

Sheriff's - Office,

HOME DISTRICT

To wit.

} Newark, 22 Dec. 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 tenth of January next ensuing, at ten 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 then present to do and perform those things which to their several offices in that behalf appertain.

ALEX. M'DONELL. sheriff.

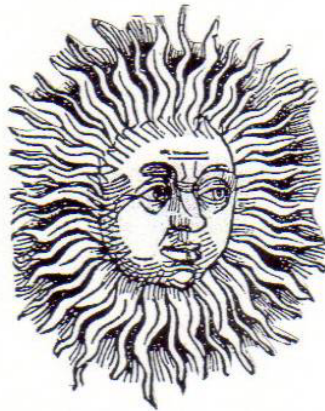
Early Niagara District Court Records 1787-1841.

A Source Book with a Nominal Index

Volume 2:

General Quarter Sessions of the Peace 1828-1834

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.

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

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.

been transcribed *verbatim*, and due to the overall length of this publication some details have necessarily been omitted. 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.

These records comprise part of the RG22-372 series, Lincoln County Court, General Quarter Sessions of the Peace Records, held by the Archives of Ontario. Researchers must submit a stacks request in person in the main reading room at the Archives of Ontario, or through a telephone request, including the box and year. Thus, for example, if a researcher wishes to see the Criminal Calendar of Prisoners confined in the Niagara jail in July 1829--a document which was filed during the October sessions of that year--a request would be submitted for RG22-372 box 4, Lincoln County Court General Sessions of the Peace, October 1829.

These records are no longer stored on-site at the Archives of Ontario at 77 Grenville Street, Toronto. Any request for these records should be submitted by researchers at least one day prior to their intended visit to the Archives.

The index for this volume does not refer to page numbers, but rather to the actual file in which the name or subject matter is found. For example, the first reference to Ralfe Clench in this book is in the April sessions for 1828 in file 1-1.

Additional Reading.

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

Niagara District Quarter Sessions, April 1828.

File 1-1, Assessments.

Canboro' 1828 assessment (recapitulation) £1366.5.4. Letter from *Samuel Birdsall* to *Ralfe Clench*, January 22, 1828: a town meeting was held at Canboro January 7th, *Orrin Chamberlain* (yeoman) and *Joseph Warden* (labourer) were appointed assessors, sworn before *George Keefer* at Thorold. List of removals from Canboro: *Harry Yokum* 5/4- *James Overholt*. January 12, 1828. Sworn before *James Muirhead*.

List of removals from Walpole: *Joseph Doan Jr.*, *Edward Evans*, *Joseph Thompson* and *Frederick Smith*. Sworn before *Daniel McDougall*. £1.2.1.

David Thompson of Wainfleet, the following men assessed and not found (removals): *George Kilmore*, *Thomas Heaslip*, *Ephream Hopkins*, *Samuel Burs*, *Chrisand Bangh*. Sworn before *Crowell Wilson*, December 31, 1827. £0.18.0.

List of removals from Thorold, September 1, 1827: *Peter Burgar*, *Benjamin Akins*, *John Nunnemaker*, *Elisha Rogers*, *James E. Ker*, *Peter VanEvery*, *Daniel Jones*, *Sarah McCutchem*, *Ashely (Ashby?) Cooper*, *Titus Duncan*, *Charles Dunn*, *John H. Fairchild*, January 18, 1828. Signed *George Keefer*, *Amos Bradshaw*. £1.10.7.

List of removals from Thorold, 1826: *John Smith*, *William Gilmore*, *David Hodgkins*, *Duncan Buchanan*, *John Day*, *John McGaw*, *John Hunt*, *William King*, *Daniel Hoard*, *James Humphrey*, *Samuel (Larned?)*, *J.C. Ray*, *William Morfett*, *Elias Stone*, *Hugh Deveny*, *John VanEvery*, *David Young*, *Samuel Cleas*, *James Secord*, *Adam Fralic*, *Paul P. Hewitt*, *Silas Hopkins*, *Abigail Hanes*, *James Ratray*, *William Yong*, *John Hartwell* (can't be collected by law), *Silvester R. Hathaway* (can't be collected by law.) Signed *Amos Bradshaw*, April 27, 1827. £9.3.7.

List of removals from Stamford, 1827. Run away: *Benjamin Bowman*, *James Willson*, *Peter More*, *Angle Vantaflin* (can't be found), *John Robertson*, *Jacob Garner* the collector of Stamford. Absented from the township before the roll was put into his hands. Robertson hasn't property to levy for assessment. Sworn before *Samuel Street*, January 17, 1828. £1.8.0.

List of removals from Pelham, 1827: *Edward Rice*, *James Boswalt*, *Abel Rogers*, *Joseph Will*, *William Davidson*, *Joseph Hill*, *Andrew Moore*. Sworn before *Thomas McCormick*, February 18, 1828. £0.8.0.

List of removals from Louth, 1827: *John Berger*, *Miles Chamberlain*, *Rudy Swarts*, *Joseph Waterhouse*, *Tilman Culp*, *Jacob Culp*, *William Osburn*, *Barnabas Gregory*. Sworn before *Samuel Wood*, January 8, 1828. £0.14.8.

List of removals from Grimsby, 1827: *David Cargill Jr.*, *Dewey Gilmore*, *Edward Pilkington*, *Edward Mansfield*, *Hugh McMahan*, *John Moore*, *John St. Entwine*, *John Turr*, *Morris Neagle*, *Nathan Cohoe*, *Paul Hewit*, *Rev. D. Bethune*, *Stephen Coon*, *Stafford Dean*, *William Stewart*. List compiled by *John S. Pettit*, sworn before *W. Crooks* J.P. January 8, 1828. £3.7.4.
List of removals from Grantham, 1827: *David Gibb* (to the Head of the Lake), *William Harrison* (to Nissouri), *Asahel Finch* (to USA), *William Griffith* (Methodist preacher), *Joseph Markwell*,

Seth K. March, James Wilson (to York), **James May, Patience Johnson** (no property), **George Smith, Levi Beamer, James Read** (no information), **Edward Groom, Smith Ward** (to USA), **Alexander McMullen** (to Kingston), **John Wilson, David C. Brady, John Myers, Sylvester G. Glynn, Abraham (Wealor?), David Springstead**. Sworn before **Samuel Wood** and **George Adams**, January 8, 1828. £3.18.10.

List of removals from Gainsboro, 1827: **William Gilmore, Widow Giligan, Joseph Goodenow**, [-----] **Brown, John (Waigle?), James H**[-----] (to the USA). List compiled by **Robert Comfort**, sworn before **Thomas McCormick** April 4, 1828. £0.17.1.

List of removals from Crowland, 1827: **Joseph Cutter, John Murry, Thomas Blankenship, James Younge, Elisha Misener**. List compiled by **John Doan**, sworn before **Crowell Willson**, January 8, 1828. £1.10.6.

List of removals from Canboro' 1827: **David Williams, Seblin(?) Harris, Freeman Austin**. List compiled by **Benjamin Canby**, sworn before **Thomas McCormick**. January 28, 1828. £0.19.0.

List of removals from Clinton, 1827: **Aaron Chrysler, William Patterson, Thomas Cornwall, Erastus Darby, Martin Miller, Charles Carpenter, Joel Burns. Peter Hagar** assessed twice. List compiled by **John Patterson**, sworn before **William Crooks**, January 2, 1828. £2.2.4.

List of removals from Caistor, 1827: **Robert Killings, Samuel Cudney, Smith Varney, Luther Brown, Peter Teft**. List compiled by **A.C. Sever**, sworn before **James Muirhead**, January 21, 1828. £0.11.5.

List of removals from Niagara, 1827: **Abraham Boyce** (to York), **James Anderson, Anthony Dicenta, Robert Emery** (to York), **Charles Falkner, George Garside** (to York), **Thomas Hancock** (military chaplain), **E. Judah** (to USA), **William King** (to Chinguacousy), **James Lawson** (to USA), **Patrick McGurrick** (to USA), **K. McDougall** (to Short Hills), **James McBride, Lalmon Moore, Edward Oates** (dead), **James Radcliffe** (to USA), **Agnew Taylor, Samuel Thorold** (to Fort George), **Andrew Butler** (to 20 Mile Creek), **James Butler** (to Grand River), **Mary Ann Forsyth, Samuel Boyd** ("out of the limits"), **John Burns** (to Chinguacousy), **Joseph Beckwith** (to Lockport), **Moses Evans, Henry Knoll** (to USA), **Esther Newell, George Reed, John Smith** (to USA), **William Stinson**. List compiled by **John B. Clement**, sworn before **William Crooks**. £14.9.7.

File 1-2, Filings.

Isaac Chambers (constable) before **James Cummings**. **William Burtch** went to the house of **David Skinner** in Stamford to serve a summons on December 31, 1827 in favour of **Edward Turley**. He was knocked down by a blow with the fist and kick of the foot. Warrant issued January 2, 1828.

David Skinner (yeoman) before **Samuel Street**. **William Burtch** (well digger) and **Titus Root** (coal burner) burst open the door bolted on the inside with an iron bolt and staple. Entered with violence, put a hand on my collar and said "here's a warrant for you." Believed it to be a forgery. Drew him nearly to the floor, injured his hip, said "he would kick his guts out." Root near the door in disguise, old large broad brimmed hat, face hidden by his shirt. In fear that Root means to injure his property.

William Pew (constable) believes Burtch and Root are locked up in Root's house. Hindered by Root's wife. Wishes to have authority to break the door in order to apprehend them. Apprehended and committed to gaol January 3, 1828.

Recognizance David Skinner £25, surety **John Potts** (Crowland, yeoman) £25, January 5, 1828; **Margaret Green** and John Potts £5 each.

Titus Root (plaintiff) vs. David Skinner (defendant) September 1, 1828 (signed **Charles Richardson**, Clerk of the Peace) **Robert Dickson** demands plea. **William Campbell, J. Clench, Joseph Depew** (Bertie, yeoman) £100 surety for Root, also 200 acres lot 29 Concession 5 Garafraxa Township (Halton.)

Letter to Charles Richardson, September 12, 1828. re: bonds for Root, Mickelbone, King, Gilbert, Hosier, **Abraham Nevills**. Titus Root said his two witnesses have gone to the Grand River, can't start trial until their return.

Letter September 29, 1828, **James King** to Root said his wife cannot come on Tuesday or Wednesday.

Letter October 29, 1828, Root to Macklebone re: King's note. 'Get John to go over.'

File 1-3, Presentment.

Recent occurrences of the *insecurity of property from fire*. Necessity of a *fire engine* for protection. Sum from the rent of space (lots) in the Market Square may be used to buy an engine, January 11, 1828. Signed **William Terry** (foreman), **James Smith, Thomas Mason, David Thompson, Richard Howard, Matthew Cathline, Alexander McKie, Henry Brown, Daniel Secord, Joseph Poncett, Adam Crysler, John Campbell, Andrew Heron Jr, Jacob Canneff, Robert Cathcart**, [-----] **Moss(?)**.

Mrs. Frances Fish (widow) gave support to an idiot woman, **Susanah Mark**, who came to her house in December last in great want. Mark has been before the jurors, is incapable of support. Prays relief from the encumbrance, January 14, 1828. (Same jurors as above, but also **Robert Connor, George Varey**.)

File 1-4, Tavern and shop licences.

Edward Evans, Captain of Haldimand Military, to **Ralfe Clench**, December 29, 1827. Wishes that the licence for his stand be transferred to his son **John Evans**. Will be down to pay the expense as soon as there is "good slaying."

Sugarloaf, December 24, 1827. A tavern is wanted from **Miner's Road** through the Marsh to **Marshville** where they are building the Canal. **Samuel Barrick** of Wainfleet named as a fit man. Signed **James Brenan, David Morgan, T.L. Kinnard, Andrew Barrick, Jonas Minors, John Zavitz**.

Benjamin Chadwick named as a fit man to keep a tavern at **Waterloo** in Bertie, December 28 1827. Signed **John Warren, Henry Warren, James Jackson, James Kerby**.

Luther Dyer of St. Catharines kept an inn there for one year called the "**Merchant's Exchange**." Prays for a licence for one year. "universal satisfaction and approbation continually manifested by all wayfaring persons." January 3, 1828. Signed **Thomas Merritt, Job Northrup, W.H. Merritt, Henry Mittleberger, David William Smith, C. Beadle, E.S. Adams, James [Little?], John Clendenan, Jacob Dittrick, George Keefer Jr, Alfred Barrett, Col. Stephenson, Alexander Van Alstine, Thomas Henderson, Enos Olmsted, Daniel Deury, F.L. Converse, George Stone, J.R. Webster**, [-----] **Brundage, H.N. Monson, J. Merritt, W. Chisholm, Johnson Butler, James Simpson**.

Barton Farr at **Grand River**, an industrious, sober, good and loyal man. Fit to keep a tavern. Signed **Edward Burton** and [-----?] January 3, 1828.

Elizabeth Fiezette, inconvenience from having no licence. Signed by 'her X mark'

David Flummerfelt. Travelers and sojourners much increased due to the **Welland Canal**. Prays for licence, Wainfleet, December 31, 1827. Signed **David Thompson, Calvin Gates, Enoch Shrigley, Charles Pack, David P. Brown, William Davidson, Amos Bradshaw**.

Laurence Furry. Has built a commodious house and stables on Lake Erie 8 miles west of the Grand River. Prays for a licence, Moulton, December 27, 1827. Signed **J. Warren, Michael Graybill, David Morgan, Abraham Starnawan(?), Abraham Minor, Samuel Spers, John Lap, David Deamud, William Norton, Abraham Cowel, Henry Furry, Elijah H. Wedge (?)**

Andrew Heron Jr. Keeps a *ferry* at Niagara, inconvenient with no tavern licence.

Christopher Lymburner of Canboro, yeoman. Took a house in the settlement occupied as a licenced tavern, prays for a licence. December 1827.

Andrew Martin. Inconvenience with no licence, prays for licence in Wainfleet. Signed "his X mark," **William B. Yates, John Haney**.

Leonard Misener, situated on the route of the **Welland Canal** in Wainfleet. An honest, industrious man. Prays for licence. Certificate of character by **Crowell Willson**, Crowland, December 21, 1827.

Peter Misener of Willoughby, prays for a licence. Keeps a house formerly kept by [D.P. Zak?]

Mr. Montague, Grand River, January 3, 1828. Kept a respectable tavern for one year. Prays for licence. Letter of recommendation from **Lieutenant James Mitchell** (68th) to **Ralfe Clench**.

Letter from **Edward Burton** to **Joseph Clench**, Grand River, December 31, 1827. **Joseph Montague** wishes a licence, has gone to expense to improve his house. **Furry** built a house nearby, but one tavern is sufficient.

Patrick McArdle of Niagara. Has built a two story house, barn, sheds and stable. Prays for a licence. Signed **John Munro, W.D. Miller**.

John McCarthy of Louth. Wishes a licence for the 15 Mile Creek on the public road from Niagara to Hamilton. Signed **William McClelland, Thomas McMahan, George Turney, James Flewelling, Isaac Hern (?)** and [-----]

Elihu Nickerson of Wainfleet, wishes a licence. Travellers and sojourners increase because of the **Welland Canal**. December 31, 1827. Signed **David Thompson, Stephen M. Jarvis, John Picket, William B. Yates, Malon Gillam**.

Mr. Thomas Rymer, would keep a good public house. Recommendation from **Capt. Bushby** of the Navy, at the mouth of the Grand River, to **Robert Dickson** at Niagara, January 5, 1828. Has been acquainted with Rymer "several years."

George Turney. Inconvenienced by not having a licence, wishes to keep a house at the *Ten Mile Creek* formerly kept by **John Bradt**. Signed [-----] **Stull, Henry Woodruff, D. Grenville, Peter Young, John Smith**.

John Vanarnam letter to **Ralfe Clench**, January 5, 1828. Sells liquor without accommodations as **James Fields** has done within 10 rods of his house on *Deep Cut*. Signed [-----] **Stull, George Turney, [Nelson?] Haight**.

William B. Yates, Wainfleet, December 31, 1827. Wishes licence, increase of travelers due to the *Welland Canal &c*. Signed **David Thompson, Jeremiah Forrester, John Forrester, Enoch Shrigley, David P. Brown**.

Peter Young, fit to keep a house prays for a licence. Signed **S.E. Secord, Jacob Price**.

File 1-5, Accounts.

Ralfe Clench (Clerk of the Peace) and **Thomas McCormick**, June 13, 1827.

Ezekiel Bunker coroner's bill **William Duff Miller**; brought three prisoners from **John Wright's Inn** near St. Catharines with span and wagon. 15/- November 13, 1827.

John Wilkinson, 2/-. Subpoenaed two witnesses, **Durly** and **Fagan**. Inquest on body of **Martin Ryan** at St. Catharines (**William Duff Miller**) April 11, 1828, plus cost of attending court (**Peter Pawling**.)

William Pew. Served subpoenas and/or arrested: **Root, Burch, James Lundy, Martin Anderson, Philip Gander, Henry Gran, Isaac Brooks, George Wright, John Rogers, Mrs. Barnard, James Cummings, Cook, Pratt** -counterfeit money **S. Street**. £4.13.2½. Sworn before **Samuel Street**.

Evidence of **Samuel Forsyth**, Stamford, innkeeper. **Pratt** (of Buffalo) on 3rd passed to **Forsyth** a bill, \$5, Bank of US, paid to **J. Peale Jr**, or bearer, Philadelphia, September 7, 1819. Signed **L. Cheves, Jonathan Smith** #2468. Received money and expenses at Forsyth House. A forged bill. Warrant for **William Pew** to arrest Pratt, signed **Samuel Street**. Brought to jail. August 7, 1827.

Clark and Street, bought of **G. McMicking** 439 feet of ¾" plank for **Muddy Run Bridge**. £1.18.5.

Edward Durham, for road work, 3 oxen team, extra man for cutting and hauling bridge timber at **Muddy Run**. £0.15.0. August 7, 1828.

Dr. Muirhead, providing medicines and attending prisoners from October 1827, £6.5.0.

Clark and Street, bill for **Muddy Run Bridge**, £2.9.1. January 1, 1828.

John McBride (constable) attendance upon and serving warrant upon **Catharine Dunbar** and **Sarah Gitis**, £1.12.6. April 9, 1828.

Andrew Heron, cost of advertising and printing regulations £7.18.9. June 6, 1827.

James Miller, Short Hills. Inquest in Niagara upon the body of **David Henry**, September 30, 1827. 15/- (signed coroner **William Duff Miller**.)

Samuel Wood, coroner. Inquest April 30 on unknown man at Grantham, for bringing the body out of the woods and digging a grave at St. Catharines. Jury precept &c. Also upon the body of **Jane Bryson** (Niagara) April 9, 1828. £6.14.8.

Gilbert McMicking, coroner. Inquest February 4, 1828 on **James Cohran** £2.17.4. To **Matthias Misener** for carrying the body out of the woods to his house 5/-, coffin 10/-, digging grave 5/- April 9, 1828.

William D. Miller, coroner. Inquest August 5, 1827 on **Sally McGee**, an Indian woman, and to **David Thorburn** (for funeral expense); on **Anthony Frederick** (alias **Crapach**) August 6; on **David Henry** October 1; on **Thomas Willson**, Sergeant 18th, November 7; on **Martin Ryan**, November 12; on **Jesse Hayes** (coloured man) on February 20, 1828. Total fees £21.14.5, dated April 9, 1828.

Dr. Telfer, for attending coroner's inquest on **Jane Bryson** and opening the head of the body, June 5, 1827 £1.3.4. April 9, 1828.

John Barker for repairs to court house January 16-April 8, 1828: guard bed, repairing cells, spike nails, repairs to gate, fence, steps, sills, privy, lime and sand, mason and labour, £22.3.11¼.

Patrick Cullen for attendance at court April 12, 1828 12/-; Subpoenas/arrest of **Richard Moffatt**, **Thomas Hero** (threat to kill Adam Crysler), **Adam Crysler**, **Henry Fountain** (larceny), **Rev. Hancock**, **Paul VanCuren**, **Dr. Miller**, **George Martin**, **John (Tang?)**, **John Frey** (not in Canada, travel fees) £3.10.6.

