

1861
July 23rd
Continued

impressed with the connection that this act of 1858 vested sufficient power in a competent tribunal, to enforce the payment of any amount for which the City might be subject for Railway liability if the claim could be agreed upon just and legal grounds

Memorial to
Her Majesty
Contd

And your memorialist most humbly represent that there does not exist any other statutes or any other contracts or obligations than the act of 1854 to liability for Railway objects upon the City of Halifax and they now submit that under the plain meaning and clear meaning of that act the Citizens of Halifax should not be made liable for nor be compelled to contribute any sum towards the Railroads constructed under the act until the the trunk line is completed to frontier of New Brunswick and the Branch to Victoria Beach and Pictou

And your memorialist further humbly represent that notwithstanding the Railroad is only partially constructed reaching not half the distance expressed by the Preamble of the 1854 act that there is not any reason to believe it will be extended beyond the present point and that the act itself has been violated by the Provincial Government yet it is now sought to compel the City of Halifax to pay the £100,000 imposed by the eighth section of the act that on the fifteenth day of April 1861 the Provincial Parliament passed the act which is hereinafter set forth entitled an act for assessing the City of Halifax for Railway liability (set forth the act)

and your memorialist further most humbly represent that while this bill was before the legislature the Citizens of Halifax alive to the calamitous results which must befall the City should it become law, held public meetings to express their opposition to it and that Petitions numerously signed by the Ratepayers against its passage were presented to both the upper and Lower Houses and that several Honourable members of the Legislative Council joined in and entered on the journals of the House a Protest against its enactment which is hereto-annexed Memorandum.

and your memorialist venture most humbly to Protest to your Majesty that this statute of 1861 is mere partial Legislature act and portion of a annuity to be raised for a Public Work used by the whole people that it is contrary to equity and good faith Subversive of the intention of the act of 1854 and that it contains clauses which unconstitutional and arbitrary.

That memorialist submit it is unjust because by it the Citizens of Halifax are compelled to pay a greater sum towards a Provincial Work than the inhabitants of any other Section of the Province while they do not derive any advantage from the work beyond what residents in other Counties possess. that it is unjust to constrain the Citizens of Halifax to contribute £100,000 or any part of it when the Provincial Government have signally failed to fulfil the terms of that act upon which the City was made liable to bear the one tenth cost of the Road for not only has the trunk line not been carried to the frontier of
New Brunswick

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Continued

Memorial to
Her Majesty
contd

New Brunswick nor have the branches to Victoria beach and Pictou but the terminus has not been (carried) brought into the business part of the City and indeed Halifax has failed to derive any of the benefits anticipated from the Railway purely, as memorialist believe in consequence of the designs empowered in the act of 1854 not having been carried out that it is unjust. Because by the fifth section of the act the amount to be annually collected is constituted a debt due to the Provincial Government and as such may be sued for, received and collected in the name of your Majesty the Duke in the same way as if the City had executed a Bond or Recognizance to your Majesty conditional to pay the said sums, by which enactment any answer, plea or defence which the City may have or might urge is wholly disallowed and that though this section proceeds to say that any judgment so recovered shall have the same effect and Validity as if the same were the judgment of a private creditor against the City yet it is questionable if under our Constitution any judgment recovered in the name of your Most Gracious Majesty can be made to rank with that of a private creditor, or if the very fact of recording such judgment in your Royal name does not upon legal and constitutional principles necessarily cause it to assume precisely over all claims (Private) or if your judges upon a question made would not think themselves bound to record Priority to such judgment over all other demands; thus they would occasion the holder of existing City debentures to be postponed by such judgment and to have their securities weakened which to them would be a serious misfortune and a glaring injustice

do That it is arbitrary because by the third section of the act it directs the Supreme Court or a judge thereof in a summary application to punish for contempt the Mayor Treasurer or other officer of the City if he or they do not carry out the requirements of the act, when the Mayor Treasurer or other officer may be controuled or prevented and be unable to perform such requirements in consequence of votes and directions of the City Council whom alone can direct and govern the finances of the City

And your memorialist most humbly represent to your Majesty that the tendency of this act of 1861 if allowed to go into operation will be to paralyze the resources of the Corporation to seriously injure the credit of the City and greatly retard its improvements

Your memorialist now venture humbly to approach your most gracious Majesty with the respectful solicitation that you will withhold your Royal sanction to the said act of 1861 and not permit it to pass into operation.

