

1853

July 15
Memorial of
Avery Brown & Co. rel:
their Apement

Alderman Gibson submits Memorial of
Messrs Avery Brown & Co relative to their Apement, On Motion
the Same is received

Memorial of
the Miss Ives rel:
injury done their
property

Alderman Primrose submit Memorial
of the Miss Ives's relative to injury done their property by
the cutting down of Barrack Street, On Motion the Same
is received

Memorial of
Rich Onil rel:
drain Dresden row

Alderman Scott submits Memorial of
Richard Onil relative to opening of Drain in Dresden row
On Motion the Same is received

On Motion the application of the Water
Company this day submitted to the Council is read

Application of
Water Company
to put down a Private
Fire Plug in the
Street

Extract from Minutes of Directors of
Halifax Water Company 8 July 1853.

Resolved that application be made to the
City Authorities to obtain leave to put down a private fireplug
in the Street near Mr Ruggs premises, which they wish for
the purpose of supplying Messrs Shaw Williams mill, for
which privilege the Directors during the time the fireplug
is replaced will allow it to be used for fire purposes by
the City,

A True Copy

Signed J. S. Shannon. Secy.

And Permission granted

The City Council next take up the
Apement Book as returned by the City Apementors for 1853
when following resolution is introduced

Resolution
Apement-Book
accepted & approved

Resolved that the Apement Book this
day submitted to the City Council be accepted and approved
and that the same be deposited with the City Treasurer and
he be required to serve each person or Company rated or their
agents with the proper notice in accordance with the law
to which following amendment is introduced

Resolved that the Memorial of Messrs
J. Leonard & Co. and Messrs Avery Brown & Co. be first read, which
amendment being put is carried 9 voting for it and 4
against.

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against it the original is therefore lost,

Read following Memorials of Messrs
Stumard & Co and Messrs Avery Brown & Co.

Halifax July 14th 1853

Gentlemen

We beg to submit to your notice the enclosed copy of an affidavit made by Mr Boggs before John Egan Esq. and to call your attention to the following facts relative to it. On the morning of Monday the 13th June last Mr Boggs called at the Office of Mr William McKay one of the City Assessors to make an appeal from the sum of \$30000 at which the Real and Personal property of Stumard & Co. was valued, when he was informed that the day of appeal had passed that the notice was dated on the 28th of May and the 21st day had expired on the Saturday previous being the 11th June. Upon reference Mr Boggs found that of his notices which had been left at our Office by the City Assessors, two were dated on the 28th May and the one in question on the 21st May, this difference had escaped his notice until pointed out to him by Mr McKay. Considering that it was not the intention of the law, nor the desire of the City Council to take advantage of an error into which he had been led inadvertently supposing that the notices were all dated on the 28th May Mr Boggs made the necessary affidavit and sent it to Mr McKay.

We now respectfully request that you will take the circumstances into consideration and direct the City Treasurer or other proper Officer to appec us in the sum at which our property is valued ^{in the affidavit} say \$19,000

We have the honor to be

His Worship
The Mayor and
City Council

Gentlemen
Your obedient Servants
Signed Stumard & Co

To His Worship the Mayor and the
City Council

The Memorial of Messrs Avery Brown & Co most respectfully sheweth, that the annexed notice was left at the establishment of your Memorialists addressed as you will perceive to James F Avery, that Dr Avery having left the City did not return until it was too late to

Memorial of
Stumard & Co rel: to
their Appecment

Memorial of
Avery Brown & Co rel:
their Appecment

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to have the same rectified, application to that effect having been made to the City Assessors. That Dr Avery has no individual property in Ward No 3. That your Memorialists conceive the notice is intended for the firm of Avery Brown & Co and do not wish to object paying their fair and just proportion of Assessment, and herewith annex the necessary affidavit showing the amount of their real and personal property in said Ward and upon which they are ready and willing to pay. All which is respectfully submitted,

\$33500 in July file 1

July 15 July 1853

Signed Avery Brown & Co.