Richard Howard, re: summoning jury for **W.D. Miller** coroner's inquest £1.6.0. April 10, 1828.

Warner Nelles, coroner. Inquest on **James Doney (Poney?)** April 19, 1827; inquest in Haldimand on **Lame Kate** (an Indian woman) May 5, 1827. Fees £5.7.2 April 9, 1828.

John Shriber, attendance as constable 12/6- April 12, 1828.

John Wray, fees as crier April 8-12, 1828 £1.5.0.

Rheddy Cusack, fees to survey road between Grantham and Niagara and road from Grand River to Rainham towards Long Point, £4.10.0. April 10, 1828.

James Thompson, delivery of 10 barrels of lime at the gaol, £1.17.6. Signed **Peter Pawling**.

Henry Putman, constable. For arrest of **Jackson** and a black man under **Kerby's** warrant and delivery to gaol, £1.2.1. July 31, 1827.

Joseph Oldfield, constable. To apprehend **James Shackleton** on **Ussher's** warrant, take him into custody, delivery to gaol, plus mileage. £1.0.0.

Chester Wadsworth, constable. To arrest **James Glass** (February 3, 1828), and summon jury for **W.D. Miller's** inquest on the body of **Sally McGee** £1.8.6. (April 9, 1828.)

Erastus Moses, fees for keeping **Mary Ann Murray** with victuals, and taking her from Chippawa to her mothers at Stamford. (**James Macklems' desire.**) £1, January 1828.

James Dunlop, constable. Fees for attendance in court 5/-. Fees to arrest **Charles Hawley** (**George Adam's** warrant) and conveying him to gaol; arrest of **McMahon** (burglary) February 1, 1828 and **James Hall** (April 3, 1828.) April 12, 1828, signed **Peter Pawling**. £4.2.0.

John Wright, constable. Fees to arrest **John McMahon** (**George Adam's** warrant) and court attendance; conveying **William Fagan** and **David Durley** from St. Catharines to Niagara; informing coroner, coroner's warrant and summoning jurors, November 12, 1827 on **Martin Ryan's** dead body; £3.12.0, April 12, 1828.

John Stewart, witness in Rex vs. **John Thompson** (charge of riot and assault) £2.5.0. Signed **Mr. Pawling**, January 1828.

Charles Nelles, constable. Served warrant on **Abraham Holmes, Myer Holmes, John Wolf, Jacob Wolf, John (Stanahon?)** and **Peter (Stanahon?)** 1827. £4.1.0. Certified by **Warner Nelles**.

Peter Upper, Thorold, constable. Warrants served on **John Lacey, George Lacey, Alexander Lawson, William Bradley, Jacob Ackley, John Hunt, Joseph Badgley**, May 15-November 1827. Dated April 7, 1828.

John Shriver (constable) Serving subpoenas on **R. Gray, Nickerson, McCarty, J. Tannahill, J. Stocking, Moore, Thompson, Callcutt, Clement**, and attending court. Warrants for **Michael McGilligan** on **John Crooks** order, **W. Crystler, Jackson, McGurk, Daniel McDougall, John Fry, Benjamin Herrick, J. Crooks, George Martin**, attending inquest on body of **Jane Bryson**. Fees £3.3.10, April 28, 1828.

"Account of Rations due to the jailor of the Niagara District, January 11-April 10, 1828." **Peter Wheeler**, jailer. Additional fees for half yearly "sallary," 42 cords of wood, scrubbing court room, straw for cells, four cell brooms, 45½ lbs. of candles for guards, 9¾ cords of wood for guards, total £70.2.7½. Prisoner's names and dates of confinement:

Jacob Ackley January 11-April 10, 1828;
James Kennedy, January 11-April 10, 1828;
James Glass, February 3-April 10, 1828;
Charles Hawley, February 7-April 10, 1828;
John McMahon, March 1-April 10, 1828;
John Fry, March 12-April 10, 1828;
Sutton Fusell, April 1-April 10, 1828;
John Cameron, April 1-April 10, 1828;
James McDonald, April 1-April 10, 1828;
Assachan Yeoman, April 1-April 10, 1828;
James Hall, April 2-April 10, 1828;
Jeremiah Calagan, February 7-March 21, 1828.

File 1-6, Accounts of the Clerk of the Peace (**Charles Richardson**.)

Schedule of cases tried and fines and costs paid including King vs. **James Glass** (larceny); **Charles Hawly** (larceny); **Hugh Shaw** (assault); **Henry Fountain** (larceny); **John McMahon** (assault); **John Millmine**; **P. Raymond** (disorderly house); **John H[-----?]**; **John Carrigue**, **John Nettles**, **John Fry** and **John Thompson** (assault); **David Cargill**, **Thomas Hare**, **William Pew**, &c. April 12, 1828. £22.3.0.

File 1-7, Treasurer's Accounts.

James Muirhead receipt for *road taxes* received from **Thomas McCormick** April 11, 1828 £2736.7.4. [schedule with names.]

Paid for care of paupers from April 1827: **George Adams** for **Lawrence** and **Anderson**; **Abby Mandigo** for **Berry**; **Mrs. Berger** for an orphan; **Jacob Clip**; **Mrs. Gesso**; **Mrs. Page** for Ed. [-----?]; **Mrs. Steel** for an orphan; **Mr. Connolly** for **Mr. Plops**; **Warner Nelles** for **Quitich** (?); **Peter King** by **Dr. Muirhead**; **Gould** for an orphan; **Mr. Leonard** for [-----]; **McDougall** for **Westbrook**; **Judith Knox**; **Rev. Leeming** for **Chapman**; **Mrs. Lowry** for an orphan.

Statement of *Highway Taxes* received, March 1820-April 9, 1828.

Debts due by the District: to **Levi Lewis** £375 and to **Benjamin Corwine** £125.

Debts due to the District: from the *estate of Robert Runchy* £129.7.7½

File 1-8, Assessments.

Order half rate; statement of township assessments and population; signed by **Thomas Clark**, **George Ball** and **J. Warren**, April 11, 1828. Names and assessments to be added to the rolls for Louth Township: **James Johnson**, two story frame house £68+£10; **James Patterson**, 1 story frame house £35; **Abraham Montrop**, 1 story frame house £35; **Joseph Hiltz**, 1 story frame house £35; **Samuel Fretz** refuses to give in his dwelling house, upper story not like the rest and thereby evades statutes, £20. Total £195.

File 1-9, List of Constables.

High Constable: **Jacob Dockstader**

Thorold: **George Lacey**, **Jonathan Doan**, ~~**Dan. Grenville**~~, **William Vanderburgh**, **William Davis**, **Nicholas Smith**.

Humberstone: **Peter Near**, **Peter Weaver**.

Haldimand: **John Loundsberry**, **David Berry**, **George Runchy**, **Moses Moore**, **Jacob Furry** (list sent to **Warner Nelles**)

Rainham: **Frederick Row**, **Henry Yocom** (list sent to Warner Nelles)

Walpole: **John McGall**

Louth: **Frederick Saunderson**, **George Henry Kerr**

Grantham: **John Wright**, ~~**Thomas McMahon**~~ (struck by court), **James Dunlop**, **John Smith**, **John McDade**, **John Kerr**, **Seilic Turrel**(?)

Niagara: **John Kiff**, **John Shriber**, **James Thompson**, ~~**William Cassady**~~, **Patrick Cullen**, **Ephraim Wheeler**, **Patrick Fagan**, **Chester Wadsworth** (Queenston), **Moses Little** (Queenston)

List sent to **Daniel McDougall**.

Stamford: ~~**W. Pew**~~ (struck by court), **George Wright**, **Philip Garner**, **Samuel Hicks**, **Abraham Conklin**.

Grimsby: **John Pettit Jr**, ~~**Dennis [-----]?**~~, **John Maseilles**, **Lewis Whitney**, **Charles Anderson Jr.** (sent to Warner Nelles)

Gainsborough: **Adam Mingle**, **Norris Humphrey**

Willoughby: **Erastus Moses**, **Frederick Smith**

Bertie: **Peter Miller Sr**, **John J. Harris**, **Daniel** (Howard?)

Crowland: **Frederick Buckner**, **Stephen Pettit**

Caistor: **William May**

Wainfleet: **Samuel Darraugh**, **Elam Mars**

File 1-10, Criminal Calendar.

List of Prisoners Confined in Niagara Gaol, by **Peter Wheeler**, April 8, 1828.

Jacob Ackley, stole \$120 note from **William L. Gray**. Committed October 1, 1827 by **George Keefer Esq.**

James Kennedy, murder/manslaughter. Committed November 12, 1827 by coroner **William D. Miller**.

James Glass, stole hat, bag, suspenders of **D. Thorburn**. Committed February 3, 1828 by **Robert Grant** and **Alexander Hamilton**.

Charles Hawley, stole \$10 **Canada Bank note** from trunk of **Peter McGarry**. Committed by **George Adams**, February 7, 1828.

John McMahan, assault, March 1, 1828 by **George Adams**

John Fry, assault, March 12, 1828 by **John Crooks**

Sutton Fusell, assault, April 1, 1828 by **L. McDougall**

John Cameron, assault, April 1, 1828 by McDougall

James McDonald, assault, April 1, 1828 by McDougall

Asachan Yeoman, assault, April 1, 1828 by McDougall

James Hall, stabbing a man, committed by George Adams

Joseph [Roddy?] April 10, bench warrant for perjury.

File 1-11, Filings.

Mary McMahan, wife of **John McMahan**, of Grantham, labourer. In fear and terror for her personal safety and life, was kicked and maltreated, he expressed determination to assassinate her. Before **Charles Richardson**, April 10, 1828. Bench warrant issued.

Divan P. Yale, innkeeper, was beaten at his house in Willoughby on the 19th by one **James Shackleton**. Evidence of **Erastus Moses**, constable of Willoughby, before **John Ussher**. Warrant for his arrest dated August 20, 1825. **Joseph Oldfields** a/c.

John Keeler, hatter of Stamford, before **James Cummings**. Was in a fight with **Myrac Curtes** of Stamford April 23, 1827. Struck on head with a large rock by **Mrs. Bernard**, he was cut severely. Warrant to **Samuel Forsyth** (constable) to arrest her. £0.8.0. **Pew** says bound over for trial at last assizes.

Catherine Dunbar, servant, of Niagara before **Daniel McDougall**. Charge of assault and battery against **Sarah Geddis** of Niagara, February 7 and 8. Warrant to **John McBride** to arrest Geddis, February 9. Recognizance of Sarah Geddes and **Manuel Best** £10 each, before **John Crooks** (February 11.)

Sarah Geddis of Niagara before **Daniel McDougall**. **Catharine Dunbar** threatened to take the life of the plaintiff 3 days last past. Warrant to **Jacob Dockstader** to arrest Dunbar, February 7. Recognizance of Catharine Dunbar £10 and sureties **Joshua (Shulters?)** and **Hugh Misner (Minor?)** £5 each.

George Martin, on the complaint of **Isabella Perry** before **James Muirhead**, April 11, 1828. Taken by **Peter T. Pawling**, deputy sheriff.

File 1-12, Presentment.

To remove the filth and excrement coming from the cells and rooms in the gaol; stench and smell from drain on outside disagreeable and unhealthy for prisoners. Remove drain and make alterations. Keep the assault and battery cases apart from the felons. "a distinction should be

made in confining white people separate, from people of colour, in different apartments." The earth from the cellars of *Theo. Brundage*, *Job Northrup* and *William Chisholm* on the highway through St. Catharines cause one side of the road to be raised higher, is inconvenient to others, and firewood and building materials are left in the street. Must keep roads clear of nuisances. Check those charged with larceny so the Clerk of the Peace can prepare indictments at the time of committal. Death of the District Court Judge necessitates filling the vacancy. Write to *Sir Peregrine Maitland* about this. Signed *Henry Mittleberger*, April 12, 1828.

File 1-13, Insane and Destitute.

Christopher Burt, Thorold, aged 83 years. Incapable of support. March 28, 1828. Signed *Jacob Hansel*, *George Marlatt*, *Hall Davis*, *William Seburn*, *William Vanderburgh*, *J.B. Darling*, *John P. Brown*, *Andrew Brown*, *Anthony Upper*, *Andrew Hansel*, *Philip Metler*, *Stephen Seburn*, *William McClellan*, *John Johnston*, *Henry Pew*, *John McMicking*, *Stephen Brown*, *William Henry*, *John Knox*, *Samuel McKerlie*, *James Hyatt*, *John Thomas*, *Benjamin Corwine*, *Abraham Lampman*, *Jacob Upper*, *John Couke*, *John Warren*, *Robert Wilkinson*, *Jeremiah Adley*, *John Bouke*, *Daniel Totten*, *Matthew Seburn*, *Henry Hoover*, *Jacob Vanderburgh*, *Levi Page*, *Nathan Hixson*, *Jacob Seburn*, *George Lacey* (Town Warden). Allowed 3/9- per week.

Mary Palmer of Willoughby, April 7, 1828. Petitions on behalf of *Barbara Brown*, widow of *Isaac Brown*, a private of the *Queen's Rangers* and private in the late war in the *York Militia*. Now aged 90 years, has been 47 years in the province. Has no property, pension withheld, subsists 5 years on charity. Prays for relief or means of support.

Mary Risinbarrick of Pelham, the widow of *Daniel Risinbarrick*, a discharged soldier of the *Canadian Volunteers*. Is weak in body and constitution by age (over 70 years old.) Has no spot of ground since her husband died and left her none. No means of support except the "cold hand of charity of begging for that subsistence which an idiot child and herself required." April 7, 1828. Signed *James Brown*, *Alexander Brown*, *David P. Brown*, *David Thompson*. Allowed 3/9- per week.

Silas Vandecar of Grantham. In October 1827 he took in an Irish emigrant female and child left destitute by the death of her husband. By disease she is unable to assist herself. My wife is a weakly woman and by constant attendance is incapable of further assistance. Prays for help, April 7, 1828. *F.C. Converse* and *C. Beadle*, St. Catharines, April 5, 1828. Called to attend a family named *Con*, arrived from Ireland in September. The father died, all sick, the husband died. Were brought to a small house of *William H. Merritt* and nursed. *Mrs. Vandecar* took the wife and child home. She has been frequently ill since from fatigue and cold. Allowed *Hannah Conn* 3/9- per week, *John Ellis* 3/9- and *Margaret Kennedy* 3/9-.

Henry Chapman, suffers from a disease of the eyes. Certified by *R.D. Cockroft*, surgeon, Chippawa, April 8, 1828.

Pauper List, signed by *James Muirhead* July 12, 1828.

Mrs. Gesso, 5/- weekly.

Jonathan Lawrence, c/o *George Adams*, 3/9- weekly.

Mrs. Mills, c/o *Mrs. Page*, 5/- weekly. *Mr. Clark* to find out if Mr. Mills alive.

Mrs. Lundy- an orphan child, 5/- c/o *S. Street*.

Judith Knox, 3/9- weekly.

orphan, c/o George Adams, 5/- weekly.
 wife of **Thomas Plop**, c/o **George Conolly**, 10/- monthly.
Jacob Clipp and wife, c/o George Adams, 10/- monthly.
Henry Chapman, c/o **Rev. Leeming (Lundy's Lane)** 5/- weekly. Cut off, left country.
Mrs. Nunnimaker, c/o **C.H. Leonard**, 10/- monthly.
 foundling, c/o **Mary Ann Steel**, 3/9- weekly.
John Berry, c/o **Abby Mandigo**, 10/- weekly.
 child, c/o **Daniel McDougall**, 5/- weekly. Taken off.
Mary Risenburgh, c/o **Samuel Taylor**. 5/- weekly.
Hannah Con, c/o George Adams, 5/- weekly. Struck off.
John Ellis, c/o George Adams, 3/9- weekly.
Margaret Kennedy, c/o **John Crooks**, 5/- weekly.
Westbrook, an old soldier, c/o Daniel McDougall, 5/- weekly.
Christopher Burt, c/o **George Lacy**, 3/9- weekly.
Andrew Burns, c/o George Adams, 3/9- weekly.
Barbara Brown, c/o **widow Palmer**, 3/9- weekly.
 A sick man sent to Kingston, 2/10-.
C. Stephenson, £3.8.9 (7/6- weekly.)

File 1-14, Orders.

April 12, 1828. The District debt to be liquidated with the first monies received. The rate of 1 penny in the pound to be collected. Public accounts to be published in the Niagara newspapers. The Clerk of the Peace to purchase one ream of paper for the assessment rolls and prepared for the assessors. Persons employed to deliver the rolls to collectors be paid £8.10 to defray costs. Signed **James Muirhead**.

January 29, 1828. **Samuel Birdsale** of Canboro' left a list of assessors. Until a new appointment his fee to be paid to him. Signed **Thomas McCormick**.

Quakers, Mennonists and **Tunkers** in the **2nd Regiment of Lincoln Militia** have not paid their **exemption money**. If used on public roads it would have been easier collected and paid. Collected by **James Kerby**, **Thomas Clark** and **Samuel Street** to repair roads and bridges, who will keep accounts.

More **bridges and causeways** are required in Bertie, Willoughby, Humberstone, Crowland and Wainfleet than elsewhere. Exemption money for the 3rd Lincoln Militia to be paid to **John Warren**, **James Kirby**, **James Cummings** and **Crowell Wilson** for roads and bridges, who will keep accounts.

Warner Nelles to collect exemption money in his militia district in Haldimand, used on roads and bridges. He will keep accounts.

The Clerk of the Peace to notify the Treasurer of the London District to pay **Warner Nelles** money for road tax in Walpole and Rainham and apply it to repairs.

Thomas Clark and **Samuel Street** allowed to open a road between lots 194, 219 and 221 in Stamford.

There being no **overseer of highways in Haldimand** on the Lake Road from Grand River to the Indian lands to Rainham, **Walter Butler Sheehan** is therefore appointed.

Warner Nelles paid £25 for the purpose of opening and making a road from the Grand River along the lakeshore to Rainham. He is to apply exemption fines from the Mennonists and Tunkers.

Four tin kettles ordered for the use of prisoners in the Niagara gaol. Signed **R. Leonard**, April 11, 1828.

Abraham Vancuren paid at the rate of 15/7- for 1 stone horse for a year. April 10, 1828.

The sheriff to procure for the use of the court one ream of foolscap, six quires of letter paper, 100 quills, 3 papers of ink powder and 4 ink stands. April 10, 1828.

Thomas Clark, John Crooks, John Warren and **George Ball** be a committee to examine the assessment rolls and public accounts &c.

George H. Kerr be paid £15 to repair the 20 Mile Creek bridge, April 10, 1828.

John Maneilly, Niagara, yeoman, appointed clerk of the market. April 9, 1828.

Lewis Clement, Niagara, merchant, appointed surveyor of streets April 9, 1828.

Charles Richardson appointed Town Clerk, left vacant by the decease of **Ralfe Clench**, April 8, 1828.

Rheddy Cusack appointed District Surveyor.

Clerk of the Peace to grant certificates of returns made by assessors and receive compensation for his services. April 8, 1828.

Exemption money of 1827 to be paid to **James Muirhead, Daniel McDougall** and **Thomas Butler** to repair the **Black Swamp Road**, April 8, 1828.

Orders re: exemption money used on roads &c, dated January 10, 1828.

File 1-15, Precept.

Panel of jurors for Whitchurch (Home District.)

Draft list of jurors March 31, 1828. Drawn up by **Charles Richardson**, signed by **James Muirhead** and **John Crooks**.

