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Continued

within the period prescribed by Law. But as it is apparent that there has been error in the assessment.

The Committee think that in this as well as in all other similar cases the applicant is entitled to relief. And that the City should not take advantage of an error or omission which it would be thought unfair for an individual to avail himself of. The Committee therefore recommend that the amount over assessed on Mr. Scott for 1854 be deducted from his Assessment in 1858.

Some doubt has been expressed as to the right of the Council to compromise a Little matter of this kind. But the Committee have no hesitation in asserting the right of the Council to settle, adjust, or arbitrate any claim for or against the City to the same extent as the Corporation are authorized to do without any express authority in the Charter as a power resulting necessarily from the Act of Incorporation.

All which is respectfully submitted

Sigs Charles Swining
Chairman

Committee Room
Halifax May 25th 1858

Read following report of Special Committee relative to Weighing of Coal.

Report Special Committee re: Weighing of Coal

The Committee to whom the question of the sale of Coals by Weight from Shipboard was referred

Report
They have had the matter under their consideration and are of opinion that it will be for the interest as well of the purchaser as also of the Seller that the necessary arrangements should be made and a Bye Law passed to regulate the Sale of Coals by Weight in pursuance of the Provincial Statute passed in 1856 Chap 14.

At present there are many complaints some of which are no doubt well founded of frauds practised under the System of Measuring both upon the Seller and the Purchaser which the Committee think will be in a great measure obviated by the Change of System now proposed. They would

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They would recommend that all Coals sold from
Shipboard be weighed at the expense of the Seller upon
a Platform Scale now generally in use.

That such Scales
be provided by the Owners of Wharves and that whenever
the Owner or Occupier of any Wharf shall see fit to provide
and erect a Suitable Scale approved of by the Inspector
of Weights. The City Council shall annually

appoint such number of persons (and your Committee
are of opinion that Six would be sufficient) as they
judge necessary and suitable to be the City Weighers,
The Weighers so appointed to receive for every
Ton of Coal they shall weigh the sum of Pence

And your Committee whilst keeping in view that a
suitable Weigher will perform much more service than
under the present system of Measuring yet as competent
persons will be required to carry out the regulations
about to be agreed upon whom they know it is the wish
of the Council should live by their calling they are of
opinion that the sum named which is to be paid to
the Weigher will not be more remuneration than his
services ought to entitle him to

The Owner of the Scale to receive
from the Owner of the Coals per Ton for the
use of the Scale and for keeping the same in good
working order

That the Weigher shall with
each load deliver to the Truckman a Ticket which
shall contain the Gross as well as the Nett Weight of
each Load and shall be delivered by the Truckman
to the Purchaser with each Load.

Form of a Ticket
Coal Ticket July 1st 1858
Wharf Scale

Cart No	
Gross Weight	1600
Tare	350
Nett	<u>1250</u> £ 11. 0. 18

Signed John Halifax
City Weigher

And it is intended by your Committee
that the above form of Ticket shall be adhered to each
of which the City Weigher must sign and further on
the Vessels cargo being discharged the City Weigher shall
deliver to the owner of the Cargo of Coals a List in full
containing the Nett Weight of all the Loads of Coal

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delivered to each Purchaser making the Total of said Cargo.

That every Cart used in the Cartage of Coals shall have a Tin plate attached on the side of the Body of the Cart marked "Coals" and also containing the weight of the Cart which is to be marked in plain figures.

That the Weight of the Cart shall be ascertained by the Weighers appointed to the Scales at least twice each day when the Cart is employed all day in that work and otherwise with each Load and it shall be the duty of the Officer employed to weigh said Coals to guard against fraud by additional weights or otherwise being made to the Carts after being adjusted by him.

By this system the Committee are of opinion the public will have the best guarantee against fraud.

This arrangement will not interfere with the City Measurers who are not entitled by law to make any charge for measuring Coals.

And if any person or persons shall attempt to Weigh or Measure Coals unless under these Regulations or injure the Scales placed on the different Wharves for such purpose he or they shall for every such offence forfeit to the City such Sum as may be judged equal to the offence committed.

Your Committee deem it proper for the information of the Council that quarterly returns be made by each Weigher of all the Coals weighed in the City by him and would further urge that in the event of these suggestions being approved of by the Council that since large quantities of Coals are received for City Consumption early in the season that these regulations shall be in force from the First day of July ensuing.

All of which is respectfully submitted

Halifax N.S.
31st April 1858

Sigs Samuel Caldwell
Samuel Noble
Incl Barry

when following resolution is next introduced

Resol. rel to report of Special Committee on Weighing Coal.

