

1858

October 16th

Keeper Markets
Sworn

William B Anderson is this day sworn into Office as Keeper of Markets for ensuing year in presence of His Worship the Mayor.

Constables
Sworn

Thomas McCoy, Donald Fraser, Mathew Gardiner, Isaac Parsons, John Steele, John Campbell, David Owens and William Roddick are this day sworn into office as constables of the City for ensuing year in presence of His Worship the Mayor.

City Marshal
Sworn

George Trimm is this day sworn into office as City Marshal in presence of His Worship the Mayor.

Henry Teyner
Mayor

October 18th

James Ham is this day Sworn into Office as one of the Constables of the City in presence of His Worship the Mayor.

Henry Teyner
Mayor

October 19th

Clerks of Markets
Sworn

Charles Stilding and Peter Maher are this day sworn into Office as Clerks of Market for ensuing year in presence of His Worship the Mayor.

Henry Teyner
Mayor

October 20th

Constables
Sworn

John Arthur and Garret Cotter sworn into Office as Constables of the City in presence of Alderman Conway, acting in absence of His Worship the Mayor.

Recorder Sworn

Beamish Murdoch Esq^r Recorder is day sworn into Office in presence of His Excellency the Lieutenant Governor.

Henry Teyner
Mayor

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At a Special Meeting of City Council held this day present Aldermen Shaw, Cogswell, Caldwell, Barnstead, Twinistg, Thomson, Ring, Hoiv, Bills, Mignowitz, Conway, Jennings, Bell and Richey.

The City Council were summoned to receive the reports of Committees of City Hospital relative to further loans of Money, and the transaction of other business.

His Worship the Mayor being absent from the City,

Mr. Motino Alderman Conway is appointed Chairman of the Meeting

Ald. Conway App't
Chairman

Report Committee
City Hospital

Alderman Cogswell submits report of Committee of City Hospital of 22 October 1858 "received"

Communication
J. S. Thompson
Reporter

Alderman Thompson submits communication from W. S. Thompson City Reporter relative to publishing reports of City Council, "received"

Report Committee
Public Accounts

Alderman Bell submits report of Committee of Public Accounts of 20th Octbr 1858 "received"

Memorial
Thos Nilant rel.
to Works done at
Cemetery

Alderman Mignowitz submits Memorial of Thomas Nilant relative to work done at Cemetery, "received"

Report Committee
rel. to New Engine
House

Alderman Mignowitz submits report of Committee relative to New Engine House of 21 Octbr 1858 received

Read following report of Committee of City Hospital this day submitted

Report Committee
City Hospital
17th Octbr 1858

Report of the Committee of the City Hospital
The Committee met on the 17th inst and being elected Alderman Cogswell, Chairman in the room of Alderman Cochran retired proceeded to consider the proper steps to be taken in consequence of a Communication from the City Treasurer that the Money already borrowed for the Hospital was almost expended. It was resolved that application be made to the Council to negotiate a further loan and the Chairman was requested to ascertain the particulars

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October 22 of the expenditure and the amount still remaining in the Treasurers hands for the information of the Board. These particulars are now about to be laid before you. But in order that they may be clearly understood it is proper to remind you of the terms on which you stand with the Contractor. For the sum of £9000 he engages to have the building finished and ready for occupation and to have a wooden fence round the Ground in the rear by the first of June next or in little more than Seven months from this date. The mode of payment is as follows. The Contractor when in want of money applies to the Superintendent who certifies that he has done as much work and furnished such materials as amount to a certain sum. The certificate is handed to the Committee who give an order for the amount in the City Treasurer deducting 25 per Cent or one fourth as security for the due performance of the Contract.

In the Treasurers account which is here appended it appears that out of £5000 originally borrowed £200 has been paid by him to the Architect £11-15-0 to the Superintendent and £45-9-5 to the Contractor leaving a balance in the Treasurers hand of £1403. The Superintendent who is paid £12-6 a day will probably be entitled to about £100 more by the first of June and he states that there is also £12-6-0 due to the Painter for extra work on the roofs of the out houses. The items to the Architect Superintendent, and Painter amounting to about £374 are separate and distinct from the builders contract and must be added to the balance which will be due to the latter on the completion of the work making a total which must necessarily be provided by the first of June of £4409-1-0.