Grand Jury. **James Fitzgerald, Lyman Parsons, Cornelius Darby, Thomas Darling, Robert Dittrick, Jacob Dittrick Jr, William Sanderson, James R. Webster, John Scott, Henry Mittleberger, William Chase, Luther Dyer, Henry Wilkerson, Samuel Daulson, Alexander Nickerson, John Hains, Jacob Hains, John Honsinger Jr, Edwin Secord, Nathan Pawling, Robert Campbell, Henry Campbell, Peter Campbell, John Hainer.**

Petit Jury. **Alexander Fields, John Smith** (absent with leave), **David Gibb, Rufus Wright, Ezekiel Bunker** (sick), **Aaron Ferguson, William Harris, Philip Cavers, Alexander Boos, James Minor, Joseph Thompson, David Duran, Ashael Finch, William Griffith, Greenless**

Winters, Charles Ward, Seth Marsh, Silas Vandecker, Levi Taylor, Peter D. Coal, Alpheus Balsam, James Wilson, Thomas Hand, Jacob Kipp, James Wiley, William Westover, John Soper, Thomas Livers, Patrick Johnson, Gosham Wright, George Smith, Jonathan P. Raymond, John Cleaveland, Peter Honsinger, Joseph Smith Jr, Garnet Egbert, Henry Hainer, John Gold, Isaac Hainer, Levi Beamer, James Reid, Adam Gold, Edward Groom, Robert Hodgkinson, Jacob Flanders, Andrew Weaver, Peter Weaver, Thomas Reid.

File 1-16, Road and bridge petitions.

Chippawa, April 7, 1828. *Thomas McCormick* to *James Cummings*, forwards petition sent by *John Kirkpatrick* from Bertie and Willoughby, against alterations of the road from the Niagara River up Black Creek. The road was laid out and statute labour performed over 20 years. A tolerably good road. New roads take 10-20 years to get good. Enclosed \$100 in full for my notes due on the 9th. Petition enclosed:

Main road to mill and market between *Reuben Waits* and *Jacob Morningstars*. Supported by our *gratis* labour more than 20 years, March 28, 1828. Signed *Jacob Haun, George House, William Bitman, Jacob Fretz, Peter Fretz, Eli Donner, Benjamin Cutter, George Zavitz, George Stern, John Cutter, Azaliah Schooley, John Marsh, Jacob Laing, Abraham Ransom Jr, John Dennis, John Macklem, Asa Schooley, Peter Sherk, Christian (Caisman?), Peter Sherk, William Haun, David Bass, Peter Grow, Philip Slicker, Ephreem Bass, Elsy Map, Daniel Cline, Jacob Shenk, David Baxter, C. Minten, William Maxwell, Christian Shoup, Abraham Gable, William Buck, Dannall Johnston.*

Thomas Clark and *Samuel Street* of Stamford. Pray to have line opened up to access lots 194, 219, 220 and 221 and land on either side. Signed April 8, 1828. Petition granted, signed *James Muirhead*.

Planks on the *20 Mile Creek Bridge* are so rotten and dangerous, a danger to the life and property of subjects. Statute labour insufficient for repairs. Pray for funds to repair bridge. Louth, March 7, 1828. Signed *Jesse Jones*, [-----], *John Harris, Abraham High, Jacob Hansler, Isaac H*[----], *A. Manett, C. Manett, John Kretz, Abraham Krotz, Daniel Clendenan, Cornelius Johnson.* £15 granted, April 9, 1828. Order issued April 10, signed *James Muirhead*.

File 1-17, Road and Bridge Petitions.

Letter from *Rheddy Cusack*, surveyor of highways, to *James Muirhead*, April 8, 1828. Petition was sent to me by the inhabitants of Willoughby and Bertie regarding a road by way of *Hickory Bridge* over the *Black Creek*. This alteration would be useful and beneficial to subjects. The road alteration was advertised, no objections made. (Letter received April 12.)

File 1-18, Tavern and shop licences.

William Towell of Bertie, has built a house near his home on the Niagara River with a shed and stables. Signed *John Warren, John J. Lefferty*. Granted April 8, fee £3. Signed *James Muirhead*.

Benjamin Shoup of Willoughby, has enlarged his house for travellers in a "genteel manner." Exceeds the statute regarding bedrooms, stable in conformity &c. Is a natural born subject. Prays for a licence. Signed *Reuben Wait, Benjamin P. Hall, Andrew Miller, Johannes* [-----], *William Rath, Jacob Miller, Jacob Gonder Jr.* Granted April 9, fee £3. Signed *James Muirhead*.

David Botsford of Thorold, has fitted up a house. Prays for a licence, April 7, 1828. Signed **D.T. Bowman, Andrew Thompson, Orrin Phelps, Jacob Keefer, John McGill, James Appelbe**. Granted April 8, 1828, fee £3. Signed James Muirhead.

Francis Logan has kept a good inn at Thorold for three years. We think it unnecessary that **Joseph Badsley** obtained a licence. One inn is sufficient. Signed **Isaac Nevils, George Lacey, John Williams, Darius Williams, Levi Page, John DeCou, Anthony Upper, George Marlatt, Isaac Kelly, John Upper, Jacob Vanderburgh, Matthew Seburn, Robert Wilkerson, Philip Garner, Peter Hoover, Jacob Upper, Peter Upper, Ogden Miller, Alexander VanAlstine, John C. Davis, Angus McLeod, Matthew Thomas, Benjamin Frallick, John Street, Hall Davis**.

Letter from **John F. Stewart** to **Charles Richardson** re: tavern licence. Stewart purchased a stand from **Smith Griffin**, who said he would do the business for me and applied for a licence. **Ralfe Clench** had died, and so he went to **I. Swezy**. Paid all the money but 3/9 Cy. which change he could not make. As the stand was a permanent stand if the money was paid in there would be no difficulty in obtaining a licence. Mr. Griffin went down again and intended to get the licence out "but on the very day Mr. I. Swezy was bury'd he attended the funeral and there could be nothing done." I waited to know who was appointed, have been unwell. I beg you will not proceed against me until I come or send down which will be in a few days. May 6, 1828.

File 1-19, Return of Township Officers.

Bertie: **John Burch** and **George Benner** (assessors); **James Johnson** (collector); **Martin Adams** (clerk.) Sworn before **John Warren** February 23, 1828. List sent to **Charles Richardson**.
 Caistor: **James Tisdale, Jonathan Fulson** (farmers, assessors); **Ichabod Sharp** (clerk.)
 Appointed January 7, 1828. Sworn before **John Crooks**, February 6, 1828.
 Clinton: **John Kilburn** (yeoman, clerk); **Jacob Beam, John J. Patterson** (yeomen, assessors.)
 Sworn before **George Adams**, January 24, 1828.
 Gainsborough: **John Upper** (clerk); **Andrew Dean, John Upper** (assessors). Meeting held January 10, 1828. Sworn before **Robert Nelles** January 12, 1828.
 Grantham: **Charles Rolls** (clerk); **George Stull** (yeoman) and **John Lampman** (assessors.) Sworn before **George Adams**.
 Niagara: **Joseph D. Clement** (assessor); sworn by **Ralfe Clench** at the house of **Robert Carver**, January 1, 1827 [1828?]. List received by **Charles Richardson** April 26, 1828.
 Rainham: **Benjamin Goodrich** (clerk and collector); **George Bellinger** (assessor); **James Steward, P. Marler(?)**, **James Eakins, Adam Harder, Edwin Evans; John Miller** (pound keeper); **John Miller** (town warden); **Isaac Overholt** (fence viewer); lawful fence to be six feet high and stak'd with iron nails; horses free commoners.
 Walpole: **David M. Field, Frederick L. Gibbs** (assessors); **Frederick L. Gibbs** (collector); **Peter C. Smith, Moses Gilmore, Samuel Hoover, David Long, Joseph C. Shaw** (pathmasters); **Abraham Doan** (poundkeeper); **Hugh Clark** and **David Knisley** (wardens)
 Willoughby: **Michael Gonder** (clerk); **Henry Dell Jr.** and **Martin Dell** (assessors); **John Sherk** (collector.) Sworn before **James Cummings**, March 20, 1828.

File 1-20.

Joseph Badgley, Thorold, carpenter. Charged with assault and battery against **John Hunt** on November 27, 1827. Witnesses: John Hunt. True bill: **William Terry** (foreman.) Verdict: not guilty. **Alexander Hamilton** (???) January 18, 1828. Warrant for perjury, signed **James Muirhead**, April 9, 1828. **R. Leonard** and **P. Pawling**. Badgley taken. Recognizance: Joseph

Badgley £10, sureties **Paul Horton** (Gainsborough) £5 and **Zepeniah Horton** (Pelham) £5, April 15, 1828. Letter to **Charles Richardson**, Thorold, July 1828: Bound by bond in arbitration between self and **James Vanderburgh** re: the house at the **Deep Cut**. Postpone prosecution to next court.

File 1-21.

Simon Betty, Thorold, yeoman. Charged with assault and battery against **William Conn**, Thorold, labourer, on January 12, 1828. True bill: **Henry Mittleberger** (foreman.) Warrant signed by **James Muirhead** April 10, 1828. Recognizance: Simon Betty £20; sureties **Ferris Logan** and **Francis Galbraith** £10 each, May 3, 1828 signed **George Keefer**. Assault occurred at house of **Peter Conoly**, Betty asked Conn to get up for a glass of whiskey and then beat him with his fists and abused him.

File 1-22.

Alexander Cooke, Niagara, carpenter. Charged with assault against **William VanKeuren**, yeoman, on March 29, 1828. True bill: **Henry Mittleberger** (foreman.) Witness: William VanKeuren. Verdict: not guilty. Recognizance: William VanKeuren £10; Alexander Cooke £10; sureties **William Moffat** £5 and **Patrick Culler** £5, signed by **John Crooks**.

File 1-23.

Albert Crumb, Grantham, labourer. Charged with assault against **John Smith**, St. Catharines, innkeeper, on February 7, 1828. True bill: **Henry Mittleberger** (foreman) Witnesses: John Smith, **William B. Pier**, **Levi Crawford**. Verdict: guilty. Evidence taken before **William Hamilton Merritt**, Smith was struck and shoved by defendant who used violent and indecent language and cursing. Recognizance: Albert Crumb £20; sureties: **Cornelius Crumb** and **Boyle Traverse** £10 each. Signed by **James Muirhead**.

File 1-24.

Patrick Cullen, Niagara, innkeeper. Charged with assault against **Thomas Hero** on March 29, 1828. True bill: **Henry Mittleberger** (foreman). Witnesses: Thomas Hero, **Jean DeWitt**, **Joshua Strother**. Recognizance: Thomas Hero £10 (signed with his X mark); Patrick Cullen £10; sureties **Thomas Whitten** and **John Martindale** £5 each. Verdict: guilty. Fine 5/- plus costs. Signed **James Muirhead**.

File 1-25.

Charles Fields, Niagara, painter/labourer. Charged with assault against **Patrick Handy**, Niagara, grocer, on March 13, 1828. No bill: **Henry Mittleberger** (foreman). Witnesses: Patrick Handy. Evidence before **John Crooks** March 15: Fields threatened to smash and tear to pieces the deponent, and used abusive language. Windows were broken and smashed. Fears bodily or other injury. Recognizance, March 17, 1828: Charles Fields £20, **William Cassidy** (butcher) £10.

File 1-26.

Henry Fountain, Niagara, charged with larceny. Stole a pair of shoes worth 8/- from **Matthew McCann**. True bill: **Henry Mittleberger** (foreman) Bench warrant issued. Witnesses: Matthew McCann, **Henry Blakeney**. Verdict: not guilty. Signed **James Muirhead**.

File 1-27.

Sutton Fresell, Niagara, labourer; **Isacher Yeoman**, Niagara, labourer; **John Cameron**, Niagara, labourer; **James McDonough**, Niagara, labourer. Charged with assault against **Hugh Richardson** on March 31, 1828. True bill: **Henry Mittleberger** (foreman). Witnesses: Hugh Richardson, **John McDonald**, **Michael O'Connor**. Plea: guilty. Defendants were evil minded, and did riotously assemble and disturb the peace on board the steamer **Canada**. They beat, wounded and ill-treated plaintiff, who despaired of his life. Signed **James Muirhead**.

File 1-28.

James Glass, Niagara. Charged with the theft on February 3, 1828 of one broad axe, worth 20/-, the property of **Joseph Whitney**, Queenston, navigator. True bill: **Henry Mittleberger** (foreman). Plea: guilty. Evidence taken in the office of **Robert Grant**, February 7, re: investigation of theft against James Glass: the new broad axe was the property of the plaintiff, **Chester Wadsworth** said it was brought to his house six weeks before by Glass. Stamped "cast steel" and "Macumber." Worth 25/-. Signed **James Muirhead**.

File 1-29.

James Glass, Niagara, labourer. Charged with the theft on February 3, 1828 of one shot belt, worth 7/-, 1 lbs. of powder (2/-) and 1 pair of suspenders (1/-) the property of **David Thorburn**. True bill: **Henry Mittleberger** (foreman.) Witnesses: **John Blake**, **Edward Defield**, **Moses Little**, **Chester Wadsworth**. Verdict: guilty. Evidence taken before **Robert Grant** and **Alexander Hamilton**: John Blake, Queenston, gentleman and clerk to David Thorburn was at the inn of Chester Wadsworth of Queenston. Found the belt in the barroom. Wadsworth bought it from Glass, was a private mark on the bag. David Thorburn: the shot bag was never disposed of. Chester Wadsworth, Queenston, innkeeper: Glass said he got the belt at a raffle on the US side and the suspenders were from Ireland. James Glass: said he won the bag at a raffle. The suspenders were from Ireland. He found the axe on the road between Queenston and St. Davids. He bought the powder from John Blake at Christmas. Edward Defield, Queenston, carpenter: he worked in David Thorburn's storeroom and granery where he saw Glass take the powder. Mentioned it to Blake. Moses Little: Glass brought the axe to me for sale, also brought a parcel of powder in brown paper. Warrant issued to Chester Wadsworth. Signed **James Muirhead**.

File 1-30.

Charles Hawley, Grantham, labourer. Charged with the theft on February 7, 1828 of a **Bank of Upper Canada** note for 50/-, the property of **Peter McGarry**, St. Catharines. No bill: **Henry Mittleberger** (foreman.) Witnesses: Peter and **Catherine McGarry** of St. Catharines. Evidence taken before **George Adams**: Plaintiff was awakened between 4 and 5 am by his sister, a strange man was in her room. Money was taken from her trunk, a \$10 Upper Canada bill, I saw it there in the afternoon before. I came downstairs at daybreak, a man was before the fire in a room used by myself and my sister. House is rented from **Thomas McMahan** of St. Catharines. The trunk was open and the bill gone. Signed "his X mark." Recognizance to appear: **John McGarry**, Peter McGarry and Catherine McGarry £8 each.

File 1-31.

Thomas Hero, Niagara, labourer. Charged with assault against **Michael Downs** on March 29, 1828. No Bill: **Henry Mittleberger** (foreman). Witnesses: Michael Downs.

File 1-32.

Benjamin Herrick, Niagara, tanner. Charged with assault against **James Dunsmore**, Niagara, labourer, on April 2, 1828. Evidence taken before **Mr. John Crooks**: plaintiff was assaulted and thrown down.

File 1-33.

John Hunt, Thorold, butcher. Charged with assault and battery against **Alonzo Kimball**, on August 11, 1827. True bill, bench warrant issued October 11, 1827. Witnesses: **Ezekiel Kimball**.

File 1-34.

John Hunt, Thorold, butcher. Charged with assault and battery against **Ezekiel Blake Kimball**, on August 11, 1827. Witnesses: Ezekiel Kimball, **Eliza Kimball**, **Love Newlove**, **James Pangburn**, **Edward Forman**. True bill, bench warrant issued October 11, 1827. Sentenced April 10, 1828.

File 1-35.

John Hunt, Thorold, butcher. Charged with assault and battery against **Elizabeth Kimball**, wife of **Ezekiel Kimball**, on August 11, 1827. True bill: **Henry Mittleberger** (foreman.) Witnesses: Elizabeth Kimball.

File 1-36.

William Moffatt, Niagara, innkeeper. Charged with assault against **Reuben Jackson**, Niagara, labourer (a man of colour) on April 1, 1828. True bill: **Henry Mittleberger** (foreman). Plea: guilty. Witnesses: Reuben Jackson, **Reuben Harvey**, **Henry Fowling** and **Joseph Gourlay**. Recognizance taken before **John Crooks**: Reuben Jackson £10; William Moffatt £10; sureties **Patrick Cullen** and **John Fuller** £5 each. Fine 1/- plus costs. Signed **James Muirhead**.

File 1-37.

William Moffatt, Niagara, innkeeper. Charged with assault against **Michael Kiff**, Niagara, yeoman, on April 1, 1828. True bill: **Henry Mittleberger** (foreman). Witnesses: Michael Kiff, **Abraham Wintermute**. Recognizance taken before **John Crooks**: Michael Kiff £10, William Moffatt £10; sureties **Patrick Cullen** and **John Fuller** £5 each. Plea: guilty. Fine 1/- plus costs. Signed **James Muirhead**.

File 1-38.

Thomas McMahon, Grantham, innkeeper. Charged with keeping a disorderly house. True bill: **Henry Mittleberger** (foreman.) Presentment: "His conduct ought to be inquired into." April 11, 1828. Witnesses: **Gershom Wright**, **John Wilkinson**, **James Dunlop**. Evidence taken February 1, 1828: defendant kept a common, ill-governed, disorderly house for his own lucre and gain. Men and women of evil name and fame, of dishonest conversation, came there to cause and procure

unlawfully and wilfully, where they drink, tittle, whore and misbehave. A nuisance. Verdict: not guilty. Signed **Alexander Hamilton** (chairman.)

File 1-39.

Jonathan P. Raymond, Grantham, innkeeper. Same details and names as in file 1-38. Warrant signed by **Charles Richardson** and **James Muirhead** dated April 12, 1828. Endorsed "taken" by sheriff **Richard Leonard**.

File 1-40.

Hugh Shaw, Niagara, labourer. Charged with assault against **William O'Reilly** on March 17, 1828. No bill: **Henry Mittleberger** (foreman.) Bench warrant issued, signed **Charles Richardson**. Witnesses: William O'Reilly. Evidence taken before **Daniel McDougall** on April 12, 1828: plaintiff was assaulted, struck and cut with an axe. Hugh Shaw: from repeated violent and threatening language of John and William O'Reilly he was in fear of injury from them. Recognizance: Hugh Shaw £20, sureties **James Shaw** and **Thomas Lenox** £10 each.

File 1-41.

John Thompson, Grimsby, labourer; **John Heffernin**, Grimsby, labourer; **John Carrigue**, Grimsby, shoemaker. Charged with assault against **John Gilmore** on December 10, 1827. True bill: **William Terry** (foreman.) Witnesses: John Gilmore, **John Pindar**, **James Porter**, **Charles Hobbs**, **James Gilmore**. Evidence: defendants are disposed to evil, unlawfully and riotously assembled and disturbed the peace. Assaulted plaintiff. Heffernin and Carrigue discharged by proclamation. Recognizance estreated. Signed **James Muirhead**. Also signed members of the jury: William Terry (foreman), **Henry Brown**, **David Thompson**, **James Smith**, **Matthew Cathline**, **Alexander Mackie**, **Poncett Canniff**, **Adam Crysler**, **John Campbell**, **Andrew Heron**, **Richard Howard**, **George Varey**, **R. Cathcart**, **Thomas Magen**, **Daniel Seward**.

File 1-42.

Thomas Whitten, Niagara, shoemaker. Charged with assault against **George Harrison**, Niagara, labourer, on March 31, 1828. No bill: **Henry Mittleberger** (foreman.) Witnesses: George Harrison. Evidence before **John Crooks**: plaintiff was beaten, wounded and ill-treated by defendant, signed "his X mark." Recognizance, April 1, 1828: Thomas Whitten £10, George Harrison £10; **Patrick Cullen** and **John Howard** £5 each.

File 1-43. Minutes of May Quarter Sessions.

May 5, 1828. Present: **James Muirhead** (chairman), **Charles Richardson** (clerk), **John Wray** (crier), **Daniel McDougall**. **Lewis Clement** sworn as surveyor of streets, recognizance £10. Sureties **Ralph M. Crysler** and Charles Richardson £5 each. Report to jury. **Market regulations** to be printed. Adjourned *sine die*.

File 1-44. May Quarter Sessions---Orders.

