

1861  
March 25<sup>th</sup>  
Continued

Protest

Whereas a Bill entitled "An Act for Assessing the City of Halifax for Railway liabilities and for extending the lines of Railway," has been sent down to the General Sessions of the County of Halifax, in order to be read here with a view to its introduction into and passage through the Legislature,

Protest entered by his  
Worship the Mayor and  
ordered to be entered on  
minutes of Council -  
Rel. to letting, Sale for  
Railway Construction =

I, Samuel Caldwell, one of the Justices of the Peace of the Quarter Sessions for said County, and the Mayor of the City of Halifax, cannot consistently with the views I entertain of the duties which I owe to the Citizens of the said City of which I am the Chief Magistrate suffer the said Bill to pass from the present sessions, or to be introduced into the Legislature without entering this - my solemn protest against the same, for the reasons subjoined,

First. Because it is unjust to make the Citizens of Halifax pay a greater sum towards the construction or management of the Railroads in this Province than the inhabitants generally, for if Railways are constructed as Provincial Works, to be paid for out of the general revenues there can be no substantial reason for making Halifax or any other section of the Province pay an additional amount by assessment on individual property before which is paid out of the general revenues, or even what is paid by other properties in other portions of the Province.

Second. Because any pledge which was made by the Citizens of Halifax or the City of Halifax (if constitutionally warranted to give such pledge) to pay or assume a liability of £100,000 was upon the express stipulation and assured condition that the line of Railroad should be extended to and touch the frontier of New Brunswick and that condition, manifestly infringed, as all intention of extending the trunk or road to New Brunswick has been long ago abandoned.

Third. Because the preamble of the existing law "of Railroads" chapter 40 of the Revised Statutes sets forth "that the construction and maintenance of a trunk line of Railway from the harbor of Halifax to the frontier of New Brunswick with branch lines extending to the harbor of Pictou and Victoria Beach, will greatly facilitate the internal trade of Nova Scotia will develop her resources, enlarge her revenues, and open frequent and easy communication with neighboring Provinces and States," and that the said Act was passed and became law, upon the clear and plain understanding, as expressed in said preamble that the trunk and branches should be constructed and carried to the points indicated in the said preamble, but that all intention of extending the lines to either the frontier of New Brunswick, to the harbor of Pictou or Victoria Beach has been abandoned and that not any indication has been given that it is intended to extend the lines,

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but on the contrary the Chief Engineer who was appointed under the 7<sup>th</sup> Section of the said Act, has been discharged for upwards of two years, and no Chief Engineer exists, and because as a principal benefit which was assigned for the passing of such Act, "to open frequent and easy communication with neighbouring provinces and States" has not been and is not intended to be accomplished, and as a main advantage anticipated to the City of Halifax, by Railways was the opening up such communication it is in my view contrary to equitable principles to here attempt to enforce the payments from the citizens and rate payers of the £100,000 when the Act has been so essentially violated and the reasons assigned for its enactments so wilfully disregarded.

Protok entered by his Worship the Mayor and ordered to be entered in Minutes of Council  
rel. to levying Tax for Railway Construction - continued

Fourth, Because the existing Railway acts point out and direct the mode and way an assessment shall be levied upon the said City of Halifax for the said £100,000, and are sufficient for the purpose provided the same acts be carried out in their integrity, and because the City of Halifax is prepared to carry out in good faith the payment of the said sum, when the Railroad is carried out as indicated in the preamble to the said 70 Chapter of the Revised Statutes,

Fifth, Because that by the 4<sup>th</sup> section of the proposed act, the Supreme Court or a Judge thereof is authorised to issue an order on the City of Halifax, upon the Mayor, Treasurers, or any other officers enjoining them to carry out the requirements of the said act without affording an opportunity to the City to be heard or to shew cause why such order should not be granted or should not issue, and that such arbitrary and extensive power is opposed to British principles,

Sixth, Because that by the 5<sup>th</sup> Section of the proposed act without regard to and in contravention of corporate rights, power is conferred on the Governor and Council to occupy and open the streets of the City of Halifax without reference to, permission of, or consultation with the civic authorities and without making provision for relaying or keeping in repair the same,

(Seventh) Because that under the Seventh section of the proposed Bill the amount claimed from the City of Halifax is to be "constituted a debt due and to become due from the City of Halifax to the Provincial Government, and as such may be sued for and recovered and collected in the name of Her Majesty the Queen, in the same way as if the City had executed a bond or recognizance to Her Majesty conditioned to pay said sums," and that the operation of this section will be that all the property belonging to the City will be bound up (as by first Mortgage and held liable to pay the amount claimed, under this proposed Act,

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Protest. entered by his  
Worship the Mayor and  
ordered to be entered on  
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before the existing or present debts which cover city property and are due from the City are to be paid, and the result will be that the present holders of debentures or City bonds, who have advanced their Money on the good faith of the City under sanction of the Legislature, and who deemed that they held a firm and perfect security on City estate are to be postponed until after payment of the £100,000 claimed under this act, and have their securities apparently if not really lessened in value.  
For the reasons herein assigned I now in the name of the citizens and rate payers of the City of Halifax protest against the proposed act as contrary to former and existing pledges and good faith.

