

1859
July 25th

At a Special Meeting of City Council held this day present His Worship the Mayor Aldermen Messrs. Fugate, Caldwell, Twining, Thompson, King, Conway, Jennings, Richey.

The City Council were summoned to take into consideration an action brought by William Evans vs The City of Halifax for Damages and the transaction of other business,

There not being a quorum to do business
"Council rise"

Henry Taylor
Mayor

1859
August 9

At a Special Meeting of City Council held this day present His Worship the Mayor (Aldermen Cogswell, Lounds, Twining, Thompson, Mills, Forriestall Conway, Jennings, Bell, Richey)

The City Council were summoned to receive the various Valuation Books of Assessment for 1859, and the transaction of other business.

Read over proceedings of 11th and 25th July

Report Committee of Public Accounts submits Report of Committee of Public Accounts of 18th July 1859

Report Special Committee relative to Survey of City - Alderman Bell submits report of Special Committee relative to Survey of City.

Report Committee City Prison - Alderman Twining (Chairman) submits report of Committee of City Prison of 9 Aug^r 1859

Report Committee City Property relative to Birch Cove Lake - Alderman Conway submits report of Committee of City Property relative to survey of Birch Cove Lake

Alderman Jennings submits report of Committee relative to a Bill at North West Corner,

Memo: Henry B. Hill rel. to Lots on Common - Alderman Conway submits Memorial of H. B. Hill with plan accompanying relative to the Common Lots

Memo of James Scott rel. to erection Telegraph Posts, Gottingen St - Alderman Conway submits Memorial of James Scott & others relative to erection of Telegraph Posts in Gottingen Street.

His Worship the Mayor informs the Council that he received a writ from J. W. Ritchie Esq^r Counsel of William Owens for damages for injuries received by him.

Communication from Mess^{rs} McHull and McKay rel. to repairs on Building Hollis Street - His Worship the Mayor submits and reads Communication from Mess^{rs} McHull and McKay relative to repairs going on to a Building belonging to Mr. Phelan in Hollis Street. (See file)

His Worship the Mayor submits following communication from Superintendent of Streets relative to state of Street funds.

1859
August 9
Continued

Streets Office
Halifax 16th July 1859

Report Supt of
Streets re- to state
of Street Funds.

The Superintendent of Streets begs
leave to report for the information of His Worship the
Mayor and the City Council,

That the amount expended
for Street purposes up to date will absorb the whole
of the Funds in the hands of the City Treasurer

Total of the City Council 15 Oct ^r 1858	£300.0.0
Do Do 18 April 1859	500.0.0
Amts paid by Mr Lithgow on acct of diam ^g	50.0.0
	£ 850.0.0
Amount Expended	850.0.0

As there can be no funds
collected before September the Superintendent
respectfully requests the City Council, to authorise
the Treasurer to advance a further sum, in order that
the Work may be carried on without interruption,
respectfully submitted.

James Pollock
Supt. of Streets.

When following resolution is next
introduced

Resol. rel. to City
Treasurer advan-
cing Five Hundred
pounds to Street
Service.

Resolved that the City Treasurer
be authorised to advance the further sum of Five Hundred
pounds, in order to carry on the necessary work in that
service Moved by Alderman Jennings seconded by
Alderman Bell passed.

His Worship the Mayor submits
Rule nisi from the Financial Secretary relative to
Railway Interest.

Communication
from Supt of Streets
relative side Walk
Hollis Street.

His Worship the Mayor submits
Communication from James Pollock Supt. of Streets
relative to Hatches in side Walk Hollis Street.

His Worship the Mayor submits
Communication from Hon Provincial Secretary confirming
the By Law by His Excellency the Lieutenant Governor
and Hon. Executive Council relative to Championship
of Halifax Harbour.

Letts. from Commis-
sioners of Crown Land
Office relative to
Water Lots
applied for.

His Worship the Mayor submits
Letter from Commissioners of Crown Lands relative
to grants of Water Lots applied for at that Office
the same is read.
(See Next Page)

1859
August 9th
Continued

Department Crown Lands
6th August 1859

Sir

In compliance with commands of His Excellency the Lieut. Governor I enclose you a list of the applications now before this Department for grants of Water Lots in front of the City.

I have the honor to be

Sir

Your obedient Servant

Signed Saml. Fairbanks

Comr. Crown Lands

To His Worship
The Mayor
(List in file)

introduced

The following resolution is next

Resol. rel. to Writ
in case of Evans
vs the City of
Califac.