Resolved the report of Special Committee relative to Weighing of Coal do lie on the Table for future consideration Moved by Alderman Cochran seconded by Alderman Conway, passed.

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Read Letter from Robert Davis.
Contractor for Building City Hospital and City Prison
when following resolution is introduced.

Resol. rel to Letter
of Robert Davis

The Mayor having brought to the
Notice of the Council a Letter from Mr. Davis relative
to the buying of the Corner Stone of the City Prison and
City Hospital.
Resolved that it is the opinion of this
Council that no action be taken in the matter Moved
by Alderman Twining seconded by Alderman Conway
Passed 10 Voting for it and 2 against.

Read following report of Committee
of Tenders of 21st May this day submitted.

Report Committee
Tenders May 21st
1858

Committed Room May 21st 1858

Committee of Tenders met this day
Present Aldermen Longard, Wills, Ring and the Chairman.

Opened the following tenders for the
repairing and shingling of fish Market.

No 1 James Fraser	£80-0-0
2 James Whitt & Co	35-0-0
3 William Brown	39-7-6
4 Samuel Norris	35-0-0
5 Philip J Kelly	<u>31-10-0</u>

Philip J Kelly's Tender being the lowest
the Committee recommend the same be accepted provided
he gives sufficient security for the performance of the
same according to plan and Specification,
All of which is respectfully submitted

Sig^{ds} Jeremiah Conway
Chairman

when on Motion of Alderman
Twining seconded by Alderman Lound said report is
adopted

The following resolution is next
introduced

Resolved that His Worship the
Mayor be empowered to pay by Check the balance due Mr.
Gutherland as his fees in O'Brien vs the City being
£10-11-8 Moved by Alderman Noble seconded by Ald.
Twining passed

Resol. rel to the
payment of Check
to Mr. Gutherland
in case of O'Brien
vs The City

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On Motion the order of the day is suspended that Alderman Twining have leave to introduce a resolution when following resolution is introduced

Resolved relating
to St. James and other
places of Business
on 8th June 1858

Resolved that His Worship the Mayor respectfully request the Merchants and others to close their respective places of Business on the 8th June next being the anniversary of Landing of Governor Cornwallis and usually kept by Nova Scotians. Moved by Alderman Twining seconded by Alderman Bell

His Worship the Mayor leaves the Chair
Alderman Wills takes the Chair
Alderman Caldwell comes in.

His Worship resumes the Chair No 5 resolution being put is passed unanimous

Read following report of Superintendent of Streets this day submitted

Streets Office 25 May 1858

Report Super^t
of Streets re: to
Expenditure on
Roads.

The Superintendent of Streets begs leave to report to His Worship the Mayor and the City Council.

That in order to keep the Streets of the City in any thing like travelling order during the season it will require at least an expenditure in labour alone of Twenty Five pounds per Week for five months which would amount to £500 and the Sea Gravel to be used will cost from £150 to £200 thus absorbing the amount appropriated for Street Service this year, this with the utmost economy will only do a portion of the work really required.

The Superintendent further reports that the Sewer under St O'Briens requires extending and remodelling, the Sewer running through the Citrance Grounds and many others in such a state that the opening and clearing them has become absolutely necessary to prevent the overflowing of Cellars in their immediate vicinity.

The Superintendent therefore submits to the Council his views of what is necessary, but as the work would involve nearly double the appropriation respectfully solicits their directions respecting the Work to be performed, respectfully submitted
James Pollocky
Sup of Streets

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when following resolution is introduced

Re-appointing
Committee on
Wards Drain

Resolved that the Committee on
Wards Drain be reorganised and that a Member
from each Ward be appointed on the Committee
Moved by Alderman Noble seconded by Alderman
Lounds passed.

Committee Alderman Noble, Lounds, Morrissey
King Mignowitz and Bell

Council next take up the draft
of Memorial to Her Majesty relative to the Assessment
Act concerning Railway same is read

Memorial to Her
Majesty, re. to
Assessment Act
on subject of Rail-
way

To Her Most Gracious Majesty
the Queen,

The Memorial of the Mayor and Corporation of
the City of Halifax Province of Nova Scotia

Most Humbly Sheweth

That in the month of
March 1854 there were two Bills for the construction
of Railways in this Province of Nova Scotia before the
Honorable the House of Assembly and the Legislative
Council of the Province aforesaid.

That it was the
intention at that time to construct a main line to the
frontier of New Brunswick with Branch lines to Victoria
Beach and to the Harbour of Pictou.

