

Early Niagara District Court Records 1787-1841.

A Source Book with a Nominal Index

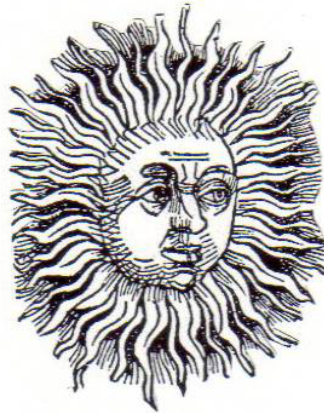
Volume 1:

General Quarter Sessions of the Peace 1787-1841

Court of King's Bench Filings 1794-1824

Court of Requests 1808-1824

Brian K. Narhi (M.A.)



Midnight Sun Press

St. Catharines

2006

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Introduction.

General Quarter Sessions of the Peace.

The General Quarter Sessions of the Peace was a court of record originally established in England as early as the reign of the “Black Prince” Edward III. “Keepers of the Peace” were first created by statute in 1327 (Act 1, Edw. III, statute 2 c. 16), and by 1350 they were required by law to hold sessions in every county four times in a year. Under legislation passed in March 1361, these laymen became known as “Justices of the Peace”. The jurisdiction of this court was extended to the trying of all felonies and trespasses, although the commissions to the justices provided that in case of difficulties no judgments would be delivered except in the presence of a justice of the Court of King’s Bench or Common Pleas or a judge of the assize (34 Edw. III c. 1).¹ By convention the Sessions did not try cases any greater than simple felonies, nor did it have jurisdiction over cases of forgery and perjury; more serious crimes, capital felonies such as murder, burglary and treason could not be tried under the Sessions of the Peace but rather were reserved for the Assizes. The Justices of the Peace could try inferior cases without a jury. The court heard all cases which involved property above £10 but not exceeding £30. In Medieval England it appears that the Quarter Sessions in certain cases could exercise their power with a death penalty although the court ceased to do this during the 16th century.²

The Quarter Sessions was a court with which the Loyalists would have been familiar since it had been established in the American provinces since the 17th century. The first Quarter Sessions was held in the Province of Quebec in October 1764. The court was formally established under the Quebec Act of 1774 and confirmed by an ordinance dated March 4, 1777. Hence before the creation of Upper Canada the first Quarter Sessions for Niagara technically fell within the jurisdiction of the Montreal District.³ Legislation which repealed certain parts of the Quebec Act also confirmed other established institutions, such as the courts, upon the creation of the Province of Upper Canada in 1791.⁴

Blackstone described the scope of this Court as determining “the smaller misdemeanors against the public or commonwealth, not amounting to felony; and especially offences relating to the game, highways, alehouses, bastard children, the settlement and provision for the poor, vagrants, servants wages, apprentices, and popish recusants.”⁵ If the crime was of sufficient seriousness it could be removed by writ from the Quarter Sessions to the Court of King’s Bench.

The times for the sittings of this court was also determined by legislation. Under 2 Hen. V c. 4 (1413-14), it was required that the Sessions be held in every County once in every quarter during the first week after Michaelmas day (September 29th), the first week after Epiphany (January 6th), the first week after the close of Easter and in the week after the translation of Saint Thomas Becket or “Saint Thomas the Martyr” (July 7th.) Therefore three of the four court sittings fell at regularly determinate dates each and every year with the exception of Easter term which could

¹ J.P. Eddy, *Justice of the Peace* (London: Cassell, 1963) pp. 1-6.

² See William Renwick Riddell, “Records of Early Courts of Justice of Upper Canada,” *14th Report of the Bureau of the Archives for the Province of Ontario 1917* (Alexander Fraser, editor.) Toronto: A.T. Wilgress, King’s Printer, 1918, pp. 8-12.

³ The “Quebec Act” of 1774 was properly known as “*An Act for Making More Effectual Provision for the Government of Quebec in North America*,” 14 Geo. III c. 83.

⁴ 30 Geo. III c. 31, “*An Act to Repeal Certain Parts of an Act, Passed in the Fourteenth Year of His Majesty’s Reign*” (1791.)

⁵ William Blackstone, *Commentaries on the Laws of England*. (Oxford: Clarendon Press, 1770) volume 4 p. 269.

vary between the end of March and early May depending upon when the holiday was observed. The first Quarter Sessions in Niagara were held at Navy Hall, but moved to the Council Chamber in the 1790's. Under legislation passed in Upper Canada the Sessions were to be held at the Court House in the town of Niagara on the second Tuesday in January, April, July and October.⁶ These times were found to be inconvenient for the conduct of business and in March 1830 the court dates were fixed at the fourth Tuesday in January and March, the second Tuesday in July and the third Tuesday in October.⁷

Special Sessions and adjournments for the further conduct of business could be scheduled by a quorum of the magistrates. On one occasion in 1804 a Special Sessions dealing with a liquor violation was held in Grimsby, and at least one General Session of the Peace was permitted to be held in Grimsby by an act of the legislature during the summer of 1815.⁸

Furthermore, the court had to be held before two or more justices of the peace whose authority was granted to them by a commission of the peace as well as by statute. Justices were not to be held punishable for their actions in Sessions unless it could be proved that it was a "manifest act of oppression or willful abuse of power." The records or rolls of the Sessions were to be committed to the custody of one of the justices who was known as the *custos rotulorum* and who was the principal civil officer in the county. The Clerk of the Peace for the County normally served as the "sufficient deputy" in the place of the *custos rotulorum*.

In order to hold the Sessions it was necessary for the following parties to appear in addition to the two justices and the Clerk of the Peace: 1) the sheriff and/or his deputy 2) the coroners 3) constables 4) the gaoler 5) jurors 6) all persons to answer charges, prosecute or give evidence. Jurors were to be notified by the sheriff to appear in court based upon a precept or order made out by any two justices at least fifteen days before the court date.

The Sessions were empowered to levy fines for the punishment of crimes as well as for contempt such as non-attendance by jurors. The Sessions were also empowered to commit persons to gaol for punishment, for contemptuous behaviour in court, or for non-payment of fines. Note, however, that the Sessions did not hold a commission for general gaol delivery, nor could the magistrates sentence any person convicted of a crime to the penitentiary for a period longer than two years.

The Quarter Sessions was the main government institution responsible for local district administration down to 1841. The court heard criminal matters and breaches of the peace including assaults, misdemeanours and petit larceny. It also held jurisdiction over the following areas: the establishment of divisions for the Court of Requests, appointment of Justices of the Peace, the levy of special tax rates for local improvements, approval and funding for road and bridge repairs, maintenance of public offices such as the Court and jail, Surrogate Court and Land Registry office, assigning gaol limits,⁹ the appointment and fees for a High Constable and a local

⁶ 41 Geo. III c. 6, "*An Act to Remove Doubts with Respect to the Authority Under Which the Courts of General Quarter Sessions of the Peace and Other Courts Have been Erected and Holden*," passed July 9, 1801.

⁷ 11 Geo. IV c. 8, "*An Act to Alter the Times of Sitting of the General Quarter Sessions in the Niagara District*," passed March 6, 1830.

⁸ 55 Geo. III c. 9, "*An Act to Amend*" 41 Geo. III c. 6, passed March 14, 1815.

⁹ The limits were extended by the magistrates from time to time in Sessions but in March 1830 the Niagara Gaol limits were increased to 26 acres. This was mainly due to the distance of the court house and gaol from the town of Niagara. The gaol limits permitted some of the minor offenders and debtors an opportunity to obtain fresh air and exercise, as well as the opportunity to engage in limited employment

constabulary, determining a salary for the gaoler, confirmation of the appointment or election of town and township officials, regulation of pound keeper's fees, the maintenance of the insane, blind, deaf and indigent inhabitants of the district, regulation of the price of bread, appointment of inspectors of weights and measures, establishment of fire regulations, appointment of a market clerk, approval over by-laws for the prevention of animals running at large, payment for wolf scalps, trial of cases involving the seizure of contraband goods, approval of tavern, shop and still licences, the granting of certificates which permitted the solemnization of marriage by Non-Conformist clergy, and the granting of certificates in the case of the death of a subscribing witness to a deed or other document in order that the document could be registered. During the late 1790's the magistrates in Quarter Sessions could hear evidence of Loyalty and recommend names to be enrolled on the UEL list, and after 1806 the court issued affidavits of identity or parentage for land petitions. It was noted by Riddell that the powers of the Quarter Sessions in England were more circumscribed, limited mainly to matters involving highways and bridges, poor laws, the care of illegitimate children, servants and the regulation of wages. The powers extended to the Quarter Sessions in Upper and Lower Canada "had no precedent in England."¹⁰

The first major legislative change to the Quarter Sessions occurred in 1841 when the chairman of the Sessions also served as District Court judge. In 1868-69 the quarterly sittings of the court was changed to a semi-annual sitting and the name of the court itself was changed to the Court of General Sessions of the Peace.¹¹ In 1909 the authority of the court was extended to "try all criminal offences except homicide" as well as crimes listed under Section 583 of the Criminal Code of Canada. The court could also hear appeals for summary convictions (*Statutes of Ontario* 1909 c. 30.) In 1933 some of the powers of the court were transferred to the County Courts, and in 1984 the remaining powers of the General Sessions of the Peace became integrated within the District Courts of Ontario.

For a summation of the general proceedings of the Sessions see Appendix "A," taken from W.C. Keele's *The Provincial Justice or Magistrate's Manual* (1851.)

According to Carnochan, the first gaol in Niagara was built in 1795 "on a spot known as Graham's Hotel, the Black Swan, opposite the Rectory and Masonic Hall."¹² It is said that as many as 300 prisoners were confined within its walls, charged with disloyalty, in 1812. The building was set ablaze by hot shot from Fort Niagara on the day of the Battle of Queenston Heights and totally destroyed. Tenders were advertised for the new Court House, which later became famous as Miss Rye's "Western Home," in the *Niagara Spectator* in May 1816. Construction on this new building commenced under contractor Josiah Cushman and the structure was completed in 1817. It served as the District gaol until it was replaced by the St. Catharines jail built on Niagara Street in 1864.

The Court of Requests.

within a prescribed boundary without fear of being arrested for escape from confinement. See "*An Act to Repeal and Amend the Laws Now in Force Respecting the Limits of the Respective Gaols in this Province*," 11 Geo. IV c. 3. During this same parliament a law was also passed which forbid sheriffs and bailiffs from seizing necessary clothing and bedding from debtors and their families when enforcing an execution or writ of seizure for debt. See "*An Act for the Relief of Indigent Debtors*," 11 Geo. IV c. 4.

¹⁰ Riddell, *Bureau of the Archives of Ontario* (14th Report) p. 11.

¹¹ Law Reform Act, Statutes of Ontario 1868-9 c. 6, "*An Act Respecting the Courts of General Sessions of the Peace*."

¹² Janet Carnochan, "Jail and Court House," *Niagara Historical Society Pamphlet* 21 (1911) "Historic Buildings," p. 55.

The Court of Requests, or courts of conscience, was a lower level civil or small claims court for the recovery of debts up to 40 shillings or £2. The first Court of Requests was established in London, England by an act of the common council of that city during the reign of Henry VIII. However according to Blackstone the act “was insufficient for that purpose and illegal, till confirmed by statute” during the reign of King James I in 1605-06. This court was nearly abolished in 1640-41 during the reign of Charles I, but whose jurisdiction and powers were “explained and amended by statute” in 1740-41 during the reign of King George II.¹³

The Court of Requests was established in Upper Canada in 1792 by legislation entitled *An Act for the More Easy and Speedy Recovery of Debt* (32 Geo. III c. 6.) This court was presided over by two Justices of the Peace who were appointed by the Magistrates, and the boundaries or divisions for each court were also determined by the Magistrates in Quarter Sessions. There was no appeal for the judgements rendered by this court.

In March 1816 legislative changes increased the amount of debt recovery to £5, but did not permit the recovery of drinking or gambling debts under *An Act to Extend the Jurisdiction of the Court of Requests* 57 Geo. III c. 5. In 1833 additional changes permitted debt recovery of up to and including £10 in the Court of Requests. Furthermore, this legislation provided that the court was to be presided over by Commissioners rather than JP’s who were appointed directly by the Lieutenant Governor. See *An Act to Repeal Part of, Amend and Reduce to One Act of Parliament the Several Laws Now in Force in this Province for the Recovery of Small Debts and to Extend the Jurisdiction of the Court of Requests Within the Same*, 3 William IV c. 1. The Court of Requests was abolished in 1841, being replaced by the Divisional Courts.

The records contained within this volume include scattered documents and references from the Court of Requests for Niagara, Stamford, Willoughby, St. Catharines, Grimsby and Haldimand for the period 1808 to 1824. The number of suits brought before this Court must have been substantial, yet only a very small proportion of these records have been preserved.¹⁴

NOTE: This publication was designed to serve strictly as a guide and index to the original records and is intended primarily for historical and genealogical research purposes. The records have not been transcribed verbatim; for this reason, and also due to possible errors in the interpretation of the 19th century script, it is recommended that researchers consult the actual documents.

Additional Reading.

Banks, Margaret A.

1983 “The Evolution of the Ontario Courts 1788-1981,” *Essays in the History of Canadian Law* volume II (David H. Flaherty, ed.) Toronto: the Osgoode Society, pp. 492-572.

¹³ William Blackstone, *Commentaries on the Laws of England* (Oxford: Clarendon Press, 1770) volume 3 pp. 50, 81.

¹⁴ The Archives of Ontario holds extant records from the Court of Requests for the Bathurst District (Perth RG22-0629), the Gore District (Stoney Creek RG22-0644), Guelph (RG22-0645), the Johnstown District (RG22-0665), Brockville (RG22-0664), London (RG22-0676) and the Midland District (RG22-0659.) Most of these records date between 1833 and 1841, although the oldest records are those of the Johnstown (1798-1802) and Midland Districts (1812-1842.)

Carnochan, Janet,

- 1916 "An Historic House," *Niagara Historical Society* No. 13. Welland Tribune Print, pp. 17-23.
- 1920 "Notes on Niagara 1759-1860," *Niagara Historical Society* No. 32 Advance Print, pp. 49-50.
- 1923 "Jail and Court House," *Niagara Historical Society* No. 21. Advance Print, pp. 60-62.

Corupe, Linda.

- 2001 *Minutes of the Court of Quarter Sessions of the Peace for the Mecklenburg/Midland District (Counties of Frontenac, Lennox & Addington, Hastings and Prince Edward)* volume 1 (1789-1816) Bolton, Ontario.
- 2001 *Minutes of the Court of Quarter Sessions of the Peace for the Midland District (Counties of Frontenac, Lennox & Addington, Hastings and Prince Edward)* volume 2 (1832-1840) Bolton, Ontario.

Eddy, J.P.

- 1963 *Justice of the Peace*. London: Cassell.

Fraser, Alexander.

- 1933 "Minutes of the Court of General Quarter Sessions of the Peace for the Home District, 13th March, 1800 to 28th December, 1811," *Twenty-First Report of the Department of Public Records and Archives of Ontario* 1932. Toronto: Herbert H. Ball, King's Printer.

Johnson, J.K.

- 1989 *Becoming Prominent. Regional Leadership in Upper Canada 1791-1841*. Kingston and Montreal: McGill University Press.

MacRae, Marion and Anthony Adamson.

- 1983 *Cornerstones of Order. Courthouses and Town Halls of Ontario, 1784-1914*. Toronto: Clarke Irwin (1983) Inc.

Murray, David.

- 2002 *Colonial Justice. Justice, Morality, and Crime in the Niagara District 1791-1849*. Toronto: printed by the University of Toronto Press for the Osgoode Society for Canadian Legal History.

Oliver, Peter.

- 1998 *"Terror to Evil-Doers": Prisons and Punishments in Nineteenth Century Ontario*. Toronto: printed by the University of Toronto Press for the Osgoode Society for Canadian Legal History.

Riddell, William Renwick.

1918 "Records of the Early Courts of Justice in Upper Canada," *14th Report of the Bureau of the Archives for the Province of Ontario 1917*. Toronto: A.T. Wilgress, King's Printer.

1925 "Criminal Courts and Law in Early (Upper) Canada," *Ontario Historical Society Papers and Records vol. XXII*, pp. 210-221.

Wylie, William N.T.

1983 "Instruments of Commerce and Authority: The Civil Courts in Upper Canada 1789-1812," *Essays in the History of Canadian Law* volume II (David H. Flaherty, ed.) Toronto: the Osgoode Society, pp. 3-48.

Montreal (Niagara) District Quarter Sessions, 1787.

Messr. Millards Affidavit, April 30, 1787.

Personally appeared before me **Daniel Millard** who being duly sworn deposeth: That the within named **Jesse Millard** served with him in His Majesties **84th Regiment of Foot** for 5 years as a private, and that on the 24th May 1784 being at **Carleton Island** he saw the said Jesse Millard receive his Discharge signed by **John Adolphus Harris**, Esquire, Major of said regiment by the hand of **Malcolm Frazier**, Esquire, Captn. in said regiment. He the said Daniel Millard receiving his discharge the same day by the same hand which he produced and further says that the discharge he saw the said Jesse Millard receive was of the same date and similar to his in every respect except the word Corporal which rank he the said Daniel Millard bore at the time of his discharge. Further this deponent sayeth not. [Signed, Daniel Millard.] Sworn before me at Chipaway, April 30, 1787, **John Burch**, J.P. Montreal District ss.

Personally appeared before me, John Burch, Esquire, one of His Majesties justice assigned to keep the peace in the said district, Jesse Millard, who being duly sworn on the Holy Evangelist deposeth: That in the day time of Fryday April 27, 1787 he and his family being from home and returning in the evening of said day found his house consumed to ashes by fire, and all his goods, wearing apparel, books and papers &c intirely destroyed among which paper was a discharge he the said Jesse Millard received from John Adolphus Harris, Esquire, Major of His Majesties' 84th Regiment of Foot bearing date 24 May 1784 after serving 5 years as a private in **Brigadier General Mclean** Company of said Regiment which was then about to be reduced, further this deponent sayeth not. [Signed, Jesse Millard.] Sworn before me at Chipaway, April 30, 1787. John Burch, JP.¹⁵

Names of Persons Recommended for Civil Offices in the New Districts,
[18 August 1787?]¹⁶

District of Nassau.

Judges of Common Pleas.

Gilbert Tyce

John Powell

Henry Nelles

Justices of the Sessions of the Peace.

¹⁵Archives of Ontario, *Montreal District Court of General Quarter Sessions 1787*, RG22-8-1.

¹⁶Brig. General E.A. Cruikshank, "Records of Niagara 1784-7" *Niagara Historical Society Pamphlet* No. 39 pp. 118-119. Note that a commission of the peace ("Commissioners in His Majesty's Commission for the Peace for the Districts of Quebec and Montreal, in the Province of Quebec") was published in the *Quebec Gazette* June 29, 1786. The General Commission for the District of Montreal also contained "Commissions of Association: for Niagara and Detroit which named **Peter Tenbrook**, **Duncan Murray** and **John Birch** as justices for the Niagara area. This list was published by Cruikshank in the same Niagara Historical Society Pamphlet on pages 114-115.

Jacob Ball
Samuel Street
Jesse Pawling
Robert Hamilton
Peter Tenbroeck
Sheriff
Coroner
Clerk of Com. Pleas & Sessions

Names of persons recommended as fit to be Commissioners for the Court of Requests.

District of Nassau. Commissioners for the Court of Requests are wanting in this District, for the Ordinance of 1785 does not extend beyond the Bay of Quinty.

List of Persons Recommended for Civil Trusts (by Lieut. Col. Butler.)

Niagara.

Gilbert Tice
John Powell
Henry Nelles
Jacob Ball
Samuel Street
Jesse Pawling
Robert Hamilton
Peter Tenbroeck

List of Persons recommended for [Magistrates] (erasure) For Civil Trusts.

Niagara. (recommended by **Capt. Watson**, Commandant of Fort Niagara.)

Lieut. Col. Butler
Mr. Burch
Mr. Warren
Mr. Pawling
Mr. Hamilton
Mr. [Philip] Fry as Clerk of the Sessions

are in general the persons recommended by Colonel Butler, whose names had been communicated by him to **Genl. Hope**.

Endorsed:- List of Persons recommended for Magistrates with remarks. NB: Copy of this list *without the remarks* deliv'd to the Clerk of the Council 27th Decr.

July 1788.

Broke out of Gaol and made his escape, **James Lawrence**, late of Niagara, surgeon, charged with the murder of **William Chalmers**, late of the same place, trader; he is a native of Ireland, about 25 years of age, came into this country about four years ago, and was formerly a Surgeon's Mate on board a ship of war, he is about 5 feet 4 inches high, sandy coloured hair tied behind, freckled and talks in a mild tone of voice; had on when he made his escape a callicoe blue and white spotted nightgown, a white waistcoat, a pair of grey Bath-coating overalls, a round hat bound with velvet, and a pair of red leather

shoes. Whoever will apprehend the said James Lawrence and secure him in either of His Majesty's Gaols in this Province, shall be paid a reward of £5 Cy, and all reasonable charges on applying to **Edward William Gray**, Esq, Sheriff of this District. Signed **George Young**, Gaoler, Montreal, 5th July 1788.¹⁷

List of appointments, District of Nassau, 24th July 1788.

Justices of Common Pleas: **John Butler**, **Robert Hamilton**, **Jesse Pawling**, Esquires.

Justices of the Peace: **John Burch**, **Peter Tenbroeck**, **John Warren**, **John Powell**, **Jacob Ball**, **Samuel Street**.

Sheriff: **Gilbert Tice**.

Clerk of the Court of Common Pleas and Clerk of the Peace, Sessions of the Peace:

Philip Fry.

Coroner: **Henry Nelles**.¹⁸

1788.

Minutes of the Executive Council of Quebec, 22 October 1788.

Read a letter from Messrs. **Butler & Hamilton** Judges of the District of Nassau.

Ordered that Commissions issue Constituting **Benjamin Pawling**, **Peter Tenbrock** and **Nathaniel Petit** to be severally Judges of the Common Pleas of the said District in addition to those already appointed, and revoking the Commission to **Jesse Pawling** as a mistake, and that a Commission issue appointing him one of the Coroners of the sd District. [Signed] **J. Williams**.¹⁹

Letter from **Philip Frey** Clerk of the Court, to **James Thomas**, Niagara, 30th March 1788. As you have paid no attention to the Decrees of the Court, respecting a lot of land which you are unlawfully detaining from **Daniel Cassady**, These are therefore to desire you not to make any further Improvements upon the said lot, as Daniel Cassady will not be obliged to pay you for such improvements, having already given you warning in my presence to desist. And be you likewise very cautious, not to slight any orders you may receive from this Court, as you will answer for such illegal Conduct. By Order of the Magistrates at their Session at **Navy Hall**, held the last Saturday in the present month.

Letter from **Philip Frey**, Clerk of the Court, District of Nassau, to **James Thomas**, Niagara, November 10, 1788. Whereas **Augustus Jones**, **Daniel Cassedy & Samuel Cassedy** have deposed upon before **Samuel Street** Esqr, that they heard you say that **Captain TinBrook** & myself were rogues & that I had forged a certain letter which I shewed you last fall, I do therefore dare you & desire you to prove your different

¹⁷ *Montreal Gazette*, July 10, 1788. (Archives of Ontario microfilm N126 reel 3.) This ad ran in subsequent issues of the *Gazette* on July 17, 24 and 31st.

¹⁸ *Ibid*, August 7, 1788.

¹⁹ Brig. General E.A. Cruikshank, "Records of Niagara 1784-9," *Niagara Historical Society Pamphlet* No. 40 p. 56; also see Alexander Fraser, "Appendix I, The Courts of Common Pleas," *Fourteenth Report of the Bureau of Archives for the Province of Ontario 1917* (Toronto: A.T. Wilgress, King's Printer, 1918) p. 452.

assertions, and I will convince you that tho' I pity you as an ignorant man, as an infamous fellow, I will not allow you to asperse my public character and nothing but a very publick acknowledgement in writing shall prevent me from carrying on an immediate suit in the high Courts of Judicature in Quebec. I will give you two days from this date, and be assured that your opprobrious [sic] Language by no means merits this indulgence.²⁰

1789.

Proceedings of Land Board.

For the District of Nassau, constituted by His Excellency **Lord Dorchester's** Letter of 13th October, 1788, addressed to **Lieutenant Colonel Hunter**, or Officer Commanding, **Lieutenant Colonel Butler, Peter TenBroeck, R. Hamilton, Benjamin Pawling** and **Nathaniel Pettit**, Esquires, held their first meeting at **Navy Hall**, immediately after the January Quarter Sessions of 1789. They having before that time stated to the Governor their reasons for holding the regular boards of examination at the same time with the Quarterly Courts; That the settlement being then mostly brought together, the Claimant could, with ease, procure the testimony of his former acquaintances in his favour, and it furnished also an opportunity to the Settlers to detect and point out such characters as were unworthy a place among them. At that time the board, having no particular instructions to guide their conduct, proceeded to examine into the loyalty but more particularly into the character of all such persons claiming a settlement as appeared before them. To such as were approved of, they administered the oath of allegiance, and directed the Surveyor to give them a ticket, specifying the quantity of land they and their families were entitled to. All these claimants were already settled, some on the survey lands, and others on the waste land adjoining. A Committee of the board to accommodate themselves to the convenience of the settlement went, in February to Fort Erie, where all the claimants of that quarter were directed to attend. Here they followed the same plan, as also after the subsequent Quarter Sessions held in April. The Surveyor at these meetings kept a list of all such as were permitted to become settlers.²¹

Extract of a letter from **John Butler** and **Robert Hamilton**, Esquires, Judges of the Court of Common Pleas for the District of Nassau, to **Thomas Aston Coffin**, Niagara, 21 November 1789: "The Judges whom His Excellency **Lord Dorchester**, did the Honor to appoint for this District have continued regularly to hold their Terms along with the other Magistrates at their Quarter Sessions. They are induced to make their Terms Quarterly from the Conviction, that frequent Courts only encouraged Litigation and spent the time of the Inhabitants more properly employed on their Farms. Experience has confirmed this Idea, fewer Pleas are now before them, than when they met Monthly. No Processes of

²⁰ *Upper Canada Land Petitions*, RG1 L3, T2/39 (1795) volume 495 (NAC microfilm C2832) pp. 39 "g" and "l."

²¹ Brig. General E.A. Cruikshank, "Records of Niagara 1784-9" *Niagara Historical Society* No. 40 (Advance Print? ca. 1928) p. 83-84. This is also quoted in Alexander Fraser, "Land Board Book-Nassau," *Third Report of the Bureau of Archives for the Province of Ontario 1905* (Toronto: L.K. Cameron, King's printer, 1906) p. 295.

sufficient Magnitude, to require Repeating have come before them; and from none of their past Decisions, do they Apprehend an Appeal is intended.”²²

1792.

Extract of a letter from **John Butler** and **Robert Hamilton**, Judges, Court of Common Pleas, to Lieutenant Governor **John Graves Simcoe**, Niagara, February 27, 1792:²³

Sir,

At the request of the other Magistrates and of the most respectable settlers in this District, we have the honor to present to you the enclosed address.

It affords us the greater satisfaction as furnishing an opportunity of offering at the same time our own personal and unfeigned respects and of stating the promising prospects of the District in which we reside.

Our last crops have been abundant to our utmost expectations and peace and plenty promise once more to reside among us.

Our Courts of Common Pleas and Quarter Sessions as established by His Excellency the Governor General continue till further directions to perform their usual Duties. From the attention of the Magistrates and from the peaceful deportment of the people but few cases of considerable consequence have ever come before us. From our past decisions, we do not understand any appeal is intended, and we are happy in observing that at present we know of no cause remaining before us undetermined.

If in this Quarter our personal Services can be in the smallest degree instrumental to your convenience, nothing will afford us more satisfaction than in receiving your commands.

With sincere respect we have the honor to be &c.

August 1793.

A petty session of magistrates was held on Tuesday last, **Peter Russell**, **Robert Hamilton**, **Robert Kerr** and **William Jarvis**, Esquires. Where they appointed a town meeting to be held at Newark on Saturday the 17th instant for the purpose of electing the Town and Parish officers, as directed by the late act of this Legislature.²⁴

June 1794.

Dirk VanDerWillige of Albany, New York, maketh oath that in the fall of 1785 **Staats Springsteen** was at his house and promised to take a horse to Niagara and there to dispose of it to the best advantage. Springsteen valued the horse at £14 or £15, and he was to receive one guinea for his trouble and services. Springsteen promised to return the same fall to pay deponent and other people in the neighbourhood of whom he had

²²Brig. General E.A. Cruikshank, “Records of Niagara 1784-9” *Niagara Historical Society* No. 40 (Advance Print? ca. 1928) p. 100

²³pp. 136-138.

²⁴ *Upper Canada Gazette*, August 8, 1793 (Archives of Ontario microfilm N31 reel 1.)

purchased horses. Springsteen also indebted to deponent 12/- for pasturage of horses and for some pork sold to him to use on his journey to Niagara. Deponent has never received payment nor interest. Signed Dirk "his X mark" VanDerWillige, sworn before *Peter W. Yates* at Albany, 21 August 1793.

Staats Bradt, of *Niscuthaw*, County of Albany, aged 44 years. In May 1785 *Gerret J. Seeger* and Staats Springsteen came to his house to purchase a cow for £5.10.0. For payment Seeger pawned his watch which he redeemed and paid deponent for the cow. Springsteen took the cow in order to sell her at Niagara. Deponent wouldn't sell cow on the credit of Springsteen unless Seeger had become responsible to pay the money. Springsteen and Seeger purchased cattle and horses in co-partnership, Seeger answerable and accountable for money, Springsteen could not obtain any on his own credit. Signed Staats "his X mark" Bradt, sworn before *Abm. Yates* at Albany, 22 April 1794.

Jacob Heller, of *Niscuthaw*, aged 66 years. In May 1785 Seeger and Springsteen came to his house to buy a cow for £4.10.0. Signed Jacob Heller, sworn before *Abm. Yates* at Albany, 22 April 1794.

Dirick Terwilliger, of *Normans Kill*, County of Albany, aged 68 years. In May or June 1785 Seeger and Springsteen came to his house to borrow money to bear and pay the expenses of Springsteen who was going to Niagara with some cattle. Seeger afterwards repaid the money. Has forgotten and does not recollect the sum borrowed. Signed Dirik "his X mark" Terwilliger, sworn before *Abm. Yates* at Albany, 22 April 1794.

Conradt Koon, of *Normans Kill*. In the fall of 1785 Springsteen came to his house with an order from Seeger for cheese on his return with cattle and horses to Niagara. Delivered to him a cheese valued at 10/-. Seeger afterwards paid this amount. Signed Conradt "his X mark" Koon, sworn before *Abm. Yates* at Albany, 3 May 1794.

Moses Hudson, of *Normans Kill*. Staats Springsteen was imprisoned and confined in gaol at Albany on a charge of stealing the horses of *Jurian Hogan*, Esq, of *Jericho*. Deponent was prevailed upon by Seeger to become a bail for Springsteen. When Springsteen was bailed, deponent sold Seeger and Springsteen a parcel of calf skins, more than two dozen, for £9 and odd shillings on Seeger's credit, also 400 lbs. of pig tail tobacco at the rate of 14d per pound. Springsteen was to dispose of the skins and tobacco at Niagara, and was to pay the purchase money and $\frac{3}{4}$ of the profit to Seeger and to keep $\frac{1}{4}$ of the profit himself. Seeger paid £38 to deponent for goods, but the interest is due and unpaid. Signed Moses Hudson, sworn before *Abm. Yates* at Albany, 3 May 1794.²⁵

John Irwin, of *New Scotland*, aged 50 years. In the spring of 1785 Seeger and Springsteen came to his house and bought two cows for £11 which Seeger paid. Would not have sold the cows to Springsteen unless Seeger had been security or bail. Springsteen to drive the cattle to Niagara for sale. Signed John Erwin, sworn before *Abm. Yates* at Albany, 3 May 1794.

²⁵ This paragraph combines two different affidavits made out by Hudson, the break indicated by the oblique slashes in the text. The first affidavit was dated May 3rd, the other was sworn on May 9, 1794.

Garret J. Seeger, of Normans Kill. In the fall of 1785 Springsteen agreed to take Terwilligers horse and to dispose of it at Niagara, Springsteen to receive one guinea for his trouble. About three years later deponent saw Springsteen at Niagara who confessed to the sale would pay Terwilliger for it. Signed Garret J. Seeger, sworn before Abm. Yates at Albany, 6 May 1794.

Jurian Hogan, Esq, of Jericho, Albany County. Sometime during the late War between Great Britain and America, two horses were stolen from his father. In 1785 he heard that Springsteen had come back from Niagara and was credibly informed that Springsteen stole the horses. Deponent applied to **Volkert Veeder**, JP, for warrant to apprehend Springsteen. Springsteen was arrested by constable **Samuel Cow**. Springsteen confessed to the theft and offered payment, gave a note from one **Elisha Alderman** for £21 and another for £11 signed by his brother **Garret Springsteen**. The next fall he issued a new warrant for Springsteen, imprisoned in Albany for want of bail. Springsteen was bailed by Moses Hudson. Seeger paid deponent the cost of the suit with a note for the debt and included an additional £5 for another horse purchased from deponent's father. Seeger gave me his own private note for the money and interest. Signed Jurian Hogan, sworn before Abm. Yates at Albany, 6 May 1794.

Andrew Ransier: acknowledges receipt of papers and documents from Garret J. Seeger for the purpose of receiving monies due to Seeger from Springsteen now of the County of Lincoln, signed by Andrew Ransier at Newark, 21 September 1793.

Letter from **Peter W. Yates** to **Dr. Carr**, dated Albany 14 June 1794. Encloses affidavits "in favour of a poor honest man" Garret Seeger against Springsteen. Wished to engage Mr. White the Attorney General to prosecute the case but when Seeger was at Niagara last fall he had no cash to carry on the prosecution. Seeger gave a power of attorney and left documents with his brother-in-law Ransier to go on with the prosecution. Left a horse which Ransier sold and converted the money to his own use, Seeger is obliged to take the matter out of Ransier's hands. Prays that Dr. Carr will carry on the prosecution, "take it all out of Ransier's hands." If Springsteen refuses, there are witnesses residing in your neighbourhood who can prove the prices and profits of the cattle sold by him there- **Frederick Seeger, John Singer, Philip McGregory, Mynder Brat, Isaac Ostrander, Andrew Ransier** and his wife and several others. Also try to recover money for the horse bought from **Terwilliger**, "an honest old Dutchman." Favour me with a line acknowledging the receipt hereof.²⁶

La Rochefoucault-Liancourt, 1795.

The justices of the peace determine in the quarter-sessions, as they do in England, the amount of the country-rates for the construction of public buildings, for the repair of the roads, and the maintenance of the army. (This last item is not yet known in Canada.) These rates are raised by means of a capitation or poll-tax, assessed in proportion to the probable amount of the property of the whole who are in the district, liable to contribute;

²⁶ Archives of Ontario, RG 22 series 138 box 1, *Home District Filings*, Rex vs. Springsteen, 1794.

the largest assessment on any individual exceeds not four dollars. On the same principle is raised the pay of the members of the assembly, who, on their return at the end of the session, deliver to the justice of the peace of their district a certificate of the speaker, proving the number of days they have been present, and receive two dollars per day out of the money raised for that purpose, including the days they have been upon their journey. The quarter-sessions are held in every district; and the division into districts is connected with the administration of justice...the justices of the peace exercise the same jurisdiction as in England.

Respecting the frequency and punishments of crimes, *Mr. White*, Attorney-General of the province, informed me that there is no district, in which one or two persons have not already been tried for murder...that, from want of prisons, which are not yet built, petty offences, which in England would be punished with imprisonment, are here mulcted, but that the fines are seldom paid for want of means of execution; and that the major part of law-suits have for their object the recovery of debts; but sometimes originate also from quarrels and assaults; drunkenness being a very common vice in this country.²⁷

January 1795.

Precept signed by *Alexander McDonell*, Sheriff.

Grand Jurors: *Ben. Pawling* Esq, *Joshua Pell* Esq, *John Rowe*, *James Henry*, *William Kitchen*, *Robert Nellis*, *Solomon Seacord*, *John Young* Junior, *Charles Anderson*, *John Green*, *Richard Beasley*, *James Forsyth*, *John Seacord* Senior, *Daniel Secord*, *John Ryckman*, *Thos. Cummings*, *Peter Hare*, *Samuel Gardner*, *Caleb Reynolds*, *James Ramsey*, *Ebenezer Jones*, *Henry Weissshun*, *Charles Petit*, [_____] *Barnum*.²⁸

Petit Jurors: *Joseph Adair*, *Jonathan Moore*, *Alexr. Carpenter*, *John Biger*, *William Carpenter*, *Daniel Palmer*, *William Niel*, *Ben: Smith*, *Stephen Smith*, *L. John Smith*, *Levy Lewis* Junior, *John Beemer*, *Joseph Chalmers*, *John C. Pettit*, *Joseph Hilts*, *Jacob Beem* Junior, *Laurence Larrasson*, *Miller Larrasson*, *Samuel Hammill*, *Will: Walker* Senior, *John Philman*, *Philip Jones*, *Mich: Showers* Junior, *David Morden*, *Abraham Matice*, *Philip House*, *George House*, *Philip McGregor*, *Richard Philips*, *John Markle*, *Christopher Beemer*, *Peter Bradt*, *Jonathan Bell*, *Thomas Cole*, *Isaac Horning*, *Anthony Docherty*, *John Pettit*, *John Carpenter*, *Daniel Wilcox*, *Joseph Wilson*, *Jacob Glover*, *Solomon Austin*, *Frederick Scram*, *George Rancier*.²⁹

Civil Assizes, March 1795.

Elijah Collard, Sworn, Deposeth that on the [---] day of March this present month going from *Hind's Tavern* in Company with *Joseph Page* who was going to *Mr. Jarvis's* to

²⁷ William Renwick Riddell (ed.), "La Rochefoucault-Liancourt's Travels in Canada 1795" *Thirteenth Report of the Bureau of Archives for the Province of Ontario 1916* (Toronto: A.T. Wilgress, King's Printer, 1917) pp. 39-40

²⁸The given name was omitted in the original list.

²⁹Archives of Ontario, "List of Jurors from the Assessment Rolls of the different Townships of the Home District," *Miscellaneous Collection* (1788-1796) F775, MU2099.

return his Deed, **Ralfe Clench & Isaac Swayze** Esq. were standing near the Out Door, Mr. Clench desiring us not to be out of the way that the business would soon begin, at the same time asking which way we were going, Mr. Page said to return his Deed to which Mr. Swayze replied should Mr. Jarvis say the Deed was dirtied tell him it is dirty or damned dirty. [Signed] **Elijah Collard**. Sworn before us this 16th day of March 1795 [signed] **John McNabb** and **Robert Addison**, J.P. [verso endorsed "of no use."]³⁰

Newark, May 1, 1795. We the Jurors find **Isaac Swayze** [**Swezey**] guilty in saying the deeds were not just and not according to the register. Signed: **William Markle, William Lyons, John Jones, Christian Warner, John** "his X mark" **Heay, Peter Caine, Frederick Markle, B. Cain, Andrew Templeton, George** "his X mark" **Cockell, John D**[-----], **William Hodgkinson**.³¹

April 1795.

Extract of a letter from **Peter Russell** to **John Graves Simcoe**, Niagara, 5 April 1795: "It is likewise said that his [ie, **Captain Joseph Brant**] son has lately murdered a White Man by blowing his Brains out in the presence of two other white men; but I do not hear that information has been yet regularly made out of the transaction before a Magistrate though it has been so publicly talked of that I have little doubt that the Grand Jury will present it to the next Quarter Sessions."³²

Precept signed by **Alexander McDonell**, Sheriff.

Grand Jurors: ~~**Peter Ball**~~, Esq., **Peter McDonell, Philip Henry, Jacob Walker, Bernard Frey, James Wallace, William Wallace, John Clement, Joseph Clement, Charles Meredith, Archibald Flack, David Cargill, Henry Docksteder Sen, Henry Docksteder Jun, Thomas Ridout, Daniel Servos, Alexr. Fletcher, Andrew Herron, Jacob Servos, John McFarlane, Andrew Bradt, Adam Vrooman, John Coltman, William Hare.**
 Petit Jurors: **Richard Springer, James Durham, Cornelius Lambert, Philip Bellinger, Henry Johnston, Donald Rose, Joseph Page, John Boice Senior, Peter Lantman, Joseph Brown, Gilbert Field, Arent Stevens, Frederick Markle, Elijah Collard, Elias Smith, George Laurence, John Chisholm, Solomon Quick, Robert Wier, Joseph Haines Junior, Isaac Horton, Archibald Stuart, John Chrysler, David VanEvery, John Darling, John Collard, James Thomas, Will: VanDerlip, Samuel VanEvery, John Castleman, Alexr. Allen, Edmund Horton, Donald McPherson, Francis Goring, Samuel Cox, George Adams, Henry Harris, John Boice Junior, Will: VanEvery, Will:**

³⁰ *Niagara Civil Assizes* (King's Bench Filings 1795), Archives of Ontario RG22 series 138 box 1; Swayze was tried for uttering slanderous remarks about Jarvis in public. On March 2, 1795 Swayze's remarks were overheard by **John Young, George Lawrence, Cornelius Lambert** and **Elijah Collard** to the effect that "the deeds were unjust, that they were not as they were promised to us not being in common soccage, and that the deeds of the Register was not the same."

³¹ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) L16 Bound Legal Papers volume B93 pp. 69-70. The name of one juror, John D[-----] has been lost due to a missing portion of the page in this volume.

³² Brigadier General E.A. Cruikshank, *The Correspondence of Lieut. Governor John Graves Simcoe*, volume III 1794-1795. (Toronto: Ontario Historical Society, 1925) p. 342.

Pickard, John Stevens, Nathaniel Haines, Thomas Campbell, Miles Hitchcock, John Wilson Junior, Gasper Cors³³, Gerrit Slingerlandt, John Martha.³⁴

May 1795.

