

Proceedings of the Sessions.

ANNAPOLIS, S. S.

IN THE COURT OF GENERAL SESSIONS.

October Term, 1878.

Court opened in the Court House, Annapolis, on the 24th day of October, 1878, at 10 o'clock, a. m.

PRESENT:—His Honor, the Judge; Justices Spinnay, Wheelock, Carleton, Morse, Horsfall, Longley, Tupper, H. B. Bacon, Messenger, Slocumb, Potter, S. E. Bent, A. Morse, Shaffer, Miller, W. B. Troop, R. Harris, Wm. V. Vroom, E. Clark, Bath, Rice, J. P. Foster, A. W. Corbit and others.

The following is a list of the Grand Jury as drawn at the October Term of the Supreme Court, 1878, viz:

- 1. James Farnsworth, 12. Fletcher Wheelock, 23. R. Longley, 14. Alonzo Daniels, 24. Millegge Marshall, 15. Abraham Pine, 4. Theodore Marshall, 16. Lake Bogart, 5. Albert Randolph, 17. James Morrison, 6. Wallace Sanders, 18. Edmund Gilliat, 7. Chas. B. Potter, 19. Zebulon Durling, 8. David D. Millard, 20. James Whelock, 9. John E. Bath, 21. William Charlton, 10. Saml. A. Dennis, 22. Daniel Cameron, 11. Edward Brown, 23. Wm. O. Wright, 24. John Burns, 25. Wm. O. Wright.

Grand Jury called: Sixteen answered: John E. Bath appointed foreman; addressed by the Judge and retired to discharge their duties accordingly.

Upon reading the affidavit of Michael Hines, in reference to an excessive assessment upon his property, it is ordered by the Court that the said Michael Hines be relieved from the said assessment, in the sum of Two Hundred and fifty dollars.

Upon reading the notice of appeal filed by James Banks and also his affidavit, in reference to an excessive assessment upon his property, it is ordered by the Court that the said James Banks be relieved from the assessment in the sum of one hundred and fifty dollars.

On motion of Justice Chas. Spurr seconded by Justice William Miller, it is ordered, That a Committee of three Justices and two Grand Jurymen be appointed forthwith to investigate the Western Counties Railway account. Committee: Justices Horsfall, Jacob Slocumb and James Randolph and Zebulon Durling.

The Committee retire and after investigation return and submit the following report: To the Court of Sessions at Annapolis, convened, October Term, 1878.

We, the undersigned, appointed a Committee by this Honorable Court to investigate the Western Counties Railway account, after a careful examination into the same, beg leave to submit the following report and statement of payments as per schedule annexed, marked "A," for each and every of which payments there are vouchers filed, and the same were produced before us on the investigation. We find the accounts have been kept in the most careful manner, and from the evidence they afford, we are satisfied that in any way was deserving of the charges imputed to him. (Signed)

JAMES WHELOCK, J. P. JAMES HORSFALL, J. P. JACOB SLOCUMB, J. P. ZEBULON DURLING, Grand Jurors. ALBERT FITZ RANDOLPH, Jurors.

Clements, Oct. 26, 1878.

SCHEDULE "A."

County of Annapolis, in acct. with William H. Ray, Dr.

To pd. Amts. on W. C. R. \$21381.00

Less 2 1/2 per cent. 5345.25

Balance forward \$16035.75

Ruggles & Oren's Bill of costs, \$675.70

Morse & Parker's Bill of costs, 596.40

Less 2 1/2 per cent discount 31.80

\$17272.10

First Jury Corbit's and Ray's fees, 668.52

Commissioner of State, 123.88

Cash Balance in Bank, 530.29

\$23419.47

By Received from Union Bank, \$23400.00

Int. on \$2000 as per Bank acct. 16.32

\$23416.32

\$400 Deposited in Bank, 3.15

\$23419.47

The Report of the Committee was unanimously adopted. Whereupon it is moved by Justice Horsfall, seconded by Justice James Wheelock and unanimously passed that the thanks of this Court be tendered to W. H. Ray, Esquire, Custos of the County, for the faithful manner in which he has discharged his duties in connection with the payment of damages on the W. C. Railway.