The following resolution is next introduced

Resolution rel:
to Assessment
Book

Resolved that the Assessment book now submitted be referred to the Committee who reported upon the Valuation Books to examine and report on the same which on being put is passed.

Read following report of Superintendent of Streets relative to building of Bridge at 3 mile house,

Report of Supt of
Streets, relative
to Bridge at
3 mile house

Agreeable to the Advertisement for Tenders for Building this Bridge, tenders were received up to noon of the 8th July and were opened on that day as follows

1	Robert Munroe	64.5.9
2	Isaac Wittier	75.0.0
3	John Pop	70.0.0
4	John Roach	43.0.0
5	Samuel Hartt	61.10.0
6	Joseph Quinn	57.10.0

Mr John Roach being the lowest tender he was notified to send in a letter from two responsible persons, stating that they were willing to become his securities in the sum of ninety pounds, or before the 11th Inst. and on the 11th the following note was received from him,

Sir

Having received your notice stating for me and my securities to come in on Monday and sign the Bonds. I am sorry to state to you that my security decline in doing so for me, and therefore I must give up

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up the Contract which I am sorry for
 D^r M^r James Irons
 Superintendent
 Yours &c
 Signed John Roach

M^r Joseph Quinn being the next
 lowest tender is prepared to enter into the Contract, and
 has handed in the names of M^r John McFutridge
 and M^r William Sherry as sureties

Halifax 15 July
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Respectfully submitted
 Signed James Irons
 Superintendent

When on Motion it is resolved that
 Joseph Quinn's tender for completing said Work be
 accepted and that he execute his bonds without delay
 which on being put is passed,

Read following report of Superintendent
 of Streets relative to tender for excavating Drain in Barrington
 Street

Report of Supt of
 Streets relative to
 Drain in Barrington
 Street

Agreeable to advertisement Tenders
 for Constructing a Drain in Barrington Street were received
 up to noon of the 11 July, and were opened on that day as
 follows

1	John Morrissey	£53.0.0
2	Rich ^d McParadara	49.0.0

There being two tenders submitted
 the lowest of which exceeds my estimate in the sum
 of nineteen pounds, I do not feel justified in accepting
 such tender when the amount so much exceeds the estimate
 on a small Contract, especially as I am aware that my
 probable Estimate is quite sufficient to construct the drain
 the Drain by day labour under my own immediate
 Superintendance, the party making the lowest tender
 has since offered to reduce the amount of his tender nine
 pounds

Halifax 15 July
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Respectfully submitted
 Signed James Irons
 Superintendent

When following resolution is introduced

Resolved

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449

Resolved that the Superintendent of Streets be authorized to have the Drain in Barrington Street - Completed by day labour in accordance with his report which on being put is passed,

Read following report Quarterly Report of Superintendent of Streets to 30 June

25 June 1853 First Quarterly Report of the Supt of Streets

Quarterly report
of Supt of Streets

The Superintendent of Streets respectfully reports to the City Council that the regular street service commenced on the 4th May last, During the first week which was chiefly occupied in cleaning the City 14 day labourers were employed 10 of which were formerly employed in the northern wards and 4 in the South district. After cleaning the City the whole labour was directed to preparing Gravel to meet the Statute labour of Wards 1, 4 and 5 the Statute labour of these Wards has gone forward by 2 Mannings in each Week according to former practice. South and North on alternate days, The Statute labour now reduced to the strict letter of the law, excluding substitute labour and limiting the time to 10 days produces comparatively few actual labourers, this might not be so much a subject of regret if the Statute Labour Fund could be made available early, so as to hire the labour of a sufficient trained force, As this cannot be done without anticipating the said funds the work at commencement must when compared with the substitute system be small. Although the payments made to the City Treasurer contrasted with the collections effected during the same period on former years affords sufficient proof that the Change will ultimately realize the anticipations of the City Council. By the time the Mannings of each Ward are brought up, it will at once be ascertained to what extent the hired labour can be augmented, such is now the case in Wards 1 & 5

