

1855

October 16
continued

Resolved that it is the opinion of this Council after due consideration that Alderman Sutherland have leave to withdraw his resolution requiring Alderman Evans to apologize to this Council. Moved by Alderman Pollock seconded by Alderman Pugsley, which amendment then appeared for the same to against it & amendment lost the original is then put when there appeared for the same 9 against it to resolution is therefore carried. And the names being called for they appeared thus

For the Resolution	Against Resolution
Alderman Bennett, Conway	Alderman Anderson, M ^r . Heath
Wills, Murray	Pugsley, Pollock
Harvey, Ross	Young, Cochran
Stains, Sutherland	
Morrissey	
9	6

Alderman Pugsley asks leave to introduce Resolution 803 which is seconded by Alderman Bennett leave granted 12 voting for it and 4 against it

Resolution is read -

Amendment introduced.

On Motion Council adjourns until Friday next at 3 o'clock - absent members to be notified

Shephard May

October 19
Recorder Sworn

Beaumont Murdock Esquire sworn into office as Recorder of the City in presence of His Excellency the Lieutenant Governor

Constables Sworn

James Ham, Patrick Caulfield, Janet Cotter, David Evans, Philip Parsons are sworn into office as Constables.

Shephard May

1855
October 19

At a Special Meeting of City Council held
this day present His Worship the Mayor, Aldermen Pugsley, Anderson,
Stain, Murray, M^r. Heath, Young, Amiser, Cochran,
Evans, Reps. Wills, Tollock, Conway, Sutherland
Longard.

Read over proceedings of 16th October

Alderman Pugsley asks leave to introduce
a resolution relative to proceedings of last meeting, which being
seconded by Alderman Wills. Leave is granted when following
resolution (S^c) is introduced

Whereas a resolution was passed at the last
meeting of Council casting a vote of censure on one of the Alderman
of this City and whereas all points of order under the fifth clause of
an Ordinance of the City of Halifax passed February 22nd 1854 are
peculiarly given to the Mayor or Chairman subject to an Appeal
to the Council. And whereas His Worship the Mayor did not
declare the Alderman alluded to, to be out of order,

Resolution int-
to Alderman Evans.

Resolved that the resolution alluded
to which was put at said meeting of the Council imposing a censure
upon one of the body be now expunged being contrary to the said 5th
section of the Ordinance above mentioned. Moved by Alderman Pugsley
seconded by Alderman Wills to which following amendment is
introduced;

Resolved that the resolution of the Alderman
for Ward 8th (M^r Alderman Pugsley) relative to the legality of the
proceedings of last meeting touching a question of order be referred to
His Honor the Recorder for his opinion when then appeared for
[against it] and then being an equality of votes His Worship
the Mayor votes for the amendment the same is therefore carried.

On Motion Philip Perrier is appointed
Swager of Oil

The following appointments are next made

Board of Health

Ward 8 th One	Ward 8 th Four
John B. Fay	James Parker
John Whitman	Thomas Bair
Ward 8 th Two	Ward 8 th Five
George C. Whidden	Thomas Duncanson
D ^r . Gilpin	William McKay
Ward 8 th Three	Ward 8 th Six
D ^r . Melloy	Charles Black
W ^m . Clark	W. J. Jordan

Board of Health
appointed

The

1855
October 19
continued

Health Wardens
appointed

is next made

The following appointments of Health Wardens

Ward No One	Ward No Four
Andrew Mitchell	John A. Cleverdon
Joseph Graham	William Pallister
John Buffum, Junior	David Shephard
James Fryer	John Muike
Ward No Two	Ward No Five
Joseph Sutton	Robert Graham
John J. Wilde	William Humphrey
Robert C. Sells	Arthur Anderson
Edward Chapman	William Brown
Ward No Three	Ward No Six
Nathaniel Drummond	William Howe
August M. Grant	Joseph Kase
Nathaniel Lownds	Joseph Bell
James A. Gilbert	Martin S. Mack Junior

His Honor the Recorder submits following
opinion on the question this day submitted to him

His Honor the Recorder
opinion as to the
reason on Alderman
Coans.