Letter from **Peter Russell** to **John Graves Simcoe**, Niagara, 18th May 1795. Sir, I am just returned from a most unpleasant business which I think it my duty to report to Your Excellency. Having heard that **Mr. Jarvis** had sent challenges to **Mr. Tickell** and **Mr. Sheriff McDonell**, and had gone out with the former; I called upon him yesterday morning to inform me of what I heard and put a stop to anything further of the kind happening, by demanding his word of honor that the business should here cease. He acknowledged he had been out with Mr. Tickell and had challenged the Sheriff, but absolutely refused to enter into any engagement whatsoever against prosecuting the business further, saying that he had been grossly insulted and he was determined to have satisfaction of the party concerned in the libel business. I expressed my concern at the obligation he laid me under as a Magistrate, to take more coercive methods to preserve the peace, for that I should certainly bind him over to it immediately. Accordingly upon consulting with **Mr. Barnes**, I wrote a very civil letter to Mr. Jarvis to request he would call upon me to-day at eleven with sureties to enter recognizance before us for his appearance at the next Quarter Sessions and his good behaviour &c. in the mean time. His answer was that we might proceed against him as our conscience should dictate, but that it was inconvenient to call upon me as I desired. The consequence was a precept from us to the Sheriff in the usual form to bring Mr. Jarvis before us. He came and absolutely refused to enter into recognizance and was, of course, committed to the Sheriff's custody until he does. I must at the same time observe to Your Excellency that his conduct in our presence as Magistrates, was not as it should be and very unbecoming that return which our handsome treatment of him merited. This I shall however attribute to his extreme agitation of mind which seems to have deranged his understanding for the time. I could not discover from what dropped from Mr. Jarvis that the injuries done him require this mode of retaliation but I must fear that he will find himself to be egregiously mistaken if he expects to conciliate the respect and good opinion of society by means of a cocked pistol.³⁵

Ca. 1795.

Undated list of "**Petty Jurors.**"

Frederick Maracle, John Boice Senr., **James Thomas, John Cain, William VanDerlip, James Pickard, Anthony Slingerland, Cors Ancoris[?]³⁶, Alexander Allan, George Poter, Allan McDonell, William Lyons, William Wallace, John Hewitt, George**

³³Probably a variant spelling of Casper Corus.

³⁴Archives of Ontario, "List of Jurors from the Assessment Rolls of the different Townships of the Home District," *Miscellaneous Collection* (1788-1796) F775, MU2099.

³⁵E.A. Cruikshank, *The Correspondence of Lieutenant-Governor John Graves Simcoe*, volume 4, 1795-1796. (Toronto: Ontario Historical Society, 1926) pp. 10-11.

³⁶Probably a variant spelling of Casper Corus.

Bradshaw, Andr. Templeton, Matthew Camp, Mattice Chrysler, John Jones, James Fitzgerald, John Daley, Thomas Redford, Gerrit Slingerland, Derrick Slingerland, Robert Wier, Benjamin Smith, John Flack.³⁷

List of Jurors, November 3, 1795.

Jurors in the case of **David Ransom**, defendant, charged with trespass, signed by **David Burns** (Clerk of the Crown), 7 November. **John McKay, William Dickson, Andrew Butler, Francis Crooks, Andrew Heron, Joseph Edwards, Elijah Phelps, Adam Vrooman, David Secord, John Young Jr, John Cain Jr, John Coltman, Thomas Hind, John McFarlane, Thomas Butler, Archibald Cunningham, Robert Kerr, William Wallace, Robert Wier, Joseph Brown, John Ball, Charles Wilson, James Durham, W.B. Schehan.**³⁸

1796.

Council Chamber, at Newark, 3rd October 1796.

Present: Hon. **Peter Russell**, Administering the Government, and the Honourables **Aeneas Shaw, John McGill** and **D.W. Smith.**³⁹

Read a memorial of His Majesty's Justices of the Peace for the Home District in Special Sessions assembled at Niagara this 26th day of September, 1796, stating that the memorialists being anxious to accommodate the Ministers of Justice in the respective Courts and to ease the district of the great expense to which it is daily exposed by the present mode of securing and maintaining prisoners had (agreeably to the Act in that case made and provided) directed a court house and gaol to be erected upon a plan which they flattered themselves their ability was equal to; but the assessments having from various causes fallen short of their expectations they find themselves incapable of proceeding without assistance. They therefore pray for a loan of three hundred pounds, Halifax currency, to be replaced out of the district assessments within five years from the present date.

February 1796.

Letter from **E.B. Littlehales** to **James Clark**, York, 15th February 1796 relating to the printing of the Provincial Statutes. "I am enjoined by His Excellency to acquaint you that the Grand Jury of the Home District in general Quarter Sessions assembled, have made a presentment to His Excellency the Governor of the injury sustained by His Majesty's

³⁷Archives of Ontario, "List of Jurors from the Assessment Rolls of the different Townships of the Home District," *Miscellaneous Collection* (1788-1796) F775, MU2099. This incomplete list may date from the 1790's since it is appended to the lists of January and April 1795. The original page has been ruled out which may perhaps indicate that this was a rough or draft version of the list.

³⁸*William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), Bound Legal Papers L16 volume B85 p. 3.

³⁹Alexander Fraser, *Nineteenth Report of the Department of Public Records and Archives of Ontario 1930* (Toronto: Herbert H. Ball, King's Printer, 1931) p. 5

subjects from the want of the promulgation of the Provincial Laws, and in consequence thereof, His Excellency will cause due enquiry to be made thereinto on his arrival at Navy Hall and wherever the neglect appears, it will be punished accordingly.”⁴⁰

March 1796.

Letter from **E.B. Littlehales** to **Oliver Jaffray**, York, 20th March 1796. Sir, Having laid before His Excellency, the Lieut. Governor, your statement relative to the requests of sundry inhabitants of the **Head of the Lake**, to have themselves and their families **enoculated**, the Lieut. Governor is convinced that the measure would be highly beneficial could the inhabitants in general be persuaded into it and properly prepared for that purpose but until that is the case it appears to be very dangerous. He recommends you therefore to make known this application to the Magistrates of the District in their next general Quarter Sessions, more particularly to **Colonel Butler** as Superintendent of the **Indian Nations**, as they must be expressly protected, which humanity and justice requires, from any dangers resulting from introducing this disorder which otherwise might prove fatal to them.⁴¹

August 1796.

Circular from **Peter Russell** to the **Lieutenants of the Counties**, Niagara, 8th August 1796. “It may be also proper that you recommend to the Justices in Quarter Sessions to report to me the state of the prisons, what repairs they may want, and whether new ones are necessary. And how far the inhabitants of the District may be capable of bearing the whole or part of the expence, that provision may be made without delay for building at least one sufficient gaol in each District which is absolutely indispensable for the prevention of Disorder in every community.”⁴²

November 1796.

Home District, County of Lincoln. November 2, 1796, **Peter McBride** of Newark, taylor, and **George Forsyth** of Newark, merchant, came before us, **Joseph Edwards** and **William Dickson**, Esquires, JP’s, bound in recognizance £100 each, that **Mary Wilson**, wife of **George Wilson** of Newark, known by her maiden name of **Mary Artchison**, shall appear before His Majesty’s Justices of Oyer and Terminer to answer for the assaulting, beating and firing upon **Nicholas Klingenbrumer**, taylor, and for the taking of a watch the property of the said Klingenbrumer whereof she the said Mary Wilson stands charged before us. [Signed] Jos. Edwards, William Dickson, Peter McBride, George Forsyth.

⁴⁰ E.A. Cruikshank, *The Correspondence of Lieutenant-Governor John Graves Simcoe*, volume 4, 1795-1796. (Toronto: Ontario Historical Society, 1926) p. 193.

⁴¹ E.A. Cruikshank, *The Correspondence of Lieutenant-Governor John Graves Simcoe*, volume 4, 1795-1796. (Toronto: Ontario Historical Society, 1926) pp. 220-221. This undoubtedly refers to smallpox inoculations. **Drs. Robert Kerr** and **James Muirhead** advertised the availability of smallpox inoculations in Newark and the County of Lincoln in the *Upper Canada Gazette* on 18 January 1797.

⁴² E.A. Cruikshank, *The Correspondence of the Hon. Peter Russell*, volume 1, 1796-7. (Toronto: Ontario Historical Society, 1932) p. 21.

November 2, 1796, George Wilson, of Newark, taylor, bound in recognizance £100 and sureties George Forsyth and Peter McBride £50 each, shall appear before His Majesty's Justices of Oyer and Terminer to answer for the assaulting, beating and firing upon Nicholas Klingenbrumer, taylor, and for the taking of a watch the property of the said Klingenbrumer. [Signed] G. Wilson, George Forsyth, Peter McBride.

Evidence of Nicholas Klingenbrumer, Newark, journeyman taylor, taken before William Dickson, 31 October 1796. On the present day the deponent left the house of **John Jones**, taylor, his employer about 11 o'clock in the forenoon and went to the house of **James Wilson**, Newark, also a taylor, where he remained for some time. He dined with James Wilson and his wife, after dinner Wilson went to sleep and left the deponent and his wife together in conversation. Remaining seemingly asleep for some time, said James Wilson jumped all at once from his bed and fell upon the deponent by assaulting, beating and bruising him. Deponent removed himself as speedily as possible from the house but was followed out of the house by Wilson where he was again assaulted, beat and knocked down. During the time deponent was down, Mary Wilson wife of James took a silver watch from his pocket of the value 26 Milled Spanish dollars. Going to the window to demand the said watch, deponent was put in fear of his life by James Wilson discharging and firing a gun at him. Deponent verily believes it was loaded either with shot or ball but it missed him. Deponent claims the justice of his country. Watch was taken from him about 3 o'clock. Deponent is ignorant of the Christian name of the wife of James Wilson. [Signed] Nicholas Klingenbrumer. Sworn before William Dickson 31 Oct. 1796.⁴³

December 1796.

Captain John Dockstader vs. **Angus MacDonell**. Suit to recover a debt £375 in King's Bench, Michaelmas term. A bond or promissory note for £600 NYC (or £375 Provincial) was given at **Queenston** by **Jonathan A. Dell**, **Joshua Pell** and MacDonell. Dockstader to relinquish to Pell or **Edmund Hodges** the goods, wares, chattels, cattle and effects of **Ebenezer Hodges**. Defendant hasn't had time to fulfill all the acts and obligations in the bond. Counsel for Dockstader: **Alexander Stewart**; counsel for MacDonell: **James Clark**.⁴⁴

Sheriff's Office, Home District, to wit: Newark, December 22, 1796. A General and Quarter Sessions of the Peace of and for this District is to be holden and kept at the Council Chamber in the town of Newark on Tuesday the 10th of January next ensuing at 10 o'clock in the forenoon of the same day, of which all coroners, gaolers, high and petty constables, bailiffs, and all others otherwise interested are desired to take notice, and that they be present and do and perform those things which to their several offices in that behalf appertain. **Alex McDonell**, sheriff.⁴⁵

March 1797.

⁴³ Archives of Ontario, RG22 series 138 box 1, *Home District filings*, Rex vs. Wilson and Wilson (1796.)

⁴⁴ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) Bound Legal Papers, Demurer Book, L16 box 2 volume B85 pp. 4-9.

⁴⁵ *Upper Canada Gazette*, December 28, 1796 (Archives of Ontario microfilm N31 reel 1.)

Home District, to wit: A General and Quarter Sessions of the Peace of and for this District is to be holden and kept in the Council Chamber in the town of Newark, on Tuesday the 11th April next ensuing at 10 o'clock in the forenoon of the same day. **Alex McDonell**, sheriff, March 13, 1797.⁴⁶

All persons concerned will please to take notice, that the magistrates in the second riding of the County of Lincoln will meet on Friday the 31st of this present month of March at **Thompson's Hotel** for the purpose of licencing the public houses. It is therefore expected the applicants will give their attendance. West Niagara, March 22, 1797.⁴⁷

A complaint has been entered to a magistrate of the Forty-mile creek, against a person at present inhabiting there, for uttering blasphemous, heretical and damnable doctrines: denying the being of a God, the trinity, and truth of the holy scriptures. The expressions which gave rise to this complaint, were some time since uttered, and have since been the cause of much speculation with the wiseacres; and who, to relieve conscience from the compunction, guilt or imputation of partaking in the heinous crimes by observing silence, a few days since made the complaint, that justice may be executed on the execrable wretch. The magistrate taking a little time for consideration, entered into a separate and particular examination of the witnesses and offender, and collected these facts, that in conversation he had used the following expressions:--That lightening was a fluid; that it could be extracted from the cloud at any time, and that it could be made by man and by it he could kill a man or creature; and that thunder is no more the voice of God than is any other noise, and is the report of the lightning; (the declaring that he could extract the lightning, is deemed self super-omnipotency) and lastly, that the earth has two motions, one round the sun, and that the sun stands still. Notwithstanding the magistrate seems to countenance the heretic, and delays process, it is not improbable that it will issue from another quarter; and if so, the county will have exhibited to them a specimen of pious zeal, such as has never been exhibited since the time of Galileo, of Florence, who for advancing that the earth moved round the sun, was condemned and hanged.⁴⁸

June 1797.

Notice that the General Quarter Sessions will be held at the court house in Newark on July 11th at 10 o'clock. Signed **Alex McDonell**, sheriff.

September 1797.

Notice that the General Quarter Sessions will be held at the court house in Newark on October 10th at 10 o'clock. Signed **Alex McDonell**, sheriff.

Letter from the **Duke of Portland** to **Peter Russell**, Whitehall, 11th September 1797.
 "With respect to granting a salary to the **Rev. Mr. Addison**, whose character

⁴⁶ *Upper Canada Gazette*, March 15, 1797 (Archives of Ontario microfilm N31 reel 1.)

⁴⁷ *Ibid*, March 22, 1797 (Archives of Ontario microfilm N31 reel 1.)

⁴⁸ *Upper Canada Gazette*, March 29, 1797. (Archives of Ontario microfilm N31 reel 1.)

independently of the representation made in his favour by the Magistrates at their Quarter Sessions, is well entitled to the attention of Government.”⁴⁹

October 1797.

Home District, to wit: The Jurors of our Lord the King upon their oath present that **Joseph Poudrier**, late of **Queenstown**, in the County of Lincoln and Home District aforesaid, labourer, commonly called **Joseph Pudore**, and **William Trip**, late of the same place, labourer, on the 15th day of July in the 37th year of the reign of our Lord the King in the year 1797 with force and arms at Queenstown aforesaid in the County and District aforesaid two milch cows and two calves of the value of £10 of lawful money of Upper Canada of the goods and chattels of one **Lorina Forest** then and there did steal, take and carry away against the peace of our Lord the King, His Crown & Dignity. Signed by **Richard Beasley** (foreman) at Newark, 12 Oct. 1797. [verso: True bill; evidence of Lorina Forest; **Robert Eighteen** and **Magnus Swanson**, soldiers in the **Queen’s Rangers**.]⁵⁰

The magistrates of the Home District will meet in adjourned sessions every Saturday during the present month, and on Tuesday the 31st of the same, at their court house in Newark, at 10 o’clock, for the purpose of entering the names of such persons as are entitled to be put in the list of UE Loyalists; and that no application for this can be received after the last day of this month. By order of the court, **Ralfe Clench**, Clerk of the Peace. Session house, Newark, 11 Oct. 1797.⁵¹

Warrant issued to constable **David Hartman** or any other constable: Whereas information has been given to the Magistrates that **John Forsyth** was aiding in breaking open a cask of merchandize on the **Portage Road** on Tuesday last the 17th instant and of stealing from thence a parcel of almonds while this cask was in the wagon of **John Fanning**. This is therefore to command you that you take the body of the said John Forsyth and bring him before me or any other magistrate to answer for this offence. Herein fail you not, Given under my hand and seal at **Newark** this 20th day of Octr. 1797 [Signed] **R. Hamilton**, JP. **John Forsyth**, brought a prisoner before me, acknowledged that on Tuesday the 17th inst. he was called to Jno. Fannings team by the driver **Richard [Bunker]** who shewed him a cask and said he would know the contents; that Forsyth put his hand into the cask and took out some almonds; **Bessy** questioned about drawing of rum from a cask in [Bunker’s] wagon for which purpose he Forsyth furnished the gimlet & the bottle; he stood silent, says that **John Bender** was in the wagon with him, but that **Haggai Cook** was not in the wagon. Committed to the gaol, Octr. 21, 1797.

John Fanning says that his driver Richd. Bunker came home with a load last evening & was then very drunk; this morning **Mr. Weishuhn** informed him that a cask, T No. 104

⁴⁹ E.A. Cruikshank, *The Correspondence of the Hon. Peter Russell*, volume 1, 1796-7. (Toronto: Ontario Historical Society, 1932) p. 276.

⁵⁰ Archives of Ontario, RG22 Series 138 Box 1, *Home District filings*, Rex vs. Joseph Poudrier (1798) The old UEL list records the name of Laurania Forrest, formerly Mrs. Morden, widow of Matthew Forrest, Royal Regiment of New York.

⁵¹ *Upper Canada Gazette*, October 21, 1797 (Archives of Ontario microfilm N31 reel 1.)

was missing out of his wagon; that on looking about they found the cask in the [creek?] with the head out & empty; that looking further about they found a part of the contents being almonds in a bag which had been taken out of Mr. Fanning's house; this bag was concealed behind the *guard house* of the Fort with about [-----] More were found in J. Fanning's loft with hay, in all 86 including the cask were found; that Richard Bunker absconded but was brought back to the *Chippewa*; on which a warrant has been issued for him. [Signed] John Fanning, *Queenston*, Oct. 18, 1797.

Richard Bunker having requested that the Magistrates might be sent for to hear him respecting the crime for which he is committed, *James Muirhead*, *William Dickson*, *William Jarvis* & Robert Hamilton attended. When he voluntarily confessed that being in liquor on Tuesday the 17th in the evening while on the [causeway] John Forsyth came into his wagon along with *John Painter*. Forsyth broke open a cask of nuts & he & Painter took the nuts out and divided them among themselves giving Bunker his share; he says that *William Weishuhn*, *Haggai Cook* & the driver of Cook's other wagon all had a share of the nuts & were present when the fact was committed. The cask was nearly emptied at this place. That he then went on to the store & delivered to the men appointed to receive them the other six articles of his lading but says he was so drunk that he does not know what he did with the empty cask. He says that Painter & Forsyth were the only persons who took the nuts out of the cask, dividing them among those before mentioned. He further confesses that they that day tapped a Hhd [hogshead?] of rum in his wagon; that John Forsyth had the gimlet & tapped the cask drawing out a bottle full of rum; Haggai Cook was present & he, Bunker, *Farr's son* & Forsyth all drank of the rum; he says that John Painter put his share of the nuts in the box on the outside of his wagon; that Weishuhn carried away his in a silk hand[kerchief] & Forsyth had his also in a handkerchief; he asserts that Forsyth while on the wagon aiding to tap the barrel said looking at the cask in question he would see what was in it before it reached the *Chippewa* & immediately took off the hoop & opened the cask exclaiming "here is nuts." [Verso: Home District, Newark, to wit: At the Genl. Quarter Sessions of the Peace holden at Newark on the 10th day of October in the 37th year of the reign of Our Sovereign Lord George the Third of Great Britain, France & Ireland, King, Defender of the Faith &c.] *Henry Weishuhn* declares on oath that Mr. Fanning's team driven by Richard Bunker came to the store at *Chippewa* late in the evening of the 17th inst. That he had seven articles of merchandize in his wagon which he was directed to give over to the Canadian man to put in their boat; that next morning he found they had only received six articles & T No. 104 was missing; the Canadian assured him they had only received six & that the driver had rolled away one saying it did not belong to them, or that it belonged to him; the deponent was afterwards informed by *Snyder* a boatman in *Mr. Street's* employ that he could inform him of the cask & shewed it to the deponent in the creek near *Mr. [Cummins?]* with the end out & empty; having only two almonds in it; they afterwards found a number of shells laying all about; Bunker the driver who the evening before appeared in liquor soon after passed by on horseback & on being called to by the deponent turned round but would not stop being then on the roadway to *Queenston* with one *Farr*; the deponent then [insisted?] on Mr. Fannings following him which he did on horseback & brought him back; with *Lieut. [Cowell's]* permission he was confined in the *Guard House* at *Chippewa* & Mr. Fanning after some conversation with him there learned that a part of the almonds were close by & found a bag containing upwards of 70 behind

the guard house, more almonds were found in Mr. Fanning's hay loft; & **Cruikshank**, a carpenter then declared to the deponent that he saw Bunker take some more almonds in a handkerchief from under the floor of Mr. Fanning's kitchen. [Signed] Henry Weishuhn. Sworn before me at Queenston, Oct. 19th 1797 [signed] R. Hamilton, JP.

Andrew [Correne?] a man employed in the boats by R. Hamilton says that Bunker the driver of Mr. Fannings team delivered to the boat men of whom he was one, six articles of merchandize & that he took another cask from the wagon which he the driver [desired?] them not to take as belonging to him & rolled this cask past the corner of the store till he was out of sight. Sworn before me at Queenston Oct. 19th 1797 [signed] R. Hamilton.

Evidences—Henry Weishuhn, John Fanning, **Alex. Snyder**, Cruikshank, Andrew [Corren?] & the rest of the crew, **Capt. Black**.⁵²

March 1798.

Shop licence granted to **John Beam** of Clinton “to utter and sell wine, brandy, rum or other spirituous liquors, by retail, to be drunk out of his house.” Licence in force until April 5, 1799. Fees received £1.16.0 plus 20/- additional duty. [Signed] **Peter Russell** and **William Jarvis**.⁵³

Notice that the next Quarter Sessions is to be held in Niagara on 10th April at 10 o'clock in the forenoon. **Alex McDonell**, sheriff, March 8, 1798.⁵⁴

June 1798.

Notice that the next Quarter Sessions is to be held in Niagara on 10th July at 10 o'clock in the forenoon. **Alex McDonell**, sheriff, June 1, 1798.⁵⁵

July 1798.

Personally came before us **Joseph Edwards** and **William Dickson**, two of His Majesty's Justices of the Peace in and for the Home District, Province of Upper Canada, **Archibald Cunningham**, Esq, who being solemnly sworn made oath and complained that **Joseph Brown**, yeoman, of the Township of Newark, did on the evening of the 29th or the morning of the present 30th day of July, shoot at and severely wound with a gun loaded with powder and as the deponent supposes (pins?), the mare of the said deponent being on the high road and not within any enclosure as the deponent verily believes, and the deponent further saith that his said mare is wounded in the belly and much swollen whereby the deponent may lose the use of said mare and otherways in consequence be much injured. Therefore craves justice may be done and the said Joseph Brown be apprehended and dealt with according to law. [Signed] Archd. Cunningham. Sworn

⁵² Archives of Ontario, RG22 series 138 Box 1, *Home District Filings*, Rex vs. John Forsyth (1798)

⁵³ Archives of Ontario, *Robert Nelles Papers* (F542), “Miscellaneous” series I, microfilm MS503.

⁵⁴ *Upper Canada Gazette*, March 10 1798 (Archives of Ontario microfilm N31 reel 1.)

⁵⁵ *Ibid*, June 2, 1798 (Archives of Ontario microfilm N31 reel 1.)

before us this 30th day of July 1798, Jos. Edwards JP, William Dickson JP. [Verso: Deposition Archd. Cunningham vs. Joseph Brown for shooting his horse.]⁵⁶

Minutes of Proceedings before **William Dickson**, **James Muirhead** and **Joseph Edwards**, Esquires, His Majesty's Justices in and for the Home District on Information taken before **William Jarvis** of **William Gillespie** of Millon (or Milton?):⁵⁷ that **John Beam** having distilled spirituous liquors with stills of larger [dimensions] than duly licenced for. 7 July 1798. Oath administered to Gillespie by the Justices stating: Beam has stills in his possession of larger dimensions than regularly licenced and used by him for distilling for sale, as also his retailing liquor in small quantities contrary to law. In consequence Beam was summoned on 24 July to make appearance and answer to the complaint on Saturday the 28th. John Beam appeared at the Court House before the Justices and having heard the oath of the informant denies the substance thereof, forthwith produced one still licence for twenty gallons and another for an indefinite number, the blank in the space where the number of gallons should have been filled up left blank. Which circumstance induced the Justices to forgo a further enquiry on the complaint, an original error arising in another quarter unattachable to said Beam. On the grounds of his retailing spirituous liquors contrary to the statute prohibiting a licenced distiller from retailing and being charged thereon, the said Beam produced a licence issued to him from the secretary of the Province for so doing, and on being told it was contrary to the law the said Beam wished by no means to defraud His Majesty's Revenue, but having such a licence he acted under it accordingly. Under circumstances as above the Justices decline mulcting the said Beam, having no intentional design of acting improperly.

William Kitchen, being also informed against for distilling spirituous liquors without a licence by said Gillespie and retailing the same with licence and having been summoned also appeared and denied the charge.

Harmonius House, sworn, deposeth that some time in March he purchased from William Gillespie a quart and half pint of whisky, that he never purchased any from William Kitchen, nor did he ever know the said Kitchen to distill liquor. The informant being called upon to substantiate his charge had no other witness to produce. And the circumstances of the charge being apparently founded on malice, discharged the said William Kitchen.

Robert Lownsberry, being also charged on oath by said Gillespie of distilling without a licence and of selling the same in small quantities under three gallons denies the charge. Gillespie produced **John McIntire** as a witness, who being sworn and interrogated whether he knew the said Lownsberry to distill spirituous liquors the deponent answered no, that he had received some whisky and water from Lownsberry when at his house but was never charged for the same as it was given gratuitously as a neighbour. Gillespie failing in proof altogether, there not appearing to the justices any grounds, discharged Lownsberry.

Personally came before us, James Muirhead, Joseph Edwards and William Dickson, Esquires, three of His Majesty's Justices of the Peace, William Gillespie of the township of Millon and Home District, Upper Canada, who being solemnly sworn on the Holy

⁵⁶ Archives of Ontario, RG22 Series 138 Box 1, *Home District filings*, Rex vs. Joseph Brown (1798)

⁵⁷ This must be a corruption of "Milltown." See *Upper Canada Gazette*, May 3, 1797 which names **Abraham Nelles** "of Milltown, 40 Mile Creek."

Evangelists deposed and saith that: John Beem who resides at the [Forty?] Mile Creek, in township and district aforesaid, uses five stills for which he has a licence, that two stills contains about 174 gallons of measurement, and that Beem has taken out a licence for only 110 gallons. Deponent also saith that Beem retails the liquor so distilled in small quantities also without licence contrary to law; the deponent in company with **John Moore** purchased 3½ pints whisky and drunk it in the house. [Signed] William Gillespie. Sworn before us 24 July 1798, [signed] William Dickson and James Muirhead, JP. Evidence taken before William Jarvis, JP, Home District, 7 July 1798. William Gillespie of Millon deposed that in February last he was admitted into partnership with Robert Lundsberry in a distillery business near 40 Mile Creek at a place called **Kitchen's Mill**. He worked eight bushels of wheat in the distillery without a licence. In March, William Kitchen and **Nathaniel Griffin** hired part of the still and asked for 30 bushels of wheat and upwards for distilling spirituous liquor without a licence. Kitchen and Griffin sold the liquor so distilled in small quantities without being licenced. Around the 1st or 2nd of July he and John Moore went to the house of John Beam and bought 3½ pints of spirituous liquor and drank it in his house. Other witnesses were John Moore and son, **Paul Melotte**, **Abraham Melotte**, John McIntire. **Mr. Gray** has bound over William Gillespie to appear at the next Quarter Sessions in October next and is to transmit a recognizance to any magistrate at 40 Mile Creek to find John Moore. William Gillespie confesses himself of having distilled spirituous liquor for sale, sold in small quantities without a licence. Fined £10, to be made by distress of his goods and chattels. Signed William Dickson, James Muirhead and Joseph Edwards, at the Court House, July 28, 1798. Letter from **Peter Russell** to **Robert Isaac De Gray**, take immediate measures for bringing the delinquents herein informed against for defrauding the Revenue of this Province to punishment as the law directs.⁵⁸

August 1798.

Personally came before **William Dickson**, JP, **Elisha Badgell**, yeoman, solemnly sworn, deposed and maketh oath: on Friday 3rd August he was in the house of **Francis Kearns**, taverner, in Newark, in the company of Kearns and a person named **Young**, and with a number of soldiers one among whom is called by the name of "**Barney**." Kearns, Young and the deponent were at a table together taking a drink of cyder, the soldiers standing around; deponent pulled out a purse to pay for the cyder. For the greater security kept the purse on the table and under a piece of blue cloth measuring about one yard. The purse contained five silver Spanish milled dollars, and an American half dollar marked with the eagle, the last piece the deponent well knows having had it marked and in his possession 12 months. During the time of conversing the purse and contents was stolen from under the cloth and on missing it a search was made. Deponent believes a soldier of the **Royal Canadian Volunteers** named **Barney Fitzsimmons** stole and carried away the purse and contents, as said soldier had been in the garden previous to the search. The next day being Saturday deponent was at the house of **John Knox** and in bed early in the morning. A soldier came to the said house and called for a pint of rum and paid for it and departed. Deponent asked Knox if any soldiers had purchased spirits from him, Knox answered in the affirmative. Deponent enquired the name, Knox said it was Barney. Deponent asked

⁵⁸ Archives of Ontario, *Robert Nelles Papers* (F542), "Court Records 1798-1819 & 1838" series D4, self-serve microfilm MS503.

what money he had paid for the same and was shown an American half dollar, which he recognized as his own stolen on the preceding evening. Believes the man Knox called Barney was the same man who was in his company the preceding evening. Deponent will verify on oath. [Signed] **Elisha Badger**. Sworn before William Dickson, 7 August 1798.

Barney Fitzsimmons being brought up by the constable **Dennis Mc[Cheye?]** says he was not present during the time Badgell was drinking with Kearns and Young. Next morning he purchased a pint of spirits from Knox on the beach and drank it with two other soldiers out of the house and paid Knox half a dollar but doesn't know if it was an American half dollar or not. The soldier who assisted to drink the rum was of the **Queen's Rangers** and knows his name to be **Baxter**. How he came by the money he cannot tell, but left two razors for a certain man who has since gone to the States for which he received a half dollar and sold a razor to another man who boards at Kearns for which he received a half dollar but doesn't know his name.

Francis Kearns appeared and deposes that Barney Fitzsimmons was at his house in the forenoon of the 3rd August, set some razors and believes he was paid for them. After which Barney called for a half pint of gin or more, and departed. Barney came back in the evening about an hour before sun set, but didn't notice what room or part of the house he was in, does not know whether he called for liquor or not. [Signed] Francis Kearns. Sworn before William Dickson, 7 August 1798.

Mary Kearns, wife to Francis Kearns, deposes: on Friday the 3rd instant Barney Fitzsimmons came to the tavern or house belonging to her, set two razors and was paid for them by a man named **Arnold**; Fitzsimmons spent ½ dollar on gin and returned in the evening. Fitzsimmons was present in the room with her husband, Badgell & Young and took a seat between her husband and Badgell but at some little distance. Badgell paid her for some cider and put the purse out of which he took the money upon the table under a piece of blue cloth. Fitzsimmons was not in the room when paying for the cider but came in afterwards and that remaining some time by Badgell and her husband admonished him to go home to his Barracks. He said he would go in a little, but some short time afterwards, then retired into the backyard or garden; Badgell was still in the room when Barney handed deponent a shovel from the backyard. Immediately after this Badgell clapped his hand on the cloth and then on his waistcoat and exclaimed I have lost my money. After which a search was made on **Dutcher**, a soldier, on Young, Kearns and afterwards on Fitzsimmons who had returned by that time. A soldier named **McGraw** had gone out but he was followed by complainant and **Blackely**, a soldier, who searched McGraw. Blackeley was searched on returning. [Signed] Mary "her X mark" Kearns. Sworn before William Dickson, 7 August 1798.⁵⁹

November 1798.

Proofs against **Stephen Pier** and **William Forsyth**.

Examination of **Richard Dain**, who being solemnly sworn deposes and saith that on the 8th of November being Thursday, William Forsyth son of **James Forsyth** in Stamford

⁵⁹ Archives of Ontario, RG22 series 138 box 1, *Home District Filings*, Rex vs. Barney Fitzsimmons (1798.)

came to the house of the deponents uncle, **William Havens** of the **10 Mile Creek**; he arrived about $\frac{3}{4}$ of an hour after sunset and remained during the whole of the night, the deponent and Forsyth slept together and he saw Forsyth leave the house the next morning on his way up the lake. [Signed] Richard "his X mark" Dain. Sworn before us this 24th November 1798 [signed] **William Dickson** and **Jos. Edwards**, JPs.

Personally came before us, **James Muirhead**, William Dickson and **Robert Hamilton**, three of His Majesty's JP's for the Home District, **James Durham** of Newark, yeoman, who being solemnly sworn on the Holy Evangelists deposed: about 3 o'clock PM on Thursday the 8th of November, William Forsyth came to the farm of the deponent and found him and his brother **Isaac Durham** in the fields. Forsyth asked Isaac Durham whether or not he intended going to York, Isaac replied he had no other business there but for his deeds; Forsyth said he was going over to attend Court at York, and desired to know if there was any vessel at **Navy Hall**. For if there was not he (Forsyth) must [peal?] on foot by way of the **Black Swamp**; Forsyth said he meant to have satisfaction of a man of the name of **Silverthorn**. The deponent understood alluding to the man who had prosecuted him and caused his journey to York; deponent hasn't seen Forsyth since that time to this, and at that time only remained in the field about 3 or 4 minutes when he again departed; on the evening of the same day about 2 hours after dark a certain person named **Leonard Barns** and a brother of the deponents came to the deponents house in a wagon and remained during the whole of that night without ever departing from the house; Barns slept in the upper part of the house, along with a man named **Jackson**, neither left the house during that evening. Barns left the house next morning, deponent has not seen Barns since nor his brother **Edward**. [Signed] James Durham. Sworn before us, this 17th November 1798 [signed] William Dickson, James Muirhead and R. Hamilton JPs.

Personally appeared before Robert Hamilton, one of His Majesty's JP's, **John Gould**, who on oath declared: that in conversation with **Bartholomew Noble**, an evidence bound over to appear at the first Court of Qr. Sessions or Oyer & Terminer in the cause the King against Stn. Pier. Noble told him that he would not remain in this Country till either of these Courts shall come in, that Noble also told him he well knew the Forsyths and Pier wanted him to leave the Country; deponent believes that Forsyth procured a place at **Bradshaws** for Noble to work at for the purpose of earning a little money to carry him (Noble) away. [Signed] John Gould. Sworn before me at **Queenston**, Dec. 28, 1798, [signed] R. Hamilton, JP.

Noble told Gould that Pier said in conversation before the last barrack of hay was burnt that he must get rid of his bed fellow **Underwood** that he was afraid Underwood would [---] on him; that Underwood had been in the habit of sleeping with Pier, was then [----] to sleep with **Plant**; Noble told **Samuel Pew** that in the business of Pier, nobody interested themselves so much as John Gould; that Gould imagined he had got information from him; but that he would find himself mistaken as he Noble would deny everything that has been said.

Queenston, County of Lincoln, Upper Canada. Personally appeared before Robert Hamilton, Esq, JP, Bartholomew Noble, who on oath declared: he slept on the night of Friday the 9th November in the house of James Forsyth near the **Falls**; that Stephen Pier was with the family after supper and probably till near 9 o'clock; Forsyth, **Simon Underwood** and deponent supped together; deponent went to bed about 9 o'clock; Pier

was to sleep in the cellar kitchen of Forsyths new house with Underwood or Carpenter Plant; Underwood slept in the upper part of the same house that night, Plant was not at supper nor did the deponent see him that night; deponent got up next morning about day break to go that day to **Fort Erie**; that he had some business to settle with Pier before he went away and went to the door of the room in which Pier had been used to sleep to call him; but found the door locked and no person answered his call; he went to the window of the same room and satisfied himself that Pier was not then in the room; a boy who wanted some job done at **Piers blacksmith shop** came up at the same time to look for Pier at his lodgings; deponent showed him the room, the boy also knocked at the door without finding Pier at home. During the night or early morning snow had fallen, he did not observe any tracks to or from the door of Pier's lodging, from which he concluded that Pier had not slept there that night. When the sun was about an hour high, after deponent had breakfasted, Pier came into James Forsyth's house; Plant a shoemaker was then mending the deponent's shoes; he does not recollect saying anything to Pier about not finding him at home in the morning. He talked with him on other business, and set out shortly after for Fort Erie. [Signed] Barth. Noble. Sworn before me at Queenston, 28th Dec. 1798 [signed] R. Hamilton, JP.

Recognizance- Bartholomew Noble, blacksmith, lately of Stamford now of Newark, £50 to our Lord the King if he shall fail in the conditions. [Signed] Barth. Noble, acknowledged before me at Queenston, 28 Dec. 1798 [signed] R. Hamilton, JP.

Conditions: Noble to appear at the first Court of Quarter Sessions or Oyer and Terminer in Newark to give evidence in the cause of the King against Stephen Pier for willfull fire raising, then this recognizance to be null and void.

Personally appeared before James Muirhead, **John Reily** and William Dickson, Esqs, three of His Majesty's JP's, **Edward Durham**, yeoman, Stamford, being solemnly sworn deposed: on the 8th November on his way to Newark with his team, in company with Leonard Barnes, was overtaken by William Forsyth of Stamford nigh the **deep gully** at Queenston; Forsyth had a pack and threw it in deponent's wagon and accompanied them to the house of James Durham where they stopped for some time; Forsyth went into the corn field behind the house where he continued for about an hour; upon deponent going into the field, he saw Forsyth leaving Isaac and James Durham; Barnes in the interim had drove on deponent's wagon, and on coming up with it again at **McFarland's farm** deponent did not find Forsyth in company with Barnes; deponent hasn't seen Forsyth since; deponent returned with his team, Barnes in company; Barnes and a man named Jackson slept upstairs in James Durham's house; knows that Barnes went to bed & got up next morning, but doesn't know if Barnes got up and went out during the night; deponent lives on the Mountain, knows Stephen Pier and William Forsyth well, knows Pier was bailed for an offence committed on the **Carrying Place**; while bailed, deponent and Forsyth were in Pier's workshop and he heard both Pier and Forsyth threaten with fire the house and barn of the Hon. Robert Hamilton of Queenston from the activity he had exerted as a Magistrate against them; he knows **John Forsyth** and recollects the time he was first put in gaol for an offence on the Carrying Place, that during John's confinement being in company with William Forsyth, in coming up the Mountain from the Landing or Queenston, a conversation took place between them in which he expressed his revenge against Hamilton by threats with which that revenge might be carried into execution by setting fire to the barracks or stacks of hay in the fields belonging to Hamilton; has heard

both Pier and Forsyth say they would yet be revenged on Mr. Hamilton; that on Mr. Hamilton's barracks of hay being lately burnt, deponent believes the crime to have been committed by Pier and Forsyth; on Saturday the 10th November, being at the shop of Stephen Pier, deponent remarked that Hamilton's hay barrack was burnt, to which Pier replied he was glad he was in his bed that night, but replied to the deponent who said Mr. Hamilton was very angry and in ill humour, yes, he hoped he would be in a better humour when he had two or three men set fire to. [Signed] Edward Durham. Sworn before us this 17th November 1798 [signed] William Dickson, James Muirhead, John Reilly, JPs.

James Forsyth makes oath that he knows Stephen Pier who lodges with the deponent; asked whether he ever heard Pier use any words threatening Hamilton, either in his possessions, property, hay, house, barn or in any manner to cause a suspicion in his mind, that Hamilton might receive damage from him in consequence of his conduct as a Magistrate, deponent answered in the affirmative; it struck the deponent that Hamilton would receive damages from him; that appears to the deponent that the said Pier from his knowledge of him to be a vicious man; when first imprisoned, from his knowledge and conversations, he thought him so vicious as to be capable of revenging himself on Mr. Hamilton by burning his hay, house, barn or other property; on being interrogated at what time his son William departed from Newark for York, answers it was about an hour before sunset on the 8th November being Thursday. [Signed] James Forsyth. Sworn before us at Stamford this 17th November 1798 [signed] William Dickson, James Muirhead, John Reilly, JPs.⁶⁰

March 1799.

Upper Canada, Home District. Personally came before me *William Dickson* Esq, one of His Majesty's Justices of the Peace in and for the District aforesaid *John Warren*, Esq, of Fort Erie, who being duly sworn deposeth and saith that on the thirteenth instant March, about ten o'clock in the forenoon, in consequence of information received at Fort Erie, that a prisoner who had escaped from the Gaol of the Home District was endeavouring at the *ferry below Fort Erie* with the assistance of other person or persons to leave this Province by crossing over to the United States. The deponent with three soldiers of the *Queen's Rangers* proceeded downwards to apprehend *William Forsyth*, who of Stamford who was endeavouring to make his escape, being to the deponent's knowledge indicted for felony at the *Court of Oyer and Terminer* last past---That on the deponents way from Fort Erie to the ferry, he ~~met~~ accompanied with the three soldiers as aforesaid met a flai,⁶¹ with two horses driven at full gallop. That the deponent endeavoured to stop it with the passengers therein to no effect. That in the flai he the deponent perfectly recognized *James Forsyth*, and William Forsyth his son, for in passing the deponent endeavoured to lay hold of the said William Forsyth but the flai with which they were driven prevented ~~the dep~~ it. That the deponent returned again to Fort Erie who with the assistance of the Commanding Officer and different individuals, the said James Forsyth and William Forsyth were apprehended. Sworn before me this 15th day of March 1799. [Signed] John Warren, William Dickson J.P.

⁶⁰ Archives of Ontario, RG22 series 138 box 1, *Home District Filings*, Rex vs. Stephen Pier (1799.)

⁶¹ A corrupt spelling of "fly."

Personally appeared before us, **Joseph Edwards** and **William Dickson**, Esquires, two of His Majesty's Justices of the Peace in and for the Home District, **Thomas Otway Page**, Gaoler of the Gaol [for the]⁶² Home District who being duly sworn deposeth that **William Forsyth** of Stamford, yeoman, was committed at the last assizes on an Indictment for felony; ~~That~~ and given in charge of the deponent, that on Friday evening of the 8th instant, having removed William Forsyth from his cell, into the outer room of the Gaol to warm himself, the weather being severe, the said Forsyth on being returned again to his cell, made his escape by the end door in the Gaol Hall which he supposes had been picked by some person or persons from without, and then open; that the prisoner Wm. Forsyth is again in his custody [after?]⁶³ having been retaken, on pursuit some days afterwards. Sworn before us this 18th March 1799. [Signed] Thomas Otway Page, Gaoler, William Dickson JP, Jos. Edwards JP.