Ordered that the Custos in paying the amount of Railway money less the 2 1/2 per cent was perfectly justifiable, and this Court endorses his action thereon.

Whereupon Justice Carleton gave notice of reconsideration, and on the following morning moved the following resolution: In consequence of a number of the claimants for land taken for Railway purposes from William Ritchie's Eastern boundary to Albert Brown's at the Western boundary, being dissatisfied by not being paid their full amount awarded them individually, that the 2 1/2 per cent has been kept back from them improperly and as the County has been threatened by a number of Law suits, or in other words has been threatened with legal proceedings to obtain the same—it is Therefore Resolved, that the Court order that the same be paid over to the said claimants and also that the Custos do pay the same (\$234.50) into the County Treasurer's hands, and that the Clerk of the Peace be instructed to notify the said claimants of the same.

Moved by Justice Carleton, seconded by Justice Troop.

A vote being taken on the above resolution, there appeared for the resolution 4, against it 30. Justice Carleton called for the names when there appeared for the resolution:

Justices Carleton, Troop, Calvek, Corbit.

Against the resolution the following Justices:

J. E. Potter, Bishop, Wm. Vroom, M. Tupper, Jacob Slocumb, Long, B. Spinnay, Jas. Wheelock, Wm. Miller, Taylor, Benis, T. C. Wheelock, W. H. Bacon, Messenger, Horsfall, J. A. Morse, A. Harris, Shippy Spurr, Holland, B. H. Parker, Wm. Miller, Jas. E. Oakes, S. Bent, Parsons, Avaril Morse, Robt. Bent, Van Blarcom, John Rice, Dimock Gates, Edmund Clark.

Moved by Justice Carleton, seconded by Justice Richardson Harris, That this Court recommend the Grand Jury to include in their list of Town and County officers for the coming year the names of three persons as County Constables, of whom this Court will appoint one. Moved in amendment by Justice Taylor, seconded by Justice W. H. Bacon, That this Court do not recommend the Grand Jury to include in their list of officers the names of three persons for County Constables, of whom the Court

will appoint one. The amendment being put to the Court was carried 17 to 11. The original motion was then put and lost, 11 for and 17 against.

Upon reading and considering the Petition of Joseph Potter and upwards of twenty others, Freeholders of the County, praying for a new road in Clements, the precept thereon addressed to John H. Harris, Thomas B. Milberry, and William D. Long, as a Committee, and the return of said Committee, and it further appearing that the Law in this respect has been complied with, it is ordered, That the said road as in said Petition mentioned be, and the same is hereby confirmed.

Upon reading and considering the Petition of W. H. Bacon and upwards of twenty others, Freeholders of the County, praying for a new road in the Township of Wilmot, the precept thereon addressed to W. E. Starratt, Isaac Longley, and Robert Marshall as a Committee, and the return of said Committee, and it further appearing that the Law in all respects has been complied with, it is ordered, That the said road as in said Petition mentioned be, and the same is hereby confirmed.

Upon reading and considering the Petition of Joseph H. Graves, and upwards of twenty others, Freeholders of the County, praying for a new road in Granville, from the Spurr road Westward to the Chute road, the precept thereon addressed to John F. Bent, Adolphus Foster, and Charles Marshall as a Committee, and the return of said Committee and it further appearing that the Law in all respects has been complied with, it is ordered, That the said road as in said Petition mentioned be, and the same is hereby confirmed.

Upon reading and considering the Petition of James Doris and upwards of twenty others, Freeholders of the County, praying for a new road in Clements—from Victoria Settlement to the Potter road, a distance of one half mile. It is ordered by the Court that a Precept do issue, to be directed to John H. Harris, Thos. B. Milberry, and Samuel A. Wesley as a Committee, directing them to inquire into the propriety and necessity of laying out said road as prayed for, and if necessary and proper to lay out the same in manner prescribed by Law.

