

1854

1854

December 28

Continued Read following return of James Norwood one of the Sealers of Leather

Return of James Norwood Sealer of Leather

Number of Sides of Leather sealed during the year ending 31st Dec^r 1854

3,500 Sides

Sig^d James Norwood

Selection of Sealers of Leather

On Motion James Norwood and William Jenkins are elected Sealers of Leather for ensuing year.

Appointment of Inspectors of Painters Work.

On Motion George Smithers and Maurice Downey are elected Inspectors and Measurers of Painters Work, for ensuing year

Appt. of Measurers and Inspectors of Mason Work

On Motion James Reid and Augustus Wright and Robert Malcolm are appointed Measurers and Inspectors of Mason Work, and Surveyors of Brick and Lime for ensuing year.

Appt. of Weighers of Hay

On Motion Michael Keating and Michael Moran are elected Weighers of Hay for ensuing year.

Read various applications for Watchmen

Selection Captain of Watch

The City Council next proceed to the Election of Watchman when Mr. G.P. Brehm is elected Captain and Superintendent of Watchmen. 11 voting for him and 6 against it.

The following resolution is next introduced

Resolution rel. to age of Watchmen appointed to act as City Watch

Resolved that it is the opinion of this Council that no person shall be eligible as a Watchman or City Constable who shall not have attained the age of twenty five nor who shall exceed the age of fifty years. Moved by Alderman Thomson seconded by Alderman Twining which on being put is lost 6 voting for it 11 against it and the names being called for appeared thus,

1854
December 28th
Continued

For Resolution
Alderman Caldwell
Pugsley
Wills
Twining
Thompson

Against Resolution
Alderman Conway - Longard
Lounds - King
Donohoe - Jennings
Barry - Little
Hornstall - Bell.

Election of extra
Watchmen

The City Council next proceed
with the Election of Watchmen when the following
are elected,

Jeremiah Donovan
Maurice Power
Edward McDade

David Barry
Jeremiah Connolly
John Keefe

Motion to adjourn

A Motion is made that the Council
adjourn which being put is lost 4 voting for it and
3 against it Council proceed with the Election of
the Six other Watchmen when the names being
taken, Henry White is duly elected one of the
City Watch 13 voting for him and 4 against it
names are again taken when

James Simpson is
duly elected one of the City Watch
Thomas Coleman
John Maher, James Broddick and John Irwin
are duly elected City Watchmen.

The following resolution is
next introduced

Be it Resolved that the sum of
fifty pounds be paid to Mr Gordon the Superinten-
-dant of City Hospital and that His Worship the
Mayor be authorised to draw a Check for the same.
Moved by Alderman Caldwell seconded by Alder-
-man Twining passed.

Resol-rel- to the
payment of fifty
pounds to Mr
Gordon on account
Superintending City
Hospital

Read following report of Comm-
-ittee of Tenders of 26 December 1854. (For Report see next
Page)
introduced when following resolution is

Resolved that the Ten Weekly
papers having the largest circulation be those which
are selected for the purpose of advertising therein.
Moved by Alderman Thompson seconded by Alder-
-man Jennings to which following amendment is
introduced

Resol-rel- to Report
Committee Tenders
on Advertising

Resolved

1857

December 28th

Continued

Resolved that new Tenders be
separately. Moved by Alderman Caldwell second-
ed by Alderman Conway which on being put is
passed.

"On Motion Council rise"

Report Committee Tenders

Henry Poyor
Mayor

Committee Town Dec. 26th 1857

Report Committee
Tenders of 26th
December 1857

Committee Tenders met this day. Present
Alderman Donohoe, Barry, Longard, Wills and
the Chairman

Opened Tenders from Bowes &
Sons, Compton & Bowden, W^m. A. Penney, Ritchie
& Bulger and W^m. Compton respectively for Blanks
and hand bills W^m. Compton tender being the
lowest the Committee recommend the same be
accepted

Opened Two Tenders for Stationary
ink from Hugh Blackadar for advertising it being
the only tender signed, W^m. Grant
tender being the lowest the committee recommend
the same be accepted.

The Committee next opened a
Tender from Hugh Blackadar for advertising it
being the only tender from a weekly paper the Committee
recommend the acceptance of the same.

The Committee next opened a
Joint tender from the proprietors of The Weekly papers
A. Grant, A. S. Ritchie, W^m. A. Penney, Compton and
Bowden and Thomas Annand which Tender the
Committee refer to this Council to decide on.

