

1853  
October 15

Public Property

Alderman Adams  
 " Falter  
 " Gibson  
 " Primrose  
 " Power  
 " Mel Charrinow

Common

Alderman Adams  
 " Scott Charrinow  
 " Hartstone  
 " Falter  
 " Nugent  
 " King

The following resolution is next introduced

Resolution rel:  
to Committee to  
Asst-Superintendent  
of Streets

Moved by Alderman Sopley seconded  
 by Alderman Evans that a Committee of five Aldermen from each  
 Ward be appointed to assist in carrying out the new system of  
 Streets, which on being put is lost 2 Voting for it and 16 against  
 it and the names being called for they stood thus

In the Resolution  
 Alderman Evans  
 " Sopley 2

Against the Resolution  
 Alderman Coleman, Primrose  
 Mel, Woodill  
 Davy, King  
 Hartstone, Longard  
 Gibson, Tubbslaw  
 Morrey, Power  
 Falter, Scott  
 Adams, Nugent 16

The following resolution is next introduced

Resolution rel:  
retaining Wall at  
New City Market

Resolved that the Committee of City  
 Property be requested to obtain tenders for building of a retaining  
 Wall at the New City Market in accordance with the suggestions  
 of Mr William Finckley the Architect, which being put is passed,

On Motion it is resolved that the following  
 Gentlemen do form the Board of Health and Health Wardens  
 of

1833  
October 15 of the City for ensuing year

Board of Health

Board of Health  
and Health Wardens  
appointed

|           |                 |                          |            |                     |                            |
|-----------|-----------------|--------------------------|------------|---------------------|----------------------------|
| Ward No 1 | John Puffus     | George Mitchell Esquires | Ward No 11 | Martin G Black Junr | Jeremiah Northrup Esquires |
| Ward No 2 | James Thompson  | Charles Twining Esquires | Ward No 5  | William M Brown     | John Robinson Esquires     |
| Ward No 3 | George E Morton | Robert G Fraser Esquires | Ward No 6  | Foster Snelling     | Edward Belling Esquires    |

Health Wardens

|           |                |                         |            |                  |                         |
|-----------|----------------|-------------------------|------------|------------------|-------------------------|
| Ward No 1 | A. J. Ritchie  | Patrick Mahony Esquires | Ward No 11 | H. S. McMill     | Thomas McKim Esquires   |
| Ward No 2 | J. W. Fennerby | M. D. Twining Esquires  | Ward No 5  | William West     | G. G. Gray Esquires     |
| Ward No 3 | Edgar Dodson   | Francis LeCain Esquires | Ward No 6  | William Black Jr | George Ritchie Esquires |

Had following report of the Special Committee relative to Night-Carts this day submitted,

Report of Special Committee rel: to Night-Carts

The Committee appointed of 28 September 1833 to obtain estimates for building two Night-Carts and other information, having attended to that duty, in procuring such information as the limited time would enable them, beg to report—

That the Night-soil Cart, used in the City of Boston is 8 feet inside—14 feet breadth and 23 inches deep, they have two lids opening in the middle of the Cart, allowing it to be loaded at both ends, with a small gate in the centre of the hind part which is secured down by a knob and screw making the Cart perfectly tight.

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tight it is drawn by one horse on 4 wheels and the estimated cost in Boston is \$150 or \$54.00

Your Committee are of opinion that the Council should at once vote a sum of money sufficient to import a cart of the above description which would serve as a model for the building of others that might be required for the City by the Town. The filthy state that the southern portion of the City is constantly kept by the use of Barrels on trucks as now used, is a disgrace to those whose duty it is to remedy such a nuisance both as regards filth and the health of the Inhabitants

Respectfully Submitted  
John Arch. Scott  
B. O'Neil  
John Gibson

Adopted 13 Oct 1853.

