

Minutes of the County Council of the County of Hastings, in session assembled at Belleville on the Twenty Sixth day of August 1850.

Monday August 26th 1850.

First by call of Warden

The Council met according to an order of the Warden for special and other purposes

Members present

Present Honor the Warden. Messrs Benjamin, Ketcheson, Holden, Denike, Turner, McLaren, Fuzzell, Gilbert, Shorey, Sills, Hughes & Stevens

The Warden addressed the Council and laid upon the table the following documents

The School Act.

Two circulars from the Board of Education, referring thereto

And the Award of the Arbitrators in the case of Joseph Thrasher which was referred to Committee on Ways and Means

Petition of Smith Demarest concerning repairing of Thompson's Bridge and closing Demarest and others concerning the repairing of Thompson's road from said Bridge to Smithville Bridge and request that the road from the said Bridge to Smithville might be closed

Moved by Mr Denike seconded by Dr Holden

That upon the petition of Smith Demarest and on consideration of above petition, Deleor Ham and others relating to closing the road named, That road in question leading from the Bridge called Ashley Bridge through the fifth Conception of Thurlow.

Resolved That the road in question be not closed until a new bridge be erected, and that the County Surveyor be instructed to examine the ground and prepare estimates for the same

Petition of Geo Benjamin for remittance of rent paid for Registry Office and arrears of rent paid for Registry office and also for the further future payment of same, referred to Committee on Ways and Means

It was moved by Dr Holden and seconded by Mr Denike

That the said petition be referred to the Committee on ways and means - Carried

Mr Benjamin gives notice that he will on tomorrow morning introduce the following By Laws

A By law to provide for levying a tax for

tax for Common School purposes

Common School purposes in the County of Hastings
for the year 1858 and other purposes

Also of By Law to regulate financial
affairs of County.

Also of By Law for payment of Wild
Land tax to Townships.

A By law to regulate the management of the
financial affairs of the County of Hastings

A By law for the payment of Wild land Tax to
the several Townships in this County

Petition of P. Lake for continuing plank continuing a plank Road to Madoe from the Bridge
road from Rawdon Creek in Huntingdon to Madoe referred
to Committee on Roads.

On the petition of Philip Lake and others for
continuing a plank Road to Madoe from the Bridge
over Rawdon Creek in Huntingdon. It was moved by
Mr Benjamin and seconded by Mr Ketcheson

That it be referred to the Committee on roads

Moved by Mr Benjamin seconded by Mr Hughes

That the Council go into Committee of the whole
on Ways and Means - Carried

Mr Benjamin in the chair

The Council resumed

The Chairman of the Committee on Ways and means
reported progress, and asked leave to sit again

Moved by Mr Denike seconded by Dr Holden

That the resolution respecting the closing of the
Ashley's Bridge through Ston Thurlow Road leading from Ashley's Bridge to the plank Road
through the 5th Conception of Thurlow be reconsidered - Carried.

The resolution being now before the Council it was
moved by Mr Benjamin and seconded by Mr Sills

That the Resolution referring to Ashley's Bridge
and to the road leading from the said Bridge to Ashley's
be rejected - Carried

Moved by Mr Benjamin and seconded by Mr Hughes

That the Council do issue an order acknowledging
the line of road to be built by the Sidney and Rawdon Road
Company, and that the Warden do forthwith sign the Stock
Book in token of the sanction of the Council - Carried,

Moved by Mr Denike seconded by Mr Sills

That the County Surveyor be instructed to proceed
forthwith and examine the ground for the site of a new
Bridge across the River Moira on the conception line, between
the fourth and Fifth conceptions of Thurlow and report to
this Council, with a plan and estimate of the cost of the
same. Carried

Moved by Mr Holden and seconded by Mr Turner

That Messrs Joseph Thrasher and Simeon Ashley be
requested to allow old road from Ashley respectfully solicited to allow the old road from Ashley's
Bridge to plank road to remain open Bridge to the plank Road Westward to remain open

Committee report progress

Resolution for closing road from
Ashley's Bridge through Ston Thurlow reconsidered.

Resolution rejected

Warden to sign Stock Book of
Sidney and Rawdon Road Company in token of Sanction of Council.

County Surveyor to examine site for new
Bridge across Moira between 4 & 5 conceptions
of Thurlow and report by plan.

Jos. Thrasher and Simeon Ashley to be
requested to allow old road from Ashley

to plank road to remain open

Moved by Mr Denike seconded by Dr Holden

That the resolution respecting the closing of the
Ashley's Bridge through Ston Thurlow Road leading from Ashley's Bridge to the plank Road
through the 5th Conception of Thurlow be reconsidered - Carried.

