

MUNICIPAL COUNCIL

Musquash Contested Election Case Referred to Special Committee.

Why Constable Albert Taylor of Lancaster Was Not Continued in Office.

Assessments Ordered—Revisors Selected by Ballot—List of Standing Committees—General Business.

The quarterly meeting of the Municipal Council was held Tuesday afternoon, Warden Lee of Simonds in the chair. All the councillors were present.

W. J. Dean, who led the poll in Musquash, was present, and on seats with his counsel, J. H. M. Baxter, and J. A. Balcolm, with his legal adviser, W. B. Wallace.

The representatives for Simonds, Lancaster and St. Martins were sworn in. The county secretary then read the following:

I, James Reed, the chairman of the parish of Musquash, do hereby state as follows: That William J. Dean received 130 votes at the voting for councillors for said parish, and that he had a legal majority of the votes cast.

That John W. Hargrove received 127 votes at said voting, being the next highest number, but it having been represented to me that the summing up of votes by certain electors was not correct, I directed that the said John W. Hargrove should be nominated as a candidate and at the time of the holding of the election was collector of rates of said parish and receiving pecuniary allowance from the municipality, he was consequently ineligible to be a member of the county council.

I state that Joseph A. Balcolm, a candidate at such election, duly qualified, and had 114 votes at said voting, being the next highest number of votes lawfully given at such election. That John Knight received 113 votes at said voting.

I do therefore certify that the said William J. Dean and Joseph A. Balcolm, as having the highest number of votes lawfully given, as elected councillors for said parish. Dated April 15th, 1899.

(Signed) JAMES REED, Parish Clerk. We, the undersigned electors of the parish of Musquash, do hereby protest against the nomination and election of John W. Hargrove as a councillor for the parish of Musquash on the following grounds:

That John W. Hargrove at the time of his nomination as a candidate and at the time of the holding of the election was collector of rates of said parish and receiving pecuniary allowance from the municipality, he was consequently ineligible to be a member of the county council.

I state that Joseph A. Balcolm, a candidate at such election, duly qualified, and had 114 votes at said voting, being the next highest number of votes lawfully given at such election. That John Knight received 113 votes at said voting.

I do therefore certify that the said William J. Dean and Joseph A. Balcolm, as having the highest number of votes lawfully given, as elected councillors for said parish. Dated April 15th, 1899.

(Signed) J. A. BALCOLM, (Signed) GEORGE ROSS, Dated April 15th, 1899.

Coun. Macrae moved, seconded by Coun. Lowell, that Wm. J. Dean be declared duly elected a councillor for the parish of Musquash for the next two years.

This passed and Coun. Dean was sworn in. Coun. Lowell moved that the counsel for Messrs. Hargrove and Balcolm be heard, each to be limited to fifteen minutes.

Coun. Christie moved, in order to bring the matter before the council in proper form, that John Hargrove, who received the next largest vote, be declared elected to represent Musquash with Mr. Dean.

Coun. Sears wanted to know if there was any precedent by which the council might be governed.

The secretary replied that the person returned as elected by the commissioner was usually given the seat pending an investigation.

Coun. Macrae inquired if the secretary knew of an instance where the man receiving the minority vote was returned as elected by the commissioner.

The clerk replied in the negative. But where a protest was filed the matter returned by the commissioner was given the seat pending a thorough investigation under oath. A protest having been filed in this case, counsel could not submit their arguments to the council in half an hour, as was proposed. It would be unfair to cut them off and the council could not be expected to remain to hear them through.

Coun. Dean suggested that Mr. Hargrove's case could be submitted in fifteen minutes.

Coun. Sears was of the opinion that the council should declare Mr. Balcolm elected.

Coun. Macrae called attention to the fact that Coun. Christie had moved a resolution, which he had seconded, Mr. Reed had accepted Mr. Hargrove's nomination.

Coun. Christie urged that the council should decide at once whether Mr. Hargrove or Mr. Balcolm should take the seat.

