

1850

October 22

The following resolution is next introduced

Resolution
to remove Stone
from Street
St Andrews Crof
to
NW Arm

Resolved that Alderman Moore and
Smithers be a Committee to dispose of the stones placed by
the Water Company on the road leading from St Andrews
Crof to the North West Arm in such way as they may think
most advisable. Which on being put is passed

On Motion the Council rise

W. Caldwell Mayor

October 26

The following Bond having been approved
of by His Worship the Mayor and Alderman Murdoch
is entered

J. C. Craigen
Bond
Collector 586

Know all men by these presents, I John C
Craigen of the City of Halifax and Province of Nova Scotia
Gentleman as principal and Robert Richardson Gentleman
of the said City and Richard A Bell Gentleman of the
said City are held and firmly bound to the City of Halifax
in the Sum of Four Hundred Pounds of Lawfull moneys of
Nova Scotia, that is to say the said John C Craigen as
principal in the sum of Two Hundred pounds and the said
Robert Richardson and Richard A Bell as sureties for the said
John C Craigen in the sum of One Hundred pounds each
to be paid to the City of Halifax for which payment well and
truly to be made. We bind ourselves and each of us, Our heirs,
Executors and Administrators, and the Executors, and
Administrators of each of us jointly and severally, firmly by
these presents Sealed with our Seals and dated the twenty-
sixth day of October in the year of Our Lord one thousand
Eight hundred and Fifty

Whereas at a meeting of the City Council
held on the fifteenth day of October Instant the said John C
Craigen was duly elected Collector of Road Taxes for Wards
5 and 6 of said City

Now the condition of this obligation is such
that if the said John C Craigen shall well and truly faithfully
perform execute and discharge all the duties appertaining to
the

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The said Office of Collector of Road Taxes agreeably to Law and such Ordinances of the said City Council, as have been or may hereafter be legally made, relating thereto, and shall duly account for and pay over to the City Treasurer of the said City, all and every sums of money which shall come into his hands, as such Collector of Taxes for said Wards Five and Six, and shall not make default therein. Then this obligation to be null and void - otherwise to be and remain in full force and virtue.

Signed sealed and

Delivered in presence of

The words for said Wards

Five and Six interlined on

the fourth line second page

being first inserted

Jno. L. Craig

Sig John C. Craigen *JD*Robt Richardson *JD*R. A. Bell *JD*

J. C. Craigen
Sworn in as
Collector for
Wards 5 & 6

John C. Craigen having filed his Bond, and having taken the Oath of Office prescribed by Law is this day Sworn into Office as Collector of Road Taxes for Wards No. Five and Six in presence of His Worship the Mayor

October 28

The following Bond having been approved of by His Worship the Mayor and Alderman Murdoch is entered

James Scotts
Bond
Collector 1-235/4

Know all men by these presents that We James Scott of the City of Halifax and Province of Nova Scotia Gentleman as Principal and Archibald Shawshaw and John McDougall Merchants of the said City are held and firmly bound to the City of Halifax in the sum of Six hundred Pounds Lawfull money of Nova Scotia, that is to say the said James Scott as principal in the sum of Two Hundred pounds and the said Archibald Shawshaw and John McDougall as Sureties for the said James Scott in the sum of Two Hundred pounds each to be paid to the said City of Halifax for which payment well and truly to be made we bind ourselves and each of us our Heirs, Executors and Administrators, and the Heirs, Executors and Administrators of each of us jointly and severally firmly by these presents sealed with our Seals and dated this twenty eighth day of October in the year of our Lord one thousand Eight hundred and fifty

Whereas at a meeting of the City Council held

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held on the fifteenth day of October instant the said James Scott was duly elected and appointed to the Office of Collector of Road Taxes for Wards one, two, three and four of said City

Now the condition of this obligation is such that if the said James Scott shall well and faithfully perform execute and discharge all the duties appertaining to the said Office of City Collector of Road Taxes for Wards one, two, three and four agreeably to Law and such ordinance of the said City Council as have been or may hereafter be legally made relating thereto, and shall duly account for and pay over and pay over all and every sum or sums of money which shall come into his hands as such City Collector of Road Taxes, and shall not make default therein, then this obligation to be null and void, otherwise to be and remain in full force and virtue