Mr. [Reyley?] will please take bail for the appearance of Wm. Forsyth at the Court of Oyer and Terminer for the Home District- himself William Forsyth in £100 & two securities £50 ea. [Verso: **Mr. Hamilton's** warrant for the apprehension of Wm. Forsyth.]⁶⁴

August 1799.

Upper Canada, Home District, Newark. August 11, 1799. Office of the Clerk of the Peace. The assessors of the townships of [West] Flamborough, Beverly, Saltfleet, Grimsby, Gainsborough, and Caistor, Stamford, Thorold, Pelham, Bertie, Humberstone and Wainfleet, will take notice, that a bill of indictment will be preferred at the Court of Quarter Sessions to be holden on the 8th of October next, against all those who shall not before that term have filed in this office, copies of the assessment rolls of their respective townships, as the law in such case directs. This neglect of duty in the assessors of the aforesaid townships prevents the Clerk of the Peace from doing his duty in making a list of jurors for the present year; and he is sorry to say that the assessors of some of these townships were before indicted for the same neglect and others have never yet done their duty. **Ralfe Clench**, Clerk of the Peace.⁶⁵

January 1800.

Notice by **Alexander Macdonell** ("Collachie") and **Thos. O. Page** for the General Court of Quarter Sessions for the Peace, to be held at Niagara, January 14, 1800 at 10 am.⁶⁶

⁶² Text is lacking here due to a chip missing from the page.

⁶³ The ink is very faint at this point in the text. The word appears to start with the letter "a."

⁶⁴ Archives of Ontario, RG22 series 138, box 1. *Home District Filings*, Rex vs. William Forsyth, 1799.

⁶⁵ *Canada Constellation*, August 16, 1799 (Archives of Ontario microfilm N23 reel 1.)

⁶⁶ *Canada Constellation*, December 28, 1799 (Archives of Ontario microfilm N23 reel 1.)

Joseph Edwards, by his attorney **James Clark**, complains of **Robert Kerr**. Plea of *assumpsit*. On September 27, 1797 at Newark, Kerr drew a note (or bill of exchange) upon **William Johnson Chew** to pay Edwards £70 (NYC.) Kerr represented by his attorney **Alexander Stewart**. Case heard before **John Elmsley**, **W.D. Powell** and **Henry Alcock**, 14 January 1800.⁶⁷

April 1800.

Letter from **Francis Stephenson**, JP, to **Robert Nelles**, Esq, dated 20 Mile Pond, 10th April 1800. “Yesterday [-----] **Cassady** was brought before me by your warrant of the 8th instant on a complaint of **Mary Coon** [for] non appearance [-----] the said [-----]. Cassady [on oath] declared that in consequence of the ill conduct of **A[----] Coon** and **Mary** his [wife] he [-----] and [-----] in danger and has got a warrant against them In order [that this] complex [business] may be [properly?] adjusted, I will myself [the pleasure?] to wait upon you next Friday at [----] PM. I will therefore [-----] order Cassady to bring forward his witnesses to the 40. I am, respectfully yours &c.⁶⁸

July 1800.

Isaac Swayze vs. **Peter Bradt**, of Louth, farmer. Suit of trespass and slander heard in Michaelmas term. Swayze is a good, true, honest and faithful subject of this Province, from the time of his nativity. Has been injured by several false, feigned, scandalous and opprobrious English words. Bradt well knowing the premises of Swayze “but greatly envying the happy state and condition of said Isaac, and contriving and maliciously intending not only to hurt, degrade, damnify and injure him” accused him of all manner of felony, robbery, theft, larceny, cheating or fraud, 30 July 1800. Bradt said “You Swayze, are a horse thief and I will prove you so.” Swayze previously falsely and maliciously asserted the most vindictive, infamous, and scandalous expressions with an intent to hurt said Peter and his family, for which reason he (Bradt) published his words. Counsel for Swayze: **Alexander Stewart**; counsel for Bradt: **James Clark**. Swayze injured by remark, seeks damages of £500. Judgement for plaintiff on demurer.⁶⁹

Niagara District, to wit. To **John McKay**, of the Township of Niagara. You are hereby summoned and required to be and appear in your proper person, before the justices of the court of general quarter sessions of the peace, to be held at the court house in Niagara, on Tuesday the 8th day of July at 10 o’clock in the forenoon, then and there to serve on the Grand Jury. Hereof fail not, as you will answer at your peril. Niagara, June 24, 1800. (Signed) **James Clark** (Sheriff) and **Thomas Otway Page** (Deputy Sheriff.)⁷⁰

⁶⁷ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), Bound Legal Papers, Demurer Book, L16 box 2 volume B85 pp. 10-13.

⁶⁸ This document was heavily water stained and difficult to decipher. Archives of Ontario, *Robert Nelles Papers* (F543), “Court Records” series D4, microfilm MS503.

⁶⁹ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) Bound Legal Papers, Demurer Book, volume B85 L16 box 2 pp. 16-21.

⁷⁰ Archives of Ontario, *Miscellaneous Collection* F775, MU2100 item 4 (1800.)

August 1800.

Letter from **Rev. Robert Addison** to **Lieutenant Governor Peter Hunter**, August 20, 1800: I am urged by an unhappy mother to address you in behalf of her unfortunate son, lately condemned for highway robbery at Niagara. As I had rather be guilty of presumption than want of humanity I venture to tell you, that I have frequently visited the unhappy wretch since his sentence, and he appears deeply sensible of his guilt. He is but 20 years of age, and I have been told by credible people that his father was cut off by the Americans as a spy. I was present at his trial when it appeared to me, and I believe to every body in court, that the articles which were lost were drop't in the struggle betwixt him and a young girl, to whom he is said to have offered violence. How far his youth, his father's suffering for his country, and the crime for which [he] is condemned appearing unintentional, may plead for this wretched fellow creature, I must leave to your Excellency's wisdom, humbly requesting that the liberty I have taken may be forgiven; for I am with all due respect, your Excellency's most obedient and most humble servant. [Verso: Four memorials for a pardon for **William Newberry**, condemned to suffer death at the Court of Oyer and Terminer held at Niagara, 5 August 1800.]⁷¹

Writ of Dedimus Potestatem, August 20, 1800.

Writ of *Dedimus Potestatem* issued by Lieutenant Governor **Peter Hunter** appointing commissioners for administering the oath of allegiance within the Niagara District. Signed by Hunter and **William Jarvis** at York, August 20, 1800. Commissioners named were **Robert Hamilton**, **Benjamin Pawling**, **Peter TenBrook**, **John Warren**, **William Dickson**, **Robert Nelles**, **Richard Hatt**, **Samuel Hatt** and **Thomas Dickson**.⁷²

March 1801.

Upper Canada, Niagara District. Sheriff's Office, March 16, 1801. Notice is hereby given that a court of GENERAL QUARTER SESSIONS of the PEACE will be holden in and for said district, at the court house in the town of Niagara, on Tuesday the 14th day of April next, at 10 o'clock P.M., where and when all coroners, gaolers, high and petit constables, bailiffs and others concerned are to be and do as to them respectively belongs. **James Clark**, Sen. Sheriff, by **Thomas O. Page**, Dep. Sheriff.⁷³

March 1801.

Notice dated March 21st that a meeting of the Magistrates will be holden at the Court-House on Monday the 30th instant for the purpose of granting licences to inn-keepers.⁷⁴

⁷¹ Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1 volume 1A, pp. 474-475 (NAC microfilm C4502.)

⁷² Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1, volume 1A pp. 476-477 (NAC microfilm C4502.)

⁷³ *Niagara Herald*, March 28, 1801 (Archives of Ontario microfilm N23 reel 8.)

⁷⁴ *Ibid*, March 28 1801 (Archives of Ontario microfilm N23 reel 4.)

April 1801.

District of Niagara, April 24, 1801. The collectors of all and every of the townships in the said district, for the years 1799 and 1800, are hereby required to appear at the next court of quarter sessions, to be holden for said district on Tuesday the 14th day of July next, at the court house in Niagara, there to exhibit the respective rolls by which they collected the assessment, and together with a fair statement of the amount of the sum they have collected and paid in, and also of the sum remaining to be collected and paid in. *By order of the court, R. CLENCH, C.P.*

The assessors for the different townships of the district of Niagara are requested to send in their assessment rolls for the present year without delay, in order that the clerk of the peace may be enabled to make out a list of jurors; defaulters will be proceeded against as the law in such case may direct. *R. CLENCH, C.P.* Niagara, April 24, 1801.

At the court of quarter sessions, April, 1801, the following were allowed as fees:---

To *Town Clerks.*

For making a list of inhabitants, list of town officers, and the returns thereof to the quarter sessions, In April, annually, each hundred names, 5/- H[alifax] C[urrency].]

For recording marks and giving certificate, 1/3-

To *Pound Keepers.*

For turning the key, on receiving or delivering, 7½d

For every 24 hours after the first 24 for food, 1/3-

For every stallion, over one year old, and running unlawfully at large, double fees

Pound Keepers shall not deliver the cattle empounded until the damage be paid, and if no offence be made to appear within 48 hours, the cattle may be liberated; and the person who caused them to be empounded shall pay the fees. In case strays be delivered to them, the pound keeper shall immediately advertise the same on the pound gate & in some public place in the township, and for which he shall receive 1/3- (H.C.) but half price only shall be taken for the keeping after the first 48 hours.

Constables for the ensuing year.

Niagara: *Samuel Firth*, high[constable]; *Robert Greensit, John McBride, David Kemp, Thomas Dowdle, Charles Seyer, Jacob Lutes.*

Stamford: *John Metler, Eli Lundy, Thomas Millard Jr.*

Grantham: *David Bessey, Samuel Patrick.*

Louth: *Benjamin Nun.*

Clinton: *John Ecker.*

Grimsby: *William Moore.*

Saltfleet: *William Davis.*

Barton: *Philip Crips.*

Ancaster: *Henry Chrysler Jr, Eleazer Griffin.*

Glanford: *Samuel Ticknor.*

Gainsboro: *Nathan Johnson.*

Willoughby: *John Haggerty*.
 Bertie: *Matthew Clute, Frederick House*.
 Humberstone & Wainfleet: *Joseph Dennis Jr.*
 Thorold: *William Stevenson*.
 Pelham: *Jeremiah Schram*.⁷⁵

May 1801.

At a special sessions, for carrying certain provisions of the road act into effect, held at the court house in the town of Niagara, agreeable to a resolution of the last general quarter sessions, April 18th, 1801. Present, *James Muirhead, Joseph Edwards* and *William Dickson*, commissioners. The overseers of highways of the division, having severally delivered their lists of inhabitants, householders and freeholders in the township of Niagara, the following persons are hereby authorized and required, under the direction of their respective overseers, to perform during the ensuing year, their statute labour:

Under *Martin McClellen*, overseer from Niagara to Queenston: *Hon. Robert Hamilton, Adam Vrooman, James Durham, Archibald Cunningham, Joseph Brown, Gilbert Fields, John Kemp, Henry Johnson, count Joseph de Puisaye, Isaac Swayze, John McFarland, John Wilson, John McKay, Christopher Pearse, John Hart, Benjamin Canby, Charles Sayenne, John TenBroeck, Sybrant VanSchaick, John Knox, William Gamble, James Coffin, Barnabas Cain, William Miller (Navy Hall), George Grillinger, Azariah Sage, Lebbeus Porter, John Smith (at G. Field's), Elijah Ferris, John Scott, John McGlashan, Wm. D. Powell Jr, Isaac Vrooman, Peter Dice, Prince Robertson, John Johnston, Conrade Huffman, William Hamilton (innkeeper), Thomas Walch, Alexander Gardner, Elizabeth Thompson, Phineas Howell, Thomas O. Page, John Ellis, John McClellan, Nicholas A. Van Patten, John Woolman, Donald Rose, John Chishom, Christopher Danby, William J. Chew, Elisha Sheldon, David Price.*

Under *Andrew Heron*, overseer in the town of Niagara, the road leading from thence to the *Black Swamp* as far as the *Four Mile Creek*: *William Dickson, William Crooks, James Crooks, John Dun, Alexander Stewart, James Muirhead, Gilbert Drake, Mrs. Lyons, Herold & Dorman, John Hewitt, Charles Gisson, David Hartman, Charles Fields, Samuel Cassady, John Boyd (carpenter), John Boyd (merchant), Robert Greensit, Matthias Steele, Joseph Edwards, George Bradshaw, Samuel Thompson, Isaac Hurst, Joseph Kinsela, Elisha Purdy, William Wallace, George Forsyth, John Symmington, Lieut. William Johnston, John Coon Sr, [-----] Wemp (Mr. Butler's farm), Jacob Ball Sr, [-----] McArthur, Peter Bouville, George Wulff, James Clark Sr, George Wilson, David Kemp, Thomas Stewart, Isaac Davis, Major Spencer, Samuel Firth, James Whitten, Capt. Claus, Mrs. Waters, Johnson Butler, George Ball, John Ball, Peter Ball, John Young (at Mr. Gardner's), Silvester Tiffany, Robert Kerr, James Clark Jr.*

Under Mr. Heron's deputy, on the road leading in front of the town 8.35 degrees W. to the lands of Mr. *Thomas Butler*; then along his line, and *Mr. Slingerlands*, to the west line, and the west line road: *Capt. Pilkington, Thomas Butler, Garret Slingerland, Samuel Cox, James Friel, Robert Thompson, Michael Bellinger, George Lawe,*

⁷⁵ *Niagara Herald*, April 25, 1801 (Archives of Ontario microfilm N23 reel 4.)

Stephen Pritchard, William Devenish, Henry Canute, Samuel Winterbottom, Joseph Adams, John Donaldson & Rose.

Under **Capt. Frey**, for the road leading from the town of Niagara along the lake to the township of Grantham: **Robert Addison, Ross McCave, Daniel Servos, Andrew Butler, John Secord Jr, John Secord Sr, [-----] Devenport, John Ackley, Dr. Davidson, John Smith, John Flemming, Mrs. McBride, George Cain, Burgoyne Kemp, John Egleston, Peter Barton, William Musgrave, Ralfe Clench, John Daily, Timothy Murphy.**

Under **Castle Corus**: **Peter Cain, Thomas Gibson, William Drake, Joshua Ferris, John Boyce, Ezekiel Cudney, Joseph Haines, Nathaniel Haines, Richard Slingerland, John Johnston, John Boyce Jr, Robert Kemp, James Thomas, Maynard Bradt, Saffrenus Vanalstine, John Cain, George Caughill, James Hurst, Josiah Secord**, men at Mr. Addison's, **John Howell**, man at Daniel Servos's farm, exclusive of twelve days from Mr. Heron's list to be applied to this part of the road.

Under Mr. **John Young**, on the road from **David Secord's mill**, leading down the Four Mile Creek to **Capt. Servos's**: **B. Stewart, Enoch Stewart, James Stewart Sr, James Stewart Jr, James Bennet, Peter Caughill, Major Slater, Jacob Lutes, Joshua Castleman, James Pickard, Aaron Stephens, Christopher Strowbridge, Benjamin Pickard, John P. Clement, John Cryslar, Frederick Markle, William Pickard, Solomon Quick, Joseph Clement, George Laurence, Daniel McPherson, Henry Swart.**

Under **Elijah Collard**, overseer from Queenston to **Secord's Mills**, and from thence the south road to the township of Grantham: **Elijah Phelps, Thomas Clark, Thomas Dickson, Joshua Fairbanks, E. Lowe, E. Rose, J. Greenway, Jesse Hurlbut, Matthew Parsons, George Mayne, Francis Wilcox, James Smith, John Caldwell, Abraham Duffries, Henry Myers, David Secord, Stephen Secord, John Allison, David Smith, John Jackson, James Secord, Lockwood Street, Timothy Street, John Street, Eneas Scott, John Hill, Dennis McFee, John Strobridge, Felty Coil, Edward Haggerty, Peter Lampman, John Collard, Francis Goring, Cornelius Lambert, Christopher Overholt, Joseph Page, John Franklin, John Johnston, John Thompson, Richard Harris, William Stevens, A. Vanorman, J. Flanner, John Smith, Elias Smith, Christian Warner, Edmond Horton, C. Carns, Robert McKenlie, William VanEvery.** [Half the labour of the last 7 to be applied on the road under the mountain, the other half on the road from Queenston to David Secord's mill.] The assessors not having completed the assessment, makes it impossible to annex to each man's name the number of days he has to labor; but in no case is it less than 6.

The following proceedings lately took place in this town, and are published for precedents in cases of removing roads on to private property. It having been represented that an alteration on a certain highway lying between lots 24 and 69 in the 2nd Concession, to be necessary, the following precept, agreeable to law, was directed to **James Friel**:

District of Niagara: **William Dickson, James Muirhead and Joseph Edwards**, Esqrs, three of His Majesty's justices of the peace, and commissioners of highways, in and for the district aforesaid:

To James Friel, constable, in the township of Niagara---greeting:

Whereas it hath been represented to us, by certain freeholders of the said township, that a certain part of the space left by government for a highway, lying between lots 24 and 69,

in the 2nd concession from the river Niagara, is at present impassable, from a creek flowing thereon:-- these are therefore to authorize and require you to summon twelve good and lawful men, being freeholders of the vicinage, to be and appear at the premises, on Tuesday the 21st instant at 9 o'clock in the morning, then and there to do such things as may be given them in charge, agreeable to law. Given under our hands and seals this 20th of April, 1801.

I, James Freel, do return that I have summoned the following under-named lawful men: **Thomas Butler Sr** (foreman), **Thomas Butler Jr**, **John Ball**, **George Ball**, **Samuel Cox**, **Robert Thompson**, **Garret Slingerland**, **Castle Corus**, **Michael Bellinger**, **William Davenish**, **Alexander Gardner**, **Andrew Heron**.

At the house of Samuel Cox, the names of the jurors were called and the oath administered. Verdict: part of the road 9½ chains in length and 1 chain in breadth is impassable from a creek flowing along it, the same is inconvenient and an alteration necessary. [Boundaries of the alteration given, referring to the lands of Garret Slingerland, the *mile tree*, Thomas Butler, David William Smith.] Precept: alteration in the road will occupy part of the private property of Samuel Cox and **Deborah Freil** alias **Lucas**.

To the Sheriff of the said district, his deputy or any constable in the township of Niagara: to cause to be summoned twelve good and lawful men of the township, to be and appear on Saturday the 2nd day of May next, at 10 o'clock in the forenoon, at the house of Samuel Cox, then and there to ascertain the value of the space of ground, in order to the disposal of the same. Given under our hands and seals this 29th day of April 1801.⁷⁶

May 1801.

Road Proceedings (continued.) Return of the Constable stating that he had summoned the jurors; verdict of jurors as to the valuation of the road; Deborah Freil and Samuel Cox have agreed with the commissioners, "the following sale and certificate hath been made out for them." "Note: In such cases this is an absolute conveyance in fee of the specified concession of land."⁷⁷

July 1801.

Notice dated Upper Canada, Niagara District, Sheriff's Office, by **James Clark** and **Thos. O. Page** for the General Court of Quarter Sessions for the Peace, to be held at Niagara, July 14, 1801 at 10 pm. [sic]⁷⁸

Niagara District Quarter Sessions, July 1801.⁷⁹

⁷⁶ *Niagara Herald*, May 3, 1801 (Archives of Ontario microfilm N23 reel 4.)

⁷⁷ *Ibid*, May 9, 1801 (Archives of Ontario microfilm N23 reel 4.)

⁷⁸ *Ibid*, June 20, 1801 (Archives of Ontario microfilm N23 reel 4.)

⁷⁹ This information was published in the *Niagara Herald*, July 25, 1801 (microfilm N23 reel 8.) The magistrates issued an order "advertising the defaulters of these two years." The collectors were ordered to produce receipts for payment of monies to the District Treasurer, or to answer for their conduct and explain the neglect of their duties. Some who failed to appear were summoned to a second Special Sessions in August 1801, while others were given a time extension "to make good."

Quarter Sessions, Niagara, July 11, 1801. In consequence of an order made at the last session for summoning the collectors of the different townships of this county for the years 1799, 1800 and 1801, the following appeared:

Niagara: **Joseph Edwards**, Esq. for 1798 and 1799; **Ralfe Clench**, Esq. for 1800.

Bertie: No collector for 1799; **Alexander Douglass** for 1800; **Henry Warren** for 1801.

Clinton: **Peter Simmerman** for 1799 (produced receipts for the whole assessment except that of **Isaac Durham**); **James Henry** for 1800.

Stamford: **Joseph Corwine** for 1799; **James Macklem** for 1800.

Thorold: **John Decoe** for 1799; **Jacob Upper** for 1800.

Grantham: **George Havens** for 1799; **John Backhouse** and **Jabez Bessey** (assessors) ordered to be summoned to a Special Sessions on August 15th next to answer for their conduct; **Jacob Ball Jr.** for 1800, **Philip Shaver** and **Jacob Ostrander** be summoned by a special messenger to appear at court tomorrow.

Grimsby: **John Beamer** for 1799; **Andrew Pettit** for 1800.

Louth: **Christian Price** for 1799; **Robert Runchey** for 1800, **J. Markle** (assessor) deceased, **John Bradt** the surviving assessor be summoned to a Special Sessions on August 15th to account for this neglect.

Ancaster: No collector for 1799; **William Vanderlip** for 1800.

Gainsborough, Caistor and Wainfleet: **Stephen Robbins** for 1799; **Joseph Lane** for 1800.

Pelham: **Jacob Rice** for 1798; **George Hanseller** for 1799 did not appear, ordered that he be summoned to the Special Sessions on August 15th; **Jacob Thomas** for 1800.

Saltfleet: **William Lotteridge** for 1799; **Peter DesJardin** for 1800.

Glandford and Barton: **Jacob Burkholder** for 1799; **Lewis Horning** for 1800; **Josiah Bennett** (constable), **Caleb Reynolds** and **Israel Cloudy** (assessors) to be summoned to the Special Sessions on August 15th.

July 1801.⁸⁰

Niagara, July 16, 1801. The grand jurors for the district of Niagara, now in session, say, that they regret the suspension of **Ralfe Clench**, Esq, clerk of the district court, for the cause, as appears to them, of doing what safety to himself and others justified;---feel it incumbent on them at this time to express, in the warmest manner, regret at such suspension; and they cannot withhold their duty in this respect, but do say, that the said Ralfe Clench, Esq, has ever conducted in the said office so upright and honorable, that he has gained the general esteem and respect of his fellow subjects of the district and the province at large, who lament that he is not now enjoying every privilege and honor of said office, which he has hitherto discharged with honor to himself, satisfaction to the district, and in conformity to law. Signed: **H. Weishuhn** (foreman), **John Gander**, **Elijah Vincent**, **Joseph Price**, **Barnet Dill**, **Michael Gander**, **Christian McDonell**, **Jacob Lemon**, **Henry Buckner**, **Peter Buckner**, **William Cook**, **John Fanning**, **J. Schneider**, **G. Young**, **Henry Buckner**, **Her[man?] Haberland**.

October 1801.

⁸⁰ *Niagara Herald*, July 18, 1801 (Archives of Ontario microfilm N23 reel 4.)

Notice dated Upper Canada, Niagara District, Sheriff's Office, October 3rd by **James Clark** and **Thos. O. Page** for the General Court of Quarter Sessions for the Peace, to be held at Niagara, October 13, 1801 at 10 am.⁸¹

November 1801.

“An Act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace, and other courts have been erected and holden, and other matters relating to the administration of justice done in the several districts of this province, and also to fix the times of holding the courts of general quarter sessions of the peace, in & for the same.” [Assented to July 9th, 1801.]

I. Whereas doubts have arisen with respect to the authority under which the courts of general quarter sessions of the peace... have been erected and are now holden in the several districts of this province... for the removal of such doubts, Be it declared and enacted

II. That the courts of general quarter sessions of the peace in and for the Western district, district of Niagara and the Home district respectively, shall be holden in the towns of Sandwich, Niagara and York, on the second Tuesday in the month of January, April, July and October.⁸²

December 1801.

Jarvis Thayer vs. Joseph Burgar of Thorold, yeoman. A deed for 200 acres was executed in 6 months after the “government deed” was issued. Parties have not had the deed yet, therefore ought not to have started the action. Parties bound for £100, December 27, 1801. Counsel for Thayer: **William Dickson**; counsel for Burgar: **Mr. Stewart**.⁸³

January 1802.

Notice dated Upper Canada, Niagara District, Sheriff's Office, by **James Clark** and **Thos. O. Page** for the General Court of Quarter Sessions for the Peace, to be held at Niagara, January 12, 1802 at 10 pm. [sic]⁸⁴

February 1802.

Notice dated Niagara, February 13th by **T. Butler, Jr**, dcp. The Magistrates will meet for the purpose of licencing taverners on the third Saturday in March next, at the court

⁸¹ *Niagara Herald*, October 3, 1801 (Archives of Ontario microfilm N23 reel 4.)

⁸² *Niagara Herald*, November 14, 1801 (Archives of Ontario microfilm N23 reel 4.)

⁸³ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) Bound Legal Papers, Demurer Book, L16 box 2 volume B85 p. 56.

⁸⁴ *Niagara Herald*, January 2, 1802 (Archives of Ontario microfilm N23 reel 4.)

house, for the east riding; at **Mr. John Row's** for the 2nd or middle riding; and at **Mr. Andrew Miller's**, for the 4th or south riding.⁸⁵

April 1802.

Notice dated Upper Canada, Niagara District, Sheriff's Office, by **James Clark** and **Thos. O. Page** for the General Court of Quarter Sessions for the Peace, to be held at Niagara, April 13, 1802 at 11 am.⁸⁶

August 1802.

Letter from **Samuel Street** to **Thomas Otway Page**, 5th August 1802. Authorizes payment of £45 to **Thomas Dexter**, to be taken out of the execution money received from **Lymburners**.⁸⁷

October 1802.

A letter written by **Robert Nichol** dated Queenstown, October 15, 1802 refers to "the unfortunate & very unhappy Mr. **John Williams**," who was sent from Fort Erie to the Niagara gaol as the result of a duel fought with a **Mr. Lasselles**. Lasselles was wounded but expected to recover and through the counsel of **Mr. Powell** "he will be admitted to bail." Nichol continued: "The unfortunate story has been variously told but my opinion does not comport with the general one formed in this neighbourhood---& I have had a Herculean task in combating the torrent of prejudice which broke out against poor Williams---rather undeservedly---I admit he was much to blame in using pistols---but I cannot see any propriety in trying & convicting a man before he has been regularly arraigned---When the matter comes properly before the Country it is my belief some who now bluster & say a great deal on the subject---will be put to shame for the part they acted upon the occasion." Nichol was confident that due to his exertions at the gaol on behalf of Williams that he was "instrumental in procuring him indulgences & accommodations which he would not otherwise have obtained."⁸⁸

December 1802.

Letter from **Ralfe Clench** to **Major Green**, Niagara, December 1, 1802. Clench had promised to transmit an estreat of £2.7.0. "My not transmitting was in consequence of the Magistrates saying they thought the Clerk of the Peace should be paid for the estreat out of the fines and as there is no fee nor allowance in any of our statutes I requested **Mr. Wilson** to enquire of the **Receiver General** or **Capt. Magill** whether any fee would be

⁸⁵ *Niagara Herald*, February 13, 1802 (Archives of Ontario microfilm N23 reel 4.)

⁸⁶ *Niagara Herald*, March 27, 1802 (Archives of Ontario microfilm N23 reel 4.)

⁸⁷ Archives of Ontario, *Samuel Street Papers* (Fonds F547) microfilm MS500 reel 1.

⁸⁸ E.A. Cruikshank, "Some Letters of Robert Nichol," *Ontario Historical Society Papers and Records* vol. XX (1923) p.59.

allowed. Capt. Magill replied the matter should be referred to *His Excellency*, since which I have not heard more of the subject.” Verso endorsed: 1 Dec. 1802. Mr. Clench, Clerk of the Peace. Received at York 14 Dec. 1802. He will transmit £2.7.0. with his estreats.”⁸⁹

May 1803.

Niagara District. Personally appeared before *Robert Kerr, R. Addison, James Muirhead* and *Joseph Edwards*, Esquires, JP’s. *John Young* of Niagara, sworn, deposes that in the evening of May 30th between 11 and 12 o’clock, a number of persons assembled nigh his house. He was alarmed and woke his family. The persons approached nigher; deponent opened a window and addressed himself to *Mr. Dun* and demanded what they wanted. Dun replied he wanted the deponent to come out, but on refusing Dun replied that he wished to see the deponent’s daughter; he had been informed by *Mr. Purdy* that the daughter had been ill treated by the deponent and the cry of murder heard there. Young said Dun should not see his daughter, and after some conversation between the deponent’s wife and Dun and further refusal, *Mr. Small* said “damn it, let us break open the door!” Small went to the back part of the house, followed by *Mr. Bostwick* and *Mr. Tenbroeck*, a barrister. In less than 2 minutes the deponent heard voices at the back of the house. Bostwick was on top of the first stair and Tenbroeck in the entry of the house. Deponent usually bolts his doors but is not certain if the back door was bolted that evening. The family was so alarmed that a son of the deponent sprang out a window in search of a magistrate. The deponent’s wife demanded of Bostwick his business. He said he had come from *Mr. Stewart* (barrister) to protect her from the “riot” and added he was none of the party. She said “if you mean to protect me, go to *Mr. Edwards, Mr. Kerr* or any magistrate,” but Bostwick instead of retiring endeavoured to pass by her further into the house but was resisted by the deponent who ordered him and the others to retire or he (deponent) “would be the death of the first man that should advance further.” The party went out of the deponent’s view. Mr. Edwards appeared and the deponent opened his door. Edwards stayed about an hour and was gone about an hour when the deponent (who continued to keep watch) informed his son that two men were lurking about the house. The deponent called for his gun and ran to the end of his house. He saw two men running away, he threw up the sash and said “whoever you are keep at a distance and draw nigh at your peril.” The persons were drawing a circuit approach to the house, the deponent went down to the lower rooms, threw up the sash and put his gun out, and warned the persons of the danger of approaching. Deponent saw it was Tenbroeck and Bostwick. The deponent sent for the magistrates again who appeared and put an end to the affray, between 2 and 3 A.M. [Signed] Jno. Young, before Robert Kerr, R. Addison and J. Edwards, May 31, 1803. Evidence of *Mary*, daughter of John Young, sworn and deposes: she was in the house of her father on the 30th, no violence was offered to her sister, heard no noise or cry of distress. Rex vs. *John Dun, Henry Bostwick, F.W. Small, John Tenbroeck*, at the suit of *Rev. John Young*. Recognizance: John Tenbroeck £50, sureties *Thomas* and *Johnson Butler* £25 each; Henry Bostwick £50, sureties Johnson Butler and *Angus McDonell* £25 each; Mr. Small £50, sureties *Mr. Hepburn* and Angus

⁸⁹ *Upper Canada Sundries, Civil Secretary’s Correspondence*, RG5 A1, volume 2 pp. 849-850 (NAC microfilm C4502.)

McDonnell £25 each; Mr. Dun £50, sureties John Young and [-----] £25 each, to keep the peace towards John Young and his family.⁹⁰

December 1803.

A Statement of the Judgment, Costs and Charges, That have been Settled by **Abraham Nelles** and **Robert Nelles** (Magistrates) in a Cause between **Sarah Moore** plaintiff and **Thomas Pettit** defendant on the 17 day of Decr. 1803.

Judgment in favour of the Plaintiff 12/6- (Halifax) or £1 (NYC)

Justices Costs: writing 1 summons and 4 subpoenas at 6d each 2/6- (Halifax) or 4/- (NYC); judgment 2/6- (Halifax) or 4/- (NYC)

Constables costs: serving subpoenas £1.2.6 (Halifax) or £1.16.0. (NYC)

Evidences: four at 2/6- each, 10/- (Halifax) or 16/- (NYC)

Total £2.10.0. (Halifax) or £4 (NYC.)

Letter attached from Robert Nelles to **Thomas Scott**, Grimsby, 40 Mile Creek, June 5, 1804. Hon^d. Sir, I acknowledge your kind favour of the 22nd ult. Which I have recd. Few days ago and will with the greatest pleasure give you every satisfaction in my power respecting the business therein mentioned; the copy of the bill of costs enclosed in yours I must confess is agreeable to our judgment and stands so recorded, but you will have the goodness to observe that it is in N York Currency, the inhabitants in general are best acquainted with that currency. I have taken the liberty of enclosing a bill how and for what the charges and costs have been made, and have calculated it both in Halifax and N York Cy for your satisfaction. I beg you will take the trouble to examine it, should there be any charges or costs in your opinion not allowed according to law. I do sincerely request it as a particular favour and hope you will have the goodness to acquaint me wherein we are wrong for be ashured it is not our wish---we make it a rule most allways to write a line or send word to the persons who are complaint of for such small debts, before we grant a summons and very often it is settled without any further trouble or costs; in this case between Sarah Moore pltf. & Thos. Pettit defen^d I hath taken the same method, but in vain. Pettit refused paying the girl her wages for work she done for him, denied owing her, trumped up an account, which caused her to subpoena so many evidences to proof the contrary. She together with the evidences living from 10 to 13 miles distance from the 40 Mile Creek where the small **Courts of Request** are held caused the constables fees to amount so high, those fes which we have allowed in our bill I believe have been allowed of and taken by other Courts of the same nature. Should their be any thing amiss or wrong in it, I hope and trust in you to give me your opinion and advise on the subject which shall be gratefully acknowledged by your Most obed and Humble Servt, [signed] Robt. Nelles.⁹¹

Special Sessions, May 1804.

⁹⁰ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), Bound Legal Papers L16 volume B93 pp. 65-68. The bottom portion of the recognizance page has been torn away and is missing from the volume.

⁹¹ Archives of Ontario, *Robert Nelles Papers* (F542), "Court Records 1798-1819 & 1838" series D4, microfilm MS503.

At a Special Sessions held at the 40 Mile Creek at the house of **Robert Nellis** Esquire on the 4th May 1804.

Present The **Revd. Robert Addison**, **Robert Nellis** Esqr, **Abraham Nellis** Esqr.

Upon complaint being made and information being given upon Oath by **William Walker** that Mr. **William Hepburne** of the 40 Mile Creek, merchant, did vend & sell Contrary to the Statute, Spirituous liquors by the pint and allowed the same to be drunk in his house. The first witness called & sworn **Peter Marcelles**. Said that sometime in the month of February last being in the house of Mr. Hepburne in Company with three or four men he called for one pint of Brandy and [Accounted?] for the same but does not recollect the price and drunk it in the House.

2nd. **Daniel House**. Who was one of the persons mentioned by the last witness said that he never did to the best of his recollection receive or pay for any liquor in a less quantity than one quart from Mr. Hepburne but on the contrary was several times refused when he did apply.

Mr. [-----].....Being sworn says that....Mr. Hepburne in [Company?].....and some other person.....House receive one pint of.....Mr. D. House.....money as payment for.....Upon Cross Examination.....some times [make a?].....to Mr. Hepburne.....⁹²

Mr. Hepburne for one pint of Whiskey but did [not drink?] it in the house- and believes that the price he paid for it was one shilling, if he paid anything for it; but is not certain that he did pay anything---and has frequently known Mr. Hepburne to refuse to sell any less quantity than one quart.

Several witnesses were called on the part of Mr. Hepburne to prove his having refused many persons Liquor in a less quantity than one quart. The evidence on both sides being closed the court gave it as their opinion that the charge brought against Mr. Hepburne was not sufficiently supported by evidence to enable them to impose the fine directed by the Statute.

Robert Addison, J.P.
chairman.⁹³

August 1804.

John Muirhead, Niagara, farmer (plaintiff), vs. **John Macfarland**, Niagara, farmer, (defendant.) Counsel for Muirhead: **William Dickson**; counsel for Macfarland: **Alexander Stewart**. If allowed to plead, he believes he will obtain a verdict in his favour. Show cause why an interlocutory judgement should be set aside? Summons issued by Stewart for Dickson to appear, August 27, 1804.⁹⁴

A Calendar of Prisoners in the Gaol of the District of Niagara, 27 August 1804, signed by Sheriff **Thomas Merritt**.

⁹²This paragraph in the original document is missing text and is illegible due to the poor quality of the microfilm.

⁹³ Archives of Ontario, *Robert Nelles Papers* (F542), "Court Records 1798-1819 & 1838" series D4, microfilm MS503.

⁹⁴*William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) Bound Legal Papers, Demurer Book, L16 box 2 volume B85 pp. 53-54.

John Wier, committed by **Joseph Edwards**. Charge-suspicion of aiding **Thomas Wier** (committed for misdemeanor) in breaking the gaol of the District, whereby Wier effected his escape.

Daniel Ray, committed by **John Warren**. Charge-on suspicion of setting fire to three stacks of wheat.

Michael McDonald, committed by Joseph Edwards. Charge-on suspicion of assisting Thomas Wier in breaking gaol.

Catherine Parslow, committed by Joseph Edwards. Charge-for feloniously taking diverse goods the property of **Charles Field**.

Franklin (a negro), committed by John Warren. Charge-for returning to the province after having been banished therefrom.⁹⁵

December 1804.

Asa Barton (alias Baton), *habeas corpus* on a felony, December 11, 1804; heard before **William Dummer Powell**, Niagara, December 17, 1804. Evidence of **Levi Cassady**, Stamford, blacksmith, taken before **William Dickson**: deponent is a neighbour of **Peter Hopkins** and Asa Barton. There was a fight in July or August and deponent heard Hopkins say if it was in his power to get Barton he would put out his eyes, all he wished for was an opportunity of that kind and he'd be satisfied. Evidence of **Hugh Willson**, Thorold, farmer, 4 December 1804: He was at the house of **Joseph Robins**, in Thorold. Two men- **Ephraim Hopkins** and **Hermanus VanAlstine**- were fighting. Peter Hopkins was there to promote it. Hopkins said to Barton "you are not Lord and Master here." Barton said "I don't want to be." Hopkins: "if you want anything I am just the boy can give it to you." Barton: "If you want anything of me, come over the fence with me." Hopkins: "No, here is a pretty little spot," Barton walked up and struck him. They clenched, Ephraim Hopkins said "damn him, Peter, gouge him and castrate him!" Peter Hopkins cried "enough!" and Barton let go. Deponent heard nothing that Barton gouged his eye. Evidence of **Asa Cartwright**, Thorold, shoemaker: deponent heard talk at Peter Hopkin's house said he'd known a man in the United States had both eyes gouged and recovered his sight. After the fight he rubbed one eye and shut the other and could see as well as...[text missing.] Evidence of **Samuel Brown** of Thorold, farmer: He was at the house of Joseph Robins, frequently called the **Widow Hopkins house**. Hopkins promoted a fight, marked a ring in the sod with a board for the fight. Evidence of **Simon Markson**, Thorold, farmer: He saw Hopkins a week after the fight, who complained of a sore eye. Hopkins said he was more to blame in the fight than Barton was. Alexander Stewart counsel for the defense.⁹⁶

March 1805.

To **Robert Nellis**, Esq., **Abram Nellis**, Esq.
Worshipfull Sirs,

⁹⁵ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), Bound Legal Papers L16 volume B87 p. 18.

⁹⁶ *Ibid*, volume B85 p. 45.

The Justices of the County of Lincoln at a late Quarter Session having unanimously agreed to the following Resolution,

That it would most essentially lend to the good order of the district & to the Regularity of the Returns, to have the different Townships placed under the particular Management of such Members of their body, as from local situation could most conveniently Attend to the Concerns of such portion of the Community.

They did accordingly direct me as their Chairman to request that you will henceforth regard the Townships of Clinton, Grimsby & Saltfleet as more immediately under your care.

The Magistrates from this arrangement & thro' your means, hope to procure from the Clerks of those Townships, correct lists of the Inhabitants thereof,--- as also of the Munciple officers chosen for it, at the preceding town Meeting--- They trust that you will be carefull that these officers shall be qualified as is directed by Law for such offices as they shall be selected for,--- And above all that you will on your best endeavours to give Regularity & Correctness to the Assessment Rolls of these townships, as on this, the funds of the district as well as its prosperity & Respectability do most materially depend. Your acceptance of this office as insuring a zealous performance of its duties with your Attendance at the first Court in April is earnestly requested by,

Worshipfull Sirs,

Your very hum. Sert.

R. Hamilton,

Chairman of Justices.

Queenston, 16th March 1805.⁹⁷

September 1805.

Rex vs. Hopkins. **Peter Hopkins**, of Thorold, yeoman. Hopkins with force of arms did make an assault on **William McDonell** on July 15, 1805 and there did assault, beat and bruise, wound and ill treat said McDonnell so much that his life was greatly despaired of, and did attempt to put out his eye with great force and violence. Witnesses: William McDonell, **Aron Dennis**. True bill: **Samuel Street** (foreman.) Plea: "not guilty." Arraigned, September 5, 1805.⁹⁸

November 1805.

Evidence of **Catherine Tanner**, of Bertie, taken before **James Muirhead**. On October 19th she saw **Mathias Haun Jr.** of Bertie, innkeeper, go down to Lake Erie from his house. He passed by where she was and she saw him alight from his horse on the beach and pick up a piece of cloth. He laid it on a log and went on and picked up another. He was gone an hour, came back and she assisted him to load the clothes on the horse. Found the goods between his house and Fort Erie, 5 or 6 miles above his house.

⁹⁷ Archives of Ontario, *Robert Nelles Papers* (F542), "Court Records 1798-1819 & 1838" series D4, self serve microfilm MS503.

⁹⁸ Unbound Legal Papers, Term Trials, *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) L16 box 2 folder 26.

Elizabeth Thompson, widow of Niagara, trader, vs. **Andrew Heron**, Niagara, merchant. Thompson has her shop on lot 28 in the town of Niagara. On June 11, 1804 Heron broke and entered the close of Thompson, converted it to his use. Broke down the shop, damages of £200- cost for ten loads of timber, boards, 200 lbs. of nails, shingles, 2000 bricks, 200 lights of window glass, 40 window sashes, 10 loads of lime &c. which Heron took away and converted to his own use. Plaintiff is thereby deprived of its' use. Heron pleads "not guilty," Thompson does not answer or deny the plea. Thompson has no suit, the premises have been in the use, tenure and possession of Heron for 4 years. Insufficient evidence to prevent Thompson from maintaining her suit. Counsel for Thompson: **Mr. William Weekes** and **William Dickson**; counsel for Heron: **Mr. Alexander Stewart**. November 11, 1805. Plea defective; judgement: demurer supported.