The Superintendants account is also appended showing the several amounts certified by him as due to the Contractor from which it appears that the value of the work done exceeds the payments made to the Contractor by the sum of £1401-15-0 which is withheld as security.

Under the above circumstances the Committee beg leave to submit to the Council that it is desirable to obtain a further loan with the least possible delay. The only question is how much Money should be advertised for at once so as to avoid the necessity of the premature payment of a probably high rate of interest. They recommend therefore that the Council cause advertisements to be published without delay requesting persons willing to furnish the whole or any portion of the sum of £4500 which by

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which by a recent law can be borrowed as an additional Loan for the completion of the City Hospital to tender for the same and the moneys to be advanced in such sums and at such times as required by resolution of Council and to bear interest only from the time of the respective advances required and paid. The Debentures by law being limited to £100 each any sum of that amount or larger sums may be tendered.

The rate of interest to be expressed in the Tender. The advertisement to state the terms of security and repayment &c according to the act which authorizes the loan. The lender will be indemnified by the City for any tax or assessment on the loan which is to be stated in the Advertisement.

Respectfully submitted

Sig^d Charles Cogswell
Chairman

Appendix

No 1 Treasurers Account

The City Hospital - Amount borrowed on Debentures	£100 each at 6 per cent	£ 5000	
Paid Mr Gordon Architect	£ 200		
" Mr Wright Supt	51 ¹ / ₅		
" Mr Davis Contractor	4595 ⁵ / ₃	4857	0 0
Balance in hand		£ 143	0 0
<u>20th Oct 1858</u>			

No 2 Superintendant Account

Memor of Certificates of Work done at City Hospital under Contract with Robert Davis viz

Amount certified for work done up to 15 January 1858 by W. Gordon	£ 1844	0 6
July 1 1858 Certified by H. A. Wright	2259	0 0
August 6 " " " "	500	0 0
Sept 9 " " " "	561	0 0
Oct 9 " " " "	800	0 0
	£ 5997	0 0
Amount of Contract	9005	0 0
	£ 3008	0 0

Sig^d Henry A Wright

Moved by Alderman Caldwell seconded by Alderman Wills that said report be adopted - which Motion on being put is passed.

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Read following report of Committee relative to additional Gas Lamp Posts submitted 15th Oct^r 1858

Committee Room October 9th 1858

Report Committee on additional Gas Lamp Posts for various Wards

The Committee to whom it was referred to ascertain and report upon the necessity and expediency of increasing the number of Street Lamps - having had the matter under their consideration, report

That it appears from the return obtained from the Secretary of the Gas Company that the number of Lamps supplied to the City - the Public Department - and Private individuals is 142 in all - as follows -

To the City Generally	96	
at the Police Office	3	99
To the Imperial Government		
" Queens Wharf	4	
" Hotels	3	
" Cock Yard	8	
" Admiralty House	2	
" Ordnance Depart	3	19
To the Provincial Government		
Board of Works - Post Office	1	
Provincial Building	9	
Gov ^r s House	5	15
Private In Ward N ^o 1	3	
	2	2
	3	2
	4	3
		<u>10</u>
		<u>142</u>

It appears by the return of the Constables of the different wards that the Street Lamps are distributed as follows

Ward N ^o 1	19
" " 2	27
" " 3	31
" " 4	12
" " 5	22
" " 6	11
	<u>122</u>

Making in all 122 - the remaining ~~the remaining~~ 20 are located on the Government Departments and the Citizens derive little in any benefit from them - The Committee after due consideration are of opinion and report that at least 30 additional Street Lamps are required and ought to be provided for the accommodation of the Citizens - Several of those are necessary for the

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purpose of lighting some of the thoroughfares at the main entrances into the City - others for Streets which never have had any Street Lamps of which there are three in number One and others to increase the lights in parts of the City where the lamps are at present too few and far between.

