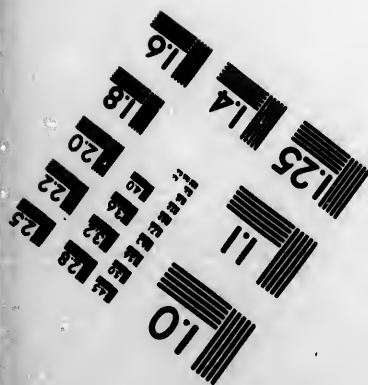
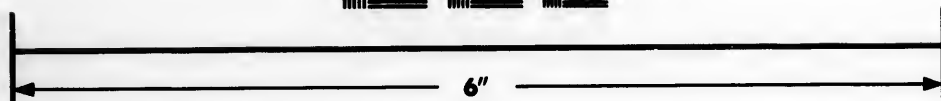
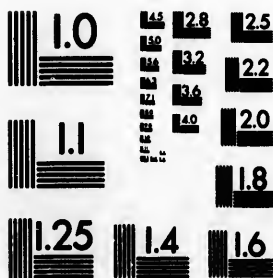


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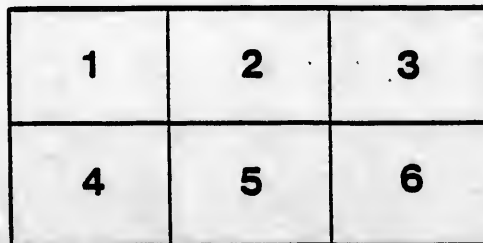
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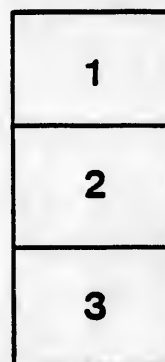
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1868.

PROCEEDINGS

OF A

SPECIAL SESSION

OF THE

MUNICIPAL COUNCIL

OF THE

COUNTY OF WELLAND.