May 5, 1828. Ordered that 50 copies of **Police Regulations**, revised by **James Muirhead**, **Daniel McDougall** and **Ralph M. Crysler**, to be printed and charged to the Clerk of the Peace. Signed James Muirhead.

*Niagara District Quarter Sessions, July 1828.***File 2-1, Accounts.**

Rations- *Peter Wheeler* jailer at Niagara, April 11-July 10, 1828.

Account includes cost of 1 cord of wood, 36 lbs. of candles for the guard, total £23.9.0; plus £2.9.6 omitted on last account, less 9/- paid by Charles and M. Anger, total £25.9.6. Account filed July 11, 1828. Order account to be paid, signed *Alexander Hamilton* and *Charles Richardson*. Names of prisoners and dates of confinement:

Jacob Ackley, April 11-July 10, 1828.

James Kennedy, April 11-July 10.

James Hall, April 11-July 10.

John Fry, April 11-May 27.

Thomas Welden, April 18-July 10.

Charles Anger, April 23-May 1.

Michael Anger, April 23-May 1.

John McMahon, April 11-May 28.

Robert Thompson, May 5-June 22.

John McCabe, May 5-June 20.

John Seaton, May 5-June 20.

William Laughlin, May 5-June 20.

Joseph G. Smallwood, May 19-July 10.

David Wilson, May 24-July 10.

Nicholas Hamilton, May 26-July 10.

Oliver Gould, May 26-July 10.

Seth Pane, June 21-June 23.

William McCollough, June 25-July 10.

John Jones, July 1-July 10.

John Marsellas (constable) Fees for the arrest of *David Cargell*, *John Pendar*, *Charles Colliday*, *John VanSickle*-bench warrant for riot; *George House*- warrant for assault; *David Wilson*- committed to prison on order of *William Crooks*. £4.17.0. Filed July 11, 1828, signed *Charles Richardson*, *Alexander Hamilton*.

William Daly- July 9, 1828 bill for 4 blankets, ticking, thread £7.3.9½. Notation dated July 12, 1828: Ticking and thread approved, blankets require explanation as they were damaged.

William Daly- bills dated October 31, 1827 and January 30, 1828 for sheeting, ticking and thread £3.3.9½. Approved July 12, 1828 signed *James Muirhead*, *Charles Richardson*.

John Wagstaff- bill for tin cups and tin kettles for the use of the gaol, £0.18.9, July 11, 1828. Signed *Peter Pawling*, *Peter Wheeler*, *Alexander Hamilton*, *Charles Richardson*.

John Wray- bill for services as crier for 5 days, £1.5.0. July 8, 1828. Signed *James Muirhead*, *Charles Richardson*.

Patrick Fagan (constable)-services during June and July 1828 for the arrest of *Richard Moffat* (assault), delivery of subpoenas to *Adam Cryslar* and *Henry Stroller*, £0.7.0. Signed *James Muirhead* and *Charles Richardson*, July 12, 1828.

John Sellick Turrill (court constable), served subpoena on **Samuel Hicks** (King vs. **Abraham Cook**) £0.15.0. Signed **James Muirhead, Charles Richardson** July 12, 1828.

Patrick Flinn, for services as court constable on July 12, 1828 £0.2.6; for arrest of **Robert Peel** and bench warrant, £0.18.6. Signed **James Muirhead, Alexander Hamilton, Charles Richardson**.

Matthew Dobie, charge for furnishing chain, padlock, hand cuffs and fetters to gaol, £1.3.9, July 11, 1828. Signed **Alexander Hamilton, Peter Pawling, Peter Wheeler, Charles Richardson**.

C. and R. Field, charge for painting outhouse £1.17.6. July 8, 1828.

John Haun, charge for digging a grave for **John Esty** found hung on a tree, paid two men (**Brooks** and **Minor**) for assisting to carry the body and entombing it; for digging a grave for **Old Aapatchie** August 6th last. **William Duff Miller** performed services, no effects found belonging to the deceased. £0.17.6. July 9, 1828. Signed **Alexander Hamilton, Charles Richardson**.

McBride and Ferguson. Charge for advertisement in the **Niagara Herald** re: District accounts; printing cost for 100 copies of the Police and Market regulations, May and July 11, 1828. £8.0.0. Signed **Alexander Hamilton, Charles Richardson**.

John Barker, charge for building privy, glazing sashes, materials, hardware and team. £15.12.8½. July 10, 1828. Signed by **Richard Leonard, James Muirhead, Charles Richardson** on July 12, 1828.

John Shriber, charge for arrest of **McColloch** on warrant for theft; arrest of **Charles William Edwards, Margaret Edwards** and **William Edwards** on bench warrant; serving subpoena on **Isaac Skellet** (King vs. **Richard Moffatt**); services as court constable. £1.14.6. Signed **James Muirhead, Charles Richardson**, July 12, 1828.

Peter Wheeler- items omitted: rations for **Eliza M. Banks**, January 12-February 15, 1828; rations for **John Thompson**, January 12-March 15, 1828. £2.9.6. Signed Peter Wheeler, July 10, 1828.

John Wright- charge for arrest of **Jonathan P. Raymond** (on a bench warrant); serving subpoenas to 20 witnesses in the case of King vs. Raymond; serving subpoenas to 20 witnesses in the case of King vs. **McMahon**; serving subpoena on **Henry Mittleberger** in the case of King vs. **John M. Lewis**. £3.10.0. Signed **Alexander Hamilton, Charles Richardson**, July 11, 1828.

Ephraim Wheeler- charge for arrest of **Robert Connor** (on a bench warrant for abuse); charge for services as constable of the Grand Jury. £0.17.6. Signed **James Muirhead, Charles Richardson**.

R.M. and J. Crysler- charge for 8 yards of linen ordered by **Dr. Muirhead** and **John Crooks**, delivered to **Abby Mandigo** for a bed tick, 8/-. Signed by **Alexander Hamilton** and **Charles Richardson**, July 11, 1828.

Jacob Dockstader- charge for arrest of **Jacob Fry** on warrant, after a scuffle he made his escape; **J.D. McNabb** on a warrant for assault and battery; arrest of **Conrad** and **Lucretia Lutz** (warrant for theft) and taken before **George Keefer**; arrest of **Edward, George** and **Margaret Courtney** (bench warrant); for services as High Constable July 4-7, 1828. £6.10.0. Signed **Alexander Hamilton**.

Charles Richardson- fee for correction of errors in the collector's rolls.

James Lockhart- charge for reams of pott and letter paper, quills, black ink powder. £1.19.4, July 9, 1828. Signed **Alexander Hamilton, Charles Richardson**.

Patrick McArdle- charge for coffin for man found dead, name supposed to be **Joseph Esty**, on coroner's (**William Duff Miller**) order. 10/-, July 9, 1828. Signed **Alexander Hamilton, Charles Richardson**.

Martin Adams- charge for services as town clerk; for notification to assessors; for writing collector's bond. Bertie, July 5, 1828. Signed **John Warren** (J.P.), **Alexander Hamilton**, July 9, 1828.

Rheddy Cusack- charge to run and examine a road in Concession 7-10 Pelham; to survey and lay out a road from Welland River to Holland Road; to survey and lay out a new road near **John Streets** in Thorold, "intercepted" by the township line between Thorold and Pelham. £3.15.0. July 8, 1828. Signed **Alexander Hamilton, Charles Richardson**.

Abraham (Vancree?)- charge of 15/-.

Richard Bulcock- charge for keeping **Robert Martin** for 4 days, and team to convey him to Niagara, £2. July 8, 1828. Signed **Alexander Hamilton, Charles Richardson**.

File 2-2, Clerk of the Peace Accounts.

Charles Richardson's accounts of the King vs: **Conrad** and **Lucretia Lutz** (larceny); **William McCullough** (larceny); discharge of **David Cargill, John Pendar, Charles Couldy** and **John Vansickle** (by proclamation); **Robert Pew** (assault and battery); **Thomas McMahon** (assault); **Jonathan Raymond** (assault and battery); **Joseph Badgley** (assault); **Thomas Simmons, Nathan Douglass, Gilbert McMicking** (assault); **Joseph Smallwood** (larceny); **James R. Webster** (assault); **Daniel McDougall** (misdemeanor); **Joshua Strother** (assault); **John Thompson**. Account mentions fees charged for other orders, warrants issued, subpoenas, jury lists, accounts, etc. Total fees £50.10.6.

File 2-3, Correspondence.

William Clark, offers services as treasurer due to resignation of incumbent. Approved upon condition that Clark enters a bond for £1500 and two sureties at £750 each. July 11, 1828, signed **Alexander Hamilton**.

Letter from **Alexander Hamilton** with a vote of thanks to **Mr. McCormick** for the "correct and satisfactory manner" of his situation for the District and regret at his resignation. July 11, 1828.

Letter from **Charles Richardson** to **Major Hillier**, forwards copy of Grand Jury presentment. July 11, 1828.

Letter of resignation from **Thomas McCormack** as District Treasurer, July 9, 1828.

Letter from **Major Hillier** to **Charles Richardson**, May 21, 1828: send return of population since the number of representatives elected to the house will be determined by it.

Letter from **Charles Richardson** to **Major Hillier** with a general return of the population of the Niagara District, May 31, 1828:

Township	Males under 16	Females under 16	Males over 16	Females over 16	Total

Bertie	413	375	403	374	1565
Caistor	75	62	71	51	259
Canby Settlement	85	70	65	58	278
Haldimand County	166	168	166	131	631
Clinton	407	399	413	391	1610
Crowland	190	196	198	152	736
Gainsboro	290	246	251	219	1006
Grantham	410	438	445	434	1727
Grimsby	378	361	421	335	1495
Humberstone	170	168	153	141	632
Louth	341	303	290	268	1202
Niagara	407	351	475	381	1604
Niagara (Town)	256	230	442	334	1262
Pelham	271	313	268	271	1123
Rainham	77	73	68	60	278
Stamford	332	334	432	375	1473
Thorold	457	386	483	355	1681
Wainfleet	238	191	232	163	824
Walpole	76	95	72	58	301
Willoughby	148	157	51	124	480
Totals	5187	4916	5399	4675	20177

File 2-4, Criminal Calendar.

List of criminal prisoners confined by *Peter Wheeler*, July 8, 1828:

Jacob Ackley, committed October 1, 1827 by order of *George Keefer* for stealing \$120 in notes from *William L.J. Gray*.

James Kennedy, November 12, 1827, order of *William Duff Miller*, manslaughter.

James Hall, April 2, 1828, order of *George Adams*, for wounding *Lester Phelps*.

Thomas Welden, April 18, 1828, order of *John Crooks*, rape.

David Willson, May 24, 1828, order of *R. Nelles* and *William Crooks*, possession and attempting to pass counterfeit notes of the *Bank of Lower Canada*.

Joseph Smallwood, May 19, 1828, order of *Alexander Hamilton*, stealing cloth from *William Thorn*.

Nicholas Handler, May 26, 1828, order of *Samuel Street*, riot.

Oliver Gould, May 26, 1828, order of *George Adams*, evidence against *David Willson*.

William McCullough, June 25, 1828, order of **R.M. Crysler**, stealing saddle of **Samuel Nisbett**.
John Jones, July 1, 1828, order of **James Kerby**, committed abominable crime with a man unnatural crime.

File 2-5, Filings.

William Pew, Stamford, constable. Warrant of **James Cummings** for **Abner Cook**, charged with assault on **John Higsby**.

Bench warrant of **Henry Mittleberger** April 12, 1828, for **John Mills Muir**, Grantham. Charge: larceny, defrauded, swindled and took a silver watch by gambling, the property of **Henry George Papst**, while at the house of **Samuel Dolson**, on April 11th. *Nolle prosequi* filed, signed **Alexander Hamilton** July 9, 1828.

Warrant to **J. Dockstader** or other constables: **James McKenzie**, Niagara, maketh oath that **William Snow** of the same town threatened to take his life or do him bodily injury. Arrest him and bring him before the magistrates to answer the complaint. Find sureties to keep the peace. Signed **Charles Richardson**, **Ralfe M. Crysler**, June 23, 1828.

George Shutts, Chippawa, cooper. Evidence before **James Cummings**: a blue coat, vest, fur hat, drab pantaloons and 3 yards drab fustian were stolen on the 23rd from his trunk while at the house of **R.H. Lee**, innkeeper, Chippawa. Goods found concealed in the trunk of **Nathaniel Douglass**, cooper, and **Thomas Sims** (aka **Simmons**), innkeeper. Search warrant issued, and warrant to arrest Douglas and Sims and bring them before us to answer charges, June 24, 1828. Goods found in the trunk of Thomas Simmons, aka Sims, the keeper of Lee's bar, which were bought from Nathaniel Douglass. Douglass discharged from account, had liberty to redeem the articles by paying order and returning a half dollar (**Samuel Street**, June 27, 1828.) Douglass bought the coat in Ancaster, the vest and pantaloons bought by Street for me at **McMicking's store** in Chippawa. The hat was bought of **Joseph Moore** in Chippawa, in the employ of Mr. Street as cooper. (Samuel Street, June 27, 1828.) The fustian was found between two beds occupied by R.H. Lees and **Robert Chapman**, a cooper in the employ of George Shutts, in the same room where Douglass lodges, and found by **Samuel Hicks**. George Shutts: his property was found in Simmons' trunk, taken from my trunk on the 23rd. Recognizance: Nathaniel Douglass and Thomas Simmons £25 each, R.H. Lee and Samuel Hicks £12.10.0. each. Recognizance to appear: Frederick Foltz, Samuel Hicks, R.H. Lee, Marcus Blanchard £10 each, George Shutts £25. File includes Samuel Hicks account to arrest Douglass, Simmons, £10 plus mileage and detention (not finding a magistrate to take the recognizance) 5/- and 18/-.

Charles William Edwards, Niagara, mason. In fear and terror for his personal property, received bodily injury, violent abusive and threatening language by **George Courtney**, **Edward Courtney** and **Margaret Courtney**. Signed **Charles Richardson**, July 10, 1828. Warrant issued for Charles William Edwards, **Mary Edwards** and **William Edwards**, July 11, 1828 signed **Alexander Hamilton**. Taken by **Richard Leonard** and **Peter Pawling**.

Edward Courtney, Niagara, labourer. Evidence taken before **Charles Richardson**: Plaintiff in fear of life from threatening language of **Charles William Edwards**, **Mary Edwards** and **William Edwards**. Signed "his X mark" July 11, 1828.

William Lamon, charged by **Garret Lee** of the **Talbot Settlement** with theft. Warrant for arrest issued by **James Kerby** to **John J. Harris**, constable. Evidence taken August 18, 1828, while on board the schooner **Dauntless**, Lee missed a \$10 note of the **Bank of Upper Canada**. He informed **Captain Helmer**, that if anyone took it, it must be his boy the cook. Found the note in his bag, 50/- payable November 4, 1823,

signed by *J.H. Dunn* and *William Allan*. Defendant signed “his X mark” at Fort Erie and acknowledged the theft. Bound over for the Assizes, September 22, 1828.

File 2-6, Grand Jury Presentment.

Expresses sincerest regret over the absence of the Judge of the District Court. Many cases have been put off to great damage and inconvenience of the suitors. Appointment of a new judge required after the death of *Ralfe Clench*. Expect “faithfull and active discharge of its duties which have been so long neglected.” The district still laboured under great and serious inconvenience from the non-attendance of a judge. Signed *William Hutt* (foreman), *Alexander Hamilton*. The Clerk of the Peace to communicate this to the Lieutenant Governor, July 11, 1828.

File 2-7, Regulations.

Printed copy of *Market Regulations* and fee schedule, July 11, 1828. Signed by *Charles Richardson*, *Alexander Hamilton*, *John Meneilly* (Clerk of Market.)

Police Regulations: licences required to sell bread; no slaughter houses in town; precautions against fire; no hogs or swine to run at large in town; sidewalks to be 12 feet in width; no bathing in the Niagara River between Fort George and Fort Mississauga before 9 pm, “there exposing their naked bodies to the annoyance of all the liege subjects” is subversive of common decency and steps must be taken “to stop this growing nuisance.”

Printed copy of *Market Regulations*, *Gleaner Print*, dated April 26, 1825 signed *James Muirhead*, *William Claus*, *Thomas McCormic* [sic], *Daniel McDougall* and *John Wray* (clerk.)

File 2-8, Orders.

Payment of £3.2.6. to *Jacob Dockstader* for services as High Constable, July 11, 1828. Signed by *Alexander Hamilton*.

File 2-9, Precept.

Grand Jury: *John Martindale*, *Jacob Dittrick*, *Henry Campbell*, *Peter Campbell*, *John Turney*, *Francis Lawrance*, *Jacob H. Ball*, *Jacob Hansler*, *George Bessey*, *Isaac Secord*, *William Parnall* (sick), *John Bessey*, *Lewis Traver*, *Joseph Vanderlip*, *David Bessey*, *Jacob Stull*, *William Hutt*, *Hamilton Goring*, *Jeremiah Durham*, *Robert Price*, *Isaac Lacey*, *Joseph Button*, *John W. Pawling*, *Seth Keth*.

Petit Jury: *Abraham Vancuren*, *William Muir*, *John McDade*, *Alexander McMullen*, *Jacob Hainer*, *John McCombs*, *Samuel McCombs*, *Timothy Wallis* (sick), *Thomas Glasford*, *George Thomas*, *George Doans*, *John Weaver*, *Jacob Smith*, *Elias Dewell*, *John Wilson*, *David C. Brady*, *Philip Shaver*, *John Myers*, *Nathan B. Goodell*, *Sylvester Glenn*, *John Slingerland*, *Abraham Weaton*, *Edward Hains*, *John Mure*, *David Grass*, *William Price*, *Nicholas Depeau*, *William Shaver* (sick), *Henry Kipp*, *Richard Havens*, *Thomas Hart* (black man), *Jacob Shulen*, *Moses Cook*, *Peter Young*, *Robert Reed*, *Samuel Smith*, *John Fletcher*, *Daniel Cudney*, *William Fletcher*, *Denis Kelly* (absent with leave), *William Read*, *Alexander Wilson*, *George Waggoner*, *Joshua Cudney*, *Ezekiel Cudney*, *Western Allen*, *David Fuller* (sick). Signed *R. Leonard*, sheriff, July 8, 1828.

Signed by *James Muirhead* and *Ralph Morden Crysler*, June 16, 1828. Certified by *Charles Richardson*.

File 2-10, Road and Bridge records.

Copy of an order of Surveyor General to *Claudius Shaw*, late surveyor of the Niagara District, to survey land adjacent to the *West Line* in order to ascertain surplus or deficiencies on each side, is to be given to another surveyor to complete. Signed *John Wilson* (Niagara) and *William M. Ball*, April 10, 1828.

File 2-11, Tavern and Shop Licences.

Robert Gray, Niagara. Through the destruction by fire of two of the largest public houses at Niagara, there are not at present sufficient houses for the reception and accommodation "of genteel company." He offers *New House* on the main street, belonging to *John Wilson*. Prays for licence. Approved July 12, 1828. Fee £3. Signed *James Muirhead*.

William P. Gilbourne, Grantham. Has a house at *Port Dalhousie* at the mouth of the *Welland Canal*. Leased it to *John Martindale* as an inn. Martindale intends to remove from the house, and didn't reapply for licence. Applicant now occupies the house, and represents the necessity for inns there for the accommodation of visitors and travellers. Recommended by *Robert Burns*, *Samuel Dolson*, *John M. Muir*, *Peter Pawling*, *Jacob Dockstader*, *Chester Wadsworth*, *Manuel Bradt*. Approved July 9, 1828. Fee 2/6- due. Signed *Alexander Hamilton*.

File 2-12

Philip Auker, Bertie. Charged with assault against *Henry Seegrist*, Willoughby, farmer, on June 21, 1828. No bill: *William Hutt* (foreman.) Witnesses: Henry Seegrist. Evidence taken before *James Cummings*, June 21, 1828: Plaintiff came from the house with *Benjamin Wait*. Wait had business with *Benjamin Shoup*, innkeeper at Willoughby, plaintiff remained in the public highway while Wait went in. Auker came out from the barroom and with no provocation asked if plaintiff wanted to fight and thrusting his fist under his nose shoved him, struck him on the left cheek.