The Committee propose to distribute the additional Lamps as follows

To - No One	8
" " Two	4
" " Three	3
" " Four	2
" " Five	5
" " Six	8
	<hr/>
	50

The Committee would suggest that the location of the number so distributed to each Ward should be left to the Aldermen of the respective Wards - tho the different localities where additional lamps were sought for were specified to and approved of by the Committee

At present the City pays as follows for No One for 15 Lamps

Two	17
Three	21
Four	8
Five	22
Six	11
Police office	2
	<hr/>
	98

Altho the present report if adopted by the Council will increase the annual expenditure of the City but the Committee conceive that such expenditure will be more than compensated by the increased comfort and safety and protection thereby afforded to the Citizens. All which is respectfully submitted

Sig^{to} Charles Swining
Chairman

when following resolution is next introduced

Resolved That the Committee on Gas Lamps be empowered to have their suggestions contained in their report carried into immediate operation Moved by Alderman Bell seconded by Alderman Mignowitz passed

On Motion

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On Motion the order the day is suspended and the report of the Committee relative to New Engine House directed to be taken up.

Read following report of Late Committee 20 September

Report Committee relative to New Engine House

The Committee appointed by the Council at a late Meeting, to procure Plans and Specifications, for the erection of a suitable House for the reception of Engine No 6 and the apparatus connected with that Engine. Met in Committee room on the afternoon of Wednesday Sept 24th present Aldermen Moir Jennings Morrison, Lounds, & Noble the Chairman of Fire Wards was also present by request with whom the Committee were required by resolution to confer and obtain his views on the subject. The Meeting was organized by the appointment of Alderman Noble as the Chairman, and the matter was fully discussed in a general way when so as to expedite the Work, it was moved by Alderman Jennings seconded by Alderman Moir, that the Chairman of Fire Wards and Alderman Lounds in conjunction with the Chairman of Committee do measure the ground now occupied as the City Pound and when these gentlemen have arrived at a conclusion as to the description of Building required for the purpose above named, they are empowered to confer the same to the Architect so that he may be aided in furnishing a Plan & Specifications which they feel may be accepted, and thus unnecessary trouble and expense saved, and it was at the same time agreed that Mr. William Hindlays services be engaged, and that he be requested to attend this Subcommittee and provide plans from suggestions taken from them for a suitable Engine house, to be placed on the site selected, and which this Committee feel assured the City will be allowed to hold permanently as the more fitting use to be made of the space on one of the chief approaches to the City that it will commend itself to the good sense of the Legislature, as it has done to this Committee if it should be necessary to ask for an act from that Body to confirm the same.

The Plan and Specifications, being prepared and an idea of the probable cost of Building being also obtained the Committee re assembled and considered the matter previous to tenders being asked for, when Mr. Hindlays plan being submitted which will when perfected be laid before the Council, and full explanations given by the Architect; it was unanimously approved of and tenders

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were ordered to be advertised for on the same.

Your Committee fully appreciate the very efficient and valuable services of the Engine men in general and No 6 Company in particular and are desirous as they know it to be the wish of the Council to erect such a Building for their use at this time as will answer all their purposes inducing the Volunteers to take that pride and pleasure which it is necessary they should feel so as to give proper attendance on the main calls from that Building whilst at the same time being ornamental to the Locality in which it has been decided to place it.

Your Committee have agreed with the concurrence of the Chairman of Firewards to have the Building constructed for the accomodation of Two Engines and the advantages of the same will appear when the views by which the Committee were guided are given. it being considered that the unexpired Term of Lease of the House occupied by No 5 Engine may be re-let or finally disposed of at the present time, which will be a saving to the of \$15 per Annum or in either case a gain is effected a place being furnished for No 5 in the Building now being contracted for, and quite as convenient being so very short a distance from the old location, and additional strength is also given to the Building by its width, which will allow of the Bell that now hangs by the Post in the ground of the Poor Asylum being taken down, and placed in this Bellry which has been designed expressly to suit it, thus again saving a New Post and expensive Tackle which is required every few years at a cost to the City of \$35 each or thereabouts a new outfit being needed at this time.