Council.

For and on behalf of the City

S. R. Caldwell
Mayor

(Iron Copy See File)

Sig^d

(on motion)

1861

July 23rd to be fairly engrossed and transmitted to His Excellency the Lieutenant Governor with the other papers connected therewith.

Report of the Committee on memorial of Alderman Leahy

Read report of Committee on mem-

the memorial of Alderman Leahy beg to report as follows.

We have given the most careful consideration to the case and have heard a statement of the circumstances from the memorialist himself and they have read the evidence taken on the trial of the case in the Police office, and from all these sources they have become convinced that Alderman Leahy though grossly provoked, and tempted to take the Law into his own hands to redress the injury to his property, very properly abstained from so doing and adopted a course which as a Magistrate of the City he believed, though erroneously to be proper and legal owing to the mistake in judgment and to the legal consequences of authorizing what is technically known as a false imprisonment which does not in fact appear to have lasted three hours. Alderman Leahy was subjected to damages and cost amounting to £45. in addition to this sum he appeared to have had his Waggon and horse greatly injured and to have lost the articles belonging to him which were in such Waggon at the time it was wrongfully taken under these circumstances the Committee deem it proper to recommend to the Council that the sum of twenty five pounds should be granted to indemnify Alderman Leahy for the consequences of a step taken by him in good faith as a City Magistrate under circumstances of great provocation leaving him to his legal remedy for the damage inflicted on his property.

(Signed) P. C. Hill,
Chairman

introduced

When following resolution is in-

Resolved that the report of the Committee on petition of Alderman Leahy be received and adopted and that his Worship the Mayor be authorized to draw a Cheque for the amount. Moved by Alderman Jennings seconded by Alderman James Duggan. which on being put is passed.

Report of the Committee of the transfer of the Water Company.

Read report of Committee to receive

See next page

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Continued

The Committee appointed to receive the transfer of the Water Works from the present Company if the title be found satisfactory beg leave to report for the information of the Council that they do not find any such defect in the title of the Company to the real estate it now holds as should in their opinion prevent the completion of the Purchase

M. H. Richey, Chairman
P. L. Hill
Wm Ackhurst
John D. Nash
Richd J Roome

(Signed)
Committee Room
July 23rd 1861

introduced

When following Resolution no 5 is

Res=rel to
Salary of
Water Commrs

Resolved that the salary of the Chairman of the Water Commissioners be three hundred pounds or twelve hundred dollars. Moved by alderman Conway seconded by alderman Ackhurst. to which the following amendment is introduced

Resolved that the Chairman's Salary shall be £350 moved by alderman Nash seconded by alderman Roome which amendment on being put is lost voting for the same and 8 against it.

introduced

The following amendment is next

Resolved that the salary of the Chief Commissioner of the Water Works be \$1000. Moved by alderman James Duggan seconded by alderman [unclear] which on being put is lost.

put and passed.

The original Resolution is next

on Motion the City Clerk is directed to cause advertisements to be inserted in the City Papers for applicants for the office of Commissioners for Water Supply until 12 o'clock noon of Wednesday the 31st Instant

Memorial of
Joseph Burton
for Gas Lamp

Read memorial of Joseph Seaton and others for Gas lamp in Starr Street be handed to Committee of Gas lamps with instructions to report immediately. Moved by alderman Nash seconded by alderman Coleman which amendment on being put is passed. and the names being called for they appeared thus

For the amendment		against	
alderman Barnstead	Walsh	ald. Roome	
Nash	Compton	Conway	
Mr Duggan	James Duggan	Trenneman	
Coleman		Ackhurst	
Mc Bullock		Jennings	
		Richey	6
		8	

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1861

July 23rd reconsideration
Continued

Alderman Conway gives notice of

On motion the Council rise.