Signed Sealed and Delivered in presence of the Wards for Wards No One two, three and four on the third Line of the second page being first interlined

J. S. Clarke

By: James Scott
Archibald Shawhan
John McDougall

James Scott Sworn in as Collector for 1, 2, 3 & 4

James Scott having filed his bond and having taken the oath of Office prescribed by law is this day sworn into Office as Collector of Road Taxes for Wards No 1, 2, 3 and 4 in presence of Alderman Mendench

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October 29

The following Bond having been approved of by His Worship the Mayor and Aldermen Muddoch is entered

Jos Keeflers
Bond
Registrar of the
Cemetery

Know all men by these presents that we Joseph Keefler of the City of Halifax and Province of Nova Scotia Gentleman as Principal and William Alexander McCagy of the said City Tailor and John Mills of the said City Paper Manufacturer are held and firmly bound to the City of Halifax in the sum of one hundred pounds of Lawfull money of the Province aforesaid that is to say the said Joseph Keefler as principal in the sum of Fifty pounds and the said William A McCagy and John Mills as sureties for the said Joseph Keefler in the sum of Twenty five pounds each to be paid to the said City of Halifax for which payment to be well and truly made we bind ourselves, our heirs, executors and administrators jointly by these presents sealed with our seals and dated this twenty ninth day of October in the year of Our Lord one thousand Eight hundred and fifty

Whereas at a Meeting of the City Council held at Halifax on the fifteenth day of October instant, the said Joseph Keefler was duly elected and appointed to the Office of Keeper and Registrar of the Protestant Cemetery for said City

Now the condition of this obligation is such that if the said Joseph Keefler shall well and faithfully perform execute and discharge all the duties appertaining to the said Office of Keeper and Registrar of the Protestant Cemetery agreeably to law and such Ordinance of the said City Council as have been or may hereafter be legally made relating thereto and shall duly account for and pay over all and every such sum or sums of money which shall come in to his hands as such Keeper and Registrar of the Protestant Cemetery and shall not make default therein. Then this obligation to be null and void, otherwise to be and remain in full force and virtue

Signed Sealed and	Delivered in presence of	J. S. Clarke	Sig. Jos th Keefler	W. A. McCagy	John Mills

Jos Keefler
Surreinto Office

Joseph Keefler having filed his Bond and having taken the oath of Office prescribed by Law is this day sworn into Office as Registrar and Keeper of Protestant Cemetery in the presence of Alderman Roche

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October 31
W^m Doyle
Sworn into Office
as Weigher of
Hay &c

Mr William Doyle having this day
this day taken the oath of Office prescribed by Law is this
day Sworn into Office as Weigher of Hay &c for the scales at
Fairbanks Wharf

Board of Health
Sworn

Peter Nordbeck, James Munkle, Foster
Smelling, and William Munkle, having taken the oath of
Office prescribed by law are this day Sworn into Office as
Member of the Board of Health in presence of Alderman
Roche

November 2
Board of Health
Sworn

Charles B Taylor having taken the oath of
Office prescribed by law is this day sworn into Office as one
of the Board of Health for the City in presence of His Worship
the Mayor

November 5
City Marshall
Sworn

George Irvin having filed his bond
and having taken the oath of Office prescribed by Law
is this day sworn into as City Marshall in presence of His
Worship the Mayor

November 7
Board of Health
Sworn

Thomas Fenwick, Robert Romanus, James
Cochran, Henry Yeomans, Thomas A Bauer having taken
the oath of Office prescribed by law are this day Sworn into
Office as members of the Board of Health for the City in
presence of His Worship the Mayor

November 8
Board of Health
Sworn

John McDougall having taken the Oath
of Office prescribed by Law is this day sworn into Office as one
of the Board of Health for the City in the presence of His
Worship the Mayor

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At a special meeting of the City Council held this day present His Worship the Mayor Aldermen Laidlaw, Mitchell, W Anderson, Smithers, Noble Watt, Morrison, Murdoch, Taylor, Egan, Johns, Roche, Stimmings, W Anderson, and Knight