After a long discussion, in which Couns. Robinson, White and McGoldrick took part, the secretary gave his opinion. He assured the council that he had no wish to impose his opinion on the board. He had no other feeling than to keep the council straight in the matter. He had given his opinion to both sides, so that they had not been moving in the dark. Both parties had asked him if the collector of rates for Musquash was qualified to run for councillor, to which he replied in the negative. Then they asked him if the collector for Musquash could by resignation place himself in a position to run for councillor. His reply was that he had grave doubts as to that unless the resignation were accepted by the body which made the appointment. He had no reason why he should change his mind, but he might by legal argument be induced to admit that he was wrong on the latter point. A resignation sent to him as secretary had no effect till it was laid before the council and dealt with. He was only the channel through which the resignation found its way to the council. The best course to pursue was to adopt the return of Mr. Reed and give Mr. Balcolm the seat subject to his being turned out if the committee of investigation should decide that Mr. Hargrove was entitled to it.

Coun. Christie stated that after

bearing the opinion of the secretary he would, with the consent of the second, withdraw his motion.

Coun. Macrae declined to consent just then. In the recent provincial election, and in contests prior to it, men who held office under the local government ran as candidates. They must have resigned their offices, but their resignations were not accepted.

If Mr. Hargrove handed in his resignation to the secretary and the councillors for Musquash it would put a different face on the matter.

Coun. Stackhouse moved that Mr. Balcolm be sworn in pending the investigation.

This was seconded by Coun. Sears. It was then decided by a vote of 14 to 12 to hear counsel.

J. B. M. Baxter said the only point that came up for consideration was this: How did the parish clerk any right to decide as to the qualification of candidates for the office of councillor.

The act, he showed, required that a candidate must make an affidavit as to his qualification. This was done by Mr. Hargrove. The clerk had no right to receive one nomination and to reject another. The council were the judges in the case and could take whatever opinion they saw fit.

All the council had was the statement of Mr. Balcolm and Mr. Rose that Mr. Hargrove was collector of rates. The law said a man was disqualified who received pecuniary reward from the county.

There was no evidence that Mr. Hargrove had received the largest number of votes. Mr. Reed's duty was to have returned Mr. Dean and Mr. Hargrove. Mr. Hargrove was willing to declare that he was qualified. He sent in his resignation after the election.

Mr. Baxter suggested that Mr. Hargrove's term of office had expired. The act contemplated a man being elected who was not qualified, so that Mr. Reed had no right to say anything about a man's qualification.

Mr. Hargrove protested against the swearing in of Mr. Balcolm, as they could not turn him out after he had taken the seat. If Mr. Balcolm thought he was entitled to the seat let him go to the courts.

Coun. Macrae asked if the election could be declared void and another contest held.

The secretary could not answer this. He stated that the whole matter could stand over.

W. B. Wallace contended that Mr. Balcolm was legally nominated and elected and should get the seat. Mr. Hargrove, the collector of rates, could not run. The fact that Mr. Hargrove sent his resignation after the election did not constitute a resignation, as it must be given before the appointing body.

Coun. Macrae moved that the matter be referred to a special committee to inquire into and report upon it at the next meeting.

This was seconded by Coun. Keast. Mr. Balcolm—I was elected and demand that I be sworn in.

Coun. Macrae asked the two gentlemen if they would run another election.

Mr. Hargrove—I am willing. Coun. Christie suggested that the best way out of the difficulty would be for both gentlemen to give up their claims to the seat and run another election.

Mr. Hargrove—I will do it. Mr. Wallace suggested a conference between Messrs. Balcolm and Hargrove and their counsel.

This was agreed upon, and the matter was laid on the table till later on in the meeting.

