

1858  
April 19<sup>th</sup>  
Continued  
Presiding Officer  
for Elections

The following Gentlemen are appointed  
Presiding Officers for holding Elections in Wards No 2  
and 3 for a Ward Assessor  
For Ward No 2 Aldermen Caldwell  
" " " " No 3 Alderman Morrissey

Moved by Alderman Wills seconded  
by Alderman Caldwell that the usual advertisement  
be inserted in the City Newspapers for applicants for  
situation of City Assessor.

Alderman Noble moves that the  
order of the day be suspended and that he have leave to  
introduce a resolution relative to removal of Building  
belonging to the City leading to the Steam Boat Wharf,  
leave granted when following resolution is introduced

Resolution rel. to  
premises Steam  
Boat Wharf

Resolved That so soon as the  
present term of lease 1<sup>st</sup> May for which the City Shops  
and Tenements to the South of the Steam Boat Landing  
shall expire they be not relet, but advertised and sold  
to be removed without delay. Moved by Alderman  
Noble seconded by Alderman Longard to which following  
amendment is introduced

Resolved that the resolution  
for pulling down the Buildings on the Market Slip lie  
on the Table for the present. Moved by Alderman Pugsley  
seconded by Alderman Wills which amendment being  
put is lost 3 voting for it and 10 against it. The original  
is then put and carried 10 voting for it and 3 against it.

By Law relative  
to Dog Tax

By Law relative to Dog Tax read, First time  
By Law relative to Dog Tax read Second time  
1<sup>st</sup> Clause passed. Second Clause passed.

Resol. rel. to Clerk  
of License, Health  
Inspector &c.

Alderman Twining submits a  
resolution by way of Notice relative to additional Street  
Lamps

Alderman Thomson submits a  
resolution by way of notice relative to the office of Clerk  
of License

Alderman Thomson submits a  
resolution by way of Notice relative to Health Inspector

Alderman Thomson submits a  
resolution by way of Notice relative to the Keeper of Markets

1858

April 19th

The following resolution is next

Continued introduced

Resol. rel to Watchmen

Resolved that no Watchmen be appointed above 55 years of age Moved by Alderman Thomson seconded by Alderman Bell To which following amendment is introduced

Resol. rel to age of Watchmen

Resolved that the age of Watchmen and Captain shall not exceed 50 Years Moved by Alderman Twining seconded by Alderman Hoiv which amendment being put is lost 5 Voting for it and 8 against it.

Second Amendment. That the age shall not exceed 60 Years Moved by Alderman Conway seconded by Alderman Morris which on being put is lost 5 Voting for it and 8 against it

The original is then put and carried 8 Voting for it and 5 against it.

Notice of reconsideration

Alderman Conway gives notice of reconsideration

Moved by Alderman Wills seconded by Alderman Twining that the usual advertisement be inserted for the applications of Six Watchmen in accordance with the resolution passed this day. passed.

Memo. rel to Fire Ward Act

The Committee appointed to draw up a Memorial to the Honorable the Legislative Council on subject of the Fire Ward Act submit the same

Aldermen Jennings and Barry come in.

When it is moved by Alderman Pugsley seconded by Alderman Wills that the same be received passed

Alderman Conway Chairman submits report of Committee of Tenders of same is received

Notice relative to Keeper of City Clock,

His Worship the Mayor brings to the notice of the Council that the Keeper of City Clock had not been regularly appointed. when it is moved by Alderman Jennings seconded by Ald. Noble that Mr Brown be continued in office as Keeper of Clock until 15th October next. passed.

The report

1858  
April 19<sup>th</sup>  
Continued

The report of Committee of Tenders  
this day submitted is next taken up and read.

Committee room Halifax April 10<sup>th</sup> 1854

Report Committee  
Tenders 10<sup>th</sup> April  
1858.

Committee of Tenders met this day  
Present Aldermen Hills, King, Barry and the  
Chairman

Opened the following tenders for Blacksmith  
work

- 1<sup>st</sup> Robert Storey
- 2 John McCalbridge
- 3 James Bossip
- 4 John Taylor
- 5 John Mooney
- 6 William Caldwell

and having reference  
to the quantity and description of work required found  
the tender from John Taylor to be the lowest. The  
Committee would recommend the same be accepted

Also opened two tenders for wheelwright work

- 1<sup>st</sup> William Murray
- 2 William Ingles

William Murray's Tender being  
the lowest the Committee recommend the same be  
accepted

All which is respectfully submitted

Sig<sup>d</sup> Jeremiah Conway  
Chairman

when it is moved that said  
report be adopted passed.