(Signed) S. Caldwell  
Mayor of Halifax  
and J. P. for the County.

The following resolution is next introduced

Resolved that this Council having heard proceedings of the public Meeting of Citizens held on the 20<sup>th</sup> instant, hereby express their willingness to accept the trust reposed in them by such meeting and oppose by every constitutional means the passage of the act, for imposing the sum of £100,000, and interest on the City. Moved by Alderman Hill seconded by Alderman Jennings which on being put is passed.

On Motion a Committee is appointed to confer with the Committee appointed at the Public Meeting held at Temperance Hall on Saturday last and that the Committee be the Committee of Laws & Privileges.

The following Resolution is next introduced.

Whereas this Council have learned from the proceedings of the public Meeting held on the 20<sup>th</sup> instant that the important subject of the projected Railway from Halifax to Quebec is attracting the serious attention of influential public men in the parent country.

Therefore Resolved that this Council derive great satisfaction from the information thus conveyed and they hereby express their earnest hope that the Imperial Parliament will aid this important project at an early day. Moved by Alderman Hill and seconded by Alderman Evans which on being put is passed.

Read a Communication from  
John T. Lane Esq relative to care for Small Pox.

Resol. Rel. to proceedings of  
Public meeting of Citizens at  
Temperance Hall. Relative to  
the passage of the act for  
imposing the sum of £100,000  
and interest.

Com: from John T. Lane Esq  
rel to care for Small Pox

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When following resolution is introduced.

Resol. Rel. to Communication  
from John T. Lane Relative  
to Cure of Small Pox.

Resolved that the Receipt of the Communication from John T. Lane relative to reputed cure for the Small Pox be acknowledged by the City Clerk, and that Mr Lane be informed that the subject matter of his letter is one in which the Council cannot deal, Moved by Alderman Richey seconded by Alderman McCulloch to which the following amendment is introduced

Resolved that Professor John Lane have leave to withdraw his letter concerning cure for small pox this Council having no authority in the matter. Moved by Alderman Compton seconded by Alderman Walsh which amendment on being put is lost.

The original resolution is then put and passed.

Report of Committee of Public Accounts

Read Report of Committee of Public Accounts as follows.

At a Meeting of the Committee of Public Accounts held March 25<sup>th</sup> 1861  
Present Aldermen Hill  
(Chairman) Actonhurst, Richey & Walsh.

The following accounts were passed for payment.

City	
A. Murphy	\$13. 50
Gas Company	124. 20
R. Noble	40. 00
E. McDonald Royal Sat,	6. 00
Hospital H. H. Fuller	3. 40
Fire Dept. Wm Carey	86. 00
E. Hoynes	12. 45
Streets Wm Murray	43. 20

An account from Messrs Wetmore Vause & McCulloch for Carpets and blocks & tackle, amounting to \$299.25 taken from their stock on the night of the fire of 12<sup>th</sup> January for the purpose of protecting property from the fire, was submitted to the Committee, but the Committee were not aware that they had power to pass an account of that nature and therefore ~~they~~ they beg to refer it to the City Council.

(Sgd) P. C. Hill  
Chairman

A Motion is made that the report be received and adopted, to which the following amendment is introduced.

Whereas the Committee of Public Accounts has recommended the payment of an account

Resolved to payment of  
E. Hoynes bill for refreshments  
by Engine Company

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Resol. rel. to Chairman of  
Firewards & Capt of Engine Company

an account of L.S.G. to E. Hoynes of Dartmouth for refreshment  
to the Engine Company on the occasion of the trial of an engine  
in Dartmouth.

