

1859
September 26th
Continued

and two others twenty five pounds each. That having spent the greater part of two mornings in this way and finding so little encouragement, they thought it useless to continue the attempt. Your Committee therefore now resign their functions leaving it to your wisdom to decide whether any and what steps should be taken to secure the property for the city,

(Signed) Charles Cogswell
Chairman

when following resolution moved by Alderman Bell seconded by Alderman Morrissey is next introduced

Resolved to
Acquire Property
near the Ordnance

Whereas it is desirable that the City should obtain possession of the Lot of Ground owned by Dr. Avery known as the Ordnance square, but the Act of Incorporation does not give any power to assess for the same

Therefore resolved that applications be made to the Legislature for power to assess for any amount that may be agreed upon in case said property should be purchased by the City which resolution on being put is passed & Voting for it and 4 against it. Names being called for appeared thus.

For Resolution	Against it
Alderman Caldwell, Bell	Alderman Towns
Mignowitz, Morrissey	Conway
Moir, Jennings	Twining
Pugsley, Thompson &	Richey 4

Alderman Conway gives notice of reconsideration.

On Motion same Committee are requested to make negotiations for the purchase of said property in accordance with foregoing resolution.

On Motion the report of Special Committee on claim of Mr. Stephen Seldon as submitted on 15 September 1859 is read

Report Special
Committee re
to Claim of Stephen
Seldon

The Committee to whom was referred a letter from Mess^{rs} Johnston Sons dated the fourth day of June last calling attention to the Act passed in the session of 1858 for the relief of Stephen Seldon and requesting that the City Council would make an order for the valuation of the damages sustained by him at the fire on the 1st day of January 1857 and have the amount assessed. beg leave to report -

That

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That your Committee have held several Meetings at which the claim made on behalf of Mr Selden for indemnification by the City and the evidence by which he sought to support that claim have been carefully examined and maturely considered.

Your Committee having at their first meeting read all the documents to be found among the City Records bearing upon the subject of their enquiry and deeming further information desirable invited Mess^{rs} Johnston & Sons as the solicitors of Mr Selden to submit whatever proof might be in their possession of the legality of his demand, and consequently three subsequent meetings of your Committee were attended by the Honorable the Attorney General who addressed them at length upon the law and facts of the case and submitted minutes of testimony taken before a select Committee of the House of Assembly when the Bill for legalizing the order given to pull down the claimants house was under consideration, also the Judges minutes of evidence in the cause Primrose against the Halifax Fire Insurance Company in which the verdict was found that the order to pull down the house had been given and as far as it was carried into effect had been executed before the fire reached the house.

The recorded statements of the witnesses examined on these occasions having led the minds of your Committee to a conclusion different from that arrived at by the Jury in the cause just mentioned many of the Witnesses were sent for and examined vide voce and the statements of other persons who had not testified on previous occasions were also heard. After thus thoroughly investigating and weighing the facts of the case your Committee are of opinion that at the time when the order was given by Mess^{rs} O'Brien McKay and Barry to pull down the house of Mr Selden the flames had actually caught the roof though not so as to occasion serious damage, and that before the persons employed in carrying out the order discontinued the operations in the front of the house the rear was on fire. Applying to these facts the law as read and explained by the learned Recorder, the advantage of whose presence at all their meetings was highly appreciated by the other members of your Committee which law expressly provides that where a building shall be on fire at the time the orders are given for pulling the same down, or which shall take fire while such orders are being carried into effect, the owner of such building shall not be entitled to any compensation therefor.

Yours

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Continued Mr. Selden preferred as a legal right;

But while thus strongly entertaining the conviction that this Council ought not to respond to Mr. Seldens claim as a matter of right they submit the following considerations which have induced them to regard him as having just grounds to solicit compensation for the loss which he has sustained.