The City Council were summoned to take into consideration the report of Committee of City Property relative to the New Meat Market, the report of Committee relative to Weighers of Flour, a communication from Gas Company the opinion of His Honor the Recorder relative to new line of Road East side of North West Arm, the Bye Law relative to Public Houses, Memorial of James Chambers relative to his Taxes, application of J Gesener for leave to open Streets, the payment of various accounts and the transaction of other business

Read over proceedings of 22 October

The Chairman of Public Accounts having brought to the notice of the City Council the account presented by the Gas Company amounting to £100, and that the Captain of the Watch that many of the lamps have been extinguished at different times of the night the following resolution is introduced

Res of Com of Pub acs. rel to Gas acs

Resolved that two Gentlemen of the City Council be appointed to act with the Chairman of Public Accounts, and take up the account of the Gas Company obtain such information as may be necessary and adjust the sum, and that Alderman W Anderson and Stimmings be that Committee, which on being put is passed

The Committee of Public Accounts having submitted the following report

Report of Com of Pub acs

The Committee of Public Accounts beg leave to inform the City Council, that they in examining the Book kept by this department perceive all the City accounts are not presented to them for examination and approval, but that many are sanctioned and paid without being submitted

If it be intended that this committee should keep a strict supervision of the City's financial affairs

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affairs, and the exact annual expenditure should be known
This intention is not accomplished by the present partial
submission of accounts

The Estimates for the Years requirements
although sanctioned by this Committee, and nominally their
estimate, is but the Draft of the City Clerk, on whose judgment
the whole Council depend for the accuracy of the Statement
annually exhibited, and upon which the Apportionment for
the ensuing year is made

The whole City Revenue, by the present
Act of Incorporation is one General Fund from which the
various departments draw the sums required for disbursement

The Committee would therefore recommend
that in future the accounts of every department in the City, should
be kept distinct, and exhibited to them, that a record may be
made in their books, from which the exact sums drawn by each,
how expended and for what purpose may be known and
published, at the end of every fiscal year

Should this System be adopted, the
appropriations for each department, under its own name can
be made in the estimate with correctness

After having as named provided the
amount deemed sufficient, this Council are of opinion that
a contingent fund is necessary, let it be reserved for a contingency
and not set aside, as has hitherto been the practice, and
expended under the directions of the Street Commissioners

If this Fund be not expended, at the end
of the year the balance will be accounted for, and repair the
Deficiency of the ensuing year

The Council will perceive, that the
alterations suggested by the Committee, necessarily causes
much additional labour to devolve upon them, but the
effectual check this System will afford to inaccuracy or
unauthorised expenditure, by any of the Departments, is
what induces us to recommend it, as the only method we
can at present devise, which will give satisfaction to those who
wish a detailed, and distinct account, of the expenditure of
the City Funds

All which is respectfully submitted for the
consideration of His Worship the Mayor and the City Council
Malaga Nov 1850

Sig^d W. Roche Chairman

When on Motion said report is received and
ordered to lie on the table

Read

1850
November 22Report of
Com^y of City Prop^y
Subject
New Market
House

Read following report of the Committee of City Property relative to New Market

The City Council having been authorized by an act of the Legislature passed last Session, to borrow the sum of \$2000 to erect a Market House, directed the Committee of the City Property to advertise for designs and estimates. This Committee observing that the Act was passed with the proviso that the Market House be of Brick or Stone, would state that they consider the above sum too small, for such a stone or brick building as the City Council seem to have in contemplation, and would recommend that application be made to the Legislature for liberty to borrow \$2000 in addition to the former sum. Presuming that this permission would be granted they advertised for designs and estimates directing the architects that their estimates were not to exceed \$1000. Four designs have been submitted to the Committee all within the latter amount signed Sever, Sedia, P.E.D. and Blank, and they have had several meetings to examine these designs. The last mentioned one has met their approval generally as delineated, with the exception of the Eastern elevation, where a different arrangement of the Shops on the basement story was agreed upon making five Shops on that story and also an elongation of the windows of the first story to correspond with those on the second story. The architect was consulted about these alterations, and he informed the Committee that they might easily be made.