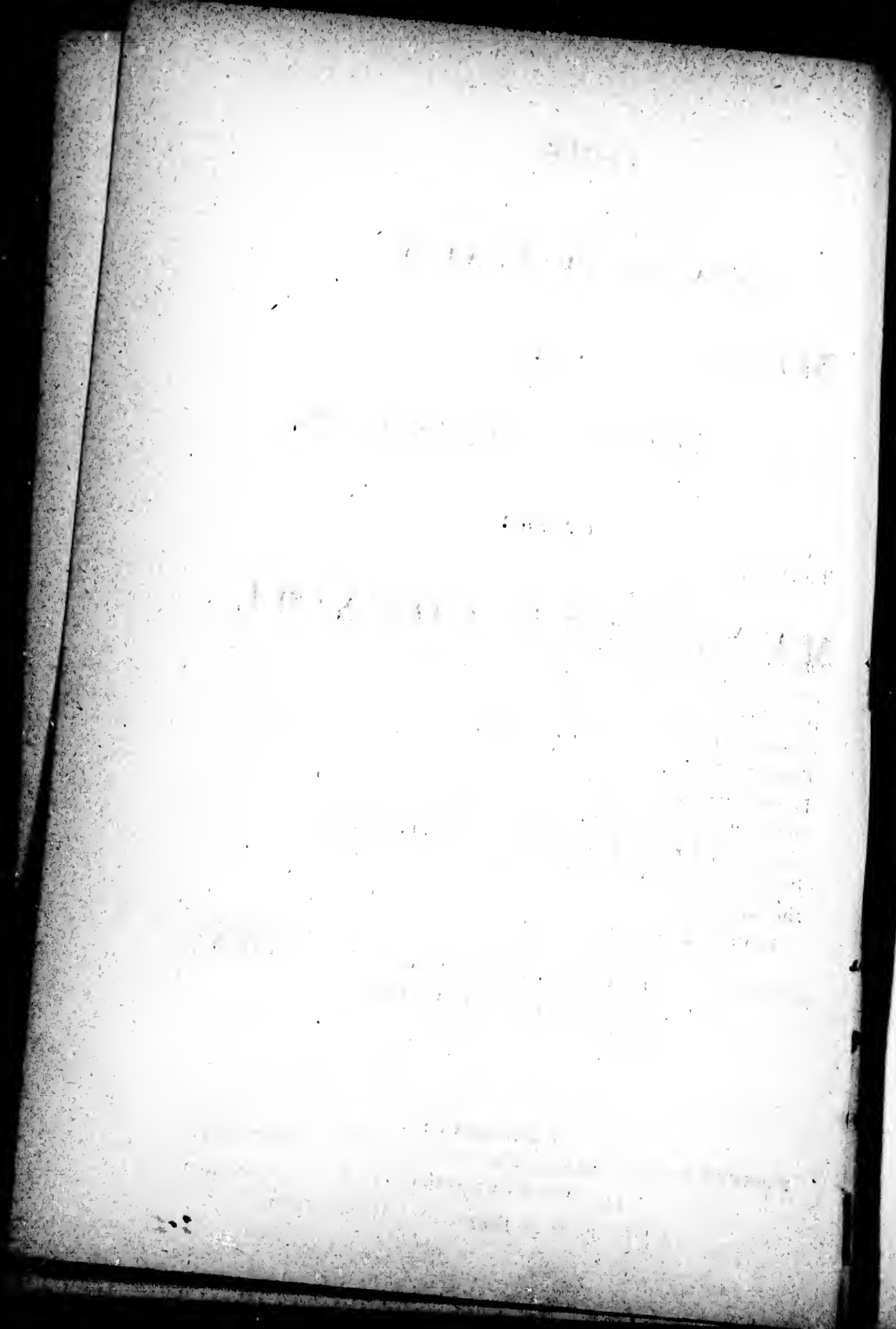
SECOND SESSION—DAVID KILLINS, ESQ., WARDEN

7th and 8th of April, 1868.

WELLAND:

PRINTED AT THE TELEGRAPH OFFICE, BY E. R. DEWHURST,
COUNTY PRINTER.

1868



1868.

PROCEEDINGS
OF A SPECIAL SESSION
OF THE
MUNICIPAL COUNCIL
OF THE
COUNTY OF WELLAND.

.....
SECOND SESSION. —SPECIAL.
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REQUISITION.

To D. KILLINS, Esq.,

Warden of the County of Welland.

SIR, — We, the undersigned Reeves and Deputy Reeves of the several Municipalities in the County of Welland, beg respectfully to represent that in our opinion a Special Meeting of the Council should be held forthwith, to take into consideration the Petition of William Edgar and Edward R. Kent, both of the City of Hamilton, in reference to the Marsh Lands purchased by them and Mr. Watkins, and to take such action thereon as may be deemed most expedient and beneficial for the County, or at the same time enable the Petitioners to go on to work and develop the resources of the said lands.

Requisition for
Special Meeting

County of Welland, March 24th, 1868.

WILLSON LEMON, D'y Reeve, Stamford

GEO. W. TAYLOR, Reeve, do

A. SCHWALLER, Reeve, Thorold.

PETER BECKETT, D'y Reeve, Pelham.

JAMES HENDERSON, Reeve, Crowland.

JOSEPH GARNER, Reeve, Pelham.

CHARLES TREBLE, Reeve, Fort Erie.

MATTHEW SEBURN, D'y Reeve, Thorold
Township.

ALEX. LATTIMORE, D'y Reeve, Wainfleet.

M. F. HANEY, Reeve, Humberstone.

Council met

In pursuance of the foregoing Requisition, the Council met at the Grand Jury Room in the Court House at the Village of Welland, in the County of Welland, on Tuesday the 7th day of April, 1868, at 3 o'clock P. M., in Special Session.

The Warden in the chair.

Members present.

MEMBERS PRESENT.—Messrs Barnett, Beckett, Garner, Haney, Henderson, Hooker, Kirkpatrick, Lattimore, Learn, Lee, Lemon, Marshall, Matthews, Miller, Seburn, Schwaller, Taylor and Treble—18.

Warden's Address

The Warden read the foregoing Requisition, and briefly explained the object of the meeting as set out in the Requisition, and stated that Messrs. Edgar and Kent, being both in attendance, would, if the Council desired it, be able to explain their views more fully than he, the Warden, could do.

Business to come up

The Warden went on to state that this being a session called for a special purpose, the Council would not be expected to take up any general matters of business, nevertheless he would (inasmuch as the public interest might require some action thereon immediately) lay before the Council the Correspondence between the Clerk and Robt. A. Harrison, Esq., Q. C., with reference to Brown's Bridge, embracing the legal opinion of Mr. Harrison on the question submitted to him—which opinion he read to the Council.