The following resolution is introduced

Resolution rel. to Night Carts

Resolved that the Report be received and adopted, and that Alderman Tugley, North and Morsley be a committee to carry the same into effect, which being put is passed,

Read following Report of Special Committee relative to Drains this day submitted,

Report of Special Committee relative to Drains Water Street

The Committee to whom it was referred to investigate the right of the City to the Outlet under the Ordnance wall likewise what public drains or outlets there are from Buckingham and Duke Streets and where situated beg leave to report, that they have found great difficulty in obtaining accurate information upon the subject submitted for their inquiry, and have been unable to arrive at a satisfactory conclusion as they would have desired

It appears to be clear that there is a Public Sewer under Buckingham Street discharging itself into the Harbour through the grounds of the Ordnance Department under the North gate, That there is also a Public Sewer under Duke Street having as stated by Mr James Fenwick the Commissioner of Streets under whose superintendance it was constructed an outlet into the Harbour under the building owned and occupied by Mr James Cochran and previously by Inyan, but as stated by Mr Cochran having no outlet whatever,

A.

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As far as your Committee have been able to learn the drain running into the Ordnance premises near the South gate and recently stopped by the officers of that Department, was a private drain constructed by individuals for their own use.

The only other drain to be mentioned is one running down Blacks wharf claimed as your Committee understand as private, not so however - established to the satisfaction of your Committee, but stated by the Superintendent of Streets to have no outlet.

Signed A. Martstone Chairman  
" William Davey  
" W. Coleman

The following resolution is introduced

Resolution rel:  
to drain in Water  
Street

Resolved that the Superintendent of Streets be authorized to complete the drain now in the course of construction in Water Street to the main sewer in Duke Street, and that he take the necessary steps by contract to complete the same, which being put is passed,

Clerk to Board  
of Health appointed

The City Council next proceed to elect a Clerk to the Board of Health, when the names being taken Mr John C Craigie is unanimously appointed to that office

On Motion the Council rise

Henry Fryor  
Mayor

1853  
October 17Municipal Secretaries Office  
October 17th 1853

Sij.

Referring to your letter of this day date,  
I have it in Command from the Lieutenant Governor to convey  
to you His Excellency's approval of Beamsid Murdoch Esquire  
as Recorder of the City of Halifax for the ensuing year, and  
to name 10 o'clock tomorrow as the hour for swearing him in.  
I have the honor to be

S. Clarke Esq  
h e h e h eSij.  
Your obedient Servant  
Signed Joseph HoweConstables  
Sworn

James Shaw, Patrick Caulfield, Garret  
Cotter, David Evans, Donald Fraser, Daniel Laing, Mr. Eunice  
Andrew Brackets, John Steele, William Roddick and John  
Campbell Having taken the oath of Office prescribed by law  
are severally sworn into Office as Constables for the City of Halifax  
in presence of His Worship the Mayor

Under Keeper  
of Fish Market  
Sworn

Andrew Brackets Having taken the  
oath of Office prescribed by law is this day sworn into Office  
as under Keeper of the Fish Market, in presence of His  
Worship the Mayor,

October 19  
Clerks of Market  
Sworn

William F. Newman and Charles Feilding  
Having taken the Oath of Office prescribed by law are this day  
sworn into Office as Clerks of the Market in presence of His  
Worship the Mayor

October 20  
Board of Health  
Sworn

George Mitchell, George C. Morton,  
Edward Belling, Martin G. Black Jr., Jeremiah Northup, John  
Robinson, and James Thompson, Having taken the oath of Office  
required by law are this day severally sworn into Office as  
Members of the Board of Health

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Board of Health  
Sworn

Foster Snelling, William M. Brown, and Robert G. Fraser 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 of Halifax in presence of His Worship the Mayor,

October 21

Health Wardens  
Sworn

J. L. Shannon, William L. Black, G. Gray, Robert Woodill, William West, William Dunbar, George Ritchey, Francis LeCain, A. J. Ritchie, John Henry, H. L. McNeil, Thomas Mehin, A. C. Downing, Edward O'Donnell, Joseph Bell and Patrick Lomergan, are severally sworn into Office as Health Wardens for their respective Wards in presence of His Worship the Mayor,

Constable  
Sworn

Philip Parsons having taken the Oath of Office prescribed by law is this day sworn into Office as one of the Constables of the City in presence of His Worship the Mayor,

October 22

Health Wardens  
Sworn

Edgar Dodson and Hugh Blackador having taken the Oath of Office prescribed by law is this day sworn into Office as Health Wardens for their respective Wards in presence of His Worship the Mayor,