When the resolution of censure against Alderman
Coans was before the Council, it was objected that no such resolution could
be received by the chair, as the 12th rule forbade any departure from the
business in hand with certain exceptions. I then stated my opinion,
that if the Mayor was of opinion that a breach of order had arisen, that
it was competent for him to receive and put any resolution proposed with
the apparent view to restore or to vindicate the order of the meeting, but
that if he was of opinion that disorder did not exist he would be justi-
fied in refusing to receive such a resolution. In fact that it then rested
on his decision. This opinion was based upon the 5 and 12 rules appended
p. 11-12. The Mayor then as I understood said he considered that
Alderman Coans had been somewhat out of order, and he went on to put
the resolution of censure which passed by a majority of votes.

The idea of punishing a member by a censure on the Journal is sup-
ported by the 18th Rule which justifies that course if a member leaves the
room without leave. This Council if fact has no other legal mode of
punishing any of its members who give such offences, as they cannot impose
a fine, suspend a member or excommunicate him. Do not understand the 5th
rule which gives the decision of disputed points of order to the Mayor, as
debarring the Council from an expression of their opinion by way of
censure, unless the Mayor had officially decided that a member had
been perfectly in order and in that case I think under 5th rule he might
always refuse to receive a resolution of censure. Having been suddenly
called on for an official opinion on this point, I desired some time to
prepare it, as it was a question of delicacy, but I have not any doubt of
the right of the Council generally to take votes of censure on their members
in office, nor am I able to see any illegality in their doing so in this
instance.

1855
October 19
continued

As however some of the members of the Council wished me to give my opinion at once, I have thus very hastily put down my view

William A. Murdoch, Recorder

Call of Council is next made

Read resolution as entered of 15 Instant relative to appointment of Committee on the subject of the Streets when the following Gentlemen are appointed

- | | | |
|----------------|----------|----------|
| For Ward No. 1 | Alderman | Puester |
| 3 | " | W. Heath |
| 3 | " | Bennett |
| 4 | " | Crans |
| 5 | " | Pellock |
| 6 | " | Longard |

Street Committee

The City Council next proceed to appoint an under keeper of Fish Market and the following having been proposed and names being taken they appeared as follows

- | | | |
|-------------------|-------------------------|----------------|
| Andrew Bracchett | Daniel McQueen | Samuel Sherman |
| Alderman Anderson | Alderman Wells - Conway | Alderman Young |
| Puester | Cochran - Minnie | Longard |
| Crans | Pellock - King | Munn |
| | | W. Heath |
| | | Kepp |
| | | Sutherland |

And there not being a clear majority of votes for either - the names are again taken when they appeared as follows

- | | |
|-----------------------------|----------------|
| Daniel McQueen | Samuel Sherman |
| Alderman Anderson - Pellock | Alderman Young |
| Puester - Minnie | Longard |
| Wells - Minnie | Munn |
| Cochran - King | W. Heath |
| Conway | Kepp |
| | Sutherland |
| | Crans |

Daniel McQueen having received a clear majority of votes is elected Under keeper of Fish Market

Read report of Superintendent of Streets of 25 July relative to obstruction of Drain under Messrs Gutz & Sarcob's Premises

Read

Superintendent of Streets
rel. to Drain

1855

October 19
continued

Read Messrs Smith & Harvey's letter of 12th May on same subject when on Motion said Report and all papers connected therewith are referred to Alderman Fellock, Conway together with Alderman Sutherland to report upon.

An amendment is moved that the same be referred to an Alderman from each Ward which amendment being put is lost 4 being for and 11 against it, the original is then put and carried.

Wardens of Bay appointed

On Motion Michael Moran is appointed Warden of Bay in place of William Dorte, resigned

Answer letter re. to Lamb House

Read the Coroner's Letter of 10th May relative to a dead House - also resolution of Poor Authority of 7th May 1855 when on Motion of Alderman Sutherland seconded by Alderman Young it is resolved that said communications be sent back to the coroner and that he refer the same to the Sessions, passed.

Memorial of Edward Jost re. to Fire Tax

Read Memorial of Edward Jost of 23rd April for payment of Balance of Fire tax due William Jamieson at Fire in 1850 when on Motion of same is referred to Alderman Mr. Heath and Pugsley to report upon.

The hour having expired since the call of Council and Alderman Harvey and King having come in

Read resolution this day submitted by Alderman Pugsley.

Read amendment introduced by Alderman Sutherland

Read opinion of His Honor the Recorder this day submitted and read

Alderman King asks leave to withdraw and not to vote upon this question, referred.