His Worship the Mayor having informed the Council that a Writ had been served on him at the suit of William Evans for Damages sustained by him in consequence of an obstruction on the Street and it appearing that Mr. William Nieth was the person through whose act, the Damages was occasioned.

Resolved that the Recorder be directed to give Mr. Nieth formal Notice of the suit and to inform him he will be held liable to pay for any loss or Damage that may result to the City from the said suit. Moved by Alderman Twining seconded by Alderman Bell, Passed.

Petition Robert
Cairns for further
payments on City
Prison

Alderman Cogswell (Chairman) submits Petition of Robert Cairns Contractor for Building City Prison and City Hospital, for further payments.

On Motion the report of Committee relative to a Well at North West Arm is adopted. (See File)

Letter Commis-
sioners of Crown Land
Office referred to
City Property
Committee

On Motion the Letter from Commissioners of Crown Lands this day submitted is referred to the Committee of City Property to report upon.

His Worship the Mayor submits and reads Letter from Superintendent of Streets relative to Telegraph Company digging Holes in Gottingen Street.

The following resolution is next introduced

Resol. rel. to the
Assessment
Books for the
Current year.

The Valuation Books of the General Assessment for the Current year returned by the City Assessor to the Office of the City Clerk one Book for

1859

August 9th each Ward clearly and correctly made up in
Continued writing signed by the City Assessor and respective
wards Assessors having been seen and approved
of by the Council.

Resolved that the said valu-
-ation Books be returned to the said City Assessor
in order that he may proceed without delay to
make up one General Book of Assessment for
the City therefrom in which there shall be distin-
-ctly shown the amount of the rate upon each
Individual or Company and the Assessor shall
without delay make up and sign the General
Book of Assessment and return the same to the
Office of the City Clerk. Moved by Alderman
Twining seconded by Alderman Conway
Passed.

Memor. of James
Brennan and others
for Hydrant in
Albermarle Street.

Read Memorial of James
Brennan and others for a Hydrant in Albermarle
Street when following resolution is introduced

Resolved that the Memorial of
James Brennan and others be referred to the Alder-
-men of Wards 2 & 3 to report thereon. Moved by
Alderman Twining seconded by Alderman Withs
passed.

On Motion the Order of the day is
suspended to permit Aldermen Cogswell and Conway
to introduce resolutions.
when following resolution is introduced.

Resol. rel. to a
Committee for provid-
ing bathing places

Resolved that a Committee of three be
appointed to take into consideration the best mode of providing
Bathing places for the public and report thereon to the Council.
Moved by Alderman Cogswell seconded by Alderman
Richey passed.
Committee Alderman Cogswell, Thompson and
Bell.

The following resolution is next
introduced

Resol. rel. to
additional Watch-
men for Wards
Three, Four & Five

Resolved that one additional
Watchman be placed in Wards Three four and five and
that His Worship the Mayor cause the usual advertisem-
-ents to be inserted in the Newspapers advertising for the
City requiring applications to be made for the same.
Moved by Alderman Conway seconded by Alderman
Thompson which resolution on being put is lost 5 voting
for it and 7 against it.

Alderman

1859
August 9th
Continued

Alderman Conway gives notice of reconsideration,
Read report of Committee of City
Prison this day submitted
Malibac August 9th 1859

Report Committee
City Prison Aug^{9th}
1859 =

The Committee of the City Prison report that nearly a month has elapsed since their last report and they are sorry to find that little progress has been made by the Contractor in the completion of his contract - and they are under serious apprehensions that the Building will not be completed in time for occupation this Autumn.

They further report that no provision has been made to supply the Cells with Iron Bedsteads, and they recommend that a contract be entered into for that purpose.

(Signed) Charles Twining
Chairman

when following resolution is introduced

Resol. rel. to report
Committee City Prison

Upon reading the report of the Committee of the City Prison It is ordered that the Recorder be directed to notify the securities of the Contractor, that unless the City Prison be completed by the first of September, the Bonds of the Sureties will be enforced against them.

and it is further ordered that the Committee be directed to take the necessary steps to supply the City Prison with Iron Bedsteads. Moved by Alderman Hay seconded by Alderman Twining which resolution being put is passed.

Report Committee
Public Accounts
July 11th 1859

The order of the day is suspended to take up Report of Committee of Public Accounts this day submitted. This same is read. (See Next Page)

When on Motion said report is adopted with the exception of the Clause relative to the support of Paupers in the Pious Asylum, and His Worship the Mayor is requested to draw checks for various amount therein contained.