The design shows a building 68 x 110 feet. The committee having had a plan of the Ground prepared by Mr. Jacob Currie Supervisor of Streets, find that the ground upon which the present market stands measures 100 feet wide and the lane to the south 16 feet. The Committee had contemplated taking 10 feet of this lane so as to enable them to have a building the size of the design 110 feet, but having taken the opinion of the Recorder in writing, and now laid on your table, they find that the City cannot encroach upon this lane without having an act from the Provincial Legislature. They also find that a line drawn from the North side of the Building leading down the the Market Wharf, to the property owned by Mr. Donaldson and George Street, would give them 70 feet north of the line of the present Market house, and the Recorder's opinion is that the Commissioners of Streets are the persons to whom application is to be made, if the Council wish to take any part of this ground, as the Committee as the Committee understand that the Council are desirous of advertising for tenders forthwith, they would recommend that this design be altered to 106 ft x 68 ft instead of 110 ft x 68 feet as in the Draft submitted estimated at \$5,500. in which

The

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The North and West fronts are of Free Stone similar to the Bank of British North America, and East and South Fronts of rubble Stone. Under the impression that the Commissioners of Streets would feel themselves warranted in allowing an Ornamental Stone Building for the Public use to be brought out to feet, particularly as it faces an open space, they would recommend that the building be 106 x 68 feet.

The Committee would suggest that Tenders be taken Separately.

1st The basement story and the base of the building to be double axed granite, and all above on the East West and North Fronts of Free Stone similar to that of the Bank of British North America. The South Front to be rough pointed Free Stone.

2nd The building to be double axed granite except the South front which is to be rough pointed granite.

3rd The basement story and base as in the first tender to be of Granite, and all above piped brick for East, West and North Fronts with Granite rustic Cornices Window Sills, Architraves, lintels, pillars, Cornices and Chimney of double axed Granite the South front good hard brick.

It now remains for this committee to exhibit what they estimate would be the expence of completing this building and the annual rent they consider that it would yield in contrast with the rent realised from the present building.

Present rental of Shops under the Market	129.0.0
Stalls in Butchers Market 10 occupied	96.15.0
do unoccupied 3 valued at £23	
Yielding at Present	<u>225.15.0</u>

Estimate of New Market	
Top of Rent for 1 Year during the period of building	225.15.0
Cost of Plan approved by Committee	500.0.0
Allow for Contingencies	500.0.0
Interest on Payments to be made while building is going on say 6% on above	180.0.0
	<u>£ 1405.15.0</u>

The Interest at 6% on Cost £1406	£ 384.7.0
Rent of Present Market	<u>225.15.0</u>
Am't required of Rent to cover Cost without Insurance	3
	<u>£ 610.2.0</u>
	Rent

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Rent estimated to be realized from New Building		
allowing it to be 106 x 68 feet		
3 Shops and Cellars basement they at £50 each		£150
18 Stalls in Butchers Market each 12 x 10		
the Stalls in the present Market	8 ft x 10	
and average 49.13 ea say	£15	270
11 Stand Tables for vegetables 2 of 24 x 4 to of 26 x 4		
say 14 stands of 7 x 4 average at £3		42
6 Offices in the Second Story average at £14 ea		84
1 Room say 22 x 26		18
1 do say 43 x 32		36
		<u>£700</u>

The four plans and estimates are handed in with this report to the Council for examination

As this Committee consider that this is one of the most important matters that has yet been presented to the City Council involving a large amount of responsibility they would request that the Council appoint four of their body to examine the plans and estimates made by this Committee in this report, and if they agree with the report and the Council adopt it, they would recommend that plans and specifications be immediately made out under the supervision of the Committee, and that they be authorized to advertise for tenders to be opened by the Committee and reported upon to the City Council before any contract is entered into

Wm. Murdoch
Chairman

Read following opinion of His Honor the Recorder

To the City Recorder
Dear Sir

The Committee of City Property having under their consideration the Building of a Public Market House in the Market Square, request you to give them your opinion in writing, whether they could occupy any part of the present lane between the Market House and the property south belonging to Government and also whether if they got consent from the Commissioners of Streets, they could bring the New Building further North on George Street in a line with the Shop occupied by William Kelly at the head of the Market Wharf, to run in a direct line with Mr Donaldson's property at the head