Coun. Maxwell was elected without opposition. The minutes of the last meeting having been confirmed, the warden called for the reports of committees:

ASSESSMENTS.—The committees on finance and accounts recommended that the following assessments be made upon the city and county for the services and purposes named and in the same proportion upon the city of St. John and upon the parishes of St. Martins, Simonds, Lancaster and Musquash in the county of St. John as the same at last year, namely:

For the almshouse and workhouse 14,200 00 For common schools under census 16,300 00 For the local board of health 1,300 00 For the fire department 2,500 00 For the payment of interest on debentures owned by the municipality as follows: Almshouse (and interest) 500 00 School loan 1,500 00 Total general assessment 51,800 00

For county special assessments and other contingent expenses of making up register of voters for the county: Parish of St. Martins 128 37 Parish of Simonds 256 60 Parish of Musquash 23 00 Parish of Lancaster 285 00 Police 890 00 Fire district 500 00 Interest and sinking fund 600 00 Fire loans debentures 150 00 2,150 00

Total assessments 53,950 00 The committee recommended that the following amounts, each payment to be made out of the contingent fund, except as otherwise directed:

To the sheriff for use of the jail 500 00 To the clerk of the court 200 00 Record books, registry office 49 85 Stationery, etc., secretary's office 18 23 Stationery for parish clerk, Simonds 48 61 To the Gazette 2 37 To county secretary, one half cent care of offices, expenses bills committee to Federation postage and telegrams 71 63 To James Robinson, M.P., one one, interest on body of Times Bureau 26 30 View of body of Rebecca Foss 20 00 To Messrs. Robertson & Allison, desk and table, secretary's office 10 00 To county treasurer, three months' care of office 6 00 Postal carriage 60 To J. B. Hamm, coach hire 6 50 To John Barnett, policeman's horse hire 2 80 To H. B. Telephone Co. one month's telephone, secretary's office 8 75 To Sun Printing Co., advertising bill for Legislature 5 00 To Provincial lunatic asylum, maintenance for seven pauper patients quarter ending 31st March 1899 27 50 To Matthew L. McFarland, M.P. 24 00 Three certificates of honory M.P. 41 each ending 31st March 1899 12 30 To W. H. Hayward, three cupboards, secretary's office 1 35 To Thomas W. Mosher, parish clerk, St. Martins, expenses holding councillors' election 14 00 To Alexander F. Johnston, parish clerk, Simonds, expenses holding councillors' election 14 00

To Albert Taylor, fees for arresting four pedlars in Lancaster. (This amount to be charged to the pedlars' license account.) 4 00 To Richard Seel's account, Fairville, fees for arresting four pedlars in Lancaster. (This amount to be charged to the pedlars' license account.) 2 00 Arresting Joshua Cheeseman, stable-boy, etc. 50 To Geo. A. Knodell, printing, etc., including auditor's report, registers of births, marriages and deaths, and entry book for registrar of marriages, etc. 216 05 To D. E. Berryman, M.P., expenses holding one inquest and twenty views, etc. 97 09 To James Reid, M.P., expenses holding councillors' election 9 50 The committee recommended that the following parish clerks receive their salaries for the past year: T. W. Keast, Simonds 320 00 A. F. Johnston, Simonds 300 00 D. Galt, Lancaster, No. 2 20 00 James Reid, Lancaster, No. 2 10 00 James Reid, Musquash 20 00 690 00

The committee further recommended that the common council be requested to pay to the parish of St. Martins the sum of one hundred dollars, being the amount of the fine imposed on Mrs. Melvin by the police magistrate for keeping a public house in the parish of Simonds, the said amount having been paid to the chamberlain.

The report was adopted. The matter of the sale of the Lancaster fire loan debenture reported having sold the same and deposited the proceeds in the Bank of New Brunswick was adopted.

A committee was read from the commissioners of the General Public Hospital, asking the council to grant them permission to issue debentures for \$5,000, for the purpose of providing heating, ventilating and laundry plant for the institution, in accordance with an act passed by the legislature at the last session.

The matter was referred to the finance committee, with power to act.

Richard Rawlings asked to be appointed a constable to do duty at Day Shore. The letter was laid on the table.

Richard Whitehead was appointed county marshal and keeper of the dead-house.

The secretary was authorized to issue licenses to all lumber survivors who comply with the law.