Resolved that this Council seems it wrong on the  
part of the Chairman of Firewards or Capt of Engine Company  
to contract such debts, and therefore cannot allow their pay-  
ment from the funds of the City. Moved by Alderman  
James Duggan seconded by Alderman Evens, which amend-  
ment on being put is lost, and the names being called  
for appeared thus,

For the Amendment

- Alderman Conway
- Evens
- Jennings
- James Duggan

Against it

- Alderman Roome " Compton
- Nash " Richey
- Barnstead " Kaye
- Hill " Walsh
- Jennamin "
- Ackhurst
- Coleman
- McCulloch

The following resolution is next introduced

Resolved that the account of Mr Hoynes  
be referred to the Board of Fire Wards. Moved by Alderman  
McCulloch seconded by Alderman Ackhurst which on  
being put is passed by voting for the same and against it  
and the names being called for they appeared thus,

For the Amendment

- Ald. Hill " Jennings
- Jennamin " Richey
- Coleman " Kaye
- McCulloch " Compton
- James Duggan " Walsh
- Conway " Ackhurst
- Evens

Against it

- Ald. Roome
- Nash
- Barnstead.

On Motion the remaining portion  
of the report is passed and His Worship the Mayor requested  
to draw checks for the accounts therein contained,

Read account of Messrs Whetmore  
Vause & McCulloch for carpets destroyed at fire on 12th  
January last in attempting to save the Chronicle office.

When following resolution is introduced

Resolved that the Bill of Whetmore  
Vause and McCulloch be paid and that His Worship the  
Mayor be authorised to draw a check for the same Moved by  
Alderman Nash seconded by Alderman Conway, to  
which the following amendment is introduced,

Resol. Rel. to a Bill of  
Whetmore, Vause and McCulloch  
for carpets destroyed at Fire  
on the 12th January last.

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Whereas the articles charged in the account of Mess<sup>rs</sup> Whetmore Vause and McCulloch, which account is now before this Council, was ordered by Thomas Walsh Benjamin Wier, John P. Nash, Donald Murray, and William Edeman, without any authority from this Council or from the Committee of Management at Fires, and whereas in the opinion of this Council said account ought not to be paid out of the funds of the City,

Be it therefore Resolved that a copy of this Resolution be sent by the City Clerk to Mess<sup>rs</sup> Whetmore, Vause and McCulloch. Moved by Alderman Evers seconded by Alderman McCulloch which on being put is lost 2 Voting for the same and 12 against it and the names being called for they appeared thus,

For the Amendment

Alderman Evers  
McCulloch

Against it

Ald "Roome" Compton  
Nash " Jennings  
Barnstead " Kaye  
Trennamire " J. Duggan  
Edeman " Walsh  
Conway " Acthurst

The Original Resolution is then put and passed 12 Voting for the same and 2 against it and the names being called for they stood thus,

For the Resolution

Ald "Roome" Compton  
Nash " Jennings  
Barnstead " Kaye  
Trennamire " James Duggan  
Edeman " Walsh  
Conway " Acthurst

Against it

Ald " McCulloch  
Evers.

Alderman Evers gives notice of reconsideration

Alderman Evers also gives notice that he will move a resolution asking His Honor the Recorder's opinion on the Resolution just passed.

On Motion

Council Rise

1861  
April 1<sup>st</sup>

At a Special Meeting of City Council held this day Present His Worship the Mayor Aldermen John Duggan, Compton, Barnstead, Nash, McCulloch, Walsh, Acthurst, James Duggan, Evers Coleman, Conway, Roome and Jennings.

Read over proceedings of 25<sup>th</sup> March

The City Council were summoned to take up the Report of Committee on reorganization of Fire Department and the transaction of other business,

Alderman Roome Chairman submits Plan, Specification and Estimate for contemplated alterations in City Court House, On Motion the same is received

His Worship the Mayor submits Plan and Communication from George P. Mitchell, relative to Pavedation of the Road called Schmidville,

Com. from Mr. Moir, Rel. to Steam Boilers

also Communication from Mr. Moir Engineer relative subject of Steam Boilers.

The City Council next proceed to the order of the day, and take up Alderman Evers Notice of reconsideration given at last Meeting.

On Motion the question of reconsideration is not granted,

The order of the day is suspended to take up resolution of Alderman Jennings, when the following resolution is introduced

Resolved that in future no account be paid unless authorized by the proper authority as constituted by law Moved by Alderman Jennings seconded by Alderman Evers.

Call of Council.

Call of the Council is made at 20 Minutes past 4 o'clock.

The City Council next take up Memorial of William Patterson.

When following resolution is introduced,

On reading the Memorial of Wm Patterson relative to erection of a Building in Barrack Street,

Resol. rel. to Erection of a Building in Barrack Street by William Patterson

Resolved that the prayer of the Petitioner be granted Moved by Alderman Evers seconded by Alderman McCulloch which on being put is passed by voting for it and 4 against it.