Questions to Recorder
rel to Lane South
End of Market

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head of George Street

Committee Room
6 Nov 1850

I am Sir

Yours truly
Wm Murdoch Chairman

Opinion

Opinion of Recorder
rel to Lane
South End of
Market

The Lane referred to is of many years standing
probably has been a thoroughfare since the first settlement
I can remember it very long. I consider it to be a public
Street and therefore without an Act of the Provincial Parliament
I do not think it could be legally made obstructed

As to the other Question, the City stands in
the same position as a private proprietor about to build,
and therefore I recommend you to apply to the Commissioners
of Streets to give you your correct line on George Street, on
them will rest the responsibility of fixing the true line
on such consideration of the facts and law as they feel bound
to take, their duty in such cases is judicial and no doubt
they will examine the utmost care, and you I think
will be perfectly justified as official, when in adopting
the line they may approve

Wm Murdoch
1850

Wm Murdoch
Recorder

The following Resolution is introduced

Resolution
app 54 Gentlemen
to take up Plan
for Market House

Resolved that the report just read be received
and adopted and that a Committee of Four Gentlemen
of the Council be appointed to take up such plans and
report thereon, and thereon and that Alderman Johns, Kirk
Noble and Egan be that Committee, which on being put
is passed

Read following report of Committee
relative to Weighers of Flour and quantity imported

To His Worship the Mayor and Aldermen
of the City Council

The Committee appointed to obtain
official returns of the quantities of Flour and Meal imported
and to afford to the City Council such information with
reference to the appointment of one or more additional
Weighers of Flour and meal as may be collected by
them or necessary in the matter

Report

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Report of Com^{rs}
Relative to
Weights of
Flour & Meal

Report. That in the performance of the duty they called at the office of Import and Excise with expectation of obtaining the necessary information but found, that with the exception of the manifests of vessels being placed on file, no Statistical record of this description is kept in that Department - from the Comptroller of Customs and Navigation Laws therefore the following returns of the Importation and Exportation of Flour and Meal were procured

Flour and Meal Imported from 5th Jan^y 1849 to 5th Jan^y 1850

110,760	Bbls Wheat Flour	
30,200	do Rye do	
<u>38,195</u>	do Corn Meal - total in 1849	179,155 Bannels
Exported during the same period ¹⁸⁴⁹		<u>3,295</u>
Landed here and subject to be weighed		<u>175,860</u> Bannels

Do. from 5 January to 10th Oct 1850

83,070	Bbls Wheat Flour	
21,130	do Rye do	
<u>24,005</u>	do Corn Meal Total	128,205 Bannels
Exported during the same period		<u>1145</u>
Landed here and subject to be weighed		<u>127,060</u> Bannels

Believing this statement to be substantially correct. Your Committee consider they are warranted in arriving at the conclusion that there 150,000 Bannels of Flour and Meal annually liable on Importation into this Port to a Tax of one penny per Barrel for Weighing, which amounts to the Gross Sum of £625.0.0 when it is kept in view that from the nature of our trade with Canada the Importation of Flour and Meal from that Quarter will still increase the probability is that the amount of income from this source to be enjoyed by the Weighing Officers will not be less than now stated. By the Act of the Assembly Cap 7. passed 28th March last Section 6 & 11 the Council can only interfere with the fees payable to those now in Office, so as to regulate or to reduce them to an equivalent for the work performed by appointing one or more officers, Under which Circumstances your Committee recommend the appointment of Two additional Weighers of Flour and Meal for the City, by the adoption of which course it appears to your committee the inconvenience at present experienced by the Mercantile Community will be obviated and the emoluments of the Officers better apportioned and equalized than they now are. The Sentiments of your Committee accord with the generally received axiom of the Political economists of the present day, viz that a fair days wages should be paid for a fair days work, but they

Submit

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submit that it is not the wish of the City Council nor can they believe that it was the intention of the Legislature that such large incomes should be received by such Officers as either held or might be appointed to these situations.