Read resolution of Alderman Sutherland seconded by Alderman Stairs of 16th October

The Resolution

1855
October 14
continued

The Resolution of Alderman Pugsley seconded by Alderman Wills submitted this day and read. It then put when there appeared for the same & against it. Resolution is therefore lost. When a motion is made that the names be ~~xxx~~ taken, amendment that the names be ^{not} taken which amendment being put is lost & being for it and ~~it~~ against it. when the names are taken and then appeared thus

For resolution		Against resolution	
Alderman Andersen	Longard	Alderman Bennett	Amissey
Pugsley	Coane	Barber	Barber
Wills	A. M. Smith	Stairs	Stairs
Pollock		Young	Sutherland
Vine		Cochran	

Read letter of Mr. Henry G. Hill of 18th October relative to the terms on which he will undertake to be the Architect of the City Prison

For letter see below

Resolution rel. to City Prison

Resolution (203) introduced at last meeting moved by Alderman Pugsley seconded by Alderman Bennett, relative to employing Mr. H. G. Hill as Architect to the City Prison is next read when on motion Alderman Pugsley has leave to withdraw said resolution. And the following is submitted.

Resolved that the sum of £500 be paid to Mr. H. G. Hill for his superintendance of the Building of the City Prison and this sum to include all Plans and Specifications now before the Council.

And in accordance with his letter to the Council dated 18th October 1855. Moved by Alderman Pugsley seconded by Alderman Stairs which on being put is passed 42 being for the same and 4 against it

Six

Halifax N.S. Oct 13th 1855

I beg to acknowledge receipt of yours of yesterday with Extract from minutes of City Council 13th Oct 1855 appointing me to superintend the erections of the City Prison and that I accept on the outlay, deducting the charges for Plans and Specifications (to be allowed for such service) I have not rendered my account for the Plans and Specifications prepared by me and I respectfully submit that the Honorable the City Council are not aware of the time spent by me, night and day, in drawing sketches making estimates making of Committee &c &c preparatory to the labour of drawing the plans and Specifications that one hundred pounds would not more than compensate me for the Plans &c and 50 taking the distance from the City in account of the proposed building and the period in which it will occupy in the erections would not remunerate for the time & Labour, but I shall regret not having the superintendance and carrying out of my plans which I submit, can be done better by myself than thus and in consideration of the same I would undertake the duty including plans &c during the whole period of erection for the sum of three hundred pounds. Yrs. J. G. Carke Esq

J. G. Carke Esq
Capt. Genl

(Council adjourned till Tuesday next at 10 o'clock)

Henry G. Hill
J. G. Carke Esq

1855
October 20
Mayor of City
sworn

John P. Quinn sworn into office as Mayor
of City in presence of his Worship the Mayor

Underkeeper Fish
Market sworn

David J. Quinn sworn into office as
under keeper of Fish Market in presence of his Worship the
Mayor

October 23

At an adjourned meeting of City Council
held this day present His Worship the Mayor, Alderman Pugsley,
Anderson, Stairs, Murray, McCreath, Young, Bennett,
Evans, Ross, Wells Conway Longard

Read over proceedings of 19 October

Memorial of Dennis
Heffernan re to Mayor

Alderman Conway submits Memorial of
Dennis Heffernan for appointment of Mayor of City, received

It is resolved that said appointment
be made

Amendment That Council proceed with order
of day amendment carried 7 voting for it and 5 against it

His Worship the Mayor informs the Council
that the contracts for erection of City Prison is now prepared
and ready for execution

Resolution re to
Dudwell men

Alderman Pugsley submits a resolution
relative to employment of Dudwell men, as a notice

Resolution re to
Statute Labour

Alderman Pugsley submits a resolution
relative to Statute Labour as a notice

1855
October 23
continued
Resolution rel. to

Alderman Cross submits a resolution relative to Mount in front of City Market as a notice

Read the Contract prepared by His Honor the Recorder, relative to erection of City Prison - when following resolution (S^d) is introduced

Resolution rel. to City Prison.

Resolved that a Committee of one for each Ward be appointed - to be called the City Prison Committee - whose duty it shall be to see that the City Prison is erected according to plans and Specifications submitted for the same by Henry G. Hill. Moved by Alderman Pugsley seconded by Alderman Cross - passed

The following Gentlemen are appointed the Committee. Alderman Stairs, Morrissey, Cochran, Ross, Farvey, Longueur.

