

1858
May 10th
Continued

Halifax April 28th 1858

Sir

Letter from D. O'Brien rel to Drain under his premises

I am sorry to be obliged to address you again concerning the Public Sewer under my premises, which overflowed my yard, kitchen and cellars last night in consequence of which I shall have to remove my family from the premises. I hope that your Worship will take my case into consideration and direct the necessary steps to be taken to redress my grievance.

Henry Fryor Esq
Mayor

Respectfully
Your obedient servant
Daniel O'Brien

When following resolution is introduced

Resol. rel to appnt of Committee on Drain passing under D. O'Brien

Resolved that a Committee be appointed to take the report of the Superintendent of Streets relative to the Drain under W^m O'Brien's house and report to this Council the best mode of taking the drain into the Harbour. Moved by Ald. Poirchoe seconded by Alderman Caldwell passed unanimously.

Committee Ald. Thomson Conway and Lounds.

Read following report of His Honor the Recorder relative to suits before the Supreme Court.

Report of His Honor the Recorder relative to suits before Supreme Court

O'Brien	3		
The City	3	Verdict	£ 250-0-0
		Cost from Dec ^r 30 th to May 10 th 5 th 8 th 4	
			£ 255-8-4
Attornies Costs on trial			£ 18-10-6
Prothonotary			2-9-0
Sheriff			- 6-6
Jury Fee			- 2-6
Court fees			1-14-6
Witness for affdt			5-0-0
			£ 28-3-0
Costs on Argument			
Attorney			10-15-6
Prothoty			2-10-0
			41-8-6
			£ 296-16-10

1858
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The Recorder begs leave to report to the Council on the state of several law suits in which the City is concerned.

Daniel O'Brien
The City of Halifax This cause was tried on the 29th & 30th Dec^r last and a Verdict was given for the plaintiff for \$250 Damages.

Mr. Sutherland who was retained by the Council to assist in the defence and myself being both of opinion that the verdict was excessive if not altogether wrong, we moved for a rule to set it aside but Mr. Justice Wilkins who presided at the trial being of opinion that it should not be disturbed the Court refused to grant a rule. We in consequence took out a rule under security given, but since that we have obtained Judge Wilkins report of the trial, and on deliberate consideration of the same we are now of opinion that it will be useless to attempt any further defence, we therefore have agreed to recommend to the City to submit to this Verdict and to pay the same with the Costs.

Bessomell & Brown
The City of Halifax The trial of this Cause occupied from the 11th January 1858 to the 20th same month inclusive. I was most ably assisted in the defence of this important suit. The Hon^{ble} Mr. Young and Mr. Sutherland being united with me as Counsel for the City.

The Verdict was in favour of the City the Defendant and the Court subsequently refused the opposite Counsel a rule to review the same. The taxed Costs in all £57-5-9 were paid by the plaintiffs afterward out of which sum the attorneys cost were £14-5-9 the balance being witnesses and court fees &c &c.

Albro & Wier
The City of Halifax In this suit an attempt was made after the Verdict in the Bessomell & Brown cause to remove the trial to Windsor on the ground of interest and prejudice in the City. The Court decided against this

1858

May 10th. This, and we are now under notice of trial at the ensuing
 Continued sittings after Easter. From the testimony given in the
 other Gun powder cause all the Counsel for the City
 are of opinion that it will be prudent for the City to
 pay into Court the value of 25 packages of Gun powder
 which belonged to Mess^{rs} Albro & Wier and of which
 either the whole or the greater part appear to have
 been issued by Mr. Marshall the Keeper to Mr.
 Rieth without any express order from Albro & Wier
 These 25 Bbls are of the value of £125 and it is our
 opinion that this sum together with all the plaintiffs
 cost in this suit should at once be paid into Court
 by the City and if the plaintiffs after that chose
 to go to trial to enforce any further demand
 we have much confidence in defeating them; but
 we hold the City is responsible for all property deliv-
 ered out by its officer without a proper order in writing
 from the owners.