October 25

Health Wardens  
Sworn

Patrick Mahony and M. Fennerty having taken the Oath of Office prescribed by law are this day sworn into Office as Health Wardens for their respective Wards in presence of His Worship the Mayor,

October 26

Health Warden  
Sworn

John Shaffer having taken the Oath of Office prescribed by law is this day sworn into Office as Health Warden for Ward No. 11 in presence of His Worship the Mayor,

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October 31

Health Warden  
Sworn

Philip Letson having taken the oath of Office prescribed by law is this day sworn into Office as Health Warden for ward No One in presence of His Worship the Mayor,

November 1

Assistants to  
Auditors appointed

Alderman Hartshorn and Coleman appointed by His Worship the Mayor as Auditors to examine the City Treasurers accounts in conjunction with the two Gentlemen elected by the City Council as City Auditors,

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November 4

At a Special meeting of the City Council held this day Present His Worship the Mayor Aldermen Power, Adams, Pugsley, Martineau, Gibson, Primrose, Morrissey, O'Neil, Dacey, Evans, Nugent, Woodill, Coleman, King, Longard and Sutherland,

The City Council were summoned to take into consideration the report of Special Committee relative to Barrack Street, Letters from Hon. Mr. McCully relative to Claims made by Mr. James Pollock, several matters standing over from last meeting, and the transaction of other Business

Read over proceedings of 15<sup>th</sup> October

Memorial of John Winters for Leave

Alderman Evans submits Memorial of Mr. John Winters for leave of absence, on Motion the same is received,

Memorial of Jos. Jennings rel. Apartment

Alderman Sutherland submits Memorial of Joseph Jennings Esquire relative to his Apartment, on Motion the same is received,

Memorial of Jos. Jennings rel. to Drain

Alderman Coleman submits Memorial of Richard O'Neil for permission to open a drain, on Motion the same is received

Memorial of Chas. Barnstead rel. Fire Plug

Alderman Pugsley submits Memorial of Charles Barnstead and others for a Fire Plug on Spring Garden Road, on motion same is received

Report of Special Committee rel. Barrack Street Road

Alderman Sutherland submits Report of Special Committee relative to cutting down Barrack St. when on Motion the same are received and ordered to be read

Read said Report

The Committee who were appointed by the City Council to ascertain whether the further cutting down Barrack Street or carrying out the original contract entered into by Mr. McGuire would in any manner  
figure



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November 11

injure the Croft Streets below and property thereon, regret that they had not been able to furnish a report at an earlier period, but various circumstances occasioned the delay, that with a view to arrive at an accurate conclusion on the points submitted they engaged the services of J. R. Foreman a Competent Engineer to conduct a survey and for his guidance caused to be delivered to him a copy of the questions contained in the paper annexed marked A.

That Mr Foreman has furnished to your Committee answers to these enquiries with two plans which will be found in the papers hereto annexed marked B & D respectively and from them and from the best information which your committee have been enabled to acquire they hold the belief that the further cutting down Barrack St or carrying out of the original contract will not in any manner injure the Croft Streets and other streets below and property thereon, all which matters the committee beg to submit for the consideration of the City Council

Committee Room  
 2nd Floor 3rd Nov 1853

Wm. Pitt Rivers Chairman  
 " Henry & Pugsley  
 " William J. Woodice  
 " William Davey  
 " A. Hartshorne

Read following Questions submitted by the Committee to J. R. Foreman Esquire Civil Engineer Marked A

Questions submitted to J. R. Foreman Esq Civil Engineer relative to Barrack Street

A 1 Has the contract been completed according to specification and plan?

If it has not point out in what particular and to what extent the work has not been performed,

2. Will an additional cutting of Barrack St. be advantageous to that street and generally improve property there?

If your opinion be in the affirmative point out who and in what way particular owners of property are to receive benefit by an additional cutting; or who and in what way the property of individuals is injured by permitting the street to remain in its present state,

3 Will an additional cutting in Barrack Street damage or will it benefit the Croft Streets or streets below

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Barrack Street interfere with existing public Works or injure Private property on those Streets?