The following resolution is next introduced

Resol. rel. to Special
Constables

Resolved that there is a necessity for the appointment of Special Constables to be annual Officers Resolved that His Honor the Recorder be instructed to prepare an act on the subject for the approval of the Legislature and submit the same

1859
August 9th to the next meeting of this Council. Moved by
Continued Alderman Bogswell seconded by Alderman Swining
which on being put is passed -

Committee Room July 15th 1859

The Committee of Public Accounts
met this day present - Aldermen May, Horriatall,
Caldwell and the Chairman.

The following Accounts were submitted viz^t
City

George Brown Cab hire 8 July	1 ⁰ 0 ⁰
R. J. Roome Carpenters Work 24 June	3 ⁰ 10 ⁰
Smith & Mitchell Water pipe &c 11 Decr	" 12 ⁰ 9
Dr Gilpin dressing around &c for Capt ^r	" " "
N. Watch in June last 3 ⁰ 2 ⁰ 0 ⁰	
Wm Water Compy Repp Hydrants to show 7 ⁰ 12 ⁰ 9	
Works of Market for Stamping Weights	" 11 ⁰ 7
W. Blackadar Advertising &c to 25 June	26 ⁰ 5 ⁰ 6
W. A. Penney Printing &c to 25 June	54 ⁰ 7 ⁰ 9
Thomas Leonard Mason Work 23 April	2 ⁰ 2 ⁰ 9
John Kafe Labour on Parade 15 July	2 ⁰ 15 ⁰ 9
Morris Power Co Co	3 ⁰ 12 ⁰ 6
W. A. Jennings Scantling 21 June	" 11 ⁰ 8
John Hogan Co 29	1 ⁰ 5 ⁰ 2
	<u>105⁰ 6⁰ 5</u>

Bridewell

W. A. Jennings Lumber 26 th May	1 ⁰ 1 ⁰ 3
Chas Barnstead Leather & Sely 3 ⁰ 4 ⁰ 5	
Co Co 30 May	5 ⁰ 1 ⁰ 0
Co Co 22 June 1 ⁰ 11 ⁰ 9	10 ⁰ 9 ⁰ 2
Wm Evans Ox heads &c to 30 June	11 ⁰ 4 ⁰ 4
John Stewart Supplies to 30 June	44 ⁰ 6 ⁰ 3
Wm Water Co Water to Nov 1859	3 ⁰ 15 ⁰ 0
Wm McDonald Paper bal for May	12 ⁰ 3 ⁰ 1
Co Co for June	11 ⁰ 15 ⁰ 4
	<u>94⁰ 15⁰ 0</u>

Total £ 200⁰ 1⁰ 5

All of which being found correct are recommended
to be paid.

An account from Michael Donergan for
repairing Hose for Fish Market £5⁰ 9⁰ 4 all the items of
which they consider much overcharged and upon comparing
it with his contract prices for the Engine Hose they find
the account overcharged to the extent of £2⁰ 2⁰ 9. The
proper amount therefore should be £3⁰ 6⁰ 8 which sum
only they recommend to be paid.

They -

1859
August 9th
Continued

They have examined the returns of the Clerk of License, for the quarter ending 15th March last which they find correct.

The Committee have also examined the account of the Commissioners of the Poor Asylum, for the past year, in which they charge eight pence per day for the maintenance of the City Paupers. When according to their returns, the cost of maintenance is but six pence half penny per day, thereby making a difference of two hundred and forty four pounds seven shillings against the City.

The actual cost of Maintenance at 6¹/₂ p per day £ 1059¹/₄ 14¹/₄
Less Amount Voted by City Council per estimate 1000⁰/₀
£ 59¹/₄ 14¹/₄

Leaving a balance of Fifty Nine pounds fourteen shillings and four pence due to the Commissioners which the Committee conceive to be all that they are justly entitled to receive and which they recommend to be paid.

In conclusion your Committee would recommend that in future, all accounts submitted to them, shall first be checked off by one of the clerks in the Office, as the Committee conceive that it forms no part of their duty to perform the calculations necessary for checking such accounts. All of which is respectfully submitted

(Signed) Philip Thompson
Chairman

Resol: rel. to purchasing
Water Works

Alderman Tivring submits resolution and certain statistics relative to purchasing the Works of the Halifax Water Company.