Recourse may afterwards be had to
 Mr. Rieth in proof of his having received the articles
 without orders.

Albro et al	Debt	£ 125 ⁰ 0 ⁰
City of Halifax	Coshs	28 ¹¹ 1
		<u>£ 153¹¹ 1</u>

Report Recorder
 rel. to Suits

The Ten railway
 damages appeal
 Suits.

The Council having by resolution
 requested me to assist Mr. Nepean Clarke who had
 been employed by the sessions of this County to defend
 these appeals. I had several consultations with him
 preparatory to the trials. These commenced before Mr.
 Justice West Barre on the 5th January last being Tuesday
 and continued through the week. I was present on the
 two first days at the trial of the first four appeals, but
 was prevented by severe illness from further attendance
 thereon. Since the trials we have moved to set all
 the verdicts aside in a legal point which remains to be
 decided by the Judges, and independantly if that we
 have moved to set aside one verdict viz that of Mr.
 Tenerty on the merits of the Claim which last we
 have set down for argument at the present Term.

I annex a memorandum I have received from Mr.
 Gutherland for his services as Counsel in O'Brien's
 Suit

		£ 16 ¹¹ 8
Also a bill of the Prothonotary	for various services and	
fees in these City Causes		<u>£ 9⁴ 6</u>

There

1858
May 10th
Continued

There will remain to be met the compensation
to the Hon^{ble} Mr Young in
Bessonet et al vs the City & in
Albro et al vs the City also Mr Suther-
lands fees in the same two causes.

When the railway
appeals are finally disposed of I shall myself have a
charge to make for my services therein, as they are not
within the line of my duties as Recorder.

All of which is respectfully submitted.

Halifax
30 April 1858
Sig^d Beamish Murdoch
Recorder

Report Recorder
rel. to Quits

Halifax 21st April 1858
Edward Albro and Joseph Wier
versus
The City of Halifax

Mr Wier in his evidence on the
Trial of the Cause of Bessonet et al vs. The City stated
that his firm should have had in the Magazine
at the time of the explosion, 25 Bbls of Gunpowder of
100 lbs each and that from a conversation which he
held with Marshall the Keeper after the explosion
he was led to the conviction that the 25 Bbls were
not in the B Building when it exploded. Under
this evidence we are of opinion that it will be
prudent to pay £125 the value of the 25 Bbls of
Powder into Court together with the Costs up to the
time of payment and that this should be done
without delay.

Sig^d William Sutherland

The City of Halifax
Wm. Sutherland

1858
April 22

To Amount as per Bill on file £21.11.8

when following resolutions are intro-
duced

On reading

1858
May 10th

Continued the Recorder relative to suits, as likewise the opinion in writing of Hon^{ble} William Young and W^m Sutherland Esquires Counsel for the City in the Cause of Albro & Wier vs The City of Halifax.

Resolved that His Worship the Mayor be authorised to draw a check on the City Treasurer for the sum of One hundred and twenty five pounds together with the amount of costs of suit up to this date in accordance with the opinion of His Honor the Recorder and the Counsel employed in the Cause. Moved by Alderman Twining seconded by Alderman Jennings, passed

Resolved that the City Treasurer be requested to open a Cash account with one of the City Banks to the extent of £2000 to be repaid out of the monies to arise from the assessment of the present year. Moved by Alderman Pugsley seconded by Alderman Cochran passed unanimously

Resolved that His Worship the Mayor be authorised to draw a Check on the Treasurer for Two hundred and Sixty six pounds 16/10 to pay the debt and costs in the cause of Daniel Brian vs The City of Halifax. Moved by Alderman Pugsley seconded by Alderman Morrissey passed

Resolved that Mr Marshall and his sureties be called upon to make up the loss incurred by the City in consequence of the Powder of Mess^{rs} Albro & Wier having been delivered without the proper order of to Mr Nieth. Moved by Alderman Thomson seconded by Alderman Cochran, passed.