Respecting the System of appropriating the labour, it is only necessary to say that previous to operation the Committee appointed by the Council inspected the State of the roads, with the Superintendent, the most needful repairs are the first objects of Consideration, and these to be thoroughly done instead of going over a large surface

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surface with temporary repairs, this too superficial observation militates against the System, though the City must soon evidence in its favour. In parts of the City remote from any source of good material the improvement of the Streets is necessarily expensive and comparatively slow. Such is the case with the Northern wards of the City, nor is this the only disadvantage of this locality. Many of the surface improvements have to be attempted previous to the making of the main drains, which is the primary source of all improvements. Consequently, much of the necessary repairs must fall deficient of their desired effect. The extent of this requisite drainage together with the expense of cutting through rock, retards the due progression of improvement, under any system.

The Improvements on hand are in No 1 Ward a continuation of those taken in by the former Com^r. viz the curbing and paving of the East side of Lower Water St. (finished) The curbing and paving of Spring Garden Road and Chesden Row nearly completed.

In Ward No 5 the Grading of Maitland Street matting side walks and paving gutters has hitherto occupied the limited amount of Statute labour. The repairs of the other streets in the upper part of the Ward which are numerous and indispensable must be effected by hired labour. A public drain leading the Water from Gittingan St through the premises of Mess^{rs} Muckle and Kemson, which was a wooden trunk drain having given away through decay, has been removed from Water St upwards half the width of the Block.

In Ward 2 and 3 Curbing and Paving is in progress in consequence of the arrival of a large quantity of Lumber specially ordered by the Commissioners, and which must be put down to prevent the incumbrance of the Streets. The repairs of drains in various parts of the City engage daily attention. The cut road work of Ward 5 & 6 is also on hand of Warming. Sea Gravel is also contracted for at 11 per Cart load of 12 Bushels each, for top dressing side walks and repairing Streets. The surplus material from the public drains in Brunswick St is also nearly leveled off upon the Street and side walks.

The Cleaning of the Streets is an object of much importance and although engaging a large portion of

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of the street labour both of men, Horses and Carts, a uniform state of Cleanliness cannot be realized so long as the Streets are made the common receptacle of every species of dirt daily accumulated in Shops and Dwelling Houses, this with the continual grinding of street material are sources of dust which would require the larger portions of the Ward Funds to subdue. 4 Carts engaged by Contract are continually employed Carting off Cleanings, Sweeping Lumber, Paving Stones and Gravel. The books in the Superintendent's Office show how the daily labour of men, Horses and Carts are employed, The amount of Statute labour performed and unperformed, and a register of encroachments with copies of notices for their removal, Plans, Estimates and tenders for Special Improvements are open to inspection, and applications for Street lines and levels are attended to when presented.

The whole fixed labour at present is 21 day labourers, 4 Men with Horses and Carts (Contract) 1 Man paving at 6 per yard finding his own labourer, A Carpenter is occasionally employed to fit circular Curbing at 5/- per Corner, The paving in the Northern wards is at present performed as formerly by day labourers

Respectfully submitted
Signed James Brown
Superintendent of Streets

* When following resolution is introduced

Resolved that the Superintendent of Streets be authorised to have the drain in Barrington St completed by day labour in accordance with his report which on being put is passed.

Nil

Nil

* When on Motion the same is received and directed to be entered on the Records

And following communication from Secretary of Board of Fire Wards of 11 July 1853

Resolution rel: Quarterly report of Superint^d of Streets

Hubbard

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Halifax 11 July 1853

Communication from Secty of Board of Fire Wards

Sir

I am directed by the Chairman of the Board of Fire Wards to inform your Worship that the tank in Argyle St near Messrs Northups is considered in a dangerous state of repair, and the leak from it is so great as to be causing material injury to Messrs Northups building.

Also that the Chairman of the Wards requests that the Contingent Vote for the Services of the Fire Department may be placed at his disposal, as it is inconvenient for him to perform the duties required unless provided with the means of doing so.

Your Worship will please take the earliest opportunity of bringing those suggestions to the notice of the City Council.