William McKean and **John McEwen**, Niagara, merchants and co-partners vs. **Benjamin Gilbert**, Niagara, innkeeper. Gilbert issued a promissory note of writing in the amount of £54 NYC (£33.15.0.) on October 19, 1804. Gilbert now refuses to pay the note, plaintiffs sue for £60 in damages. Gilbert prays that the plaintiffs be debarred from action, the details of the demand (place and time) were not given in the declaration. Counsel for McKean and McEwen: **Mr. William Dickson**; counsel for Gilbert: **Alexander Stewart**. King's Bench, November 11, 1805.⁹⁹

March 1806.

Letter from **Ralfe Clench** to **William Stanton**, Niagara, 8 March 1806. Clench complains of 8d postage paid on a package of letters sent from York. Since Clerks of the Peace have no allowance for postage nor for any other business done by them, the postage should have been paid at the post office at York. "not heap the expense upon the clerks— although trifling as 8d may appear at the capitol, yet it is something to a Clerk of the Peace with a large family at Niagara." Clench enclosed the cover post marked January 27th as proof. [Verso addressed to William Stanton, Chief Clerk, President's office, York, posted at Niagara March 9th.] " 8 March 1806. From Ralfe Clench, complaining that he lost 8d by letters being sent to him not post paid and returns the covers to prove his assertion, whereby Government is put to the unnecessary expense of £0.2.0."¹⁰⁰

Letter from **Ralfe Clench** to **William Stanton**, Niagara, 2 May, 1806. Will send copies of the lists wanted. [Addressed to William Stanton, Secretary, President's office, York.] Verso endorsed: "2 May 1806. From Ralfe Clench. Will send the lists wanted."¹⁰¹

This is to certify that **John Symington**, Esquire, as Treasurer of the District of Niagara has given bonds for the discharge of the trust vested in him by an Act of the Provincial Parliament of Upper Canada. . . he is therefore authorized and enabled to receive the sum of money appropriated by the aforesaid Act for the District of Niagara, to and for the uses

⁹⁹ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) Bound Legal Papers, Demurer Book, L16 box 2 volume B85 pp. 41-44; 62; 64.

¹⁰⁰ Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1 volume 5 part 1 pp. 1690-1692 (NAC microfilm C4503.)

¹⁰¹ *Ibid*, pp. 1782-1784.

therein mentioned, either by himself or his attorney. Niagara, May 2, 1806. Signed **Robert Hamilton**, chairman of the Sessions, District of Niagara. [Verso endorsed: Niagara, 2 May 1806, received at York 5 May 1806. From the chairman of the Magistrates in General Quarter Sessions, Niagara District, for £150 Cy, pursuant to the act of the Provincial Parliament 46 Geo. III ch. 4, Warrant L1, granted 5 May 1806.]¹⁰²

Letter from **Ralfe Clench** to **William Stanton**, Niagara, 9 May 1806. Agreeable to the positive command of His Honor the President as stated in your letter of the 7th instant, I now enclose a copy of the account sent to the House of Assembly as the law directs. [Verso endorsed: William Stanton, Esq, chief clerk, President's office, York. 9 May 1806 from Ralfe Clench with assessment roll."]¹⁰³

Letter from **Ralfe Clench** to **William Stanton**, Niagara, 20 May 1806. "Sir, yours of the 17th instant I this day received and regret much that I have it not in my power to comply with the President's commands. The Town Clerks a very few indeed excepted have ever yet sent into the office any annual account whatever, not more than three or four townships have been received for many years past, and but one of these (Niagara) agreeable to the statute." [Verso endorsed: William Stanton, Esq., Chief Clerk, President's office, York. 20 May 1806 from Ralfe Clench "regrets that it is not in his power to send an abstract of the population."]¹⁰⁴

July 1806.

Copy of Minuts for the Consideration of the Monthly Meeting.¹⁰⁵

To the Magistrates or Commisoners Autherised to Establish a public High Way---

The petision of Some of The Inhabitents of Humberstone Sheweth---

That for Some Years we the s^d. Inhabitents of Humberstone have Laid under many Difficulties for want of a Road Laid ~~through our settlement~~ the Back way Through our Settlement to Sugarloaf. the Concession line being very Incommodious ~~and To~~ for the settlers and Runs Through such Sawamps as will be Impassible, without more Labour Than the Inhabitents Can for many Years be able to ~~do~~ perform. ~~our~~ for the benefit of the Settlement and public at La^rge, we the holders of the Lands Through where we should Think best for the Road to be laid are willing to Contribute ~~by Signing any Instrument of writing which the~~ so much of our Lands for sd Road as the Commisoners Shall Juge proper, ~~so much of our Land~~ for that purpose as ~~suffieent~~ In any Instrument of of writing

¹⁰² *Ibid*, pp. 1785-1786.

¹⁰³ *Ibid*, pp. 1795-1797.

¹⁰⁴ *Ibid*, pp. 1809-1811.

¹⁰⁵ This document is an undated draft of a petition sent by the Pelham Society of Friends to the Magistrates at the Quarter Sessions. The *verso* of the page is endorsed "The Extracts of Epistles and Some other papers," dated between the "19th Day of the 12th mo. 1805" and "6th Day of the 1st mo. 1806." See Archives of Ontario, Religious Society of Friends (Quaker Archive, F997) D-1-10 file 8, microfilm MS303 reel 50.

to remain for that purpose forever to Stand and remain forever. the following Cours we apprehend to be bothe the Dryest and most Directest Course (That is,) Begining at the Township Line ~~where the road is Opened~~ Between Bertie & Humberstone ~~where~~ at the upper End of the Road from **Mathius Hauns** that part of bertie, thence a strait line To **Isaac Laings** thence to **Mr. Laing** thence to **David Bears**, thence to **William [Hauns?]** to **Joseph Dennises** ~~for~~ from thence as the ~~Inhabitents~~ upwards as the Inhabitents mostly think Convenient Through to **Sugar loaf mill**.

Letter from **Robert Hamilton**, Chairman Bench Justices, District of Niagara, to **Alexander Grant**, President of Upper Canada, Niagara, 12 July 1806.¹⁰⁶

To His Honor the President.

Sir,

I am directed by the Magistrates of the District of Niagara now in Quarter Sessions, to state to your Honor that they have done their best endeavours to fulfill the Intention of two Proclamations issued by you, respecting the Military Claimants and the Sons of the UE Loyalists tho' they are fearfull that from the want of Information they may have in some cases mistaken the Objects meant for Investigation before them. As to Military Claimants no Information has been furnished them to whom this Title extends-And altho' the Class of UE Loyalists was originally designated by the Magistrates, they have since understood that the List has been greatly changed and not having any Copy of this as now formed, they know not the Persons by it entitled to this Mark of His Majesty's Munificence; They have therefore been constrained to take the Affidavits of all such as called themselves Military Claimants or sons of UE Loyalists & will be necessitated to continue the same Cause, unless the Line of their Conduct shall be more clearley pointed out to them. They trust however that your Honor in Council will be able readily to correct such errors as they from the foregoing Causes may have fallen into. And they direct that a most respectfull tender of duty and regard should be made to you from them by your Honor's most Obedient and very humble Servant.

From the chairman of the Quarter Sessions, Niagara, 12 July 1806. Remarks that **Loyalist and Military claimants** are not clearly designated. Letter referred to the Executive Council 28 July 1806.¹⁰⁷

October 1806.

Affidavit of **Stephen Secord** regarding his wife's parentage, sworn in Quarter Sessions on October 25, 1806.¹⁰⁸

1807.

¹⁰⁶ National Archives of Canada, RG5 A1, Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, volume [--?--] July-December 1806, pp. 1932-1933 (microfilm C4503.)

¹⁰⁷ Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1, volume 5 part 2 pp. 1937 (NAC microfilm C4503.)

¹⁰⁸ Archives of Ontario, *Niagara Historical Society Collection* (Fonds F1138) series F1-10, Archival Scrapbooks 1727-1926 volume 1 page 14 (microfilm MS193 reel 12.)

The Petition of Magistrates and Other Inhabitants of the Niagara District.
 To the Honorable the Speaker and Members of the House of Assembly at York:-
 The Petition of the Magistrates and principal Inhabitants living along the road between
 the Lakes Ontario and Erie and its vicinity:-
 Sheweth:-

That the ***Bridge crossing the mouth of the Chippawa Creek***, upwards of three hundred feet in length, is so much decayed as to render the passing unsafe, and has twice endangered the lives of passengers and teams by breaking down.

Your Petitioners deem it unnecessary to enlarge on the utility (and indeed the necessity) of a bridge. Then, since it is so well known to many of the Gentlemen in Your House, particularly those representing this part of the Province, they presume to say that no road in this district is more travelled than the road above mentioned.

The law authorizing the Magistrates in Quarter Sessions to draw on the County Treasurer for the repair of highways and bridges does not allow them to exceed the sum of Fifty Pounds for any one bridge, which, in the present exigence is far too small a sum.

Your petitioners therefore pray that the Legislative Body will be pleased to authorize the Magistrates of the Niagara District in Quarter Sessions assembled, to apply an additional sum of Two Hundred Pounds of the County money to defray the expense of building a bridge across the mouth of Chippawa Creek, or make such other provisions as the necessity of the case requires, and which in your wisdom shall seem meet.

And your Petitioners will ever pray.

John Warren Sr,
Thomas Cummings,
Samuel Street Sr,
Alexander Douglas.¹⁰⁹

Ebenezer Belden, shopkeeper, has been a resident in this District for one year and that “he has not during that time traveled from town to town for the purpose of vending goods, wares or merchandise.” Certificate attached: “Ebenezer Belden hath been a resident of Niagara for the space of one year.” Signed by ***Joseph Edwards*** and ***James Muirhead***, J.P’s, 18 December 1807.¹¹⁰

Court of Requests, January 1808.

District of Niagara. Subpoena to Mr. ***Haggai Cook*** and Mr. ***Charles Anderson***, Stamford, each to appear at the Court of Requests in Willoughby on Saturday the 2nd January next at 11 o’clock in the forenoon to testify the truth according to your knowledge in a certain suit depending wherein ***Calvin Cook*** is plaintiff and ***Andrew***

¹⁰⁹The petition is undated but was read in the Legislative Assembly February 26, 1807. See Brig. General E.A. Cruikshank, “Records of Niagara in the days of Commodore Grant and Lieut.-Governor Gore 1805-1811,” *Niagara Historical Society Pamphlet* No. 42 (1931), pp. 35-36

¹¹⁰ Civil Secretary’s Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1 volume 6 pp. 2762-2763 (NAC microfilm C4504.)

Ostrander is defendant. Herein fail you not under the penalty of £2 to each of you. [Signed] **Thomas Cummings**, Willoughby, 26th December 1807.¹¹¹

1808.

“On Thursday evening the 12th instant a man of the name of **Shadwick**, a shoemaker by trade, was found dead near the **Ten Mile Creek**. On Thursday following a **Coroner’s Inquest** sat on the body, who brought in a verdict of--Died by the hand of Providence. He has left a wife and four or five small children.”¹¹²

Warrant 1808 to **John Beamer**, overseer. You are hereby authorized and requested to call on the above named persons and cause them to make and amend the highways in the division of the township of Grimsby. You have been elected to oversee that is to say beginning in the line beginning between **Charles Anderson** and **David Cauhill** up the mountain and [-----] to **Nathaniel Griffins** agreeable to the statutes of this province for which this shall be your warrant. Given under our hands at Grimsby the 19th day of March 1808. Signed **A. Nelles** and **William Crooks**, JP’s. **Ezekiel Ruse, John Wismer, Samuel Smith, James Ross, Nathaniel Griffin, John Terraberry, William Lawrance, Samuel Weismer, Jacob Fry, William Terraberry, Levi Hixon, Samuel Kitchen, Solomon I. Teetzell, Henry Hixon, Benjamin or Isaac Bell, David Kenny**.¹¹³

Letter from **Ralfe Clench** to Messrs. **Chewett** and **Ridout**, Niagara, 21 March 1808. Recommends **David**, son of **John Hainer**, to have lot 14 Concession 9, Grantham. The lot has always been in possession of the Hainer family. [Endorsed: Surveyor General’s office, 21 March 1808. Copy of Mr. Clench’s letter sent to them regarding a lot in Grantham for David Hainer.]¹¹⁴

Letter from **Joseph Edwards** to **William Halton**, Niagara, 27 July 1808. In the absence of **Mr. Hatt** “I should not think myself justified in making my alteration in His Excellency’s warrant as requested by Mr. Stanton.” [Endorsed: Misnomer in his warrant for roads. Clerical error in the commission.]¹¹⁵

John Gough, shopkeeper has been a resident in Niagara for one year and that “he has not during that time traveled from house to house for the purpose of vending goods, wares or merchandise.” Signed **Robert Kerr** and **James Muirhead**, J.P’s. [Endorsed: Magistrates certify that John Gough was a resident in the town of Niagara for one year prior to 16 December 1808, shopkeeper. No person of this name has been returned as having

¹¹¹ Archives of Ontario D58, Norfolk Historical Society Collection, series I-B *Court Papers 1796-1816*, pp. 1062-1063 (microfilm M274.)

¹¹² *Upper Canada Guardian or Freeman’s Journal*, January 22, 1808. Volume 1 #26 (Archives of Ontario microfilm N23 reel 7.)

¹¹³ Archives of Ontario, RG22-87-0-1 container 1 envelope 1; also *Robert Nelles Papers* (F542) “Beamer Papers 1762-1808 and 1854” series F, self-serve microfilm MS503.

¹¹⁴ Civil Secretary’s Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1, volume 7 pp. 2954-2955 (NAC microfilm C4504.)

¹¹⁵ *Ibid*, volume 8 pp. 3221-3222 (NAC microfilm C4505.)

obtained a shop licence, but the name of **James Gough** was returned in the quarter ending 31 December 1807. Signed **John McGill**, 12 January 1809.”¹¹⁶

1809.

Letter from **Thomas Dickson** to **William Halton**, Secretary to His Excellency L^t. Gov^r. Gore, Queenston, 6 June 1809:¹¹⁷

Sir: I received your letter of 2^d Inst. respecting the fines imposed on certain persons now confined in the gaol of Niagara for an assault on **Zach. Harvey** a Citizen of the United States- and I herewith inclose a representation from the Magistrates to His Excellency the L^t. Governor which I hope may have the desired effect. I have the honor to be, Sir, Your most obed^t. Ser^t. [*Verso* endorsed 6th June 1809 from Thomas Dickson acknowledging the Receipt of Major Halton’s Letter and transmitting a representation from the Magistrates at Niagara.]

To His Excellency **Francis Gore** Esquire, Lieutenant Governor of the Province of Upper Canada &c &c &c. The Respectful representation of the undersigned being Justices of the Peace in and for the district of Niagara Humbly Sheweth-- That at the last General Quarter Sessions of the Peace held at Niagara, now in the month of April now last past, certain men named **John Shaw, James Conway, Elisha Bundy, Cornelius Bains, J. [--] Lambert, James Harris** and **William Ingram**, were indicted and convicted of an assault and false imprisonment on the person of one **Zach. Harvey**, a Citizen of the United States. That the judgement of the Court was that each of them should pay a fine to the King of Ten Pounds Currency besides an Imprisonment of two months in the Common Gaol. That the term of their Imprisonment is nearly expired, but that they are totally incompetent to pay the respective fines imposed upon them, and that without Your Excellency’s benign interposition they must suffer a perpetual imprisonment. The Justices aforesaid have further to represent to your Excellency that from Circumstances that have come to their knowledge had these been known at the time, the Fines would not have been imposed or at least greatly lessened. Wherefor the undersigned Justices respectfully request Your Excellency would remit the aforesaid Fines as Imposed on each. Signed **Sam^l Street, Robert Kerr, Robert Addison, Thomas Dickson, P. Ball, Thomas Clark, J. Muirhead, John Ball**. Niagara, 5 June 1809.[*verso* endorsed “Niagara 5 June 1809. Representation of Sundry Magistrates of the District of Niagara-respecting a Fine of £10 each imposed upon Seven persons for an assault and false Imprisonment of one Z. Harvey a Citizen of the U. States. The Fines remitted by an Instrument under the Lt. Govr. hand and Seal dated the 10 June 1809.”]

Letter from **Samuel Street**, Chairman Qr. Sessions District of Niagara to His Excellency **Lt. Governor Gore**, Niagara, 14th April 1809:¹¹⁸

¹¹⁶ *Ibid.*, pp. 3526-3527.

¹¹⁷ National Archives of Canada, RG5 A1, Civil Secretary’s Correspondence, Upper Canada, *Upper Canada Sundries*, volume 9 January-June 1809, pp. 3972-3976 (microfilm C4505.)

¹¹⁸ National Archives of Canada, RG5 A1, Civil Secretary’s Correspondence, Upper Canada, *Upper Canada Sundries*, volume 9 January-June 1809, pp. 3881-3884 (microfilm C4505.)

May it Please your Excellency, The Magistrates of this District in Sessions taking into Consideration the very critical situation of the District Gaol as faithfully detailed in the accompanying representation from the Sheriff and the evil which would result to the Publick at large should the [daring?] gang of Depredators now Confined therein escape the punishment due to their crimes have by their resolution Authorised and directed me to apply to your Excellency for a special Commission of *Oyer and Terminer* for this District which I have now the honor to do. The Sheriff has so fully detailed this business that I have nothing to add thereto but to express my Conviction and that of my Brother Magistrates that unless a Commission does issue without delay, the Prisoners will escape and the ends of Public Justice be thereby defeated. I have the Honor to remain with the most Respectful Consideration, Your Excellency's Most Obedient Servant &c. [verso endorsed "14 April 1809 from Sam^l Street Esquire Chairman of the Quarter Session District of Niagara, requesting a Special Commission to Deliver the Gaol of that District (with one inclosure.)"]

Enclosure: letter from **Thomas Merritt**, Sheriff, to the Chairman of the Quarter Sessions, Niagara District, Sheriff's Office, Niagara, April 13th 1809. Sir, I conceive it to be my duty to represent through you to the Magistrates in Quarter Sessions that the Gaol of this District is at present Crowded with prisoners many of Whom are Charged with the Crime of Forgery & that an Attempt has already been Made by a Person apparently connected with them to introduce Clandestinely a file for the purpose no doubt of enabling them to escape. It is well known to many of the Magistrates that the Gaol is very insecure. The Timber being in Many parts decayed and as it is uncertain to what Extent the Confederacy of Forgers & Coiners may exist it must be Obvious to the Bench that the Sheriff with his ordinary Means has not the Power of Effectually Guarding the prisoners. It is consequently become necessary to provide Additional Means for Securing the County Gaol against all Attempts from without or within and at the same time by an immediate application to the proper Authority to procure a Commission for its Speedy delivery. The Bench will do me the justice to believe that every Exertion in my power shall be used to prevent the escape of any of the Prisoners under my Charge but I must press on the Minds of the Magistrates that with my present Means & in the present Situation of the Gaol, I cannot be responsible for the Safe Keeping of the Prisoners. I have the Honor to remain, Sir, Your Hum^l. Ser^t.

Lewis Bradley, shopkeeper, has been a resident of Niagara for one year and that "he has not during that time traveled from house to house for the purpose of vending goods, wares or merchandise," signed **Robert Kerr** and **James Muirhead**, J.P's, August 24, 1809. [Endorsed: Magistrates certificate of Lewis Bradley's residence, District of Niagara.]¹¹⁹

Calendar of Prisoners in the Gaol of the District of Niagara, the 26th September 1809.
Signed by Sheriff **Thomas Merritt**.

Philander Noble (alias **Charles Norton**), **Gilbert Drake**, **Joseph Harris**, **William Smith Crane**, **Kimble Roberts** and **Captain Spring**: Committed by **Thomas Dickson** and

¹¹⁹ Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1, volume 10 pp. 4215-4216 (NAC microfilm C4506.)

Thomas Clark on March 24, 1809 for falsely making, forging, counterfeiting and uttering bank notes of the **Columbia Bank of New York**.

Elijah Minkler and **John Robertson**. Committed by Thomas Dickson on September 12, 1809, charged with horse stealing.

John Silverthorn. Committed by the Court on September 26, 1809, charged with feloniously shooting a man.¹²⁰

Petition of the Magistrates and principal inhabitants of the District of Niagara, pardon in favour of **J. Silverthorn**, September 29, 1809. [Verso endorsed] Rex vs. Silverthorn, representation of Petit Jury. Signed by **J. Muirhead, Robert Kerr, John Symington, Jas. Crooks, S. Hatt, Tho. Cummings, Robt. Nichol, Wm. Crooks, Amos Chapman, Jas. Coffin, Jno. Powell, T. Butler, J. Ball, John Ball, Ralfe Clench, John Muirhead, Johnson Butler, Alex. Stewart, John McEwen, Wm. [McLean?], John J. Lefferty, Isaac Swayze, Wm. J. Kerr, John Clark, Daniel Secord, Wm. Chisholm, A. Cameron, Geo Hamilton, Thomas Clark, John McKerlie, Calvin Banister, Wm. Robertson, James Racey, Tho. McCormick, W. Gilkinson, James Cooper, John Reilly, Benjamin Corwine, Adam Spencer, Peter Wright, Jonathan Doan.**¹²¹

Letter from **Thomas Merritt** to **Major Halton**, Niagara, 2 November 1809. Is in receipt of Halton's letter of the 25th ult. "I know of no fees whatever having been applied for to **John Silverthorn** or paid by him or any others on his account. I am from the tenor of your letter induced to believe it may have been insinuated that I exacted fees from him and if such has been reported by any person let me assure you Sir it is wholly unfounded." [Endorsed: 2 November 1809 from the Sheriff of the District of Niagara. No fees have been demanded in the pardon of Silverthorn.]¹²²

1810.

An Account of Fines taken from Friends, Black Creek, 1810.¹²³

Taken by Distress by a Warrant under the hand and seal of **John Warren**, Justice of the Peace, some time about the 1st of the 6th month 1810 from the following Friends property to the amount as follows: from **Joseph Marsh** \$9 worth, from **Azaliah Schooley** \$12½, from **John Cutter Jr.** \$12¼, from **Levi Schooley** \$13¼, from **Benjamin Cutter** \$20, from **Isaac Laing** \$9, from **Abraham Laing** \$12½.

The Amount of the Distraints of the Property of Friends of Pelham for Militia Fines:¹²⁴
Jesse Willson, 4¼ bushels of wheat @ 10/-, £2.2.6.
Samuel Taylor, heifer, £5.0.0.

¹²⁰ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), Bound Legal Papers L16 volume B87 p. 22.

¹²¹ *Ibid.*, pp. 4278-4282 (NAC microfilm C4506.)

¹²² *Ibid.*, pp. 4361-4362.

¹²³ Archives of Ontario, Religious Society of Friends (Quaker Archives, F997), D-1-10 file 8 (microfilm MS303 reel 50.)

¹²⁴ *ibid.* The transcription of this document has been included in this year but it should be noted that the original is undated. It was probably from sometime during the War of 1812.

George Bradshaw, 3 sheep, £3.4.0.

Laurence Jennings, 4½ bushels of wheat @ 10/-, £2.5.0.

Lewis Willson, 4¼ bushels of wheat @ 10/-, £2.2.6.

Joseph Willson, 4¼ bushels of wheat @ 10/-, £2.2.6.

Total £16.16.6.

Letter from **Joseph Edwards** to **Major William Halton**, Niagara, 24 January 1810:¹²⁵

Sir, Agreeable to my promise when at York I now transmit you for his Excellency the Lieutenant Governor's information, a report of the proceedings of the Special Commissioners of Highways appointed under the Acts of the forty eighth and subsequent year of his Majesty's Reign for this District. The remoteness of the Commissioners from each other and the absence of **Mr. Hatt** in Lower Canada prevented any interview taking place before the next January sessions when Mr. Hatt was requested (as he was about to proceed to York) to apply for the money, and it was the last April Sessions when at a further interview I received a third of the money first voted. At this Sessions certain monies was granted out of the District funds for the repair of the Roads, and myself with **Peter Ball** and **James Muirhead** Esquires were requested to Act as Special Commissioners in laying out a part in this vicinity. Shut up as the **Town of Niagara** is, the object of the first consequence was the opening a Grand Western Communication heretofore called the **Black Swamp Road** for which purpose we first obtained from the Proprietors of the Soil a surrender to the Crown of a chain in width, and the moment the wetness of the Season permitted (but which was not till the Fall) we entered into agreements with different persons for repairing the old and making of new Bridges and I have the pleasure to learn that it gives general satisfaction. Upon the suggestion of Mr. Ball (who has all the merit of the above) that Farmers in labouring on new Roads are generally unwilling to strain their Chains and Ploughs in tearing up Roots, I have procured a strong Plough and a Chain capable of Sustaining the strain of four Yoke of Cattle which Mr. Ball assures me will last if properly used for twenty years. To accomplish the above I have expended of that part of the public Money I received from Mr. Hatt Forty two pounds as will appear by the documents in hand. The balance together with the Sum I had the honour to receive while at York is now in my hands, but an ample field yet remains in this District for expending the above, and what further Sum the Parliament may think proper to grant. Having mentioned the wish of his Excellency to **Mr. Street**, and written to Mr. Hatt on the same subject I have waited till the last moment for their reports, but no one making its appearance, I presume they mean to inform his Excellency individually. I have the honor to be, Sir, your most humble serv^t. [Endorsed "Receipt acknowledged 17th February, W.H." and on the *verso* "24 January 1810 from Joseph Edwards Esq. disposal of Road Money."]

Letter from **Joseph Edwards** to **Major William Halton**, Niagara, 1st February 1810:¹²⁶

¹²⁵National Archives of Canada, RG5 A1, Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, January-June 1810 volume 11 pp. 4549-4552 (microfilm C4506.)

¹²⁶National Archives of Canada, RG5 A1, Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, January-June 1810 volume 11 pp. 4579-4581 (microfilm C4506.)

Sir, I have the honor to transmit you for his Excellency the Lieutenant Governor's information, a copy of a Letter I received yesterday from **Mr. Hatt**. I am Sir your most hble Serv^t.

(Copy) Letter of **Richard Hatt** to J. Edwards Esq., Dundas Street 16 Jany. 1810. Dear Sir, I received yours of the 4th Instant and shall be happy to see you as yet if the weather permit. The moneys in my hands for the purpose of Repairing the Roads has not been as yet expended, one reason was the absence of **Mr. W. Crooks** and my Brother last summer- another is, there being some difference in opinions respecting the mode of establishing roads. I strenuously oppose having the money laid out where there is every probability the road may soon be altered and I wish to ascertain where the County Town may be established, the Roads to & from it may be benefitted as much as possible by the public money- these considerations have made me the less anxious about hurrying the disposal of it until next Spring when I hope we shall be able to dispose of it without difference in opinion. I am &c &c. [Endorsed "Receipt acknowledged 17th February W.H." and on the *verso* "1 February 1810 from Joseph Edwards Esqr. inclosing copy of a letter from Mr. Hatt, disposal of Road Money."]

Letter from **Joseph Edwards**, Chairman, General Quarter Sessions Niagara District, to **Major William Halton**, Niagara, 17 April 1810.¹²⁷

Sir: I am requested by the Magistrates in General Quarter Sessions to represent to His Excellency the Lieutenant Governor the situation of the four persons in the Gaol of this District under Sentence for a misdemeanor in forging and uttering counterfeit foreign notes for the payment of money. They have undergone the Punishment of standing in the Pillory and the term pronounced for their imprisonment is (some time since) elapsed, the remaining part, paying their fines and finding security for their good behaviour are both entirely out of their power and must operate as Imprisonment for Life. As such they humbly intreat His Excellency to exercise the "most amiable part of the King's prerogative" in granting them a free pardon for the remainder of the sentence. This their request they beg leave to assure His Excellency is not on account of the burthensome expence (large as they have found it) that these prisoners are to the District, but to prevent any attempt they might make to break Gaol, that (in their desperate case) the natural love of Liberty might incite them to: Especially since the Commandant at Fort George has found it necessary to request that the Guard might be withdrawn and which has taken place. I am also requested to represent to His Excellency what the Magistrates conceive an improper application of the **Military Reserve** in front of this Town, in the permission recently given to a **Mr. Emery** to inclose a large space for a Garden in front of his house thereby not only spoiling the view but by encouraging similar applications have the effect of shutting up the Town by a Range of Pickets. They therefore humbly request His Excellency's interference in preventing the inclosures taking place. At this Session the Magistrates have approved a plan of a **Bridge of one Arch across the Grand River** (nigh the house of a **Mr. Staats**) presented (among others) by a **Mr. Spilman** the Estimate seven hundred and fifty pounds. **Messrs. Hatts, T. Clark, Addison** and others have come forward as his Securities and so soon as the bonds are completed I presume an

¹²⁷National Archives of Canada, RG5 A1, Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, January-June 1810 volume 11 pp. 4795-4798 (microfilm C4506.)

application will be made to his Excellency for the money voted by Parliament the remaining sum being made up by private subscriptions. I have the honor to be, Sir, your most hble Serv^t. [Endorsed on verso: Niagara 17 April 1810 from Mr. Edwards, Chairman of Q^r. Sessions, Niagara Dist. Representing the distressed situation of some Prisoners in Gaol there: Also a Plan of a Bridge to be Built across the Grand River, App^d. by the Magistrates in Session.”]

Minutes of the Home District General Quarter Sessions of the Peace, York, April 23, 1811. **Lardner Bostwick** was appointed one of the constables for the town of York on April 13th for the ensuing year. He “appeared but prayed of the Court to be excused” having served “as constable for the Town of Niagara last year.”¹²⁸

September 1812.¹²⁹

Petition of **Lewis Lewis**, September 6, 1812, praying that an amount of money and seven watches taken from his person by the Sheriff of Niagara be restored.

To **Isaac Brock**, the petition of Lewis Lewis, Niagara Gaol, 6 September 1812.

Your petitioner was brot before yr honor examined and committed to gaol. The sheriff after examining your petitioner took from him money to the amount of \$200 or thereabouts which your petitioner was to pay in this province and now having a favourable opportunity to send the money and take up his note prayeth that your Honor may think proper to direct that the sheriff may return the same together with 7 silver watches taken from him at the same time.

And your petitioner as in duty bound will ever pray.

1813.¹³⁰

John Mann applied before **Thomas Dickson** and **Thomas Clarke** at Stamford to take over the stock and grain from the farm abandoned by **Ebenezer Kelly** of Grantham. By virtue of power vested in us by **General DeRottenburgh**, take it over as soon as possible and render us an account of the same, August 28, 1813.

York, February 18, 1814:

¹²⁸ Alexander Fraser, “Minutes of the Court of General Quarter Sessions of the Peace for the Home District, 13th March 1800 to 28th December 1811,” *Twenty-first Report of the Department of Public Records and Archives of Ontario 1932*. Toronto: Herbert H. Ball, 1933 p. 183.

¹²⁹National Archives of Canada, RG5 A1, Civil Secretary’s Correspondence (Upper Canada,) *Upper Canada Sundries*, volume 15 pp. 6375-6376 (microfilm C4508.)

¹³⁰National Archives of Canada, RG5 A1, Civil Secretary’s Correspondence (Upper Canada), *Upper Canada Sundries*, volume 16 pp. 6662-6663 (microfilm C4508.)

Resolved, that two poor people who lodge in *Mr. Edward's* root-house, and who were assisted by the Quarter Sessions, which fund, being now empty, they have an allowance of rations, but have nothing to clothe themselves, or to pay their washing.

Resolved, that out of a sum voted by a resolution on the 9th June last [1813], to the *Rev. Robert Addison* and *Thomas* and *William Dickson*, Esqrs, for the purposes therein mentioned, that the like allowance shall be continued as was formerly paid by the Quarter Sessions of the District of Niagara, to two persons who now reside in a root house belonging to Mr. Edwards. This list of applicants for relief was delivered by the Rev. Mr. Addison, Rector of Niagara. [*Thomas Scott*, President and *Alexander Wood*, Secretary.]¹³¹

Account of the tavern licences issued in the District of Niagara between the 5th January and 5th day of April, 1813: *John Knox, Thomas Powis, James Bunting, John Smith, John Daley, William Wynn, Robert Waddle, Peter Welch, Paul Shipman, William Terryberry, John Emery, Mary McBride, Samuel Swayze, John Palmer, Edward Brady, James Henry, Charles Anderson, John Halley, William Vanderlip, Abraham Markle, Frederick Anchorin, Nathan I. Fowler*, at £3 each, total amounting to £66 (Halifax), signed *Isaac Swayze*. Shop licences: *John Young, Francis Crooks, John Dorman, John Grier, William Crooks, James Crooks, John Elbert, Daniel Shunck, Elijah Secord, Andrew Heron, John Baldwin*.¹³²

1814.

Petition of Sundry Inhabitants on behalf of *Adam Chrysler*.

To *Gordon Drummond*, President of Upper Canada.

The petition of sundry Magistrates of the District of Niagara, and other inhabitants and freeholders in the said District:

During the sitting of Commissioners appointed by your Honour, under the authority of an act passed in last session, to try all Treasons, Misdemeanors of Treason, and Treasonable practices... one *Adam Chrysler* was convicted of treason. In consideration of his long tried loyalty, known respectability of his connexions and relatives, as well as the deplorable state in which a family consisting of a wife and 7 children must inevitably be involved when deprived of its' head and chief support, approach your Honour as the fountain of mercy and beg leave to express their hope, that in your wisdom, this unfortunate man may be deemed an object of Royal clemency...and to shield and save him from the great and tremendous punishment to which the law of his country have consigned him. And as in duty bound will ever pray,

¹³¹ *The Report of the Loyal and Patriotic Society of Upper Canada, With an Appendix and a List of Subscribers and Benefactors.* (Montreal: William Gray, 1817) pp. 107-108. The resolution of June 9, 1813 allotted the sum of \$1,000 to Rev. Addison, Thomas Dickson and William Dickson for the relief of the distressed in Niagara. Any two of these gentlemen were to form a quorum. *ibid*, pp. 53-54.

¹³² E.A. Cruikshank, "Records of Niagara. A Collection of Contemporary Letters and Documents January to July 1813," *Niagara Historical Society Pamphlet #44* (1939) p. 29. Cruikshank cited this document as part of the *Upper Canada Sundries* but the list does not seem to appear in the NAC finding aid (reel C9922) nor in the *Sundries* themselves for 1813 or 1814.

Ancaster, June 18, 1814. **William B. Peters, Elijah Phelps, Francis Goring, Robert McKinlay, Christian Warner, John Chrysler, Lewis Clement, Philip Shaver, John Bessy.**¹³³

Calendar of Prisoners at Ancaster, 1814.

John Ferguson: Charged with robbing the shop of one **Jesse Holly**, District of Niagara. Committed by his own confession.

Noah P. Hopkins: Charged with treason.

[**John**] **Stephen Hartwell** and **George Cain:** Charged with endeavoring to take one **George John Crysler** prisoner in June last. Committed on the evidence of J. Crysler.

Jesse Holly: Charged with giving intelligence to the enemy as to where **John Clark's** flour was deposited. Committed on the evidence of **Alex Rogers.**

Robert Lounsbury: Charged with being in the enemy's army with arms when advancing towards Burlington in December last; he acknowledges he joined them; was to be promoted to Quarter Master with them; took one **James Clendennan** prisoner at Gainsborough. Committed on the evidence of **Lieut. John Williams, Daniel Camp, Michael Wardell,** James Clendennan and **John Kennedy Sr.**

Jacob Overholt: Charged with taking **Augustus Anger** prisoner in December last and giving intelligence to the enemy at **Buffalo.** Committed upon the evidence of **George Anger,** Augustus Anger, **Frederick Anger** and **Benjamin Clark.**

Isaac Pettit: Charged with treason.

Elisha Smith: Charged with using seditious language.¹³⁴

Letter from **Isaac Swayze** to **Robert R. Loring**, York, March 12, 1814. The commission of the peace for the 4th Riding of Lincoln named **Samuel Street Sr, Thomas Cummings, Crowell Willson** and **John Warren.** "They are all very active and useful Magistrates." Swayze recommends **James Cummings**, son of Thomas, for a commission of the peace. He lives in Willoughby Township where a magistrate is very much wanted. "He is a very intelligent person, and every way calculated to be useful in such a situation."¹³⁵

Letter from **Thomas Dickson**, Chairman, Niagara District Quarter Sessions, to **Robert R. Loring**, York, March 14, 1814. He acknowledges Loring's letter and makes a return concerning the gentlemen named in the present commission of peace, four of whom are dead. "The present magistrates are all men of respectability and capable of fulfilling the duties of their stations with the exception of **John McKerlie** who is often incapable from drunkenness." He has annexed the names of six gentlemen to be recommended to the new commission of the peace. Commission dated March 10, 1814: Hon. **Robert Hamilton** [Dickson noted Hamilton "dead"], **Benjamin Pawling, John Warren Sr.** [dead], **John Ball, Robert Kerr, John McNabb** [dead], **Peter Ball, Rev. Robert Addison,**

¹³³ National Archives of Canada, RG5 A1, Civil Secretary's Correspondence (Upper Canada), *Upper Canada Sundries*, volume 16 pp. 6837-6839 (microfilm C4508.)

¹³⁴ Unbound Legal Papers, *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), L16 box 2 file 27 pp. 5, 7, 8, 10, 12, 13 and 15. This document contains many additional names from the Home and London Districts. The Niagara District names have been copied here.

¹³⁵ National Archives of Canada, Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1, volume 19 pp. 8042-8044 (microfilm C4543.)

John Reily [dead], *Joseph Edwards*, *James Muirhead*, *Samuel Street Sr*, *Robert Nelles*, *Richard Beasley*, *Richard Hatt*, *Samuel Hatt*, *Abram Nelles*, *Thomas Dickson*, *John Warren Jr*, *Henry [Hougle]*, *Crowell Willson*, *Thomas Cummings*, *Thomas Clark*, *John McKerlie*, *William Claus*, *William Applegarth*, *Amos Chapman*, *Eden Beebee*, *William Crooks*. Recommended: *James Crooks*, *Robert Grant*, *Samuel Street Jr*, *George Adams*, *Thomas Butler*, *Cornelius Thompson*.¹³⁶

June 1815.

District of Niagara, Grimsby, to wit: George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To the Sheriff of the said District and all Bailiffs, Constables and Peace Officers of the said District, Greeting.

Whereas complaints on oath hath been made this day before *Robert Nelles*, Esq., one of our Justices assigned to keep our peace, in the said District, that one *Bryant Wade*, late of Clinton, in the said District, labourer, on the 5th day of June instant, at Grimsby, aforesaid, on one *William Crooks*, of Grimsby, aforesaid, Esquire, did make an assault and him the said William then and there did beat, wound and evil entreat and then and there with a certain club which the said Bryant held in his hand strike and grievously wound the said William in and upon the head. These are therefore to charge and command you the said sheriff, bailiffs and constables and each and every of you to forthwith take the said Bryant Wade by his body if he be found in our said District and to bring him before our said Justice or any other our Justices of our said District to be dealt with in this behalf according to Law. Witness the said Robert Nelles our said Justice at Grimsby aforesaid this 29th day of June in the 55th year of our Reign. [1815.]

Endorsed: The King vs. Wade. Warrant. *B. Beamer*, Grimsby. Served [on the] 29th.¹³⁷

October 1816.

To His Excellency *Francis Gore*, Esquire,
Lieutenant Governor of His Majesty's Province of Upper Canada &c &c &c
We the undersigned Magistrates of the District of Niagara in Quarter Sessions Humbly beg leave to represent:

That *George Lawe*, *Gentleman Usher of the Black Rod*, lately departed this life. That having during his life had little more than the pay he derived from such office for the Support of his family he has left them consisting of a wife and son in very indigent circumstances.

That the said George Lawe a Captain of the Lincoln Militia was wounded and taken prisoner at the capture of *Fort George* at which time *William* his son doing duty as a Militia man was killed in action.

¹³⁶ *Ibid*, pp. 8085-8089.

¹³⁷ Archives of Ontario, *Niagara North (St. Catharines) Courts of General Quarter Sessions of the Peace Filings*, RG22-87-0-2 container 1 envelope 2.

That **John** Surviving Son of the said George Lawe has throughout the late war been active in his duty as a Militia man and we believe him fit to fill the office held by his late Father.

We the said Magistrates in General Quarter Sessions assembled therefore humbly pray Your Excellency will be pleased to take the case of the said family into consideration and afford them such relief as to you in your wisdom may seem meet and they in duty bound will ever pray. In General Quarter Sessions assembled, Niagara, 9th October 1816.

Robert Kerr,

Robert Nelles,

J. Muirhead,

Peter Ball,

George Adams,

Thomas Clark,

William Crooks,

T. Butler,

John Symington,

Robt. Addison, D.D.

George Keefer

John Ball

Isaac Swayze, M.P.

[The verso of this document endorsed: "Petition of Sundry Gentlemen of the Niagara District in Support of the Application of John Lawe to Succeed his father the late George Lawe as Usher of the Black Rod, 1816 9th Oct."]

Undated letter from **William Claus** to **Lieutenant Governor Gore**:

Sir, I hope Your Excellency will pardon the liberty I take in transmitting to you the enclosed paper, it is in a good cause which reason to [know?] you [--?--] it. The young man was with me & I sent him home again as he was living here at an expense he could not well support. I am just from the Government House [----?----] **Mrs Gore** is quite well, **Miss** [?] was seized with one of her coughing fits yesterday but is quite well again. I am Sir, most faithfully, your obedient Ser[van]t, W. Claus.

Letter from **J.B. Clench** to **Lieutenant Colonel Cameron**, Provincial Aid De Camp, Niagara, 9th October 1816:

Sir, Mr. **George Lawe** having yesterday departed this life, from which circumstance the situation of the Usher of the Black Rod becomes vacant, I therefore take the liberty of soliciting your friendly interference in recommending me to fill said vacancy and my gratitude therefore shall never cease but with my life. I have the Honour to be, with regard, your obedient servant, J.B. Clench. [Verso endorsed "9 October 1816- from J.B. Clench, Application for the situation of the Usher of the Black Rod."]¹³⁸

1817.