1861
July 31st.
Continued.

at a special meeting of the City Council held this day Present His Worship the Mayor, Aldermen Hill, John Duggan, Compton, Barnstead, Nash, McCulloch, Walsh James Duggan, Wickhurst, Trennaman, Evans, Coleman, Conway, Roome, Leahy, Kichey, Jennings and Kage.

The City Council were summoned to appoint Commissioners for Water Supply and the transaction of other business

July 1861

Read over proceedings of 23rd of

Alderman Kichey submits Report of tenders, on motion the same is received

His Worship the Mayor submits Memorial of J and W. Rhind in Reference to the Ordinance relative to rag and junk shops.

Robson Esq

Also a communication from Charles

also a communication from Clerk of Streets relative to drain in Grafton Street

Alderman Conway submits Petition of John Mathews and others for a Sewer in Prince William Street

The City Council next proceed to appointment of Commissioners for Water Supply

Read applications of R Noble, John A Bell, P. Thompson, Edward Longard, John L Barry, A. Scott, J. R. Mosse, G. A. S. Brighton, J. C. Allison and J. B. O'Leary Esquires

The votes are next taken when John A. Bell was elected one of the Commissioners for Water Supply 10 voting for him and 8 against it

The votes are again taken when there appeared for J. R. Mosse 9 votes and John L Barry 9 and the Mayor being called upon for his Casting vote gives it for J. R. Mosse

John L Barry is next appointed one of the Commissioners for Water Supply 14 voting for him and 4 against him

Read Petition of J. R. Lithgow and others for a drain (see file), introduced

Read Petition of J. R. Lithgow and when following Resolution No. 1. is introduced

Resolved that the Petition of Mr. James Lithgow and others for a drain in Argyle Street be granted and that the Committee of Streets be authorized to make a Sewer through that part of the Street to lead into the main Sewer of Buckingham and Duke Street the expense of the same to be born by the City. Moved by Alderman Sheehan and seconded by Alderman Coleman to which the following amendment is introduced

Resolved

For J. Bell, James Kichey, Kage, Compton, Barnstead, Conway, Trennaman, Wickhurst, J. Duggan & Leahy - against - Hill, John Duggan, Nash, Walsh, Roome, Evans, Compton, McCulloch

Election of Commissioners of Water Supply

J. Bell appointed Chairman by same 10 as above - and on same day -

Petition of J. R. Lithgow et al for a drain

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Lithgow and others be handed to the Committee of Streets and
Continued sweeps authorising them to have the matter attended to and the nuisance
abated in such a way as they may deem the law authorises them to
do. moved by alderman Tremanon. Seconded by alderman Conway
which on being put is Lost. and the names being called for they appeared
Thus

For the amendment. _____ against it _____

alderman Nash	alderman Roome
John Duggan	Barnstead
McAlloch	Walsh
Conway	Compton
Cross	Hill
Leahy	Coleman.
ackhurst	Kaye.
Tremanon.	John Duggan
	Richards.

8 _____ Jennings _____ 10 _____

introduced.

The following amendment is next

It is moved in amendment that the
Petition of Mr. Lithgow and others be handed over to the Com-
mittee of Streets to report upon moved by alderman Roome, seconded
by alderman Barnstead, which on being put is passed _____

Com from John
Mathews reb
to a sewer

Read communication from John
Mathews and others for sewer in Prince ~~Street~~ William Street (see file)

introduced

When following Resolution No 2 is _____

Resolved that the Petition George
McLeod just read be referred to the Committee of Streets to report
upon, moved by alderman Nash, seconded by alderman Conway _____
which on being put is passed

Com. from the
Clerk of Streets, relative to drain in Grafton Street,
del to) again
in Grafton St

Read communication from Clerk of
Streets, relative to drain in Grafton Street.