The next Tenders opened were
from W^m. Owens and W^m. Pythe for Cy heads and sub
for Bridewell. W^m. Pythes Tender being the lowest
the Committee recommend the same be accepted.

The Committee opened a Tender
from C. D. Hunter for Bridewell supplies it being
the only tender the Committee recommend the same
be accepted.

Respectfully submitted

Jeremiah Conway
Chairman

1857

December 29th

Watchmen Sworn

George P. Brehm as Captain
Jeremiah Donovan, Maurice Power Edward Mc
Dade, David Barry, Jeremiah Connolly, John
Kiefer, Henry White, Thomas Coleman, John
Mahar, James Simpson, James Broddick
John Brown. Sworn into office as Special Constables
for the City.

Henry Poyer
Mayor

Surveyor of Lumber
Sworn

31st

James Sutton sworn into office
as Surveyor of Lumber in presence of His Worship
the Mayor.

Henry Poyer
Mayor

1858
January 2

Measurers of Coal
Sworn

William J. Madden as Superin-
tendant, John O'Connell, Samuel King William
Madden, Alexander Grant, Andrew Smith,
James Brewster, Andrew Nisbat, and William
Bilby sworn into office as Measurers of Coal in
presence of His Worship the Mayor.

Measurers of Salt
and Grain
Sworn

John Martin as Superintendent
Abrose Keating, James Mahony, William Blyth,
James Cullen, William Robt, Thomas McCann and
James Ault sworn into office as Weighers & Measurers
of Salt & Grain in presence of His Worship the
Mayor.

Henry Poyer
Mayor

January 4th
Surveyor of Lumber
Sworn

John McPherson sworn into office
as Surveyor of Lumber in presence of Alderman
Morrisey.

Sealers of Leather

James Norwood and William
Lentins sworn into office as sealers of Leather
in presence of Alderman Morrisey.

Weighers of Hay
Sworn

Michael O'ran and Thomas
Keating sworn into office as Weighers of Hay in
presence of His Worship the Mayor.

Henry Poyer
Mayor

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January 4th

John James sworn into office as Measurers of Cord Wood in presence of His Worship the Mayor.

Cheney White, Colin Wilson

Measurers of Painted Work Sworn

Maurice Downey sworn into office as Measurer and Inspector of Painters work in presence of His Worship the Mayor.

Henry Foye Mayor

January 5th

Surveyor of Lumber Sworn

Henry Spite sworn into office as Surveyor of Lumber in presence of His Worship the Mayor.

Henry Foye Mayor

1858
January 18th

At a Special Meeting of City Council held this day present His Worship the Mayor Aldermen Gibb, Donohoe, Caldwell, Louwds, Wills, King, Moir, Conway, Barry, Finistall Longard, Jennings and Bell.

The City Council were summoned to proceed with business standing over and to take into consideration a Letter from Hon. J. W. Johnston on behalf of J. Seldon, the report of Committee relative to Survey of City, and the transaction of other business.

Read over proceedings of 25th December 1857.

Report Committee
Tenders

Alderman Conway Chairman submits report of Committee of Tenders of January received.

Memo of E. Studley
rel. to her Taxes

Alderman Caldwell submits Memorial of Elizabeth Studley relative to her Taxes received.

Petition of Charles
Shaffer rel. to her
Taxes

Alderman Bell submits Petition of Charles Shaffer relative to his Taxes received.

Alderman Caldwell submits report of Committee of City Hospital of 15 January 1858.

His Worship the Mayor submits Letter from Alderman Cochran asking leave of absence for two months.

The report of Special Committee for on City Survey of 5 November and read 13 November is again read this day when following resolution is introduced

Report
See Page
201 =

Recd. = rel. Survey
of the City

Whereas the Survey of the City was undertaken some time since under order from the Council and William Gossip was appointed as the Engineer for the same charge at an annual salary of Three Hundred pounds, the work being viewed now as it was at that time to be a most important one for the benefit of the City, it is very desirable it should be finished as soon as possible, and notwithstanding the amount granted by the Legislature for the same purpose has been greatly exceeded, yet the Council have the assurance of the Engineer that the Work will

1858

January 18
Continued

will be completed by June next which enable them to judge how much the entire work is to cost the City, and as the Contract was mutually entered into in perfect good faith between all connected therewith.

Be it resolved that this Council petition the Legislature if possible in time for this Session for power to assess for a further sum of five Hundred pounds for the same purpose to meet the excess of expenditure and enable the present Engineer to perfect the undertaking. Moved by Ald. Noble seconded by Alderman Twining which on being put is passed 9 Voting for it and 4 against it and the names being called for they appeared thus.