Your Committee recommend further that it be made a condition that the Officers appointed or to be appointed by the City Council under this Act shall open and keep an Office in some central part of the City where by adopting a system of rotation one or more of them may be communicated with on all matters connected with their duties, and where a record of all their transactions under this Act ought to be kept -

Finally in connection with this subject which affects the interests of both Importers of Flour and Meal and the Consumers generally - as well as the duties which devolve upon the Officers. Your Committee recommend that further publicity be given to the Act of the Legislature by its insertion in *and* at least of the City and Papers

All of which is respectfully submitted
Council Chamber
October 1850
By John Egan Chairman
George Mitchell
Rob Noble

Read following communication from Messrs Parker and Cartan Weighers of Flour
Nashua Nov 15th 1850

To His Worship the Mayor and City Council
We the undersigned Weighers of Flour having learned that a Committee of Council have recommended the appointment of two additional Weighers, and not being aware of any dereliction of Duty on our part or inefficiency as to the demand upon our time or labour or of any complaint thereof respectfully remonstrate against the appointment of said additional Weighers for the present year feeling themselves to be quite competent to discharge all the duties imposed by the Office we hold to the satisfaction of the Mercantile Community; but should it appear at the conclusion of the Year that the enrolments received are too great they would suggest that in ^{that} case, a reduction in the fee be made which will be advantageous to the public and sufficiently remunerative to the Weighers

By John Parker
Saml Cartan
We

Communication
from
Messrs Cartan and
Parker
Weighers of Flour

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To the undersigned Merchants approve of the
spirit and suggestions of the foregoing remonstrance
by Thibault & Allison
and 25 others

The following resolution is next introduced

Resolved that the foregoing report be received
and adopted and that notice be given to applicants to file
their applications by the 29th inst, to which the following
amendment is introduced

Resolution
to appoint an
additional
Weigher of Flour

Resolved that the Report be received and
adopted with the exception that one additional Weigher of
Flour and Meal be appointed instead of two, and that
notice be given for applicants to file their applications
by the 29th instant which amendment being put & carried
11 voting for it and 5 against it. The original resolution
is therefore lost

Read following resolution of Commissioners
of Street, relative to D. Gesner's application

Resolution
of Com^{rs} of Street
rel to Gesner's
application

Read Letter from George W. Gesner Esquire for
leave to open the Street when on Motion it was Resolved
that Mr. Gesner's application be referred to the City Council at
its next meeting

Read following application from George
W. Gesner addressed to the Commissioners of Street

Halifax Oct 20th 1850

Gentlemen

Application
Geo W. Gesner
for leave to open
Street

Having it in contemplation to extend the
distribution of the New Gas in Wards No 3 and 4 of this
City, I beg to request your permission to open up such of the
Streets in said Wards as may be necessary for the purpose
of laying down the required Gas pipes. Your compliance
with this request will oblige

Yours respectfully

To the Commissioners
of Street Halifax

Sig: George W. Gesner

Read Memorial of John Tizard on
the Subject
Halifax

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Halifax 14 Nov 1850

Sir

Memorial of
John Longard
rel to Nuisance
caused by Gas
Works

I beg you will call the attention of the City Council as early as practicable to the Nuisance caused by the Gas Works on the property of Mr George E. Morton, I called the attention of the City Health Inspector to it, who pronounced it a Nuisance and forbade Mr Gesner Junior continuing the manufacture of Gas, on the Premises, to which I regret to say no notice whatever has been taken and as I am obliged frequently to suspend my business in consequence of the unpleasant as well as unhealthy Stench, and as I consider that my life and Property as well as that of my fellow Citizens are endangered by it. I hope the City Council will take such steps as to cause it immediate removal

To His Worship
The Mayor

I am Sir
Your obedt Servt
By John Longard

When following resolution is introduced

Application of
Mr Gesner not
Complied with

Resolved that said application be not complied with which on being put is passed

Memorial of
John Longard
referred Recorder

The Memorial of Mr John Longard on Motion is referred to the Recorder to report upon

Read Letter from Gas Light Company relative to encroachment on the Lane

Halifax Gas Light Office
20 July 1850

Resolution
Gas Company
rel: to encroachm
on Lane

In consequence of the repeated encroachments made by private individuals on the lane leading from Pleasant Street past the Gas Works by the erection of Buildings and Fences on that portion which the Public have for a long period been the habit of using, therefore be it Resolved that His Worship the Mayor be respectfully requested to call the immediate attention of the Commissioners of Street, Streets and to institute such steps as will place the Public in the occupation of that which they have so long enjoyed