To
Hon. Jas. Keith
Mayor

I have the honor to be
Your obedt Servant
James B. Brehm
Secy to Board of Fire Wards

When following resolutions are introduced

Resolution rel: to tank in Argyle Street.

Resolved that the Chairman of the Board of Fire Wards be requested to take tenders for having the tank in Argyle Street put in an efficient state of repair and report upon the same, which on being put is passed.

Resolution rel: to Contingent Vote of Fire Department.

Resolved that a Check be drawn in favour of the Chairman of Board of Fire Wards for the amount of Contingent Vote for Fire Department, and that he be requested to furnish the Council with a statement of the expenditure thereof in December next, which on being put is passed.

Read following letter from His Worship the Mayor, addressed to the Honorable the Board of Ordnance, relative to right of property near the Fish Market.

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Malpas 8 July 1853

To the Honorable Board of Respective
Officers in Charge of property of the
Hon. Board of Ordnance at Malpas
Gentlemen

Letter from
Mayor to the
Board of Ordnance

My attention has been called officially as Mayor of this City to a proceeding going on at the Queens Wharf of putting down a row of piles close to the South side of the Fish Market Slip, where I understand a fence is intended to be put up. As the piles and fence in question will render the Slip almost useless to the City by depriving the Fishermen of the Chief landing place for their boats to be fastened, the result will be a most serious grievance to that Class of men and consequently to the City, which they daily supply with an essential part of its food.

I have therefore called upon the Recorder as the legal adviser ^{of the City} and caused inquiry to be made by him at once into the title and possession held by Citizens in this Slip property, and he states that it was reserved by the Crown by notes and bounds as far back as the 1st May 1787 and then distinctly set apart as a public market for the town of Malpas in a certain Crown grant under the Provincial Great Seal, signed by Governor Parr, countersigned by Thomas Crahan Esquire, the adjoining property, now known by the name of the Market Wharf, and further that the title of the Citizens therein was further extended and established by two Grants under the great seal, signed by Governor Sir John Wentworth, one in favour of A. Brymer and others dated 23 Sept 1794, and the other to S. S. Blowers and others dated 9 January 1797.

I find also that the Fishermen who supply this market have used the Waters in question to the same extent and for the same purposes as they now do, for a period extending to the earliest date above named viz. 1787 if not earlier. There has thus been a possession of 66 years at least of the use of the Waters in question for the access of boats, of which the work of piles and fence now in progress would deprive the Fishermen and the public of this City.

The Landings and Slips in the City are vested by the Charter act of 1851 c. 1. 107. especially in the City

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City Corporation and by the Act of the Province Passed Statute
C133. 5. 14 the principal of English legislature is adopted
which gives 60 years as the period to extinguish any adverse
Claim the Crown may have in property and confirms the
possession of the subject after so long a period,

Viewing the use of the Waters adjacent
to this M^o on the South as clearly vested in the City by
the Establishment of the title equally by the long use
held for boats of fishermen, it becomes my distinct duty
as Chief magistrate of Halifax to protect this possession,
and I have therefore to give you notice that the Works referred
to and which I must assume are going on under your
authority and sanction are clearly unlawful and destructive
of the City rights, and request you to cause the removal of the
piles already put down and to leave the Water free as before

I have the honor to be
Respectfully
Your most obed^t Servant
G^y A. Meik
Mayor

Read following answer from Lieut.
Col. Savage in reply thereto.

R^e Engineer Office
Halifax N.S. 9 July 1833

Sir
I have the honor to acknowledge the receipt of
your letter dated 8th Instant addressed to the respective Officers
of the Ordnance here, (and which I have forwarded them),
and I beg in reply to state that I have directed the Works
referred to by you to be immediately stopped being proceeded
with pending the settlement of the questions regarding
the right of the Honorable Board of Ordnance to execute
the same

I have the honor to be

Sir
Your most obed^t humble Servant
G^y W. Savage Lt Col
Commandy R^e Engineers

The Hon^{ble} A. Meik
Mayor of the City
of Halifax

Read following report of the Committee of
City Property this day submitted

Letter from
Lt Col Savage rel:
to right of Property
near the Fish Market

The

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The Committee of City Property beg leave to submit the following report to the City Council