Extract from minutes of Street. Com-
mittee The estimate of Superintendent for drain in Grafton Street
Petitioned for by Peter Milay and others was read estimated cost
£53. upon it was.

Resolved that it be recommended to the
Council to construct the said drain.

Streets office.

Halifax 26th July 1861.

at true copy John C Craigen
(Signed) Clerk of Streets

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July 31st introduced,
Continued

Streets be directed to carry out the report on the drain in Grafton Street. Moved by alderman Coleman Seconded by alderman Hill which on being put is passed.

When following resolution (No. 3) is

Resolved that the committee of

Communications
from A James Esquire, relative to building being erected by Mr Charles Robson & Co to Building in Granville Street. (See file)

Read communication from A James

introduced

When following Resolution No 4 is

Robson in reference to their building, to be referred to a special committee to report upon at an early day. Moved by alderman Roome. Seconded by alderman Jennings which on being put is passed - Committee alderman Roome, Nash and James Duggan

Resolved that the Petition of Messrs

Resolved that the sum of one hundred Dollars be placed at the disposal of the committee of Regatta, as the appropriation of this Council for purses to be Contended for by mechanics of this City, and that His Worship the Mayor be authorized to draw a Cheque for the above amount Moved by alderman Jennings. Seconded by alderman Nash, to which the following amendment is introduced

do

Whereas the present depressed times calls upon the representatives of the citizens to use the utmost economy in the expenditure of the City Funds and whereas the City Taxes are increasing to a considerable extent, be it therefore Resolved that for this Council to vote any sum or sums of money out of the City Funds for the Purpose of Boat racing or any other amusement is at variance with true interest of the City, Moved by alderman Evers, Seconded by alderman Coleman, which on being put is lost 2 Voting for the same and 16 against it, and the names being called for they appeared thus,

For the amendment

alderman Evers
Coleman

against it

alderman Roome,
Nash,
Barnstead,
Walsh,
Mr Duggan,
Ingram,
McCulloch,
Hill,
Conway
Kaye
Richey
Jennings
Leahy
Jal Duggan
Ackhurst
Compton,
16

2

The

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July 31st passed, _____
Continued

The original resolution is therefore

Submitted this day.

Read report of Committee of tenders

Report of
Committee of
Tenders

Committee of Tenders met Present
aldermen John Duggan, Barnstead Walsh, Rennaman, Conway and
the Chairman. The following tenders for work required to be done in the
basement of the City Court House were opened.

1	Francis Keating	95. 17. 6
2	Alfred Hardis	122. 0. 0
3	Matthew Lownds	124. 0. 0
4	Rufus Foster	99. 17. 6
5	John McDougall	101. 0. 0
6	John W. Marvin	146. 0. 0

The above tenders having been called for by the Committee
of City Property and not under resolution of the Council the Committee
do not consider themselves authorized to do more than submit the above state-
ment for the information of the Council.

Committee Room 31st July 1861

(Sign.)

M. H. Richey
Chairman.

Resolution re
Its Committee of introduced
City Property

When following resolution No. 6 is —

Resolved that the Committee of City
Property report to this Council the alterations required to be done to
this building for the purpose of receiving the sanction of this Council
for the execution of said work, moved by alderman Walsh seconded
by alderman John Duggan which on being put is passed

The following resolution No. 7 is next
introduced.

Whereas by the 81 Clause of the Charter
of incorporation provides that it shall be lawful for the Council
to appoint from its members, such and so many Committees as they
see fit for the transaction of business, and for the discharge of such
duties within the scope of their Powers as may by the Council be pre-
scribed, but subject in all things to the approval authority and
control, of the City Council and whereas the Committee of City
Property did without the authority or knowledge of this Council
advertise for tenders some of which amount to the sum of £ 146. 10. 0

Be

1861
July 31st.
Continued

Be it therefore resolved that said Com-
mittee have not the confidence of this Council, moved by alder-
man Erens, Seconded by alderman Nash, which on being put is -
lost 1 voting for the same and 16 against it and the Names being called
for they appeared thus.