Attest Copy
By John Ferman
Secy to Gas Light Company

Shew

1830

November 15 When in motion the same is referred to the Commissioners of Streets

Read following Opinion of the Honorable the Recorder relative to Petition of M. S. Olmou and others relative to a line of Road East Side of North West Arm

Opinion

Look upon the Act 1830, as giving to the City Council the power of directing a new Road or alteration of an old one; and I do not think that an appraisement made under it would necessarily compel them to carry out such projected road, if they saw good cause to abandon it

There is nothing expressed to that effect in Section 38 Act 1830 and I think that supersedes in a great measure, if not totally, the Act of 1834 (4th Ch. C. G.) even under the older Act. I am not satisfied that the Juries would have been compelled to conform the freeholders return, if the damages and expenses proved much greater than they had contemplated in issuing their precept, I should consider such a construction to be extreme and unreasonable as setting aside the general interest altogether

The Acts regulating the expenditure of Municipal funds in new lines and alterations of roads have generally left a discretion with the Government to adopt or reject them on the amount of the cost being ascertained; and although the Act in question say nothing on this point, I should conceive it to be an implied authority

The owners of land adjoining a proposed line of New Road could not, I think recover compensation for a damage which they would not in fact sustain, in case of the project being abandoned before the road was laid open

It is true the Act of 1830 is unqualifiedly, as it does not give any power to the City Council in direct terms, except that of adjusting the appraisement of Damages; but we must necessarily imply all other powers incidental to laying out the roads, or else it would be a nullity

All the powers held by the Juries and by the Commissioners of Streets are given to the City Council by Act of 1847 Chapter 14. Sections 107 and 108 and the Commissioners of Streets are directed to make and open new Streets or highways where the same shall be authorised to be made

Halifax
2 Nov 1830

J. Beamish Maudslow
Recorder

Opinion of
Recorder
rel to Road
East Side of NW
Arm

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Read the Petition of W. J. Wilmer and others
as filed ~~xxxx~~ ~~xxxx~~ 31st May 1850
Calif. Jan 30th April 1850

Gentlemen

We beg to enclose a Petition to the General
Sessions presented in December last for the opening of a
Road from the Five Gun Battery to the head of the North
West Arm. It was unanimously approved of by the Justice
in General Session and an order given for a precept pursuant to
the Statute. The power however of dealing in this matter
being within the precincts of the City, and with all others
of a similar character has been committed by the
Act of last Session to the City Council, and we have
respectfully to invite your attention to the importance
and beauty of the proposed line. It can be modified
we believe as to remove any reasonable objection of the Proprietors
and the appointment by the Council of two judicious persons
and of a competent Surveyor would probably smooth away
every difficulty and open a fair prospect of accomplishing this
desirable improvement

We have the honor to be

Your most obt Servt

Sept 14 Young

A. M. Winick

To His Worship the Mayor
and City Council

Petition of
W. J. Wilmer & others
relative to Road
East Side of N
W. Arm

To His Honor the Justices and the other
Justices of the Peace for the County of California assembled
in General Session

The Petition of the Undersigned Free-
holders of the said County. Respectfully Sheweth

That it appears to your Petitioners necessary
and proper as a public improvement that the Road from
Fresh Water Bridge along the Shore and the North West
Arm terminating now at the Five Gun Battery should be
extended to the head of the Arm. That the proposed exten-
sion was surveyed last year by Mr. Tolmer by order of
His Excellency the Lieutenant Governor, and the line was
reported as easy of construction and of the length of Two and
three quarters miles. That your Petitioners have reason to
believe that the sum necessary for making it, or the greater
part of it could be raised by private subscription and would
be greatly reduced by the employment of Military labour
and the warm interest taken in it by His Excellency. And
your Petitioners hope that in view of the great convenience
and

1830

November 15

and security of the line when completed and the moderate charge which the damages to be paid to proprietors would throw upon the County under the Act of 1834. Your Worship will readily acquiesce in the propriety and necessity of the line

And humbly pray that you will be pleased to order a Precept to be issued for the line by virtue of said Act

Halifax 28 November 1830

By William Johnson and 33 others

When the following resolution is introduced

Resolution
rel to issuing Precept for Road East Side NW Arm

Resolved that on the Petitioners undertaking to pay the expenses of the Survey and appraisement of the Road the Council direct that a Precept do issue directed to Messrs John Tempest John Burton and Henry West to proceed to make a just and equitable valuation and appraisement of the said new line of Road and that they make return of their proceedings to the Council agreeably to Law which on being put is passed