If So in what particulars and to what extent

4. Should not the Contract have been perfected and Private Property on Barrack Street injured in consequence, and should you be of opinion that by fully carrying out the terms of the Contract the Croft Street and the Streets below will be damaged, and public and private property be injured on those Streets, Can you suggest a plan by which a partial Completion of the work which yet remains to be finished, or can you suggest any other mode by which the several Difficulties can be obviated, and which while it would remove the injuries to the proprietors on Barrack St. would prevent damage to properties on the other Streets?

Please give your views at large and attach a diagram explanatory of your opinions on the several points submitted.

Signed William Tutherland  
Chairman

Read following Report of J R Foreman by Marked B

B Halifax 2<sup>nd</sup> November 1853

Sir Referring to our correspondence and the Committee's instructions in reference to Mr McQuin's Contract for cutting down leveling and shaping Barrack Street between Sackville Street and Buckingham Street I have now to report

Report of  
J R Foreman Esq  
rel: Barrack Street

1 That the Section from which the drawings attached to the Specification were compiled furnishes the information necessary for ascertaining the datum line,

2. That the distance marked on the drawings are incorrectly stated, the distance between Sackville Street and Buckingham Street noted on the Section above referred to is 11152 feet instead of 11066 feet as found by measurement

3. That I therefore required to fix the position of the original levels by the measurements referring to the intersection of the Streets

4 That from that data thus furnished I find that the work is not completed in terms of the Contract, Specification and drawings, there is still 3500 Cubic

✓

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November 11 Cubic yards of stuff to be removed as explained by drawings Sheet No 1

5. *Sum of Opinion that the Completion of the works in terms of the original Contract will be advantageous to property generally, as thereby more head room will be afforded for a lower flat without which access to the houses and consequently the value of property will be injured.*

6. *The Crip streets or Streets below Barrack Street will not be damaged nor will any of the Public Works or private property on these streets be interfered with by completing the works in terms of the Contract.*

7. *As the proprietors between Buckingham Street and Duke Street are most aggrieved by the present state of the works, I have prepared Section Sheet No 2 which if adopted will remove their cause of complaint and so far as I can understand satisfy when combined with the general levelling and shaping of the Street all others interested*

I have the honor to be

Sir

Your most Obedt Servant

J. R. Foreman C.E.

J. Clarke Esq  
City Chambers

Submitted Plans as prepared by Mr Foreman Marked C and D when following Resolutions are introduced.

Whereas John McGuire has represented that he has lost a large sum of money by the Contract into which he entered with the City of Halifax for Cutting down grading and finishing Barrack Street; and whereas the Council are of opinion that no public injury can accrue by allowing a Cutting to a less depth in part of the Street than that specified in the Contract

Resolved therefore that the said John McGuire instead of being held to the strict terms of his Contract be allowed the privilege of Cutting shaping and levelling the work unfinished in Barrack Street agreeably to the Plan No 2 Marked D annexed to the report of the Committee to whom was submitted certain matters relative to said Street, as furnished by J. R. Foreman Esq Civil Engineer, provided that the said John McGuire do proceed to the completion of the Work on or before Wednesday next, but should he not commence the work by that

Resolutions rel:  
to Foremans report  
rel: John McGuire  
Cutting down  
Barrack Street

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November 4 That period and vigorously proceed with the same then.

Resolved that the said John McGuire be held to the strict terms of his Contract, and that if he do not begin the work to be executed under the Contract on or before the fifteenth day of November instant and forthwith finish the same that immediately after that date His Worship the Mayor be requested to cause prompt proceedings to be taken to enforce the penalties for nonfulfilment of said Contract against all such parties as may be liable thereunder.

Resolved that should John McGuire not commence to complete the said work on Barrack Street on or before the fifteenth day of November instant, that His Worship the Mayor be requested immediately after that date to advertise for tenders to complete the unfinished portion of said work agreeably to the Plan No. 2. presented by J. R. Foreman Esq Civil Engineer and annexed to the report of the Barrack Street Committee, and that His Worship be authorized to contract to finish the work in accordance with said Plan and that the amount of said Contract be paid out of the City funds and deducted out of the Contract of the said John McGuire, to which following amendment is introduced

On reading the Report of the Special Committee relative to Barrack Street, and the report and Plans presented by J. R. Foreman Esquire Civil Engineer, Resolved that the Resolution of this Council passed on the 28 day of September last concerning John McGuire's Contract be adhered to provided the work be completed on or before the first day of January next.