File 2-13

Warrant issued by *James Muirhead* on April 12, 1828 for *David Cargill* (Grimsby, yeoman), *John Pender* (Grimsby, labourer), *Charles Collody* (Grimsby, labourer) and *John Vansickle*, (Grimsby, labourer.) Prisoners taken, signed *Richard Leonard*, *Peter Pawling*. Charged with riot, with force and arms assembled unlawfully at the door of *John Carrique* on December 14, 1827. Grand jury presentment attached signed by jurors *William Terry* (foreman), *David Thompson*, *Adam Crysler*, *Jacob Caniff*, *Henry Brown*, *Richard Howard*, *Matthew Cathline*, *Thomas Mossun*, *James Smith*, *Alexander McKee*, *John Campbell*, *Daniel Secord*, *Joseph Poncett*. True bill: stands over, signed *Charles Richardson*. Witnesses: John Carrique, *John Thompson*, *John Haviland*, *Denis Haviland*. Evidence: defendants broke down the plaintiff's door and entered his house, made a great noise with bells and "other noisome instruments" for 2 hours and assaulted plaintiff.

File 2-14

Abner Cook, Stamford, labourer. Charged with assault against *John Higsby* on December 11, 1827. No bill: *William Hutt* (foreman.) Witnesses: John Higsby, *James Cummings*, *John Lefferty*. *Charles Richardson*- subpoena upon Lefferty, *Richard Bulcock* of Stamford, yeoman and *John Brooks* served by *George H. Wright* on June 28, 1828. Recognizance before James Cummings, April 7, 1828: Abner Cook £5, sureties *William Pew* £2.10.0., *Richard Bulcock* £2.10.0.

File 2-15

George Courtney, Niagara, labourer. Charge of assault against **William Edwards**, July 3, 1828. No bill: **William Hutt** (foreman). Witnesses: William and **Charles William Edwards**, **Hugh Shaw**.

File 2-16

Alpheus French, Niagara, labourer. Charged with assault against **Joshua Strother**, Niagara, barber, on May 6, 1828. No bill: **William Hutt** (foreman.) Witnesses: Joshua Strother, **Adam Crysler**. Evidence before **James Muirhead**, May 6, 1828: Strother went to Crysler's tavern to get payment from a gentleman he shaved but had no change. He was ordered out of the house by stage driver French, who struck him in the face, pushed him into the street and kicked him. Defendant was encouraged and abetted by Adam Crysler. Signed by Strother "his X mark." Recognizance to appear taken before James Muirhead, May 6, 1828: Alpheus French £10, Adam Crysler £10, surety **Patrick Cullen** £5.

File 2-17

George Harrison, Thorold, labourer. Charged with assault and battery against **Margaret Harrison** on May 30, 1828. True bill: **William Hutt** (foreman.) Witnesses: **William Harrison**, Margaret Harrison. Verdict: guilty. Fine 10/- plus costs, signed **Alexander Hamilton** and **James Muirhead**. Evidence taken before **George Keefer** June 13, 1828: Margaret Harrison of the **Deep Cut** was wounded by her step-son. She was beaten, bitten, assaulted and wounded in her arm with a churn dasher, she fears private injury from threats and abuses. Bench warrant to **George Lacey** or other constables to arrest George Harrison. Recognizance: George Harrison £20, sureties **John Lee** and **William Hamilton** £10 each, June 23, 1828.

File 2-18

Conrad and Lucretia Lutz, Thorold, labourers. Charged with larceny, stealing a flannel dress, feather bed, two pillows and two woollen bed quilts from **John Fletcher** of Grantham on June 29, 1828, "the goods and chattels of Lucy Lutz." True bill: **William Hutt** (foreman.) Witnesses: John Fletcher. Verdict: not guilty; *nolle prosequi*. Signed **Alexander Hamilton**, July 10, 1828. Evidence taken before Ralfe M. Crysler, June 30, 1828: goods stolen from Fletcher at noon on the Sabbath.

File 2-19

William McCollough, Niagara, labourer. Charged with larceny, stole a saddle of **Samuel Nisbet** on June 24, 1828. True bill: **William Hutt** (foreman.) Witnesses: Samuel Nisbet, **Thomas Eastham**. Verdict: guilty. Fine 5/-, also to stand in the pillory one hour on July 12th and again on July 14th. Signed **Alexander Hamilton**, **James Muirhead**, July 12, 1828. Evidence of plaintiff taken before **Ralfe M. Crysler**: defendant stole my saddle, June 25, 1828. Recognizance to appear taken before Ralfe M. Crysler, June 25, 1828: Samuel Nisbet £10, Thomas Eastham £5.

File 2-20

Gilbert McMicking, Stamford, merchant. Charge of assault against **Charles McGan** on June 26, 1828. True bill: **William Hutt** (foreman.) Witnesses: Charles McGan. Grand jury presentment, signed by **Charles Richardson**.

File 2-21

Richard Moffatt, Niagara, butcher. Charged with assault on constable **John Kiff** in execution of his duties on June 24, 1828. True bill: **William Hutt** (foreman.) Witnesses: John Kiff. Verdict: guilty, fine 5/- plus costs signed **Alexander Hamilton** and **James Muirhead**. Evidence: while plaintiff was taking a

prisoner to the magistrates he was thrown down by Moffatt, was clinched by him who tore his vest and shirt to pieces in consequence the prisoner made his escape. Kiff signed with "his X mark." Recognizance before **Ralfe M. Crysler**: John Kiff £10, June 24, 1828; Richard Moffatt £10, sureties **John Shriner** and **John Graham** £5 each.

File 2-22

Henry Seegrist, Willoughby, labourer. Charged with assault on **Jacob Shoup**, May 29, 1828. No bill: **William Hutt** (foreman.) Witnesses: **Benjamin Shoup**, Jacob Shoup and **Henry A. White**. Evidence taken before James Cummings: Benjamin Shoup sent two hired boys and his son Jacob (aged 11 years) to drive the cattle out of the fields and set the dogs on the cattle. Seegrist came into the field and struck Jacob Shoup with a stick. Jacob Shoup- Seegrist called me a negroe and struck me in the back with a stick. Henry White- lives with his father on the Shoup farm. Defendant called Jacob Shoup some "ill names" and asked why they set the dogs on the cattle? He picked up a beech stick and beat Jacob Shoup on the back. Recognizance: Benjamin Shoup £10; Henry Seegrist £5 and surety **John Seegrist** £2.10.0.

File 2-23

George Shutts, Willoughby, cooper. Charge of assault against **Moses C. Nickerson**, Mt. Pleasant (District of Gore) pedlar, on May 31, 1828. True bill: **William Hutt** (foreman.) Witnesses: Moses Nickerson, **R.H. Lee**. Verdict: guilty. Fine 5/- plus costs, signed **James Muirhead**. Evidence taken before **Samuel Street**: Nickerson was put up at Lee's inn at Chippawa, and Shutts put up in the same room. Defendant spoke in abusive language and struck plaintiff a blow and discoloured his eye, threw him to the floor and held him until taken off by Lee and **Henry Weishuhn**. The next day was Sunday so plaintiff deferred complaint until he was next in this District, July 7, 1828. Recognizance to appear: George Shutts £10, Moses Nickerson and R. Lee £10 each.

File 2-24

Rodman Starkweather, Niagara, merchant. Charged with assault against **Valentine Butterfield** on April 19, 1828. Witnesses: Valentine Butterfield. *Nolle prosequi*, signed **James Muirhead** July 12, 1828. Recognizance before **John Crooks** April 19, 1828: Valentine Butterfield £10, Rodman Starkweather £10 and surety **John Tannahill** £5.

File 2-25

Rodman Starkweather, Niagara, merchant. Charged with assault against **Patrick Handy**, Niagara, grocer, on April 19, 1828. True bill: **William Hutt** (foreman.) Arraigned, plea of guilty. Fine £0.1.0 and costs. Signed **Alexander Hamilton** and **James Muirhead** July 12, 1828. Recognizance before **John Crooks** April 19, 1828: Patrick Handy £10, Rodman Starkweather £10 and surety **John Tannahill** £5.

File 2-26

Joshua Strother, Niagara, barber. Charge of assault against **Alpheus French** on May 6, 1828. Witnesses: Alpheus French. *Nolle prosequi*, signed **James Muirhead**. Recognizance before John Crooks: Alpheus French £10, Joshua Strother £10 and surety **William Daly** £5.

File 2-27

John Thompson, Grimsby, labourer. Charged with assault against **William English** on December 13, 1827. Grand jury presentment attached signed by jurors: Terry, Varey, Poncett, Smith, Crysler, Cathcart,

Mapon, Campbell, Mackee, David Thompson, Heron, Howard, Secord, Henry B[-----], two illegible names. True bill: traversed. *Nolle prosequi* ordered. Witnesses: **John Stewart**, William English, **John Griffiths**, **John Pender**. Evidence taken before **R. Nelles** and **William Crooks**: John Stewart of Queenston was assaulted by Thompson on the highway, December 4, 1827. John Griffith in company with John Thompson assaulted me with the butt end of a gun. William English was assaulted by Thompson and two others. John Gilmour of Ancaster was at the tavern of **Jacob Nelles** in Grimsby with **James Minto**. He was going from the stable to the house when he was assaulted by Thompson and **John Haverland** who used abusive language. John Pender- was in stable, heard Thompson say the gun was well loaded with powder and ball. Haverland held Gilmour by the collar against his will. Gilmour wished to go to **Griffins store**, Haverland said he could not without leave. **James Porter**- in the service of Jacob Nelles, went from the barn to the house to get oats for the horses. Heard Gilmour ask to go to lodgings, Thompson said if Gilmour doesn't go "he'd knock him down." **John Carrigan** called Thompson to "fetch the rascal along, he would find him lodgings until the morning." **Charles Hobbs**- was in the service of Jacob Nelles. Said the men had hold of Gilmour and were beating him with a stick. He asked to be let go to his lodgings, was a stranger here. Thompson replied he would not allow him to go, take him to Carrigan's house. **Denis Haviland**, Grimsby- called at the house of Jacob Nelles on pretext of making up a quarrel between one **Yanker John** and the brother of the deponent. After John and Denis got into the barroom, Nelles closed the door to prevent them from leaving. Was assaulted by Jacob Nelles, **John Owens**, **William Porter**, John Pinder. John Thompson- heard a great noise at Jacob Nelles' house, door was barred. He forced the door assisted by the prisoner and Pinder.

*Niagara District Quarter Sessions, October 1828.***File 2-28, Accounts.**

Rations due to the Jailer of the Niagara District, *Peter Wheeler*, from July 11-October 17, 1828. Including half year salary, candles for the guard, straw for the cells, six brooms, candles for the assizes. Total charge £64.10.3. Approved by James Muirhead, October 16, 1828. The following list includes the name of the prisoner and the period of confinement:

Jacob Ackley, July 11-October 4, 1828.

James Kennedy, July 11-October 17.

James Hall, July 11-October 4.

Thomas Welden, July 11-September 30.

Joseph Smallwood, July 11-October 17.

David Willson, July 11-October 17.

Nicholas Handlin, July 11-September 30.

Oliver Gould, July 11-October 4.

John Jones, July 11-October 17.

Susan Baker, August 25-October 17.

William Lemon, August 18-October 17.

Matilda Mandigo, August 24-October 17.

Nathan Dean, August 30-October 17.

Abraham Gaffin, August 30-October 2.

James Covert, September 20-October 17.

Charles Anker, September 26-September 29.

Michael Anker, September 26-September 29.

Neil Hargin, October 1-October 17.

Alanson Clark, October 6-October 17.

John Coutter, July 11-October 17.

Patrick McArdle, charge 10/- for a coffin for *Edward Lane*. Signed *James Muirhead*, October 16, 1828.

R. and H. Cryslar. Charge for candle sticks, snuffers, linen £2.11.9. Endorsed "items not received" signed *R. Leonard* and *James Muirhead*, October 15, 1828.

Patrick Flynn/Flinn (constable) travel to the *Deep Cut*, 11/- . Signed *James Muirhead*, October 16, 1828.

Rheddy Cusack, charge to survey and lay out new roads in Pelham and Thorold in July, £1.5.0. Signed *James Muirhead*, October 16, 1828.

James Dunlop, (constable) charge to arrest *Charles Anger* for theft, also *Michael Anger* and *Armstrong*. Had to travel 66-69 miles and hire two men to assist him. Guard them, feed them, convey them to St. Catharines and then to Niagara plus conveyance charges; arrest *William Pew* (bench warrant); *Gold* (passing counterfeit coin); *John Wilkinson* (subpoena); *John Hardy* (felonious attempt to burn *James Little's brewery*); *Eber Rice*, *Caleb Swezy*, *Lewis Willson* (subpoenaed re: John Hardy); *Hannah Winters* (subpoena); *John Hodgkinson* (subpoena.) Total charge £18.16.8.

Peter Hare, of Nigra [sic] 10/- "for diggin a grave" August 30, 1828. Endorsed on back "to *John Hare*" (*Haun?*) or *Mr. Lane*, September 10, 1828. Signed *James Muirhead*, October 16, 1828.

Jacob Dockstader, fees from July to October 1828: bench warrant issued for arrest of **Edward Courtney**, **George Courtney**, **Margaret Courtney**; arrest of **Hiram Wood** and **Matilda Mandigo** on felony and committed Mandigo on order of **James Muirhead** and **Daniel McDougall**; committed **James Covert** on order of **John Crooks**; attended Court of King's Bench, service as High Constable; total £6.4.6. Signed **James Muirhead**, October 16, 1828.

Richard Leonard, six months allowance as sheriff, plus furnishing juries and other services £20. Signed **James Muirhead**, October 16, 1828.

John Shrivvers (constable) for the arrest of **John Tipple** by order of the magistrates "and brot to jail." 10/- Signed **James Muirhead**, October 16, 1828.

Frederick Buchner (constable) for serving subpoena on **William Butler**, case of rape, plus travel expenses. £1.17.6. Signed **James Muirhead**.

Richard Leonard, fees for the attendance at court of constables **John Shriber**, **John Kiff**, **Ephraim Wheeler**, **Patrick Flinn**, £1.10.0. Signed **James Muirhead**, October 16, 1828.

Ephraim Wheeler (constable) fees from August-October 1828. To take and commit **Susan Baker** (felony) by order of **John Crooks** and **Ralfe M. Cryslar**; subpoenaed **Adam Cryslar** and wife (larceny case); subpoenaed **John B. Clement**, **Charles Fields**, **Peter Cane** to attend the Grand Jury; subpoenaed **Edmund Roland** (misdemeanor case); attendance at court as constable. £1.14.10. Signed **James Muirhead**, October 16, 1828.

James Lockhart, charge for five pairs of "four point blankets" for jail £3.15.0, dated October 15. Signed **Richard Leonard**, **James Muirhead**, October 16, 1828.

Edmund Dwyer, for paying **Gershom Wright** of St. Catharines for making a coffin for **Martin Ryan**, November 12, 1827. Charge 10/-, dated September 24, 1828 and signed **William Duff Miller** and **James Muirhead**; Endorsed by Gershom Wright, "received pay for making coffin," September 25, 1828. Signed **James Muirhead**, October 16, 1828.

William L. Daly, charge for three pairs of damaged and three pairs of good blankets, £4.10.0. Signed **James Muirhead**, October 16, 1828.

John Wagstaff, charge for supplying 37 lengths of stove pipe and 2 elbows for the jail, £3.11.3½, October 7. Signed **James Muirhead**, October 16, 1828.

Peter McWilliams, charge for three days work in the jail yard, £0.11.3. Signed **R. Leonard**, **James Muirhead**, October 16, 1828.

John Wray, for attending Quarter Sessions and Assizes, £4.10.0. Signed **James Muirhead**, October 16, 1828.

Richard Leonard, fees for constables at the *Court of King's Bench*: **John Shriber**, **Patrick Flinn**, **Ephraim Wheeler**, **John Kiff**, **Chester Wadsworth**, **Moses Little**, **John Sellick Terrill**, **Samuel Hicks**, **George Wright**, **James Dunlop**, **Erastus Moses**, **John Marsailles**, £17.17.6. Signed **James Muirhead**, October 16, 1828.

Charles W. Edwards, charge for whitewashing the court, supplying sand, hair, glue &c. £5. Signed **James Muirhead**, October 16, 1828.

Joseph Poncett, charge for painting and glazing, £1.12.6. Signed **R. Leonard, Peter Pawling, James Muirhead**, October 16, 1828.

John Barker, bought one door lock from **John Crooks** £2.12.6. October 10, 1828.

Patrick McArdle, making coffin for **Peter Horn**, 10/-. Signed **James Muirhead**, October 16, 1828.

John Barker, for laying floors over the jury rooms, setting locks on doors, hardware, teaming, glazing windows with putty, £13.12.8½. Signed **James Muirhead**, October 16, 1828.

W. Butler, collector. receipt for £1.17.8 taxes from **John Lawrence**, October 14, 1828.

Dr. Muirhead, charge for medicine and attendance on prisoners in jail April-October 1828, £6.5.0. Signed **James Muirhead**, October 15, 1828.

Charles Richardson, clerk of the peace. Accounts for attendance at the Quarter Sessions, fees for making orders, keeping records, discharges, warrants, precepts &c. Rex vs. **Conrad** and **Lucretia Lutz; McCullogh; Robert Pew; Jonathan P. Raymond; Thomas Simmons** and **Nathan Douglass; Joseph Smallwood; Richard Moffatt; Daniel McDougall; Thomas McMahon; Joseph Badgley; Gilbert McMicking; James R. Webster; Joshua Strother; Rodman Starkweather; John Thompson**, for orders and certificates re: roads. Total fees: £50.10.6, was paid £40 in part, Signed **James Muirhead**, October 15, 1828.

File 2-29, Clerk of the Peace Accounts. (see 2-28, many details the same.)

File 2-30, Treasurer's Accounts.

William Clark, received £123.12.3 from **Thomas McCormack**, balance by him due to the District, July 17, 1828.

Thomas McCormack, treasurer's account, October 13, 1828. Items included: Statement of taxes received £15.5.11 10/12; statement of road taxes (unoccupied land) £191.13.10¼; statement of road taxes £8.18.7 (by **William Clark**); statement of road taxes £174.12. 6/16; moneys to assessors £25.9.3: **Jesse Jones** and **James Thompson** (Louth), **Daniel McDougall** and **Mr. Clement** (Niagara), **Martin** and **Henry Dell** (Willoughby), **M. Misener** (Crowland); town clerks £10.0.0- **L. Misener** (Wainfleet) and **H. Davis** (Pelham.) Total (including pauper's account) £628.5.6. Signed **James Muirhead**.

Money Paid on Account of Paupers, April 1828.

George Adams for **Lawrence**, £4.17.6.

Daniel McDougall- for an orphan at **Eaglesums** £3.5.0.

Samuel Wood for **Pierpoint** £1.6.3.

C.H. Leonard for **Mrs. Nunnamaker** £1.10.0.

Daneil McDougall for **Westbrook** £3.5.0.

Samuel Taylor for **Mary Risinburgh** 15/-, £2.10.0.

N. Goodell for an orphan, £3.5.0

George Connolly for **Plop**, £3.10.0

George Adams for sundry paupers £8.10.0.

George Lacey for **Christopher Buck** £2.8.9.

Mr. Leeming for **Chapman** £3.5.0

S. Street for an orphan at **Lundy's** £13.0.0.

Mrs. Barns for *J. Knox* £2.5.0.
Mrs. Kennedy for [-----?] £2.8.9.
Mrs. Gesso £3.5.0
Jacob Clip £1.10.0.
Mrs. Page for *E. Mills* £3.5.0.
Abby Mandico £6.10.0.
Mrs. Steel £2.16.3.
Total £73.7.6, signed RmcC, October 13, 1828.

File 2-31, Account Vouchers (receipt of payments for accounts submitted at the Sessions.) All were signed by *James Muirhead* and treasurer *Thomas McCormack* except for those signed by *Alexander Hamilton* and *John Warren*.