Return of Writs  
issued in Mayor's  
Court.

His Worship the Mayor submits  
following returns of Writs issued in Mayor's Court in  
accordance of resolution of Alderman Barry's passed  
at last meeting the same is read (See File April)

The following resolution is  
next introduced

Resolved to  
a Meeting of  
the Citizens

Resolved that His Worship the  
Mayor call a Meeting of the Citizens at Temperance  
Hall to test their opinion upon the Acts of the Legis-  
lature passing a Law to indemnify Mr. Selden for  
his loss by Fire on the first of January 1854 The  
Council

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April 19th  
Continued

The Council being of opinion that Mr. Selden has no just claim on the City and that the passage of such a Law being an *ex Post Facto* one will establish a dangerous precedent and one which may inflict unlimited injury upon the Citizens generally and that a Committee of one Alderman for each Ward be appointed to prepare a series of Resolutions to be submitted at next meeting Moved by Alderman Pugsley seconded by Alderman Conway which on being put is Lost by Voting for it and 3 against it.

Memo-rel. to the  
Ward Act

The Memorial this day prepared and submitted to the Council by the Committee on the subject of the Fire Ward Act is next taken up and read

To the Honorable the Members of the Legislative Council now in session convened

Humbly Sheweth

That at a fire which happened in this City on the 1<sup>st</sup> January 1857 the House of Mr. Selden were ordered to be pulled down by two Alderman and a fire warden.

That previous to and while this order was being executed the building took fire and was only saved from total destruction by the flames in consequence of the front having been torn out. The interior being thus laid open affording the firemen the opportunity of playing fairly on the flames.

That to demand compensation from the Citizens under these circumstances is neither warranted by law nor conformable to equity.

That Mr. Selden brought an action against the Halifax Insurance Company in which office this building was insured.

That while the whole amount insured was only £400 a claim was made against the City for £550 far more than the value of the building destroyed. That your petitioners tho' firmly convinced and some of them are personally cognizant of the facts that Mr. Selden has no claim yet fear that a Jury might be found which would award damages against the City.

That they look upon the passage of a law with an *ex post Facto* operation as a dangerous precedent. that in a case like the present to render the City liable to a suit for an order given by two or three individuals whom the Law did not authorize to act, and against the recorded opinions

1858

April 19<sup>th</sup> opinions of this Council who have ever been actuated by  
Continued a desire to do justice to their fellow Citizens would  
your petitioners think be attended with very pernicious  
consequences.

For and on behalf of the City Council

Sign<sup>d</sup>. Henry Pryor  
Mayor

Moved by Alderman Morrissey  
seconded by Alderman Sennings that said Memorial  
be adopted and that the same be fairly engrossed and  
submitted to Honorable the Legislative Council through  
one of its Members. passed unanimously

The following resolution is next  
introduced

Resolved - to a  
Meeting of the  
Citizens

Resolved that a Meeting of the Citizens  
be held at Temperance Hall on Thursday next at 2  
o'clock. Moved by Alderman Thomson seconded by  
Alderman Moir, to which following amendment is  
introduced.

That the City Council have no public  
Meeting until after we hear the result of our Petition  
now before the Legislature. Moved by Alderman Caldwell  
seconded by Alderman Noble.

Motion of  
adjournment

Motion of adjournment is made  
when there appeared for the same 4 against it 7 and there  
being an equality of votes His Worship the Mayor gives  
his casting vote against adjournment.

Resolution 8<sup>th</sup> and  
the amendment are now before the Council and the amend-  
ment being put is carried 8 voting for it and 4 against it  
the original is therefore lost and the names being called  
for they appeared thus.

For Amendment  
Alderman Caldwell - Morrissall  
Noble - Morrissey  
Wills - Sennings  
Lounds - Cochran

Against it  
Ald. Moir - Barry  
Conway - Thomson  
Pugsley - Bell.

Motion of adjournment is again  
made which on being put is lost 4 voting for it and 11  
against it

1858  
April 19<sup>th</sup>  
Continued

The following resolution is next

Resol. rel. to  
Captain of Watch

Resolved that applications be advertised for from persons to fill the situation of Captain of the Watch coupled with the advertisement to issued for Six Watchmen. Moved by Alderman Noble seconded by Alderman Conway which on being put is passed 11 Voting for it and 3 against it

The following resolution is next introduced

Resol. rel to Watch

Resolved that no person be appointed a Captain of the Watch over 55 years of age. Moved by Alderman Thomson seconded by Alderman Caldwell.