Read the resolution as entered of 28 September 1833. relative to John McGuire be requested to shut down Barrack Street from the Head of George Street to within 200 feet of Bopons Corner

When the amendment this day submitted is put and carried 11 voting for and 6 against it. The original resolutions are therefore lost and the names being called they stood thus

|                           |    |                            |   |
|---------------------------|----|----------------------------|---|
| For the amendment         |    | Against the resolution     |   |
| Mr. Coleman, Adams, Tate, |    | Alderman Manning, Substant |   |
| " Darcy, Pinner, August,  |    | " Woodill, Prover          |   |
| " Northcote, King, Duple, |    | " Longard                  |   |
| " Gibson, O'Neil,         | 11 | " Evans                    | 6 |

The

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The following resolution is next introduced,

Resolved that a copy of the foregoing be forwarded to Mr John McGuire the Contractor and his Sureties and that Mr McGuire be requested to state on or before the eighth day of November Instant whether or not he will accept the proposition offered him in the foregoing resolution

Resolved that the said John McGuire refuse the said proposal or having accepted the same neglect or refuse to commence the said Work agreeably to the terms of the said resolution on or before the fifteenth day of November instant the said Contract be enforced against the said John McGuire and his sureties agreeably to the terms thereof, to which following amendment is introduced,

Resolved that if John McGuire refuse to cut the Street according to original Plan that Mr Irons be called upon to complete the same according to the original document, which amendment being put is lost 3 voting for it and 14 against it and the names being called for they stood thus

For the Amendment

Allderman Dapley  
" Irons  
" Woodie 3

Against the Amendment

Allderman Coburn, Lingard  
Primrose, Sutherland  
Dacey, Orrell  
Gibson, Scott  
Morrison, Power  
Adams, Mijant  
King, Hartshorn 14

The original is then put and passed 13 voting for it and 4 against it, and the ayes being filled in the same is again put and carried 14 voting for it and 3 against it

The following resolution is next introduced

Resolved that if John McGuire do not commence to finish the incomplete Work on Barrack Street on or before the fifteenth day of November instant, that His Worship the Mayor be requested to advertise for Tenders to complete the Work and enter into Contracts for the finishing the

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November 4 The Said Work to be paid for out of the funds of the City said amount to be deducted from the sum to be received by the Said John Mc Guine, which resolution being put is carried 12 voting for it and 5 against it.

On Motion His Honor the Recorder has permission to be heard relative to certain observations made against him by Alderman Pugsley.

The following Letter from Hon. Mr. McCully of 18 October 1853 addressed to His Worship the Mayor relative to Claim made by Mr. James Pollock as also account, is read,

Halifax 18<sup>th</sup> Oct 1853

Sir

On behalf of Mr. James Pollock I am requested to call upon the City in its incorporated Capacity for the balance of his salary for one year as per accompanying account. An early reply to this application will oblige

Your most obedt Servant  
Signed J. McCully

Letters re from Hon. J. McCully to the Mayor rel: to James Pollocks Claim

His Worship  
The Mayor

City of Halifax

To James Pollock Esq

1853  
Oct 15. For my services as Superintendent and Overseer of Streets for Wards Nos 4 5 & 6 from 1<sup>st</sup> October 1852 £100.0.0

Con. C.

By Cash different times in all 50.0.0  
Bal Due £ 50.0.0

Read following answer of His Worship the Mayor of 19 Oct:  
Halifax 19 Oct 1853

Sir In reply to your note of yesterday enclosing account of Mr. James Pollock on the City of Halifax of £50. I will lay the same before the Council at their first meeting, no demand having been made before the receipt of your communication of yesterday. I have no authority to pay the same without their Order

I remain your most obedient Servt  
Signed Henry Puffer  
Mayor of the City of Halifax

The Honorable  
J. McCully

Read

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Read Following Letter from Hon. Mr. McCully of 25 Oct addressed to His Worship the Mayor on same subject.