¹³⁸National Archives of Canada, Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, September-December 1816, RG5 A1, volume 30 pp. 13722-13728 (microfilm C4547.)

“By an arrangement made between the magistrates and **Colonel Grant**, Mondays, Wednesdays and Saturdays are allowed the inhabitants to fish and the other three days are for the military departments. After this it is hoped no misunderstanding will take place.”¹³⁹

April 1817.

District of Niagara. Notice. Whereas divers persons inhabitants resident within the town of Niagara have, and are in the daily habit of, building their houses and fencing in some part of the streets within the town to the evil example of others who may offend in like kind. Notice is hereby given to all and every person who may have erected buildings or placed fences, on any of the streets within said town of Niagara, that unless such nuisances are removed before the next Court of General Quarter Sessions of the Peace, to be holden in and for this District, that bills of Indictment will be preferred against each and every offender. And of which, let all concerned take notice, so that none may plead ignorance.¹⁴⁰

Ralfe Clench, Clerk of the Peace. Niagara, April 10, 1817.

July 1817.

Wolf Scalp Bounty Certificates.

Stephen M. Farr, two wolves killed in Wainfleet April 1817. Scalps certified destroyed by **Amos Chapman**, Pelham, July 5, 1817.

Jacob Sherk (Humberstone.) Four wolves killed in Humberstone May 17, 1817. Scalps certified destroyed by **J. Warren**, Bertie, May 28, 1817. Paid £4.

September 1817.

Letter from **David Lynch**, Niagara, to **William Dummer Powell**, 22 September 1817. Has handled the mercantile business for Mr. **Henry Drean** of Niagara. On September 16th goods were on board a schooner at **Youngstown** on the US side, packages and 7 kegs of tobacco. Duty was paid on the 19th. Put the goods and kegs of snuff on board another vessel along with six others (contents unknown.) He would have landed them in the usual place but the law remains in force which prohibits boats coming over after sunset. Shipment was delayed, was obliged to land the goods above the garrison. It was 8 o'clock before they got a team. While going into town the goods were put under seizure and lodged with **Mr. Symington** the collector. Two packages resembled tea packages. Mr. Drean has been absent four months. Have the goodness to have the contents examined.

¹³⁹*Niagara Spectator*? December 4, 1817. Quoted in Brog.-General E.A. Cruikshank, “The News of Niagara a Century Ago,” *Ontario Historical Society Papers and Records* XXIII (1926) p. 7

¹⁴⁰ *Niagara Spectator*, April 10, 1817 (Archives of Ontario microfilm N23 reel 6.)

Affidavit, 30 September 1817: we know David Lynch to have handled the business of Mr. Henry Drean for a considerable space of time, he is a young man of integrity and the strictest morality. Signed **J. Muirhead, John** [-----], **William Willson, R.M. Long, J. Holme, A. Cameron, John Crooks, John Powell.**

Evidence of David Lynch, Niagara, taken before **James Muirhead**, 30 September 1817. Goods comprises 5 kegs of tobacco, 9 small kegs of snuff and six cases contents unknown. Deponent told collector he intended to pay the duty and not smuggle the goods. It was necessary to land them before an entry takes place. Deponent was not furnished with any documents (invoice or other) by Mr. Drean. A want of goods made him act so precipitously previous to receiving instructions from Mr. Drean relative to the goods.¹⁴¹

November 1817.

Warrant issued to **Lewis Palmer**, constable, Bertie, November 7, 1817. Information and complaint made by **Jacob Everitt**, Willoughby, before **John Warren**, JP. Complainant says that on Sunday the 2nd instant he received a \$10 note, of the **Merchants Bank of New York**, for articles sold to a man whose name he has not yet ascertained. The man is a person of short stature, wearing dark clothes. The note bears number 1874, dated May 2, 1814 and signed by **Richard Varick** (president) and **Lynde Cotton** (cashier.) Everitt has reason to believe the note is counterfeit, and further that the man who passed it knew it to be such at the time of passing it. These are therefore in the King's name to authorize and command you to apprehend the body of said man and bring him forthwith before me, or some other of His Majesty's Justices of the Peace, to be further dealt with according to law. [Verso endorsed: **James Mitchel** apprehended 6 March 1819. He paid the \$10 claimed and was discharged by **Thomas Cummings, Crowell Willson** and **Richard Leonard**, Esquires.]¹⁴²

December 1817.

The annual meeting to grant certificates for Tavern licences for the 3rd riding of Lincoln County will be held on December 22nd at the office of the **Hon. Thomas Clark** in Stamford at 11 am, and for the 4th riding of Lincoln County on December 23rd at **John Palmer's Tavern** in Willoughby at 11 am. **Ralfe Clench**, Clerk of the Peace, December 2, 1817.

The annual meeting to grant certificates for Tavern licences for Louth, Grantham and Niagara will be held at the house of **Alexander Rogers**, innkeeper, town of Niagara, on December 20th at 11am. **Ralfe Clench**, Clerk of the Peace, November 26, 1817.¹⁴³

¹⁴¹ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), Bound Legal Papers, Demurer Book, L16 box 2 volume B85 pp. 110, 114 and 116.

¹⁴² *Samuel Street Papers*, Archives of Ontario microfilm MS500 reel 1.

¹⁴³ *Niagara Spectator*, December 11, 1817 (Archives of Ontario microfilm N23 reel 6.)

1818.

To the Editor : "Sir, when I pass into and from the town of Niagara, I cannot help gazing at the new Gaol and Court House, it is a handsome building and must have cost a great sum of Money, it really does credit to the builder and the founders of it. I cannot conceive what could be their view in setting it in that swamp, I am sure more eligible situations might have been found to place so fine a building. I was last General Quarter Sessions in the new Court Room where I heard the new commissions of the peace openly read, and was highly pleased that so many respectable young men have been put in with those who have served a long time as Magistrates, and no doubt they will do everything necessary to make their younger *brothers* as good as *themselves*. After a number of the *young ones* were sworn in, and seated on the bench, there was a money question brought forward, which was *one* of them of old standing and high in respectability, as a Magistrate had *entered* on the premises of a **Mr. More** in the Town of Niagara, and directed the Engineer to take away some stone that was on the premises. Mr. More prosecuted the Esquire above mentioned in the last **Court of King's Bench** held at Niagara, and obtained a verdict against him for a considerable amount; what should their worships do but vote money from the District Treasury to remunerate their brother in commission that committed the glorious act above mentioned. I have conversed with several of their worships respecting the sum of money the new Gaol and Court House has cost, and am informed by them the district is largely in debt for the building of it, and a large sum of money has been borrowed already and they have to borrow more, but cannot without an Act passed by the Legislature to authorize them to do so. I will conclude with a little advice. I would say their worships ought to be very cautious how they act, and very careful how they commit *follies*. As the District is much in debt now, and interest and follies together will keep it so for many years to come, unless their worships will be pleased to mind what they are about. Whenever they wish to be generous to be so at their own expense, and not at the expense of the District. March 18, 1818."¹⁴⁴

January 1818.

Wolf Scalp Bounty Certificates.

Philip Simmerman (Clinton.) Two wolves killed in Clinton in October last. Scalps certified destroyed by **Robert Nelles**, November 3, 1817 to **John Symington**, treasurer. Paid May 17, 1834.

Philip Simmerman (Clinton.) One wolf killed in a pit erected for the purpose, drowned in the pit on November 15 or 16, 1817. Scalp certified destroyed (burned) by **Robert Nelles**, November 25, 1817. Paid May 17, 1834.

April 1818.

¹⁴⁴Niagara Gleaner, March 26, 1818 pp. 258-259 (Archives of Ontario microfilm N215 reel 1.)

District of Niagara, in General Quarter Sessions, 14 April 1818. Ordered, that the Clerk of the Peace do put in the *Spectator* an advertisement, notifying the inhabitants of the Town of Niagara, that the owners of any Hogs or Swine found roaming at large, within the limits of the Town, after the first day of May, will be fined as the law directs. **Robert Addison**, chairman, Niagara, April 17, 1818. The above a true copy, from the original order in Sessions. **Ralfe Clench**, Clerk of the Peace.¹⁴⁵

May 1818.

District of Niagara.

The Magistrates in adjourned session held at Niagara 9 May 1818. Having taken into consideration the annexed petition and enquired into the merits of the same **Gilbert VanWyck** and **Cooper Brooks** and finding that these persons had been convicted at the last General Quarter Sessions of the Peace for an assault and battery and sentenced to an imprisonment of two months. The sessions are not competent to remit any part of the time of their imprisonment, but are referred to His Honor the Administrator and can only recommend them to his favourable consideration. **R. Addison**, chairman.

[Verso endorsed: 9 May 1818. Chair, Quarter Sessions of District of Niagara. Recommending that the sentence of two months imprisonment be passed upon Gilbert VanWyck and Cooper Brooks for assault and battery be remitted. Granted.]

To the Gentlemen Magistrates of the District of Niagara, in court assembled. The humble petition of Gilbert VanWyck and Cooper Brooks, humbly sheweth that your petitioners humbly prays that their sentence may be remitted as by their own neglect of not procuring their sufficient evidence that may have convinc'd the court of their not being altogether culpable of what was laid to their charge and hope by their future conduct to merit [sic] their approbation and your petitioners will for ever pray. Stamford, April 30, 1818. Signed: **Laurence Lemon, Patrick O'Reilly, Benjamin Corwin, Jonah Howey, William Lundy, Thomas Lundy, James Thompson, William Pew, Lanty Shannon, Daniel Shannon, James Pew, Charles Anderson, Christopher [Buchner?], William [Rowell?]** [Verso of petition endorsed: The humble petition of Gilbert VanWyck and Cooper Brooks.]

Letter from **James Kerby** to **Colonel Samuel Smith**, Niagara, 9 May 1818: Dear Sir, From my personal knowledge of the two young men in question, during the late War, and having also been made acquainted with the circumstances relative to their confinement which is considered in sessions particularly hard--- May I be allowed to ask you, for their liberty. As I have been called upon to do so, with a faithful promise on their part, of their future good conduct. I have the honour to be, sir, your most ob[edient] ser[van]t.

[Verso of letter endorsed: Samuel Smith, Esq., &c &c, York.]¹⁴⁶

¹⁴⁵ *Niagara Spectator*, December 17, 1818 (Archives of Ontario microfilm N23 reel 6.)

¹⁴⁶ Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1 volume 39 pp. 18393-18398 (NAC microfilm C4601.)

October 1818.

Notice is hereby given of a Court of General Quarter Sessions of the Peace of and for this District is to be holden in the town of Niagara on October 13 at 10 o'clock am, of which all coroners, gaolers, high and petty constables, bailiffs and all others otherwise interested are desired to take notice, and that they be then present and do and perform those things which to their several offices in that behalf appertain. **Thomas Merritt**, sheriff.¹⁴⁷

The Magistrates of Niagara in General Quarter Sessions assembled request the Hon. The Members of the Commons House of Assembly for this District to use their influence in having a general map of the District made out by the **Surveyor General**, and also to appropriate a sum of money to cover the expense of the map for this District and of other Districts when applied for. In General Quarter Sessions, Niagara, the 14 October 1818. Signed **Thomas Dickson**, chairman. [Verso endorsed: To **Ralfe Clench**, Esq., M.P., and the other members of Parl[iament] from the District of Niagara.] Magistrates of the District of Niagara for a plan of their District, 14 October 1818. Granted.¹⁴⁸

Letter from **Thomas Dickson**, Chairman of the Quarter Sessions, Niagara District, to **Major Hillier**, Secretary to His Excellency **Sir Peregrine Maitland**, Queenston, 22d October 1818. Encloses a petition from the inhabitants of Bertie that Royal clemency be shown to **Daniel Bowen**, "convicted at the last court of *Oyer & Terminer* of horse stealing, and sentenced to Death, on the 10th of next month." **Mr. Justice Boulton** who tried this unfortunate man is now at York and can lay the particulars of his case before His Excellency.¹⁴⁹

December 1818.

Niagara, 28 December 1818. Sir, the Magistrates for the District of Niagara in General Quarter Sessions this day assembled, have directed me to make an application to His Excellency **Sir Peregrine Maitland**, in favour of an unhappy man **Daniel Bowen** now under sentence of death for horse stealing. The **Rev. Mr. Addison** has visited him and thinks him conscious of his guilt and an object of mercy, and the sheriff states that his conduct since his sentence has been uniformly humble and penitent. The magistrates therefore most humbly request that His Excellency will be pleased to pardon this unhappy person on condition of his quitting the British Dominions. I have the honour to be, Sir, your most obedient servant, **Thomas Dickson**, chairman, N.Q. Sessions. [Addressed to **George Hillier**, Esq, private secretary to His Excellency Sir Peregrine Maitland.] PS: as the last respite for Daniel Bowen was only for 1 month from the 10 of December, no time is to be lost in sending His Excellency's answer to the annexed

¹⁴⁷ *Niagara Spectator*, October 1, 1818 (Archives of Ontario microfilm N23 reel 6.)

¹⁴⁸ Civil Secretary's Correspondence, Upper Canada, *Upper Canada Sundries*, RG5 A1, volume 40 pp. 19156-19157 (NAC microfilm C4602.)

¹⁴⁹ *Ibid*, p. 19210. Bowen's sentence was conditionally commuted to banishment provided he left the Province but "not to the United States."

application [signed] T.D. Verso endorsed December 28, 1818 Mr. Dixon about D. Bowen.¹⁵⁰

1819.

Constables for 1819.

Wainfleet: **Archibald Farr**.¹⁵¹

Special Sessions, January 1819.

At a Special Sessions held at Niagara the 12th day of Jany. 1819.

Present: **Robert Nellis**, Esquire, **William Kerr**, Esquire, **Crowell Willson**, Esquire.

Isaac Swayze Esquire, Inspector for the Niagara District complained against **John Crooks** of the County of Haldimand for selling spiritous liquor contrary to the Statute.

The said John Crooks appeared in person and confessed the charge by which we sentence him to pay a fine of £20.

Niagara, 12th Jany. 1819.

Robt. Nelles, JP,

William Kerr, JP,

Crowell Willson, JP.¹⁵²

District of Niagara. Personally came and appeared before me **Archibald Farr** of the Township of Wainfleet, constable, and complains on oath made before me, that on or about the 9th instant, by virtue of a warrant of distress issued from His Majesty's **Court of Requests for the Township of Stamford** on the 16th day of January last and to him directed, in favour of **David Thomson** against the goods and chattels of **Joseph Lutz** of Pelham---He the said constable levied on a certain black mare, the property of the said Lutz- and left him in keeping at one **John Robins's** in the Township of Thorold. That the said mare cannot now be found on the premises of the said Robins and that he the said constable hath good reason to believe that she is in the custody and keeping of one **William Weed** of Thorold and prays that an authority may be given to obtain the said mare to satisfy the aforesaid warrant. Signed Archd. Farr. Sworn before me this 19th day of February 1819 at Stamford, **Samuel Street** J.P.

These are therefore in His Majesty's name to authorize that Constable to search the premises of the said William Weed and if the mare be there found to take and bring her away to satisfy the aforesaid levy—and for so doing this shall be sufficient warrant.

Samuel Street, 19th February 1819. Fees 8/6 Cy (13/7- York.)

¹⁵⁰ *Upper Canada Sundries, Civil Secretary's Correspondence*, RG5 A1, volume 41, pages 20026-20029 (NAC microfilm C4602.)

¹⁵¹ Named in a warrant issued by **Samuel Street** against the goods and chattels of **Joseph Lutz**, February 19, 1819. Archives of Ontario...

¹⁵² Archives of Ontario, *Robert Nelles Papers* (F542), "Court Records 1798-1819 & 1838" series D4, self-serve microfilm MS503.

John Robins will prove that Lutz had the mare in use the day before Farr attached her & that Lutz offered him [-----] to care for her sore back. **Thaddeus Davis** will prove that Lutz tried to hire him to [winter?] mare at the beginning of winter. Weed contends he told Farr that he held the mare by virtue of a bill of sale from some time in the fall of last year. David Thomson will prove that Weed told him that Lutz offered him the mare D80 but that they would only give D40 and that this occurred after the warrant of distress was in Farr's ahnds. Queries: did Weed know that Farr held an execution?

Letter dated *Falls Mills*, February 24, 1819 from William Weed to **B. Crannel Beardsley**, Esq, Niagara. Sir, Having consented that the Magistrates who will preside at the next Court of Requests to be holden at the office of **Thomas Clark**, Esq. in Stamford, which will be Saturday the 6th day of March next, shall determine any claim to the mare taken from me by Archibald Farr on a magistrates warrant- and that they shall also determine the damages to which I am entitled in the event of my establishing the mare to be mine, I request that you will send to Mr. Street before that time the receipt left with you from Lutz for the payment made to him for the mare and other property mentioned in the receipt. I paid you \$14 which I understood was to cover your fee and disbursements which you would be obliged to make to Sheriff Jurors &c. The case being now to be settled as above mentioned, be pleased to say in a line to Mr. Street what proportion of the \$14 were to cover disbursements and whether you will refund the money that you reseived for this last purpose. I am, Sir, Your very Obdt. Servt. William W. Weed.

March 6, 1819. Whereas a difference exists between Archibald Farr of Wainfleet, constable, and William W. Weed of Thorold, late innkeeper respecting a mare taken by the said Farr as the property of Joseph Lutz of Pelham, yeoman, by virtue of a warrant of distress issued from the Court of Requests under the hand of Samuel Street, Esq., one of the Commissioners of this Court, against the goods and chattels of the said Joseph Lutz and to the said Archibald Farr directed on the 16th day of January last. Which said mare is claimed by the said William Weed as being purchased by him from the said Lutz, previous to the said warrant of distress being issued. They the said Archibald Farr and William W. Weed mutually agree that **Richard Leonard** of Stamford, **Thomas Cummings** of Willoughby and **Crowell Willson** of Crowland, Esquires, shall this day arbitrate and determine the aforesaid claim as also the costs and expenses incurred by the said William W. Weed in prosecuting the said claims, and that the award of the said Richard Leonard, Thomas Cummings and Crowell Willson Esquires shall be final and that they the said Archibald Farr and William W. Weed shall stand to and abide thereby- for which they severally bind themselves and their heirs each and every one of them to the other, in the penal sum of £20 lawful money of the Province. As witness our hands and seals at Stamford this 6th day of March 1819. Signed Archd Farr, William Weed. In presence of **Colin McNeilledge**, [**Joshua?**] **Hyatt**.

We Thomas Cummings, Crowell Willson and Richard Leonard, Esqs. Having been duly appointed to decide the within mentioned do give it as our joint opinions, that Archibald Farr had good grounds for the steps he took in attaching the mare claimed by William Weed, but the said William Weed, having proved the mare to be his property by purchase, we do award the said mare to be delivered to him, but in consequence of the

said William Weed having been so very precipitate in his application to a lawyer, when less expensive redress was to be had, we further award that each party shall pay their own costs. Given under our hands and seals this 6th day of March in the year of our Lord 1819. Signed Richard Leonard, Thos. Cummings, Crowell Willson.¹⁵³

February 1819.

District of Niagara. Summons issued by *Abraham Nelles* on February 15, 1819: *William Chisholm* (plaintiff) vs. *Joseph Emmons* (defendant) to appear at the Court of Requests held at the Church near *Robert Nelles* on February 20, 1819 to answer to a debt of £4.1.3 which Emmons refused to pay to Chisholm.

William Chisholm (plaintiff) vs. *Henry Ransier* of Gainsborough (defendant) to appear at the Court of Requests held at the Church near *Robert Nelles* on February 20, 1819 to answer to a debt of £7.19.8.

William Chisholm (plaintiff) vs. *John McCarty* of Grimsby (defendant) to appear at the Court of Requests held at the Church near Robert Nelles on February 20, 1819 to answer to a debt of £1.16.3.¹⁵⁴

Letter from Sheriff *Thomas Merritt* to *John McGill*, York, 13th February 1819. Sir, I have the honour to transmit to you... fines for misdemeanors as set (and as far as received by me) at the Several General Quarter Sessions of the Peace, holden in April, July and October 1818, also at the Niagara District Court during the same period. Fines for misdemeanors at the Quarter Sessions £55.10.0.¹⁵⁵

February 25, 1819.¹⁵⁶

To His Excellency, *Sir Peregrine Maitland*.

May it please Your Excellency,

We, His Majesty's dutiful and loyal subjects, the Magistrates of the District of Niagara in General Quarter Sessions assembled, and the several inhabitants of the said District, beg leave to crave Your Excellency's indulgence in deviating from our usual municipal duties and functions in addressing His Majesty's representative in this Province. We believe the occasion requires it and the character of the District demands it.

¹⁵³ *Samuel Street Papers*, Fonds F547, Archives of Ontario microfilm MS500 reel 1.

¹⁵⁴ *Abraham Nelles Papers* (Fonds F543) Legal Papers (1819-1835) series F-1-1 (Summons 1819-1835), Archives of Ontario microfilm MS502.

¹⁵⁵ *William Hamilton Merritt Papers*, Fonds F662, Package 27 (Courts of Justice &c), Archives of Ontario microfilm MS74 reel 4.

¹⁵⁶ Brig.-General E.A. Cruikshank, "The News of Niagara a Century Ago" *Ontario Historical Society Papers and Records* XXIII (1926) pp. 15-16

The liberty of the press is the pride of British subjects, its licentiousness their degradation; the one is pregnant with morality and public tranquility, the other with anarchy, vice and attendant misery.

Happy, peaceable, and enjoying every right, consistent with rational liberty and prizing our Constitution and the wise administration of the Government and laws and perfectly satisfied with our representatives as to their duty in the Provincial Parliament, what cause can we have for complaint or for any popular ferment or agitation. Nevertheless this loyal District has been calumniated and from the wicked and insidious diffusion of the writings of a very few discontented, virulent, and malignant characters, it is presumed that this District is the concentration of folly and the focus of sedition and discontent.

It would ill comport with our feelings and the respect and consideration we bear to Your Excellency to condescend to notice individual immorality, however bold and affrontive. We trust that the arm of the law has vigour to reach and the country virtue and wisdom to punish such. With such sentiments we are only anxious and trust that Your Excellency will discard from your mind any impressions unfavourable to the gratitude, loyalty, and peaceable demeanour of His Majesty's subjects in the district of Niagara and that our fellow subjects elsewhere and others may be undeceived regarding our political affairs and feelings.

Thomas Clark JP
Robert Kerr JP
William Sampson JP
Crowell Willson JP
John Symington JP
Richard Leonard JP
Alexander Hamilton JP
James Kerby JP
Thomas Cummings JP
Thomas Bushby JP
James Muirhead JP
Robert Nelles JP
William Claus JP
Peter Ball JP
Gilbert McMicking JP
Isaac Swayze JP
Thomas Merritt, Sheriff
James Cooper, Capt., 2nd LM
William Dickson, JP
Thomas McCormick, JP
Robert Addison JP
John Ussher JP
George Connelly
J. Warren JP
Samuel Street JP

John Burch, Not. Pub.
A. Rorback, Capt, 3rd LM
Martin Dorshimer
John McMicking
John DeCew, Capt. 2nd LM
George Marlett
Samuel McKerlie
Stephen Brown
Edward Defield
James Ruthan
Adam Bowman
William Rowen
John Knot
Daniel Rose
John Chisholm
Thomas McMicking
Thomas McMicking Jr.
Conrad Dorshimer
Hugh Rose
John Powell Esq.
Thomas Butler Esq.
John D. Servos JP
John Ball JP
Abraham Nelles JP
William Crooks JP

George Ball JP

A. Foster, Lt. and Adj., LM

James Sampson, JP.

District of Niagara. Personally came and appeared before me **Samuel Street** Esquire, one of His Majesty's Justices of the Peace for the said District, **John Garner**, collector of the rates and assessments for the township of Stamford and complains on oath made before me that he hath demanded from the undermentioned persons the several rates for which they stand assessed upon the assessment roll of the said Township, for the space of upwards of 14 days next before the date hereof and that they the said persons hereunder written have neglected to pay the said several rates, viz:

Charles Anderson, assessed for the sum of £0.15.0. (Provincial Cy.)

John Freleigh, £0.6.7.

David Mattice, £1.1.9.

Wareham Johnson, £0.16.7.

Amounting in the whole to the sum of £2.19.11. lawful money of the Province. Signed John Garner. Sworn before me this 23rd day of March 1819 at Stamford. [Verso endorsed: John Garner, Collector, against Charles Anderson, John Freleigh, David Mattice and Wareham Johnson. Complaint for non payment of assessment, March 1819.]¹⁵⁷

April 1819.

Scroll Report of the Committee of the Quarter Sessions for April 1819 on Accts & Claims. The Committee appointed in General Quarter Sessions of the Peace for the Niagara District for April Term 1819 to examine the Public Accounts and to investigate claims, Respectfully Report: That there appears a balance in the hands of the Treasurer £345.13.4½ in favour of the District (Account 1) and that there is due to the District as per the Treasurers Account No. 2 from Sundries:

John Lymburner- as collector for the Township of Caistor for the year 1817 £10.5.8.

Robert Comfort- as do for Gainsboro on the assessment of 1818 £24.11.8.

Jacob TenBroeck- as do for Grantham 1818 £33.6.4.

Warner Nelles- as do for Haldimand for 1818 £5.12.0½.

Jacob Sherk- as do for Humberstone for 1818 £6.1.8½.

William J. Kerr- as do for Louth for 1817 £9.0.8.

Henry Pawling- as do for Louth for 1818 £23.14.5.

Thomas Butler, Esq.- as do for Niagara for 1817 £51.5.9½.

Josiah Brown- as do for Niagara for 1818 £128.14.10.

John Garner- as do for Stamford for 1818 £15.16.11½.

Jacob Gander- as do for Willoughby for 1818 £8.9.8.

Samuel Corwine- as do for Clinton for 1818 £6.7.5.

Robert Runchey- for money lent in 1818 £31.5.0.[subtotal £356.2.2., total the page £699.15.6½]

¹⁵⁷ Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

That there is due to Sundry persons as per the Treasurer's Account No. 2, viz.
£699.15.6½.

To **Colonel Claus** as Trustee for Indians £1782.0.0.

To **Benjamin Corwine** at Interest from 16 May 1817 £125.0.0.

To **Levi Lewis**, do from 23 May 1817 £625 [subtotal £2532.0.0.]

That of the Claims exhibited against the District the following in the opinion of your Committee should be favourably considered---

Amos McKinney-coroner-amount of his account No. 1 £14.8.3.

Ralfe Clench Esq- for Printer's account for advertising No. 2 £5.4.3.

Isaac Swayze Esq-as MP as per the Speaker's Warrant No. 3 £28.10.0

Robert Nelles Esq-as do, No. 4 £27.10.0.

Sundry Constables accounts, viz:

Dwan B. Yale, No. 5 ~~£1.0.8~~ 0.18.2.

Frederick Smith, No. 6 £1.17.4.

~~**Josiah Browns** Account for Monies appearing to be due on the assessment for Niagara for the year 1818 which he cannot collect No. 7 £2.12.7.~~

John Steels account No. 7 £1.10.10.

Joshua Hyatt No. 8 £2.6.7.

John Bassy No. 9 £0.6.6.

John Wright No. 10 £1.12.0.

Do, for Doctor's bill & loss of time in consequence of a wound inflicted by **Peter [Barton?]** when Wright was in the execution of duty £7.15.5. [subtotal £8.1.5, total the page £75.9.6.]

Amount brought forward £75.9.6.

Amount for constables bills ~~£7.15.5~~ £8.1.5.

Stephen St. John No. 11 £0.9.6.

John VanAlstine No. 12 £0.17.4. Retain 2/6 lent him by **Mr. Addison** [subtotal £9.8.3.]

James Whittens acct. for repairing the Gaol No. 13 £3.5.0.

Thomas Church to be refunded for an overate of 1818 for Grimsby No. 14 £0.6.6.

Edward McBride & Peter Wheeler constables No. 15 £2.3.2 £3.0.8.

Jesse Jones' account No. 16 £0.10.8.

Andrew Pettit's account No. 17 £0.17.1½.

Samuel Potts & Robert Miller & Matthew Dobie to be [-----] ¹⁵⁸ No. 18 £5.15.0.

Thomas Merritt, Sheriff No. 19 £40.0.0.

Josiah Brown's account for monies appearing to be due on the assessment of Niagara for the year 1818 which he cannot collect No. 20 £2.12.7.

No. 21 **Samuel Street** for disbursements ~~an allowance~~ to 2 orphan children- allowed by an order of Court 5/- week £39.0.0. One of the said children, the one in care of **Thomas Lundy's** family no longer to be continued.

Matthew Dobie's account No. 22 £1.8.9.

Mr. Powis's acct. deferred till the adjourned Session when the sheriff will give him notice. [subtotal £181.14.0½]¹⁵⁹

¹⁵⁸ The remainder of the details for this account is illegible due to the heavy ink strikethrough in the original document.

¹⁵⁹ Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

Bridgewater, April 15th 1819 7 o'clock A.M. To Mr. **Samuel Street**. Honoured Sir, I came here this morning to hand you the enclosed certification of the within subscribed freeholders but finding you not at home, I thought that I would commit to writing what I wished to inform you ~~first~~ on the subject, which was that Lot No. 17 & ~~part of lot No. 18 adjoining it~~ that is mentioned in the aforesaid certification belonged to the estate of my brother **Richard McAlpin** deceased (I being one of the executors of his estate) and lot No. 16 that is mentioned in the aforesaid certification belongs to **James Haney** who is the person that refuses to open the road allowance between the said lots No. 16 & 17. I having rented the said farm belonging to the said estate to **Mr. Lambert** the shutting up of the said road allowance greatly incommodes the farm as well as the public, and therefore seeing that I have not found you at home and therefore would not receive any directions from you at present, if you would be pleased to ~~send~~ cause it to be opened with all convenient speed, it would answer the humble request of His Majesty's subjects & oblige all concerned. & seeing that I have the renting and leasing of the said lot No. 17 I humbly wish if you would be pleased to send me directions how I shall proceed to open the said road allowance if the above mentioned James Haney continues to refuse to open the said road allowance and remove all incumbrances therefrom. I remain your most obedt. Servt. [signed] **Christopher McAlpin**. [verso: Letter Christopher McAlpin April 15, 1819 concerning an obstructed road Reserve in Pelham.]

Application for Removing a Fence from a Road, April 14, 1819. To **Samuel Street** one of His Majesty's Justices of the Peace for the District of Niagara, U. Canada &c &c &c. We the undersigned do certify that a road allowance has been shut up between lots number 16 and 17 in the 9th Concession of the Township of Pelham and as we desire that the said road allowance should be opened for the use and benefit of His Majesty's subjects we have therefore applied to you for that purpose. Subscriber's names: **John Stiers, Nathaniel Beckon, Robert** "his X mark" **Lambert, Aaron** "his X mark" **Lambert, James McAlpin**.

April 14, 1819. To **Samuel Street** Esqr. Honoured Sir, I have for some time made use of a road through my own farm by which I got into the Canborough Road and the road allowance ~~on the east~~ which is most convenient for me is on the east side of my farm between Lots No. 18 & 19 in the 9th Concession of Pelham and is at present shut up by ~~the~~ **William Clark** who ~~has~~ owns part of said lot No. 19 and so has the road allowance running through his Land and further he wants me to make my road on the west side of his place which would occasion my going through a marsh and also refuses opening the said allowance for a road. I remain your most obedt. **Aaron Lambert**. PS. Please to let me know by letter what I should do to get the above road Allowance opened. [signed] A.L.

Daniel Cook (Debtor) to **John J. Lefferty**, Surgeon, April 12, 1819. [This document is a bill for various medications including emetics, astringents, Turkish? balsam, purgatives, and asafoetida gum prescribed by Lefferty for Cook between May 24 and October 31, 1818, amounting to £3.16.6 NYC.] Verso endorsed "Note & acct. Daniel Cook to John J. Lefferty, £16.19.5. Entered 12 April 1819. Daniel Cook's accompt £3.16.6 NYC.]¹⁶⁰

¹⁶⁰ April 1819 documents are found at the Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

May 1819.¹⁶¹

Examination of **Benjamin Gilmore** of Grantham called as a witness between **James Cummings & James Macklem** Executors of the late **John Fanning** and **William Forsyth**. Benjamin Gilmore sworn- says that in the summer of 1812 he was at Mr. Fanning's shop in company with William Forsyth; that Forsyth told Mr. Fanning he had come to settle with him; that Fanning was behind the counter and Forsyth [counted?] down some money- some gold and some silver- upon which Fanning gave back some change & wrote on a strip of paper and handed it to Forsyth- saying when Forsyth said we are now all clear and Fanning replied yes till we begin again- Upon being + questioned- Gilmore says that on Forsyth's first saying to Mr. Fanning that he had come for a settlement, Forsyth told Fanning the flour was all ready- and heard some conversation between them concerning flour during the time of their settling, but does not recollect what it was said- The above examination made before us at Chippawa, May 1, 1819. [signed] **Gilbert McMicking** and **Samuel Street**.

Complaint of Debt. District of Niagara. Personally came and appeared before me **Samuel Street** one of His Majesty's Justices of the Peace for the said District. **Jacob Gander**, of the township of Willoughby, yeoman, who, being duly sworn, deposeth and saith, that one **David Walsworth**, labourer, is justly and truly indebted to this Deponent in the sum of £8.7.6 lawful money of the Province; and that he the deponent hath good reason to believe that the said debtor ~~will~~ is about to depart the Province with an intention to defraud his creditors. Signed Jacob Gander. Sworn before me this 5th day of May 1819 at Stamford. Samuel Street, J.P.

Complaint of Debt. District of Niagara. Personally came and appeared before me **Samuel Street** one of His Majesty's Justices of the Peace for the said District. **Thomas Cleveland**, of Stamford, sawyer, who, being duly sworn, deposeth and saith, that **John B. Henderson**, lately a sawyer at the Falls Mills, is justly indebted to this Deponent in the sum of £4.5.0 lawful money of the Province; and that he hath good reason to believe that the said debtor is about to depart the Province with an intention to defraud his creditors. Signed Thomas Cleveland. Sworn before me at Stamford this 10th day of May 1819. Samuel Street, J.P.

July 1819.

Jacob Haun, Bertie, yeoman vs. **James Cummings** and **James Macklem**, executors of the last will of **John Fanning**, Willoughby, merchant, deceased, and **David Deamud**, Bertie, yeoman. Charge of breach of covenant. On September 26, 1811 a deed was executed between Haun and Fanning and Deamud. Fanning and Deamud were to enjoy the premises upon payment of 25 barrels of fine wheat flour to be delivered yearly on May 1st to the grist mill. Plaintiff agreed to a 5 year term, or 125 barrels of flour in total. On September 26, 1816 the flour was in arrears worth £500. Counsel for Haun: **Henry John Boulton**; counsel for Cummings, Macklem and Deamud: **John Beverly Robinson**. Defendants possessed the house, gardens, old still house and grist mill of Haun, with the

¹⁶¹ Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

use of the water and the privilege of the ground covered by water. Necessary expenses incurred by Fanning and Deamud to put the mill into running order to manufacture flour were to be deducted from the rent. In case the dam required repairs those expenses were also to be deducted from the rent. The mill burned on February 20, 1812 and therefore it was impossible for the defendants to fulfill the covenants. Haun had notice of the fire and shouldn't have tried for rent for the period following February 20, 1812. The mill was not rebuilt by Haun, defendants could not enjoy the use or benefit of the mill. Haun seeks £1000 penal sum. There is insufficient evidence in law for Haun to maintain the action, defendants pray that he be barred from having this suit. Judgment: the causes assigned for demurrer in this cause, that the mill mentioned in the pleadings being burned, is no defense to the action, July 14, 1819.¹⁶²

1819.

Wolf Scalp Bounty Records.

Jacob Laur (Bertie.) One wolf killed May 6, 1819. Scalp certified destroyed by **J. Warren**. Paid £1 to **James Johnston**.

Falls Mills, July 9, 1819. Received from **Samuel Street**, Esq, subpoenas for **Abigail Hall**, **John Rogers**, **Thomas Cornell**, the two former at Stamford and the latter of Queenston, also a subpoena for **Royal Bradish** of **Ancaster** in the **District of Gore** to appear at the next Court of General Quarter Sessions to be holden for the District of Niagara as witnesses on a complaint made before the said Samuel Street Esquire against me by my wife **Elizabeth**- for which subpoenas and for service and mileage I promise to pay & also to pay the said witnesses for their attendance at the said Court and for their [time?] in going there and returning home. Witness my hand this 9th day of July 1819. Signed **John** (his X mark) **Mucklebone**. Witness: **Colin McNeilledge**. [Verso endorsed: Mucklebone wants a subpoena for Abby Hall & John Rogers of Stamford and Thomas Cornell of Queenston & Royal Bradish of Ancaster. Micklebone will pay you for it, it is for them to appear at the next Court of Qr. Sessions.]¹⁶³

Upper Canada, Home District. To wit. George the 3rd by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To **Samuel Street**, Esquire. Greeting: We command you, that all excuses being laid aside, you be in your proper persons before the Hon. **William Dummer Powell**, assigned to hold assizes in and for the District on the sixteenth day of August at Niagara in the said District, by ten o'clock of the forenoon of the same day, to testify all and singular what you know, in a certain cause now depending, undetermined in our Court, before us, between **Robt. Randall** plaintiff and **Elijah Phelps**, defendant, in a plea of breach of covenant on the part of the defendant and that at that day to be tried by a Jury of the District; and this you are by no means to omit, under the Penalty upon you of £100. Witness, the Hon. William

¹⁶² Unbound Legal Papers, Demurrer Book, *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) L16 box 2 folder 15.

¹⁶³ Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

D. Powell C.J. at York, the seventeenth day of July 1819. [Signed] **John Small**, Clerk of the Crown.

Niagara District. Personally came and appeared before me **Samuel Street** Esquire, one of His Majesty's Justices of the Peace for the said District, **Asa Grow** of Grimsby, farmer, who being duly sworn deposes and saith that on the night of the 4th day of June last past he missed from his chamber loft in Grimsby aforesaid a cradle scythe of the manufactory of **William Sheldon** of the **Grand River** in this Province- and that the said scythe was taken and carried away by one **William Burch** on the said night of the 4th day of June with a felonious intent- and this deponent further saith, that he believes that the said scythe is now in the possession of the said Burch. Sworn before me this 21st day of July 1819 at **Niagara Falls Mills**, Township of Stamford. Signed Asa Grow, Samuel Street J.P.

District of Niagara, Personally came and appeared before me, **Samuel Street**, one of His Majesty's Justices of the Peace for the said District, **Asa Grow** of Grimsby, farmer, who on oath declares that one **William Burch** late of Grimsby aforesaid, labourer, is justly and truly indebted to the deponent in the sum of £3.2.6 lawful money of the province and that he hath good reason to believe that the said debtor is about to depart the Province with an intention to defraud his creditors. Sworn before me at **Niagara Falls Mills**, Township of Stamford, this 21 day of July 1819. Signed Asa Grow, Samuel Street J.P. [Verso endorsed: Asa Grow against William Burch. Deposition of debt £3.2.6., 21 July 1819.]¹⁶⁴

List of Criminal Prisoners Confined in the Common Gaol of the District of Niagara, 29th July 1819, signed **Peter Wheeler**, gaoler.

George Robinson, committed by the Court, 14 Oct. 1818. Murder.

Robert Gourlay, committed by **William Clause** and **William Dickson**, 4 January 1819. Contempt of law.

David Carey, committed by **Thomas Bushby**, 26 February 1819. Passing counterfeit money.

James Marting, by **William Hamilton Merritt**, 15 April 1819. Information of supposed murder.

Richard Cudney, by **James Muirhead**, 6 April 1819. Lifting and robbing a note of hand.

Daniel Sturges, by James Muirhead, 7 April 1819. Lifting and robbing a note of hand.

John B. Martin, by James Muirhead, 24 April 1819. Erasure of a note of hand.

William Willson, by **James Cummins**, 10 May 1819. Stealing.

Jeremiah Daudy, by **George Adams** and **John Clark**, 16 May 1819. Incest.

John Baton, by **Thomas Clark** and **Samuel Street**, 4 June 1819. Stealing.

Jeremiah Baton, by Thomas Clark and Samuel Street, 5 June 1819. Stealing.

Asa Baton, by Thomas Clark, 5 June 1819. Stealing.

Mordica Sales, by James Cummins, 12 June 1819. Stealing.

George Hardy, by **Thomas Dickson** and **Robert Grant**, 9 July 1819. Stealing.

John Eighteen, by Thomas Bushby, 27 July 1819. Stealing.¹⁶⁵

¹⁶⁴ Archives of Ontario, *Samuel Street Papers*, Fonds F547 microfilm MS500 reel 1.

¹⁶⁵ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), Bound Legal Papers L16 volume B87 p. 37.

August 1819.

Complaint of Debt. District of Niagara. Personally came and appeared before me **Samuel Street** Esquire one of His Majesty's Justices of the Peace for the said District. **Wareham Johnson**, of Stamford, yeoman, who, on oath, declares and says, that one **Israel Waters**, of Chippawa, butcher, is justly and truly indebted to him the said Wareham in the sum of £3.15.0 lawful money of the Province; and that he hath good reason to believe that the said Waters is about to depart the Province with an intention to defraud his creditors. Signed Wareham Johnson. Sworn before me this 26th day of August 1819 at Niagara Falls Mills, Stamford. Samuel Street, J.P. [verso: warrant issued 26 August 1819.]¹⁶⁶

Isaac Swayze vs. Abner Owen, charge of trespass. The testimony of material witnesses **Hiram Lee** (gentleman) and **Samuel Cooper** (labourer) is required at the next assizes in King's Bench. [Signed] Abner Owen before **John Powell**, Clerk of the Assize, 17 August 1819.¹⁶⁷

October 1819.