It appears that Mr. Seldens house was totally destroyed being partly consumed by fire and partly demolished under the orders for its removal. The general tenor of the testimony is calculated to produce the impression that had these orders not been given the injury done by fire alone would not have rendered the house unfit for repair, while those who think that it must have been almost if not entirely consumed, also believe that its destruction greatly assisted in stopping the further progress of the fire. The question whether the house had not been destroyed before the fire extended to it led the Insurance Company to defend the suit brought against them, and the evidence which they adduced procured the verdict already referred to under which while his house was totally destroyed, Mr. Selden has been able only to recover partial insurance. He has indisputably suffered much loss of means and time, and been put to great inconvenience in consequence of that order - any irregularity in which the reports of previous Committees show has always been cheerfully and distinctly shown and has now been cured by an Act of the Legislature. Your Committee also find that upon one occasion in the case of Charles J. Wallis, where a house had taken fire before the demolition under the order of firewards was completed - the legislature on the express recommendation of the City Council dispensed with that clause in the statute on which your Committee have relied.

The sum asked by Mr. Selden under the certificate of competent appraisers of the value of his property at the time of the fire is \$644. If this he received from the Insurance Company \$300. Your Committee after making from the balance of \$344 what they consider a reasonable deduction on the ground of new materials for old recommend the Council to offer him the sum of two hundred pounds upon his releasing any right which he may be supposed to have to prosecute or bring an action against any person or persons whomsoever.

And they also think that on the discontinuance

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of the action now in progress against Mess^{rs} Barry
and others the costs of the defendants in that suit
should be paid by the City.

Committee Room

15th Sept 1859

M. H. Richey

Chairman

When following resolution is introduced
Moved by Alderman Conway seconded by Alderman
Richey

Resolved that the report now read
respecting Mr. Seldons claim on the City, be adopted
to which following amendment Moved by Alderman
Pugsby seconded by Alderman Lownds is introduced,

Resolved to report
of Special Committee
on claim of Stephen
Seldon.

The Committee appointed to consider
the claims of Stephen Seldon and report thereon having
reported that after due consideration of the same they
are of opinion that he is a Loser to a serious extent and
that he is entitled to the sympathies of this Council,
Do it therefore resolved that the amount which
Mr. Seldon claims be paid to him. ~~And~~ Namely
Three Hundred and fifty four pounds.

At 10 o'clock Alderman Lownds Moves for a
Call of Council 4 Members being absent.

Moved by Alderman Jennings
seconded by Alderman Conway that the Council
adjourn which being put there appeared for the
same 9 against it.

"Council rise"

Henry Poyser
Mayor

1859

September 20th

At a Special Meeting of City Council held this day present His Worship the Mayor Aldermen Pussley, Callwell, Gounds, Barnstead, Morrissey, Thompson, Ring, Hoir, Hignowitz, Conway Jennings, Bell, Richey -

The City Council were summoned to take into consideration the Resolution and amendment relative to report of Committee on claim of Stephen Seldon, and the transaction of other business -

Read over proceedings of previous Meeting -

Letter Hon William Young rel to Deeds Market Wharf property

His Worship the Mayor submits and reads Letter from Hon William Young transmitting Deeds relative to the Market Wharf property. See file

His Worship the Mayor requests to know from the Chairman of City Property whether said Deeds had been submitted to the Committee of City Property and that the same has been prepared in accordance with the arrangements made between the City of Halifax and the Heirs of Beamish Estate to which Alderman Conway replies, that the same had been submitted and met the approval of the Committee.

Letter Major General rel to amount Voted Troops -

His Worship the Mayor submits and reads Letter Major General Trollope acknowledging the receipt of the Twenty five pounds forwarded him for use of Troops. See file

On Motion order of the day is suspended and the Deeds between the City and Beamish estate are read -

Deeds Beamish et al to City -

His Worship the Mayor vacates the Chair - Alderman Ring takes the Chair -

The foregoing Deeds are now read when it is moved and seconded that the same be approved of and directed to be executed by His Worship the Mayor and City Clerk on behalf of City -