Dye Law rel: to License Houses transmitted to His Excellency

Read Dye Law or Ordinance concerning prosecutions for breach of the License Law which on Motion is directed to be transmitted to His Excellency the Lieutenant Governor for his approval

Read Memorial of James Chambers relative to his apportionment

Halifax N.S. Oct 27th 1830

To His Worship the Mayor and Aldermen of the City Council

Memorial of James Chambers rel to his taxes

The Memorial of James Chambers humbly sheweth that your Memorialist was served with an apportionment for Rates or Taxes on his Real and Personal Estate, that at the time appointed to appeal your Memorialist was out of the City having occasion to go to the Country on business

Your Memorialist therefore humbly asks your Honourable Board liberty to appeal
I have the honor to remain

Yours &c
By James Chambers

1850
November 15

Statement of Real and Personal Property of
James Chambers within the City of Halifax liable to Assessment

Value of Real Estate	£ 1000 . . .
Value of Personal Property viz	
Household Furniture	110 . . .
Monies	500 . . .
Shares of Stocks or Shares thereof	
owned within the City	400 . . .
Goods Chattels Wares and Merchandise	500
Debt Secured by Mortgage Monies	None
City Certificates	None
Provincial Securities	None
Total amount	<u>£ 2,510 . 0 . 0</u>

Halifax 5th
James Chambers of the City of Halifax
sworn to and saith that the above amount is in all
respects just and true, and that the sum of Two thousand
Five hundred pounds is the full value to the best of his own
judgment and belief of all the Real and Personal Estate for
which the said James Chambers is liable to be taxed
within the said City
Sworn to this 5th day
of October 1850 before me
By John Egan M.P.

By James Chambers

When on Motion it is ordered that Mr
Chambers assessment be reduced to £2500

The City Council next proceed to take
into consideration the Memorial of Edward Wallace and
others for Drain in Morris Street as read 22 Oct 1850

Halifax 5th October 1850
To The Commissioners of Street Ward &c
Gentlemen

Petition of
E Wallace & others
for Drain in
Morris Street

Being anxious that a Public
Drain should be opened in Morris Street, We the subscribers
bind ourselves to pay towards the same the amounts attached to
our several names, and we request that the work may be
commenced by you with as little delay as the Public interest
may allow

We are Gentlemen
Your obedient Servts

Edward

1850
November 15

Edward Wallace	£6.	Six pounds
John Stuchan	5.	Five pounds
Mr McLeod	3.	Three pounds
John Stuchan	2.	Two pounds
A Martburn	4.	Four pounds
James Stewart	4.	Four pounds
Miss Eldon for B.	4.	Four pounds
A B Paulin	4.	Four pounds

Read Mr Currie's Statement as the probable expense of making the same plan for 15th, when the following resolution is introduced

Resolution
to receive Tenders
for Drain in
Morris Street

Resolved that notice be given for Tenders for the Building of Drain in Morris Street agreeably to Specification handed in by Mr Currie and that the same be submitted to the City Council, which on being passed

Read following Letter from Lord Dundonald

Admiralty House
Halifax 23 October 1850

Letter from
Lord Dundonald
in answer to
Address

Sir,
I beg to acknowledge the honor you have conferred by favoring me with a copy of an address unanimously voted by the Council of the City of Halifax, under the supposition that my approaching departure would afford a gratifying opportunity to receive the expression of your and their favorable sentiments, in regard to the interest I have felt for the promotion of such measures as would develop the important maritime resources of this Province, abounding with numerous, harbours, inexhaustible mines of coal, and vast capabilities which do not require the gift of genius to foretel that even natural causes, will at no distant period, raise the North American Provinces to rank and power, little anticipated by those who are passively swept by the tide of emigration to quarters possessing infinitely inferior advantages to those which every where here presents themselves

As it is my intention to return to Halifax before I quit the Station, I respectfully suggest the expediency of postponing the honor which you and the City Council propose to confer, by personally presenting me with an address, I hope then to express more fully the means which appear to me essential for the promotion of
Yours