Notice—
Brown's bridge

Moved by Mr. Treble, seconded by Mr. Learn, and

Resolved, That the Clerk be instructed to give public Notice in accordance with 29 and 30 Vic. Cap. 51, Section 323, and Subsections 1, 2, 3, 4, that a By-law will be passed at the June Session of the County Council, for the purpose of taking down and the complete removal of a Bridge across the Welland River, commonly known as Brown's Bridge.

Moved by Mr. Treble, seconded by Mr. Garner,

That this Council do now adjourn and stand adjourned for 30 minutes.

At $\frac{1}{4}$ past 4 o'clock the Council adjourned in pursuance of the motion.

Resumed

At $\frac{1}{4}$ to 5 the Council resumed.

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Mr. Lemon brought up the Petition of William Edgar and Edward R. Kent, praying for relief with reference to the Marsh Lands purchased by them and by Mr. Watkins, upon condition that they go forward immediately and develop their lands for purpose of Peat manufacture.

Petition of W Edgar & E R Kent

Moved by Mr. Treble, seconded by Mr. Garner.

That this Council do now go into Committee of the Whole for the purpose of considering the relief asked for in the Petition of William Edgar and Edward R. Kent.

Council in Committee of the Whole on above Petition

The Council went into Committee of the Whole in pursuance of the motion.

Mr. Barnett, in the chair.

The Committee rose, reported progress, and asked leave to sit again.

Progress reported

Moved by Dr. Haney, seconded by Mr. Henderson,

That this Council do now adjourn to meet again to-morrow morning at the hour of 9 o'clock.

Motion to adjourn

Moved by Mr. Hooker, seconded by Mr. Learn, in Amendment,

That all in the Original Motion after the word "That" be expunged and the following inserted - this Council do now adjourn to meet again at $\frac{1}{2}$ past 7 o'clock this evening.

Amendment

Which Amendment being proposed to the Council was lost on a division.

Amendment Lost

The Original Motion being again proposed was carried on a division.

Original motion carried

The Council adjourned at $\frac{1}{2}$ past 6, in pursuance of the motion.

Adjourned

SECOND DAY—MORNING SESSION.

WEDNESDAY, April 8th, 1868.

The Council met at 9 o'clock, A. M., pursuant to adjournment.

Council met

The Warden in the chair.

MEMBERS PRESENT.—Messrs. Barnett, Beckett, Garner,

Members present

Haney, Henderson, Hooker, Kirkpatrick, Lattimore, Learn, Lee, Lemon, Marshall, Matthews, Miller, Schwaller, Seburn, Taylor and Treble - 18.

Minutes read

The Minutes of yesterday were read by the Clerk and approved by the Council.

Bridge Tender
Montrose

Mr. Lemon brought up the Petition of Wm. Green, praying for the appointment of a Bridge Tender to the "Montrose Bridge," which was read to the Council and laid on the Table.

Moved by Mr. Garner, seconded by Mr. Treble,

Mr Green's Petition rejected

That the prayer of the Petition of William Green, having reference to the swinging of the Montrose Bridge, cannot be entertained.

Moved by Mr. Garner, seconded by Mr. Henderson,

Committee of
Whole—Edgar
& Kent

That this Council do now again go into Committee of the Whole to consider the Petition of Messrs. Edgar and Kent.

The Council went into Committee of the Whole in pursuance of the motion.

Mr. Barnett in the Chair.

Committee report progress

The Committee rose, reported progress, and asked leave to sit again immediately after the mid-day recess.

Moved by Mr. Garner, seconded by Mr. Schwaller,

That the Council do now adjourn to meet again at 2 o'clock this afternoon.

Adjourned

The Council adjourned at a $\frac{1}{4}$ past 12 o'clock, in pursuance of the motion.

SECOND DAY—AFTERNOON SESSION.

Resumed

At two o'clock the Council resumed.

Moved by Mr. Garner, seconded by Mr. Treble,

Committee of
Whole—Edgar
& Kent

That this Council do again go into Committee of the Whole to consider the Petition of Messrs. Edgar and Kent.

The Council went into Committee accordingly.

Mr. Barnett in the Chair.

The Committee rose and reported the following with reference to the Petition of William Edgar and E. R. Kent, Esquires, now under consideration :

Committee report resolutions re Edgar and Kent

That this Council, in order to meet the views of Messrs Edgar and Kent, the Petitioners, do grant the following : and that the Clerk be instructed to carry out the same :

1. That the claims of this Council upon the North halves of Lots 30, 31, 32 and 33, Con. 3, Humberstone, equal 400 acres; upon Lots 1, 2 and 3, Con 3, Wainfleet, equal 600 acres; and upon the South halves of Lots 1, 2 and 3, Con. 4, Wainfleet, equal 300 acres, being 1300 acres in all, including all settlement duties not performed, be discharged upon payment by the Petitioners of the sum of Two Thousand and Sixty Dollars—any mistake in figures or calculations nevertheless to be corrected.—the moneys already paid by them and those under whom they hold, being applied to their credit on these 1300 acres.