Another good end is also accomplished the men being provided with a very convenient room above their work in which to hold the Meetings in connection with their duties, and used more frequently to warm and comfort them when they return after exposure and fatigue at the Fires.

The Piece of Ground selected for the future Pound is immediately opposite, and to the Southward of the field let by the City to Mr. Hennessy on the South Common, the space 50 feet by 50 feet being laid off - and since four of the present Committee are also members of the Common Committee and have approved of the same it may safely be said permission has been obtained to appropriate the land which is staked off commencing about 50 feet from the Road.

Your Committee have been kindly assisted

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by the Chairman of the Wards in the usual frank
style of that gentleman and since the Chairman
of this Committee will not have a seat among the
Councillors when this report is read it is with much
pleasure he now records the perfect harmony and good
feeling which characterises the proceedings of the
Meetings, and to say that whilst he acknowledges
the great satisfaction he has had in serving on Com-
mittees from time to time, yet it never was his in-
happiness to serve with more satisfaction than with
the present gentlemen with whom he has been associa-
ted on this occasion.

All of which is respectfully submitted

Committee Room
21 Sept 1858

Sig^d Samuel Noble
Chairman

Read following report of Committee
of 21st October 1858 relative to Building of Engine House.

Report of Committee
relative to a New
Engine House

Calified October 21st 1858

The Committee appointed relative
to the New Engine House met this day. Present Aldermen
Jennings, Towns, Barnstead, Moir, Mignowitz

Moved by Alderman Jennings
seconded by Alderman Towns that Henry Mignowitz
be Chairman of said Committee.

Alderman Jennings handed
in the report of the late Chairman Alderman Noble and a
plan and Specification of Engine House which being
examined by the Committee it was moved by Alderman
Jennings seconded by Alderman Moir that the plan
and Specification be submitted for the approval of the
City Council, which passed unanimously.

Committee Room
Octbr 21st 1858

Sig^d Henry Mignowitz
Chairman

When following resolution is next
introduced

Resol relative Engine
House

Resolved that the Committee for
Building an Engine House be empowered to carry out the
views of their report for an enlarged building so as to
accommodate two Engines. Moved by Alderman Bell

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seconded by Alderman Mignowitz passed

Memorandum Robert
Romans rel. to the
Law of Wrights
property

Read Memorial of Robert Romans
relative to assessment on property belonging to the late
Mr Henry Wright in Granville Street, when on Motion
said Memorial is ordered to lie on the Table. (See file)

The following resolution is next
introduced

Resol. rel. to duties
of Keeper of Markets

Resolved that the duty of
Superintending the Parade, and the Market Slip and
keeping the same free from dirt and Nuisances of every
kind be added to the present duties of the Keeper of
Markets, including the Market square and place in
front of Police Building over all which he shall be
held responsible to have the same duly cleansed.

Moved by Alderman Cogswell seconded by Alderman
Mignowitz passed.

The following resolution is
next introduced

Resol. rel. to Sum
to be expended on
cleaning and sweep-
ing the Markets
Market square etc

Resolved that a sum not
exceeding Twenty pounds may be expended yearly
under the direction of the Chairman of Committee of
City Property in the cleansing and sweeping, the Two
Markets, Market square, Market Slip and Grand
Parade, by the Keeper of the Markets. Moved by Alder-
man Twining seconded by Alderman Jennings, passed.