Complaint of Debt. District of Niagara. Personally came and appeared before me **Samuel Street** one of His Majesty's Justices of the Peace for the said District. **Caleb Hopkinson**, of Stamford, labourer, who, on oath declares that one **David Cooper**, of Stamford aforesaid, teamster, is justly and truly indebted to him in the sum of £3.15.0 lawful money of the Province; and that he the said Hopkinson hath good reason to believe that the said debtor is about to depart the Province with an intention to defraud his creditors. Signed Caleb Hopkinson. Sworn before me this 2nd day of Oct. 1819 at Niagara Falls Mills, Stamford. Samuel Street, J.P.¹⁶⁸

February 1820.¹⁶⁹

This indenture made the 4th day of February in the 60th year [1820] of the reign of our Sovereign Lord, George the 3rd, between **Thomas Merritt**, Esquire, late Sheriff of the District of Niagara, in the province of Upper Canada, and **Richard Leonard**, Esquire, present Sheriff...that the said late Sheriff hath delivered, and the said present Sheriff hath received from the late Sheriff, the bodies of the following prisoners:" Witnessed by **Peter Wheeler**.

Charles Carpenter, criminal, committed by **James Muirhead** September 27, 1819;
Matthew Lockhart, criminal, committed by James Muirhead January 2, 1820;
George Darling, criminal, committed by **John Warren**, Esquire, November 10, 1819;
Christopher McGrath (debtor);

¹⁶⁶ Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

¹⁶⁷ *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room), Bound Legal Papers L16 volume B86 p. 23.

¹⁶⁸ Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

¹⁶⁹ Archives of Ontario, *Merritt Papers (Additional)* MU4375 series I-2 folder 3, miscellaneous papers 1807-1829.

Michael Beach (debtor);
Alexander Glen (debtor);
Barnabas Ferguson, under sentence of the court;
Benjamin Swasey, under sentence of the court.

1819.

Wolf Scalp Bounty Records.

Philip Simmerman (Clinton.) Wolf shot by my brother **Henry Simmerman** on December 10, 1819. Letter from **Robert Nelles** to **John Symington**, treasurer, scalp certified destroyed on December 22, 1819. Account presented to **William Clarke**, treasurer, June 1, 1835.

Henry Simmerman (Clinton.) One wolf killed November 14, 1819. Scalp certified destroyed by **Robert Nelles**, December 2, 1819 to **John Symington** (treasurer.) Paid May 17, 1834.

April 1820.

Notice dated March 28, 1820, by **Richard Leonard**, sheriff, that a General Court of Quarter Sessions of the Peace will be held at Niagara on April 11th next, at 10 am.¹⁷⁰

July 1820.

Memorandum from **Thomas Doan** July 27, 1820. **Titus Doan**-father of Thomas came to this Province in the year 1787 and [shortly before?] the arrival of **Govr. Simcoe** in the Province in the year 1791 obtained from the Executive Council an order for 800 acres of land of which 200 acres were located in his name by one **John Petty** in the township of King he thinks No. 9-4 Concession-supposed to be on or near the River of Humber. The order for the land was lo[d]ged in the Surveyor General's office where it is [supposed?] it will now be found. Titus Doan departed this life the 7 day of March 1803 without making a will & that it is expected the said Titus Doans name is on the UE List for he made an application in an early day & proved that he suffered both losses & imprisonment in the Revolutionary War upon the British account. [verso: Bond 11 January 1819, **Abram Flewelling** £20.12.10. Due 1 September 1819 at Interest from 1 January 1819. £32.19.9. York.]¹⁷¹

March 1821.¹⁷²

Thomas Merritt, accounts for summoning jurors and subpoenas for witnesses, £44.13.6., March 10, 1821. Certified a true account by **A. Nelles**. Names in this account include:

¹⁷⁰ *Canadian Argus and Niagara Spectator*, April 20, 1820 (Archives of Ontario microfilm N23 reel 6.)

¹⁷¹ Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

¹⁷² Archives of Ontario, *Merritt Papers (Additional)*, MU4375, series I-2 folder 3, miscellaneous papers 1807-1829.

Adams, George
Almost, Christopher
Baxter, John
Beam, John
Campbell, Robert
Campbell, Robert Jr
Clement, Joseph
Clench, Ralph
Davis, Thaddeus
DeCoe, John
Emmett, Stephen
Greir, John
Griffen, Nathaniel
Havins, George
Heron, Andrew
Hodgkinson, John
Jones, A.
Kelly, Ebenezer
Lambert, John
Lawrison, Lawrence
Mann, William
McKee, Alexander
McKie, Alexander
Perring, Thomas
Ramble, William
Read, George
Robertson, John
Street, Samuel
Swayze, Isaac
Templeton, Andrew
Thomas, George
Upper, Anthony
VanAlstine, John
Warren, John Esq.

June 1821.

Joseph Rice of Chippawa, carpenter, states that he lived on *Mr. Pells* farm for six years and three years of that time in the same house with the deceased; while living on the farm in (as he thinks) the month of June 1816 or 1817 Mr. Pell desired him to draw out his will which he accordingly did; that the will was executed at the same time in the shop of *Clark & Street* which was then kept in the Mill. Mr. Street and Mr. *Andrew Kerby* being with Rice-subscribing witnesses; has never seen the will since but the disposition of the property was the same as is mentioned in a paper given by Rice to Mr. [*Grigg?*] Has had conversations with *Joseph Pell* on the subject during the last summer. Pell told him that

he had understood there had been a will made that Mr. Grigg and his wife had been very busy and had got a man to make a will to just themselves; that that will pleased them and also pleased him; that Rice asked him when he had made this will and was told on his first going out after the War; Rice then replied there was a subsequent will drawn out by his [-----?] but thinks it was not executed. Joseph Pell said he knew that, Rice then said that he had wrote one later than even that; he Pell was then anxious to know how the property was left by that will stating that he understood he had been left like an alien; Rice said he thought he had been treated very well as he was to have an equal share; on which Jos. Pell said that he would have the whole or none; Rice was not anxious to give Pell any further information as he saw that it exasperated him and induced him to behave very harshly to old Mr. Pell who frequently complained to him Rice of Joseph's ill treatment of him. Mr. Rice can give a great deal of valuable testimony respecting the deed for the property surreptitiously obtained by Jos. Pell. [verso: letter from Robert Nichol to John B. Robinson, Att'y General, June 26, 1821. Dear Sir: I took the preceding from his own mouth but was hurried at the time. The substance however is correct.]¹⁷³

March 1822.

Wolf Scalp Bounty Certificates.

Stephen M. Farr (Wainfleet), one wolf killed April 1, 1821. Scalp certified destroyed by **Crowell Willson**, March 26, 1822. Paid 20/-.

*1823.*¹⁷⁴

March 12, 1823. To Messrs. **Clark and Street**. That we **Adam Dils & Thomas Wiggins** wish that our old blacksmith Mr. **Henry Groff** may remain and work for us and our neighbours; therefore request that you won't send him to jail immediately, we understand that he owes you two hundred and upward dollars and if you can wait until we can raise it on our farms we will agree to pay it in produce if you will allow us a [living?] price. Yours &c &c, [signed] Adam Dils, Thomas Wiggins. [Verso: Letter Adam Dilse & Thomas Wiggins conditional security for Henry Groffs debt, answered 12 March 1823 also 11 August 1823.]

April 30, 1823. **Mrs. Haggai Skinner**, late wife of **Martin Shainholdtz** deceased says the estate owes deaf **John Miller** D50 (interest to this time included.) for money borrowed immediately after the decease of Shainholdtz to pay a balance due to **Jacob Potts** of the London District on the farm in Willoughby belonging to the estate which was purchased from Potts and for which the deed could not be obtained till the money was paid. Also that a valuable brass kettle the property of the estate is in the hands of **Mary Shainholtz** wife of **Daniel Shainholtz** deceased also a lot of [harness?] and 1 yoke cattle. This kettle could it be got Miller would accept of with the addition of a cow in full consideration of the 50 dollars due him. Shainholtz died 13 March 1810. Mrs. Skinner and Mr. Skinner are willing that **John Shainholtz** and **Jacob Shainholtz** should have the farm at D1000. Martin Shainholtz of Charles Township, Chester County, Pennsylvania father of the late

¹⁷³ Archives of Ontario, *Samuel Street Papers*, Fonds F547, microfilm MS500 reel 1.

¹⁷⁴ *Ibid.*

Martin Shainholtz of Willoughby died possessed of a large farm property which by will was equally divided between the late Martin of Willoughby and [two?] sisters; all the other children which Martin of Chester ~~then living~~ ever had- **Elizabeth** and **Ruth** married **Daniel Buckwalter** both of whom are executors of the will; Shainholtz got money and property in his lifetime as part of his share, but supposed not all that he was entitled to.¹⁷⁵

January 1823.

Published notice that the Court of Quarter Sessions was to be held in the Court House at Niagara on Tuesday the 14th, “all Coroners, Keepers of Gaols, Houses of Correction, High Constables and Bailiffs, and those otherwise interested are desired to take notice that they be respectively then and there present to do those things which to them severally belong.” Signed **Richard Leonard**, Sheriff’s office, 20 December 1822.¹⁷⁶

The Court of Quarter Sessions that commenced on Tuesday last continued till last evening. There were a number of cases before the Grand Jury and Court, many of which was of trifling nature, the result of many are not yet come to our knowledge; from the opportunity the Editor had of hearing a number of people examined on oath, he laments that he has more and more reason to confirm his former opinion that false swearing and prevarication when under oath is a most alarming evil in this District. We intend to write more fully on that subject in a future number.¹⁷⁷

April 1823.

The Quarter Sessions stands adjourned until May 15 next ensuing at which adjourned session the Assize of Bread and other police business will be transacted, of which all concerned take notice and give their attendance. Signed **Ralfe Clench**, Clerk of the Peace, April 14th, 1823.¹⁷⁸

July 1823.

The Quarter Sessions to be held on Tuesday the 8th July. Signed **Richard Leonard**, Sheriff’s office, June 19, 1823.¹⁷⁹

September 1823.

Jonathan Sedway, Niagara vs. **Adam Brown**, Niagara. King’s Bench, last day of Trinity Term, 4 Geo. IV. Court of *Nisi Prius*, plea of *assumpsit*. Adam Brown by agreement made at Queenston on June 3, 1819 would forward Sedway’s salt from **Queenston** to **Fort Erie** for 56¢ or 2/9- per barrel and would wait for payment until March 1, 1820. 1500 lbs. of salt worth £1350 was lost (“dround”) at Queenston by neglect on September

¹⁷⁵ Note that the symbol for dollars in this document is “D.”

¹⁷⁶ Niagara *Gleaner*, January 11, 1823 (Archives of Ontario microfilm N215 reel 1.)

¹⁷⁷ *Ibid.*, January 18, 1823.

¹⁷⁸ *Ibid.*, April 19, 1823.

¹⁷⁹ *Ibid.*, July 5, 1823.

24, 1819. Brown “contriving and fraudulently intending craftily and subtly to deceive and defraud the said Jonathan, did not safely and securely forward, carry and convey” the salt, but omitted and neglected to do so, and therein wholly failed and made default, and “took so little and bad care of the salt, through the mere negligence, carelessness and inattention.” Brown indebted to Sedway for £1000 for diverse goods, wares, merchandize and money lent remained unpaid on January 1, 1822. Brown refuses to pay £1500 in damages and so this suit is brought on. Counsel for Sedway: **Samuel P. Jarvis**; counsel for Brown, **B. Crannel Beardsley**. Case respited until Monday the 1st day of Michaelmas term, **William Campbell** to try the case at Niagara, September 10, 1823.¹⁸⁰

October 1823.

The Quarter Sessions to be held on October 14th at 10 o’clock in the forenoon. Signed **Richard Leonard**, Sheriff’s office, September 27th, 1823.¹⁸¹

1824.

The late **Colonel Nichol**. Account of the Coroner’s jury on the body, May 5, 1824. Died May 3, body found May 4. Witnesses: **Elijah Place**, **Robert Grant**, **Robert Hamilton**, **Moses Little**, **William M. Jarvis**, **Samuel P. Jarvis**, **W.J. Kerr (Neptune Inn)**, coroner **Gilbert McMicking**. Jury: **William L. Mackenzie**, **David Thorburn**, **Adam Brown**, **John Brown**, **William Hepburne** (merchants); **Charles B. Baker**, house carpenter; **Edward Defield**, ship carpenter; **William Wynn** and **John McCabe**, innkeepers; **Daniel Baker**, farmer; **John Guernsey**, butcher; **John B. Coles (Queenston Hotel)**.¹⁸²

“On the Choice of a Juror. At a late Quarter Sessions in Niagara, as the name of a certain juror was called, **Mr. Sheriff Leonard** rose up and remarked to **Dr. Muirhead**, the chairman, that he (the juror) was intoxicated and unfit to serve. “I” replied **Mr. Clench**, the clerk, with a smile, “would rather have **Mr. B-T**, do business for me when about half sprung than when perfectly sober.” The juror was retained; when Mr. Sheriff, sitting down, observed that Mr. Ralph Clench was certainly the first county clerk within his knowledge, who chose to prefer a drunken juror to a sober one.”¹⁸³

January 1824.

Wolf Scalp Bounty Certificates. **Leonard Misener** (Wainfleet), one wolf killed December 26, 1823. Scalp certified destroyed by **James Cummings**, January 10, 1824, £1.

¹⁸⁰ Unbound legal papers, *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) L16 box 2 folder 10.

¹⁸¹ *Niagara Gleaner*, October 4, 1823 (Archives of Ontario microfilm N215 reel 1.)

¹⁸² *Colonial Advocate*, May 18, 1824. (Archives of Ontario microfilm N8 reel 1.)

¹⁸³ *Colonial Advocate*, November 18, 1824. (Archives of Ontario microfilm N8 reel 1.)

The Quarter Sessions to be held on January 13th at 10 o'clock in the forenoon. Signed **Richard Leonard**, Sheriff's office, December 27, 1823.¹⁸⁴

April 1824.

Wolf Scalp Bounty Certificates. **Robert Wilson** (Gainsborough.) Two wolves killed last summer. Scalps certified destroyed by **Robert Nelles**, February 19, 1824.

The Quarter Sessions to be held April 13th at 10 o'clock in the forenoon. Signed **Richard Leonard**, Sheriff's office, December 27, 1823.¹⁸⁵

The Court of Quarter Sessions and the District Court commenced on Tuesday agreeable to law, the business not being completed on Thursday and the next day being Good Friday, the Court of Quarter Sessions was adjourned till Saturday and the DC till Monday.¹⁸⁶

July 1824.

The Quarter Sessions to be held on the 13th July at 10 o'clock in the forenoon. Signed **Richard Leonard**, Sheriff's office, June 17, 1824.¹⁸⁷

October 1824.

The Quarter Sessions to be held on the 12th October at 10 o'clock in the forenoon. Signed **Richard Leonard**, Sheriff's office, September 23, 1824.¹⁸⁸

Police Regulations. The order was rescinded which declares every day (except Sunday) a market day in the town of Niagara. Ordered that there be three **market days**, Tuesday, Thursday and Saturday "so the inhabitants will have the other three days to sell through out the town. This regulation it is hoped will tend to check and put a stop to the *impositions* daily practiced by that class of people about the **Market House** called **HUCKSTERS.**" Bakers to charge 6d for a four pound loaf of bread (fine flour) and in proportion for a larger loaf. All bakers are to stamp each loaf with the initials of their name. If they neglect to do so, they shall be fined as the law directs without favour or partiality. Done in Quarter Sessions, 14 October 1824. Signed **William Crooks** (chairman), **Ralfe Clench** (Clerk of the Peace.)¹⁸⁹

As there has been great neglect and delay on the part of many of the Collectors of rates in this District, it is ordered that collectors forthwith pay to the District Treasurer, **Thomas**

¹⁸⁴ Niagara *Gleaner*, January 10, 1824 (Archives of Ontario microfilm N215 reel 1.)

¹⁸⁵ *Ibid*, April 3, 1824. Due to the error in the Sheriff's office date it is clear that the type for this notice must have been reused from the previous advertisement in January. The only apparent change was in the date to April 13.

¹⁸⁶ *Ibid*, April 17, 1824.

¹⁸⁷ *Ibid*, June 26, 1824.

¹⁸⁸ *Ibid*, September 25, 1824.

¹⁸⁹ *Ibid*, October 16, 1824.

McCormick, Esq., all monies they have in hand, conformably to their respective bonds, otherwise they will proceeded against as the law directs. Done in Quarter Sessions, 14 October 1824. Signed **Ralfe Clench** (Clerk of the Peace.)¹⁹⁰

January 1825.

The Quarter Sessions to be held on the 5th January 1825 at 11 o'clock in the forenoon for the purpose of granting certificates to Inn Keepers. Signed **Ralfe Clench**, Clerk of the Peace, December 1, 1824.¹⁹¹

The Quarter Sessions to be held on the 11th January 1825 at 10 o'clock in the forenoon. Signed **Richard Leonard**, Sheriff's office, December 20, 1824.¹⁹²

The Court of Quarter Sessions and District Court that was opened on Tuesday last was closed on the Thursday following. A few indictments were found by the Grand Jury, but mostly of assaults of minor importance. Little business we understand came before the District Court. We are gratified to observe that suits at law become less frequent than they were a few years past. The Grand Jury examined the different apartments in the gaol and found them in good order. The prisoners, three in number, expressed themselves satisfied with their treatment and that they were as comfortable as the nature of the case would admit.¹⁹³

April 1825.

The Quarter Sessions to be held on the 12th April at 10 o'clock in the forenoon. Signed **Richard Leonard**, Sheriff's office, March 14, 1825.¹⁹⁴

May 1825.

Summons issued by **Abraham Nelles** on May 21, 1825: **Reuben Tisdale** (plaintiff) vs. **Philip Shevalier**, Clinton (defendant) to appear before the Commissioners of the Court of Requests at the school house near **Charles Anderson**, to answer to a debt of £5. Fail not, as in that case judgement will be given against you [ie, defendant] by default.¹⁹⁵

June 1825.

“An inquest was held on the 3rd instant before **Amos McKenny**, Esquire, coroner, on the body of **Jesse Nun**, who came to his death by falling from a high bank into the **Welland Canal**. There had been suspicion of foul play, by one of his comrades at work with him at

¹⁹⁰ *Ibid*, December 18, 1824.

¹⁹¹ *Ibid*.

¹⁹² *Ibid*, January 1, 1825.

¹⁹³ *Ibid*, January 15, 1825.

¹⁹⁴ *Ibid*, March 26, 1825.

¹⁹⁵ *Abraham Nelles Papers*, (Fonds F543) Legal Papers (1819-1835) series F-1-1 (Archives of Ontario microfilm MS502.)

that Canal; no proof of that appeared before the Jury- The verdict therefore was 'accidental death.'"¹⁹⁶

July 1825.

The Quarter Sessions to be held on the 12th July at 10 o'clock in the forenoon. Signed **Richard Leonard**, Sheriff's office, June 23, 1825.¹⁹⁷

September 1825.

Evidence of **Nathaniel Meeds**, yeoman, taken before **Henry William Nelles**. Deponent says that on September 20th **Joseph [Evans?]** of Grimsby did threaten to shorten the life of the complainant "if he did [not] clear out of the place." Deponent is afraid of bodily harm from this and other threats. Prays for security of the peace. Warrant issued September 22nd to bring Evans before us, to find sureties for his appearance at the next Quarter Sessions. Recognizance for peace and good behavior between Meeds and Evans.¹⁹⁸

October 1825.

The Quarter Sessions to be held on the 11th October at 10 o'clock in the forenoon. Signed **Richard Leonard**, Sheriff's office, September 22, 1825.¹⁹⁹

"On Tuesday alarming intelligence was brought to the Court House just as the Sessions was opening, that a riot had taken place amongst the men who were at work on the **Canal**, and that all attempt to restore order had failed- so alarming were the tidings, that the Court was prorogued (and strange to tell) the jurors ordered to go to the seat of war. We have now reason to believe that the affray was not so serious as was then supposed; order has been fully restored. It was one of these shameful quarrels between the **Orangeman** and **Roman Catholics**, late from Ireland, that has so often disgraced these people. The Orangemen were by far the most numerous, and the few Roman Catholics that were there have left the work. One man we understand is so much injured that his life is in danger; three of the ringleaders have disappeared, and five made prisoners- and was brought before the Court, pleaded guilty, was fined 1/- each, reprimanded by the Court and dismissed."²⁰⁰

"A most wicked transaction took place at the Gaol, on Tuesday afternoon. A young man of the name of **John Spence** became troublesome in the hall of the gaol, the jailer was

¹⁹⁶ *Niagara Gleaner*, June 18, 1825 (Archives of Ontario microfilm N215 reel 1.)

¹⁹⁷ *Ibid*, July 9, 1825.

¹⁹⁸ *Abraham Nelles Papers*, (Fonds F543) Legal Papers (1819-1835) series F-1-1 (Archives of Ontario microfilm MS502.)

¹⁹⁹ *Niagara Gleaner*, October 1, 1825 (Archives of Ontario microfilm N215 reel 1.)

²⁰⁰ *Ibid*, October 15, 1825.

obliged to turn him out- in doing that a scuffle took place when the said Spence drew a knife and attempted to cut the jailer's throat- altho' he made a severe gash, we are happy to find not so deep as to endanger his life. Unfortunately the villain got off, and has not been heard of since.

The business of the Quarter Sessions was nearly finished and the Grand Jury dismissed yesterday. The magistrates assembled today to regulate some County matters. We have not been able to obtain a list of the decisions of the Court, in the several petty breaches of the Peace, but hope to be able to be able to lay it before our readers next week."²⁰¹

1826.

Notice appeared in the local papers that *David Springfield* and *Benjamin Green* were confined in the Niagara Gaol. Green was convicted on the theft of 10 shillings and was sentenced to imprisonment and 30 lashes.²⁰²

January 1826.

The Quarter Sessions to be held on the 10th January at 10 o'clock in the forenoon. Signed *Richard Leonard*, Sheriff's office, December 24, 1825.²⁰³

Statement of Estreated Fines, Niagara District, 1825-26. (£60.)²⁰⁴

James L. Perry, Niagara, mariner. Assault against *Edward Middlehurst*, January 14. £10.

John Beam, Bertie, yeoman. Assault and battery against *John Baker*, April 13. £5.

Abraham Brown, Thorold, yeoman. Assault and battery against *William Moore*, April 13. £2.

Adam Frelick, Stamford, yeoman. Assault and battery against *Robert Curtis*, April 14. £5.

John Foster Mills, Thorold, carpenter. Assault and battery against *Lewis Willson*, April 14. £2.

John Courtney, Niagara. Assault and battery against *Russell Brown*, April 15. £16.

Francis Hodgkinson, Grantham, yeoman. Assault and battery against *Jacob Hosteter*, July 13. £5.

Robert Anderson, Niagara, labourer, *John Hobson*, Niagara, labourer, *Levi Herrington*, Niagara, labourer, *John Poncett*, Niagara, shipwright. Charged with riot, July 13. £4.10.0.

John Newkirk, Grantham, yeoman. Assault and battery against *Mary McMahon*, July 14. 5/-.

²⁰¹*ibid.*

²⁰² Janet Carnochan, "Jail and Court House," *Niagara Historical Society Pamphlet #21* (1911) "Historic Buildings" pp. 55-57. Carnochan did not state the date for the clipping .

²⁰³ *Niagara Gleaner*, December 24, 1825.

²⁰⁴The original records for the Sessions of 1825-26 are no longer extant. This list of estreated fines, which gives some indication of the cases tried that year, may be found in the Sessions Correspondence file (8-30, see below) for December 1830. This box of documents contains a letter from *Charles Richardson* to *James Baby*, Niagara, December 27, 1830 which detailed the fines and forfeitures for the Niagara District.

Abraham Northingham, Thorold, labourer, **Thomas Lamb**, Thorold, labourer, **Levi Grennis**, Thorold, labourer, **James McCormick**, Thorold, labourer, **William Stenson**, Thorold, labourer. Charged with riot and assault against **Thomas Dobbin**, July 14. 5/-. **Aaron Doan**, charged with assault and battery against **Job Brookfield**, July 14. £10.

October 1826.

Joseph Coulson, an intemperate labouring man, who has, for many years past, resided in and about this village, was found dead in the *lime house* attached to the *salt works* on the *12 Mile Creek*, about 11 o'clock on Sunday morning last. A Coroner's Inquest was held over the body in the afternoon. It appeared that he had been perfectly sober all the morning and in usual health, at least, till within a short time previous to death. He was found lying across a board, with his face in a small puddle, and one hand in his pantaloons pocket, with any apparent injury. Verdict of the Jury-"Died by the visitation of God."²⁰⁵

Niagara District Quarter Sessions 1826-1827.²⁰⁶

Statement of Estreated Fines, Niagara District, 1826-27.

John G. Seager, Crowland, yeoman. Charged with assault and battery against **Elias M. Burret**, January 11. £3.

Richard Dodge, **John Barnes**, Niagara, labourers. Assault and battery against **Oliver Taylor**, January 11. 2/-.

Joseph Seway, Clinton, labourer. Petty larceny against **Cyrus Sumner**, January 12. £1.

Job Brookfield, Crowland, labourer. Assault and battery against **Aaron Doan**, April 13. 1/-.

John Smolly, Grantham, labourer. Assault and battery against **John Thomas**, July 12. 1/-

John Cormick, assault and battery against **John Cargill**, July 12. £4.4.0.

Robert Mulligan, Niagara, labourer. Receiver of stolen goods. July 12. £2.

May 1827.

Summons issued by **Abraham Nelles** on May 10, 1827: [-----?] (plaintiff) vs. **William Stewart** (defendant) to appear before the Commissioners of the Court of Requests at the school house near **Charles Anderson** on May 19, 1827 to answer to a debt of £5. [summons printed by **H. Leavenworth**, St. Catharines.]²⁰⁷

²⁰⁵ St. Catharines *Farmer's Journal and Welland Canal Intelligencer*, October 4, 1826.

²⁰⁶ The original records for the Sessions of 1826-27 are no longer extant. This list of estreated fines, which gives some indication of the cases tried that year, may be found in the Sessions Correspondence file (8-30, see below) for December 1830. This box of documents contains a letter from **Charles Richardson** to **James Baby**, Niagara, December 27, 1830 which detailed the fines and forfeitures for the Niagara District.

²⁰⁷ *Abraham Nelles Papers*, (Fonds F543) Legal Papers (1819-1835) series F-1-1 (Archives of Ontario microfilm MS502.) The name of the plaintiff is very difficult to decipher. The given name may possibly be "Maurice" while the surname could be "Maghee" or "Maybee."

1827-1828.

“Self murder. A Corporal of the **68th Regiment** named **Wilson**, who acted as pay Sergeant, and was stationed at Niagara, was married sometime ago. On the morning of Thursday last he rose from bed from his wife and soon after went into an adjoining room pulled off his boots and put a loaded musket under his ear; then laying down his head upon the deadly weapon, he blew the contents through his skull, out above the other ear, and into the roof of the house. He had been 12 years in the Regiment, was well liked by all his comrades, and died as it is thought a martyr to an unhappy marriage. The coroner’s inquest returned a verdict of willful murder, so that his remains will be denied Christian burial.”²⁰⁸

Statement of Estreated Fines, Niagara District, 1827-28.²⁰⁹

Joseph Markwell, Grantham, labourer. Assault and battery against **Sylvester G. Glynn**, January 11. £2.

John Vanfleet, Niagara. Assault and battery, April 10. £1.

Anthony Whitney, Bertie, labourer. Assault and battery against **John Hardison**, April 11. 5/-.

Inlay Loss, Thorold, labourer. Assault and battery against **John Reader**, October 9. 1/-.

John Kealler, Stamford, hatter. Assault and battery against **Myrick Curtis**, October 10. 1/-.

Titus Root, Stamford, labourer. Assault and battery against **Catherine Skinner**, October 11. £2.

January 1828.

The Quarter Sessions to be held on 8th January at 10 o’clock in the forenoon. Signed by **Sheriff Leonard**, December 4, 1827. The next Sessions stands adjourned until January 5, 1828 at 10 o’clock in the forenoon at the Court House to let all tavern keepers and persons who intend to apply for licences to attend. Signed **Ralfe Clench**, Clerk of the Peace, December 2, 1827.²¹⁰

The business of the Court of Quarter Sessions that commenced on Tuesday is not yet completed.²¹¹

The Court of General Quarter Sessions of the Peace commenced as usual on the second Tuesday, being the 9th of this month. Owing to the number of complaints laid before the

²⁰⁸ *Colonial Advocate*, November 15, 1827 (Archives of Ontario microfilm N8 reel 1.)

²⁰⁹ The original records for the Sessions of 1827-28 are no longer extant. This list of estreated fines, which gives some indication of the cases tried that year, may be found in the Sessions Correspondence file (8-30, see below) for December 1830. This box of documents contains a letter from **Charles Richardson** to **James Baby**, Niagara, December 27, 1830 which detailed the fines and forfeitures for the Niagara District.

²¹⁰ *Niagara Gleaner*, December 24, 1827 (Archives of Ontario microfilm N215 reel 1.)

²¹¹ *Ibid*, January 14, 1828.

Grand Jury the Session was an unusual long one, the complaints were chiefly for Assault and Battery; and the number of them shews that there are a great many of a quarrelsome disposition in our District:-- the holy days however may be the occasion of more 'knock down' than usual at other times of the year. There was but one case of serious importance came before the Court—that of a person pointing a loaded gun at another. He was indicted for assault at common law, but had the statute 43 Geo. 3, sometimes called the Lord [East?]borough's Black Act been in force in this Province, he would have been tried under it and perhaps might have lost his life.²¹² During the Court the owner of one of the disorderly houses in this town was convicted and fined. It is well known there are many of them kept [mostly?] for the purpose of enticing the [--?--] dissipated part of the people to [---?---] drinking and gambling. It is to be hoped that the rest will take warning from the present case, and put an end to such a business. This house was one of the worst description, because not only grown up persons [---?----] hither, but it was the general rendezvous of the youth of the town. Boys from 10 years of age to manhood met there night after night, raffling, [tossing?] coppers, &c, playing cards and drinking. The following is a list of cases tried &c.

The King vs. **Paul VanCuren**, Assault and Battery, Not Guilty.

Vs. **Titus Root & Burch**, do. Not Guilty.

Vs. **Peter Scurte**, do. Not Guilty.

Vs. **Michael Gannon**, do. Guilty: fined £5 and costs.

Vs. **James McFarlane**, do. Guilty: fined £1.5. and costs.

Vs. **John Thompson**, presenting a loaded gun. Guilty: 2 months imprisonment and costs.

Vs. **Patrick Handy**, keeping a gaming house; Guilty: fined £3 and costs.

Vs. **Charles Matthews**, Petit Larceny; Not Guilty.

Vs. **Eliza M.N. Banks**, alias **Eliza McKenzie**; Petit Larceny; Guilty; 1 month imprisonment.

Vs. **Joshua Strothers**, passing a forged 5 dollar bill of the **Bank of Upper Canada**; bound over to the Assizes.

Vs. **Joseph Bayley**, Presentment for perjury.

Vs. ----- **Wright**, Presentment for forgery.

There were 4 cases, 2 for riot and 2 for Assault and Battery traversed till next Session.

The following complaint the Grand Jury returned no bill:

The King Vs. **David Skinner**, Assault and Battery.

Vs. **Sally Minor**, do.

The present Sessions has been fatal to one of its Officers, whom we have for so many years seen the constant attendant of the Court. On Saturday the 12th instant, **Ralfe Clench**, Esq., Clerk of the Peace, Judge of the District Court &c, was on his return from Court attacked with a paralytic stroke, occasioned, as is thought by his exertion to

²¹² The "Black Act" was instituted in 1723 under 9 Geo. I c. 22 which made it a felony to appear armed in any open place by day or night with faces blackened or disguised in order to hunt, wound, kill or steal deer. The interpretation of this law was extended to include "the breach of the public peace and the terror of His Majesty's subjects" (Blackstone, *Commentaries* vol. 4:144.) The act was repealed in 1827.

perform his duty. He has been for some years in an ill state of health, and an aged man, was not able to bear the fatigue he thought himself capable of. [Communicated.]²¹³

April 1828.

The business before the Court of Quarter Sessions was completed on Saturday. There was no matter of importance, but a number of assaults and batteries &c. The accounts were audited as usual;--- 700*l* was applied to reduce the District debt. We understand that only 500*l* now remains due, leaving a sufficient sum in the hands of the Treasurer to pay all contingencies for the ensuing year. 226*l* has been appropriated for the maintenance of paupers within the District.²¹⁴

June 1828.

Suicide. On the night of the 10th instant, **John Birge**, a labouring man of this town, being in custody of a constable for debt, obtained leave to go into a privy; and before the constable was aware, had cut his throat with a razor in such a manner as to cause his immediate death---this happened about midnight. He had been married only a few months. Verdict of the Inquest---“Temporary Insanity.”²¹⁵

July 1828.

A letter appeared in the *Niagara Gleaner* from **Edward McBride**, a candidate in the provincial elections, imprisoned for debt. McBride protested that his arrest and confinement was machinated on the part of his political opponents to prevent his election.²¹⁶

January 1829.

Warrant issued to **John Masales**, constable. To distrain against the goods and chattels of **Lambert Vansickle** and **Martin Miller**, to recover a debt of £2.4.3 for **Edward Pilkington** plus 6/6- costs by January 17th. Signed **A. Nelles**, Court of Requests, January 7, 1829. [Verso: I have received £2 of the above, signed **Robert Nelles**, 19 January 1829.]

Warrant issued to **John Masales**, constable. To distrain against the goods and chattels of **David Hager**, Clinton, to recover a debt of £2.13.6½ for **Edward Pilkington** plus 8/2- costs by January 17th. Signed **A. Nelles**. [verso: To Abraham Nelles, I pray your Honour to give an execution against David Hagar, your Humble Servant, **Abraham Merredith**, June 20th, 1829.]

²¹³ *Niagara Gleaner*, January 21, 1828. Archives of Ontario microfilm N23 reel 3. The poor legibility of this issue of the *Gleaner* has been further acerbated by the poor quality of the microfilm.

²¹⁴ *Gleaner*, April 14, 1828 (AO microfilm N23 reel 3.)

²¹⁵ *Ibid.* June 16, 1828 (AO microfilm N23 reel 3.)

²¹⁶ Janet Carnochan, “An Historic House,” *Niagara Historical Society Pamphlet* 13 (1905) p. 15.

Warrant issued to **John Masales**, constable. To distrain against the goods and chattels of **Harmon D. House** and **Shadrich Smith**, to recover a debt of £2.10.0 for **Thomas Walker** plus 7/6- costs by February 7, 1829. Signed **A. Nelles**, January 19, 1829.²¹⁷

June 1829.

Sheriff's Office, Niagara, 30th June 1829. To **Lieutenant Mudge**, Private Secretary, from **Richard Leonard**, Sheriff. Sir, It has been intimated to me by the officer commanding at this post that it is the intention of His Excellency the Major General Commanding, to order the guard which for two years past has been mounted at the Gaol to be withdrawn. I therefore consider it my duty to state for His Excellency's information the necessity that exists for such a support of the civil authority. Previous to my obtaining a guard, escapes had taken place which from the remote situation and insecurity of the Gaol, were unavoidable, in some instances the Gaoler was overpowered and severely injured by the prisoners in the act of escaping. The immediate vicinity of the American Frontier and the desperate and lawless character of a large proportion of the population of this District employed on the publick works added to the reasons before mentioned render it impossible for me to hold my self responsible for the safe keeping of the Prisoners in the Gaol, unless the Guard is continued. I trust His Excellency will give the subject a favourable consideration. I have the honour to be, Sir, Your most obedient humble servant.²¹⁸

June 1830.

Warrant issued to **Patrick Sherry**, constable to apprehend **George Heubner** of Grimsby. Heubner violently assaulted, struck, and bruised **Eli Evritt** of Grimsby on the 19th June 1830. Evritt's clothes were very much torn by Heubner. Bring him before me or some other of His Majesty's Justices of the Peace to answer to the complaint. Signed **H. Nelles**, 21st June 1830.²¹⁹

Melancholy suicide. Yesterday, at **Port Dalhousie**, Mr. **Robert Thompson**, one of the firm of **R. Thompson & Co**, formerly merchants in the city of **New York**, put an end to his existence by taking a quantity of opium. The deceased has for the last two years conducted the extensive hard-ware establishment at that place; no reason can be assigned for his tragic end, as it was very apparent that he was moderately successful in his mercantile pursuits. Those individuals of his acquaintance state that they have observed for some time past, that occasionally Mr. T. showed evident symptoms of a mind not at ease. There will be an inquest held on the body this day, and their decision will be given in our next number—*Spirit of the Times*.²²⁰

²¹⁷ *Abraham Nelles Papers*, Fond F543 series F1-1-3 "miscellaneous" file. (Archives of Ontario microfilm MS502.)

²¹⁸ Civil Secretary's Correspondence, *Upper Canada Sundries*, May-June 1829, RG5 A1 volume 94 pp. 52828-52830 (NAC microfilm C6868.)

²¹⁹ *Ibid.*

²²⁰ *Niagara Gleaner*, June 26, 1830 (Archives of Ontario microfilm N23 reel 3.)

West Line and the Magistrates. We have inserted into our column communication, from a very reliable *source*, detailing the conduct of the Magistrates who presided on the occasion: and as the conduct of all public officers are open to investigation, we shall in our next number express our opinion freely. In the meantime, we hope that the injured party will not fail to lay the subject before His Excellency the Lieut. Governor: and we think it high time that their *Worships* should be taught that a provincial statute [sic] is paramount to the prejudices to the prejudices of self-interested individuals, and that the judges of the Court of King's Bench to say the least of them, are "*coeval* with the *profundity of their legal research.*"

To the editor of the Times. Sir—As one of the objects of the 'Spirit of the Times' seems peculiarly to consist in a laudable watchfulness over the conduct of those in *authority*; and as your periodical appears, from its title, to be the proper channel to convey to the public any remarks which the improper conduct of any such persons may call forth, I beg therefore that you will give place in your next number to this communication.

I perceive, in reading your last (and first) number, that you are not altogether ignorant of the proceedings that took place a few days ago at *Mr. MacDougall's Police Office* with regard to the *West Line*.

For several years the situation of the West Line has been a subject of dispute and litigation—that two Juries have decided where it should be—that a *mandamus* issued out of *King's Bench* directed to the Magistrates of this District, ordering them to open the road: that in consequence an order of the Magistrates in Quarter Sessions had been issued to the Path-master to open the *West Line Road*. That the Path-master, a sworn officer, upon investigation, had formed the road precisely where the Juries had and opened it accordingly. It is proper that the public should be made acquainted with the facts, in order to their being better capable to form their judgement as to the conduct of some of our worthy magistrates.

It appears that in obedience to a summons issued by one of their *Worships* some two or three weeks ago, *Mr. W.M. Ball* gave his attendance, at Mr. MacDougall's office, on the Saturday before last, to answer the charge made upon the affidavit of several persons of his having shut up this road that had been so long in dispute. The magistrates present were *Messrs. McDougall, Muirhead, Crooks, George Ball* and *Claus*. The last named gentleman, however, in consequence of being personally interested did not take his seat. Mr. George Ball is uncle to the defendant and Mr. *John Crooks* who is his brother-in-law. The object of the summons was for the defendant to shew cause why he should not be fined for shutting up the King's *Highway*. But before the affidavit was read, or before anyone knew what was coming on, it appears to me a most extraordinary thing, that Dr. Muirhead should in so uncalled for, so undignified and impassioned a manner, express his unqualified opinion, that a road neither *was* nor ever *had* been there—that it was an ignorant Pelham Jury that had found the road, while in the same breath he demanded what the Judges at York could know about it? Were they on the ground, or did they ever survey it? In all of which he was heartily joined by Mr. Geo. Ball; thereby not only anticipating a decision, but acting diametrically opposite to that most glorious principle of our unexampled constitution—that our Judges should administer justice without *fear*, *favour* or *affection*. However after a good deal of altercation and talk, the affidavit upon which the charge was made, was read and their *Worships* commenced to take the parol testimony of the Deponents; but as no one could swear positively that the road which

defendant had shut up, was that which had been originally intended by the Government surveys, Mr. Crooks immediately chimed in with Messrs. Muirhead and Ball, leaving Mr. McDougall alone, and the only gentleman who at all appeared disposed to investigate the matter. In vain, I say, these matters were urged! They all (Mr. McDougall excepted) appeared determined that *Mr. Wm. M. Ball* should not be fined—and fined he was not! Thereby treating as well the Court of *King's Bench* as verdicts of three Juries with downright contempt! Indeed the whole concern seemed so shameful that Mr. McDougall rose up perfectly disgusted and left the house, leaving the very dignified and impartial trio to decide the matter as best they might. Mr. Crooks, however, after a good deal of wrangling adjourned the court, and we all separated with the same feelings of disgust that induced Mr. McDougall to leave the room. In conclusion I will merely ask when we are to have Magistrates who will not suffer themselves to be dictated to by a passionate old man who annually forces himself upon them as their chairman, for the purpose of being possessed of a little authority, which he converts into a species of petit tyranny? I say forces himself, because I am convinced he has never yet been appointed by the voice of a majority expressly given. How long, may I ask, is this state of things to last? Or that the present Bench of *Worshipful Magistrates* will rather than offend their chairman, suffer orders to be made in Sessions to which had their opinions been expressly, rather than tacitly taken, a majority never would have assented! I remain, Sir, Your ob't Serv't, Z.²²¹

July 1830.

Summons issued by *Robert Nelles* on July 7, 1830: *Johnson Kerr* (plaintiff) vs. *Timothy Hixon*, Clinton (defendant) to appear before the Commissioners of the Court of Requests at the school house near *Charles Anderson* on July 17th, at 10 o'clock in the forenoon, to answer to a debt of £5.²²²

Melancholy and tyrannical. On Saturday evening last, *William D. Miller*, Esq, one of the coroners of this District, was called upon to hold an inquest at the Gaol, on the body of *Isaac Hoff*, who died in the prison; and a highly respectable and intelligent jury was impaneled. After a patient and laborious investigation of the facts, returned a verdict that the deceased “came by his death by suffocating, in consequence of being confined by the Magistrates in a cell not sufficiently ventilated.” From the evidence it appeared that the unfortunate Hoff was convicted at the present Sessions of an assault, and sentenced by the “humanity” of their *Worships* to a close cell about 8 feet square, without the light of heaven to cheer the solitude of his confinement! And in a country boasting of supporting the cause of Christianity, he fell victim to the heat of a climate whose meridian causes the mercury to rise in the shade to 105. No blame can be attached to the Sheriff or Gaoler—they have no choice— with a prison confining 27 prisoners. We think that the funds of the District might be better appropriated than supporting a certain *few*, which they public accounts asserts individuals would rather withhold from the unfortunate criminals the comfort of *existence*, than to place them within their *grasp*! (*Spirit of the Times*.) From the above statement it will appear that the Magistrates of Niagara have an awful charge to

²²¹ Niagara *Spirit of the Times*, June 24, 1830 (Archives of Ontario microfilm N23 reel 6.)