His Worship the Mayor resumes the Chair -

Memo J. Kenny et al rel to repairs Blue Bell road

Alderman Jennings submits Memorial of Thomas Kenny for a grant of £7. 10. 0 towards repairs of Blue Bell road - the same is read when it is Moved by Alderman Jennings seconded by Alderman Ring that said application be granted - passed -

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September 30th

On Motion order of the day is suspended
Continued - did when following resolution is introduced (No 1)

Resol. rel. to tenders
for retaining Wall

Resolved that His Worship the Mayor cause the usual Notice to be inserted in the Papers advertising for the City for Tenders for Building a retaining Wall at the Market Slip Dock according to plan and specification to be seen at City Clerk's Office. Moved by Alderman Conway seconded by Alderman Morrissey - passed -

Resol. rel. to Window
Lights

Order of the day is suspended when Alderman Thompson has leave to introduce a resolution by way of Notice relative to Window Lights

Council proceed to take into consideration the resolution and amendment relative to Mr. Seldens claim submitted at last Meeting. 3 Minutes to 4 o'clock. Four Gentlemen being absent Alderman Lounds makes, Call of Council -

Alderman Pugsley as Chairman Calls the attention of Council to an address prepared by the Committee to be presented to His Worship the Mayor - His Worship the Mayor leaves the Chair Alderman King is called to the Chair -

Alderman Pugsley reads the address as follows:
To His Worship Henry Pryor Esq^r Mayor of the City of Halifax -

Address to His
Worship the Mayor

Sir We the Aldermen composing the Council of this City beg leave to offer you the unanimous and cordial testimony of our respect and esteem for your conduct while presiding over the Council and the business of the City. You have devoted your time and services to the public interests as a member of the Council, for several years during the earlier portion of the Charter, and you have subsequently presided as Mayor during 5 years over the Municipal affairs of Halifax. Your repeated re-elections by the Council under the former laws and by the Citizens at large under the present, do of themselves testify clearly that you have given great and general satisfaction to the public

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to the public in all the essential requirements connected
Continued with the Office of a Mayor.

To this it is our duty as it is our pleasure to add
our own estimate of the courtesy, the prudence, and
diligence for which you have been conspicuous and
which have left on our minds a strong impression
of your qualifications for the office and a sincere regret
that the City is now to be deprived of your future
services as Mayor.

We trust that hereafter your fellow Citizens may
rely on your assistance as a member of the Legislature
in promoting the passage of such local bills and
Measures as may be important to their prosperity, and

In conclusion we hope that in all the vicissitudes of
life you may enjoy health and happiness and find
labours and your zeal fully appreciated as we believe
they now are

(Signed) Henry C. Fugstey
Chairman

_____ when following Resolution (No 2) is next
introduced _____

Resolved to the
Address

Resolved the address do now
pass, be engrassed and presented to His Worship
the Mayor. Moved by Alderman Fugstey seconded
by Alderman Conway to which following amend-
ment is introduced

Resolved that the Draft of an
address now submitted to the Council be fairly
engrassed and that the Committee who prepared the
same be a Committee to present it to His Worship.

Alderman Wills comes in

The Amendment to the add-
ress to His Worship the Mayor is now before the Council
and the same being put there appeared for the same
5 against it 4 and the names being called for they
appeared thus,

For Amendment
Alderman Wills - Jennings
Moir - Bell
Lowndes - Richay

Against it
Ald. Caldwell - Barnstead
Mignowitz - Morrissey
Fugstey - Thompson
Conway -

The original Resolution is then
put when there appeared for the same 8 against it
5 and the names being called for appeared thus,

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September 20th Star Resolution

Against it

Continued Alderman Caldwell - Conway Ald. Towns

" Wills - Mignowitz Moir

" Barnstead - Morrissey Jennings

" Pugsley - Thompson (B) Bell
Richey (S)

When it is moved and seconded that His Honor the Recorder read and present said address to His Worship the Mayor.