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Privileges

Read Report of Committee of Laws and  
Committee Room  
16<sup>th</sup> March 1861

Report of Committee  
Relative to Law and  
Privileges

The Committee on Laws and Privileges  
having had under their consideration the Communications  
from the Crown Land Office referred to them beg leave to  
report,

That they are not aware of any objection to the grant  
proposed to be made to Mess<sup>rs</sup> A. B. A. Craghton & Co and  
Daniel Cronan, but that the grant proposed to Mess<sup>rs</sup>  
Esso. Poate & Co is subject to the objection that it would  
interfere with the enjoyment by the public of rights under  
a grant made in A. D. 1815 to the Secretary and Treasurer  
of the Province for the use of the Public of a lot which the  
land now applied for by Mess<sup>rs</sup> Esso. Poate & Co with land  
already covered by them would entirely enclose,

Your Committee therefore recommended that  
the Government be requested not to grant any land fronting  
the above named lot granted for the use of the public,

Sign M. H. Richey  
Chairman

Resolution relative to Report  
of Committee of Laws & Privileges

Resolved that the Report of the Comm-  
ittee of Laws & Privileges in reference to grant of Water to Mess<sup>rs</sup>  
Esso. Poate & Co be received and the Mayor be requested to  
enter a caveat against granting that lot. Moved by  
Alderman Nash seconded by Alderman James Duggan  
which on being put is passed

Report of Committee Relative  
to reorganization of Fire  
Department

Read Report of Committee on  
reorganization of Fire Department,

A Motion is made that  
said report do lie on the table for the present Which  
Motion on being put is passed,

The hour having expired since  
the call of Council on No. 1 resolution, the same is again  
read When following amendment is introduced

Resolved that the Resolutions offered  
by Alderman Jennings be deferred to this day three months  
Moved by Alderman Nash seconded by Alderman Roome  
which on being put is passed 9 Voting for the same and  
5 against it and the names being called for appeared  
thus,

For the Amendment	Against it
Alderman Roome " Nash	Conway
Esso Duggan " Coleman	Jad Duggan
Witt " Walsh	Compton &
	Barnstead " Evans
	Jennings
	Act. West " McCulloch 5



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A Motion is next made that the order of the day be suspended to allow Alderman Evans to introduce a resolution, which Motion on being put is lost 4 Voting for the same and 10 against it.

Report of Superintendent of Streets rel. to Sewer under Mr. Bunards Property.

Read Report of Superintendent of Streets relative to Sewer under Mr. Bunards property. When on Motion the same is adopted.

Com. from Major Brigad rel. to receipt of Check.

Read Communication from the Major of Brigade acknowledging receipt of Check on Treasurer in payment of Soldiers Clothes destroyed by fire on the 12<sup>th</sup> January last. (See file)

Com. from S. Gray Esq. acknowledging receipt of Check

Read Communication from S. Gray Esquire Treasurer of Halifax Visiting Dispensary acknowledging the receipt of a Check on the City Treasurer for grant towards that institution. (See file)

Com. from Clerk of Peace rel. to explosion Steam Boiler in Hollis Street

Read Communication from Clerk of the Peace relative to explosion of Steam Boiler in Hollis Street.

Read report of a Moir on the subject. (See file)  
When following Resolution is introduced.

Resolution Relative to Com. of Mr. Moir. in report on the Steam Engines in use in the City

Resolved that the recommendations of Mr. Moir in the Report on the Steam Engines in use in the City be referred to a Committee of three and that the Communication of the Clerk of the Peace be referred to same Committee Moved by Alderman McCulloch seconded by Alderman James Puggan which on being put is passed.

Committee Aldermen McCulloch James Puggan and Kaye

Alderman McCulloch asks leave to introduce a resolution by way of Notice, on Motion leave is not granted.

On Motion the Council Rise

1861  
April 5<sup>th</sup>

At a Special Meeting of the City Council held this day Present His Worship the Mayor Aldermen Hill, Barnstead, Nash, McCulloch, Ackhurst, Walsh, James Puggan, Tennaman, Evers, Conway, Korne Leahy, Jennings and Kaye.

Read over proceedings of the 1<sup>st</sup> April 1861  
The City Council were summoned to take up the report of Committee on reorganization of Fire Department, and the transaction of other business.

His Worship the Mayor hands in communication from Mrs. Andrew McNab relative to her Taxes.

Also communication from the Clerk of the Peace in relation to the amount to be assessed on the City for County purposes,

Also communication from Supervisor of Salt and Grain

The City Council next proceed to the order of the day and to the appointment of a City Assessor.

Read application from John L Barry Esq<sup>r</sup> who is unanimously elected as City Assessor for ensuing year.

Read Report of Committee for reorganizing the Fire Department.

The Committee appointed to consider the present state of the Fire department and report on its reorganization, beg leave to report as follows.