Report Committee
rel. to Survey Birch
Cove Lake

Read Report of Committee relative to Survey of Birch Cove Lake this day submitted

Committee Room

31st July 1859

The Committee of City Property having had under their consideration the report of Mr. Basil Thwayer relative to the Birch Cove Lakes and the plan accompanying the same which were referred to them by resolution of the Council, dated the 24th day of July instant beg leave to report

That considering the extent of the lakes which comprehend an area of about 240 acres and are capable of supplying 1,500,000,000 Gallons of Water to the City annually equal to 157 Gallons daily to each individual of a population of 50,000 having reference also to their proximity to the City and to the facilities afforded for forming a general reservoir,
Your

1859
August 9th
Continued

Your Committee are of opinion that it is desirable that steps should be taken for vesting the property of these lakes in the City. Your Committee therefore recommend that application be made at the Crown Land Office for the ungranted portion of the Lakes.

Your Committee would express their satisfaction with the report and Plan furnished by Mr. Gossip and recommend that the bill rendered for his services, amounting to Twenty pounds be paid.

All which is respectfully submitted

(Signed) Jeremiah Conway
Chairman

When on Motion same is adopted.
Moved by Alderman Bell seconded by Alderman Twining.

Read Report of Committee on City Surveyors Plans this day submitted.

Report Committee
on City Surveyors
Plans and Report
of City Survey-

The Committee appointed to examine the plans and Sections &c for the survey of the City by Mr. William Gossip, have discharged that duty, and now beg to report.

That they have inspected the various Plans Profiles and Field Books submitted to them by Mr. Gossip, which appear to them as far as they are capable of judging, to be very elaborate, involving an immense amount of work and prepared with great care and pains. Comparing the work done with the resolution under which Mr. Gossip was employed the Committee think that Mr. Gossip is entitled to receive the balance due him of Two hundred pounds, and hereby recommend that said balance be paid over to him.

As the Plans thus prepared by Mr. Gossip are of great value, the Committee are of opinion that immediate steps should be taken to have them so placed that they may be preserved without injury.

They have also to recommend that measurers be adopted that will result in having a recognized standard for the widths and grades of the Streets a work which the plans prepared by Mr. Gossip will render easy of accomplishment.

The Committee have further to recommend that the Field Books which contain a vast amount of measurements and calculations, chiefly in pencil marks shall be fairly copied out in ink in other books. The value of these Field Books may be judged from the fact that were the plans and sections destroyed they could all be reconstructed from the fields Books without any new measurements of surveys.

As

1859

August 9
Continued

As many of the Streets within the area of the Peninsula particularly those in the suburbs of the City have no names the Committee suggest the propriety of naming them, in order that names may be placed upon the plans. -

All of which is respectfully submitted

(Signed) John A. Bell

Committee Room _____ Chairman

18th July 1859

When on Motion of Alderman Bell seconded by Alderman Twining the same is adopted.

Memo of H. B. Hill
rel. to Common Lots

Read Memorial of Henry B. Hill *For Petition* relative to lease of Common lots - when following resolution *is introduced* is introduced (See file for Memorial)

Read - rel. to Memo
of H. B. Hill rel. to
Common Lots.

Resolved that the prayer of the Petition of H. B. Hill in reference to the field leased by him on the Common be granted and the lease be cancelled in accordance with his request. Moved by Alderman Bell seconded by Alderman Jennings, which resolution on being put is passed.

Petition James
Scott et al rel. to
Telegraph Posts in
Bollingen Street.

Read Petition of James Scott and others relative to the Telegraph Company opening holes in Bollingen Street. when following resolution is introduced. (For Petition see file)

Read - rel. Telegraph
Posts Bollingen St.

On hearing read the Petition of James Scott and others relative to holes being dug in Bollingen Street by the Electric Telegraph Company.

Resolved that the Petition be referred to His Honor the Recorder for his opinion thereon. Moved by Alderman Riches seconded by Alderman Twining which on being put is passed.

Letter R. Davis
rel. to City Prison
and Hospital.

Read Letter from Robert Davis *in file* this day submitted relative to City Prison and City Hospital. When on Motion of Alderman Bell seconded by Alderman Twining the Council adjourns.

Henry J. Mayor

1859
August 23rd

At a Special Meeting of the City Council held this day. Present His Worship the Mayor Aldermen Fay, Cogswell, Saunders, Twining Thompson, Ring, Corway, and Jennings.

The City Council were summoned to receive the report of His Honor the Recorder relative to Petition of James Scott and others, to accept and approve of the assessment Book, and the transaction of other business.

Read over Proceedings of 9th August 1859

Alderman Twining submits report of Special Committee relative to Hydrant in Althermark Street. On Motion same is received.