2. That the balance of the indebtedness of the said Petitioners, up to the first day of May, 1868, be ascertained, and that the same be payable in eight equal annual installments with interest on the whole principal sum unpaid annually from that date, the first of such installment of principal to fall due on the first day of May, 1870, and that payment thereof be secured by a Mortgage upon the remaining 1750 acres of land held by them (in the name of Mr. Watkins), and that all taxes now unpaid on all the said 3050 acres of land form part of such indebtedness, and be included in such mortgage; but that the settlement duties on these last mentioned lands be required to be performed by Covenant in such mortgage as now subsisting.

3. That the Petitioners be granted the privilege, free of charge, to construct and use tramways for the transportation of peat or other material on all roads and roadways belonging to this Council, the public travel thereon, nevertheless, not to be obstructed or hindered by such tramways.

4. That in consideration hereof, the said Clerk be instructed to take such security or guarantee from the Petitioners, or other parties liable, that they will in good faith

go forward and expend a sum of not less than Twenty Thousand Dollars within one year, and other Twenty Thousand Dollars within two years from the date hereof, through a Joint Stock Company or otherwise, in the manufacture of peat, or in otherwise developing the said 1300 acres of land, as may be satisfactory to and be approved by the Warden and the said Clerk.

Moved by Mr. Treble, seconded by Mr. Garner,

Motion of concurrence re Edgar and Kent

That the Report of the Committee of the Whole be concurred in.

Moved by Mr. Kirkpatrick, seconded by Mr. Lee, in Amendment,

Amendment

That the Petition of Messrs. Edgar and Kent for relief on Marsh Lands purchased, be met as follows :

That the Thirteen Hundred Acres which they ask to have the Mortgage discharged from be agreed to, upon their paying the money due thereon, and that the money already paid to the County on the whole purchase be credited upon such Mortgages, and this upon condition that they proceed to work the peat beds supposed to be upon the 1300 acres so released, and putting up proper machinery for such work.—and that they be relieved from the balance of the purchase, viz : 1750 acres.

Upon which the Yeas and Nays being called were taken as follows :

YEAS.—Messrs Barnett, Kirkpatrick, Lattimore, Lee, Marshall, Matthews, and Miller—7.

Yeas and Nays

NAYS.—Messrs Beckett, Garner, Haney, Henderson, Hooker, Learn Lemon, Schwaller, Seburn, Taylor and Treble—11.

Amendment Lost

And so the amendment passed in the Negative ; Majority —4.

Original motion

The original motion being again proposed, and the Yeas and Nays being called, were taken as follows :

Yeas and Nays

YEAS.—Messrs Beckett, Garner, Haney, Henderson Hooker, Learn, Lemon, Schwaller, Seburn, Taylor and Treble—11.

NAYS. - Messrs Barnett, Kirkpatrick, Lattimore, Lee, Marshall, Matthews, and Miller - 7.

And so the motion passed in the Affirmative; majority 4.

Resolutions
carried.

Moved by Mr. Treble, seconded by Mr. Garner,

That the Warden and Treasurer be and they are hereby authorized to raise a temporary loan to the extent of Two Thousand Dollars to meet the current expenses of the County, upon the best terms practicable, until moneys shall be realized in the regular way of collections or assessments.

Temporary
loan.

Moved by Mr Treble, seconded by Mr. Garner,

That this Council do now adjourn.

At six o'clock the Council adjourned in pursuance of the motion.

Council ad-
journed.

APPENDIX A.

MISCELLANEOUS.

HAMILTON, ONT., April 2nd, 1868.

To the Municipal Council of the County of Welland :

Mr. William Edgar having made arrangements to purchase from me my interest in the Peat Lands bought from you by Messrs. Edgar, Kent and myself, and which stands in my name as Trustee,

Mr. Edgar and Mr. Kent are fully authorized to deal with your Council in reference to such purchase, in the application before your Council in reference thereto.