For Resolution	Against Resolution
Alderman Caldwell-Thomson	Alderman Wills
Pugsley-Bell	Moir
Conway-Twining	Longard
Quibell-Noble	Tennings
Horriatall	

The following resolution is next introduced

Resolved that a Committee be appointed to make some definite arrangements with Mr. Gossip as regards the completion of the City Survey and report to the Council for approval. Moved by Alderman Twining seconded by Alderman Bell. Committee, Alderman Twining, Thomson & Noble.

Council next take up Alderman Pugsley's resolution relative to Exhibitions. The same is read (No 3)

Resolved that the Council apply through his Honor the Recorder to the Executive Council for power to substitute for the seventh section of the 21st Chapter of the act of Incorporation the following viz all such Exhibitions shall be closed at night by the Hour of eleven o'clock. Moved by Alderman Pugsley seconded by Alderman Caldwell.

Resol = rel to
appointment of
Committee rel. to
Completion of City
Survey

Resol = rel to
Exhibitions on
Saturday night

1858
January 18th
Continued

Read Memorial of Dr. Jennings
and others against the holding of Exhibitions on
Saturday evening (See File D. January)

Resolution No 3 this day introduced being put is lost 3 voting for it and 9 against it

On Motion Council rise

Henry Kuyper
Mayor

Committee Room
Nov. 5th 1854

Report Special
Committee on City
Survey Nov 5
1854

The Committee of Survey appointed by resolution of Council Sept 28 Met this day at 2 o'clock present Alderman Noble, Wills and Jennings and after constituting by the appointment of Alderman Jennings as Chairman they proceeded to business and beg leave to report as follows.

Mr. Bossip was present by request of Chairman to furnish any information that might be required by Committee. The minutes of Council being referred to it was found that Mr. Bossip was appointed to the duties of his office August 26th 1854 from which date he has considered himself the Officer of the City for said Survey at the yearly salary of £300 the Chairman stated to Mr. Bossip the object of the present Meeting viz to learn from him how far the work had progressed how long a time would be required in his judgment to complete the work how much money expended for attendants and how much received on his own account. Mr. Bossip stated freely on being asked, the work has so far progressed as that the out-door work will be finished before the closing of this present season and the plans and all the necessary work appertaining to his duties completed by the end of June ensuing the amount of money paid to Mr. Bossip by City Treasurer up to the date of furnishing last account Sept 26th 1854

Received on Mr. Bossip's acc £ 300 - 0 - 0
For Salary to Men 63rd Days @ 5/- 159 - 5 - 0
Office furniture Materials &c 9 - 1 - 8
£ 468 - 6 - 8

The probable

1858
January 18th

Report Continued

The probable amount necessary to complete the
Continued Survey in hand will be to the best of Mr. Bossie's
Judgment based on former experience

and his own future Salary 12	Months in	245	m d c
Materials necessary for plans		15	m d c
The probable amount		260	m d c
Previous Amount		588	m d c
		848	m d c

All of which is respectfully submitted

(See Dec^r file)

Wm. S. Jennings
Chairman

January 25th

At a Special Meeting of City
Council held this day present His Worship the Mayor
Alderman Noble, Corbridge, Pugsley, Thomson, Caldwell
Lourds, Morisey, Twining, Risk, Moid, Conway, Barry
Tomistall, Longard, Jennings, Bell.

The City Council were summoned
to proceed with business standing over from last meeting
and the transaction of other business

Read over proceedings of 16th January

Read following Letter from Mess^{rs}
Johnston & Sons of 28 December 1857 on behalf of Mr.

Stephen Seldon
(Copy)
Sir

Halifax 28th December 1857

When the Legislature was applied to at its
last session to remove certain technical obstacles from
the way which precluded Mr. Seldon from enforcing
his claim against the City for the loss and injury
he sustained of his house and property during the fire
on the first of January last, it was objected on the
part of the City that the extent of the liability of the
Insurance Company and the Question whether the
order

Letter Mr. S^{rs}
Johnston & Sons
on behalf of Mr
S. Seldon

1858
January 18th
Continued

to pull down the house had been executed before the fire had reached it should first be established.