That the City Council
being desirous of connecting this City with our own Western
Counties the Garden of Nova Scotia and on which the
Citizens chiefly depend for their agricultural supplies,
with the extensive Coal fields of Pictou and with P.E.
Island with which this City now has extensive Commu-
ercial relations and which it was expected would
be largely increased by the terminus at the Harbour of
Pictou and finally with the Province of New Brunswick
which it was hoped would meet the lines with another
connecting this City with the Grand Trunk lines of Canada
and render Halifax the outlet of that Great Province.

That the preamble of the Act shews the intention of
the Legislature to have been what was anticipated by
the City Council.

The preamble being as follows viz.

Whereas the

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Whereas the construction and maintenance of a trunk line of railway from the harbour of Halifax to the frontier of New Brunswick with branch lines extending to the harbour of Pictou and to Victoria Beach will greatly facilitate the internal trade of Nova Scotia will develop her resources, enlarge her revenue and open more frequent and easy communications with the neighbouring Provinces and States,

Be it enacted by
on the Sixth day of March 1854 while those bills were still before the Legislature the City Council offered to take stock in a railway constructed on those principles provided the Terms were made in this City
That the following Memorial contains the terms of that offer

To the House of Representatives of the People of this Her Majesty's Province of Nova Scotia in General Assembly.
Commed.

The Petition of the Mayor and Aldermen of the City of Halifax in said Province in City Council
Commed

Respectfully Sheweth

That this Council affirming the principles embodied in certain resolutions previously adopted by the Corporation, and considering that the interest of the City imperatively demand the immediate construction of the lines of Railway Contemplated by the Bills now before the Legislature in order to retain the business of the Western Counties, the Gulf Shore and Prince Edwards Islands and which otherwise it is to be feared will be diverted into other channels and viewing with much satisfaction the proposition set forth in said Bills reserving to the City of Halifax Stock in said railway to the extent of One Hundred thousand pounds,

In accordance with a resolution of the City Council passed at a meeting of held on the third day of March inst Your Petitioners respectfully request that the House will make such provision as to them may seem expedient in order to enable this Council to issue a certain amount of City Debentures not exceeding the sum of One hundred thousand pounds currency (under such regulations and in such a manner as may hereafter be agreed upon) for the purpose of defraying the Cost of their interest or Stock in the said undertaking.

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Continued Railways shall be within the City of Halifax

For and on behalf of the
City Council
Signed Henry Pryor
Mayor.

That if the intention disclosed by the preamble
of the Act above referred to were carried into effect there
would be about 300 Miles of Railway constructed.

That it was thought at the time the bills passed
that these lines could be constructed at a cost of about
£1,500,000 but it appears that now they would cost
nearly double that sum. That from this and various
other causes it is not the intention of the Legislature to
complete these lines.

That but a small portion of the
Main line has been constructed and even if the portion
under contract were finished it would terminate at
only about halfway to the frontier of New Brunswick.

That the branch line to Victoria
Beach terminates at Windsor not halfway to that
point and is not finished.

That the Branch line to Pictou
is not commenced, and your memorialists believe it is not
the intention of the present Government to put it under
Contract at present.

That the House of Assembly passed
an Act this session no notice whereof was given to this
Council making the Citizens liable for 1/2 of the amount
expended.

That your Memorialists having heard that the
Bills was before the Honorable Legislative Council for their
assent, presented a Memorial to that body on the 3rd March
in the following words viz. (For Copy of Memorial see Page 256)

That the Act your Memorialists think is an
injustice on the Citizens since it renders them liable for
the whole amount of Stock agreed to be taken by them
tho the railway should not be constructed to the
points mentioned in the preamble of the Acts of 1854
nor beyond those places at which the lines now under
contract terminate viz at Windsor and Truro.

Your Memorialists therefore humbly pray that
your most Gracious Majesty will be pleased to withhold
your assent from said Act

For and on behalf of City Council
Signed Henry Pryor Mayor

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Resolved to
Memorial to Her
Majesty on Rail
way assessment

when following resolution is introduced

Resolved that the Memorial to
Her Most Gracious Majesty the Queen be fairly
engrossed and that His Worship the Mayor be
requested to transmit the same through the proper
channel to the foot of the throne Moved by Alderman
King seconded by Alderman Jennings Passed 10
Noting for it and 2 against it and the names
being called for they appeared thus

For Resolution	Against it
Ald. Caldwell & Mills	Ald. Donohoe
Mignowitz & Moir	Conway
Bell & Noble	
Jennings & Lounds	
Cochran & King	

Read following answer of Colonel
Hill to the City Council address.