Yours Respectfully,

F. W. WATKINS.

PETITION OF WILLIAM EDGAR AND EDWARD R. KENT, PRAYING FOR RELIEF WITH REFERENCE TO THE MARSH LANDS PURCHASED BY THEM AND BY MR. WATKINS, UPON CONDITION THAT THEY GO FORWARD IMMEDIATELY AND DEVELOPE THESE LANDS FOR PURPOSES OF PEAT MANUFACTURE.

To the Honorable the County Council of Welland in Council Assembled :

The Petition of the undersigned HUMBLY SHEWETH :

That your petitioners in connection with one F. W. Watkins did, at the times hereinafter set forth purchase from your honorable body, 2650 acres of Marsh Lands hereinafter mentioned - and also did purchase from private individuals 400 acres more, making in all 3050 acres which are located in the Townships of Humberstone and Wainfleet in the County of Welland and which they now hold subject to the Mortgages which you still hold against them.

The following is a description of the Lots comprising the 2650 acres above alluded to — together with the prices agreed to be paid for the same, and the dates of purchase, to wit:

The N. $\frac{1}{2}$ s of Lots 1, 2, 3, 4, 6 and 7 in the 3rd Con. of Wainfleet, and the S. $\frac{1}{2}$ s of lots 2 and 4 in the 4th Con. of Wainfleet, in all.....800 acres at \$6 per acre.

The S. $\frac{1}{2}$ of 1 in the 3rd and S $\frac{1}{2}$ 1 in the 4th.....200 do \$10 do

1000 acres.

The above purchase dates 4th December, 1865, upon which one-fifth has been paid. The balance, 1650 acres, was purchased 15th March, 1866, and one-sixth paid thereon, and comprises Lots, viz:

N $\frac{1}{2}$ of 5 in 3rd and S $\frac{1}{2}$ of 3 in 4th 200 acres at \$20 per acre.

S $\frac{1}{2}$ s of 2, 3, 4, 5, 6, 7, 8 and 9, and

N $\frac{1}{2}$ s of 8 and 9, all in the 3rd

Con., Wainfleet..... 1000 acres at \$10 per acre.

The whole of 9 and N $\frac{1}{2}$ s of 7 and

8 in the 2nd Con., Wainfleet 450 acres at \$5.50 do.

1650 acres.

Your Petitioners and the aforesaid Watkins (to whom these lands are transferred, and in whose name they now stand and who holds the same in trust for the equal benefit of himself and each of your petitioners) have paid the County the first instalment thereupon amounting to about \$4,100, and have also paid for transfers, registration fees and other expenses connected therewith at least \$400 more.

Of the principal sum remaining unpaid, two instalments are now due in addition to the interest already accumulated thereupon.

Independent of the foregoing sums your petitioners have also paid for the 400 acres before referred to, and this added to the sums already paid the County, together with the various expenses incurred by them in making surveys, examining machines, traveling, &c., &c., now amounts in gross to something over Seventeen Thousand Dollars. The object your petitioners have had in making this very large

outlay has been to manufacture the peat contained in these lands into fuel, and being very sanguine of ultimate success, they have, during the past two years, devoted the greater portion of their time, besides spending the amount above stated, in order to secure success in this matter. And your petitioners have no doubt if this their enterprize had been successful, it could not have failed to have bestowed great and lasting benefit on the County of Welland as well as on themselves.

Your Petitioners having, as aforesaid, tried various means both in the shape of getting up companies and otherwise, and in every other available way with which they are acquainted, have endeavored to raise the monies necessary for working capital and to pay for these lands, and after having repeatedly failed in securing a sufficient amount to do both, that is to work and pay for the lands at the prices agreed upon, have come to the conclusion to appeal to your Honorable body for such relief as you may feel disposed to grant in the premises, trusting that you will, after carefully considering the case of your petitioners, feel inclined to grant them what they ask, and thus enable them to go on and develop these lands by which the County will, in the opinion of your Petitioners, ultimately reap far more benefit than if the matter is left in its present position.

Your Petitioners have been very unwilling to make any application to your honorable body for relief in this matter, and would not now do so, provided they had available means of their own at command, but as is herebefore shown, Seventeen Thousand Dollars, is already invested and in order to get the Fifty Thousand Dollars working capital which they require, they have agreed to deposit as security in the Bank subject to the order of the Directors of the Company they have now formed, the further sum of Twenty-five Thousand Dollars in securities, in order to guarantee the Stockholders 12½ per cent. on their investment, this being the case it is useless for them to think of proceeding unless some arrangement can be effected with your honorable body in regard to the amount now over due you on these Lands.