The resolution being now before the Council it was
moved by Mr Benjamin and seconded by Mr Sills

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Moved by Mr Denike seconded by Mr Sills

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forthwith and examine the ground for the site of a new
Bridge across the River Moira on the conception line, between
the fourth and Fifth conceptions of Thurlow and report to
this Council, with a plan and estimate of the cost of the
same. Carried

Moved by Mr Holden and seconded by Mr Turner

That Messrs Joseph Thrasher and Simeon Ashley be
requested to allow old road from Ashley respectfully solicited to allow the old road from Ashley's

the Bridge shall be built and road
until a new Bridge may be built, and the road made on
the Concession line to the Plank Road and that their consent
shall not be construed into a dedication of the road to
the public. Carried

Moved by Mr Frizzell and seconded by J. R.
Ketcheson

County Surveyor to attend on certain

days at Saginaw Bridge in Tyendinaga, Lovers Bridge in Tyendinaga on a certain day as soon
with plans &c, and give information as convenient (of which he will give at least six days
to parties wishing to contract for building notice to the Township Clerk of the Township of Tyendi-
naga) and take with him the plan and specification
prepared by the late County Surveyor of a Bridge to be
erected at that place, and that he there give such
further information as may be in his power to parties
wishing to contract for the construction of the said
Bridge and that the time for entering into contract for
erecting the said Bridge be further extended to the
first day of October next and that the County Surveyor
may alter the said plan as he may think necessary
Carried

Adjourned to following day.

Moved by Mr Denike and seconded by D Holden
That this Council do adjourn until 10 o'clock
tomorrow. Carried

Tuesday August 27th 1850
10 o'clock A.M.

Met from previous day's adjournment. Council met according to adjournment.

Present. His Honor the Warden - Messrs Benjamin,
Holden, Shorey, Frizzell, Ketcheson, Stevens, McLaren,
Gilbert, Hughes, Sills, Turner and Denike.

Warden lays on table Report of Town
Council of Belleville on Canal connection
of Bay of Quinte with Lake Ontario.

The Warden at the request of the Mayor of the
Town of Belleville, laid the Report of the said Town council
on the Canal connecting the Bay of Quinte to Presque Isle
Harbour' on the table

It was moved by Mr Benjamin and seconded by Mr
Hughes

Report of Town Council referred to
Special Committee.

That the above Report be referred to a Special Committee
Carried.

The Warden nominated Messrs Benjamin, Denike
and Holden as said Committee

Mr Benjamin introduced the following By Laws which
were read a first time

Benjamin Denike Holden nominated
as said Committee

Introduction of By Law to regulate
financial affairs of County
Also of By Law to levy Tax
for Common Schools

& By law to regulate the management of the
financial affairs of the County of Hastings
& By law to provide for levying a tax for
the purpose common schools purposes in the County of Hastings for the
year 1850 under authority 13 & 14 Vic. Chap. 9.

Also of By Law for payment of
Wild Land taxes to Townships

A By law for the payment of Wild land tax to
the several Townships in this County

Moved by Mr Turner and seconded by Mr Holden

That a notice be sent to Mr Hutton late Superin-

intendent of Schools for the County of Hastings requesting
him to appear before this Council immediately to give
Council and give explanations respecting explanations respecting the School money and of his
School money and relate to his proceedings relative to his office, and if he does not
comply with this request, that this Council will be under
the necessity to take steps to compel him to do so.

Amendment by Mr Denton.

It was moved in amendment by Mr Denton
and seconded by Mr Sills

Whereas it appears from the Records of the District
of Hastings having undertaken to deliver Council, that the Council then of the District respecting every
lectures in the school-sections, has not too confidence in the ability and willingness of Mr Hutton Esq.
so but has retained the sum of £1000 then the local Superintendent of Education to advance
assigned as remuneration for lecturing the interests of the rising generation increased by the sum
of Twenty pounds the salary of the said William Hutton
conditionally, that he should give lectures in the various
school sections on the necessity of educating the rising
generation and that parents and guardians should be
notified of his visits and whereas these duties so un-
taken by the said William Hutton have not
been rendered to the County while he has
retained the additional amount in his hands
contrary to law.

and having been frequently called
upon to render an account in detail
of all monies belonging to common schools
which have come into his hands and
not having done so

And whereas the said Superintendent has
been frequently called upon as well by the
late District Council as by the County
Council to render an account in detail of all
common school moneys that have come
into his hands and has entirely failed to
do so after his own time for making up such
statements was granted by the Council.

and also having falsely reported that
Council accepted his accounts as

And whereas the said William Hutton,
Esq. has falsely reported that this Council

paid, whilst their Committee pronounced at its May Sessions accepted his accounts as final.
when their published report of the Committee to
whom said accounts were referred distinctly declare,
said accounts to be unsatisfactory. Be it therefore
resolved that in the opinion of this Council the said
William Hutton Esq. has entirely forfeited the good
opinion formerly entertained of him and that his
betrayal of the confidence reposed in him by the
Council deserved the severest censure and condemnation.