Call of Council

Call of Council is here made at 7 o'clock 8 o'clock The Hour having expired and their being present His Worship the Mayor Aldermen Barry Lownds. Morrissey Moir. Hornstall. Cochran. Conway Pugsley. Wills. Caldwell. Thomson and Noble.

Resolution N<sup>o</sup> 8 is then put and lost 5 Voting for it and 7 against it

On Motion "Council Rise"

Henry Teyor  
Mayor

April 19<sup>th</sup>

Ward Assessors  
Sworn

George Henderson Thomas Abbott William Kandick. William Ackhurst. Charles Legg James Barron. G. B. Gray. John Stairs. M. B. Stack and Thomas Bayer having this day taken the oath of Allegiance as well as that of their qualification are this day sworn into office as Ward Assessors for their respective Wards in presence of his Worship the Mayor

Henry Teyor  
Mayor

29<sup>th</sup>

Ward Assessors  
Sworn

William Stevens and James Adams having this day taken the oath of Allegiance as well as that of their qualification are this day sworn into office as Ward Assessors for their respective Wards in presence of His Worship the Mayor.

Henry Teyor  
Mayor

1858  
April 30<sup>th</sup>

At a Special Meeting of City Council held this day present His Worship the Mayor - Aldermen Barry, Sibley, Pugsley, Thomson, Caldwell, Swords, Morrison, Cochran, Twining, Wills, King, Moir, Conway, Morrisall, Longard, Jennings and Bell.

The City Council were summoned to elect a City Assessor, to appoint the Watchmen, to take up matters standing over from previous meeting and the transaction of other business.

Read over proceedings of 19<sup>th</sup> April

Report rel. causes  
Supreme Court

His Honor the Recorder submits report relative to various cases now pending before the Supreme Court.

Report Committee  
Common

Alderman Bell submits report of Committee of Common received

Report Committee  
Remonstrance

Alderman Jennings submits report of Special Committee of remonstrance, received

Report Committee  
Public Accounts

Alderman Bell submits report of Committee of Public Accounts, received.

Report Special  
Committee rel.  
to Weighing Coal

Alderman Twining submits report of Special Committee relative to Weighing of Coal

Writ Replevin  
in case of Collins  
vs. The City

His Worship the Mayor submits a Writ of Replevin this day served upon him in the case of Hon. Wm. Collins vs. The City of Halifax relative to His City Assessment for 1857.

when following resolution is introduced

Resol. rel. to  
Committee in  
Case of Collins  
vs. The City.

Resolved that it be referred to a Committee of three to report what proceedings it will be expedient to adopt as regards the replevin suit instituted by the Hon. W. Collins against the City. Moved by Alderman Twining seconded by Alderman Jennings.

Committee Alderman Twining, Bell and Cochran.

Alderman Jennings asks leave to introduce a resolution relative to Sale of property leading to Steam Boat Wharf which on being put is passed 9 Voting for it and 6 against it. Leave granted.

when following resolution is introduced

1858  
April 30<sup>th</sup>

Resol. - rel to Sale  
of property Steam  
Boat Slip.

Whereas at a Meeting of this Council  
a resolution was introduced by Alderman Noble that  
the buildings on the Steam Boat Slip be sold, which  
resolution passed 10 to 3 and whereas certain aldermen  
being unavoidably absent who would record their  
votes against said resolution if present. Be it  
therefore resolved that said resolution be now rescin-  
ded. Moved by Alderman King seconded by Alderman  
Sennings - to which following amendment is introduced.

Whereas at a former Meeting of  
this Council the City Buildings on the South of Steam  
Boat Landing were after the matter had been fully  
discussed ordered to be sold, and removed therefrom  
being considered an infringement on the <sup>right</sup> of that  
locality, and the Citizens generally, as also dangerous  
from fire and having been considered by our own  
Architect as unfit for repairs, the Members favourable  
to the removal of said Building viewing that the space  
they occupy is required as an open space for Market  
purpose and with the conviction that the Citizens  
generally would sanction the decision of removal and  
since a Motion is now being made to reverse the  
resolution agreed to by a Majority of the Council  
present at that Meeting.

Be it resolved that the  
Buildings referred to be not re let but sold to be  
removed according to advertisement already issued.  
Moved by Alderman Noble seconded by Alderman  
Morrissey which amendment being put is lost 5 Voting  
for it and 10 against it and the names being called  
for they appeared thus.