Upon reading and considering the Petition of T. W. Chealey and upwards of twenty others, Freeholders of the County, praying for a new road from the Chute road Westward to the Phiney Road, and it appearing that several counter Petitions are on file in the Court in reference to the said road, it is ordered, That the original Petition and all proceedings had there under, be referred to a select Committee consisting of Isaac Longley, Hugh Kerr, and W. E. Starratt, as a Committee to report thereon in reference to the prayer of said Petition.

Upon reading and considering the Petition of John Powers and upwards of twenty others, Freeholders of the County, praying for the opening of a road from Greywood settlement to Perrot, starting at or near James Orde's land in Greywood to intersect the Perrot road, the distance being about three and one-half miles, it is ordered by the Court that a Precept do issue and be directed to James Buckler, Bernard Calveck, and David Eason, as a Committee directing them to inquire into the propriety and necessity of laying out said road as prayed for, and if necessary and proper to lay out the same in manner prescribed by Law.

Upon reading and considering the Petition of Abram Slocumb and upwards of twenty others, Freeholders of the County, praying for a new road in the Township of Wilmot, being an extension of the shore road commencing at Capt. Jos. Fritz's, and running westward along the shore the Havelsack Lake, it is ordered by the Court that a Precept do issue and be directed to Hugh Kerr, Solomon Chute, and William Crawford as a Committee, directing them to inquire into the propriety and necessity of said road as prayed for, and if necessary and proper to lay out the same in manner prescribed by Law.

Upon reading and considering the Petition of James Chute and upwards of twenty others, Freeholders of the County, praying for a new road in the Township of Granville, on the North Mountain, running east as far as James Hill's land and east following the west line of said Hill's land to the cross road, it is ordered by the Court, That the Prayer of said Petition be not granted.

Upon reading and considering the Petition of John F. Beeler and upwards of twenty others, Freeholders of the County, praying for a new road in the Township of Clements, commencing at the main road near Beeler's Lake, thence running south easterly to the Township line, and thence to the outlet of the Grand Lake, and thence to the Greywood road near McLeod's, it is ordered by the Court, That the prayer of said Petition be not granted.

Upon reading and considering the Petition of Geo. B. Prince and upwards of twenty others, Freeholders of the County, praying for the opening of a new road in Springfield, beginning at the widow Jacob Acker's, one mile from the main road, thence running a northerly course past the office of Hamilton Young to support and care for Mrs. Nancy Rice, for the sum of seventy-eight dollars per year.

They also agreed with Samuel Williams to support and care for Miss Phoebe Hick at the rate of one dollar and fifty cents per week.

Also with Murray Elliott to support and care for Elizabeth Milberry, at the rate of fifty dollars for six months.

The first two patients above named were placed in charge of the respective persons herein named on the sixth of December, 1877. No marked change has taken place in the health of Mrs. Nancy Rice, and as at present advised your Committee would recommend that she be left in charge of a Committee, to be appointed by your Honorable Court in this term.

Your Committee are pleased to be able to state that Miss Hicks has no further improvement in health that she is not chargeable to the County since the sitting day of June last past, and they further indulge the hope that she will be able to support herself hereafter.

Your Committee regret to state that Elizabeth Milberry has not improved as expected, and they will be under the necessity of returning her to the Hospital for further treatment.

The expense incurred has been small, and the result in Miss Hick's case most gratifying, and we would respectfully ask your Honorable Court to recommend the Grand Jury to present a sum of money to defray the necessary expenses (say \$150 for the ensuing year) connected with the above named patient, all of which is respectfully submitted.

(Signed) W. H. BACON, W. H. BALCOM, EDWARD BERTRAM, Committee.

The report of the Committee was unanimously adopted.

Ordered, That Justices James Wheelock, Leavitt, and W. H. Bacon, be a Committee to inquire into the condition of Leavitt's Hotel for the purpose of assessing and charging to the County of Annapolis, with full powers to negotiate for their maintenance in the County.

Ordered, That all Petitions requiring to be signed by Freeholders of the County, shall before being presented to the Court, be certified by a resident Justice of the Peace, that the signers to said Petition are Freeholders in accordance with the Statute.