Read report of Committee of Public Accounts of 28 April when on Motion said report is received adopted and His Worship the Mayor requested to draw checks for the amounts therein stated.

See next Page

Amendment that the accounts be paid with the exception of Water Company's account amounting to £3.12.0 amendment lost 4 voting for it and 5 against it, the original is then put and carried 7 voting for it and 5 against it and the names being called for appeared thus.

1858

May 10th
Continued

For Resolution
Ald. Caldwell, Dorishoe
Conway - Morrissey
Wills - Pugsley
Lounds.

Against it
Ald. Bell
Thomson
Cochran
King
Lennings

Report Committee
Public Accounts
April 28th 1858

Halifax April 28th 1858
Committee of Public Accounts met this day
Present Chairman Alderman Cochran, Noble
and Bell.

The following accounts were submitted

Bridewell - Tolson & Eastwood	£ 13 - 2 - 2
Bell & Anderson	4 - 2 - 10 1/2
Thomas Keating	1 - 10 - 5 1/2
Janey W ^m McDonald	8 - 5 - 4 1/2
Stebby W ^m McDonald	10 - 13 - 4
March W ^m McDonald	10 - 0 - 5 1/2
Philip Letson	2 - 8 - 4
Piper & Putman	7 - 2 - 0

Fire Department

George Ashmore 14 - 0 - 0

The Committee think this account ought to be investigated

City Bridewell C. V Hunter	43 - 6 - 8
City Market W ^m Warren 28 loads	2 - 15 - 0
City Office Do 31 loads	3 - 2 - 0

These accounts for carting the Committee think require some explanation

Fire Plugs

Halifax Water Co £ 5 - 12 - 0

The Committee think that this account ought to be vouched by the person giving the order for the fire plugs.

Resolved to report
of Superintendent
of Streets

Read report of Superintendent of Streets relative to expenditure on Streets for 1858. When on Motion it is resolved that said report be handed back to the Superintendent with the information that the sum of Seven Hundred pounds only can be expended on the Streets for the present season and that he be requested to report where the said amount may be judiciously expended.
passed (For report see file May)

1858
May 10th
Continued

The following resolution is next introduced

Resolved to
payment of the
Prothonotary
account

Resolved that His Worship the Mayor be authorized to pay the Prothonotary's Bill - £4-5 for sundry charges in recent law suits due by City. Moved by Alderman Morrissey seconded by Alderman Dugbley passed

Read following quarterly returns of Weighers of Flour

Quarterly
Returns of
Weighers of
Flour & Meal

Return of Number of Bbls of Flour and Meal weighed by William Grant for Quarter ending 31st March 1858

No Bbls	Bbls short	Lbs short weight
<u>10748</u>	<u>102</u>	<u>1561</u>

Sig^{ca} William Grant
City Weigher

Return of Number of Bbls of Flour & Meal weighed by Samuel Carten for quarter ending 31st March 1858

No Bbls	Bbls short	Lbs short
<u>7493</u>	<u>107</u>	<u>901</u>

Sig^{ca} Samuel Carten
City Weigher

Return of Number of Bbls of Flour & Meal weighed by John Winters for quarter ending 31st March 1858

No Bbls	Bbls short	Lbs short
<u>5110</u>	<u>10</u>	<u>580</u>

Sig^{ca} John Winters
City Weigher

Report Committee
Common 27 April
1858.

Read following report of the Committee of Common of 27 April 1858 when on Motion it is resolved that the report of the Committee of Common be adopted 10 Voting for it and 1 against it?
(See File for May)

"Council rise"

Henry Taylor
Mayor

1858
May 11th

Office of City Clerk
Halifax 11th May 1858

Gentlemen

I have it in command from the City Council to direct you to proceed forthwith and make an assessment upon the respective Wards in the City in the sum of Eleven thousand two hundred and fifty pounds for and towards City purposes and the further sum of One thousand pounds for and toward the support of the Poor - as likewise in the further sum of Five Hundred to complete the Survey of the City making together Twelve thousand seven Hundred and fifty pounds.