This course on the part of the City drove Mr. Seldon most reluctantly into litigation and an action was commenced on the policy, and one other against the gentleman who were agents in the order for pulling down. The former has been tried and a verdict found on the 24th inst of which we enclose a copy by which both questions are determined. Nothing now stands in the way of Mr. Seldons claim on the City except the technical objections that the order was given by two Alderman and one fire warden instead of three fire wardens. In the full assurance that under these circumstances the City authorities will not now interpose any objection against the claim of Mr. Seldon for remuneration for the balance of his losses, we have advised him not to bring to trial at this sitting of the Supreme Court his action against Messrs Barry McKay and O'Brien, who ought no more to be put to the trouble of defending a suit than ought Mr. Seldon to suffer for an act which had for its object the preservation of the City from conflagration.

We now solicit from the City authorities a renewed consideration of the subject and shall be obliged to be informed of the result at which they arrive. The anniversary has nearly reached us of the event alluded to. The delay of redress has entailed on Mr. Seldon injuries in his business which cannot be compensated and we beg to ask the City authorities for an early consideration and as prompt relief on his behalf as may be consistent with their convenience and duties.

We have the honor to be
Your obedient Servant

His Worship
The Mayor
&c &c

Sig^d J. W. Johnston & Son

Read following Certificate of the
Prothonotary of 24 Dec^r 1857 (See next page)

1158
January 25th
Continued

Supreme Court
Cause

Alexander Primrose Plaintiff
versus
The Halifax Fire
Insurance Company Defendants

Certificate of
Prothonotary
on Suit of S. Seldon

Verdict

We find that the order to pull down the House had been given and as far as it was carried into effect, had been executed, before the fire reached the House, but considering the loss sustained by the burning of the remaining portion, we find for the Plaintiff damages Three hundred pounds -

A True Copy

Sig^d S. W. Nutting

Prothonotary

Recorded 24th Dec^r 1854

Opinion of His
Honour the Recorder
on S. Seldons Claim

Read following opinion of His Honour
the Recorder of 23rd January 1855

Remarks on Mr. Seldons claim for
Compensation for property destroyed at the fire on New
years day 1854

The act Revised Statutes Chapter 99 in
Section b - Contemplates a public benefit to be derived at
fires, by the pulling down buildings to stop the progress
of a conflagration. It has accordingly given authority
to certain specified public officers to exercise their
discretion in this point and if in their judgment the
pulling down any building will tend to prevent the
further spreading of the fire, and if the pulling down
of such building shall have the effect of stopping the
fire, or the fire shall stop before it comes to the same
the owner of such building shall recover payment therefor
from the rest of the inhabitants whose houses have not
been burnt.

In the last part of the clause an exception is
made of any house which shall be on fire at the time the
order is given or which shall take fire while in the
act of being pulled down. In either case the owner is not
to be compensated.

To Mr. Seldons claim there are two
legal exceptions that require attention.

It was pulled down by certain public magistrates
not those pointed out in the act.

1858
January 25th
Continued

2nd It was only partially pulled down, and was subsequently as understood destroyed by the progress of the fire. This is the view of the facts most favourable to his claim because if it had been on fire - during or before the pulling down he would be included by the express terms of the act from any claim. On the first point, it would seem the letter of the law is against the claim because an order of four firewards, that number being above near the fire is expressly requisite in this City, although if three firewards only were present they could grant the order. It would be hard however on the private person whose property is sacrificed by an act of authority, which he could not easily oppose or resist to make this an insurmountable objection, and under this impression, the City in 1851, consented to the passage of acts of the Provincial parliament to indemnify Wallace and Shea, whose property had been pulled down at the fire below the North Barracks by order of less than the legal number of firewards, their claim in all other respects appearing legal and correct.

3rd Assuming that the order for pulling down this house had been legally given, the other question is whether the pulling down had the effect of stopping the fire. If it had such effect the words and spirit of the act would be complied with. But whether the pulling down of this building had any or what effect in stopping the progress of the fire is a pure question of fact on which I can not venture to express any opinion. The verdict of the Jury in the cause tried against the insurance office and which is enclosed in Messrs Johnstons letter, shows that according to the evidence given at that trial, the flames had not reached this house until after the pulling down had ceased, but it decides nothing on the question whether the pulling down was of any utility in arresting the destroying element on that question the City Council must exercise their own judgment.