Before proceeding further we wish to state some amongst others of the reasons and causes to which we attribute our failure thus far :

1st. The high price agreed to be paid for the Lands.

2nd The restrictions placed upon the same in the shape of settlement duties and taxes.

3rd. The amounts and interest now overdue on the same.

4th. The tightness of the Money market.

5th. The nature of the business about to be entered upon, it being comparatively new and untried.

6th. The large amount of capital that must necessarily be expended before the experiment of converting the Peat on these lands, into a good merchantable fuel, at a price that will compare favorably with Wood or Coal, and in such a way that it will leave a fair profit upon the outlay incurred—facts which can only be determined by actual trial and working, and which may result either in large profits or immense losses.

7th. The almost complete failure of all similar enterprizes (viz: the manufacture of Peat Fuel) in the United States during the past 2 years.

8th. The very great difficulty of raising Money for anything new or speculative in Canada, either by public or private enterprize, rendered still more difficult by the recent extensive failures of such schemes in the Oil region.

Your Petitioners therefore pray, that the claims that the County now have upon the said Lands and the incumbrances thereupon, may be arranged and adjusted in such a manner so as not to stand in the way of their development—and desire that a settlement of the same may be made and the whole matter placed upon such a basis as will enable your Petitioners to go on and work these lands by means of a Company which they have formed on the basis of \$50,000 working capital, a sum which they deem requisite and necessary to expend in order to thoroughly test this matter, and which amount it is impossible to get so long as the County holds these Lands in their present position, as no persons or Company would—neither would it

be advisable to ask them to invest their means in operating upon these Lands until some adjustment of the difficulties before pointed out is arrived at, and as your Petitioners are averse to losing the amount they have already expended, and as they cannot obtain money from others without a guarantee, and as they cannot now see any other feasible way of raising the sum they require for working capital &c., they have agreed as is shown in their prospectus) to guarantee to any person taking stock in their Company of $12\frac{1}{2}$ of the first year on the amount of their subscription, and to secure the payment of the same (if not realized from the operations on the Lands) they have agreed to place in some Bank in this Dominion, \$25,000 in securities which will be liable to be sold as the Directors of the Company shall see fit, in order to pay any portion of such deficiency as may occur, and thus by these means have secured the promise of sufficient means to start with and ultimately expect to get the full amount required.

From the foregoing statement you will see that in addition to locking up our available means the onus of this enterprize still rests upon the shoulders of your Petitioners, and the losses that may arise in working the Bog should any occur, must in a great measure be borne by them—while the Shareholders in the Company and the County will be the parties most benefitted in case of success.

Your Petitioners therefore pray, That you will reduce the price of some portions of the Lands previously named, and that such deduction shall date back to the time said Lands were purchased from the County by us.

That you will throw off all Interest and Taxes on all the Lands hereinbefore mentioned as belonging to us, to-wit: On 3050 acres up to the date hereof, that you will do away with and make null and void the restrictions and settlement duties (more full set forth in your Deeds) on the said Lands, as these will be more than counterbalanced by large expenditures on some portions of the said property. That you will give us the right of Roads such as may be necessary to lay our Tramways &c., upon. That you will clean

out the Ditches running through our property to their original depth.

That you will grant us the privilege of selecting from the unsold Lands of the County, such other Lands as we may require for the purposes of erecting buildings &c., thereupon, and such as may be necessary for the successful working of our business at a price not to exceed Five Dollars per acre, and on the same terms of payment as may be agreed upon with regard to the Lands we now have, and to grant us a reasonable time to select the same, such time not to exceed two years from the date hereof. Or to make the matter plainer, as far as the amount or reduction we ask is concerned, we wish the Lands bought by us from the County to be placed at the following figures viz :

800 acres at \$6 per acre, to be reduced to \$5 per acre.

450 acres at \$5 50 to be reduced to \$5.

200 acres bought at \$20 to be reduced to Five Dollars per acre.

1200 acres bought at \$10 to be reduced to Five Dollars per acre.

The whole to date back to the time of the original purchase, and the interest upon the whole 3050 acres to be thrown off up to this date. By placing the matter in this shape we shall be enabled to raise working capital and test the matter. The relief asked for if granted should be made conditional upon our carrying out our scheme as laid down in our prospectus, and shall be of no effect unless we do so. And your Petitioners will ever pray.

WILLIAM EDGAR.

EDWARD R. KENT.

HAMILTON, April, 1868.