That about one third of the Water in front of the Water Powder Magazine to the North is owned by Mr. McAlly, and to the South of the little Slip or Wharf in front of the Magazine which is the only means of approach from the Water thereto and opposite the Magazine ground there is Water which the Committee think is ungranted, they would therefore suggest the propriety of the Council applying for a grant of the same

Report of Comtee
City Property

The Committee have agreed to several alterations and improvements in the Fish Market, and have declined letting the stalls for the present in the usual way by drawing for them, but would recommend the Council to let them at Auction the same as all the other City Property, making former rates the upset price if the Council thought proper,

As the Committee contemplate making several improvements viz making the Council Chamber, Committee Room, and other Offices, in the Second Storey of the County Court House, they have requested Mr. Finckley to furnish them with a plan and estimate agreeable to their suggestions likewise an estimate of the expense of putting metal spouts and conductors round the East and West sides and north end of the Court House, and putting the roof and railing in thorough repair, and painting the whole building with cement, the butters end of the roof seems to be in very bad repair, and there has been numerous complaints from tenants in consequence of the badness of the Eastern Spout. The Committee would therefore recommend the Council to have the aforesaid improvements done without delay as indeed the most of them are indispensable,

The Committee have agreed to take tenders for the building a Stone and lime Wall in front of a City Water lot to the Southward of Fresh Water Bridge its being now open and exposed and dangerous to the Public they would therefore recommend the Council to have said improvement carried out,

Agreeably to instruction of the Council the Committee have taken tenders for the erection of a Shed on the Parade for the protection of the Market people and

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July 15 and report Mr John Gordon to be the lowest tender viz £118.10.0

All of which is respectively submitted
Held July 16. 1833

J. P. Mill, Chairman,

When the same is directed to be taken up Clause
by Clause
Read 1st Clause when following resolution is
introduced

Resolutions
rel. to report of
Committee of City
Property

Resolved that His Worship the Mayor
be requested to make application for the ungranted property
or Water lot in front of the Powder Magazine, and that on
his obtaining the same he be authorized to draw a Check
on the City Treasurer for the amount of Fees necessary for
payment thereof, which on being put is passed

Read 2nd Clause when following resolution
is introduced

Resolved that the Stalls in the Fish Market
be let at Public Auction as speedily as possible making
the upset price 30s for each agreeably to the recommendation
of the Committee of City Property, to which following amend-
ment is introduced

Resolved that the Stalls of the Fish Market
be put up at Public Auction without any upset price.
which amendment being put is lost 5 voting for it and
8 against it, the original resolution is then put and
carried

On reading the 3rd Clause the same
stands over until the Estimate is submitted,

On reading the 4th Clause the same
stands over until the Estimate is submitted,

On reading the 5th Clause relative to
erection of a shed on the Parade for use of market people
when following resolution is introduced

Resolved that Mr John Gordon having
agreed to erect a shed on the Grand Parade for the accom-
modation of the Market people for the sum of Twenty four pound
two Shillings, agreeably to Plan and Specification submitted
to him, he having the right of property to the same to be
removed by him, at his own expense so soon as the City

On shortus

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Authorities have no further use for the same, to which following amendment is introduced,

Resolved that this Council consider it inexpedient to erect a Shed upon the Parade, which Amendment being put is lost & Voting for it and Against it and the names being called for they stood thus

For the Amendment		Against the Amendment	
Alderman Knight, Lorgard	Alderman Anderson, Omeil		
" Gibson, Prover	" Morrissey, Egan		
" Scott, Noble	" O'Meara, August		
	" Dunne		

The original resolution is then put and carried & Voting for it and Against it,

Read following opinion of His Honor the Recorder relative to application of North British Society for a grant of Cemetery lots.