²²² *Abraham Nelles Papers*, (Fonds F543) Legal Papers (1819-1835) series F-1-1 (Archives of Ontario microfilm MS502.)

meet in the sight of both God and man- the charge of taking away the life of a fellow man by suffocation contrary to law! When the jury came to the above conclusion, that the unfortunate man died of suffocation, we think they would have been warranted in returning a verdict of *willful murder* against the Magistrates- because it has been known to them, and to every man in that part of the country, for the last dozen years, that the cells of the Niagara jail were calculated to destroy animal life, and the evil has never been remedied. Niagara is an old wealthy district, well able to afford a sufficient gaol, and if the present gaol be a nuisance, as all admit, another ought to be erected. We view this sad catastrophe as a disgrace not only to the District of Niagara, but to the government itself, and the country at large, and hope that His Excellency the Lieutenant Governor will protect his own character by entering upon a strict investigation of the matter and by removing from office every man who from neglect of duty or otherwise has been accessories to it.²²³

January 1831.

“In 1831, January 8th, is mentioned the Debtor’s Prayer on the walls of the prison.”²²⁴

March 1831.

Niagara District, to wit: **George S. Miller**, of the Township of Barton, Gore District, Clerk to **John Secord** Esq, maketh oath: that **David Hollowood** is indebted to Secord in the sum of £4, and is apprehensive that Hollowood will leave this Province without satisfying the said debt before the regular process can issue to hold him to bail and does not sue out process from any vexatious or malicious motive whatsoever. [Signed] George S. Miller, before **H.W. Nelles**, 31st March 1831.²²⁵

February 1832.

Summons issued by **Henry William Nelles** on February 1, 1832: **Christopher Kentner** (plaintiff) vs. **David Kennada** (defendant) to appear before the Commissioners of the Court of Requests at **Ralph Walker’s tavern** on February 18th, at 10 o’clock in the forenoon to answer to a debt.²²⁶

March 1832.

“In 1832 a letter in *The Gleaner* from a debtor in jail, speaks of the kindness of **Mrs. Stephenson** and **Mrs. Capt. Mosier** in sending food; and the angel, **Mary Stephenson**, is spoken of. A remarkable record of this event may be seen in the city of Ottawa. A prisoner confined for debt must have been also an artist of no mean merit, as is shown by

²²³ *Canadian Freeman*, July 29, 1830 (Archives of Ontario microfilm N6 reel 1.)

²²⁴ Janet Carnochan, *History of Niagara (In Part.)* Toronto: William Briggs, 1914, p. 159. This column was said to have been published in the *Niagara Spectator*, January 8, 1831.

²²⁵ *Abraham Nelles Papers*, (Fonds F543) Miscellaneous Papers (1817-1833) series F-1-3 (Archives of Ontario microfilm MS502.)

²²⁶ *Abraham Nelles Papers*, (Fonds F543) Legal Papers (1819-1835) series F-1-1 (Archives of Ontario microfilm MS502.)

an oil painting allegorical in its nature. It depicts a beautiful girl of perhaps thirteen years of age, feeding a bird in a cage. This is little Mary Stephenson holding a basket in her hand in which provisions have been brought to the prisoner. The oil painting is owned by a niece of the maiden. In the same letter the kindness of **John Crooks**, Postmaster, is spoken of in sending wood, and a visitor speaks of the prisoners enduring the severity of a Canadian winter without a fire.”²²⁷

April 1832.

A three year old son of **William Ryan** playing on the highway near the mill of **W. Crooks**, 40 Mile Creek, was run over by a loaded wagon through the carelessness of the driver and was so much bruised that he died next day. A Coroner’s Inquest sat on the body who brought in a verdict of “Accidental Death.”

Drowned---yesterday afternoon a coloured man named **John Wolfe**- commonly called **Black Jack**- while in the act of fishing in the river having got his foot entangled in the ropes attached to the seine, was drawn under water and unfortunately perished. A Coroner’s Jury was summoned to hold an Inquest over the body, who returned a verdict of “Accidental Drowning.”²²⁸

Sir---On my arrival at this place I was informed of the very novel proceeding of the Grand Jury at the Quarter Sessions held last week, in the Town of Niagara, in presenting me for Perjury on the complaint of **Captain John Mosier**²²⁹---I say novel, because it is notorious to your community that Capt. Mosier is now confined at my suit for a debt due, and that of large amount; and as yet been unsuccessful in procuring bail to the action---the merits of which claim will come before a jury at the next Niagara Assizes---to create a feeling in the public mind prejudiced to me previous to my trial against Capt. Mosier, has evidently originated this extra judicial course and I will leave it to the calm reflection of an intelligent community to say how far it would have comported with the impartial administration of justice. To have submitted our case to the disinterested and dispassionate consideration of a Jury---free from any out of doors bias whatever---all I asked was an open field and fair play. But my adversary appears to shake at the terms. Let the public suspend its opinion until I have an opportunity of submitting my claim to a court and jury; and by that tribunal I am willing to be judged. The time is but short. At the next assizes I pledge myself to appear to answer his charges; when we will see how

²²⁷ Carnochan, *History of Niagara*, p. 159; *Gleaner*, March 31, 1832 (Archives of Ontario microfilm N23 reel 3.)

²²⁸ *Gleaner*, April 14, 1832 (Archives of Ontario microfilm N23 reel 3.)

²²⁹ Captain Mosier was a well-known figure on Lake Ontario. He was originally from the Prescott area where he married Caroline F. Munro in November 1828. He commanded a schooner called the “Union of Wellington Grove” which was enlarged and converted to a steamer at Prescott in 1826. This ship was then re-christened “The Niagara” which carried both passengers and freight on the circuit around the lake between Prescott, York and Niagara. This ship struck a reef of rocks and was temporarily grounded near Kingston in November of 1826. The Niagara was successfully got off the reef in June of 1827, repaired and continued to navigate the waters of Lake Ontario for some years thereafter. By July 1836 Mosier had settled at Port Credit where he established the Port Credit Forwarding Business. Mosier was frequently mentioned in the *Loyalist* newspaper. See Scadding, *Toronto of Old* (1873) pp. 547-548, 551, 567; Robertson, *Landmarks of Toronto* volume 2 (1896) pp. 852 ff.

far the efforts of Capt. Mosier can poison the fountain of justice and defeat the claims of Suitors in a Canadian Court of Law. I am, &c, *John Tannahill, Youngstown*, April 24, 1832.²³⁰

*Magistrates for the District of Niagara Under the New Commission.
(May 1833.)*

*James Muirhead,
William Crooks,
Peter Ball,
George Adams,
Thomas McCormick,
James Cummings,
John D. Servos,
Warner Nellis,
John Ussher,
Henry Warren,
Morden Crysler,
John Clark,
Henry Nellis,
William Anthony,
George Stevens,
David Thompson,
Smith Griffin,
Robert Nellis,
Robert Grant,
Samuel Street,
George Keefer,
Alexander Hamilton,
James Macklem,
Wm. H. Merritt,
George Ball,
Robert Hamilton,
Daniel McDougall,
Thomas Merritt,
John Powell Tweed,
James Black,
John Claus,
Robert H. Dee,
Henry William Nellis,
Benjamin Canby*

²³⁰ *Gleaner*, April 28, 1832 (Archives of Ontario microfilm N23 reel 3.)

Edward Evans

(new appointments.)

*George Ridout,
Robert Melville,
John C. Ball,
John Mewburn,
Ogden Creighton,
Lt. Col. P. Delatre,
Jacob Keefer,
William Mylne,
George Rykert,
George Conolly,
William Nellis,
William Smith,
James Johnson,
Edmund Risely,
William Adams,
John McGlashan Jr,
Elias S. Adams,
Isaac Johnson,
Amos Bradshaw,
Lesslie Patterson,
Nathaniel Pawling,
Richard Woodruff,
Crowell Willson,
James Cooper,
William M. Ball,
Thomas Butler,
Gen. John Murray,
James Lockhart,
William Ball,
Lewis Clement,
James Robinson,
Malcolm Laing,
James H. Mackenzie,
Dr. John Lafferty,
James Birdsall,
Bartholomew Tench,
William Duff,
Alexander Douglass,
Lt. Col. A. Jones,
H. Mittleberger,
James W.O. Clark,
Cyrus Sumner,*

**Capt. Tench,
Michael Graybiel,
Duncan McFarland,
John C. Green,
John Gibson,
John L. Alma,
Lt. Jones R.N.,
Samuel Birdsall
David M. Field, Esquire.** ²³¹

Grimsby Court of Requests, June 1833.

District of Niagara, Court of Requests held at **Ralph Walker's Inn**, Grimsby, Forty Mile Creek, on Saturday the 15th June 1833. Present **Robert Nelles & H.W. Nelles**, Commissioners.

Shadwick Smith vs. **Asa Howard**. Postponed until the next Court.

Harmon G. House vs. **Samuel Russ**. Judgement for plaintiff by default, note of hand £4.18.5. Summons & copy 1/-, constable 1/4-, judgement & oath 3/6-, total £5.4.1. Costs paid by plaintiff.

Harmon G. House vs. **Jacob Wingarden**. Judgement for plaintiff by default, two notes of hand £2.19.7. Interest 5/-, summons & copy 1/-, constable 3/-, judgement & oath 3/6-, total £3.12.1. Costs paid by plaintiff.

Harmon G. House vs. **Solomon Teeter**. Judgement for plaintiff by default, account £3.1.8, summons & copy 1/-, constable 3/4-, judgement & oath 3/6-, total £3.9.6. Costs paid by plaintiff.

Harmon G. House vs. **Jacob Teeter**. Judgement for plaintiff by default, account £1.2.0¼, summons & copy 1/-, constable 3/4-, judgement & oath 3/6-, total £1.9.10¼. Costs paid by plaintiff.

Daniel House vs. **Thomas B. Bartlett**. Judgement for plaintiff, note of hand 17/6-, interest 2/1-, summons & copy 1/-, constable 3/-, judgement 2/6-, total £1.6.1. Costs paid by constable & **Ira Cows**.

Levi Markham vs. **William Crook Jr.** ~~No cause of action.~~ Non suit, one witness 1/3-.

Christopher Ensley vs. **John C. Pettit**. Judgement for plaintiff by default, note of hand £4.9.3, constable 1/-, summons 6d, judgement 2/6-, total £4.13.3. Costs paid by plaintiff.

Niagara District, Court of Requests, 7th Division. Commissioners: **Henry Nelles, Smith Griffin, Henry W. Nelles, Cyrus Sumner, John Patterson**, Esquires. [Signed] **Sir John Colborne**, York, 20th August 1833.

Recognizance: **Henry Griffin**, Clerk of Division #7 in the District of Niagara, covenants that he will pay over to the person or persons entitled to the same all such monies as he shall receive as Clerk, and he shall not negligently or willfully misconduct himself in his said office. Sureties **John D. Beemer** and **Lewis Whitney** £50 each. [Signed] Henry Griffin, John D. Beemer and Lewis Whitney in the presence of **W. Cockell** and **Robert Nelles**, 6th September, 1833.

²³¹ *Niagara Reporter*, October 17, 1833 (Archives of Ontario microfilm N215 reel 3.)

Grand Jury Presentment, October 1833.

District of Niagara, to wit: Grand Jury Room, 14th Oct. 1833. The Jurors of Our Lord the King upon their Oath present that in compliance with that part of Your Lordships charge which relates to the duties of Jurors carefully to inspect the Gaol, they have examined its present situation- the causes of the late escapes and other matters relating thereto.

-They find from their own view as well as from the information of others that the gaol as at present constructed and under the present system of management cannot be considered a place of security. The number of prisoners permitted to assemble together enables them to devise and calculate means of escape. The confinement of those having committed a criminal offence was justly intended to inflict severe punishment which can never be accomplished more effectually than by separate confinement. Jurors recommend the vaults to be altered as to adopt this system.

-They consider the conduct of the Gaoler highly censurable for negligence in not having the turnkey present when cleaning the different rooms and at all times, as he is paid by the District; the appointment of a person who resides without the Gaol an improper one; they consider the Gaoler generally vigilant, and impute no improper motive to him in respect to the last escape.

-Nine debtors in close confinement, most of them for small sums, maintained at District expense. During the past year 64 individuals have been imprisoned for debt, wholly or in part maintained at the expense of the District.

-They find no law to sanction this expenditure, but they consider the magistrates actuated by the purest motives in authorizing it from the District funds, they believe no debtor is supported out of this fund who has the means of obtaining food, and that those individuals would absolutely starve unless so provided or subsisted by the Sheriff or Gaoler from their own means. Sheriff and Gaoler do not have the power of removing them [debtors] when once confined unless by an order from a Judge of the King's Bench.

-Jurors induced to investigate the causes which has produced so great a share of human misery:

-Plaintiff or his attorney in the habit of delaying entering the judgement in consequence of which many remain a long time a District charge and frequently liberated without ever having been brought to trial. A debtor remained in gaol 20 months being the whole period a district charge, and was liberated this year without any means of redress.

-They find the law of arrest almost wholly perverted from its original intention, viz. that facility be afforded to creditors to detain suspicious persons, those who were about leaving the province as the oath requires, is now applied in most actions of debt.

-They find nearly half the *capias* issued on account of persons residing in the United States, affidavits made by irresponsible persons holding to bail respectable inhabitants who from their situation in life have no apparent inducement to leave the country.

-Affidavits made by attorneys acting in the double capacity of attorneys and agents.

-Jurors consider the practice of Attorneys making affidavits in behalf of their clients highly exceptionable. Kerby to present this to the most serious consideration of your Lordship with a view of providing a remedy for so glaring an evil.

-Jurors concur in the sentiments expressed by your Lordship that "trifling with oaths produces a most demoralizing effect on the community and cannot be too cautiously

guarded against.” The law of arrest as it is now acted under is a means of inducing more false swearing than all the other laws on our Provincial Statutes.

-Jurors find the gaol spacious enough to confine all the criminals, it can be made secure and comfortable for these unfortunate beings at a moderate expense, but no sum of money within the means of the District could render it at all comfortable for the debtors.

-Complaints made against the conduct of the Gaoler by the debtors, who represent him as uncivil and repulsive in the extreme, not admitting their friends or connections and rendering their situation far more aggravating and unpleasant. If a milder course of conduct had been pursued the escapes during the last year would not have taken place.

-Jurors present that they have alluded to no subject which they do not consider a serious public evil, requiring as early a remedy as the nature of the case will admit; they are informed that attempts have already been made to remedy some of the evils to which they refer; they beg your Lordship will present it to the Executive Government with a hope that the attention of the Legislature will at an early date be drawn to the subject.

-Verso endorsed with list of Grand Jurors: **Thomas Butler** (foreman), **Ogden Creighton**, **Andrew Rorback**, **William Woodruff**, **James Gordon**, **David Thorburn**, **John McMicking**, **John [Alyness?]**, **J. Tench**, **M. Laing**, **Daniel McDougall**, **James Cooper**, **James Lockhart**, **James Mylne**, **Jared Stocking**, **Alex Douglass**, **Wm. [Duffin?]**, **J. Green**, **W.H. Merritt**, **Jacob Keefer**. Account of debts for each prisoner now in gaol; **Tice Bradt** case to be noticed.²³²

Grimsby Court of Requests, October 1834.

Niagara District, Court of Requests, [Fourth?] Division. Commissioners: **Henry Nelles**, **Smith Griffin**, **Henry W. Nelles**, **John Patterson**, **William Nelles**, Esquires. [Signed] **Sir John Colborne**, Toronto, 31st October, 1834.²³³

January 1835.

To His Excellency, **Sir John Colborne**. The Magistrates of the Niagara District in General Quarter Sessions assembled humbly represent:--- That they have to lament that the number of prisoners at present confined for crimes alleged to have been by them committed but not cognizable by a Court of Quarter Sessions has increased since last **Court of Assizes** and **Oyer and Terminer** in proportion exceeding short any past year has brought to the Bar for trial. Debtors too and of the poorest description have also increased and the Gaol of the Niagara District situated on the frontier seems fated to be the receptacle for Debtors and Criminals from every quarter. Your petitioners regret that among the prisoners are women and young children and many of the men in a state of starvation and nakedness. That the Grand Jury of the present General Quarter Sessions laid before the Court a presentment comprehending various subjects and have addressed the crowded state of the gaol and appealed to the humanity of the Magistrates for the temporary relief of the prisoners. Petitioners call to the serious attention of your

²³² Archives of Ontario, *William Hamilton Merritt Papers* (Fonds F662), Package 27 (Courts of Justice &c), microfilm MS74 reel 4.

²³³ *Abraham Nelles Papers*, (Fonds F543) Miscellaneous Papers (1817-1833) series F-1-3, (Archives of Ontario microfilm MS502.)

Excellency the absolute necessity of extending to the Niagara District a second court of Assize and Oyer and Terminer. The advantages will be incalculable. Culprits will be brought to an earlier trial, the guilty brought to punishment without undergoing a lengthy dreary and solitary imprisonment before their acquittal or condemnation. The individuals unhappily confined under the *Law of Imprisonment for Debt* would sooner acquire the privileges extended to them by the *Law of Insolvency* and the Creditor would be enabled to recover his claims earlier and avert a similar impending evil. May Your Excellency be pleased to extend to this District a Special Commission for holding a Court of Oyer and Terminer in the vacation between Hilary and Easter Terms next and thereby afford relief to the Sheriff, the expense of the District and the miseries of the unfortunate fellow creatures confined. In duty bound your petitioners will ever pray, by order of the Magistrates in General Quarter Sessions. [Signed] **John Clark**, chairman, 30th January 1835. [Verso endorsed by **John B. Robinson**, March 2, 1835. Memorial has been shown to his fellow judges, the matter was referred to them by the Lieutenant Governor. A former report was brought under the consideration of the Legislature, but is not aware that any measures have been adopted in consequence.]²³⁴

February 1835.

Evidence of **Lewis House**, Clinton, yeoman, taken before **Henry William Nelles** on February 17, 1835: deponent believes that **Dewy Gilmour** did feloniously take and steal four sheep from his flock at the beginning of May.²³⁵

March 1835.

List of Prisoners Confined in the Niagara Gaol 6 Mar. 1835.

Robert Alward, debt £18.12. Confined since 16 Nov. 1834.

S.G. Glenn, debt £21.7.1. Confined 3 Dec. 1834.

E. Yale, £150.12.10. Confined 5 Jan. 1835.

Alex Logan, £12. Confined 28 Jan. 1835.

Jos. O'Connelly, £19.17.6. Confined 30 Jan. 1835.

Erastus [Warner?], £25. Confined 7 Feb. 1835.

Jos. St. Germain, £18.11.1. Confined 13 Feb. 1835.

Erastus Jones, £26.5.0. Confined 25 Feb. 1835.

Nelson Jones, £2.12.6. Confined 27 Feb. 1835.

Seventeen criminals are in confinement.²³⁶

May 1835.

Evidence of **David B. Smith**, Clinton, carriage maker, taken before **Henry William Nelles** on June 1, 1835: deponent says that on May 30th **Isaac House**, **Philip S. House**, **John**

²³⁴ Civil Secretary's Correspondence, *Upper Canada Sundries*, January 1835, RG5 A1 volume 149 pp. 81980-81982 (NAC microfilm C6885.)

²³⁵ *Abraham Nelles Papers*, (Fonds F543) Legal Papers (1819-1835) series F-1-1 (Archives of Ontario microfilm MS502.)

²³⁶ Archives of Ontario, *William Hamilton Merritt Papers* (Fonds F662), Package 27 (Courts of Justice &c) microfilm MS74 reel 4.

Carrol and **Jacob Shelley** did riot, upset and break a number of wagons, obstruct the highway and tore down a number of signs. Deponent believes them to be the actual rioters.²³⁷

September 1836.

District of Niagara, to wit: **William Crowther** of Clinton on oath before **Henry W. Nelles**, deposes: that on the night of the 12th September diverse goods and chattels were stolen to the value of 25/- were feloniously stolen and carried away, ie, two [-----] and two [-----] from off the sign of the said Crowther by a person by the name of **Humphrey**, a carpenter. Goods are concealed in the dwelling house of **Isaac Marlatt** of Clinton, inn keeper. Deponent saw two persons leave the sign and go direct to Marlatt's barroom door. [Signed] William Crowther, before H.W. Nelles, 13th September 1836.²³⁸

October 1836.

Farnsworth's Trial. The trial of **S.H. Farnsworth**, of this village, for a "common assault, with intent to know carnally" upon a female child of 8 years of age, came on at the late Court of Quarter Sessions, at Niagara; and after a patient though extremely disgusting investigation, which lasted nearly two days, the Jury returned a verdict of *guilty*. When the court sentenced him to *three months imprisonment*, and to pay a fine of only £25. Further particulars, gathered from the last *Niagara Reporter*, will be given in our next, if we should conclude that the moral state of private society, and the ends of public justice, would be promoted by so doing---of which we now have many doubts. Indeed we have often thought, and remarked, that to familiarize the mind with the *details* of crime, of any and every sort, (too frequently practised through the Press) is a powerful means of corrupting the taste, and rendering the ordinary barriers to vice, less effective against the weakness of human nature. Would it not be better that the offenders, their crimes and punishment, should be *named*, and shunned for ever after---than to spread their whole transactions before the publick, for the imitation of wicked or silly aspirants after *notoriety*, no matter how degrading to themselves or injurious to others? We pause for reply.²³⁹

October 1836.

From the *Niagara Reporter*, September 29th. We cannot conclude our notice of the Niagara Assizes, without recording our sentiments on certain circumstances which have painfully forced themselves on our attention. It appeared to us that many of the witnesses on certain trials, to which we will not more than particularly allude, were persons of the worst description of character, and lamentably deficient in that species of knowledge, which teaches mankind to love justice; in other words, that in order to secure the attainment of their own wishes, they were utterly regardless of violating the sanctity of their oaths, and felt no compunction in swearing to falsehood. Now it is no part of a

²³⁷ *Ibid.*

²³⁸ *Ibid.*, Information (1831-1841) series F-1-2 (AO microfilm MS502.)

²³⁹ *St. Catharines Journal*, October 20, 1836 (AO microfilm N77 reel 1.)

Jury's duty to infer anything; and although they may suspect the commission of perjury, the fact must be made apparent, before they can decide thereto; their verdict is formed on the weight of evidence, and if two persons of unimpeachable veracity swear to an occurrence, which three other individuals make oath did never occur, it is the bounden duty of the Jury to believe the latter, unless they are proved to be biased by base motives, or to give discreditable evidence. We have no hesitation in saying, that in one of the cases alluded to, an energetick Counsel would have convicted some of the witnesses of perjury, out of their own lips; and it was with no small degree of regret that we observed the leniency of the Attorney General, in the exercise of his duties: the state of morals demands from him the rigorous enforcement of justice, not the exercise of clemency. The impunity of crime is a surer destroyer of social comfort and prosperity, than a whole army of demagogues. The station filled by the Attorney General is a proof of his ability; and we would not by any means undervalue the "leaning to mercy's side" he so obviously evinces; but surely the community is as much entitled to consideration as the culprit! If the law or its functionaries are insufficient to protect the injured and innocent, adieu to happiness and prosperity, and let disorder and anarchy be installed in the place of trial by jury. Criminal as well as civil business is greatly on the increase in this district; causes which stood over last Assizes, are still untried; half the business of this year is yet undisposed of, and suitors have in consequence been put to prodigious expense and loss of time. Surely no one in such a state of things can object to make the Niagara circuit SEMI-ANNUAL? ²⁴⁰

Grimsby Court of Requests, June 1837.

Niagara District, Court of Requests, Fifth Division. Commissioners: *Henry Nelles, Smith Griffin, Henry W. Nelles, Dennis Woolverton, George Adams*, Esquires. [Signed] *Sir Francis Bond Head*, Toronto, 2nd June, 1837.²⁴¹

April 1838.

Letter from *Alexander McLeod*, Deputy Sheriff, to *Alexander Hamilton*, Sheriff's Office,
Niagara,
April 21, 1838.

Dear Sir,

I enclose the form of a book that ought to be kept by the Gaoler and which could at all times be referred to as a correct registry and which would serve every purpose. I beg you will send it to him and desire him to get such a book, have it ruled accordingly and kept correctly. The District must pay for the book and agreeable to [the]²⁴² gaol regulations

²⁴⁰ *St. Catharines Journal*, October 27, 1836 (Archives of Ontario microfilm N77 reel 1.)

²⁴¹ *Abraham Nelles Papers*, Fonds F543 series F1-1-3 miscellaneous papers (Archives of Ontario microfilm MS502.)

²⁴² The original document was torn and is missing text at this spot although the missing word must be "the" to properly fit the context.

such a book should be kept. I shall send you the return required immediately, but I believe there are no citizens of the US in gaol at present. I am, Sir, yours &c. A. McLeod.²⁴³

May 1840.

Copy of a circular from **Charles Richardson**, Clerk of the Peace, to **Robert Nelles** regarding a replacement for the late District Treasurer, Mr. **Malcolm Laing**, May 29, 1840.²⁴⁴

November 1840.

District of Niagara, to wit: Evidence of **John N. Barber**, of Grimsby, before **Henry W. Nelles**, Esq, JP, on oath deposes: on the 4th October diverse goods and chattels of the value of £10—ie, some bedding and other household furniture—were stolen, taken and carried away from his house by a person or persons unknown, and suspects they are concealed in the house of the **Widow Gilmore** of **Beamsville** since the deponent positively saw his goods and chattels in said dwelling house. [Signed] John N. Barber before H.W. Nelles, 13th November 1840.²⁴⁵

Niagara District, to wit: Personally appeared before me, **Henry Nelles**, one of Her Majesty's Justices of the Peace in the said district, **Samuel Russ**, yeoman, and on oath makes complaint that one **Chapman Leach** of Grimsby, blacksmith, did on Saturday the 7th Inst. Beat one of the deponent's boys with an iron shovel without any provocation whatsoever. [Signed] Samuel Russ, taken before me at Grimsby this 9th day of Nov. 1840.

Niagara District, to wit: This is to certify that **William Shaw** of Caistor has this day produced a Wolf Sculp and upon oath declares that he killed the said wolf within less than a mile of the settlement in the said township of Caistor on the 25th Inst., which said Wolf Sculp I have caused to be destroyed as the law directs, [signed] **Henry Nelles**. Taken before me at Grimsby this 3rd day of Nov. 1840.²⁴⁶

February 1841.

District of Niagara, to wit: **William Wentworth** upon oath makes complaint that one **Moses Waldon** came into the deponent's house last night about 10 o'clock and broke a

²⁴³ *Alexander Hamilton papers*, Fonds F576, Correspondence with Deputy Sheriff Alex McLeod (1834-39.) Archives of Ontario F576-4-1-2, microfilm MS7773.

²⁴⁴ Archives of Ontario, *Niagara Historical Society Collection* (Fonds F1138) series F1-10, Archival Scrapbooks 1727-1926 volume 1 page 155 (microfilm MS193 reel 12.)

²⁴⁵ *Abraham Nelles Papers*, (Fonds F543) Information (1831-1841) series F-1-2 (Archives of Ontario microfilm MS502.)

²⁴⁶ R. Janet Powell (editor), "Grimsby 1816-1876," *Annals of the Forty* No. 10 (Grimsby Historical Society, 1959) p. 35.

pitcher, jug and trunk containing papers without any provocation. Taken before **Henry Nelles**, 18th February, 1841.²⁴⁷

March 1841.

Niagara District, to wit: evidence of **John Ensley**, Clinton, yeoman, before **Henry W. Nelles**, JP. On oath deposeseth: on 29th March he was violently assaulted and beaten by **John J. Ensley**, Clinton, labourer, by pinning him against the wall and thrown to the floor & jumping on him, and [-----] him around the house from one room to another and threatening to put him out of the house without any just cause or provocation. [Signed] John Ensley before H.W. Nelles, 30 March 1841.²⁴⁸

June 1841.

Niagara District, to wit: evidence of **John Nugent**, Grimsby, before **Henry W. Nelles**, JP. On oath deposeseth: that **George Smith**, Grimsby, yeoman, on 20th June did threaten to beat the complainant the first time he would get him alone. From the above and other threats the complainant is afraid that Smith will do him bodily harm. Prays that Smith be required to find sureties to keep the peace and be of good behaviour towards Nugent. Complaint not made from malice or ill will, but merely for the preservation of the deponent's person from injury. [Signed] John Nugent before H.W. Nelles, 21st June 1841.²⁴⁹

August 1841.

Niagara District, to wit: evidence of **James Reynolds**, before **Henry W. Nelles**, JP, on oath deposeseth: that on the 28th August diverse goods to the value of £3, ie, two pieces of calico and one dress chintz calico—were pulled up on the highway between petitioners corner and **Walkers** on the Mountain, by a person or persons unknown. Deponent suspects the goods are concealed in the house of **John C**[-----] near Grimsby, labourer. Deponent was told that said John followed immediately after. Prays that justice may be done. [Signed] James Reynolds before H.W. Nelles.²⁵⁰

September 1841.

Niagara District, to wit: **Isaac Davis**, coloured man, of Grimsby maketh oath, that on the 11th September at his house, **Peter** [**Truman?**] coloured man of Grimsby did enter the house and violently assault, beat, strike and kick deponent several times about the body without any just provocation. [Signed] Isaac "his X mark" Davis, before **H.W.Nelles**, 13th September, 1841.

²⁴⁷ *Ibid*, p. 37.

²⁴⁸ *Ibid*.

²⁴⁹ *Ibid*.

²⁵⁰ *Ibid*.

Niagara District, to wit: Warrant issued by *William Nelles* to *Richard Allison*, constable, to apprehend and bring before the magistrates the bodies of *Edmund Perkins* and *Richard Crooks*, labourers, who did on the 12th September at the *Forty* in the Township of Grimsby feloniously steal, take and carry away melons, the property of *Christian Tip*, to answer to the said charge and to be further dealt with according to law. Herein fail you not, 18th September, 1841.

Niagara District, to wit: *Isaac Davis*, Township of Grimsby, maketh oath: that on Friday the 21st September, his dwelling house was feloniously broken into about the hour of 12 o'clock in the day; that several diaper towels, two dickeys, one green table cover, one cloak and two [dresses?] were stolen and carried away. Deponent suspects that *Caroline [Aily?]* coloured woman, late of Grimsby, did commit the felony. [Signed] Isaac "his X mark" Davis, before *H.W. Nelles*, 25th September, 1841.²⁵¹

Junius on the Grantham (St. Catharines) Court of Requests.

Our old *Court of Requests* then here, we look back upon with mingled feelings of pleasure, risibility and pride. The first Court we ever remembered to have attended in this place was in *John Smith's Tavern*, afterwards *John Stinson's*. *W'm H. Merritt* presided: it was some trivial case, dispatched and decided it quickly and properly. A noisy drunken intruder was ordered out by the Court, and the Constable not doing his duty promptly, the Court, jumping up, pitched Mr. Rowdy into the street in double quick time. The late *George Adams, Sheriff Merritt* and his son, for many years composed this Court. We believe about as much justice was administered then as now, and as much satisfaction given to both Plaintiffs and Defendants. The *Court Mantle* has of the late esteemed and venerable father has fallen upon the worthy son, who is now our County and Town Magistrate, as well as our stereotyped Mayor. We could tell many a Court tale, which we witnessed, in days of yore, in the old *Slaughter House*, the Tammany Hall of St. Catharines, and of many an exciting, lively scene, which we saw, as we looked out of the *old red shop*, just opposite, of our twenty years well tried friend. But we forbear in this epistle to mention them.²⁵²

Undated File, Rex vs. James Macklem.

James Macklem, charged with misdemeanor in a timber delivery suit. Witnesses: "The Tinker," *John McDonell, William Mitchell, Mr. Cummings, Robert Walker, David White, Sheriff Merritt*.²⁵³

Undated File, Commissioners for Taking Oaths.

²⁵¹ *Ibid.*

²⁵² Junius, "A Walk Around Town! F" *St. Catharines Journal*, June 12, 1856 (Archives of Ontario microfilm N77 reel 7.)

²⁵³ Unbound Legal Papers, *William Dummer Powell Papers*, Toronto Reference Library (Baldwin Room) L16 box 2 file 35. This document appears to be rough notes taken in haste during the trial. The handwriting is very difficult to decipher.

Commissioners for Taking Oaths and Affidavits at King's Bench in the Niagara District, signed by **Thomas Scott**, August 18th, 18[--.] Commissioners: **Samuel Street, James Muirhead, Joseph Edwards, John Symington** and **Thomas Cummings**.²⁵⁴

Undated subpoena.

Subpoena issued by **Charles A. Small** for the **Hon. Abraham Nelles** to appear before **Levius Peters Sherwood** at the Assizes at Niagara "forthwith" at 10 o'clock in the forenoon in a cause now depending between **Charles Richardson** (plaintiff) and **William Tufford** (defendant.) This you are not to omit under the penalty of £100.²⁵⁵

Undated Special Sessions Minutes, September 23, 18[--].

A Special Session held at **Hunters** on the 23rd September instant for trying a case between **A.B. Gregory & Horace Greenman** of Caistor for theft and assault.

John Nelson, sworn: **Andrew Gregory** came to my house on Friday evening and asked me if he could have my oxen. I told him he could have them on Monday & Tuesday, Wednesday and Thursday Greenman was to have them.

Robert Allen, sworn: Horace Greenman came in the field at Gregory's and took the oxen out of the field. I told him I knew he was to have them and I gave them up to him. No cause of action, Gregory to pay costs. For assault:

Joseph Taylor, sworn: says he saw Gregory in Greenman's field attempting to bring the oxen out and Greenman keeping them back with a fork. Witness saw Greenman strike Gregory and his two sons throwing stones.

Joseph Hills [*Hilts?*], sworn: Thursday morning called in early in the morning, Gregory came and told me the oxen were in his field last night & must have them.

Constable fees £2; 6 witnesses 15/-; examining witnesses 7/6, judgement 2/6, total £3.5.0.²⁵⁶

Undated List of Grimsby Jurors.

A List of Jurors. 1. **Adam Simmerman** 2. **John Moore** 3. **Samuel Kitchen** 4. **John Nellis** 5. **Henry Nellis** 6. **Alexander Milmine** 7. **Robert Nixon** 8. **William Nixon** 9. **John Pettit Jr.** 10. **Dennis Woolverton** 11. **Jonathan A. Pettit** 12. **Andrew Pettit**.²⁵⁷

*Court of Requests, Grand River, District of Niagara 1819.*²⁵⁸

²⁵⁴ *William Dummer Papers*, Toronto Reference Library (Baldwin Room), Bound Papers L16 volume B93 pp. 76-77.

²⁵⁵ *Abraham Nelles Papers* (Fonds F543) Legal papers (1819-1835) series F-1-1 (Archives of Ontario microfilm MS502.)

²⁵⁶ *Ibid*, Miscellaneous Papers (1817-1833) series F-1-1-3 (AO film MS502.)

²⁵⁷ *Ibid*. It is not possible to date this list based upon the names of the men contained therein since most survived into the 1850's and 1860's with the possible exception of Henry Nelles who died in 1841.

²⁵⁸ This text is alternately titled *Proceedings of the Court of Requests District of Niagara 1819*. It was presented to the Niagara Historical Society by J. Warner Nellis in June 1896. See Archives of Ontario, *Niagara Historical Society Collection* (Fonds F1138) series F1-10, Archival Scrapbooks 1727-1926

Court of Requests, County of Haldimand. Present: commissioners **Warner Nelles**,
Thomas Bushby.

15th May 1819:

E. Secord vs. **Anthony Snover**. Action for £3.3.8 (H Cy) as per account. Judgement given against Snover, award £3.7.5 (includes judgement 2/6- and cost of summons 1/3-.)

Jacob Fight vs. **Joseph Trudeau**. Action for £3. Trudeau says he does not owe Fight £3, Fight swears defendant stands indebted to this amount. Judgement in favour of plaintiff plus 8/9- costs.

May, 1820:

[-----] **Myers** vs. [-----] **Wier**. Action for 11/3- as per note of hand. Judgement in favour of plaintiff for 6/3-, defendant having paid 5/- before. Award 9/9- (includes 6d cost of summons, 2- judgement and 1/- travel costs.)

J & E Secord vs. **Joseph Downe**. Action for £4.9.6 as per note of hand dated Barton 21 January 1820 for £6.10.4 (NYC) with interest. Judgement in favour of plaintiff £4.17.8 (includes cost of summons 6d, judgement 2/-, 5/8- mileage.)

17th June, 1820:

Daniel Young Jr vs. **Anthony Snover**. Action for £4.7.5 (NYC). Plaintiff non-suited account not being correctly proved and to pay costs 1/- (6d for summons, 6d for subpoena.)

15th July, 1820:

W.B. Briggs vs. [John] **Croker**. Action for £4.10.0 (H Cy.) Plaintiff non-suited account proved to have been settled before with **Jacob Birdsall** of which plaintiff was informed and to pay costs 3/6- (summons 6d, judgement 2/- and copy 1/-.)

Mr. Stronach vs. **W. Nellis**. Action for £4.10.0 (H Cy.) This court has no power being a breach of agreement between the parties.

5th August, 1820:

W.D. Dutton vs. **Justin Loomis**. Action for £7.12.0 (NYC) by a note of hand dated May 31, 1819. Judgement for plaintiff £7.14.6 (includes judgement 2/- plus cost of summons 6d.)

[John] **Terreberry** vs. [-----] **Young**. Action for £3 (H Cy.) by note of hand dated 15th February 1817. Judgement for plaintiff £3.13.9 (includes 11/3- interest, 2/- judgement plus 6d cost of summons.)

John Croker vs. [-----] **Vanderbarrac**. Action for £4.16.2¼ (NYC) = £3.0.1 (H Cy) per account. Judgement against defendant by default £3.8.7 (judgement 2/-, 1/6- summons, 5/- mileage.)

8th April 1819:

Jacob Fight vs. **Joseph Trudo**. Judgement for plaintiff account as stated £3, summons 6d, copy 6d, judgement 2/-, constable fees 6/-.

Edward Philpot vs. **Justin Loomis**. Action in favour of plaintiff £2.1.0, summons and costs 8/6-, execution issued 29 May, 1820.

Edward Philpot vs. **John Starkey**. Judgement for plaintiff £1.3.2, judgement 2/6-, summons & copy 1/-, 8th Nov. 1820.

Edward Philpot vs. **Anthony Snover**. Judgement for plaintiff £4.3.9, costs 14/10-. Execution issued 29th May, 1821.

Edward Philpot vs. [**Ann?**] **McDonald**. Action for plaintiff £5, summons and copy 1/-, judgement 2/6-, [8th?] November, 1820.

William Anthony vs. **Peter Miller**. Judgement in default £4.19.3, summons & copy 1/-, mileage 4/4-, judgement 2/-, [---] March, 1821.

Edward Philpot vs. **Alex. Logan**. Action for plaintiff £4.16.3, summons & copy 1/-, judgement 2/6-, [---] August, 1820.

Hanna Gilbert vs. **Michael Warden**. Action for plaintiff per note £5.16.0, summons & copy 1/-, judgement 2/6-, mileage 5/-, [---] November, 1820.

John Young vs. **Rufus Pooler**. Action for plaintiff £4, summons & copy 1/-, judgement 2/6-, mileage 4/-, 18th November 1820.

David Hill vs. **Adonijah Taylor**. Judgement against defendant by default £3, summons & copy 1/-, judgement 2/6-, witness 2/6-, 17th March 1821.

David Hill vs. **Joseph Downey**. Judgement against defendant £2.15.5, summons & copy 1/-, judgement 2/6-, witness 2/6-, 17th March, 1821.

James Cummings vs. **Justin Loomis**. Judgement against defendant by default £2.1.0, judgement 2/6-, summons & copy 1/-, milage 6/-, execution 2/-, [17th?] March 1821. Paid by execution.

Anger vs. **Peter Miller**. Judgement against defendant by default 3/9-, summons 6d, serving summons 1/-, mileage 4/4-, judgement 2/6-, [17th?] March, 1821.

Robert Campbell vs. **Susanna McDonnell**. Before **Robert Nelles** and **Warner Nelles**. Judgement for plaintiff £1.5.10, summons & copy 1/-, serving summons 1/-, judgement 2/6-, mileage 8/4-, 1st March, 1823. Paid.

Jacob Lymburner vs. **Joseph Downey**. Before **Robert Nelles** and **Warner Nelles**. Judgement for plaintiff £2, summons & copy 1/-, serving summons 1/-, mileage 8/-, judgement 2/6-, 1st March, 1823. Paid.

John Wier vs. **Benjn. Goodrich**. Before **Robert Nelles** and **Warner Nelles**. Judgement by default £2, summons & copy 1/-, serving summons 1/-, mileage 9/8-, judgement 2/6-, 1st March 1823. Execution issued. Paid.

David Terrabury vs. **Perry Griffon**. Before **Robert Nelles** and **Warner Nelles**. Judgement by default £1.8.9, summons & copy 1/-, serving 1/-, mileage 4/8-, judgement 2/6-, 1st March, 1823. Execution issued. Paid.

Robert Campbell vs. **Donald & Collin McVean**. Before **Abraham Nelles** and **Warner Nelles**. Judgement by default £3.2.9, summons & copy 1/-, judgement 2/6-, constables fees 9/-, 15th March, 1823.

Rebekah Young vs. **John Croker**. Before **Abraham Nelles** and **Warner Nelles**. Judgement by default £1.11.0, judgement 2/6-, summons & copy 1/-, execution 2/6-, constables fees 9/8-, 15th March, 1823. Paid.

James Cummings vs. **Justin Loomis**. Judgement by default £2.5.6, judgement 2/6-, summons 7/3-, execution 2/-, 17th October 1822. Paid by execution.

