of the Chairman or a Majority of the Committee of the Cemetery

15th That any person or persons, who have already purchased a Lot or Lots, or used the same for Purposes of Interment, and have not paid for the same shall be liable to be sued for the Price thereof and the Amount due shall be recovered by the said Committee in the Name of the City of Halifax in the same manner as other debts of like Amount are now sued for and recovered within the said City, unless the same shall be paid on or before the third day of July next.

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16th — That the City Clerk shall deliver or send a Copy of this Ordinance to each proprietor of a Lot or Lots in the said Cemetery —

in Council May 18 1849

Signed (Approved) Joseph Howe —

Alexander Grant having taken the oath prescribed by Law is duly sworn into Office as Measurer of Coals in the presence of His Worship the Mayor. —

June 1

The following Persons having been selected for the City Night Watch. Agreeably to resolution of Council of 18th May and having taken the oath prescribed by law are this day sworn into Office in presence of His Worship the Mayor. —

Selection of City
Night Watch.

Ward No One	George Bachm
do Two	Jeremiah Connally
do Three	Maurice White
do Four	Garrett Doland
do Five	W May
do Six	Jeremiah Donovan

Maurice White is appointed superintendant for
Ward No 1. 2. & 3. —

McKay appointed superintendant for Ward 4 5 & 6

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June 25

Halifax 25 June 1849

At a quarterly meeting of City Council held this day present His Worship the Mayor. Aldermen Anderson. Richardson. Bennett. Cabot. Naylor. King. Mignowitz. Ormab. Coleman. Northup. Jennings

Read over Proceedings of the 18th May.
 The Mayor brings to Notice of Council the grant obtained relative to Water Lot near Fresh Water Bridge and the Fees paid thereof

Petition George Isles relative to fine

Read Petition of George Isles Junior relative to fine imposed upon him for exposing for sale unstamped Bread. When on Motion said Petition is received and ordered to lie on the Table. to be taken up at next Meeting of City Council

Read Memorial of James Beckman for to be appointed a Surveyor of Lumber and of Grindstones. which on Motion is ordered to lie on the Table.

Read the following report of Commissioners of Streets relative to stoppage of Drain in Victoria Street.

Report Commissioners of Streets relative to Drain to Victoria Street

The Commissioners of Streets to whom was referred the Petition of James Tremann Esquire and others of the 17th April 1849 relative to stoppage of Drain in Victoria Street. beg leave

Report. — That they have examined the Records of the City Council on this Subject together with the Opinion of the late Records now on file. as also the verbal Opinion of the present Records. and after having given the same every Consideration it is their Opinion that it is not obligatory upon or expedient for the City Council to comply with the Application of the Petitioners.

Signed — Elias Cabot
 Robert Richardson
 Thomas King
 John Northup
 John Naylor

Halifax 25 June 1849

When on Motion the said Report is received.
 On Motion it is agreed that at the next Meeting. to fill up the vacancy of Surveyor of Lumber and that in the mean time Notice be given

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June 25

The City Council order the Payment of following Accounts the same having been recommended by the Committee of Public Accounts —

— A. J. Ritchie	\$ 15 —	—	Dr Mc Donald	\$ 9. 10. 8
— Edward Young	4. 3. 10	—	do	8. 11. 5
— Henry Wright	12. 1	—	do	5. 5. 9
— Thomas Holloway	27. 0. 0	—	do	8. 11. 4
			— P Landrekin	— 10. 9

The following Resolutions are next introduced —

Resolved to John
Willis Collector.

Whereas by a Resolution of the City Council passed on the Eighteenth day of May 1849 — Whereas it is ordered that a suit at Law should be instituted against John Willis late Collector of Road Taxes for the robbery of the Books, Papers &c then remaining in his possession which were the Property of the City, and in conformity with that Resolution legal proceedings was commenced against him before Andrew McKinlay and George W. Russell Esquires Justices of the Peace for the County of Halifax, which resulted in his conviction and a commitment to jail — and whereas the said Willis was subsequently brought before their Honors the Chief Justice and Judge Bliss, on a Writ of Habeas Corpus, and was by them discharged from Custody on Account of Alleged informality in drawing up the Warrant of commitment, with reference to certain Papers, Vouchers &c which it was decided by the said Chief Justice and Judge Bliss were not set forth in such a manner that the same could be identified. — And whereas in the Opinion of this Council, the said decision has a tendency to involve the whole business of the Corporation, whenever the said Offices of the City may think proper to retain Books, documents or Papers which may have been entrusted to their Charge, and therefore cannot be consistent with Justice. — And whereas Andrew McKinlay and George W. Russell Esquires have in the Opinion of this Council discharged the duties which devolved upon them as Justices of the Peace in the Prosecution aforesaid acted in strict accordance with both Law and Justice. — and having framed the Warrants as regards the Papers and documents in the only way practicable under the circumstances, and whereas Notice of an Action have been served upon the said Andrew McKinlay and George W. Russell Esquires it is the duty of this Council to sustain the said Justices in this Affair: —