Order of Assessment for 1858

I am also directed agreeably to resolution of the Court of Quarter Sessions to require you to make an assessment upon the respective Wards in the said City in the sum of Eight Hundred and nine Pounds for and towards County purposes for the Current year and for your guidance in making such assessments beg leave to transmit you Copies of the Act relative to assessments in the City of Halifax

I am Gentlemen
Your obdt. Servant

Sig^{ty} James S. Clarke

M^r John L. Barry City Assessor

George Henderson
Thomas Abbott } Ward Assessors Ward One

William Randick
John Stairs } Ward Assessors Ward Two

William Stevens
William Ackhurst } Ward Assessors Ward Three

Charles Adams
James Legg } Ward Assessors Ward Four

A. S. Grey
James Barron } Ward Assessors Ward Five

M. G. Black
Thomas Bayer } Ward Assessors Ward Six

1858
May 14thAlderman
Mignowitz sworn
into office.

Henry Mignowitz having this day
day taken and subscribed the oath of Allegiance the
oath of Office as prescribed by Law as well as that
of a Justice of the Peace of the City in presence of
His Worship the Mayor is sworn into office as an
Alderman of the City

Henry Pugsley
Mayor

17th May 1858

At a Special Meeting of City
Council held this day present His Worship the
Mayor Alderman N. H. Donahoe, Pugsley, Caldwell
Lounds, Cochran, Morrissey, Twining, Hills, Ring, Moor
Conway, Mignowitz, Horvath, Longard, Jennings.

The City Council were summoned
to receive report of Committee relative to Loans City Prison
and City Hospital to consider an address to Col
Hill previous to his departure to appoint Health
Wardens and the transaction of other business.

Read over proceedings of 10th May

Read Copy of order to Assessors,
Read swearing into office of Alderman Mignowitz.

On Motion the order of the day is
suspended and that Alderman Twining have leave
to introduce a resolution relative to amount assessed
for the Poor passed 14 Voting for it and 2 against it.

The following resolution is
introduced

Resol. rel. to the
amount assessed
for the Poor.

Resolved that it be referred back
to the Finance Committee to report upon the return
of the Commissioners of the Poor as regards the amount
of their claim for the support of the City Poor and
whether the extra sum of £155 should not be taken out
of the Contingent Fund Moved by Alderman Twining
seconded by Alderman Pugsley Passed.

1858
May 1st

Alderman Twining submits report relative to City Prison

Alderman Cochran submits report relative to City Hospital

His Worship the Mayor submits Communication from Mr Robert Davis the Contractor relative to the lying of Corner Stone of City Prison of City Hospital.

His Worship the Mayor ~~submits~~ Calls the attention of City Council as to the propriety of passing an address to Col. Heill 13th Regiment on his departure, when it is moved and seconded that a Committee of three with His Honor the Recorder be appointed to prepare said address passed

Committee to prepare address to Col Heill.

Committee Alderman Jennings, Twining and Noble
The Committee withdraw

Read following report of Committee of City Hospital of 17th May 1858

Report Committee of City Hospital of 17th May 1858

Committee of City Hospital Met on the 17th May present Alderman Conway Noble, King Caldwell and the Chairman

Your Committee beg to Report that they have received a report from the Superintendent of the City Hospital which states that the work already done has stood the winter well and that Mr Davis the Contractor has commenced his work for the season and according to appearances will soon be making a large demand upon the City Hospital fund for said purpose.

It was therefore resolved that His Worship the Mayor be authorised by this Council to Cause advertisements to be inserted in three or more of the City Papers in the usual manner for the sum of Lodi of Three thousand pounds for building City Hospital under the Act 1855 Chap 51

Sig James Cochran
Chairman

1858

May 11th
Continued

when following resolution is introduced

Resol. rel. report
Committee City
Hospital

Resolved that the report of the Committee of City Hospital now read be received and adopted. Moved by Alderman Conway seconded by Alderman Lounds, passed unanimously.