The parish officers for Simonds and St. Martins were appointed. The principal ones are given:

ST. MARTINS.—Revisors—Joseph Lee and Daniel Horgan. Collector of rates—James H. Bows. Parish clerk—Jeremiah Horgan, James Lee and John Wallace.

Highway commissioners—Peter Graham, Martin Dolan, William J. Allingham, David Chiput, Robt. Steward. Parish clerk—A. Johnston.

ST. MARTINS.—Assessors—Wm. Smith, W. B. Bourke and John Kelly. Collector of rates—Wm. J. Morrow. Highway commissioners—S. J. Shanklin, William and Herbert Brown. By-road commissioners—Daly, Richard Davidson and Patrick McBride.

Coun. Barnhill moved for the appointment of the Lancaster officers. The following appointments were included in his list:

Assessors—Wm. Cunningham, D. Malloy and T. H. Wilson. Revisors—Wm. P. Allingham, Collector of rates (No. 2) district—Henry Gault. Parish clerk—A. Gault. District clerk (No. 2)—James Galbraith, F. G. Albert, Irvine, James Mason and Albert Hancock.

Coun. McGoldrick asked if Constable Albert Taylor was to be re-appointed. This man, he understood, arrested a man in the cemetery as he was burying a child.

Coun. Barnhill replied in the affirmative. Coun. Christie doubted the wisdom of re-appointing such a man.

Coun. Catherwood said Parish Court Commissioner Allingham had requested that Taylor be re-appointed, saying he was the best constable in Lancaster.

Coun. Lowell said it was a rascally piece of business to keep Taylor on as a constable. He for one protested against continuing him on the list of constables.

Mr. Allingham was given a hearing. He said Taylor was a good collector, otherwise he had nothing to say in his favor.

The Lancaster men agreed to drop Taylor's name from the list. All the officers named in Lancaster were elected except the assessors, upon whom the three councillors could not agree.

Coun. Lowell wanted to have the privilege of naming one officer in Lancaster. He asked that Wm. Fox be put on as an assessor instead of Thos. H. Wilson.

Coun. Catherwood asked that he be allowed to name one of the assessors. He wanted Wm. Lingley put on.

Coun. Hargrove said Wm. Fox be appointed as an assessor.

Coun. Barnhill moved that Thos. H. Wilson be appointed.

Coun. Catherwood moved that Geo. Lingley be an assessor, to constitute with Messrs. Cunningham and Malloy. A ballot was taken, and the vote stood as follows:

Wilson, 17; Fox, 15; Cunningham, 14; Malloy, 13; Lingley, 9. Messrs. Wilson, Fox and Cunningham were declared elected assessors for Lancaster.

The officers for Musquash were then appointed, on motion of Coun. Dean. The principal ones are:

Assessors—John A. Clark, James M. Wren and Geo. L. Hargrove. Revisors—Wm. P. Allingham, Highway board—W. J. Dean and H. N. Spence, Jr. Commissioners of Highways—David McAdam, R. M. J. James and Thos. Carscadden. Collector—Wm. A. Gallant.

It was ordered that the following amounts be assessed for highway purposes: Simonds—\$1,500 in labor or money. St. Martins—\$1,000 in labor. Lancaster—\$400 in labor and money. Musquash—\$400 in labor or money.

Orders were given for the following advances for expenditure on the roads: Lancaster, \$1,000; St. Martins, \$300; Musquash, \$200; Simonds, \$400.

The county secretary was authorized to employ two constables to be kept at Bay Shore, said constables to be under the control of the warden and secretary.

Coun. Macrae's motion referring the Musquash election matter to be special committee to be investigated then passed. The committee consists of Couns. Lee, Christie, Millidge, White,

Lowell, McLeod, Robinson and Macrae. The following standing committees were appointed:

Finance and accounts—Coun. Christie (chairman), the warden and councillors Sears, White, Macrae, Seaton, Tutts, Millidge, Keast, Stackhouse, McGoldrick, Lee, Ruddick, Catherwood, Lowell, Dean and Fownes. Public and school lands—Coun. White (chairman), the warden and Councillors Allan, Robinson, Waring, Christie, Colwell, Millidge, Barnhill, Dean, Horgan, Cochran, Fownes and Eddick.