For The Resolution	Against it.
Alderman Erens.	alderman Roome
	Nash
	Barnstead
	Walsh
	John Duggan.
	Tremblman,
	Hill.
	Compton
	McBulloch
	Richey
	Conway
	Kayes
	Jennings
	Leahy
	Jas Duggan
	ackhurst
1	16

Resolution by way of notice.

Alderman Richey hands in a Res-

On motion The Council Rise.

1861
 August 9th.
 Continued

At a special meeting of the City Council held this day Present His Worship The Mayor, Alderman Hill, James Duggan, Nash, McCulloch, Walsh, James Duggan, Seckhurst, Tennaman, Evans, Coleman, Conway Roome, Leahy, Richey and Jennings.

The City Council were summoned to give the order for assessment for the current year and the transaction of other business

Read over proceedings of the 31st July.

Alderman Richey, Chairman submits Report of Committee of Tenders. on motion the same is received.

Alderman Richey Chairman submits Report of Committee of City Prison. on motion the same is received.

Alderman Nash Chairman submits Report of special Committee on Mr Robson memorial. Received.

Alderman Jennings Chairman submits Report of Special Committee on Bumboats tariff and Passenger-Traffic. Received

Alderman Roome, Chairman submits Report of Committee of City Property. received, with Plans.

His Worship The Mayor submits communication from Provincial Secretary approving of Bumboat by Law.

also communication from the Honorable Provincial Secretary sanctioning the assessment of \$54,000. on the citizens for ensuing year

also communication from J. R. Mosse Esquire tendering his Resignation as Water Commissioner

also communication from Mr Henry Peters for permission to erect a building,

also communication from Thomas Wesley for permission to erect a building,

also communication from Thomas Gracie Esquire London,

also application from E. S. Longard for situation of Water Company,

The following resolution is introduced

Resolved that the report of the Committee of City Prison just read be adopted and the accounts paid. and His Worship The Mayor be authorised to draw cheques for the same. Moved by Alderman Conway. Seconded by James Duggan, which on being put is passed.

1861
August 9th
Continued

Read communication from the Honorable Provincial Secretary of the 3rd of August allowing the assessment on the citizens for \$54,000. (see file)

When following resolution no 2 is introduced.

Resolved that the City Clerk be directed to give the usual notice to the City assessor to assess the citizens for the current year in the various sums of money passed by this Council and agreeably to law. moved by Alderman Hill. Seconded by Alderman Conway. which on being put is passed.

Read resignation of Mr. Mosse as one of the Water Commissioners. (see file)

When following resolution no 3 is introduced.

Whereas a vacancy has occurred in the office of Commissioner of Water Supply by the resignation of Mr. Mosse. Therefore Resolved that His Worship the Mayor do order advertisements to issue asking applications for said office moved by Alderman James Duggan Seconded by Alderman Jennings

So which the following amendment is introduced

Moved that this Council proceed to appoint at once with the appointment of a Commissioner in place of Mr. Mosse. resigned. moved by Alderman Nash Seconded by Alderman Evans. which on being put is lost and the names being called for they appeared thus.

Resolution rel
to the office in
State Office

Res to appoint
a Comm in
place of Mr Mosse
resigned

For the amendment		Against it	
Alderman	Roome	Alderman	Hennaman,
	Nash		Coleman
	Compton		Conway
	Jno Duggan		Jennings
	McCulloch		Richey
	Hill		Walsh
	Evans		Leahy
			Jas Duggan
			ackhurst.
		7	9

The Resolution is then put and passed 9 voting for the same and 7 against it.

The order of the day suspended to take up the report of Committee on Mr. Robson's memorial - the same is read.

When the following Resolution no 4 is introduced moved