Upon reading and considering the Petition of John H. Harris and upwards of twenty others, Freeholders of the County, praying for a new road in Lower Granville, from the Bay of Fundy shore, near the new Pier, built at Delap's Cove—said road to run through the depression in the north mountain, to the Bay of Fundy shore, it is ordered by the Court, That a Precept do issue and be directed to John E. Bath, William Armstrong and James Reed, as a Committee, directing them to inquire into the propriety and necessity of laying out said road as prayed for, and if necessary and proper to lay out the same in manner prescribed by Law.

Upon reading and considering the Petition of John H. Banks and upwards of twenty others, Freeholders of the County, praying for a new road in the Township of Wilmot, from William Spinnay's lane, leading to the Pottery Road, to some point to be decided by the Committee, it is ordered by the Court, That a Precept do issue and be directed to Henry VanBuskirk, as a Committee, directing them to inquire into the propriety and necessity of laying out said road as prayed for, and if necessary and proper to lay out the same in manner prescribed by Law.

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Upon reading and considering the Petition of Simon Harris and upwards of twenty others, Freeholders of the County, praying for an alteration in the Vault road through lands of Isaiah Palmer, Thomas Gates and Elias Peck, it is ordered by the Court, That a Precept do issue and be directed to Charles Jacques, Hugh Kerr, and Henry VanBuskirk as a Committee, directing them to inquire into the propriety and necessity of said alteration as prayed for, and if necessary and proper to lay out the same in manner prescribed by Law.

Upon reading and considering the Petition of Henry C. Bruce and upwards of twenty others, Freeholders of the County, praying for an alteration in the Lake road westward to the Mount Hanley road, it is ordered by the Court, That the prayer of said Petition be not granted.

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Ordered by the Court, That the Clerk of the Peace be instructed to communicate with Messrs. Weatherbe & Graham in reference to their Bill for the purpose of having the same reduced, and that the amount of said bill determined upon by the Custos, and the said Weatherbe & Graham be paid out of Railway moneys on hand, and the balance of said Railway moneys after said payments have been deducted therefrom, be paid into the United Bank, on account of the Railway indebtedness of the County.

List of County and Town officers and Money Prepayment next issue.

A terrible poisoning case is reported from Boston. A young girl aged 16, aided by a homoeopathic doctor, is said to have poisoned her mother with arsenic to obtain control of some property.

The Scots.—The steamer Soud is now on the route between St. John, N. B., and Annapolis, and leaves St. John every Monday, Wednesday and Saturday at 3 a. m., for Annapolis.

Lord Dufferin arrived at London, Friday, October 25th inst., and was welcomed by the Mayor, High Sheriff and a number of other gentlemen, who presented His Excellency with a address in the session of the House. Lord Dufferin, in returning thanks, said he had left Canada as contented and loyal as Great Britain could desire.

lay out the same in manner prescribed by the Law.

Upon reading and considering the Petition of Voss & Co., by their representative Fredk. Leavitt, asking for an extension from the New Alliance and Springfield, on property owned by them, it is ordered by the Court, That the prayer of said Petition be not granted, and the parties applying have not complied with the Law.

Upon reading and considering the Petition of Ingram Pitch and others in reference to certain encroachments on the Pitch road (so called), by adjoining proprietors, it is ordered by the Court, That the prayer of said Petition be not granted, and the parties applying have not complied with the Law.

Ordered by the Court, That the Clerk of the Peace be instructed to communicate with the Atty. Gen. of the Province in reference to said encroachments on the Pitch road.

Upon reading and considering the Petition of Stephen E. Bent and others of Benville, in reference to certain encroachments on the great road, leading from Halifax to Annapolis, it is ordered by the Court, That the Clerk of the Peace be instructed to communicate with the Atty. Gen. of the Province, for his instruction in relation thereto.

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Ordered by the Court, That the order of this Court passed at the October Term, 1877, in reference to cattle running at large on the great road, leading from Halifax to Annapolis, be continued, excepting from the portion of the order the portion of the Township of Granville, extending from Phiney Mountain road to Bigg's Gut.

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