To act with the sheriff in regard to the performance of his labor sentences in a jail—Couns. Waring (chairman), Sears, Tutts, Keast, Stackhouse, Robinson, McGoldrick, Catherwood, McLeod, Fownes.

For the relief of indigent ratepayers—Couns. Barnhill (chairman), Millidge, Keast, Macrae, McGoldrick, Lee, Ruddick, Catherwood, Lowell, Dean and Fownes.

The following revisors were appointed: Simonds—Couns. Lee and Horgan. St. Martins—Couns. Fownes and Ruddick. Lancaster—Couns. Barnhill and Lowell.

Musquash—Coun. Dean. (The other will, under the law, be the second councillor.)

The third member will be appointed by the local government. Coun. Catherwood and Barnhill were appointed commissioners of the Lancaster ferry.

Coun. Seaton asked if the county's printing had been done under contract, and the secretary explained that it had been.

Coun. Seaton moved that all printing in connection with the municipality be done by contract and that the secretary invite tenders therefor. Carried.

Coun. Sears moved for the issue of \$12,000 of debentures for the purpose of paying off the indebtedness against the almshouse commissioners. He explained that the almshouse of New Brunswick in the vicinity of \$13,000, part of which was due to the recent improvements made at the institution.—Carried.

The warden and secretary will arrange for the sale of the bonds. The resignation by John W. Hargrove of the collectorship of rates for the parish of Musquash was read by the secretary, who said he received it before the day named for the reception of nominations for the office of councillor.

Coun. Fownes moved that \$120 be assessed on the parish of St. Martins, extending over two years, the money to be used for the provision of a lock-up in the village of St. Martins. The matter was referred to the secretary for his opinion as to the authority to make such an assessment.

MILITARY MATTERS.—The Military Gazette publishes the first part of General Hutton's report on the militia, in which he makes it plain that the standard of military knowledge, the system of organization, the equipment and other matters connected with the militia, are in an unsatisfactory state. The general says the standard of efficiency is not equal to that of similar troops in other parts of the empire, and is wholly inadequate to the requirements of Canada. The system, not the troops, is blamed for this inefficiency. The general hopes, by the employment of a properly trained instructional staff, and by encouraging a higher degree of training, that the camps of instruction will better satisfy modern military requirements.

General Hutton, as was expected, finds fault more with the system than the men. But it must be borne in mind that the service is purely voluntary. The pay is inadequate. Very few of the men, and not many of the officers, are really military men. In city corporations, particularly officers of all ranks are subject to a heavy drain on their time, energy and their purses. These officers are entitled to consideration, and should not be harassed with inefficiency in militia administration such as they have suffered from in the past.

An efficient corps is one having an efficient commanding officer. To insure and maintain an efficient corps a commanding officer (and this includes captains of companies), is put to considerable expense, and the only reward he receives is confined to the consciousness that he has performed a public duty. It must be remembered that all commanding officers are not good or efficient, and in consequence, the efficiency of units that make up the whole force varies very much. It sometimes happens that an officer is permitted to remain too long in one place, which stops promotion and kills the ambition of younger and energetic men. An example of this is in the retention of Lieut.-Col. Duff, who has been in command of the 4th Hussars since June 26, 1873, and Lieut.-Col. Donville, who has been in command of the 8th Hussars since July 2, 1851. The 4th Hussars have been without a major for years, and cannot, so far as the rank and file go, exist but on paper. There is a strict general order limiting the tenure of command to five years, but for reasons which have never been explained, it has not been applied to these two officers. In Part II. General Hutton recommends the training of the whole of the militia every year and their formation into brigades and divisions with a properly constituted staff. The general says that the general we have had has recommended and urged annual trainings, but without effect. It remains to be seen if General Hutton will be more successful than his predecessors.