The City Council next take of the Quarterly returns of Weighers of Flour to 30 June 1855, the same are read

Quarterly Returns of Weighers of Flour

Number of Bards	Number Bbls sent	Its shot weight
<u>17,173</u>	<u>166</u> Signed Samuel Carter	<u>1867</u>
<u>14,892</u>	<u>299</u> Signed William Grant	<u>2711</u>
<u>15,360</u>	<u>320</u> Signed John Parker	<u>5396</u>
<u>14,415</u>	<u>387</u> Signed John Winters	<u>5116</u>

Read communication of Board of Ordnance of 2nd July relative to Powder Magazine.

Communication of Water Co. rel. to Water Pipes

Read Communication from Secretary of Water Company of 13th July relative to additional Water Pipes - when following resolution is introduced

Resolved that a Committee of this Council be appointed to confer with the Committee of Water Company relative to a communication from Secretary of Water Company this day read. Moved by Alderman Conway seconded by Alderman Stairs (On Motion)

1855
October 25
continued

Resolution. The following Gentlemen
are appointed the Committee Alderman Conway, Stairs,
and Evans.

Report Insp. of Streets
rel to Ward 4. 556

Read Quarterly report of Superintendent
of Streets for Wards 1, 2, 3 and 4 up to 30 June 1855

The following resolution is next
introduced

Resolution rel. to
Grandalls and Hollis
Streets

Resolved that a Committee be appointed to enquire into certain excavations now going on in
Grandalls and Hollis Streets and report to this Council
what are so made contrary to law. Moved by Alderman
Pugsley seconded by Alderman Evans passed
Committee Alderman Pugsley, Anderson and
Leonard

Memor. Mathew Quirk
relative to assessment

Read Memorial of Mathew Quirk
relative to his assessment upon resolution No. 4 is introduced

Resolution rel. to
Assessment

By taking into consideration the
Memorial of Mathew Quirk relative to his taxes, and
others it appears to this Council that there are several
others Memorial to be submitted to the Council on
the same subject. Resolved that a Committee of
this Council be appointed to take up these several
Memorials and report to this Council on the matter.

Moved by Alderman M^r Heath seconded by Alderman
Murray. Passed

Committee Alderman M^r Heath, Murray, and Harvey

Report of Keeper Powder
Magazine

Report of Keeper of Powder Magazine
of 25 July is referred to the Committee appointed on
15th October

Read Memorial of William Stevens
relative to his assessment referred to the Committee appointed
this day.

Alderman Stairs asks leave to intro-
duce a resolution relative to making excavations &c for City
Prison. Leave granted when following resolution No. 5 is
introduced

1855.
October 23
continued

Resolution re-
to City Prison

Resolved that the Tender be advertised
from such parties as will undertake to excavate the ground
make all drains levelings &c agreeable to Plans and Specifica-
tion and contract for the erection of the City Prison such
excavations &c to be completed on or before the 1st day
of March next Tenders to be presented on or before the
first day of November Moved by Alderman Stairs
seconded by Alderman Murray passed

On Motion Council adjourns until
Friday next at Two O'clock & voting for it 6 against it

Shepley Mayor

October 26

Resolution re-
to South end
Common

Resolution re-
to Gen. Hospital

At an adjourned Meeting of City Council
held this day present His Worship the Mayor, Aldermen
Pugster, Anderson, Stairs, Murray, N. Heath, Young,
Harkiss, Cochran, Crank, Pitt, Tollock
Conroy, Sutherland Longard

Read over proceedings of 25th October

Alderman Tollock submits a resolution
relative to Sale of South end of Common to be taken up on
a future day

Alderman Pugster submits Memorial
of Dr Jennings and Hawker relative to the General
Hospital passed

The following resolutions are not introduced

Resolved that the time for receiving
Tenders for the excavation &c on the site of the City Prison
be extended to the 10 day of December and the same be duly
advertized Moved by Alderman Stairs seconded by
Alderman Young passed

Resolved

1855
October 26
continued

Resolved that the Committee which was appointed previously to the 1st October Instant relative to the Plans and Specifications of the General Hospital be dissolved and that a new Committee be appointed Moved by Alderman Sutherland seconded by Alderman Anderson passed

Committee Alderman Pugsley, Young, Bennett, Willis, Pelton and Sutherland

Alderman Pugsley, Chairman submits report of Committee of City Property relative to the City Clock the same is received and on Motion the same is read