His Worship the Mayor resumes the Chair. The address is read,

To which His Worship the Mayor read the following answer -

The Mayor's answer to the Address

Gentlemen - The very handsome and complimentary address just presented me has I assure you awakened feelings of no ordinary gratification and believe me the knowledge that I have succeeded in earning your esteem and approbation fully compensates me for the time necessarily devoted to civic affairs, while it amply rewards me for any diligence and energy shown in the discharge of my public duties -

I have from the first incorporation of the City been solicitous that the principle of self government as applied to its varied interests should be fairly worked out - and have always cheerfully exerted whatever little influence I might possess to assist in developing these principles and carrying them into practical and effective operation - and on retiring from the Chief Magistracy - feel no little pride that I leave the City in the fullest enjoyment of civic freedom. And it is a matter of further gratification to me that two important public edifices the City Prison and Hospital are now finished. I had the honor of first urging the necessity of their erection on the City Council and have since used my best exertions to bring them to completion -

But Gentlemen whatever success may have attended my labours in the high and responsible office to which I have been elevated by the suffrages of my fellow citizens, I owe mainly - to the effective assistance active co operation, and judicious advice at all times - and in every emergency so cordially rendered me by you gentlemen and the members of the different Councils by whom on former occasions I have had the happiness to be surrounded, and deprived of which the arm

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September 30th the arm of any Mayor must be paralyzed and his best Continued efforts rendered abortive.

The knowledge that I had your sympathy and could count on your hearty support has ever cheered me and rendered light and easy the discharge of duties which otherwise must have pressed heavily - and been felt to be arduous, and now on withdrawing from the administration of the municipal affairs of the City, believe me, the remembrance of your very flattering testimonial will remain to me a source of the sincerest pride and pleasure.

I shall ever take the warmest interest in all that concerns the corporation, you, gentlemen, and the citizens of Halifax may always command my services, and be sure of at least my hearty advocacy of any measures tending to improve the condition of the City - or increase the prosperity and happiness of the Citizens.

In conclusion Gentlemen I thank you very heartily for your kind wishes and praying for your future welfare, and the well being and advancement of our City.

Believe me to be
Yours truly
(Signed) Henry Fryor
Mayor

30th Sept 1859

Moved by Alderman Conway seconded by Alderman Richey that said address be published in the City Papers, passed.

Resolved to Mr. Seldons Claims

The Hour having expired since the call of Council on subject of Mr. Seldons claim, The amendment is now before the Council.

His Worship the Mayor being unwell leaves the Council - Alderman Ring takes the Chair.

The amendment is put when there appeared for the same 2 against it 11 and the names being called for appeared thus.

For Resolution	Against Resolution
Ald. Caldwell	Ald. Gounds
Wills	Moir
Barnstead	Stennings
Pugsley	Bell
	Richey

1859
September 30th For Amendment
Continued Alderman Pugsley
Lounds

Against it
Ald-Caldwell " Mignowitz
Wills " Thompson
Conway " Jennings
Moir " Richey
Barnstead " Bell
Morrissey "

It is Moved and seconded that said report be adopted when there appeared for the same 12 against it and the names being called for they appeared thus,

For adoption of report
Ald-Caldwell " Morrissey
Pugsley " Thompson
Conway " Jennings
Moir " Richey
Lounds " Bell
Barnstead " Mignowitz

Against it
Ald-Wills

On Motion
"Council Rise"

Henry Taylor
Mayor

October 3rd

John Puggan, John D. Nash
James Puggan, William Evans, and Richard S.
Roome having been returned elected Aldermen for
the Wards affixed to their respective names and having
taken and subscribed the Oath of Allegiance the
oath of Office prescribed by law as well as that of a Justice
of the Peace for the City sign the Roll and take
their seats accordingly

Alderman
Sworn into
Office

- Ward One John Puggan
- Ward Two John D. Nash
- Ward Three James Puggan
- Ward Four William Evans
- Ward Five Richard S. Roome

Henry Taylor
Mayor

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1859
October 3

At a Special Meeting of City Council held this day present His Worship the Mayor Aldermen Pugsley, Cogswell, Towns, Air Wills Thompson, Richey, John Puggan Nash, James Puggan, Evans, Roome.