Council next take up report of Committee relative to City Prison the same is read

Committee Room

May 12th 1858

Committee of City Prison met this day.

Report Committee
City Prison of
May 12th 1858Present Aldermen Jennings
Conchoe, Lounds, TwiningAlderman Twining elected Chairman pro-
-tem

A Note from the Mayor with reference to the City Prison was read. Stating that further provision was required to be made to raise money for payment of the Contract as the work proceeded and the Committee having been informed by the City Architect that the work on the City Prison was rapidly progressing.

It was thereupon resolved that it be recommended to the Council to take up from time to time the residue of the sum of \$5000 in such sums as may be required to fulfil the Contract with Mr. Davis.

Sigs Charles Twining
Chairman

when following resolution is introduced

Resol. rel. report
of Committee of City
Prison

Resolved that the report of the Committee of City Prison just read be received and adopted. Moved by Alderman Morrissey seconded by Alderman Moir passed unanimous

The Committee appointed to prepare the address to Col. Hill having returned to Council submit the following which having been read is passed unanimously and on Motion His Worship the Mayor is requested to call upon Colonel Hill and request him to appoint a time and place for receiving same. For Memo see next page

1858
May 17th
Continued

To Edward Rowley Hill Esquire Colonel
Commanding Her Majesty's 50th Regiment of
Foot, Commandant of the Garrison of Halifax
Nova Scotia &c &c

The address of the City of Halifax N.S.

Address to Col
Rowley Hill Esq
on his departure
from this City.

We the Mayor and Aldermen of the
City of Halifax have learned with much regret that
you are about unexpectedly to leave this province and
we feel that we should be wanting in our duty as
representatives of the City - if we permitted you to depart
from Nova Scotia, without testifying our sincere
esteem and offering our warmest thanks for the many
services which you personally and the Officers and
Men of your Regiment have rendered to the City,
on occasions of emergency especially in cases of
dangerous fires.

At the same time we are happy that
we can bear witness to the general good conduct of
the officers and men of the 50th Regiment since their
arrival here, and to the credit they thereby have given
to yourself as the officer commanding them.

Wherever your duties place you
hereafter you will we confidently believe maintain
fully the high character as a Gentleman, a citizen
and a soldier which you have established in your
favour during your residence in this City and in
conclusion we beg you to accept our best wishes for
your future welfare and happiness

For and on behalf of the City Council

Sig^d Henry Fryer
Mayor

A. G. Clarke
City Clerk

The following resolution is next
introduced

Resol - rel to City
Prison

Resolved that the balance of
the Money required for the City Prison be advertised
for. Moved by Alderman Swining seconded by
Alderman King which on being put is passed.

Moved and seconded that
Alderman Swining be placed on the Committee of
Common in place of late Alderman Barry.

1858
May 11th
Continued

Moved and seconded that Alderman Mignowitz be placed on the Committee of City Prison in place of Alderman Barry resigned

Appointment of Alderman in place of Alderman Barry on various Committees

Moved and seconded that Alderman Mignowitz be placed on the Committee of Tenders in place of Alderman Barry resigned

Moved and seconded that Alderman Mignowitz be placed on the Committee of Tenders in place of Alderman Barry resigned

Moved and seconded that Alderman Mignowitz take the place of late Alderman Barry on the various Special Committees, passed

The Council next proceed to elect Health Wardens

The Mayor leaves the Chair
Alderman Twining takes the Chair

The following appointments are then made.

Election of Health Wardens for 1858

Ward No One	Ward No Four
John T. Wyld	James Munn
Joseph Wier	Augustus Crighton
St. Kenny Jun ^r	Joseph Northrup
George Troop	Charles S. Wallace
Ward No Two	Ward No Five
James Reeves	William West
William Metzler	Patrick Delaney
James Rhind	Joseph B. Bennett
Joseph Sutton	R. W. Fraser
Ward No Three	Ward No Six
Francis Le Cain	James West
James Butler	George Prillie
William Dunbar	George R. Anderson
Michael Kearney	William L. Black.