Committee From October 26th 1855

The Committee of City Property having taken into consideration the communication of Henry Pugsley dated 15th October relative to City Clock, he begs to report, that they have examined the floor of the bell room which is raked over, saying as near as the Committee can judge a concavity of from two to three inches, causing the rain which is forced through the lattice which will ever be the case when accompanied with wind, to lodge on the centre of the floor, and which in winter season may freeze and accumulate to a great thickness, the committee are of opinion that to prevent a similar recurrence the bottom of the windows should be on a level with the floor which is now about two feet below them, and also that the present floor will have to be taken up and relaid with a convex surface and an inlaid gutter around the perimeter of the surface with an opening at each window that the water may have free egress. As considerable expense will be incurred in effecting the above named object the committee do not feel authorized to order the same without submitting their views for the consideration of the Council all of which is respectfully submitted

Henry W. Pugsley
Chairman

when following resolution is introduced

Resolved that the Committee of City Property be empowered by this Council to make the necessary repairs on the Clock Tower, moved by Alderman Young seconded by Alderman Anderson passed 11 voting for it and 3 against it

Report of Committee
City Property, rel
to City Clock

Resolution rel. to
City Clock

1855
October 26

Alderman Pugsley asks leave to introduce a resolution relative to City Prison Committee as a motion

On Motion council proceed with the Business of the day

Resolution rel to Act of Incorporation

Alderman Evans asks leave to introduce a resolution relative to the 79 clause of the Act of Incorporation as a Notice

Report of Com. rel to Hollis & Swan Sts

Alderman Pugsley submits a report of Special Committee relative to excavations in Hollis and Swanville Streets on motion the same is received and read

Memo. C. Albro & Co. rel to Water Street

Read Memorial of Edward Albro and Co. submitted 27th July relative to State of Water Street when on Motion same is referred to the Committee on Streets appointed on 15 October

Read report of Inspection of Bridewell submitted 27th July last

Read Mr James Dickman application to be appointed Surveyor of Lumber, on Motion he is appointed

Read communication from City Assessors of 2nd August

On Motion is made that the same be referred to the Committee on appeals relative to assessment

Amendment that the same be dismissed which amendment being put there appeared for the same [against] and there being an equality of votes His Worship votes in favour of original motion same is therefore carried.

Resolution rel to City, Albro, & Gethingoo Sts

Alderman Pollock's resolution relative to City, Albro, and Gethingoo Streets is next taken when at his request the same stands over for the present.

Report on Petition Charles Eaton

Read report of Special Committee on Petition of Charles Eaton submitted 7th August last, when Alderman Sutherland moves seconded by Alderman Longard that said report be not received which on being put is carried 11 being for it and 1 against it

Read.

1855

October 26
continued

Read Memorial of W. C. Silver relative to his assessment when on. Motion of Alderman Sutherland seconded by Alderman M. Heath said Memorial is dismissed.

Memorial Thomas
Laidlaw act to read
Dish Water Bridge

Council next take up Memorial of Thomas Laidlaw of 17th August. when on. Motion of Alderman Sutherland seconded by Alderman Cochran, (Alderman Kingster having permission of Council not to vote) said Memorial is dismissed 10 voting for it and 2 against it.

Read Quarterly return of Clerk of Licenses to 15th Sept. when on. Motion same is referred to the Committee of Public Accounts

Swager of Oil
appointed

On Motion Dennis Hefferman is appointed Swager of Oil

A Motion is next made that the Council rise, which on being put is carried 8 voting for it and 6 against it

James Cochran and Henry Harvey Esquires appointed by His Worship to act as Auditors of City Treasurer's accounts with City Auditors

Alfred J. Meyer

1855

November 16

At a Special Meeting of City Council held
this day present His Worship the Mayor Alderman Pugsley
Stairs, Munay, A. Heath, Morrissey,
Cochran, Evans, Wolf, Wills, Pollock, Conway, Gutherland
King, and Longard

The City Council were summoned to take
into consideration matters standing over from previous meeting
And the transaction of other business.

Read over proceedings of 26th October

Alderman Wolf Chairman Submits report
of Committee of Tenders relative to excavation of City Prison
on Motion same is received and ordered to be read

Report of Committee
of Tenders act to
City Prison

Malaga 11th Nov^r 1855

The Committee of Tenders met this day
Present The Chairman, Alderman Anderson, Conway,
Longard and Young
Opened three Tenders for the excav-
ation of Rock Head.