Read following report of Committee
of Public Accounts this day submitted

Halifax 22 October 1858

Committee of Public Accounts met this day
at 12 A.M. Present Aldermen Caldwell, Thompson and
Bell. Committee recommend following accounts to
be paid:

Report Committee
Public Accounts
22 October 1858

City of Halifax	
George Fraser	£ 10 - 0
John O Nash	" 12 - 6
Do Do	<u>2 - 5 - 0</u>
Bridewell	£ 3 - 7 - 6
W. Pyrie	£ 5 - 10 - 6
John McDonald	2 - 14 - 0
R. Noble Sons	4 - 8 - 6
B. Letson	<u>11 - 5 - 4</u>
	<u>£ 23 - 10 - 4</u>
	<u>£ 37 - 5 - 10</u>

Sig^d John A Bell
Chairman

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When on Motion the same is adopted and Checks directed to be drawn for the respective amounts by His Worship the Mayor.

On Motion

"Council Rise"

Jeremiah Conway
Residing Alderman

October 28

Weighers of Flour
- Sworn

William Grant & John Parker Sworn into Office as Weighers of Flour & Meal for the City having duly filed their Bonds - in presence of Alderman Jennings

October 29th

Guagers of Fish
Oil Sworn

John Brennan & James Fortune having duly filed their Bond as Guagers & Inspectors of Fish Oil for the City are this day sworn into Office - in the presence of Alderman Jennings.

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At a Special Meeting of City Council:
held this day present Aldermen May, Coyswell,
Caldwell, Towns, Barnstead, ^{Turner} Thompson,
King, Wood, Mills, Mignowitz, Horriestatt, Conway
Sennings, Bell & Ritchie.

The City Council were summoned
to take into consideration the appraisment of damages
awarded to Laurence Roach, relative to the New Line
of Road passing through his property at the North
West Arm, and the transaction of other business,

On Motion Alderman Sennings
being the Presiding Alderman of the Week in the
absence of the Mayor is elected Chairman of the
Meeting -

Read over proceedings of 22 October.

Communication
from War Department
rel. to closing
roads

Alderman Sennings, Chairman
submits a Communication from War Department --
relative to closing up certain roads.

Communication
from Mr. Hesterman
rel. to Queen Pool
road

Alderman Sennings, Chairman
submits a Communication from Mr. Thomas Hesterman
of 29 October 1858 relative to Queen Pool road.

The City Council proceed with
the order of the day - consideration of amount awarded
by appraisers to Mr. Laurence Roach for damages,
done by a New Line of Road passing through his
premises at North West Arm.

Return of Appraisers
to value the land
of Laurence Roach
Queen Pool road

Appraisers -
Halifax October 9th 1858

The Subscribers having been appointed
by the City Council to appraise land & damages on that
portion of the Queen Pool road running through the
lands of Laurence Roach on the shore of the North
West Arm. - Do appraise the damages to be Twelve
pounds to be paid by the City to Mr. Laurence Roach
for said land as per plan and survey annexed -

Wm Mackay
Wm Smith
R. Austin

A plan is also submitted to the Council relative
to above.

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Continued

Read following Letter addressed to Mr. L. Roach of 15 October 1858.

Office of City Clerk
San Francisco 15th October 1858

Mr. Laurence Roach
Sir

Letter to Laur^{ce}
Roach rel. to line
of Road N.W. Arm

A Survey having been made of a certain New piece of road near the North West Arm - passing over certain land of yours, and the City Council under the power given them by law having laid out and adopted said line of Road, and appointed appraisers according to the Statute to appraise the damage to be paid by said City to you, for your lands taken for said road, and the appraisers having proceeded according to law and made their appraisement, whereby they have awarded to you the Sum of Twelve pounds as damages for your land so taken. — I hereby give you notice that a Meeting of the City Council will be held at the City Court House in the City Council Room at 2 o'clock on Friday the Twenty ninth day of October instant, when the return and appraisement aforesaid will be taken into consideration and if approved of then and there confirmed - at which Meeting of Council you may be heard and may offer testimony if you have any objection to said award

I am Sir

Yours respectfully
Sig^d Geo. L. Cragg
Asst City Clerk

Redorsation
I have served a copy
of this notice on the within
named at 12 o'clock this
15th day of October 1858
Sig^d Patrick Caulfield

Mr. Roach is in attendance and requested by the Chairman if he had any and what objections, to make to the valuation or appraisement the Council were ready to hear him personally, by Counsel or by Petition. when.