Richard Leonard £40.0.0, April 9, 1828.
George H. Kerr £15.0.0, April 10.
Gershom Wright £7.6.0, April 10.
Warner Nelles £25 plus £5.7.2., April 11.
Charles Nelles £4.1.0, April 12.
Eliza Clench £15.10.0, April 11.
John Wright £3.12.0, April 12.
John Fuller, £0.12.6, April 12.
Samuel Wood, £6.14.8, April 12.
John Schriver, £3.3.10 plus £0.12.6, April 12.
Andrew Heron, £5.16.3, April 12.
Patrick Cullen, £0.12.6, April 12.
John Barker, £22.3.11, April 12.
James Muirhead, £6.5.0, April 12.
P. Wheeler, £70.2.7½, April 12.
Reuben Jackson, £15.0.0, April 10.
Dr. Walter Telfer, £1.3.4, April 12.
William Duff Miller, £21.14.5, April 12.
James Miller, £10.0.0, April 12.
John Clark, £40.0.0, April 10.
James Dunlop, as constable at St. Catharines, £9.2.0, April 12.
Moses Little, £12.6.0, April 12.
Thomas Butler, £10.0.0, April 12.
John McBride, £1.12.6, April 12.
Richard Howard, £10.0.0, April 12.
Charles Richardson, £22.3.0, April 12.
John Hammond, £1.0.0, April 12.
Patrick Cullen, £3.10.6, April 12.
George Varey, £17.6.0, April 10.
William Pew, £4.13.2½, April 12.
Gilbert McMicking, £3.17.4, April 12.
Benjamin Corwin, £7.10.0, May 7.
Peter Upper, £4.7.2, April 12.
C. Wadsworth, £1.8.6, April 12.
R. Cussack, £4.10.0, April 12.
J. Wray, £1.5.0, April 12.
Henry Putnam, £1.2.0, on order of *John Brodie* of Bertie, April 12.
Joseph Oldfield, £1.0.0, April 12.

John Wilkinson, £12.0.0, settlement of constable fees, April 12.
Clark and Street, £2.9.1, April 12.
Erastus Moses, £1.0.0, on order of *Samuel Street*, Chippawa, April 12.
Abraham Vancuren, £15.0.0, July 8, signed Alexander Hamilton.
Martin Adams, £10.0.0, July 8 (Alexander Hamilton)
Richard Bulcock, £2.0.0, July 8 (Alexander Hamilton)
Patrick McArdle, £10.0.0, July 8 (Alexander Hamilton)
William Powell, £8.3.2 for road repairs in Bertie, signed J. Warren, May 17.

File 2-32, Correspondence.

Major Hillier to *Charles Richardson*, Government House, August 5, 1828. Acknowledges receipt of Grand Jury presentment.

Major Hillier to *Charles Richardson*, Government House, September 6, 1828. Re: delay in appointment of judge. Since it was unavoidable, and the business was completed in the proper period, and the form on opening court on the first day was not absolutely necessary and the circumstance is not likely to recur.
Charles Richardson to *Major Hillier*, August 16, 1828. Re: Aggregate account of the assessment return.

John Beikie to *Charles Richardson*, York, September 18, 1828. Re: *Heir and Devisee Commission* and claims. Claims require the full name, signed by the claimant, stating residence and occupation and if claimed as heir, devisee or assignee. Such explanations are "absolutely indispensable in the ground work of the King's Patent."

File 2-33, Criminal Calendar.

Criminals confined in Niagara Gaol in charge of Peter Wheeler, October 14, 1828.

James Kennedy, committed November 20, 1827. Under sentence.
Joseph Smallwood, May 19, 1828. Under sentence.
David Willson, May 24, 1828. Under sentence.
John Jones, July 1, 1828. Under sentence.
William Lamon, August 18. Under sentence.
Matilda Mandigo, August 24. Under sentence.
Susan Baker, August 25. Under sentence.
Nathan Dean, August 30. Under sentence.
James Covert, September 20. Under sentence.
Neil Hargin, October 4. Under order of *John Crooks*, for assault on *Joseph Whitney*.
Alanson Clark, October 6. Under order of *Samuel Street*, for stealing horse and saddle of *George Rowe*. Signed *R. Leonard* and *Charles Richardson*, October 14, 1828.

File 2-34, Insane and Destitute.

April 18, 1829. Pauper list of October last ordered continued with additions. Signed *James Muirhead* and *Charles Richardson*, October 15, 1828.

John Ellis, 3/9- per week.
Jonathan Lawrence, c/o *George Adams*. 3/9- per week.
Mrs. Miles, c/o *Mrs. Page*. 5/- per week. *Mr. Clark* to find out if *Mr. Miles* is alive.
orphan at *Lundy's*, c/o *Samuel Street*. 5/-
Judith Knox, 3/-
orphan, c/o *George Adams*. 5/-

wife of **Plop**, c/o **George Conolly**, 10/- per month.
Jacob Clipp and wife, c/o **George Adams**. 5/-
Mrs. Nunnemaker, c/o **C. H. Leonard**, 10/- per month.
 foundling child, c/o **Mrs. Steel**, 3/-
John Berry, c/o **Abby Mandigo**, 10/-
Mary Risenburgh, c/o **Samuel Taylor**, 5/-
~~**Mary Kennedy**, c/o **John Crooks**, 5/-~~. Gone out of province.
~~**Westbrook**, an old soldier, c/o **C.H. Leonard**. 5/-~~. Deceased.
Christopher Buck, c/o **George Lacey**. 3/9-. Recent addition to list.
Andrew Burns, c/o **George Adams**. 3/9- Recent.
Barbara Brown, c/o **widow Palmer**. 3/9- Recent.

File 2-35, Non-Conformist Appointments.

James Black, Clinton, **Baptist Calvinistic Society Church**. Re: matrimony, July 7, 1828. Proclaimed July 8, 1828, affixed July 9th, signed **Charles Richardson**. Judges- **James Muirhead**, **John Warren**, **Samuel Wood**, **George Adams**, **George Ball**, **John Crooks**.

Petition: Clinton has a large society under great disadvantage for want of a Minister to celebrate matrimony. Society now takes steps in court, produce 7 brethren and necessary documents to prove Black's ordination and principles. October 16, 1828.

Certificate of ordination: **James Black** of Nassagaweya, Halton County, is a candidate for the Gospel Ministry, at the call and request of the **Baptist Church in Whitby** he presented himself for ordination. Committee satisfied, examined by **Elder Barclay**, **brother Degier** of Markham and **Elder Stewart** of Toronto. Ordained by Elder Stewart, charge given by **Elder Marsh**. Concluding prayer by Elder Barclay, and benediction read by the candidate. Signed **William Marsh**, **George Barclay**, Whitby, November 12, 1826.

Certificate: James Black of Scotland, took the oath of allegiance at York April 28, 1824. Signed **Grant Powell**.

Certificate: James Black, was duly ordained as a Baptist elder at Whitby, November 12, 1826 by William Marsh, George Barclay and myself. Signed **Alexander Stewart**, elder of the Baptist Church at York, Upper Canada, September 11, 1828.

File 2-36, Orders.

Charles Richardson: allowed to absent himself, appoint a person replace him. October 15, 1828. Signed **James Muirhead**.

John Lyons: ordered to have two books of the [land] registry restored, plus the "propriety of authorizing an index." Lyons: "I do not conceive myself bound to do so unless fair recompense be given for the same labour." Ordered another volume and pay the account. October 15, 1828. Signed **James Muirhead**, **Charles Richardson**.

Clerk of the Peace is ordered to have the following volumes in court at *all* times: Burns' Justice, Blackstones Commentaries, Statutes of the Province, Reports of the Court of King's Bench, and a map of the District. October 16, 1828. Signed **James Muirhead**.

Treasurer McCormack's accounts examined and ordered to be published in the **Niagara Herald**, the money paid to his successor. McCormack is discharged from all claims by the District and his bond given back to him. October 16, 1828.

James Muirhead, John Crooks, Daniel McDougall, Thomas McCormack and George Ball or any two of them to form a committee to investigate repairs or other necessities for the Court House and jail yard for the same. October 16, 1828. Signed James Muirhead.

File 2-37, Precept, signed by **Charles Richardson, James Muirhead and John Crooks** October 4, 1828.

Grand Jury: **William Beamer, Daniel Palmer** (sick), **Henry Hixon, Charles Anderson, Samuel Kitchen, Robert Nixon, Daniel Fields** (over age), **Henry Nellis Jr, Peter B. Nellis, William Fisher, Joseph Moore** (sick), **Dennis Wolverton, Andrew Petit, Jonathan Petit, William Nixon, John Petit, William Beaty** (absent), ~~**John Oakley**~~, **Alexander Milmine, Adam Simmerman, John Henry, Ralph Walker, Thomas Walker, Robert Nixon**. Dated October 14, 1828.

Petit Jury: **Jacob Nellis, James Brady, George Inglehaut, Jonathan Thompson, George Hoffman, James McCarthy, Ashman Moore** (sick), **James Gilmore, Reuben Lester, David Fowler, Jesse Simmerman, Israel Simmerman, Samuel Evelarce?**, **James Milmine, Peter Baughlough, John VanDusen** (sick), **George Tufford, Thomas Merritt, William Yong, George Althouse, John Coon, Isaac Coon, Samuel Canady, Isaac Smith, John Boons, Andrew Hunter, Christopher Swackhammer, John W. Smith, Gabriel Yong, Ezekiel Smith, Jacob Kitchen, Daniel S. Moore, Benjamin Bostwick, Remus Beach, Asa Pettit, Adam Cluse, John Lewis, James Beam, John Lutz, Andrew Alliance, Samuel Downs, John VanSickle, George Alliance, Alexander Jackson, John Dunmore, William Lawrence, John Terryberry**.

File 2-38

Robert Curtis, Stamford, labourer. Charged with assault against **John Murray** on July 30, 1828. Witnesses: John Murray. Evidence taken before **James Macklem** July 30: plaintiff fears for life for bodily hurt. Was looking out his mother's window and he was struck at with a hay fork, would have been hit had he not withdrawn. Recognizance before James Macklem to appear, August 1, 1828: Robert Curtis £10, sureties **Gilbert McMicking** and **Samuel Hicks** £5 each. Discharged by proclamation October 16, 1828, signed **Charles Richardson**.

File 2-39

Neil Hargin, Niagara, mariner. Charged with assault against **Joseph Whitney** on October 1, 1828. Witnesses: Joseph Whitney. Evidence taken before **John Crooks**, October 2: Whitney, commanding the steamboat **Queenston**, was assaulted by defendant who was one of the crew. Discharged by proclamation, "until he find sufficient sureties to appear" October 16, 1828 signed **Charles Richardson**.

File 2-40

Duncan McNabb, Niagara, labourer. Charged with assault against **Henry Jackson** (a man of colour) on June 4, 1828. True bill: **William Hutt** (foreman.) Witnesses: Henry Jackson, **Robert Speirs**. Evidence taken before **Ralfe M. Cryslar** on June 5: plaintiff was beaten with the butt end of a horse whip over his head and body. Signed "his X mark." Speirs: verifies evidence is a true statement. Recognizance to appear: Henry Jackson and Robert Speirs £5 each.

File 2-41

Robert Pew, Stamford, farmer. Charged with assault against **Daniel McGarry** on July 6, 1828. True bill (traversed): **William Hutt** (foreman.) Witnesses: Daniel McGarry. Warrant issued by **Charles Richardson** July 9, 1828. Prisoner taken, signed **R. Leonard, Peter Pawling**.

File 2-42

James R. Webster, Grantham, merchant. Charged with assault against **Frances Bedford**, spinster, on July 7 or 8, 1828. True bill: **William Hutt** (foreman.) Jury presentment attached, filed July 11, 1828; *nolle prosequi* October 16, 1828 signed **Charles Richardson**. Witnesses: Frances Bedford.

*Niagara District Quarter Sessions, January-April 1829.***File 3-1.** Accounts.

John Gibson (collector for Grantham): **John McMillan** (weaver) has no rateable property except a cow, must deduct 4/2- from his assessment. Signed **Alexander Hamilton** and **Samuel Street**, January 15, 1829.

Jonathan Doan- charge and expense for taking **John McCabe** to gaol on the complaint of **Oliver Phelps**, £1.1.7. Signed **Alexander Hamilton** and **Samuel Street**, January 15, 1829.

George Lacey and **Jonathan Doan**- detention and conveying of **Nicholas Handlin** from Chippawa to Niagara gaol. Signed **Alexander Hamilton** and **Samuel Street**.

Hiram Carney- \$4.00 from **Samuel Street** for the arrest of **Nicholas Hamilton** [sic] who escaped from constables **Lacey** and **Doan** at the **Deep Cut**, dated Stamford, May 5, 1829. **Edward Carney** lives on an island opposite the mouth of **Tonawanta Creek**. The above Hiram Carney is his son. Signed **Alexander Hamilton**.

Erastus Moses, fees for warrant against **Abraham Gaffin** for coining, and search of the woods for materials and implements, found a shanty &c in the swamp. Paid **Randall, Ensign, Kirk, Bradock, Pettit, Barnes, English** and **Forsyth** 2 days for the search. On order of **James Cummings**, taking a wagon from Chippawa to Niagara; for a pair of pantaloons destroyed by vitreol and taking it to the Niagara court; taking **Nicholas Handlin** from constables **Lacey** and **Doan**. Total £5.16.6. Signed **Alexander Hamilton** and **Samuel Street**.

James Cummings, for postage on a letter from **Col. Warren**; cash paid to **John Corson** for repair of the bridge at Houses; **David Young** for building bridge at Houses; **David Rice** for building an abutment and log way to the bridge; **Henry Geadey** paid his exemption money, total £9.13.4½. Amount of [exemption] money taken from Mennoists and Tunkers by **John Warren** £52; Paid £51.0.15 for the bridge at **Houses' Creek**, balance due 5/-.

Jacob Furry (constable) fees and costs for the arrest of **William McDonell** £1.17.6. Signed **George Adams**, **Alexander Hamilton** January 15, 1829.

James Dunlop (constable) for the arrest of **James Anderson** (theft); **John Boilstone**; search warrant for property of **William H. Sanderson**; arrest of **Thomas B. Seers**, £2.17.3. Signed **George Adams**, **Alexander Hamilton** January 15, 1829.

James Lockhart, charge for six pairs of blankets for prisoners £6. Signed **Peter Pawling**, **Alexander Hamilton** and **John Crooks**, December 15, 1828.

Eliza Fizette, for boarding and lodging of **George Newlands**, by request of **James Muirhead** and **John Crooks** 10/-. Signed **Alexander Hamilton** and **John Crooks**, January 15, 1829.

Jacob Dockstader, charge for 3 months salary as High Constable £3.2.6. Signed **Alexander Hamilton**, January 17, 1829.

Constables present at court: **John Shriber**, **John Wright**, **John Mersailles**, **Patrick Fagan**, **Patrick Flynn**, **William Moffatt**, charge £3.2.6. Signed **Peter Pawling** and **Alexander Hamilton**, January 17, 1829.

W.L. Daly, charge for 20 yards of brown linen sheeting and thread and bed ticks, £1.10.7. Signed **Peter Pawling, John Crooks, Alexander Hamilton**.

John Wray, charge for 5 days at the sessions as crier, £1.10.0. Signed **Alexander Hamilton**, January 17, 1829.

J.R. Eaglesum, charge for materials on rooms at the court: stove pipes, candles, firewood, lumber for benches, joiner work, teaming, £8.3.6. Signed **Alexander Hamilton**, January 17, 1829.

McBride and Ferguson, charge for advertising the District accounts of **Thomas McCormack** and **William Clark**, £3.15.0. Signed **Alexander Hamilton**, January 17, 1829.

John McBride, charge for making a coffin for **Armstrong**, died at **Patrick Handy's**, 15/-. Signed **Alexander Hamilton**, January 16, 1829.

John Haun, charge for digging grave of **Christopher Armstrong**, buried October 5, 1828. 5/-; digging grave for a woman who "died on the Commons" 5/-; digging grave for **Jacob Hardick** "that froze to death on the plains," 5/-. Signed **Alexander Hamilton**, January 17, 1829.

Dr. Tiffany, for attending **Mr. Armstrong**, sick at **Handy's**, cost of wine and other necessaries, £1.0.7½. November 2, 1828. Signed **Alexander Hamilton**.

John Wagstaff, charge for 1 dozen tin cups, ½ dozen tin plates, £1.1.0. Signed **Peter Pawling, Alexander Hamilton**, January 17, 1829.

Leonard Misener, Town Clerk of Wainfleet, charge for 3 years fees from 1826-1828, £1.10.0. January 12, 1829. Signed **Alexander Hamilton**, January 17, 1829. Fees were not received "in consequence of my living so remote from this place also making application at times when the Clerk of the Peace was absent. I now therefore pray your worships to take it into consideration and greatly oblige your humble servant."

Charges re: **Christopher Armstrong**, the poor man that died in the house of **Patrick Handy**, auctioneer in Niagara, is well known to **Mr. Muirhead, McDougall** and **Dr. Tiffany**. "The smell was insupportable to any person." Provided 8 days and nights lodging; candles; dirteying bed and sheets and blankets and quilts; to liquor obliged to be given to persons to wash and clean said Armstrong; soap; snuff; 4 yards of white cotton to make a winding sheet to get round his corps; loss sustained on account of persons not being able to sleep in my house from the time that he came there until his decease, total £6.3.0. The last charge not allowed, amount paid £4.12.6. Signed **Alexander Hamilton**, January 17, 1829.

List of Rations Due to the Jailer of the Niagara District, October 18, 1828-January 15, 1829. Included wood for guard, candles, straw for cells and four brooms £40.3.1½. Signed **Alexander Hamilton** and **Peter Wheeler**.

James Kennedy, October 18-January 15.

Joseph G. Smallwood, October 18-January 15.

Susan Baker, October 18-December 4.

William Lemon, October 18-January 15.

Matilda Mandigo, October 18-January 15.

David Willson, October 18-November 4.

John Jones, October 18-November 4.

Nathan Dean, October 18-January 15.

James Covert, October 18-January 15.

Alanson Clark, October 18-January 15.

John Coutter, October 18-November 21.
John Boilston, October 21-January 15.
James Anderson, October 22-January 15.
Nathaniel Plumstead, October 28-January 15.
George Benedick, October 29-January 15.
James Hall, November 3-December 5.
John Cain, November 18-January 15.
Alfred Bradford, December 1-January 15.
Mary Thompson, December 22-January 15.
Lewis Dangerfield, December 30-January 15.
Thomas B. Seers, January 3-January 15.
George Lake, November 8-December 16.
John Tenent, December 21-January 15. Debtor.
William Hetherton, December 21-January 15. Debtor.
Lorance Pendergraff, December 21-January 15. Debtor.

File 3-2. Clerk of the Peace Accounts, October sessions 1828.

File details costs and charges for making up precepts, keeping records, reports, writs, warrants, letters to magistrates, publication of notices to innkeepers in *Niagara Herald*; King vs. *James R. Webster*- nolle prosequi, King vs. *Robert Curtis*- discharge proclamation, King vs. *Neil Hargin*- discharge proclamation &c. Signed *Charles Richardson*.

File 3-3. Criminal Calendar.