The City Council were summoned to receive the returns of Elections held on the 1st day of October Instant Agreeably to Law.

Read His Worship the Mayor's Proclamation of 9th September 1859 for Holding the Election when the various Poll Books are taken up examined and the numbers taken added up and counted in accordance with the Act for the Election of Mayor. the numbers appearing as follows

Return of Election of Mayor

For Mayor			
	Samuel Caldwell	Chas Swining	H. Mignowitz
Ward No One	63	78	2
" Two	62	60	2
" Three	113	53	4
" Four	78	60	18
" Five	137	65	37
" Six	28	37	0
	<u>481</u>	<u>353</u>	<u>63</u>

Mr Chas Cogswell 61 votes in the Six Wards

Samuel Caldwell having received a Majority of votes His Worship the Mayor publicly declares Samuel Caldwell duly elected Mayor for ensuing year -

The City Clerk is directed to transmit the usual official communication to the Honorable Provincial Secretary of Mr Caldwell having been elected Mayor

"Council Rise"

Henry Taylor
Mayor

1859
October 4th

Edward Leahy having been duly returned elected as an Alderman for Ward No 5 and having taken and subscribed the oath of Office prescribed by Law, as well as that of a Justice of the Peace, signs the roll accordingly -

Samuel Caldwell Esq^r is this day sworn into Office as Mayor of the City of Halifax by His Excellency the Lieutenant Governor in presence of His Worship the Mayor Aldermen Nash, Cuggan and Barnsted.

His Worship the Mayor Samuel Caldwell Esq^r is also sworn into Office as a Justice of the Peace for the City - this day -

October 5th

Joseph Vennings Esq^r sworn into Office as an Alderman for Ward No Six having taken the usual oaths of Office prescribed by Law in presence of his Worship the Mayor -

The following Gentlemen are this 10th day sworn into Office as Ward Assessors in presence of His Worship the Mayor

- | | | | |
|----------|-----------------|----------------|--|
| Ward One | John Hogan | Ward Six | |
| " Two | James Reeves | A. R. McKinlay | |
| " Three | George McKenzie | W. H. Martin | |

11th James Pryor for Ward One and John Mumford for Ward Five are this day sworn into office as Assessors for their respective Wards in presence of His Worship the Mayor -

Samuel Caldwell
Mayor

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October 15th

At a Special Meeting of City Council held this day present His Worship the Mayor Alderman Pugsley, Cogswell, John Duggan Lounds, Barnstead, Nash, Twining, James Duggan, Wills, Evans, Lahay, Conway, Roome, Bell, Richey & Jennings -

The City Council were summoned to elect two City Auditors, the various City Officers for ensuing year, and the transaction of other business -

Read over proceedings of previous Meetings

Memo. of Citizens
rel. to placing loads
of Hay on Street

Alderman Nash submits a Memorial of Citizens relative to placing of Loads of Hay and Straw on the Street and leaving the same exposed during the Night received,

Memo. rel to Seymour
Street

Alderman Cogswell submits Memorial relative to improvements on Seymour Street, received

Memo. Charles
Sullivan et al rel.
Drain Dresden Row

Alderman John Duggan submits Memorial of Charles Sullivan and others relative to a Drain in Dresden Row (Ward No 1) received -

Communication
of Fire Wards of
10th October 1859

His Worship the Mayor submits communication from Fire Wards of 10th October 1859

Communication
John Duffus Esq
rel. to Avey's Lot

His Worship the Mayor submits communication from John Duffus Esquire of 14 Oct^r 1859 relative to Avey's property - received -

Report Special
Committee rel. to
burning of a House
& Barn

His Worship the Mayor submits report of Special Committee relative to burning of a House and Barn.

Moved that the order of the day be suspended that the letter this day received from John Duffus may be read, passed - same is read. (See file)

Council next proceed to election of the various City Officers for ensuing year.