Colonel Nelles vs. [**Samuel Burchel?**] Before **Abraham Nelles** and **Warner Nelles**. Judgement for plaintiff 10/-. Judgement 2/6-.

Colonel Nelles vs. **Christian McDonald**. Before **Abraham Nelles** and **Warner Nelles**. Judgement for plaintiff 10/-. Judgement 2/6-.

Colonel Nelles vs. **John Nelles**. Before **Abraham Nelles** and **Warner Nelles**. Judgement for plaintiff £2. Judgement ~~2/6-~~

Paid **John Lounsbury** (constable) £2 and £1.15.0.

Paid **Lymburner** (constable) 3/9- and 7/6-

Judgement 1.1.0.

To 21 summons 1/- each.

Appendix "A": Partial List of Court and District Officials.

Lieutenant of the County: **John Butler** (1792-1796), **Robert Hamilton** (1796-1807.)

Chairman of the Quarter Sessions: **Robert Addison** (1804), **Robert Hamilton** (1805-1806), **Samuel Street** (1809), **Joseph Edwards** (1810), **Thomas Dickson** (1814), **Robert Addison** (1818), **Thomas Dickson** (1818), **William Crooks** (1824), **James Muirhead** (1824-34), **Alexander Hamilton?** (1829), **William Hamilton Merritt** (1834), **John Clark** (1835), **Robert Melville** (1835.)

Treasurer: **John Symington** (1806-1820), **Thomas McCormick** (1816-1827), **William Clarke** (1829-1837), **Malcolm Laing** (1837-1839), **Daniel McDougall** (1840.)

Clerk of the Peace: **Philip Frey** (1787-1788), **Ralfe Clench** (1792-1828), **Thomas Butler** (1814?), **Charles Richardson** (1828-1848.)

Sheriff: **Gilbert Tice** (1787), **Alexander McDonell** (1792-1800), **James Clark** (1800-1803), **Thomas Merritt** (1803-1820), **Richard Leonard** (1820-1833), **Alexander Hamilton** (1833-1839), **Kenneth Cameron** (1839-1840), **William Kingsmill** (1840.)

Deputy Sheriff: **Thomas O. Page** (1800), **Peter T. Pawling** (1828-1830/31), **John Kidd** (1831-1835), **Alexander McLeod** (1835-1839), **John Clark** (1840.)

High Constable: **Samuel Firth** (1800), **Jacob Dockstader** (1828-1835), **Lewis Donnelly** (1836), **Donald McDonald** (1837-38), **Bernard Roddy** (1838-40.)

Gaoler: **Thomas Otway Page** (1799), **Peter Wheeler** (1819-1839), **E.S. Wheeler** (1839-40.)

Turnkey: **Ephraim Wheeler** (1831-1839), **James Levell** (1839-40.)

Jail physicians: **Dr. Muirhead** (1828-34), **Dr. Telfer** (1834-35), **Dr. Porter** (1835-39), **Dr. Henry Rolls** (1840.)

Court Crier: **John Wray** (1828-1830), **R.B. Groat** (1830-31), **Alexander McKee** (1831-1835), **Mr. Dockstader** (1834), **Francis Proctor** (1835-37), **Patrick Finnes** (1838-40), **Bernard Roddy** (1838), **Samuel Proctor** (1840.)

Inspector of Licences: **Isaac Swayze** (1803-1827), **John Claus** (1831), **John Jordan** (1835-1839), **W.D. Miller** (1839-1840.)

Inspectors of Highways: **Rheddy Cusack** (1828), **Charles K. Fell** (1830-35), **George Augustus Ball** (1835).

Coroners: **Henry Nelles** (1788), **William Duff Miller** (1828-40), **Samuel Wood** (1828-40), **Amos McKinney**, **Henry Nelles**, **Gilbert McMicking** (1828-1837), **Edward Lee** (1835-37), **Cyrenius Hall** (1832-35), **Alpheus St. John** (1836), **Joseph Wynn** (1837), **Edmund Riselay** (1837), **Warner Nelles** (1827-37), **Zenas Fell** (1837), **Dr. Mewburn** (1837), **Peter B. Nelles** (1838).

Sextons: **John Haun** (1828), **John Franklin** (1833)

Executioners: **Joseph Smallwood** (1830), **Donald McDonald?** (1836)

Market Clerk: **John Wray** (1835-38), **Donald McDonald** (1838)

Appendix "B": Board of Health Cholera Regulations 1832

In Special Sessions, NIAGARA, JUNE 25, 1832.



PRESENT—James Muirhead, Esquire, Chairman, George Adams, Samuel Street, Alexander Hamilton, Robert Grant, Robert Henry Dec, John Warren, George Ball, John Clark, William Hamilton Merritt, Daniel McDougal and James Cummings, Esquires.

Ordered—1st. That a GENERAL BOARD OF HEALTH be established at the Town of Niagara, and BRANCH BOARDS at Queenston Chippawa, Waterloo Ferry, and Port Dalhousie and the line of the Welland Canal.

Ordered—2d. That the following persons do compose the General Board; The Rev'd. Thomas Creen, the Rev'd. Robert McGill, the Rev'd. John Cullen, James Muirhead, Daniel McDougal, William Clarke, Charles Richardson, Robert Melville, Robert Dickson, Esquires—Doctors Telfer, Porter and Raymond—Mr. James Lockhart, Mr. Lewis Clement and Mr. Jared Stocking. Five of whom shall form a quorum, including President and Secretary.

Ordered—3d. That the following persons do compose the Branch Boards respectively.

QUEENSTON—Alexander Hamilton and Robert Grant, Esquires, the Hon. John Hamilton, Mr. David Thorburn and Mr. William Wynn.

CHIPPAWA—Samuel Street and James Cummings, Esquires, Mr. William Hepburne, Mr. Joseph Moore, and Dr. Lafferty.

WATERLOO FERRY—The hon. James Kerby, the Rev'd. John Anderson, John Warren and William Smith, Esquires, and Doctor, Benjamin P. Hall.

PORT DALHOUSIE AND THE LINE OF THE WELAND CANAL—The Rev'd. James Clarke, the Rev'd. Mr. Buell, Doctors Beadle Converse, Allan and Cross, George Keefer and George Adams, Esquires, Messrs. Nathan Pawling, George Smith and Duncan McFarland.

Ordered—4th. That the said Boards respectively be authorized to appoint a health officer if necessary, whose duty it shall be to attend daily or alternately as directed by the Board.

Ordered—5th. That all Steam Boats, Vessels, or other craft entering the Port of Niagara or Dalhousie, be required to come too or anchor at a point not nearer than fifty yards from the shore until visited by the health officer, with such assistants as may be deemed necessary; and that all Boats, vessels, or other craft entering the Port of Queenston, shall be governed by such Regulations as the Branch Board at Queenston shall adopt.

Ordered—6th. That the Health Officer at each Port shall determine by certificate, whether Steam Boats, vessels or other Craft shall approach the Wharves—have any communication with the shore—or proceed.

Ordered—7th. That each Health Officer shall receive one pound per diem, for inspecting Steam Boats, Vessels, and other Craft: and that the like sum shall be paid to each Medical man that may be appointed by the Boards respectively, to attend the Hospitals.

Ordered—9th. That the different Boards shall provide such Hospitals as may be required, and make all necessary provisions for their support.

Ordered—9th. That the Branch Boards shall regularly report all cases as they occur to the General Board.

Ordered—10th. That a yellow flag be hoisted at every place where infected persons are lodged.

Ordered—11th. That twelve Health Wardens and twelve Special Constables be appointed for the Town of Niagara. Ten Special Constables for Port Dalhousie and the line of the Welland Canal. Four for Chippawa, Four for Waterloo Ferry, and Four for Queenston.

Ordered—12th. That the sum of Five Hundred Pounds be paid out of the District Treasury in addition to the Five Hundred Pounds advanced by His Excellency the Lieutenant Governor, to defray the expenses that may become necessary in providing Hospitals and Medical attendance at the different Ports, and for making such arrangements as the Medical Boards may suggest, should the same be required.

Ordered—13th. That the Chairman be authorized to take such steps as may be necessary to obtain the amount placed at the disposal of the Magistrates by His Excellency the Lieutenant Governor.

(By Order.)

CHARLES RICHARDSON,

Clerk of the Peace,

District of Niagara.

General Board of Health.

Tuesday, June 26th, 1832.

PRESENT—THE *RES.* ROBT. MCGILL; DANL. McDONALD, ROBT. MELVILLE, WILLIAM CLARKE, ROBT. DICKSON, JAS. MUIRHEAD & CHARLES RICHARDSON, Esquires—Doctors PORTER, TELFER & RAYMOND, AND JURIED STOCKING.

The Rev'd. Robert McGill having been unanimously elected President and Charles Richardson, Esquire, Secretary and Treasurer.

1st. It was Resolved That Messrs. Telfer and Porter, be appointed Health Officers and Hospital attendants.

2d. That a committee of three be appointed to take immediate steps for the erection of a shed for the reception of Emigrants, and for the erection of an hospital; and that Messrs. Clement, Stocking and Porter, do compose such Committee.

3d. That the Health Officer and Hospital attendant be authorised to procure such Medicine as may be required, and employ necessary attendants.

4th. That the following persons be appointed Health Wardens for the Town: John Manceily, Edward McBride, John Barker, Adam Cryslor, Robert Kay, John Oakley, James Miller, David Botsford, Rodman Starckweather, Edmund Wall, Robert Miller, Wm. B. Winterbottom, Esquire.

5th. That the following persons be appointed Special Constables: John Graham, Patrick Kenney, Patrick Bates, Kenneth McDougal, Andrew Heron, Junr., William Hepburne, Vivian Moles, Michael Morley, James Russell Eagleson, John Shiver, John Riley and John Whitten.

6th. That this Meeting adjourn until Wednesday the 27th at 10 A. M. (By Order)

CHARLES RICHARDSON, Sec'y.

Wednesday, June 27th, 1832.

PRESENT—Rev'd. Robert McGill, President, Charles Richardson, Secretary and Treasurer.

The Rev'd. Thomas Green, James Muirhead, Daniel McDougal, Robert Dickson, Robert Melville, William Clarke, Doctors Telfer, Porter, and Raymond, Messrs. James Lockhart, Lewis Clement, and Juried Stocking.

The following regulations were adopted:

DIVISION OF THE TOWN OF NIAGARA.

1st. That the Town and Suburbs be divided into four Wards, which shall be known and bounded as follows:

Ward No 1. Comprising all that part of the Town lying between the centre line of Queen Street and the river, and all the shore of said river as far as the Town extends.

Ward No. 2. Comprising all that portion of the Town lying between the central part of Queen Street, and the Street parallel to its running immediately West of Mr. James Lockhart's and Mr. John Clans's.

Ward No 3. Comprises all that portion of the Town not described in Wards Nos. 1 and 2, lying north and west of that Street—running westward from Mr. Cathline's house.

Ward No. 4. Comprising all the remaining part of the Town, lying south and west of the said Street, running by Mr. Cathline's house.

The following Orders were passed:

That the Secretary do cause Printed Circulars to be distributed, soliciting the co-operation of Captains of Steam Boats and Vessels in carrying into effect all rules and regulations adopted by the Board of Health.

2d. All Dead Animals or Offals of Animals shall within two hours be removed beyond the suburbs of the Town, and be immediately buried and covered, at least three feet beneath the surrounding surface.

3d. Tallow Chandlers, Soap Boilers and Tanners shall not keep any articles required for their respective trades, nor manufacture in any building or place within the Town, so as to be offensive to the neighbourhood, or to passengers in the Streets or Public Highways.

4th. Captains and masters of Steam Boats and Vessels, and persons having charge of Boats or Rafts lying within the Port or Harbor of Niagara, shall not at any time allow any filth, putrid substance or matter to be on or remain on board of their respective Vessels, Boats, or Rafts; and, when it shall be required by the Health Officer, the said Vessels, Boats, and Rafts shall be purified with Chloride of Lime.

5th. Raw Hides shall not be sold in any place public or private, except in the Market Place; and in no case shall such Raw Hides be allowed to remain in or upon the said Market Place, after the hour of ten in the forenoon.

6th. All occupants of Houses shall be bound to scrub or cause to be scrubbed all floors therein not carpeted or otherwise covered, at least once in every week, and the walls and ceilings in each House, shall by the Occupant or Oc-

cupants thereof, be washed or whitewashed in the spring and autumn of each year; and as much oftener as shall in particular cases, be deemed necessary by this board, and within twenty-four hours after notice from the Board to that effect.

7th. Every Tavern-keeper or other person keeping a Boarding and Lodging-house, within the Town of Niagara, shall report to the nearest Medical Man, the name of every Sea-faring man, Boarder, or Passenger, who may be sick in his house, within one hour after each case of sickness shall have occurred.

8th. A Copy of the Rules and Regulations of the Board of Health shall be delivered by the Secretary of the Board to each Tavern-keeper, or person keeping a Boarding or Lodging-house, or retailing Beer or Cider; and every Tavern-keeper, or person retailing Beer and Cider, shall affix the same in a conspicuous place in the Bar-room, and every person keeping a Boarding or Lodging-house, in the entrance Hall.

9th. That as Sobriety cannot be too strictly enforced, the Health Wardens shall frequently in the day examine the Taverns in their respective Wards; and if they find any person or persons intoxicated in such Taverns, shall report to the Secretary of the Board of Health, who is hereby ordered to proceed against the proprietors of such Taverns, for the purpose of obtaining the forfeiture of their recognizance.

10th. That all Beer Rooms of Taverns shall be closed every evening at 9 o'clock, except when travellers arrive from a distance and want necessary refreshment.

11th. That the Health Wardens on duty shall immediately on their appointment inspect all Streets, Houses and their premises, in their different Wards, and shall point out verbally to the occupants, and enforce that which is not in conformity to the rules and regulations of the Board of Health; and shall, without loss of time, report to the Surveyor of Streets whatever nuisances may come under his observation in the Streets and Roads.

12th. That in case of disobedience of the Rules and Regulations of this Board on the part of any individual, upon report to the Board of Health, the Board, upon conviction, shall inflict such punishment as they may deem meet.

13th. That the Health Wardens and Special Constables, be required to carry all Rules and Regulations of Police into effect.

That Health Wardens be required to wear a piece of Red Ribbon at their left breast; and that in the examination of the Premises, do cause all Dwellings and Cellars to be thoroughly cleansed of decayed Vegetables & Water, and the Walls thereof Whitewashed with good strong LIME; and cause all Dirt and Filth to be immediately removed.

That—When Health Wardens proceed to inspect private Property, they shall in the first instance make known the character in which they act, and request admittance—observing proper discretion and civility—and in cases of emergency may call to their assistance such Constables as they may deem necessary.

That—The remuneration of each Health Warden be fixed at Five Shillings per diem, to be exacted, during the period of actual service; and that four be on duty each day.

That—In the event of Health Wardens being interrupted in the discharge of their duty, a Report shall be made to the Secretary to be laid before the Board.

(By Order)

C. RICHARDSON, Secy.

Thursday, June 28, 1832.

Present—Rev. Robert McGill, President, C. Richardson, Esq. Sec'y. Rev. T. Green, James Muirhead, D. McDougall, Drs. Raymond, Telfer & Porter.

The following additional regulations were adopted:—

Resolved 1.—It having been reported to the Board by the Health Officer, that the Captain of the William the Fourth had been guilty of a Breach of the Order of Sessions, passed on the 25th instant: It was ordered, that the Health Officer be required to state to the Captain that a repetition of the offence will be visited by the Board with exemplary punishment.

2.—It having likewise been reported to the Board, by the Health Officer, that in the Steam Boat Niagara, now lying at the Wharf, there is a person acting as Mate of the Vessel, afflicted with a disease, the symptoms of which are of Infectious Nature—The Board Order that the Boat be removed 50 yards from the shore, and all unnecessary communication with her prohibited.

3.—That William Hepburn be appointed Special Assistant under the Health Officer, with instructions to watch all Steam Boats, Vessels, or other Craft, entering the Harbor, and board them to prevent a Breach of the 5th Order of Sessions of the 25th instant—and that the said Assistant be required to carry a Badge or Flag.

(BY ORDER)

C. RICHARDSON, SECT.

Appendix "C": General Rules for Procedure in Sessions

THE
PROVINCIAL JUSTICE,
OR
Magistrate's Manual,
BEING A COMPLETE DIGEST
OF THE
CRIMINAL LAW OF CANADA,
AND
A COMPENDIOUS AND GENERAL VIEW
OF THE
PROVINCIAL LAW OF UPPER CANADA:
WITH PRACTICAL FORMS,
FOR THE USE OF THE MAGISTRACY.

By **W. C. Keele, Esq.,**
ATTORNEY-AT-LAW.

THIRD EDITION.

TORONTO:
H. ROWSELL, KING STREET.

1851.

Sessions.

same conviction be sentenced to be imprisoned in the common gaol, or imprisoned and kept to hard labour in a penitentiary or house of correction. § 5. The court may, in its discretion, leave cases of simple larceny to be tried at the next court of oyer and terminer and general gaol delivery, if, by reason of the difficulty or importance of the case it shall appear to them proper so to do. § 6. If upon the trial of any case of larceny in which the value of the goods stolen shall be stated in the indictment at a sum not exceeding £20, it shall appear in evidence that the value of such goods was in reality greater than £20, such trial may nevertheless proceed, and no legal exception to the jurisdiction of the court shall lie on that account; but the provision of this act restraining such court to cases where the value of the goods shall not exceed £20, shall be deemed and taken merely to be a direction to such court, but shall not be construed to affect their legal jurisdiction.

* By 7 W. IV. c. 6, § 2, no court of general quarter sessions of the peace, or court having the like jurisdiction, shall have the power to sentence any person convicted before them to be imprisoned in the penitentiary for a longer period than two years.

Quarter Sessions.

By 4 & 5 Vic. c. 8, § 18, the judge of the district, being also a justice of the peace for such district, shall preside as chairman at the general quarter sessions.

The proceedings at a General Quarter Sessions.

The court having assembled, the session is then usually proclaimed by a bailiff, in the following terms:

"Oyez! Oyez! the Queen's justices do strictly charge all manner of persons to keep silence, while the Queen's commission of the peace for this county is openly read, upon pain of imprisonment."

The commission is then read by the clerk of the peace.

The clerk of the peace then calls upon the sheriff, thus: "Sheriff of the county, return the precept to you delivered;" which the sheriff does accordingly.

Then the grand jury are called in order, every one by his name. The foreman, by himself, lays his hand on the book, and the clerk of the peace administers to him the following oath:

"Sir—You, as foreman of this grand inquest, for the body of this county, shall diligently inquire and true presentment make of all such matters and things as shall be given you in charge. The Queen's counsel, your fellows, and your own, you shall keep secret: you shall present no one for envy, hatred or malice; neither shall you leave any one unpresented for fear, favour or affection, or hope of reward; but you shall

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present all things truly, as they come to your knowledge, according to the best of your understanding. So help you God.

The rest of the grand jury, by "three" at a time, in order, are sworn in the following manner:

"The same oath, which your foreman hath taken on his part, you and every of you shall well and truly observe and keep on your part. So help you God."

The clerk of the peace then calls over their names thus:

"Gentlemen of the grand jury, answer to your names, and say *sworn*, if you are sworn."

The chairman then delivers his charge to the grand jury.

The bailiff is then sworn to attend the grand jury, thus:

"You shall swear that you will diligently attend the grand inquest during the present sessions, and carefully deliver to them all such bills of indictment or other things as shall be sent to them by the court, without alteration. So help you God."

By 8 Vic. c. 8, the claims of persons claiming under the "Heir and Devisee Act," shall be proclaimed by the crier, at the sessions next after the notice given, immediately after the charge to the grand jury.

The prosecutors and bail are then called in the following manner (if need be) by the crier:

"A. B. come forth and prosecute, and give evidence against C. D.; or you will forfeit your recognizance."

Calling persons out upon bail.

"A. B. of the township of —, come forth and save you and your bail, or you will forfeit your recognizance."

Calling Bail to bring forth Principals.

"C. D. and E. F. (with their additions) bring forth the body of A. B. whom you have undertaken to appear here this day, or you will forfeit your recognizance."

Oath of Witness on Indictment before the Grand Jury.

"The evidence you shall give to the grand inquest upon this bill of indictment against A. B. for larceny shall be the truth, the whole truth, and nothing but the truth. So help you God."

If the witness be a Quaker, his evidence is admissible under the "10 G. IV. c. 1, upon making the following affirmation, in lieu of any oath:

"I, A. B. do solemnly, sincerely and truly declare, that I am one of the society called Quakers, [Menonists, Farkers, Unitas Fratrum, or Moravians,] as the case may be."

Upon the return of the grand jury into court with any bills of indictment, the clerk of the peace calls them severally by their names, and says: "Gentlemen, have you agreed upon any bills?"

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this indictment the defendant [or the prisoner at the bar, as the case may be] hath been arraigned, and upon his arraignment hath pleaded not guilty, your duty therefore is to inquire whether he be guilty or not guilty, and toarken to the evidence."

And then the court proceeds to examine the witnesses upon oath, as well for the Queen as for the prisoner.

Oath of Witnesses.

"The evidence you shall give to the court and jury sworn, between our sovereign lady the Queen and the defendant [or the prisoner at the bar, as the case may be], shall be the truth, the whole truth, and nothing but the truth. So help you God."

Upon the evidence being closed for the prosecution, the prisoner's counsel, in cases of felony as well as misdemeanor, may address the jury and call witnesses. If the prisoner have no counsel, he should be asked by the chairman if he have any thing to say in his defence, or any questions to ask. Upon the case being closed, the chairman sums up the evidence to the jury, commenting upon it as he proceeds, shewing the consistency or inconsistency of any part of it, and the bearing it has upon the guilt or innocence of the prisoner. The chairman then desires the jury to retire and consider their verdict. Upon the jury retiring to consider their verdict, the following oath is administered to the bailiff:

"You shall swear you will keep every person of this jury together in some private and convenient place, without meat, drink, lodging or fire (candle excepted); you shall not suffer any person to speak to them or any of them, neither shall you speak to them yourself, unless it be to ask them whether they are agreed upon their verdict, without leave of the court. So help you God."

When the jury return, their names are called over by the clerk of the peace, who says, "Gentlemen, are you agreed on your verdict?—how say you, is the defendant [or prisoner, as the case may be] guilty or not guilty?"

The verdict is then endorsed by the clerk of the peace, on the indictment, and signed by the chairman, which being done, the former addressing the jury, says, "Gentlemen, hearken to the verdict as the court records it. You find the defendant [or prisoner] guilty," [or not guilty, according to the verdict.] Should the defendant, however, upon being arraigned, be permitted to traverse to the next sessions, he may be admitted to bail, as follows:

"A. B. [principal] you acknowledge to owe to our sovereign lady the Queen the sum of (£—), whatever sum the court may approve, and you, C. D. and E. F. (sureties) severally acknowledge to owe to our said lady the Queen the respective sums of (£—) and (£—), to be respectively levied of your goods and chattels, lands and tenements,

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Upon the foreman presenting the same, the clerk of the peace addresses the grand jury as follows:

"You are content the court shall amend matter of form, altering no matter of substance without your privy, in those bills you have found."

The grand jury signify their assent, and return to their business again—viz., to examine other bills.

Then the court proceeds to arraign such prisoners as are indicted, in the manner following:

The clerk of the peace says, "A. B., hold up your hand: you stand indicted by the name of A. B., late of —, for that you," so reads the indictment through, and then asks the prisoner, "Are you guilty or not guilty?" If he says "not guilty," then the clerk of the peace enquires, if he be ready for his trial.

The clerk of the peace then proceeds to call the petit jury, thus:

"You good men that are impannelled to try the issue joined between our sovereign lady the Queen and the prisoner at the bar, answer to our names, upon pain and peril that shall fall thereon."

When the jurors have appeared, then the clerk of the peace calls to the bar the prisoners that are to be tried by the jury, and says thus:

"These good men that you shall now hear called are those that are to pass between our sovereign lady the Queen and you, if therefore you [or any of you] will challenge them, or any of them, you must challenge them as they come to the book to be sworn, before they are sworn, and you shall be heard."

Then the clerk of the peace calls the jury to be sworn, in cases of felony, one by one, thus:

"You shall well and truly try and true deliverance make between our sovereign lady the Queen and the prisoner at the bar, whom you shall have in charge, and a true verdict give according to the evidence. So help you God."

But in cases of misdemeanor, the jury may be sworn three at one time, thus:

"You shall well and truly try the issue joined between our sovereign lady the Queen and the defendant, and a true verdict give according to the evidence. So help you God."

The clerk of the peace then calls over the jury, and says, "Gentlemen, answer to your names and say 'sworn,' if you are sworn."

The prisoner being at the bar, the clerk of the peace then proceeds to read the indictment, thus:

"A. B. stands indicted by the name of A. B." &c. reading the whole of the indictment as he did upon the arraignment, and then says, "upon

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to her Majesty's use, by way of recognizance, upon condition that you (A. B.) shall appear at the next General Quarter Sessions of the Peace to be holden for this county, to try your traverse upon this indictment, to which you have now pleaded not guilty, and not depart the court without leave of the court. How say you, A. B., C. D. and E. F., are you content?"

If a juror be taken ill during a trial, another juror may (with the consent of the prisoner) be sworn and added to the other eleven, and the evidence redelivered to the jury.—*Joyce's case cor. Lord Keeper, Leach, 621, n.* But even without the consent of the prisoner, the court may, under such circumstances, discharge the jury and charge a fresh jury with the prisoner. But the prisoner must be again allowed his challenge to each of the eleven former jurymen.—*R. v. Edwards, 4 Taunt. 309.*

Trial of a Traverse.

The proceedings upon a traverse are the same as in an original trial, except that the defendant is not arraigned nor called upon to plead, this having been already done at the former sessions.

The jury are to be sworn and indictment read as before directed.

Oath of a Jury on a Traverse.

"You shall well and truly try the issue of this traverse between our sovereign lady the Queen and the defendant, and a true verdict give according to the evidence. So help you God."

Oath of Witnesses on a Traverse.

"The evidence you shall give to the court and jury sworn, touching the issue of this traverse, shall be the truth, the whole truth, and nothing but the truth. So help you God."

In discharging the defendant's recognizance for default of the prosecutor appearing, (which ought not to be done till the close of the session,) proclamation is made thus:

"Oyez! Oyez! If any can say ought why (defendant, naming him) should any longer be bound, let them come forth and they shall be heard; otherwise the court does discharge him, paying his fees."

The court cannot commit for nonpayment of fees: for if there is 'right, there is a remedy'; and *indebitatus assumpti*, will lie if the fee is certain, if uncertain, *quantum meruit*.—*L. Ray, 703.*

When there are no more bills to be laid before the grand jury, and they have finished all other business before them, it is usual for the court to inform them that there is no other business to come before them, and that they are therefore discharged. The court having disposed of the business, then adjourns. The clerk of the peace, during the sitting of the court, enters

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a minute of all proceedings, commencing with the day of the session, and before whom the same is held, inserting the names of the grand jurors and petit jurors, and every other minute particular attending the proceedings throughout.

Precept to Summon the Sessions. [BURN.]

County of _____ } J. P. and K. P. esquires, justices of our sovereign }
to wit, } lady the Queen, assigned to keep the peace in the }
county aforesaid, and also to hear and determine divers felonies, tres- }
passes, and other misdemeanors committed in the said county; to the }
sheriff of the county of _____, greeting: On the part of our sovereign }
lady the Queen, we command you, that you omit not by reason of any }
liberty within your county, but that you cause to come before us and }
other our fellow justices assigned to keep the peace in the said county, }
and also, to hear and determine divers felonies, trespasses and other }
misdemeanors, in the said county committed, on _____ the _____ day }
of _____, now next ensuing, at the hour of ten in the forenoon of the }
same day, at _____ in the said county, twenty-four good and lawful }
men, of the body of your county, then and there to enquire, present, }
do and perform, all and singular, such things, which on the behalf of }
our sovereign lady the Queen, shall be enjoined them; also, that you }
make known to all coroners, keepers of gaols and houses of correction, }
high constables, and bailiffs of liberties within the aforesaid, that they }
be then, and there, to do and fulfil such things which by reason of }
their offices, shall be to be done: moreover, that you cause to be pro- }
claimed through the said county, in proper places, the aforesaid ses- }
sions of the peace, to be holden at the day and place aforesaid; and }
do you, be then, there, to do and execute these things which belong }
to your office; and have you then there, as well the names of jurors, }
coroners, keepers of gaols, and of houses of correction, high constables }
and high bailiffs aforesaid, as also this precept.

Given under our hands and seals, at _____ in the county aforesaid, the _____ day of _____ in the _____ year of the reign of _____, &c.

The style of the Sessions. (BURN.)

County of _____, } The general quarter sessions of the peace, holden }
to wit, } at _____, in and for the said county, on the _____ }
day _____, in the _____ year of the reign of our sovereign lady Victo- }
ria, of Great Britain and Ireland, Queen, defender of the faith, and }
so forth, before J. P. and K. P. esquires, and others, justices of our }
said sovereign lady the Queen assigned to keep the peace in the said }
county, and also to hear and determine divers felonies, trespasses, and }
other misdemeanors in the said county committed, and so forth.

Subpoena to give Evidence.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith; to A. B., C. D. &c. greeting; We command you and every of you, that all business being laid aside, and all excuses ceasing, you do in your proper persons appear before our justices assigned to keep our peace in the county of _____,

Sheriff.

and also to hear and determine divers felonies, trespasses, and other misdemeanors in our said county committed, at the general quarter sessions of the peace to be holden at _____, in and for the said county, on _____ the _____ day of _____ now next ensuing, at the hour of _____ o'clock in the forenoon of the same day, to testify the truth, and give evidence before the grand inquest as well as the court, touching a bill of indictment to be preferred against A. O. in a case of larceny, [trespass and assault, or any other cognizable offence,] and this you, and every of you, are in no wise to omit, under the penalty of _____ pounds for you and every of you. Witness, J. P. esquire, the _____ day of _____.

A Subpœna Ticket for a Witness.

Mr. A. W. By virtue of a writ of subpoena to you and others directed and herewith shewn unto you, you are required personally to be and appear at the next general quarter sessions of the peace to be holden at _____, in and for the county of _____, to testify the truth, and give evidence before the grand inquest as well as the court, touching a bill of indictment to be preferred against A. O. in a case of larceny, [trespass and assault, &c., as the case may be,] and herein you are not to fail, upon pain of _____ pounds. Dated the _____ day of _____, in the year of our Lord _____.

SHERIFF.

The sheriff is an officer of very great antiquity, his name being derived from the Saxon word *sciregerefa*, signifying the reeve *baillif*, or officer of the shire. He is called in Latin *vicecomes*, as being the deputy of the *earl* or *comes*, to whom the custody of the shires in England is said to have been committed at the first division of the kingdom into counties; but, though the sheriff be called *vicecomes*, yet he is entirely independent of the earl; the king, by his letters patent, committing *custodiam comitatus* to the sheriff, and to him alone.—*Bl. Com.* 339; 5 *Burn.* 230.

In this province, the sheriff is appointed by letters patent under the great seal, and holds his office during pleasure.

In his ministerial capacity the sheriff is bound to execute all process issuing from the king's courts of justice. In the commencement of civil causes he is to serve the writ, to arrest, and to take bail: when the cause comes on for trial he must summon and return the jury; when it is determined, he must see the judgment of the court carried into execution. In criminal matters he also arrests and imprisons; he returns the jury; he has the custody of the delinquent; and he is bound to execute the sentence of the court, even if it extend to death itself; and it is no excuse to the sheriff to return that he could not execute any process because of resistance, for he may take with him in every case of need the power of the county, to enforce obedience to the king's writs or other process of law.—13 *Ed. I.* stat. 1, c. 39. He is also compelled to execute the warrant of

Sheriff.

a justice of the peace, if upon any extraordinary occasion it should be directed to him—though magistrates' warrants are, in practice, usually directed to constables and other inferior officers; but he need not go in person to execute it, but may authorise another to do so.—2 *Haw. c.* 13, § 29. He is also bound to attend the sessions of the peace, there to return his precepts; to take charge of the prisoners; to receive fines for the king, and the like.—2 *Haw. c.* 8, § 45. And for any default in executing the writs or precepts of the sessions he is punishable by the justices in sessions as for a contempt.—*Id.*, c. 22, § 2.

The sheriff has also the keeping of the gaols, and is answerable for all escapes suffered by the gaolers, to the king, if it be a criminal matter; or, in a civil cause, to the party injured; and by provincial statute *32 Geo. III. c. 8, he has the appointment and removal of the gaoler.

As the King's *baillif*, it is the business of the sheriff to preserve the rights of the king within his bailiwick.—*Fortescue, c.* 24. He must seize to the king's use, all lands devolved to the crown by *attainder* or *escheat*.—1 *Bl. Com.* 344.

By 3 G. I. c. 15, § 17, a sheriff guilty of extortion forfeits, to the party grieved, treble damages, and double the sum extorted, and also £200. And by provincial statute, *2 G. IV. c. 9, a sheriff lying in gaol for debt three months forfeits his office.

When a new sheriff is appointed and sworn, his predecessor (or in case of his decease, his under sheriff) sets over by indenture all the prisoners severally by their names, together with all the writs, wherein must be comprehended all the actions which the old sheriff hath against every prisoner; and till the delivery of the prisoners to the new sheriff they remain in custody of the old sheriff.—*Wood's Inst.* 6, 1, c. 7.

*By the 3 W. IV. c. 9, entitled, "An act to make certain regulations relating to the office of sheriff in this province, and to require the several sheriffs of this province to give security for the due fulfilment of the duties of their office," it is enacted by § 1, that the sheriff of each district shall enter into a bond to his Majesty, in the penal sum of £1000, together with two sureties to be approved by the inspector-general of public accounts, in £500 each, for the payment of all monies due to the crown; which bond shall be in the form given in schedule A. or in words to the like effect. § 2. The sheriff of every district shall also provide two or four sufficient sureties, who, with himself, shall enter into a covenant under seal, joint and several, according to the form in schedule B, or in words to the same effect; which covenant shall be available to, and may be

August 1800.

Letter from *William Dummer Powell* to *Peter Hunter*, Niagara, 8th August 1800. Powell reports to Hunter upon the “justice of a capital conviction, in the case of the soldier, *William Newberry*.” “The witness, *Jane Lambert*, was evidently much disordered by the atrocious insult she received and actually exhibited in court marks of affectation, that left no doubt on my mind, that her evidence respecting the robbery from her person had been concerted in some degree to avoid the detail of the real crime, which was certainly an attempt to force her.” King vs. Wm. Newberry, highway robbery. Jane Lambert, sworn: As she came along the road on the 10th of May she saw a man whom she took to be a soldier came before her and struck his gun upon the ground and told her to stop. She started back and asked him what he meant. He said that if she would go with him he would explain what he meant. He caught her by the cloaths and began to drag her along, upon which she slapped him in the face and he said how dare you give yourself such airs when you know how I have you in my power. She then strived to get past him upon which she struck her with his fist in the eye and she fell upon her hand and recovering beg’d him to have mercy upon her and told him that she was a poor orphan. Then he replied Mercy-no! you shall find mercy in hell among the devil and his imps where you will go before long. That she then got from him and ran a little way when he followed & knocked her down with the but end of his gun. That when she was down her hat fell off and as she rose he seized her by the hair and dragged her out of the road to a hole near it & threw her into it. As the man came down after her into the hole she ran out of it at the other end & he followed, caught her, struck her in the face and snatched off her shawl, tore her feather out of her hat and took her fan away. That he then beat her while she cried out for help & when she cried Murder he put his gun to her breast and said damn you if you do not hold your tongue I’ll blow this through you. She got from him again & ran into the road where he seized her by the arm and held her till by struggling she got loose & as she ran from him he called out that he would have her life if it was seven years after and finding the voice distant she looked round & saw him running to the water side with his gun in one hand & her shawl in the other. That running on towards the landing she met two men who protected her. That she was in fear of her life. Upon looking at the prisoner at the bar after an appearance of horror said that he was the man who had assaulted and robbed her & threatened her life.²⁵⁹

January 1806.

Dear Sir,

It is with much concern that I report to you a most atrocious burglary, almost accompanied with murder, in the case of *Isaac Swayzey*, Esq., the Collector of the Public Duties in this district, & of the assessments of this Township.

²⁵⁹ *Civil Secretary’s Correspondence, Upper Canada, Upper Canada Sundries, 1791-1800, RG5 A1, volume 1A, pp. 443-451 (NAC microfilm C4502.)*

On Saturday night the 25th inst. About eleven o'clock soon after the family had gone to sleep, the front door of his house was violently forced off the hinges, the lock broken & the door laid on the floor.

Mr. Swayzey alone lay in the lower room to which this door immediately opened, and suddenly awakened by the noise, he had hardly time to spring from his bed, when he was violently assaulted by a stout man drest in a blanket coat, with [morcassins?], his face blacked—with this man he seems to have had a violent struggle, & several blows were given on each side. Mr. Swayzeys face neck & body are much bruised and he thinks that having had a fair stroke at his adversarys face with a chair, he cannot have failed to leave the mark of the blow there. During this scuffle two other men nearly drest as the other as far as Mr. S. could distinguish, but apparently younger or at least smaller were employed in breaking open a chest of drawers which stood nearly adjoining to the door. This they seem to have effected by the stroke of an ax on the sloping lever or door of the desk which was split and broken into two or three pieces. Three bags of money as Mr. Swayzey states stood in the front of the desk, these were taken away from one which was open, some pieces of silver were scattered on the floor. The struggle between Swayzey & the first man still continued, he now however received a stroke on the hind part of the head from one of the others which he apprehended *was with a sword* but the appearance of *the wound* rather indicated the back of an ax or some other blunt weapon. The three men immediately made off without having spoken a word during the whole affair. Three women were only in the house at this time; [Cullan?] and a boy who usually sleep there had that afternoon gone to the mill & did not get back till about one o'clock in the morning. The women slept upstairs in a room the door of which at the foot of the stairs passed from Mr. Swayzey's room. They say that they were forcibly detained in this room or on the stair, by the door being shut or held fast against them. On their getting out the men were gone & none of them were either seen or heard by the women further than in the struggle in which they could only distinguish Mr. S's voice.

Two magistrates, myself & **Doctor Kerr** happened to be on the spot soon after the affair happened. We met next morning with the other magistrates & most of the respectable inhabitants, and from all the circumstances we were led to conclude that *the perpetrators were well acquainted with Mr. Swayzey's house & the habits of his family*. We proceeded accordingly to search all suspected places & to examine such suspicious characters as we could think of, but without success or any clue by which to guide an enquiry.

The manner in which this affair has been concluded precludes the hope of finding positive evidence to convict the perpetrators; circumstances such as the mark on the face before mentioned may perhaps lead to discovery, and the evidence of an accomplice may perhaps be obtained by a promise of a pardon & the hope of reward. It rests therefore Sir with you as President & with the wisdom of Council to determine how far this in a proclamation may be proper or expedient. We do not doubt but that you will see the necessity of using every possible means to detect such dangerous villainy and to deter such daring offenders, to whose machinations the country in its present state is so peculiarly exposed. I am happy to report that Mr. Swayzey's life is not thought in danger. I have not heard the amount of his loss ascertained. With sincere respect I am, Sir, your

very humble servant, R. Hamilton. Queenston, 28th Jany. 1806. To the Honble. **Alexander Grant**, President &c &c &c. [Endorsed: Queenston, 28 Jany. 1806. From the Honble. **Robert Hamilton**. Mr. Swayzey robbed.]²⁶⁰

September 1809.

The King vs. **Silverthorn**. The Petit Jury in finding a verdict in this case, were governed by the evidence before them, but being all of them personally acquainted with the prisoner, and some of them from his youth to this time, beg leave to state to the court that his demeanor thro' life has been peaceable with this one exception. That he is an honest man, and has by his industry and frugality acquired a handsome property. He has a large family who are deeply interested in his fate. The jurors therefore separating his general conduct from the substance of the evidence given against him in this case, beg leave to recommend him to the mercy of the court. Niagara, Sept. 29, 1809. Signed: **S. Street, Abraham Bowman, Arch. Thompson, Chas. Willson, John Thompson, Ebenezer Skinner, Thos. Cooper, Adam Bowman, Aaron Crane, John Knox, John Burch, Adam Hutt.**²⁶¹

March 1812.

In the King's Bench, Hilary Term, 52nd Geo. 3rd. District of Niagara, to wit: **Robert Nichol** complains of **Samuel Street**, late of Willoughby, in the said District, Esquire. The said Samuel on the 24th day of Feby. with force and arms to wit, with swords, clubs and staves upon him the said Robt. Nichol at York in the Home District to wit at Niagara aforesaid did make an assault and did then and there beat, wound, imprison and [-----] him and the said Robert so imprisoned against the will of the said Robert without any lawful and reasonable cause and against the laws of this Province for a long time, to wit the space of one month next following kept and detained; wherefore the said Robert during all the time aforesaid was deprived of the comfort, help and assistance of his family and prevented from using and pursuing his lawful trade and business of a merchant and making great gain profit and advantage thereby and was forced to lay out expend and pay diverse large sums of money in procuring his release and discharge from the imprisonment aforesaid and other wrongs to the said Robert then and there did against the peace of our said Lord the King and to the damage of the said Robert of £1000 whereupon he brings suit. Signed **A. Cameron**, Att'y for plaintiff, 31 March 1812. Summons issued, signed **William Dickson**, Deputy Clerk of the Crown, District of Niagara. [Subpoena issued by **John Small** for the appearance of Samuel Street.]²⁶²

²⁶⁰ *Civil Secretary's Correspondence, Upper Canada, Upper Canada Sundries*, January-June 1806, RG5 A1, volume 5 pt. 1, pp. 1588-1591 (NAC microfilm C4503.)

²⁶¹ *Ibid.*, July-December 1809, volume 10 p. 4281 (NAC microfilm C4506.)

²⁶² *Ibid.*, 1812, RG5 A1, volume 15, pp. 6108-6109 (NAC microfilm C4507.) The opinion of Chief Justice **Thomas Scott** on this case is found on pages 6126-6129. A letter was addressed by Samuel Street to **James Brock**, dated at Willoughby, April 10, 1812 with a request that he be defended by the Attorney General in the Nichol case, pages 6172-6174.

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