Resolved that this Council on behalf of the Citizens of Halifax are prepared to sustain the said Andrew McKinlay — and

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June 25 — and George W Russell Esquire in every possible way in defending the said Act in believing the prosecution to be unjust. Rescissions and unsustainable. passed unanimously

Resolved further that legal proceedings be forthwith commenced against John Mellis the late collector of Road Taxes to recover the monies still in his possession belonging to the City of Halifax and received by him from different parties by virtue of his late Office of Collector of Road Taxes for Wards Nos. 1. 2. 3. 4. 5. & 6 of the City of Halifax

passed unanimously

Resolved that the Professional services of Mr Young Esquire be engaged on behalf of the City to assist His Honor the Recorder in all Proceedings that it may be necessary to take either by way of defence or prosecution in reference to Mr Mellis and to advise and assist generally in the course to be pursued in these transactions

passed unanimously

The following Resolution is next introduced

Whereas a vacancy at present exists in the Office of Alderman for Ward No One

Resolved to Alderman for Ward One

Resolved that His Worship the Mayor issue the usual Notices for holding said Election and that Mr Alderman Jennings be the Presiding Officer and that Messrs Peter Lynch Phillip Letson and Joseph Wain be the Inspectors for holding said Election which on being put is passed

His Worship the Mayor brings to the notice of the City Council the Grant obtained for Water Lot near Gush Water Bridge and the amount of Tax Paid thereon which on Motion is approved of

July 2

Peter Lynch Phillip Letson and Joseph Wain having taken the Oath prescribed by Law that they are duly qualified as required by the Act are this day sworn into Office as Inspectors for holding the Election in Ward Number One in Presence of His Worship the Mayor

1849

July 14

At a Special Meeting of the City Council held this day present. His Worship the Mayor, Alderman Anderson, Landlaw, Mr. Richardson, —, Cabot, Matt. Naylor King — Mr. Mat. Coleman, Northrup, Rugg King and Jennings —

The City Council were summoned to take into consideration a communication from Water Company, relative to the Fire Plugs and Hydrants and the transaction of other Business —

Read over Proceedings of 25th June. —

Read the following communication from the Water Comp^y of 3 July 1849. —

Halifax Water Company's Office —
July 3. 1849.

Communication from Water Co. re. to supply of Water.

Sir — I have the honor to communicate to you the following Resolution which were passed at the Annual General Meeting of the stockholders of the Halifax Water Company which took place yesterday agreeably to Law —

Resolved that unless the Offer made to the City Council respecting the supply of Water for the City be accepted by the City Authorities agreeably to the terms already proposed by the Directors, within Thirty days from this date, the present supply of Water to the Hydrants and Fire Plugs will be cut off. —

Resolved that a Copy of the above Resolution be sent to the Mayor. —

I remain Sir —

Your Obedient Servant,

To His Worship — 3
The Mayor. 3
Signed J. L. Shannon Secy

Read the following requisition from Alderman Naylor and others for calling a Meeting of City Council —

Halifax July 11 1849 —

We the undersigned request that your Worship will call a Special Meeting of the City Council at the earliest possible date that the Act of Incorporation will admit, to take into consideration the Resolutions sent to your Worship by the Directors of the Water Company last week

Signed Mr. Naylor, John Northrup
To His Worship The Mayor 3
W. J. Coleman, Thomas King
John Matt.

1849

July 14

Read the following Letter of 6th July from the Mayor to Secretary of Water Company.

Mayors Office

Sir

Halifax 6 July 1849.