For Amendment Alderman Caldwell Horriestall Noble Morrissey Longard	Against it Ald. Conway - King Wills - Bell Lounds - Twining Cochran - Sennings Moir - Pugsley.
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The original is then put and carried 8  
Voting for it and 7 against it

Read following Answer from Her Majesty relative to City Council address. See File

The following



1858  
April 30<sup>th</sup>  
Continued

The following resolution is next introduced

Resolved that the resolution Moved by Alderman Twining and passed at the last meeting of this Council limiting the age of Watchmen to 55 years be now rescinded. Moved by Alderman Conway seconded by Alderman Ring passed & Voting for it and 7 against it.

Alderman Lounds in the Chair

By Law relative  
to Dog Tax

Read By Law relative to Dog Tax third time the same is passed and directed to be transmitted to His Excellency the Lieutenant Governor and Honorable Executive Council for their approval.

The Mayor resumes the Chair

His Worship the Mayor informs the Council that he had been waited upon by the Chairman of Honorable the Legislative Council relative to the Acts now before the Legislature on City matters, and that that Body had passed the acts relative to City Prison and City Hospital but that the acts relative to the assessment and City Survey was still under consideration.

Resignation of  
Ald. Barry

Read resignation of John L Barry as Alderman for Ward No 5

when it is Moved by Alderman Caldwell that Alderman Conway be presiding officer for holding election for an Alderman in Ward No 5 in place of John L Barry Esquire resigned.

City Assessor  
Elected

Council next proceed to elect a City Assessor for current year. The various applications are read. The names are taken when there appeared for John L Barry 14 William Roche 2 Mr John L Barry having received a clear majority of votes of Members present is duly elected City Assessor for 1858.

Council next proceed to elect the Watchmen when following resolution is introduced.

Resolved that no person be eligible for the office of Watchman above 54 years of age. Moved by Alderman Thomson seconded by

1858

April 30<sup>th</sup> Alderman Twining which on being put there appeared  
Continued for the same & against it & and His Worship being called  
upon gives his casting vote in favour of resolution, the  
same is therefore carried.

The following resolution is  
next introduced

Resolved to  
pay of Watch.

Resolved that the pay of the Captain  
of the Watch be for the future six dollars per week, and  
the Watchmen five dollars per week. Moved by Ald.  
Pugsley seconded by Alderman Twining to which  
following amendment is introduced

Resolved that the Captain of  
the Watch pay be seven dollars in place of Six and the  
Watchmen have five dollars per week. Moved by Alder-  
man Morrissey seconded by Alderman Longard which  
amendment being put His Worship voting for it and 9  
against it, the original is then put and carried.

Election of City  
Watchmen

The City Council met proceed  
to elect a Captain and Six Watchmen and the  
following having received a clear majority of votes  
are duly elected Captain of the Watchmen and  
Special Constables for the City

George P. Brehm Captain  
Maurice Power Edward McCade Jeremiah Connolly  
Henry White David Barry David Creelman.

Alderman Thomson Chairman  
of Special Committee submits a report of Committee on  
subject of address to Her Most Gracious Majesty relative  
to Railway assessment

On Motion "Council rise"

Henry Taylor Mayor

May 1<sup>st</sup>

George P. Brehm sworn into office

this day as Captain of the Watch and Special Constable  
for the City

Watchmen  
Sworn

Maurice Power Edward McCade Jeremiah  
Connolly Henry White, David Barry David Creelman  
sworn into office as Watchmen and Special Constables  
for the City

Henry Taylor Mayor

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1858

May 3

At an adjourned Meeting of City Council held this day present His Worship the Mayor Aldermen Noble, Towns, Morrissey, Cochran, King, Moir, Conway, Longard, Jennings and Bell.

There not being a quorum to do business.

"Council rise"

Henry Taylor Mayor

May 4

Alderman Moir  
appt<sup>d</sup> City  
Auditor

Alderman Moir appointed by His Worship the Mayor one of the Aldermen to act with City Auditors in place of Alderman Barry resigned

Henry Taylor Mayor

May 11

At a Special Meeting of City Council held this day present His Worship the Mayor Aldermen Noble, Pugsley, Caldwell, Turning, Wills, King, Moir, Conway, Jennings

There not being a quorum to do business

"Council rise"

Henry Taylor Mayor

1858  
May 10<sup>th</sup>

At a Special Meeting of City Council held this day present His Worship the Mayor Aldermen Noble Donohoe, Caldwell, Lounds, Cochran, Morrissey, Swining, Wilks Ring, Conway, Jennings, Bell.