SMOKED HERRINGS

Perfume the Air Around the Site of Old Fort Monckton.

What Grand Men Men Are Doing at Bate Verte—Will Cure 8,000 Bbs. This Year.

PORT ELGIN, Westmorland Co., May 10.—The historic site of Fort Monckton presents a busy appearance to the visitor who wends his way to that beautifully located spot. A number of gentlemen from Grand Manan, known as the Bay Verte Fish Curing Company, have built two large smoke-houses near the old fort, and are developing a new industry, which gives promise of future expansion.

The waters of Bay Verte have always been noted for their herring, but except the catching of a few for manure, very little has heretofore been done to develop this source of wealth. The supply of fish seems unlimited, and on Saturday last 800 barrels were received at the old fort, and as many more would have been delivered if they could have been handled. The company employ some fifteen men, besides between twenty-five and thirty anglers. An idea of the amount of work done may be obtained from the fact that sixty-five hanks of fish are strung every day. To hold the fish thirty tanks, each holding 40 barrels, have been constructed.

The output of fish will be handled by F. R. Russell and Ingersoll Bros. of Grand Manan, and will probably be exported to the West India markets. Some 2,000 barrels have already been cured, and the season's work will aggregate 8,000 barrels.

The company expect to expend \$3,000 this year, and from present indications next year's business will be conducted on a more extensive scale. Additional smoke-houses will be built and other improvements effected.

C. E. Ripley is the manager of the company, and is enthusiastic over the prospects of the enterprise. That the gentlemen who have established the industry may meet with the success they deserve is the unanimous wish of the community.

OFFICIAL INHUMANITY.—Death of a Digby Boy in Boston Harbor—An Investigation Ordered.

The immigration officials at Boston are severely criticized for their inaction in the case of Henry Adams, a twenty year old Digby boy, who came by on the steamer Boston from Yarmouth on Thursday last week. Adams was ill when he landed in Massachusetts, and said he wished to go to the Massachusetts general hospital. He had but \$3 or \$5 in his pockets and was not allowed to land by the immigration officials. He was found dead on the steamer a little later. The immigration people say that Adams wanted to be treated for a disease of the eyes, and that he died from some other cause, probably heat trouble. An investigation is being held.

To Ann Vance, formerly of the Parish of Kingstons, in the County of Kings, in the Province of New Brunswick, and Catherine J. Vance, now of the Parish of Simonds, in the County of Saint John, in the Province of New Brunswick, and George F. Fitzpatrick, formerly of the said Parish of Kingstons, and all others whom it may concern.

TAKE NOTICE that there will be sold at Public Auction at Chubb's Corner in the City of Saint John, in the Province of New Brunswick, on SATURDAY, the TWENTY-NINTH day of May next, at twelve o'clock noon,

ALL that certain lot, piece or parcel of land lying and being on Long Island, in the Parish of Kingstons, in the County of Kings, known and designated as the lot of Kingstons, and containing about one acre and one half, being the tract formerly owned by one Frank Gallant, and now owned by one Elizabeth Hornbrook, and all others whom it may concern.

Also all that certain lot, piece or parcel of land lying and being on Long Island, in the Parish of Kingstons, in the County of Kings, known and designated as the lot of Kingstons, and containing about one acre and one half, being the tract formerly owned by one Frank Gallant, and now owned by one Elizabeth Hornbrook, and all others whom it may concern.

Also all that certain lot, piece or parcel of land lying and being on Long Island, in the Parish of Kingstons, in the County of Kings, known and designated as the lot of Kingstons, and containing about one acre and one half, being the tract formerly owned by one Frank Gallant, and now owned by one Elizabeth Hornbrook, and all others whom it may concern.

Also all that certain lot, piece or parcel of land lying and being on Long Island, in the Parish of Kingstons, in the County of Kings, known and designated as the lot of Kingstons, and containing about one acre and one half, being the tract formerly owned by one Frank Gallant, and now owned by one Elizabeth Hornbrook, and all others whom it may concern.

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