Halifax 25 Oct 1853

His Worship the Mayor

re 20 3 Sir

Your note of the 19<sup>th</sup> Instant in reply to my application on behalf of Mr Pollock was duly received. Week has now elapsed without any action taken on the part of the City in this matter so far as I am advised and I am therefore left to presume that the demand is to be contested. My present inquiry is to ascertain if the City has an authorized Officer who will accept service of process at the instance of Mr Pollock. A reply will much oblige Sir

Your most obedt servant  
Signed J. M. Cully

Read His Worship the Mayor's answer of 26 October.

Mayor's Office

Halifax 26 Oct 1853

Sir

In reply to your communication of this day date and on referring to my answer to your note of the 19<sup>th</sup> instant I do not see on what ground you have presumed that the demand made by Mr Pollock is to be contested. I again repeat that I will lay the claim before the Council at their next first meeting which I think will take place at an early day, and to your issuing immediate process against the City this must be left to your own judgment - if not willing to await the decision of the City Council

I have the honor to be

Sir

Your obedt servant

Signed Henry Pryor

Mayor

W<sup>th</sup> Honorable  
J. M. Cully

When a Motion is made is made that said letters and answers be referred to a Committee

Read 33<sup>rd</sup> Section of Act of Incorporation

And proceedings of 15 October relative to election of Officers

Read

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Read minutes of entry of 12 April 1853 relative to election of one or two Superintendants of Streets for the City, when on Motion it is.

Resolution rel: to James Pollocks Claim on the City

Resolved that a Committee of 5 to be appointed to investigate the Claim made by Mr James Pollock against the City, and that Aldermen Nugent, Scott, Evans, Coleman, Woodhill and Longard be that Committee which being put is passed.

On Motion Council adjourn until tomorrow at Two O'clock then to meet for business on Monday at two o'clock

Henry Pryor  
Mayor

November 5

At an adjourned meeting of the City Council held this day Present His Worship the Mayor Aldermen Scott and Orville

On Motion Council adjourn agreeably to proceedings of Friday until Monday at Two O'clock,

Henry Pryor  
Mayor



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November 17

At an adjourned Meeting of the City Council held this day Present His Worship the Mayor Aldermen Adams, Pugsley, Scott, Hartshorne, Gibson, Power, Morrissey, Crull, Evans, Nugent, Woodill, Coleman, Lingard and Sutherland,

Read over proceedings of 4<sup>th</sup> and 5<sup>th</sup> Instant

Memorial of J.E. Starr relative to his Apement

Alderman Woodill submits Memorial of Mr John Starr relative to his Apement. On Motion same is received,

Memorial of H.H. Parker relative to his Salary.

Alderman Woodill submits Memorial of Henry H Parker Health Inspector for increase of Salary. On Motion same is received

Memorial of Mr Hogan. Injury done his horse

Alderman Woodill submits Memorial of William Hogan relative to injuries done his horse by impounding the same. On Motion same is received

Read following report of Special Committee relative to Messrs Cogswells, Mooney, and Toohills, Apement when on Motion the same is received and confirmed

Report of Special Committee rel. Apement of Toohill, Cogswell & Mooney,

The Committee appointed to examine into and report upon the Petitions of Michael Toohill, J.C. Cogswell and M. Mooney, beg leave to report,

That your Committee are convinced that the Petitioner Michael Toohill does not pay rent and that the property he occupies is a part of a Public Arsenary, recommend that the sum of \$5 for which he was apemed be not exacted,

Your Committee in considering the Petition of M. Cogswell in reference to his Apement in Ward 10<sup>th</sup> find that he appealed and affidavit was sent in to the Apesors within the proper time, and therefore recommend that the prayer of his Petition be complied with.

Your Committee also the case of Matthew Mooney find that he was prevented by illness from making an appeal in time, his Clerk being absent looking after a vessel and cargo of said M. Mooney which was wrecked, and the Memorandum of the Apesors made at the time on the back of the Apement notice corroborating the same, Recommend that the prayer of his Petition be granted, all which your Committee respectfully submits,

Done at New York 30<sup>th</sup> Sep 1853

Signed J. Power

John Gibson