The City Council were summoned to pass the order for the assessment, to consider business standing over from previous meeting there not being a quorum to business, and the transaction of other business

Read over proceedings of 30 April 3<sup>rd</sup> and 6<sup>th</sup> May

His Worship the Mayor submits Certificate from the Clerk of the Peace as to the amount necessary to be assessed for County purposes on the City the same is read

Office of Clerk of the Peace  
Halifax 10<sup>th</sup> May 1858

Certificate of Clerk of Peace  
rel to Assess-  
for County -  
purposes.

I do hereby certify that the sum of apportioned by the Court of General Sessions in March Term last to be assessed on the City of Halifax for County purposes amounts to Eight Hundred and nine pounds including Commission for collecting the same.

James J. Clarke  
Clerk of the Peace

Amount  
£440-0-0  
Com 39-0-0  
£480-0-0 Total

To His Worship the Mayor  
and City Council

A Motion is made that the order of the day be suspended to fill up vacancy in one of the Committees lost by voting for it and against it

Alderman Cochran submits Memorial of James Scott relative to his assessment on Motion the order of the day is suspended said Memorial read and referred to the same Committee as Hon Mr Collins & La File Mayr

Memo: James Scott  
rel to his assessment

1858

Mar 10<sup>th</sup>  
ContinuedResolution re. to  
Assessment

The following resolution is introduced

The Honorable the Legislature having passed an act authorising the sum of Twelve thousand two hundred and fifty pounds to be assessed on the City of Halifax to meet the actual demands of that City and for the maintenance of the Poor, as likewise the sum of Five hundred pounds to complete the survey of the City. It is ordered that the City Clerk give the usual orders to the City and Ward Assessors to assess for those amounts as also in the further sum of Eight hundred and Nine pounds being a amount required by the General Quarter Sessions for County purposes and in accordance with the certificate of the Clerk of the Peace this day submitted to the Council. Moved by Alderman Twining seconded by Alderman Caldwell. passed.

Communication  
from Superintendent  
of Streets re. to  
Drain passing under  
D. O'Brien's property

Read following Communication  
from Superintendent of Streets relative to drain  
passing under Mr. O'Brien's property.

Streets office  
28<sup>th</sup> April 1858

The Superintendent of Streets begs leave to report to His Worship the Mayor and the City Council, that the only effectual way of preventing the overflowing of Mr. O'Brien's premises is to remodel and enlarge the Sewer from Water Street easterly, or to divert the Sewer southerly to Commercial Wharf, or to the North side of Mr. Lawson's Warehouse where there is an open space unobstructed by buildings or Wharves and claimed by Mr. Downs. The Sewer being covered with Buildings and too small in its transverse section to admit men in to work delay will occur in the removal of the sand or whatever other obstruction it may be subject to.

In my annual Report for improvement I have recommended the Construction of a Culvert across Barrack Street at the Junction of Prince Street which if made would divert a part of the Water from Mr. O'Brien's premises to Prince Street still the Sewer would be insufficient for the requirements of a public Sewer in that locality.

All of which is respectfully submitted

Sig<sup>d</sup> James Pollock  
Supt. of Streets.

1858  
May 10<sup>th</sup>  
Continued

Read letter from William Lawson  
Esq<sup>r</sup> on same subject

Halifax April 28<sup>th</sup> 1858

Sir

Some years since I proposed to W<sup>m</sup>. Roche Esq<sup>r</sup>. then Alderman Roche, an improvement in the mode of conducting the drain which now passes under Mr. O'Briens house - My plan was first to enlarge it and next to take it under the arch of Mr. Dupes house thence in a Northerly direction with as much elevation as possible, so as to avoid the land wash to the place of exit. Being still of the opinion that this is perfectly practicable, I have to ask the favour that you will lay before his Worship the Mayor and the City Council my suggestions with reference to the above alteration.

Mr. Downs consent to the drain passing under his land can I think be obtained and I can only add that any aid which I can give to promote this desirable improvement shall be willingly rendered by

Sir

Your most obed<sup>t</sup> Servant  
W<sup>m</sup>. Lawson

To

James J. Clarke Esq<sup>r</sup>.  
City Clerk  
to & from & to.

Read Two following letters  
from Mr. D. O'Brien of 24 & 28 April

Halifax April 24<sup>th</sup> 1858

Sir

You will please inform your Street Superintendent that my premises overflowed this morning from the public sewer.

Your obedient Servant

H. Pryor Esq<sup>r</sup>.  
Mayor

Daniel O'Brien

See next Page

Letter William  
Lawson rel. to D.  
O'Briens Drain

Letter D. O'Brien  
rel. to Drain