Resolved, That in the opinion of this Council
that he had no right to retain any
School money for payment of his
salary but should pay over no - the Common School fund to pay his own
reys in his hands to Treasurer and salary, but that it was his duty to have paid over
such payment of Salary from same, to the Treasurer, the amount in his hands and to
have sought payment from the Treasurer the same
as any other County Officer and that he be called
upon to pay over forthwith the Twenty Pounds
he has wrongfully retained in his possession.

That should said Superintendent fail to render said detailed account
legal steps shall be taken to compel contained in the foregoing resolutions and rendered to
this Council the detailed account so frequently
called for or before the first day of October next.
that the necessary legal steps be taken to enforce
a compliance.

Copy of these resolutions to be sent
to General Superintendent
Resolved. That a copy of these resolutions be
transmitted to the Chief Superintendent of
Education for his guidance and information.
Carried.

Committee on report of Town Council
on canal report. Mr. Benjamin brought up the report from
committee to whom was referred the report
of the Committee of the Town Council of
Belleville on the project of connecting the waters
of the Bay of Quinte with Lake Ontario which
was received and read.

It was moved by Mr. Denike and seconded by
Dr. Holden.

Report adopted.

That the report be adopted. — Carried.
 [See Appendix]

It was moved by Mr. Benjamin and seconded by Mr. Holden.

That the report of the Town Council be entered in the minutes of this Council. — Carried.

Moved by Mr. Benjamin, and seconded by Mr. Holden.

That the committee who were appointed at the January Session of this Council to confer with the Town Council be again nominated as a committee to confer with the said Town Council of Belleville on the subject of improving the Court House grounds in such a manner as may be consistent with the dignity of the County. — Carried.

It was moved by Mr. Benjamin and seconded by Dr. Holden.

That the Council go into a committee of the whole on ways and means. — Carried.

Mr. Benjamin in the chair.

The Council resumed.

The chairman of the committee on ways and means presented a report which was received and read.

[See Appendix]

It was moved by Mr. Gilbert and seconded by Mr. Fairwell.

That the report be adopted. — Carried.

The question of the right of the Town Council to remove one of the Toll Gates having been brought under the notice of the Council,

It was moved by Mr. Benjamin and seconded by Dr. Holden.

That an amicable case be made in order to obtain the opinion of the judges of the Queen's Bench and that half of the

Resolved that an amicable case be made to obtain opinion of Judges of Queen's Bench each side paying half the expense.

expenses of such case be defrayed by the County upon conditions, that the other half be paid by the Town - Carried.

Moved by Mr. Turner and seconded by Mr. Benjamin.
That this Council do adjourn until 2 o'clock P.M.

Adjourned to 2 o'clock

Resumed from adjournment

Committee on Roads

Committee report.

Report received.

Committee on By-Laws.

Committee report progress.

Adjourned to following day.

Meet by yesterday's adjournment

Members present

Moved by Mr. Benjamin and carried
by acclamation.

That the Clerk W. Fitz Gibon Esq. being
advised to seek a change of climate
on account of ill-health.

Moved by Mr. Turner and seconded by Mr. Benjamin.
That this Council do adjourn until 2 o'clock P.M.

2 o'clock P.M.

The Council met according to adjournment.

It was moved by Mr. Benjamin and seconded by
Mr. Turner.

That the Council do go into committee of the whole on Roads

- Carried.

Mr. Grizzell in the chair.

The Council resumed.

The chairman presented a report on Roads.

Moved by Mr. Benjamin and seconded by Mr. Sills.

That the report be received. - Carried.

Moved by Mr. Benjamin and seconded by Mr. Denike.

That this Council do go into committee of the whole on
By-Laws.

The Council resumed.

The committee arose and reported progress and asked
leave to sit again.

Moved by Mr. Sills and seconded by Mr. Grizzell,

That this Council do adjourn until nine o'clock
to-morrow morning. - Carried.

9 o'clock P.M. Wednesday. {
August 28th 1850. }

The Council met according to adjournment.

Present his honour the Warden, Messrs. Benjamin,
Holder, Gilbert, Stevens, Fetteson, Shorley, Denike,
Sills, Mc. Laren, Hughes, Turner and Grizzell.

It was moved by Mr. Benjamin and seconded by
Dr. Holder, and carried by acclamation.

Whereas this Council learns with much regret
that in consequence of the bad state of health of
their Clerk W. William. Fitz Gibon Esq. is
required by order of his Medical adviser to seek
a change of climate.