Saturday
23 January 1858

203
Deanish Murdoch
Recorder

1858

January 25th
Continued

The following resolution is introduced

Upon hearing read the Letter from J. W. Johnston Wors on behalf of Mr Stephen Seldon

Resol. rel to Mr Johnston's letter on behalf of Mr Seldon

Resolved that this Council will assent to a bill being passed by the Legislature by which Mr Seldon will be entitled to have the same claim against the City as he would have had if the order to pull down his House in ~~the~~ ^{Drumville} Street to prevent the spreading of the fire in January last had been duly given pursuant to Law by Three Fire Wards instead of one Fire Ward and two Alderman. Moved by Alderman Twining seconded by Alderman Noble to which following amendment is introduced

Amendment to Resol. above

Resolved that this Council cannot recommend that application be made to the Legislature in case of Mr Seldon, feeling they would be acting contrary to Law and the interest of their fellow Citizens. Moved by Alderman Caldwell seconded by Alderman Pugster which amendment being put is passed 11 voting for it and 5 against it. The original is therefore lost and the names being called for they appeared thus.

For Amendment	Against it
Alderman Pugster - Barry	Alderman Conchoe
Caldwell - Morrissey	Thomson
Conway - Longard	Bell
Lounds - Ring	Twining
Hoir - Jennings	Noble
Forrestall	

Report Special Committee on Survey of City

Alderman Twining submits report of Special Committee on Survey of the City. on Motion same is received

Petition George Piers re to Lamp Post

On Motion the Petition of Mr George Piers and others relative to a Lamp Post at Cairns Field be deferred until the general affairs of the City are taken up passed.

Petition R Anderson re to account for Gravel

Read Petition of Robert Anderson relative to payment of his account for Gravel supplied to the City upon on Motion the same is ordered to lie on the table

1858
January 25th
Continued

Read Petition of John T. Wylder
for Lamp Post when on Motion same is ordered to
lie on Table.

Read Half yearly report of
Committee on Inspection of Bridewell on Motion
same is received.

Halifax 31st Dec^r 1857

Report Committee
on Inspection of
Bridewell.

The 13th Section of the 25th Ordinance of the City of
Halifax has been observed by the undersigned and
they beg leave to report as follows.

The entire premises has been inspected which they
report to be clean and well kept making allowance
for the dilapidated state of the buildings.

The quantity of Bedding appears to be deficient
and we recommend a supply of Blankets, Rugs
and Straw. There is some red woollen yarn which has
been spun on the premises, and should be sent to a
factory where it can be wove into Cloth, an article
which is now much wanted. the number of Prisoners
now on the Establishment is 44 they appear clean
healthy and well fed with two exceptions. Peter
McGinnis is in bad health and not fit for work
Christiana Joseph an aged squaw they should be re-
moved to the Poor house there is also three small boys
who cannot be kept to employment and ought to be
removed there are several males and females -
including those that laboured at Orains at rock
head who have behaved so well that we recommend
them to the clemency of His Worship the Mayor and
ask their release.

All of which is Respectfully submitted

Sign John L. Barry, Alderman
Mat^r Lounds

Report City Clerk of
License to 15th
Dec^r 1857

Read Report of City Clerk of
License showing the sum of £445. 4s. Collected
for Quarter ending Dec^r 15th 1857 on Motion received

Read following report of Committee
of Tenders of January 1858 (For Report see Next Page)

1858

January 25th
Continued

Halifax January 25th 1858

Committee of Tenders Met this day Present Alderman
Wills, Longard, King, Barry and the Chairman

Opened five Tenders as follows.

Report Committee
of Tenders January
25th 1858.

A. Grant	4/11 per square and 3/2 Centinians
Compton & Bowden	4/11 " " "
William A. Perry	4/11 " " "
Thomas Amund	4/11 " " "
Ritchie & Bulger	4/6 per square only.

Your Committee are unanimous
in recommending that the tender of A. Grant and
Compton & Bowden be accepted

All of which is respectfully submitted

Sig^d Jeremiah Conway

when following resolution is introduced

Resolⁿ rel to Report
Committee Tenders

Resolved that the report now read
from Committee of Tenders be received and adopted
Moved by Alderman Caldwell seconded by Alderman
Morrissey to which following amendment is introduced

Resolved that advertisements be
inserted in the Papers which advertise for the City requir-
ing tenders for printing for the City for one year. Moved
by Alderman Pugsley seconded by Alderman Jennings
which amendment being put is passed by voting for it
and 4 against it original is therefore lost.

Memo of W. Studley
rel to Assessment

Read Memorial of Wth Elizabeth
Studley relative to her assessment, when on Motion same
is ordered to lie on the Table.

Memo - G. L. Goodwin
rel to Assessment

Read Memorial of Samuel S.
Goodwin relative to his assessment when on Motion same
is ordered to lie on the Table

Memo - Charles
Shaffer rel. to
Assessment

Read Memorial of Charles Shaffer
relative to his assessment, when on Motion same is
ordered to lie on the Table.