Criminal Calendar- Prisoners in charge of Peter Wheeler, January 13, 1829. Signed by *Charles Richardson* and *R. Leonard*. [Lists prisoner's name, date of commitment and under what authority.]
James Kennedy- November 15, 1827. Under sentence.
William Leamon-May 19, 1828. Under sentence.
Matilda Mandigo-August 24, 1828. Under sentence.
Nathan Dean-August 30, 1828. Under sentence.
James Covert- September 2, 1828. Under sentence.
Alanson Clark-October 6, 1828. Order of *Samuel Street*, stealing horse from *George Rowe*.
John Boilston- October 21, 1828. Order of *Daniel McDougall*, stealing axe &c of *William H. Sanderson*
James Anderson-October 22, 1828. Order of Daniel McDougall, stealing axe &c of William H. Sanderson
Nathaniel Plumstead- October 28, 1828. Order of *Robert Grant*, stealing boots of *Staughton Moore*.
George Benedick- October 29, 1828. Order of *Robert Grant*, broke open the bedroom door of *William Winn* and stole \$15-20 in Bank of Montreal bills from his trunk.
John Cain- November 18, 1828. Order of *John Crooks*. Stole 8 "hankerchiefs," 3 pairs of socks, 3 papers of pins and other articles the property of *P. Pottanoy*.
Alfred Bradford- December 1, 1828. Order of *Robert Grant*. Stole a blue cloth frock coat and 2 vests the property of *R.H. Lee*.
Mary Thompson- December 22, 1828. Order of *George Adams*. Detained \$6 in bank bills of Upper and Lower Canada, the property of *William Westover*.
Lewis Dangerfield- December 30, 1828. Order of *Alexander Hamilton*. Felony.
Thomas B. Seers- January 30, 1829. Order of *George Adams* and *George Keefer*. Beating and abusing *Catherine Raymond*.

File 3-4. Filings.

Evidence before **George Adams**: **William Westover** of Grantham was at the house of **Samuel Dolson**, innkeeper, on December 22nd. **Mary Thompson**, lately from the USA. had \$5.00 US (counterfeit) in the barrroom. Deponent took \$5 and \$1 bills from his pocket (Upper and Lower Canada bills) which were good. She asked to look at them. When he asked for them back she refused and refuses to do so. She has secreted his money to keep him from obtaining the same. Signed **William Westover**, December 22. Notation- "not acted upon being informal," signed **Alexander Hamilton** and **Charles Richardson**, January 17, 1829.

Memorandum of an account, February 5-14, 1829. Does not mention names or dates beyond **Dyers**, blacksmith, **Pettit**, swamp (**Howards**), **Muirheads**, **Dumfries**, **Secords**, **Stewarts**, **Dischers**, St. Catharines.

Evidence before **John Crooks**, November 18, 1828: **Patrick Handy**, Niagara, auctioneer saith that **John Cain** of Niagara was at the deponents home since May 1 until November 17, 1828. Stole 8 handkerchiefs, 3 pairs of socks, three papers pins, and other goods worth 5/-. Filed by **Charles Richardson**, January 13, 1829.

Alexander Caughill, Niagara, yeoman. Charged with assault and battery against **Elijah Armstrong**, Niagara, tavernkeeper, on November 24, 1828. Evidence taken before **John Crooks**. Filed by **Charles Richardson** January 13, 1829.

Undated memorandum of evidence by **R. Brady**: "Ask **A. Hucheson** wether **R. Lappan** did not leave the road and go to the house and I tried to perswade him to come away. Ask young **David Kergill** if I did not try to get him to come away when he came to the window. Also told him the said Kergil to take something and beat the said R. Lappan away if he would not come away from the door. Moreover the house was broke before I got over the fence. Prove this by A. Hucheson."

Undated memorandum of cases: **Heron vs. Brown**, **Scott vs. Daly**, **Wilson vs. Thompson**, **Shoup vs. Gage**, **Armstrong vs. Merritt**, [-----] vs. **Terry**, **Lockhart vs.** [-----?], **Botsford vs. Stewart**.

File 3-5. Grand Jury Presentment.

The pauper list was £100 in 1820, and £250 in 1829, an increase too rapid for the District to afford. This is too great a sum for the District to pay, and we believe it has been illegally applied. Signed **George A. Ball**, **Alexander Hamilton**.

File 3-6. Insane and Destitute Accounts.

Letter from **John A. Stevenson** to **James Muirhead**, January 13, 1829. Re: **John Ellis**, who was discontinued on the pauper list for no reason. He received shelter here when refused it by his own relations. He is sick and lame. The modicum he received was barely sufficient to clothe him. He should obtain a grant for the period from last April to the present. (Rejected, signed **Alexander Hamilton**.)

William Ducat, Thorold. He is very poor, with a wife and family reduced to the lowest state of "reatchedness." Has a white swelling. Has lived six months on charity. Unless assisted they "must perish with hunger." Prays for a small sum, "such releaf as will preserve life untill the Lord in His wisdom may be pleased either to remove me by death or send Releaf some other way." Signed **Isaac Overholt**, **John J. Brown**. (Rejected, signed **Alexander Hamilton**.)

Susan Mark, a wandering old female without home or relations. Taken up wandering in Stamford, was on the pauper list. Allowance not called for by **John McMicking** (he didn't know where to find her.) She

called on **Mr. Leeming** for charity. She might be placed on the list at 3/9- if Leeming applies and she stays there. (Rejected, signed **Alexander Hamilton**.)

Widow Cantrel, lived on section 20 of the **Welland Canal at Bell, Richardson & Co.** three years ago. Was honest and industrious, husband went up country to get land in July, took sick and died. The widow and children lay sick with fever and ague. Made a comfortable living while in health, but are now destitute. Signed **George Keefer**, December 3, 1828. **Margaret Cantril**, widow of **Thomas Cantril**, of Ireland. Came to Upper Canada 10 years ago, lived 3 years on the Welland Canal. Husband went to Guelph for land in July, fell ill with fever and died. Widow sick since August, has five children. Weak, can't support her children. Signed "her X mark" January 15, 1829. (Rejected, signed **Alexander Hamilton**.)

File 3-7. Petitions.

Jason Sheppard, Pelham. Was torn violently from his place of abode at night by a band of ruffians and "actually tortured in various ways" because he is a Shaker and made Proselytes of a few individuals. Threats and menaces thrown at them "who appear to be a harmless, inoffensive people." Remedy required. 1 month 10 day 1829. Signed **Lewis Willson, Joseph Willson, Robert Taffleman, William Gillan, Isaac Willson, Thomas Page, Eli Doan, Daniel Willson, Joseph Marsh, Peter Jennings, Zenas Fell, Samuel Fell, James Fell, Samuel Taylor, Jesse Willson Sr, Jesse Willson Jr, Nathan Willson, John M. Laney, Thomas Locke, Benjamin Birdsall, Samuel Birdsall, John Shotwell, Joel Shotwell, Samuel Rice**. Referred to Grand Jury for redress, January 14, 1829.

File 3-8. Orders.

James Kennedy has been in jail 14 months, his clothes hardly in a state to cover him. Prays for relief. Signed "his X mark." **John Crooks**- order to procure 2 flannel shirts, 1 pair of trowsers and a jacket of coarse texture for him at the expense of the District. Signed **Alexander Hamilton**, January 16, 1829.

James Muirhead, John Crooks, Daniel McDougall, Thomas McCormack, George Ball (or any two of them) to be a committee to investigate the court house, jail and yard for necessaries and contract for the same. Signed **Alexander Hamilton**.

The **pauper list** is continued to April. Reiterated to the paupers that they need not expect to be continued on the list after that period. Signed **Alexander Hamilton**, January 16, 1829.

Niagara, January 15, 1829. In order to prevent the **small pox** in jail the patient's room be fumigated with nitric acid and the bed clothes burned. Order sent to **Major Leonard** and **Dr. Telfer**. Ordered done, signed **Alexander Hamilton**, January 16, 1829.

The Clerk is ordered to make application to the District officers for their opinion as to the authority of magistrates to appropriate the funds of the District for the use of paupers. Have report ready for the next sessions. Signed **Alexander Hamilton**, January 16, 1829.

Rainham and **Walpole** have been added to this District by an act of the Legislature. The Clerk is to apply for maps of these townships. Also at least expense to procure a bound and indexed copy of the **Provincial Statutes** from 1820 and **Dickerson's Quarter Sessions**. Signed **Alexander Hamilton**.

The Treasurer is to appropriate half his funds to reduce the District debt. Signed **Alexander Hamilton**, January 16, 1829.

Treasurer be charged £5.15.0. to pay for *Charles Stephenson* and a man disabled at the *Welland Canal* to be sent to *Kingston*. Signed *James Muirhead*, *John Crooks* and *Alexander Hamilton*, January 16, 1829.

The *Court of Requests* for Haldimand to be held at the home of *Mrs. Phillpots* on the west side of the mouth of the *Grand River*. Signed *Alexander Hamilton* and *Charles Richardson*, January 14, 1829.

An order was made in January re: the *rate of ferriage* below the falls in Stamford. Due to the illness and sudden death of *Ralfe Clench*, the order was lost or mislaid. *Thomas Clark* and *Samuel Street*, lessees, at great expense have excavated rocks and made a carriage road from the top of the bank to the water's edge. Will charge 1/3- for each passenger crossing. Signed *Alexander Hamilton* and *Charles Richardson*, January 13, 1829.

Ordered that *Charles Richardson* be paid £10 on account of his services. Signed *Alexander Hamilton*, January 17, 1829.

File 3-9. Precept.

James Muirhead and *John Crooks* compiled attached list of jurors on December 31, 1828 for sessions to be held on January 13, 1829. Letter from *Dr. Telfer*, January 14, 1829: *Sylvester Doran* is unable to attend as juror from a "bodily indisposition."

Grand Jury: *George A. Ball*, *Adam Hutt*, *David Wilcocks*, *John H. Camp*, *Joseph Merritt*, *Isaac Merritt*, *Moses Merritt*, *Robert Merritt*, *Daniel Merritt*, *Joseph Merritt Jr*, *Isaac Willcocks*, *Daniel Wardel*, *Robert Wardel*, *Daniel Griffin*, *Richard Griffin*, *John Fields*, *Ralph Fields*, *Warner Sheavelear*, *William Patterson*, *Erastus Darby*, *Solomon Wardle*, *Isaac Wardle*, *William Bridgeman*, *William P. Snider*.

Petit Jury. *John VanSickle*, *Charles Moore*, *Mathias Book*, *Cilus Smith*, *Jacob Tufford*, *Dovet Harvet*, *James Vanatter*, *George Cruise*, *John Culey*, *Joel Bennett*, ~~*John Thompson*~~, *John Kay*, *George Rootland*, *Pazeal Layland*, ~~*Sylvester Doran*~~ (excused), *Gerrard Perkins*, *Peter Teiles*, *Patrick Sherrey*, *Peter Lamare*, *Ezra Fraleigh*, *John Flanagan*, *William Howard*, *John Flaus*, *Thomas Chapman*, *Martin Miller*, *Pierce Moore*, *Amos Merritt*, *Jacob Mese*, *Henery Smith*, *Amos Atkins*, *Jesse Balden*, *Daniel Overholt*, *John Wilcocks*, *John Bush*, *Jacob Bush*, *Joseph McCollum*, *Cornelius Hill*, *Richard Taylor*, *Jacob Lodge*, *John Harris*, *Elijah Harris*, *Thomas Halstead*, *Peter Buckland*, *Caleb Nelson*, *Joseph Coon*, *Stephen Coon*, *Edward Taylor*, *John Stewart*.

File 3-10. Tavern and Shop Licences.

Isaac Vanfleet, Niagara, yeoman. Keeps an inn on the *Swamp Road*. Prays for a licence. January 13, 1829. Rejected, signed *Alexander Hamilton*.

John Talbot. Kept an inn at Niagara for three years, fitted up a house and prays for a licence. Signed *James C. Crysler*, *Jared Stocking*, *Joseph Clement*, *Lewis Clement*, *John Tannahill*, *John Harris*, *John McNabb*. January 13, 1829. Rejected, signed *Alexander Hamilton*.

Petition from the "*inhabatance of Thorold*." The house of *John Hunt*, kept by *E.B. Kimble* as an inn. *Garret Vanderburgh* would be a fit person to keep this house, January 12, 1829. Signed *John P. Brown*, *Henry Brown*, *John Vanderburgh*, *William Vanderburgh*, *James Watson*, *Robert Watson*, *Andrew Wilson*, *Cornelius Wilson*. January 14, 1829 Rejected, signed *Aleander Hamilton*.

David Kilbourne. Has erected a suitable house, competent for business, in Wainfleet on the line of the *Canal* near the *Cranberry Marsh*. Prays for licence, January 8, 1829. Signed **John Pratt, Joseph B. Westgate, Stephen Hart, William B. Yeats**. January 13, 1829 Rejected, signed **Alexander Hamilton**.

Samuel Nesbitt, Niagara. Is a fit and proper person to keep an inn. Has taken expense and trouble to fit up a place, for the entertainment of travellers. Has a large and helpless family to support. Signed **John Tannahill, John Rogers, John Grier, John Willson, John Monro, James C. Crysler, Edward McBride, Thomas Jobbitt, Jared Stocking, Robert Kay**, [-----?] **Campbell**. January 14, 1829 Rejected signed **Alexander Hamilton**. Attached is a petition from Nesbitt: the application for a licence was rejected. You were not fully aware of the case, prays it be reconsidered. Has resided many years in town, character is well known. Must have had some misrepresentation, otherwise you would not have rejected the petition. Additional recommendations from **E.B. Strong, Adam Snyder, Charles Field, Robert Field, Adam Crysler**, [-----?], **Andrew Heron, John Eaglesum, R.H. Lee, Richard Handcock, Charles Edwards, Francis Moore**. January 15, 1829. Rejected, signed Alexander Hamilton.

File 3-11.

Gilbert Anderson, Niagara, blacksmith. Charged with assault and battery against **Patrick Flinn** on January 13, 1829. True bill: **George A. Ball** (foreman.) Witnesses: Patrick Flinn. Verdict: guilty. Fine £5 plus costs. Signed **James Muirhead, Charles Richardson**.

File 3-12.

John Nicholas Berringer, Niagara, yeoman. Charged with assault and battery against **Otis Ingalls**, Niagara, yeoman on November 1, 1828. True bill: **George A. Ball** (foreman.) Witnesses: Otis Ingalls. Verdict: not guilty, signed **Alexander Hamilton** and **Charles Richardson**, January 13, 1829. Recognizance to appear: John Berringer £20, sureties **James Crysler** and **John Schreiber** £10 each. Recognizance/bond for good behaviour John Berringer £15, sureties James Crysler and John Schreiber £7.10.0 each.

File 3-13.

John Boilston, Grantham, labourer and **James Anderson**, Grantham, labourer (coloured man.) Charged with larceny, for stealing 2 small wagon tines and iron straps (value 2/- each) the property of **Silas Vandecar**. No bill: **George A. Ball** (foreman.) Witnesses: John Anderson of St. Catharines. Recognizance: **George Anderson** (of colour) £25 to give evidence against two coloured men for stealing iron and other articles from **William Sanderson** of St. Catharines. Signed **George Adams**, October 27, 1828. Evidence taken before **Daniel McDougall**, October 4, 1828: James Anderson (coloured man) at the request of Boilston, we stole 2 narrow axes, 4 horse shoes, 2 bars of round and 2 bars of flat iron and cast steel from the blacksmith shop of William Henry Sanderson, and then stole 2 small wagon tines and iron straps from Silas Vandecar's blacksmith shop. Signed "his X mark" October 22, 1828. Evidence before George Adams, October 20, 1828: William Sanderson, of St. Catharines, missed the items stolen by defendants. Filed January 13, 1829 signed **Charles Richardson**. Witnesses under recognizance to appear: William Henry Anderson [sic], **Peter Scott, John Handy**. Witnesses not under recognizance: Silas Vandecar, **John Riley** (coloured man) Signed Charles Richardson, January 13, 1829.

Alfred Bradford, Stamford, labourer. Charged with larceny, stealing 1 drab great coat from **Riverius Hooker Lee**, Chippawa, innkeeper, on November 28, 1828. True bill: **George A. Ball** (foreman.) Witnesses: Riverius Hooker Lee, **Henry Woodruff**. Verdict: guilty, 1 month in jail plus 39 lashes at the end of the sentence. Signed **Alexander Hamilton**, January 17, 1829. Evidence taken before **Robert Grant**, December 1, 1828: plaintiff had one blue cloth frock coat, 2 vests stolen. Henry Woodruff, St. Davids,

saddler: he bought the coat from Bradford, gave him an old coat and \$2.00 in exchange. Alfred Bradford- he did not steal the items, they were given to him by a black man of the name **Butler** on Mr. Lee's stoop. Recognizance: R.H. Lee £10, surety **Chester Wadsworth** £5.

File 3-14.

Alexander Caughell, Niagara, yeoman. Charged with assault and battery against **Elijah Armstrong** on November 25, 1828. No bill: **George A. Ball** (foreman.) Witnesses: Elijah Armstrong.

File 3-15.

Lewis Dangerfield, Stamford, labourer (man of colour.) Charged with larceny, theft of one blanket (value 5/-) the property of **James Anderson**, on December 10, 1828. True bill: **George A. Ball** (foreman.) Witnesses: James Anderson, **Henry Craig**, **Edgar Berryman**. Verdict: guilty. To stand in the pillory one hour. Signed **James Muirhead**, April 15, 1829. Enclosed letter from **Alexander Hamilton** to **Charles Richardson**, Queenston, December 22, 1828 with the information of James Anderson, Stamford, concerning larceny by Lewis Dangerfield (man of colour.) Evidence of James Anderson taken before Alexander Hamilton, December 12, 1828: Dangerfield sent by **Mr. James Wilken** (or **Wiken**?) of Stamford to work on my farm on December 8. I boarded him for three days and two nights. A man named Craig was boarded, who asked deponent if he missed any bed clothes, saw his blanket on Dangerfield's bed, now at St. Davids. Deponent found his blanket missing. Warrant issued, blanket brought in December 13. Defendant said the blanket was brought to his house by Henry Craig. On arrest defendant tried to escape by drawing his arms out of his coat and running away. Recognizance before Charles Richardson, December 13: James Anderson £20, sureties Edgar Berryman and **James Law** of Stamford £10 each.

File 3-16.

Lewis Dangerfield, Stamford, labourer, charged with larceny, stealing a blanket worth 5/- on December 10, 1828, the property of **James Anderson**, Stamford, farmer. Witnesses: James Anderson, **Henry Craig**, **Edgar Berryman**. True bill: **George A. Ball** (foreman). Indictment #4, January sessions 1829. Traversed. Verdict: guilty, sentenced to be put in the pillory for one hour and then discharged, signed **James Muirhead**, chairman, April 15, 1829.

Letter from **Alexander Hamilton** to **Charles Richardson**, Clerk of the Peace, Niagara. **Queenston**, 22 Dec. 1828. Dear Charles, I enclose you the information of James Anderson of Stamford of larceny by Lewis Dangerfield, a man of colour, committed for tryal at the next sessions. Yours truly, Alex Hamilton. District of Niagara. Personally appeared before Alex Hamilton, JP, James Anderson, who saith: Louis Dangerfield, a man of colour, labourer, was sent to him by Mr. **James Wilkens** of Stamford to work on his (Wilkiens') farm and to be boarded at deponents, on Monday 8th Dec.; Dangerfield remained in the house 3 days and 3 nights. A man named Craig also boarded with him; asked the deponent if he had missed any bed clothes; saw a blanket the property of the deponent on Dangerfields' bed, now residing near the village of **St. Davids**; deponent says on further investigation he found a blanket missing from the bed which Dangerfield occupied during his stay; believes Dangerfield took the blanket, prays for a search warrant for finding the goods in Dangerfield's house. [signed] James Anderson, before A. Hamilton, 12 Dec. 1828. Warrant granted; Dec. 13th the constable brought before me the said blanket found in Dangerfield's house, identified by Anderson as his property; defendant being asked if he had anything to say, alleges the blanket was brought to his house by Henry Craig, but not substantiated by any proof; constable states that upon Dangerfield being seized he attempted to make his escape by drawing his arms out of his coat and running away but he was afterwards taken; recognizance to appear James Anderson £20, Edgar Berryman and **James Law**, both of Stamford sureties £10 each; granted warrant of commitment Dec. 13, 1828. Fees 6/3-; filed by Charles Richardson, 13 Jany. 1829.

File 3-17.

Thomas Douglas, Niagara, shoemaker; **Patrick Gorman**, Niagara, shoemaker; **Nicholas Wall**, Niagara, shoemaker. Charged with riot and assault upon **Edward Keating**, Louth, mason, on October 29, 1828. Witnesses: Edward Keating, **James R. Eglesum**, **John I.G. Emery**, **John Whitten**. Evidence taken before **Daniel McDougall**, October 28: Deponent was at Eglesums' inn at Niagara. Defendants assembled, did riot, assaulted deponent who feared for his life. *Nolle prosequi* filed January 13, 1829, signed **Alexander Hamilton** and **Charles Richardson**.