They have devoted their earnest attention to the matter entrusted to them, and they have consulted the Chairman of the Fire Wards, the Captains of the Union Engine Company and the Ace Fire Company and others conversant with the working of the fire department who met by invitation, your Committee and expressed their opinions on the subject under discussion.

The Steam fire Engines being so shortly expected, the subject of making provision for their care required the immediate attention of the Committee and after a full discussion of the various modes suggested the following resolution was passed by the Committee viz

Resolved that the Steam fire engine be handed over to the Board of Stewards, and that the Union Engine Company be requested to appoint an officer and ten men to each engine (and that the ranks of the Company be filled up to the number at present on the books of the Company.)

Comm. from Clerk of the Peace  
Rel. to amt. to be assessed on the City for County purposes

Comm. from Supervisor of Salt and Grain

Application from J. L. Barry Esq<sup>r</sup> who is elected City assessor for ensuing year

Report of Committee Relative to reorganization of Fire Department

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By the terms of the agreement made with Mr. Burnard provision is already made for an engineer and fireman for one of the Steam Fire Engines. For the other your Committee would recommend that advertisements be published requesting tenders for the services of an engineer and fireman stating the amount of remuneration required by each, the City finding all fuel, oil waste tallow and repairs. They would also recommend that tenders be taken from parties to find engineer fireman fuel, oil &c and everything required for the efficient working of the engine for one year, by which the relative cost of both modes may be ascertained.

Your Committee would also recommend that the expense be ascertained by tender or otherwise of furnishing a pair of horses to draw each Steam Engine & fire, not necessarily to be employed but for the information of the City Council.

Your Committee took into their serious consideration the subject of providing a supply of labor for working the hand engines and while sensible of the inadequacy of voluntary labor they cannot at present recommend that a paid force be employed for that purpose. They therefore would appeal to the good feeling of the citizens to afford the necessary force for this object, trusting that the appeal will be responded to. Your Committee are informed by the Chairman of the Board of Firewards that the Major General Commanding the Forces has expressed his readiness to render any aid that may be requested.

In order to prevent confusion and facilitate the operations of the fire department, your Committee would recommend that a rope be drawn across the street at such places, during the occurrence of a fire as the Chairman of Firewards shall direct. Your Committee would also suggest that the Chairman of Firewards should be requested to state what assistance he would require from the Police in carrying out this suggestion.

Your Committee would further recommend that in consideration of the exemption from poll tax in which it is understood the Legislature are about to confer on the Voluntary companies, the offer of such companies to turn out on the alarm of fire and act as guards under the direction of the Chairman of Firewards should be accepted.

Your Committee would further recommend that a penalty of 10/- should be imposed on any person driving over the hose with a carriage or cart of any kind.

With a view to the preservation of life as well as property, your Committee would also recommend the procuring of a light Cart for ladders to contain say

Report of Committee  
Relative to reorganization of  
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three ladders of the respective lengths of 30, 20 and 12 feet which might be tatter to the scene of the fire immediately on the alarm being given and by which your Committee believe many valuable lives might be saved.

(Sign) P. C. Hill  
Chairman

On Motion the same is ordered to be read clause by clause  
Read First clause. When the following amendment is introduced.

Resolution relative to Union Engine Company

Resolved it is expedient after the passing of this Resolution, that His Worship the Mayor shall direct the Captain of the Union Engine Company to furnish this Council with a list of the names of all persons placed on the books of said Company for election and be it further resolved that this Council proceed at a convenient time to elect if required those or any other respectable citizens that a majority of this Council might approve of agreeably to law made and provided for such purposes. Moved by Alderman Conway seconded by Alderman Evans which on being put is lost by voting for the same and 10 against it and the names being called for they appeared thus.

For the Amendment	Against it
Alderman Conway - Jennings	Ald. Roome - McCulloch
Ray - Leahy	Nash - Hill
Evans - Jas Duggan &	Darnstead - Compton
	Walsh - Richey
	Trennamore - J. C. Smith, 10

The Amendment is therefore lost,

An adjournment is next made and lost,

amendment is next introduced. The following

Resol. relative to reorganization of Fire Department

Whereas the Committee on the reorganization of the Fire Department in their report presented to this Council has failed to recommend any changes by which said Department can in any manner be rendered efficient, or which would tend to draw around the Department in moments of danger the sympathies of the whole Community, and instead thereof have advised the surrender to the Union Engine Company of the powers which the law has vested in this Council alone by that of electing Firemen for the City,

And Whereas experience has demonstrated to the authorities of all the Cities of the United States into which Steam Fire Engines have been introduced, that the services of at least one half of their former Firemen could be