His Honor the Recorder submits a Draft of an Act relative to Special Constables, received.

Opinion of His Honor the Recorder relative to Telegraph Posts in Bottingen Street

His Honor the Recorder submits his own opinion and that of The Hon William Young relative to telegraph Posts and telegraph Company excavating holes in Bottingen Street. On Motion the same are received.

Alderman Cogswell submits report of Special Committee relative to Public Bathing places. On Motion same is received.

Notice of the Suspension of Samuel King Measurer of Coal

His Worship the Mayor informs the Council, that in consequence of a Communication received by him from Supervisor of Measurers of Coal he has suspended Mr King one of the Measurers.

Letter J. W. Ritchie relative to Drain Morris Street.

His Worship the Mayor submits and reads a Letter received by him from A. W. Ritchie Esq^r relative to a Drain in Morris Street. received.

His Worship the Mayor submits and reads Two Communications received by him from Clerk of Board of Health, dated 16 August. received.

Letter Hon W Young rel. to Streets Kings Lots

His Worship the Mayor submits letter from Hon W. Young with accompanying Plans with reference to Streets in Kings Lots so called.

Plan given to Mr Young Sept^r 15th 1859

The City

1859
August 31st

Continued
Read rel. to Extra
Watchmen.

The City Council next take up Alderman
Conways notice for reconsideration of Resolution relative
to extra Watchmen - the same is put when the aforesaid
for the resolution 5 and against it 5 and The Mayor
being called upon for his casting vote, gives it against
the resolution. The Resolution is therefore lost.

Read following opinion His Honor
the Recorder relative to Telegraph Company breaking
the Soil in Bottingen Street.

Recorder's Office

Halifax 30 August 1859

Opinion of His
Honor the Recorder
rel. to Bottingen
Street, Telegraph
Posts.

The City Council having by resolution dated
August instant, referred the petition of James Scott and
others owners of real estate in Bottingen Street, and resident
in Wards 5 and 6 complaining of excavations in Bottingen
Street made by the Nova Scotia Electric Telegraph Company
for the purpose of making a line of Posts along that Street
for the Telegraph, requesting my opinion thereon.

I consider the question to be whether the Company have
a legal right to excavate the Street named and to erect a
line of posts &c thereon without permission of the City or that
of the Superintendent of Streets. By the Act 1851 Revised
Statutes Chap 44 Sections 8 & 17, the Commissioners are
authorized to remove all incumbrances upon the Streets and
any breaking of the soil of the Streets (of any City or Town
where the act extends) is forbidden under a penalty unless
permitted by the Commissioners, who are thereby empowered
to impose terms on any such permission for the security of
passengers.

This Act extends to the City of Halifax
and by an act of 1853 16 Vict Chapter Sec 4 & 7 the powers of
Commissioners of Streets are transferred to the Superinten-
dants to be exercised by them under the orders of the City
Council.

The Legislature having thus carefully
provided for the security of the Streets of towns and
particularly of this City, I assume that no parties
can claim an exemption from the operation of this law
or a privilege to break up or to encumber the Streets of the
City, unless under express powers granted them by legal
enactment in so many words, or by necessary implication
from the language of the law. I find that the Gas
and Water Companies have in their acts of incorporation
been expressly authorised upon ten days previous notice
to the Commissioners of Streets to make excavations required
for the objects of their business, taking care to make the
Street good and perfect again without unnecessary

1859

August 20th delay at their own expense (see vol. Rev. St. 202 &c.)

Continued Although the right to excavate is thus given to them the notice affords an opportunity to the public authorities to guard against any accidents or mischief which might otherwise occur. When the Electric Telegraph was first introduced into this Province the Act of 1848 was passed by which five Government Commissioners were appointed and they were empowered to put up a line from Halifax to the boundary line of New Brunswick. Under the 5th Section of that act the Commissioners were empowered "to set up posts for supporting the wires of the said telegraph in and upon any public road, Street or highway." and to make the necessary excavations in the same "for placing such posts or poles &c"

Under this act the lines of posts &c which run in the City were I believe erected and with little or no alteration they still exist. The N.S. Electric Telegraph Company was incorporated three years afterwards in 1851 by an act passed 31. March 1851 in which Thomas Killam and others were made a Company for the purpose of running telegraph lines throughout the Province. By the 7th Section of this act it was enacted that when certain specified lines should be completed by the Company the Government should transfer the Halifax and Amherst, or main line to them at first cost. the language used being "the Governor in Council shall transfer to the Company the line of Electric Telegraph with all its appurtenances now erected between Halifax and Amherst &c" Nothing is said in this act of transferring or of conferring on the Company, the powers granted to the Commissioners for building the original line: which powers they had fully executed in the creation of the main line. But in the 14th Section of the Company's the only powers conferred on them runs thus. "The Company, or any local company erecting lines to connect with those of the Company may erect lines of Telegraph along the side of any public highways, provided they do not interfere with the rights of travelling thereon &c."