Resol. rel to appointment of Committee re: to Sanks

Department of 5th May
Read Communication from Fire (See File for May)
When on Motion it is resolved that a Committee be appointed to confer with a Committee of Fire Wards relative to building of Sanks. passed

Committee Alderman Donohoe, Caldwell, Morrissey, Moir, Mignowitz and Jennings,

1858
May 11th
Continued

Read following Report of Special Committee on subject of Remonstrance. (See 25th May)

Report Special Committee on subject of Remonstrance rel. to Water Grants.

A Motion of adjournment is made which on being put is passed 10 Voting for and 2 against it.

"Council adjourn"

Amey Mayor
Mayor

May 25th

At a Special Meeting of City Council held this day Present His Worship the Mayor, Aldermen Noble, Outchou, Caldwell, Lovonds, Cochran, Twining, With, King, Hill, Conway, Mignowitz, Jennings and Bell.

The City Council were summoned to receive the report of Committee of Tenders of 21st May and the transaction of other business

Read over proceedings of 17th May

Alderman Twining submits report of Special Committee on subject of Hon Dns Collins & James Scott assessment for 1857

Alderman Conway Chairman submits report of Committee of Tenders of 21st May 1858

Alderman Jennings moves that the order of the day be suspended and that the report of Special Committee this day submitted by Alderman Twining be now taken up and read which on being seconded by Alderman Cochran is passed.

Read said report (See next Page) when following resolution is introduced

Resolved that the report of the Committee relative to the assessment of Hon Dns Collins and James Scott be adopted and the same be referred to the said Committee finally to arrange with the sanction of His Worship the Mayor, and report to Council.

Moved by Alderman Jennings seconded by Alderman Noble passed unanimously

Resol. rel to report of Committee on Hon Dns Collins and James Scott rel. to their Assessment

1858
May 25th
Continued

The Committee to whom the subject of Mr. Collins assessment was referred having investigated the matter now report.

That the difficulty which has occurred and the loss which may and no doubt will be sustained by the City has resulted from neglect or want of care in preparing or transcribing the copy of the assessment Act for 1857 - which was printed and distributed from the office of the City Clerk, pursuant to a resolution of the City Council as your Committee are informed - and also from the printed notice which accompanied the Notice of assessment served on the Taxpayers being wrong - a copy of such notice is annexed.

Report Committee
rel to Assessment
of Enos Collins
James Scott

The Assessment Act passed in 1857 - Enacts among other things that the Citizens shall be taxed on Invested Monies - The Copy of the Act and of the Notice distributed stated this to be "Interest Monies"

If therefore the assessment has been made upon an erroneous principle. The whole assessment would probably be null void who ought to be accountable for this error - which proves to be a serious one the Committee are unable and indeed are not called upon to say - It ought to be the duty of some one of the City Officers to attend particularly to matters of this sort - To prevent any such mistake in future the Committee would suggest that no notice or paper of any kind should be printed or distributed without the draft being submitted to and approved of by the Mayor.

As regards the case of Mr. Collins - without entering into the legality of his assessment, The Committee could suggest that a compromise should be made - For independent of a costly suit, the result of which to say the best of it would be very doubtful - The Committee think it would not be very creditable to the Corporation to have the fact known that there has been a gross error touching the Assessment generally resulting from want of due care on some of the City officers.

As regards the claim of Mr. James Scott to have a portion of his Assessment returned - Your Committee are of opinion that Mr. Scott's request should be complied with. It appears that Mr. Scott was assessed at \$10,000 on his Stock when in fact the true value was but \$4,000 and that he has been overassessed to the amount of \$6,000

It also appears that Mr. Scott made the usual affidavit stating the true value of the Stock to be at \$4,000, that this affidavit was not filed with the Assessor strictly