The various applicants were required to produce their receipts for City Rates or Road Taxes - of previous year in accordance with resolution of Council of 19 July 1858

Read Beamish Murdochs Esquire application for Office of Recorder -

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Continued
Recorder Elected

Moved and seconded that Beamish Murdoch Esquire be re-elected Recorder for ensuing year, and the names being taken there appeared for him 17 votes. Beamish Murdoch, unanimously re-elected.

City Clerk Elected

The application of James S. Clarke for office of City Clerk is read. Moved by Alderman Pustley seconded by Alderman Swining that James S. Clarke be re-elected City Clerk for ensuing year and the names being taken there appeared for him 17 votes. James S. Clarke is unanimously re-elected.

Asst City Clerk Elected

Read application of John L. Cragg for office of Assistant City Clerk. Moved by Alderman Adgswell seconded by Alderman Swining that John L. Cragg be re-elected Assistant City Clerk for ensuing year and the names being taken there appeared for him 17 votes. John L. Cragg is unanimously re-elected.

Clerk Assistant Elected

Read application of Thomas Rhind for office of Clerk Assistant. Moved by Alderman Barrhead seconded by Alderman Roome that Thomas Rhind be re-elected Clerk Assistant and the names being taken there appeared for him 17 votes. Thomas Rhind is unanimously re-elected.

City Treasurer Elected

Read application of Laurence Hartshorne Esquire for the office of City Treasurer. Moved by Alderman Thompson seconded by Alderman Swining that Laurence Hartshorne be elected Treasurer and the names being taken there appeared for him 17 votes. Laurence Hartshorne is unanimously re-elected.

City Marshals Election is next proceeded with when following resolution (No 1) is introduced

Resol. rel. to the Constables - Election

Whereas by the act of Incorporation it is provided that all appointments to Office in the gift of this Council shall be annual and that notice shall be given in the different newspapers requesting applicants to send in their applications in writing and whereas in the opinion of this Council no person shall be elected to Office who has not the confidence of the Citizens and whereas from the course hitherto adopted by this Council by re-electing all old officers without any change, there appears to be only two applicants for the Office of Constable

1859

October 15 Constable with the exception of the present Incumbents
Continued Be it therefore resolved that this Council do suspend
the appointment of Constables to day of . . . and
that advertisements be inserted in the City Newspapers
requesting persons to send in their applications by
day of . . . as provided by the 58 Section of the Act
of Incorporation. Moved by Alderman Owens seconded
by Alderman Conway. To which following amend-
ment is introduced

Resolved that the Election of City
Marshal and Constables be proceeded with without
further delay. Moved by Alderman Jennings
seconded by Alderman Nash which amendment
being put there appeared for the same 11 against it
6 amendment carried.

City Marshal
Elected.

Read application of George Irwin
for the office of City Marshal for ensuing year, when it
is moved and seconded that George Irwin be the
City Marshal for ensuing year and the names
being taken there appeared for him 17 votes.

George Irwin is unanimously relected.

Clerk of License
relected.

Read application of W. S. Morris
for the office of City Clerk of License when the names
being taken there appeared for him 17 votes William
S. Morris unanimously relected.

City Auditors
Appointed.

On Motion Charles E. Wisswell
and George P. Mitchell are appointed City Auditors for
ensuing year.

On Motion Council adjourn
for an hour

Alderman Noir comes in

Council reassemble
and next proceed to election of Constables for ensuing
year. Read over the various applications - and the
names being taken there appeared for James Ham 16
James Holloway 3 James Ham relected.

Patrick Caulfield 17 James Holloway 1 Patrick Caulfield
relected.

Garret Cotter 18 unanimously relected

David Owens 18 unanimously relected

Philip Parsons 18 unanimously relected

Donald Fraser 10 Maurice Power 5 Donald Fraser relected

Thomas McCoy 10 James Holloway 8 Thomas McCoy Do

Mathew Gardiner 14 Jas Holloway 4 Mathew Gardiner
relected.

City Constables
Elected.