This appears to me to be the only clause or law under which the Company is empowered to interfere with highways. The question then that remains to be investigated is whether under the general term highways used the Streets of Cities and towns under the charge of Commissioners is to be included. Now while the legislature in the act of 1848 might very well entrust certain powers to public Commissioners who were divested of any personal interest and

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August 20
Continued

and acting under responsibility to the province, and in this view they gave them express power to excavate and erect Posts in highways, streets &c. it does not follow that they would convey these large powers without necessity to a Company which though dealing with the public is essentially private in its interests nor have they apparently done so. On the contrary the power of excavating is not named in the Company's act and instead of highways Streets &c there is omission of Streets, thus leaving it to be fairly inferred that they meant to restrict the absolute Power of the Company to the ordinary high roads from town to town, and that if they should require to erect one of their lines over a town subject to the law of Commissioners of Streets they should do so under the permission and sanction of the local authority which it could not be supposed would be refused to any reasonable views of the Company. Add to this that the Company was planned not for the main line passing through Halifax, Truro and Amherst, but for branches only. Without entering further into the minutes of the subject, I beg leave to state to the Council that I think the N. S. V. Company are not legally authorised to excavate Streets of the City or to place any encumbrance thereon, without the consent of the Superintendent of Streets acting under the orders of the City Council. As the matter appears one of grave importance with the approbation of His Worship the Mayor I have consulted with the Hon. Mr. Young and his written opinion will be submitted herewith to the City Council.

The claim set up on behalf of the Company conflicting as it does with the system of Street laws and ordinances to which the City Authorities have devoted so much attention and on which so much of the Citizens money is expended every year, cannot in my view be supported. Their the Company's act of incorporation, nor does the mode in which they have thought proper to exercise it by continuing the system of erecting rough and ugly structures of trees dived of their bark in the Streets of the City do much to commend their claims as however they have the right to place the question before the Judgment of the Supreme Court I think unless that tribunal should decide against the City, that no such claim as the Company makes should be for a moment admitted.

All which is respectfully submitted

(Signed) Benjamin Murdoch
Recorder

20th August 1859

1859
August 23
Continued

Read opinion of Hon. William
Young on same subject
Halifax 20 August 1859

Gentlemen

Opinion of Hon
William Young
rel to Electric
Telegraph Posts
Gottingen Street

At the request of the Mayor communicated to me through the Recorder, I have looked into the question that has arisen between the City Council and the Nova Scotia Electric Telegraph Company, and after an attentive consideration of the various acts of the Legislature that bear upon it, I have satisfied my own mind though with some hesitation, of the view that ought to be taken. There is here a conflict of authority between two Bodies both entrusted by the Legislature with large and important interests, and the question is which of the two is to yield. Have the Telegraph Company the power at their discretion, without the consent of the City Council or of their Officers and without notice, to break up the Soil of our Streets and to erect thereon lines of hackmatack Posts, according to the Specification in their act. Twenty feet long, or is the beauty of the City and the convenience of the inhabitants protected by the previous assent of the City Council or the Superintendant of Streets being required.

The revised Statutes Chap 44 Sec 17 provide, that no person shall break up the Soil of a Street without first making application to the Commissioners in writing specifying the purpose for which such breaking up is required and obtaining their permission, therefor in writing and the Commissioners may impose such terms upon the person applying as the security of passengers shall appear to them to require and any person acting contrary to this section or to the terms imposed by the Commissioners shall for every offence forfeit five pounds. This Section is borrowed almost literally from the 22nd Section of the Act of 1826 of Geo 4 Chap 2 and of the Act of 1847 Chap 26 and it extends to Halifax and under the Act of 1853 Chap 11 to such districts in all the Counties as the Sessions shall set off by limits and place under the charge of Commissioners of Streets. It is the duty also of these Commissioners to remove all incumbrances prevent encroachments and regulate buildings and the laying of materials on the Streets within their jurisdiction.

Gas and Water Companies in Halifax and elsewhere are empowered by various acts and for the purposes therein, after five or ten days notice to the Commissioners to break up and open streets or highways for a reasonable time which