No 1 Barnstead & Milner for Seven hundred and Eighty
pounds

No 2 Barnstead & Milner for Six hundred and
ninety eight pounds

No 3 Maurice Power for Ninety hundred and
ninety nine pounds

The Committee finding the Tenders
to exceed the amount anticipated they to Submit them to
the Council for their consideration

Signed

1855
November 16
continued

Alderman M^o Heath submits report of
Special Committee on Petition of Edward Post relative to
Balance to W^o Jamieson for Fire Tax

Halifax November 15th 1855

Report of Committee
relative to
Edward Post.

The Committee to whom was referred
the Memorial of Edward Post beg leave to report that they
have examined the papers submitted to them where they
find a balance of £4.18.4 due to Edward Post which your
Committee recommend be paid

Signed

Report Committee
relative to Site for
Engine House.

Alderman Cross submits report of
Committee appointed to select a new site for an Engine
House same is received and on Motion is read.

The Committee appointed to select a site
for an Engine House, at the South end of the City, having given the
matter their best attention, beg to Report the following Places, for the
consideration of the Council viz

First. M^o James W. Penney erect an Engine House on the Premises
owned by him at the South Side of Sackville Street east of the property
occupied by M^o Bogswell, and lease the same to the City at Thirty Pounds
per Annum

Second. M^o Story will erect a building on a lot of Land owned by
him in Hollis Street, adjoining Paynes Livery Stables and lease the same
to the City at Thirty Pounds per Annum

Third. M^o Nicholas Wright, offers to Lease to the City a vacant
lot of Land, adjoining his residence in Ungle Street for a term of Ten Years
at Fifteen Pounds per Annum measuring 16 feet in front on Ungle Street,
by 20 feet in depth or 50 feet if required, the City to erect such building
as they may require for an Engine House, at the expense of the City.

Your Committee are of opinion, the site offered
by M^o Wright, is not only preferable to the two first named Localities, but
the best and cheapest that can at present be obtained, and if the same
could be purchased, ought form part of the City Property.

In conclusion, Your Committee beg to suggest
to the City Council the necessity of Immediate action in the matter, the
Engine in Government House Lane being almost useless to the City, and the
division belonging thereto, being altogether dissatisfied with the Locality,
all of which is respectfully submitted

Signed

Committee Room Halifax Nov 15 1855

1855

November 16
continued
Report Committee
rel. to obstruction of drain

Alderman Pollock submits report of
Special Committee relative to obstruction of Drain passing
through Messrs Smiths & Kearney's premises on motion the
same is received and read

Memorial J. H. Westerman
rel. to New line Road

Alderman Sutherland submits Memorial
of John C. Westerman and others relative to a New line of
Road east side of North West Lane

Alderman M^o Heath submits Memorial
of J. J. B. Smith relative to his taxes received

Report Committee City
Property rel. to City Clock

Alderman Pugsley submits report of
Committee of City Property relative to the City Clock
on motion the same is received and ordered to be read the
following resolution is introduced

Resolved that the Site recommended
by the Committee situate in Argyle Street for an Engine
House be adopted and that a Suitable Building be erected
Moved by Alderman Wills seconded by Alderman Murray
to which following amendment is introduced

Resolution rel. to
purchase of Property
for Site of S. B. H.

Resolved the price for the purchase of
the lot of land owned by Mr. Wright be ascertained previous
to further action Moved by Alderman Ross seconded by
Alderman Cochran which amendment being put there
appeared for the same 5 against it 8 The original is then
put when there appeared for the same 10 against it 4
and the names being called they appeared

For resolution		Against resolution	
Alderman M ^o Heath	Murray	Alderman Conway	
Pugsley	King	Cochran	
Wills	Longard	Ross	
Stairs	Crans	Sutherland	4
Pollock	Murray		10

Alderman Pugsley Chairman
submits report of Special Committee relative to Streets

The following resolution is next
introduced

Resolved that advertisements be
inserted in the Newspapers that advertise for the City for the
City for obtaining a Clock or Watch Maker to take charge
of and wind up and keep in repair the City Clock for
One year Moved by Alderman M^o Heath seconded by
Alderman Crans.

Resolution rel. to
advertising for Clock
Keeper

Alderman

1855
November 16
continued

Alderman Evans gives Notice of his intention to move to amend 7th Clause of act of Incorporation.