Having received a communication from you of 3rd Instant transmitting me a Copy of a Resolution passed at a recent meeting of The Water Company stating that unless the offer made to the City Council respecting the supply of the water for the City be accepted by the City Authorities agreeably to the terms already proposed by the Directors, within thirty days from the date, the present supply of Water to the Hydrants and Fire Plugs will be cut off. And as the City Council will meet in a few days, will you have the goodness to inform me of the proposition referred to. As I am anxious there having been several. The one alluded to by the Company should not be misunderstood.

I have the honor to be

Sir

Your Most Obedt Servant

J. L. Shannon

Mayor

To

J. L. Shannon Esq.
Secretary &c &c

Read the following communication of 6 July 1849 from the Secretary of Water Company in answer to the Mayors Note

Halifax Water Company's Office

July 6 1849

Sir

I have the honor to acknowledge the receipt of your letter of this days date, and in answer thereto have been requested to state to you that the Terms proposed to the City by the Directors, contemplated by the Resolution forwarded to you on the 3rd Instant, are contained in the Resolution of the Directors under date of the 26th March last, which were transmitted to you and were as follows. Viz.

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 Act 8th Victoria Cap 31 if used upon the following Propositions

1st That the Fire Plugs shall only be used in cases of Fire

2 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

Letter Mayor to Secretary of Water Co.

1849

July 14

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 cases of injury by the servants of the Corporation when the damage will be made good by the Corporation

4th - That the Company shall keep the pipes full of water, unless in the case of unavoidable accident or when the operations of the Company may require the pipes to be emptied

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

I have the honor to be
Your Obedt Servant

J L Shannon
Secretary

To His Worship — 3
The Mayor. — 3

The following resolution is next introduced

Resolved to Water
Comp^y Contract
with the City

Resolved that the first Resolution of the Council passed on the 18th April instant relative to a contract to be made with the water Company be reconsidered and that the following be submitted.

Resolved that the Fire Plugs be used only in cases of fires and for engine purposes, to which the following Amendment is introduced.

Resolved that the first resolution passed by the City Council on the 18th April relative to a contract to be made with the water Company be adhered to when amendment being put is lost. 5 Noting for it and 9 against it — and the names being called for stood thus.

For the Amendment.	Against the Amendment.
Mayor Cabot	Miss ^{rs} Taylor.
Rugg	Coleman
Ludlow	Mier
Jennings	King
Richardson	Wothup
	Wing

5

9

The Original Resolution is then put and carried. 9 Noting for it and five against it.

The following

1849

July 14 — The following resolution is next introduced. —

Resolved that a Committee of the City Council be appointed to visit on the Water Company and ascertain whether the Fire Plug and Hydrants about to be erected are of such a construction as fully to answer the purposes contemplated —
which on being put is passed —

Resolved that senior aldermen of each ward be that committee consisting of Messrs Landlaw. Richards. Matt Maylor. W. Mat and Rogg —
which on being put is passed —

Resolved to
Engine House

Resolved that the Board of Fire Wards be requested to obtain the necessary Horse for the use of the Engine Company and duly authorized by a vote of the Council not to exceed one hundred and fifty pounds. — which on being put is passed —

The following Resolution of Commissioners of Streets is next introduced —

The Commissioners of Streets recommend that the further sum of Fifty Pounds be granted from the General Funds to the Commissioners of Streets for Ward No 1 to enable him to complete the drain in Lewis Street. When the following resolution is introduced —

Resolved that agreeably to recommendation of Council Commissioners of Streets the further sum of Fifty Pounds be granted the Commissioners of Streets for Ward No 1 to be taken from the general Funds. — which on being put is passed —

1849

July 18

At a Special Meeting of City Council held
 this day present. His Worship the Mayor. Aldermen.
 Paul Law. Anderson. Richardson. New Brain. Bennett-
 Cabot. Matt. Maylor. King. Thomas Coleman and Worship

and Jennings
 The City Council were summoned to receive the return
 of Election of Ward No. One. — Appoint a surveyor of Lumber
 and the transactions of Other Business —

Read over the Proceedings of the 14th July —

The following Resolutions are introduced —
 Whereas at a Meeting of the City Council held on
 the 12th day of April 1849 John Willis late Collector of Road
 Taxes for the City of Halifax by unanimous resolution was
 dismissed from his said Office. because it had been clearly
 established to the satisfaction of the City Council that various
 sums of Money had been received by the said John Willis
 while Collector of Road Taxes. which had not been included
 in the Account Book exhibited by him to the Commissioners of
 Streets. and which sum of Money had not been paid over
 into the City Funds. or otherwise accounted for by him. and
 for the recovery of which a suit has been instituted against
 him in the Supreme Court. And whereas by the 21st Section
 of the Act 12 Victoria Chap 14 entitled an Act respecting

the Incorporation of the City of Halifax it is enacted

"That no person accountable for the City Revenues shall be
 capable of being elected an Alderman for the said City."