Mr. Mayor and Gentlemen of the
Corporation of the City of Halifax Nova Scotia

Answer of Col
Hill to City
Council address

Two years ago you welcomed me
to your shores, when I landed surrounded by brave
men, whose breasts glistened with the records of the
Battles they had fought and won in their Country's
Cause. You had heard of their endurance and valour
you felt proud of the deeds of your Countrymen, in
which some of your own Citizens were among the most
conspicuous. It was then unknown to you, but I
partook of the lustre shed on me by my soldiers.

It is otherwise now. I am now under
the shade of an Artful accusation aimed at my
Military Character, and threatening its disreputable
close. Yet you come again to testify to me your estimation,
and proclaim that my paths have been those
of duty and honor. Two years residence among
you in this small community has made you
familiar with my character, and Gentlemen,
however joyous, however exciting your first visit was
to me this is more personal, this goes more to my
heart for I am now known to you.

I accept not
entirely the high encomiums you have lavished on
me in your present address, they emanate from
your

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your honorable aversion to every thing that is false and
insidious, - but in one sense I do accept them, I claim
to have performed my duty to the best of my ability, - to be
"sans peur et sans reproche" without the first because I
know who is to be my judge, a Prince, a Man of War,
in all its noble attributes without the last because
I claim to have been ever earnest in the performance
of my duty.

Mr. Mayor and Gentlemen, sweet are the
uses of adversity, - I had not known otherwise how many
friends I have - I shall ever bear in my memory this
high and valued testimony of your esteem and app-
robation, In after years perhaps, I may look back
with pleasure even to the cause which gave rise to its
expression.

Halifax N.S.
19th May 1858

W. Rowley Hill Colonel
1st Col 6th Regiment.

Moved by Alderman Caldwell
seconded by Alderman Donohoe that Council do now
adjourn which being put is lost & voting for it and 9
against it

Resolution on
Memorial to His
Excellency re
to Grants of Water
Lots to War
Department

Read following Memorial to His
Excellency the Governor on subject of the grants of
Water Lots to the War Department, when following
resolution is introduced (See next Page)

Resolved that the Memorial
to His Excellency the Right Honorable the Earl of
Mulgrave be fairly engrossed and be transmitted
by His Worship the Mayor to His Lordship. Moved
by Aldermen Jennings seconded by Aldermen Mign-
ovitz which on being put is passed 11 voting for it
and 1 against it and the names being called for they
appeared thus,

For Resolution		Against it
Ald- Bell	Magnovitz	Ald- Caldwell
Moir	Conway	
Lounds	Noble	
Donohoe	Jennings	
Cochran	King	
Wells		

On Motion Council rises
Henry Taylor
Mayor

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To His Excellency the Right
Honorable the Earl of Mulgrave &c
Lieutenant Governor of her
Majestys province of Nova Scotia
and its dependencies.

The Memorial of the City of Halifax

Respectfully Sheweth

Memorial re
Water Grants.

That in January last notice
was given to the Mayor of Halifax that the War
Department were seeking a grant of water near the Fish
Market Slip in which matter the City was interested
that the Mayor referred the matter to the standing
Committee on City Property and that on the 1st February
last the Mayor, this Committee, Mr. Ince on behalf
of the War Department, Mr. Hendry from the Crown
Land office met and consulted on the intended
grant.

That the opinion of the Committee was favour-
able to the passing of the grant but as they had no
authority to decide finally in matters of City Interest
they then stated that they would lay the whole affair
before the City Council for their decision.

That the Committee
reported to the City Council in favour of this grant but
on their report being received it appeared that the
Council were not of that opinion and that a majority
of the Body had serious objections to the grant being
passed in the form proposed as it would interfere
with the water south of the Fish Market slip in
which fishing boats have long used to lie and for
various other reasons.

That in the meantime and before
the City Council had time or opportunity afforded
them to act or judge on the question this grant was
expedited and passed apparently in the assumption
that the opinion of the Committee of City Property was
final and in disregard of the fact that said Committee
had distinctly referred the matter to the whole Council.

That the City Council finding this Grant had
passed caused inquiries to be made and they have
ascertained - First That the application for
this Grant was made as long ago as Febry 1854 about
a year before any notice whatever was given thereof to
any of the City Authorities.

Second

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Second. That two other Grants of Water Lots to the War Department passed along with this one. One of a lot near the Lumber Yard, at the foot of an ancient line of Street, and the other of an extensive Water Grant of the shores of Point Pleasant both of which were of great importance as affecting the City and its interest and of which no Notice whatever was given to the City or its authorities before the passing thereof.