The following resolution is introduced

The report of the appraisers appointed to assess the damages of Laurence Roche by him sustained in consequence of the Queen Post Road passing through his property having been read and Mr. Roach being present and not having stated any valid objections against the confirmation

Resol. rel. to report
on Laurence Roach
Claims for line of
Road

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of the said report Resolved that the said report be confirmed and that the sum of Twelve pounds be paid to Mr. Roach pursuant to said report.

Moved by Alderman Twining seconded by Alderman Hay

Alderman Bogswell asks leave to withdraw on the division on the resolution a Motion is made accordingly which motion on being put is carried 10 voting for it and 4 against it and the names being called for the appeared thus.

For Motion	Against it
Alderman Caldwell	Alderman Hoar
Barnstead	Wills
Twining	Conway
Thuristall	Loudon
Bill	
Mignowitz	
Hay	
King	
Thompson	

Resolution is then put and passed unanimously

The Council next take up His Honor the Recorder's opinion relative to the rights of the Military to the Common &c the same is read

Opinion of Recorder relative to rights of Military to Common -

Recorders Office 5 October 1858
City of Halifax
N.S.

In obedience to a resolution of the City Council passed 18th September 1858 of which a Copy is annexed - I have referred to the original grant of the Common of which I annex a Copy. I have perused a letter from J. W. Ritchie Esq. dated 9th Sept. 1858 annexed Also a Resolution of the Quarter Sessions for the County of Halifax dated September 11th 1800. of which a Copy is annexed. On referring to the act of the Province of 1770 respecting Commons 1 Prot Laws page 160 under which act I understand the resolution of the sessions is supposed to be supported. I have no hesitation in saying that the act of 1770 (of which I annex a Copy) gave no power or pretence whatever to the sessions. To grant, exchange or alter the rights of the inhabitants of Halifax under the original grant of the Common for their use and that the proceedings of the Sessions contained in that resolution are utterly null and void.

It appears

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Report Continued

It appears that the Military took charge of a very small portion of the Common at the North end and levelled and used it as drill ground, being the same portion they now are using, that they did not improve or clear the swampy ground at the North west where the drain has since been placed by the City or exercise or claim any rights at all commensurate with the extensive claim they now set up. It further appears that so far from the supposed equivalent in pasturage at Point Pleasant on military ground mentioned in the resolution of 1800 having been allowed to the inhabitants that their horses and cattle have constantly for a series of years been impounded by the Soldiers at the forts in that vicinity whenever found on the roads or on the grounds near the forts, and money exacted as damages for their release. It would appear that the arrangement contemplated in the resolution of 1800 had been until quite recently lost sight of and unknown. The act 1818 C 13 under which the Common lots were first leased makes no mention of any military reserve or rights; on the contrary the Second Clause expressly confirms the title of the inhabitants to the whole Common as originally granted, It is true this act was not confirmed by the Crown, but it shows that the extensive claims now for the first time set up were entirely unknown to the public and the legislature at that time. - The Act of 1829 11 Geo 4 Chapter 23 under which the Common leases were newly arranged and confirmed contains the following Clause,

"And be it further enacted that nothing in this act contained shall extend to the North part of the said Common used as an Exercising ground for his Majesty's Troops. At this time the lots let for 99 years on the Common had been fenced in and occupied and buildings erected on them. It is to be observed that all the Spring Garden lots on the North side of the Spring Garden roads come within the boundaries now demanded as Exercising Ground under the bounds pointed out in the resolution of 1800. Yet no objection on any such ground appears to have been made. - At an early date a road running from Fytches Bridge diagonally across the Common to St Andrews Cross was established and a substantial Bridge of stone across the brook was built about the middle of it. If the bound now claimed for Exercising Ground had any reality this road and bridge were in direct contravention of it, yet so far from any objection being made to them it will be seen that the Military

Recorders Report
on Common