That W^r Fitz-Gibbon Esq be allowed
leave of absence and to appoint a
deputy in his stead.

Be it therefore resolved that leave of absence be granted
to William Fitz-Gibbon Esq. Clerk of this Council,
and that he be allowed to appoint a Deputy during
his absence.

Resolved, that the Council sincerely hope that
Mr. Fitz-Gibbon may derive that benefit from his
contemplated journey which he expects and trusts.
that he may again return to the discharge of his
duties and to the enjoyment of that confidence which
this Council has ever reposed in him.

Committee on Ways and Means, resumed.

The committee on the whole on ways and means
resumed its labour.

The Council resumed.

The chairman of the committee on by-laws presented
a report which was received and read.

Moved by Mr. Benjamin and seconded by Mr. Parsons
That the report be adopted. — Carried.

Mr. Benjamin moves, seconded by Mr. Gilbert,
That By-Law No. 15 be read a third time.

— Carried.

By-Law No. 15 was read a third time and passed.

Mr. Benjamin moves, seconded by Mr. Turner.

That this Council do adjourn until 2 o'clock.

P.M. — Carried.

2 o'clock P.M.

The Council met according to adjournment.

Mr. Hughes moves, seconded by Mr. Benjamin
That the Surveyor be forthwith sent to examine
the site of Beaver Creek Bridge and to furnish
a plan and specification forthwith. Carried.

Mr. Benjamin moves, seconded by Mr. Danke

Whereas it has been represented to the
Council that double toll is demanded at the
gates between Smithville and Canniff's
Bridge that is to say 3d at each gate
both going and coming and whereas this
Council is of opinion that said demand is

Surveyor to examine site of Beaver
Creek Bridge and furnish plan &c.

Council direct Clerk to notify Mr.
Bunifer that double toll demanded
at gates between Smithville and Canniff's
Bridge is illegal and must be discontinued.

both illegal and unjust. Be it therefore resolved, that the Clerk of this Council do notify John Benninger, the contractor for the said line of Road, that the demand of 3d at each Gate both in going and coming is contrary to law to the By-Law under which said contract was entered into and contrary to Justice, and that if such has been the practice this Council requires that it may be forthwith discontinued.

Carried.

Mr. Benjamin moves, seconded by Mr. Denike. That By-Laws No. 16 and 17 be read a third time.

Carried.

By-Laws No. 16 and 17 were read a third time and passed.

Resolved, That the County Surveyor be ordered by the Clerk of this Council to examine the Bridges on the Kingston Road across Mud Creek and Sucker Creek in the Township of Tyendinaga, and report to this Council at their next meeting the state of the said Bridge and what improvements he may deem necessary for the convenience and safety of the public. — Carried.

Mr. Denike moves, seconded by Mr. Shorey. That whereas it has come to the knowledge of this Council that certain false reports have been circulated against the County Treasurer to the effect that he is retaining the School Money in his hands which have been appropriated by the Government for the present year. This Council deem it a duty they owe to that Officer to express their marked disapprobation of such conduct, feeling assured that such report must have originated from some vile and malicious slanderer as it is in the knowledge of this Council that the money is not yet in the possession of the Treasurer. — Carried.

Council express disapprobation at reports circulated falsely against County Treasurer respecting School money.

Moved by Mr. Shorey and seconded by Mr. Denike.

Money collected from Wild Lands in uninhabited Townships to form a part of general funds of County.

That in Townships which are not inhabited that the moneys collected from Wild Lands shall form a part of the general funds of the County. — Carried.

Moved by Mr. Benjamin and seconded by Mr. Turner.

Report of Committee on Roads not carried.

That the Report of the committee on Roads be adopted. — Not Carried.

On the report of William. Fitz Gibbons Esq. as Attorney for the County in the case of the District of Victoria vs. F.G. Ham Executive of Philip Ham the late Treasurer for the District of Victoria.

Moved by Mr. Benjamin and seconded by Mr. Turner.

Report of Mr. Fitz Gibbons Esq. in case of District of Victoria vs. F.G. Ham to be put upon minutes of Council.

That the Report be put on the Minutes of this Council. — Carried. — (See Appendix)

Moved by Mr. Benjamin and seconded by Mr. Frizzell.

Messrs Turner & Gilbert appointed to assist Surveyor in making Survey of Road to be laid out under By Law No 10

That Messrs. Turner and Gilbert be a committee to assist the surveyor in making a survey of the Road to be laid out according to Bay Law No 10. — Carried.

Moved by Mr. Denike and seconded by Mr. Turner.

Adjourned to 1st Monday in October.

That this Council do adjourn until the first Monday of October next at 12 o'clock noon. — Carried.