That the Military Property held within the precincts of the City is very extensive already - so much so as to present great hindrance to the progress of industry and commercial advancement, large portions of the land and very large shore and Water lines being held in various forms for warlike purposes viz:

- The Dockyard premises
- Lumber yard
- Queens Wharf and Fuel Yard
- Ordnance Wharves
- North & South Barracks
- Citadel Hill Grounds
- Magazine and Naval Hospital &c &c

and that every additional foot of ground or shore thus appropriated has a tendency to destroy or retard the advance of Civic and commercial industry.

Your Memorialists beg leave to refer your Excellency to the annexed documents connected with this business and they respectfully pray that your Excellency would be pleased to take the same into your deliberate consideration and to adopt such course to relieve the City either by your Excellency intercession with the War Department or otherwise as in your judgment may be expedient.

For and on behalf of City Council

Sig^d Henry Pryor
Mayor

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John T. Wylder, J. Kinney Junr.
George Troop, James News, William Metzler
James Rhind, James Butler, Michael Kearney,
James Klein, Joseph Northrup, Patrick O'Leary,
G. R. Anderson. sworn into office as Health
Wardens this day in presence of His Worship the
Mayor

Health Wardens
Sworn

29th
Health Wardens
Sworn

Joseph Wier W^m, J. West and
James West sworn into office as Health Wardens
this day in presence of His Worship the Mayor

June 2
Health Wardens
Sworn

William L. Black and Simon
Peter sworn into office as Health Wardens this
day in presence of His Worship the Mayor

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1858
June 1st

At a Special Meeting of City Council held this day present His Worship the Mayor Aldermen Noble, Lounds, Cochran, Morrissey, King, Hoiv, Conway, Hignowitz, Haristall, Longard, Jennings and Bell.

The City Council were summoned to take into consideration report of Special Committee relative to Drain passing under C. O'Brien's premises, a Communication from Committee of City Hospital and the transaction of other business.

Read over proceedings of last Meeting

Report Special Committee rel. to Drain N.W. Arm Road.

Alderman Hignowitz, Chairman submits report of Special Meeting relative to Drain passing under C. O'Brien's premises.

Alderman Hignowitz, Chairman submits report of Special Committee appointed to confer with the Committee of Five Wards relative to Tanks.

His Worship the Mayor informs the Council that he had submitted the Memorial passed at last meeting of Council.

Account B. Walsh for fence at Richmond

Alderman Haristall submits an account of B. Walsh for making a fence at Richmond.

Read following report of Special Committee relative to Drain passing under W. O'Brien's property.

Report Special Committee rel. to Drain passing under O'Brien's Premises

The Committee appointed to examine and report on the Public Drain in Water Street passing under the property of O. O'Brien and leading into the Dock owned by William Lawson Esq^r beg to report that they have examined into all the circumstances connected therewith and are of opinion that to open the said Drain from the Dock about two hundred feet up towards O'Brien's premises would require a large outlay, and when completed doubts are entertained whether said Drain would be sufficiently large for the purpose required, in which opinion Mr. Pollock, the Superintendent of Streets fully concurs. Under these circumstances your Committee have thought it advisable to have an interview with Mr. Lawson and to request him to permit the City Authorities to open a New Drain on his premises on the Commercial Wharf to which proposition Mr. Lawson has assented and has

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agreed to permit a drain to be made in conformity with the plan hereto annexed, and your Committee recommend that said proposition be accepted and a new Drain constructed agreeably to plan, to be in width three feet six inches and in depth five feet the work to be done by tender and contract and under the supervision of the Superintendent of Streets

Committee Room
2 June 1858

Sigs^d H. Mignowitz
Chairman of Committee

Read following report of Special Deed from William Lawson on same subject

Deed from W^m Lawson to City of passage for Drain down Commercial Wharf

I, William Lawson of the City of Halifax Esquire hereby declare that I agree and consent that the authorities of the City of Halifax may alter the course of the public drain that passes down Jacobs Street, by turning said drain at or near the corner above Water Street in a South Easterly direction and continuing its course across Water Street to the head of Commercial Wharf my property, and thence said drain is to pass down under the present open passage or thoroughfare of said wharf to the distance of about Two hundred feet from the eastern side line of Water Street and its further progress into the waters of the harbour to take such direction North-erly or Southwardly as I may direct and require.

The surface drain (covered) now running into Southern side of my dock to be done away with, and I hereby agree that myself my heirs and assigns shall always permit said public drain to continue and be in the intended position of sufficient depth width and dimensions, to drain that part of the City with full liberty to the City and its officers to inspect cleanse and repair the same whenever necessary.

Witness my hand and seal this thirty first day of May Anno Domini One thousand eight hundred and fifty eight

Sigs^d W^m Lawson

Witness
W^m Lawson Esq^r

when following resolution is introduced

Resolved