And whereas by a Resolution passed on the 18th May last
 it was determined unanimously that the said John Willis
 who on the previous day received a Majority of Votes at the
 Election held in Ward Number One. for an Alderman of said
 Ward. was not eligible to be elected an Alderman under
 the section of the Act above referred to. And whereas
 by a Resolution of the City Council passed on the 25th June 1849
 His Worship the Mayor was authorized to issue a Proclamation
 for holding an Election for Ward Number One to fill up the
 Vacancy then existing. and in accordance therewith an election
 was held yesterday in said Ward before Alderman Jennings
 Presiding Officer and Messrs Peter Lynch. Joseph Lewis and Phillip
 Letson Inspectors. and notwithstanding the said Resolution of
 the City Council declaring the said John Willis was not duly
 qualified. The said John Willis was yesterday declared
 as elected as one of the Aldermen of the said Ward. and

Resolved John
 Willis Collector
 of Taxes

1849

July 18

And whereas the said John Willis was then and still is accountable for a portion of the City Revenues not accounted for or paid over as aforesaid.

Resolved that the said John Willis being so accountable was not capable of being elected an Alderman for the City of Halifax. and that Alderman Jennings the Presiding Officer be Authorized and requested not to return the said John Willis as duly elected — which on being put is passed unanimously.

Whereas a vacancy at present exists in the Office of Alderman for Ward One.

Resolved that His Worship the Mayor issue the usual notice for holding election for said Ward and Mr Alderman Jennings be the presiding officer and that Messrs Peter Spink Phillip Letson and Joseph Min be the Inspectors for said election. — which on being put is passed.

Resolved Notice for Election in Ward One.

The City Council met proceed to elect a surveyor of Lumber for the City. Read Application of Robert Graham and John Rhodes when the Ballot is proceeded with and there appeared for Robert Graham 11 and John Rhodes 3 Robert Graham is therefore elected Surveyor of Lumber.

July 25th

Peter Lynch & Joseph Min having taken the Oath prescribed by Law, that they are duly qualified as required by the Act are sworn this day into office as inspectors for holding the Election in Ward Number One in Presence of His Worship the Mayor.

July 28

Philip Letson having taken the Oath prescribed by Law, that he is duly qualified as required by the Act is this day sworn into Office as Inspector for holding the Election in Ward Number One. — in presence of His Worship the Mayor.

1849

August 2

At a Special Meeting of the City Council
held this day, Present His Worship the Mayor, Aldermen
Laudlaw, Wier, Bennett, Cabot, Maylor, King,
Mr Macbr, Colman, Warkup, Rigg,
and Junings.

The City Council were summoned to take into
consideration the Bond and Agreement of the Water Company

Read over the Proceedings of 18 July 1849.

Read Agreement submitted by the Water Company

Read Bond and Agreement as submitted by the
Water Company when the said Bond and Agreement having
undergone some Alteration. The following Resolutions is
introduced.

Resolved that the Bond and Agreement
just read be adopted. And that the same be transmitted
to the Water Company, and it be communicated to them
that the City on their Part are prepared to execute the
same. Which on being put is passed.

The following Resolutions is next introduced.

Resolved that the Sum of Five Pounds be placed at the
disposal of Commissioners of Streets for Ward Number 6 for
the purpose of covering three wells recently dug in said Ward
which on being put is passed.

Resolved that the sum of Fifteen Pounds be placed at the
disposal of the Commissioners of Streets for Ward No 5 to com-
plete two wells in said Ward, which on being put is passed.

Read Report of the Committee on the subject of the Gas
Posts. When on Motion said Report is received and
Ordered to lie on the Table to be taken up at the next
Meeting.

The following Resolution is next introduced

Whereas the Act contemplated by the Act passed
in the second year of the Reign of Her present Majesty Queen
Victoria entitled an Act Additional to and in further
Amendment of the Act concerning Cemeteries or Burial
Grounds in the Town of Halifax. And the Act passed in

Res
W
of
Resolved Bond
and Agreement
Water Company