Read communication from Clerks of Market of 15th November 1855 when following resolution is introduced

Resolved that the Communication of the Clerks of the Market be referred to the Committee of City property to obtain a suitable apartment in the (Building) or other City Property to ~~use~~ and report upon the same. Moved by Alderman Morrissey seconded by Alderman King passed

Read Letter from His Worship the Mayor addressed to His Honor the Recorder relative to Weights and Measures dated 10 Nov

Mayor's Office
Halifax 10th Nov 1855

Dear Sir

As several complaints have been made to me yesterday and to day, against the Clerks of the Market retaining Weights sent to them for the purpose of being assayed

I will thank you to give me your written opinion upon the Letter of Chap 19 to amend Cap 86 of the revised Statute relative to Weights and Measures whether the Clerks of the Market have a legal right to seize and detain weights measures brought to them to be assayed

Yours &c

Signed Archibald Scott
Mayor

His Honor the Recorder
of the City

Read His Honor the Recorder

Answer

Letter from His Worship the Mayor to His Honor the Recorder re Weights & Measures

1855
November 16
continued

Recorder's office 16 November 1855

The Law has not given precise directions as to the course to be pursued in case of deficient Weights being brought to the Clerks of Market to be assayed.

His Honor the Recorder
opinion as to Weights
& Measures.

Under the old laws before the Revised Code, the practice was if weights were offered assay and branding, they were made correct if practicable by addition of metal to bring them up to standard and the owner paid the expenses of so doing besides the assay fee.

This practice under the former acts, which were recited worded nearly the same as the present, appears to me to be the correct course to be legally followed. I find it is expressly enacted in Massachusetts, that the officer called scales of weights and Measures shall adjust and seal all weights and measures brought to him for that purpose and he shall deface and destroy all such as cannot be brought to the just standard. See Boston Charter (Acts No. 1350) c. 2, § 34.

The English acts 16 C. 1. c. 19. §. 4. & 23 C. 2. c. 5. §. 11. directed the mayors &c in market towns to destroy all defective weight and measures and impose penalties on those who used them.

Our present law gives express power to the Clerks of Market to seize as forfeited to their own use all unlawful Weights and Measures which they discover in their official visits to shops. This of course does not apply to the case of weights brought by the owner for assay. In all cases where the owner brings his weights to be assayed I consider it to be duty of the Clerks of Market to act upon our ancient practice and if the owner is willing to be at the expense to have them adjusted if possible by the addition of Gold or Silver Metal. If the owner refuse to be at this expense & the weights be too defective to admit of this mode of adjustment the question may arise whether the owner can detain possession of the weights unadjusted and light of weight, when he refused to pay for adjusting them or they were too defective to admit of adjustment. I think it would be too narrow an interpretation of an act of the important nature to the public which this is to sustain such a line of reasoning on the part of the owner of the weights and in such cases although our act does not expressly so direct.

I should suppose the officers would be upheld by the law in detaining the light weights not for their own use however. At all events I should think the City authorities would do right to indemnify the Clerks of Market in pursuing such a course until a contrary doctrine should be established by the Courts of Law, as the very mischief intended by the act to be remedied is the keeping and using defective weights and

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and Measures. Of course, I understand, that the adjustment of weights and measures must take place under the strictest care and vigilant superintendance of the Clerks of Market themselves, as any practice of permitting the owners to take back the weights and measures to get them adjusted themselves would be contrary to the spirit of the law and open facilities for fraud. It may follow in so large a City as this, that some previous expense will have to ~~be~~ be incurred to put them in a situation to carry this law out properly; but it is very important to the public and is worthy of care

Signed *Beaumont Murdoch*
Recorder

On Motion the Report of Special Committee relative to Streets is next read

Committee Room Nov^r 16th 1855

Report of Special Committee rel. to Streets

The Committee appointed to devise a better method of Street superintendance and expenditure of Street funds. We leave to report, that after mature deliberation they recommend the following propositions for the consideration of the Council.

First, That immediate action be taken by the Council to obtain a plan of the City of Halifax by actual measurement, which will be effectually accomplished by the adoption of the resolution now before the Council defining the actual grades of all the Streets of the City, and prevent a recurrence of a waste of the Street funds by placing material upon the Streets, where in fact excavations were necessary.

Secondly, the abolishment of the Statute Labour Law, and the substitution of an equitable tax as contemplated by resolution also before the Council, and which your Committee urgently recommend as a means of giving increased facilities, and being the basis of future Street improvement, for instead of Labour irregularly and very often (on account of the shortness of the season) used to very great disadvantage, it must place in the hands of the City Treasurer the Street funds available in Cash.

and