Recorders Office 4 June 1833

The application of the North British Society for a grant of certain lots in the Cemetery having been by resolution of the City Council of 25 April last referred to me for an opinion. I beg leave to report

That by the By law No XXVII Section 2 "Whatever portions of the remaining part of said Cemetery are now or may be divided into lots of nine feet square, shall be sold under the direction of the Committee for the sum of Forty shillings for each lot, except such as have been already used for the purpose of interment &c and that the 1st Clause of same By law appropriates a strip of 9 feet wide the whole length of the Cemetery on the Eastern side thereof for strangers &c directing each lot to be sold for twenty shillings, Further that on reference to the plan of the Cemetery, signed and hanging up in the Mayors Office, it appears that the eastern portions of the ground have all been divided into lots for sale under Section 2nd above quoted,

Under these circumstances I am of opinion that the ground requested, which I am informed is near the Eastern side of the Cemetery, could not be legally disposed of except by sale under the By law at 40s a lot, unless an additional By law were to be passed by the Council and approved of

Recorders
Opinion rel: to
Lots in Cemetery
to N B Society

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by the Government to authorize a different appropriation
which is respectfully submitted
Signed Beaman Murdoch
Recorder

When following resolution is introduced

Resolution
rel: to Application
of NBS Society

Resolved that a portion of 30 feet of
that grant, part of the Public Cemetery marked Strangers
Burial Ground on the Flaw be sold to the North British
Society for the sum two pounds fifteen shillings currency
the particular situation to be arranged by the Cemetery
Committee. The deed to be in the name of such person
or persons as the Society may approve, and in trust for
the exclusive use Burial of such poor persons and Strangers
as the Society may bury at its own expense, which on
being put is passed // voting for it and against it,

On Motion the Memorial of John
McGuire this day submitted to the Council is read

To the Worshipful the Mayor and
Aldermen of the City of Halifax
The Memorial of John McGuire of
Halifax, Most respectfully sheweth

That your Memorialist has
Contracted with your Worshipful Board to cut down
and remove away certain portion of Barrack Street
to be completed on the first day of August next as per
written agreement, that he has not employed since
the opening of Spring, as many men and Horses as
could conveniently work at it, notwithstanding that
it would take a month longer with the same force
to finish the whole

Your Memorialist therefore humbly
sheweth your kind consideration to extend the time
one month longer, as it would be impossible for him
to do it in less time, and to pay him now five hundred
pounds on account, and your Memorialist as in
duty bound will ever pray
Halifax 11 July 1853.

Signed John Macquire

Shew

Memorial of
John McGuire
rel: to cutting down
Barrack St

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Resolution rel.
to John McGuire's
Memorial

When in Session it is resolved that however
anxious the Council may be to assist Mr John McGuire
in carrying out his Contract for cutting down Barracks
that, it is utterly out of their power to comply with his
request, as it would in a manner invalidate the whole
Contract

The Council adjourn

Wm
Keith Mayor

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July 28

At a Special Meeting of the City Council held this day present His Worship the Mayor
 Aldermen Adams, Noble, Scott,
 Gibson, Pinnrose, Egan, O'Neil,
 Humming, King & Longard,

The City Council were summoned to receive the Report of the Committee on the Assessment Books and the transaction of other business

Read over proceedings of 15 July,

Alderman Adams submits Report of Committee relative to Assessment Books, On Motion the same is received and directed to be read,

Committee Room

19 July 1853

The Committee appointed to examine the Assessment Book met this day, and report for the information of the City Council that they have examined the Book and found several trifling errors which have been noted therein, but the Committee do not consider them of sufficient importance to interfere with the Assessment.

Given Thomas Adams Chairman

John Noble

A. Pinnrose

B. O'Neil

John King

W. T. Woodice

The following resolution is introduced

Resolved that the Report just read be adopted, and that the Assessment Book be deposited with the City Treasurer, and that he be requested to serve each person or Company rated or their Agent with the proper notice in accordance with the law, which on being put is passed,

Alderman King submits Memorial of Henry Voth and others for opening of a Road from Old Blue Bell road to Temple road, On Motion same is received,

Alderman

Report of Committee
 rel: to Assessment
 Books

Resolution rel:
 to Assessment Books

Memorial N. Voth
 road. Submitted