File 3-18.

Henry Fee, Thorold, labourer. Charged with assault of constable **Nicholas Smith** on October 4, 1828. True bill: **George A. Ball** (foreman.) Plus presentment "just cause for action." Witnesses: Nicholas Smith. Verdict: not guilty. File contains a constable's account, name of "Richard" Smith, for fees for attendance, subpoena, constable's pay &c, £10.12.6. Signed **Alexander Hamilton**, January 17, 1829.

File 3-19.

James Heron, Niagara, printer. Charged with assault and battery against **Hugh Shaw** on January 1, 1829. True bill: **George A. Ball** (foreman.) Witnesses: Henry Shaw. Evidence of Hugh Shaw taken before **Daniel McDougall**, January 1: defendant beat me. Verdict: guilty. Fine 5/- plus costs. Recognizance: Hugh Shaw £5 to prosecute. Signed **Charles Richardson**, January 17, 1829.

File 3-20.

Robert Gray, Niagara, innkeeper. Charged with assault and battery against **Caesar Hepbourne**, Niagara, labourer, on December 23, 1828. True bill: **George A. Ball** (foreman.) Witnesses: Caesar Hepbourne, signed "his X mark." Verdict: guilty. Fine 5/- plus costs. Recognizance taken before **John Crooks**: Robert Gray £15, sureties **E.W. McBride** and **R. Miller** £7.10. each. Signed **Charles Richardson**, January 13, 1829.

File 3-21.

Patrick Handy, Niagara, auctioneer. Charged with assault and battery against **James Barker**, Niagara, tailor, on December 28, 1828. No bill: **George A. Ball** (foreman.) Witnesses: James Barker, **Patrick Flinn**. Recognizance before **Daniel McDougall**, December 29: James Barker (his X mark) £5; Patrick Handy £10, sureties **Richard Handcock** and **John McBride** £5 each. Signed **Charles Richardson**, January 13, 1829.

File 3-22.

William Muckle, Stamford, yeoman. Charged with assault and battery against **John Ottley**, December 5, 1828. True bill: **George A. Ball** (foreman.) Witnesses: **Robert Ottley**, **Isabella Thompson**. Warrant for arrest, signed **Charles Richardson** January 15, 1829. Verdict: guilty, fine 5/- plus costs. Signed **Alexander Hamilton**, January 17, 1829.

File 3-23.

William Muckle, Stamford, yeoman. Charged with assault against **Benjamin Robert Ottley**, Stamford, Esquire, on December 6, 1828. True bill: **George A. Ball** (foreman.) Witnesses: Benjamin Robert Ottley, **Isabella Thompson**. Verdict: guilty. Fine 10/- plus costs, signed **Alexander Hamilton** January 17, 1829.

Evidence taken before **Charles Richardson**: Ottley in fear and terror of his personal safety, due to the threats of Muckle. Evidence taken before **Robert Grant**: John Ottley, my minor son, was assaulted by defendant and struck with a horse whip on December 5th. Today (December 6) he put his fist to my nose, challenged me to fight in the road. Said if I went to the barn to milk the cows he would horse whip me. Isabella Thompson: have been the servant of Ottley for 3 months. His son was whipped; heard Muckle challenge Ottley to a fight or be whipped. Told **Mrs. Ottley** that he'd do the same to her if she got in his way. Ottley refused to fight under bond of £500 to keep the peace. Muckle said "If you will only come out and fight me I will clear you of the law, or I will not take the law of you." Recognizance: William Muckle £10, sureties **William Dunbar** and **C. Wadsworth** £5 each.

File 3-24.

Nathan Plumstead, Grantham, labourer. Charged with larceny, stole satinette trowsers (2/-), coat (2/-) and vest (1-) the property of **Peter Young**, Grantham, innkeeper, on October 26, 1828. True bill: **George A. Ball**. Witnesses: Peter Young, **Andrew Rorback**. Plea: guilty. Sentence 2 months in jail and 39 lashes. Signed **Alexander Hamilton**. Evidence taken before **Robert Grant** at Queenston, October 28: between 6 and 7 pm Plumstead was in the barroom. Deponent went to make a fire in the kitchen, Plumstead was by the door and asked for the bill. Said he intended to go to St. Catharines. Deponent discovered his house and bar plundered, missing clothes, \$4 in silver and quarter dollar pieces. Part of the goods were found at the house of **Mr. Cameron** at Stamford, ie. clothes, six 25¢ pieces, 1/- and 6d (York Cy) and 6¢ in coppers. Nathan Plumstead: acknowledged the clothes, but doesn't know how he got them. The money was not Young's. Recognizance: Peter Young £20, sureties **Stoughton Moore** and **C. Wadsworth** £10 each. Signed **Charles Richardson**, January 15, 1829.

File 3-25.

Nathaniel Plumstead, Niagara, labourer. Charged with larceny, stole 4 pairs of boots (worth 5/-) of **Stoughton Moore**, St. Davids, tanner, on October 27, 1828. True bill: **George A. Ball** (foreman.) Witnesses: Stoughton Moore. Plea: guilty, sentence 2 months in jail, signed **Alexander Hamilton**. Evidence taken before **Robert Grant**: the window of deponent's shop was broken and four pairs of boots stolen. The boots were found in defendants possession at house of **Mr. Cameron** of Stamford, October 28. Plumstead acknowledged the boots but doesn't know how he got them. "He is sometimes unwell and his mind deranged." Recognizance: Stoughton Moore £20, sureties **Peter Young** and **C. Wadsworth** £10 each.

File 3-26.

Thomas B. Seers, Grantham. Charged with assault and battery against **Catherine Raymond**, wife of **Jonathan P. Raymond**, on January 3, 1829. True bill: **George A. Ball**. Witnesses: Catherine Raymond, Jonathan P. Raymond, **Susan Gilbert**. Evidence: Seers beat plaintiff with his fist, knocked her down, gave her a violent kick with his foot and shoe in her bowels, and is seriously injured, signed "her X mark." Recognizance before **George Adams** and **George Keefer**, January 12: Jonathan P. Raymond £20, Susan Gilbert £20. Filed by **Charles Richardson** January 13. Discharged by proclamation, no prosecution, January 17, 1829 signed **Alexander Hamilton**.

File 3-27.

Henry F. White, Willoughby, labourer. Charged with assault against **Benjamin Shoup**, Willoughby, innkeeper, on October 19, 1828. Witnesses: Benjamin Shoup, **Sarah Shoup**. Jury presentment attached. Recognizance and information sent to **Charles Richardson** November 1828. Recognizance taken before **Henry Warren** on October 24: Benjamin Shoup £20, sureties **Archibald Thompson** of Bertie, farmer, and

John Seegrift, farmer, £10 each. Recognizance of Henry White £20 and John Seegrift £10 taken October 25. Evidence of Benjamin Shoup: on October 18 at 10 pm the defendant came to my house and demanded the door opened. I got out of bed, opened the door and was assaulted and kicked. I fastened the door and went to bed, "but was told by said White that he might prepare his coffin by morning." He made a second attack by kicking me next morning. I retired to my room. I was requested by **John Swap**, a brother-in-law to White, to come to the bar and was assured of no hurt. I did so, and suffered a third attack, was kicked. When he entered the bar, White attempted to get me and broke two slats of the bar. Fears White intends to take my life. Sarah Shoup- a true statement, signed "her X mark." Filed by Charles Richardson, January 13, 1829.

File 3-28. Accounts.

To **Rheson Gates**, Niagara, labourer and **William Turner**, Niagara, blacksmith (constables.) Warrant for assault, on the complaint of **John Isaiah** against **John Hite**. Signed **Charles Richardson**, January 15, 1829. 2/6- paid to each, signed **James Muirhead**.

Jonathan Doan, charges for serving notices in Pelham in 1829 to: **Alexandria Capman**, **Charles Fell**, **Alexandria Brown**, **Elijah Phelps**, **John Stiers**, **Samuel Becket**, **Edmund Woodford**, **Cornelius Lacy**, **Joseph Hill**, **Nathan Haycock**, **Enos Srigley**, **John Stires**, **David Bradshaw**, **Aaron Stringer**, **Andrew Hensler**, **William Disher**, **John McGlashen**, **David Metler** (not found), **Jacob Scram**, **Hesekiah Davis**. Performed in three days. (allowed \$1 per day, £1.15.0.) Signed **James Muirhead**, April 17, 1829.

Thomas Butler and **James Muirhead**: Allowed £7.10.0. to improve the road and bridge at **Two Mile Creek**. This sum was inadequate for the bridge. An additional £7.10.0. required since the bridge is in a very ruinous and dangerous state. January 17, 1829. Referred to the Quarter Sessions, signed **Alexander Hamilton**, James Muirhead, April 15, 1829.

William Terry. Worked 72 days as a Member of the Legislature. Certified by **Marshall S. Bidwell**, **James Muirhead**, March 20, 1829. Filed by **Charles Richardson**, April 14, 1829.

Robert Randall. Worked 72 days as a Member of the Legislature. Certified by **Marshall S. Bidwell**. Deliver my pay to **John H. Dunn** or my order, £41.

William Woodruff. Worked 72 days as a Member of the Legislature. Certified by **Marshall S. Bidwell**.

John Johnson Lefferty. Worked 72 days as a Member of the Legislature. Certified by **Marshall S. Bidwell**.

Richard Leonard, charge £20 for summoning juries, October 1828-April 1829. Signed **James Muirhead**, April 16, 1829.

David Stewart. To be paid £1.5.0. from the District Treasury as witness in the case of Rex vs. **Joseph Graham** (larceny.) Signed **James Muirhead**, April 16, 1829.

File 3-29. Accounts.

R. Leonard, £2 constables fees, April 14-18, 1828 for **Patrick Flinn**, **Patrick Fagan**, **John Schriber**, **Samuel Hicks**.

Patrick Flinn (constable) fees to convey and commit **Mary Thompson** and **Trumball** to prison (order of **John Crooks**) and to attend at court £0.10.0. Signed **James Muirhead**.

George McCann- charge for 12 cotton shirts for the use of *small pox prisoners* £2.5.0. July 16, 1829. Signed **Daniel McDougall**.

Jonathan Doan- charge to apprehend **Thomas Moffatt** on a warrant May 18, 1828; and to apprehend **Joseph Badgley** on a warrant February 28, 1829. £0.16.3.

Robert Connors- charge for six shirts and 2 pantaloons for prisoners, £2.18.9. Signed **John Crooks**.

Peter Wheeler- charge for making six bed ticks, washing 12 blankets, 56 shirts, gowns and petticoats, £1.7.9. April 14, 1829.

Peter Wheeler- charge for boarding **Catherine Dangerfield** 7 weeks at 3/6- per week, £1.4.6. April 14, 1829.

John Lyons- charge for restoring books "A" and "C" of the Registry, "taken to the American side during the late war," £12.10.0. January 31, 1829. Signed **John Crooks**.

John Wray- charge for services as crier for one day, £0.5.0. April 18, 1829.

John Shriber (constable)- charge for arrest of **James Dunlop** and **Mrs. Raymond** (warrant) and **Robert Cudney** (warrant) with the use of an assistant Cudney "being a dangerous man." £1.11.0. January 29, 1829. Signed **John Crooks**.

John Lyons- charge for making a new Index for books "A" "B" and "C" of the Registry, lately recovered, were lost during the late War- £15.0.0. April 14, 1829.

Cyrenius Hall, Fort Erie, (coroner) charge for holding an inquest on the body of **John Harp**, June 27, 1828 £1.5.0. Holding an inquest on the body of **John Johnson**, November 2, 1828 £1.5.0. Cost of precepts for same. Total £4.15.0. April 13, 1829.

Samuel Wood, Grantham, (coroner) charge for holding an inquest on the body of **James McCulloch**, September 1, 1828 £1.5.0; for coffin and burial of **Elijah Hough** 15/-; inquest on the body of **George Bowling**, December 18, 1828 £1.5.0. Cost of precepts. Total £5.13.10. April 14, 1829.

William Duff Miller, Niagara, (coroner) charge for holding an inquest on the body of **John Burge**, June 10, 1828; inquest on unknown man, but receipts on him named **Joseph Esty**, July 4, 1828; inquest on **David Doak**, August 10, 1828; inquest on **George Patterson**, August 24, 1828; inquest on an unknown woman, November 6, 1828; inquest on **Jacob Hardick**, January 2, 1829. Cost of precepts. Total £14.13.0. April 15, 1829.

Gilbert McMicking, Chippawa (coroner) charge for holding an inquest on the body of **James Coady**, July 1828 £1.5.0; inquest on an unknown man below the Falls £1.5.0 plus funeral expenses 10/-, total £5.8.6. April 15, 1829.

John Wray- services for 4 days as crier, £1.0.0. April 14, 1829.

Peter Hoover- charge for coffin &c for **Hans Martin** (a transient) brought to my house in my absence, died the same day. £3.0.0. May 24, 1829.

Peter T. Pawling- charge for sweeping the chimneys in the gaol and court 7/6-

Charles W. Edwards- charge for 5 days work, white washing and plastering of cells and jury room, repair of kitchen fireplace, £1.5.0. Signed **R. Leonard**, April 16, 1829.

R & J. Fields- charge for painting the railings in the court house £3.10.0. April 16, 1829.

Dr. Muirhead- charge for medicine and attending prisoners £6.5.0, extra for small pox £7.10.0, total charge £13.15.0.

Dr. Telfer, Niagara, April 15, 1829- charge to attend the inquest on the body of a woman (orders of **W.D. Miller**) held November 6, 1828 £1.3.4; to provide medicine for **Mrs. Freeman** at 4 Mile Creek, to attend her family (4 visits, at the request of **John Crooks**) £2.5.0 August 28, 1828.

Catherine Dangerfield- charge for nursing small pox prisoners 7 weeks £1.15.0. Signed "her X mark", certified by **R. Leonard**, April 14, 1829.

James Lockhart- charge for 5 pairs of blankets £5, January 20, 1829. Signed **John Crooks**.

Mr. Crooks- charge for clothing for prisoners: jacket, trowsers, shirts for **Kennedy**, a bottle of sweet oil, shoes £4.7.6. April 16, 1829.

Jacob Dockstader- charge for arrest of **John Hite** (warrant) and his assistant (a dangerous man); pursuit of robbers of **Daniel Ross** at **Long Point** by authority of **Robert Nelles**; allowance as High Constable, £5.12.6.

William Campbell (Clerk of Assizes) summons issued for: **Francis Logan**, **Peter Upper**, **John Hill** and **Alexander Lawson** in the matter of Rex vs. **Joseph Badgely** (perjury); before **Christopher Alexander Hagerman**, September 24, 1829.

John Wright (constable)- charge to arrest and commit **Mistress Thompson** and **J. Graham** to Niagara gaol from St. Catharines, £1.15.0. Certified by **George Adams** January 16, 1829, signed **Alexander Hamilton** January 17, 1829.

George H. Kerr (constable)- charge to arrest **Widow Bird**, and bring her back to where her trunks were (warrant of **R. Nelles**) March 27, 1829, £0.14.4.

George Lacey (constable) charge for bench warrant on **Simon Baty?** at **Deep Cut**; to arrest **Thomas Moffatt** (warrant of **George Adams**); to arrest **George W. Lake** and **John Peterson** (warrant of **Samuel Street**) plus stabling charges, £5.6.7. April 11, 1829.

George Adams-evidence on oath of **William Scott** (Thorold, labourer) On July 12, 1828 **Thomas Moffatt** entered the stable of **Francis Logan** (Thorold) Scott had \$180.00 in York or Upper Canada Bank bills in the pocket of his pantaloons. Believes Moffatt took the bills. Warrant for arrest to any constable in the District, July 14, 1828.

Constable Pearson- conveyed **James Anderson** (a mulatto man) to Niagara gaol in the summer of 1826, warrant of **James Kerby** at Fort Erie; made out the amount and given to **Crowell Wilson** who lost it, was 18/6-. **James Cummings**: allowed Pearson an extra 1/6- for being out of pocket, total 20/- or £1.

Samuel Street- allow **Samuel Hicks** (constable) mileage and conveyance &c for the arrest of **Alanson Clark** (horse stealing) £0.14.6.

Chester Wadsworth (constable)- charge for arrest of **Joseph Smallwood** (larceny); **John Jones** (assault and battery); conveyance of **Nathan Dean** and **Griffin** (Queenston to Chippawa, on the warrant of **Robert Grant**); subpoenas to **Joseph Thorn** (larceny); **Nathaniel Plumstead**, **George Benedict**, **Alfred Bradforce** and **Lewis Dangerfield**, £6.9.6.

Mathew Dobie (blacksmith)- charge for making handcuffs, fetters, and repairs in August, October and December 1828, 10/-.

John Asquith- charge for making coffin for **Jacob Hardick**, found dead, 10/-, cost of conveying corpse from where found to the graveyard 2/6-; total 12/6-. Certified **William Duff Miller**, January 2, 1829. (NB: should be included in coroner's accounts, signed **Alexander Hamilton**, January 17, 1829.)

Joseph Smallwood- paid for four punishments £3, signed **R. Leonard**, sheriff's office, April 16, 1829.

John Whitten- charge for coffin for unknown woman (found dead) 7/6-, November 6, 1828. Certified by **William Duff Miller**. (NB: should be in coroner's accounts, signed **Alexander Hamilton**, January 17, 1829.)

McBride and Ferguson- charge for publishing Treasurer's accounts, £1.5.0. Niagara, April 17, 1829.

Peter Pawling- charge for arrest of **G.McMeekey** (on bench warrant) plus travel; arrest of **Truman Rayman**, £0.19.6. (Referred to April sessions, signed **Alexander Hamilton**.)

John Haun- charge for digging grave for young **Canada**, February 3, 1829. 2/6-.

John Wagstaff- charge to appear, case of **Abraham Gaffin** (felony) before **Christopher A. Hagerman**, October 1, 1829. Signed **William Campbell**.

Harmonius Vanalstine, **John Lacy** and **Jonathan Doan**- in the case of **Joseph Badgely** (perjury) before **Christopher A. Hagerman**, September 23, 1828. **William Upper**- to fetch warrant. Signed **William Campbell**.

John Sellick Turrill- charge to serve subpoenas on **Harmonius Vanalstine**, **John Lacy** and **Jonathan Doan**; **Alexander Lauren** (perjury) and **John Wagstaff** £1.5.6. Referred to next April sessions, signed **Alexander Hamilton**, January 17, 1829.

Erastus Moses (constable)- charge for warrant on **Susan House** (larceny, on order of **James Cummings**) and **Phillip Bland**. The roads in a very bad state, had to hire a wagon to bring Mrs. House to the Magistrates, **John Handy** paid for the same. £1.13.6. April 1829.

Charles Anker, Bertie, (constable)- charge to arrest and convey **John Jones** from Fort Erie to Fort George and then to gaol, August 1828, £1.12.6. Pay the amount to **James Kirby**, December 20, 1828.

John Shriver (constable)- charge to summon 13 men (coroner's jury) on the body of **John Barge**,¹³ June 10, 1828; charge to summon coroner's jury on the body of **Joseph Esty**, July 4, 1828; charge to summon coroner's jury on the body of an unknown woman, November 6, 1828; fee 15/-; certified **William Duff Miller**, January 16, 1829. (NB: should be in coroner's accounts, signed **Alexander Hamilton**, January 17, 1829.)

¹³ John Birge or Burge committed suicide. See the *Gleaner*, June 16, 1828.

John Schriber (constable)- charge for arrest of **John Cain** (felony); search warrant for **William Spencer**, on order of **Daniel McDougall**; arrest of **Minor** and wife, on search warrant, orders of **John Crooks**; subpoena on **James Simpson** and **Joshua Cudney** (assault and battery); arrest of **Gilbert Anderson** (assault and battery); arrest of **P.J. Smith** and others (breaking down his door last spring) on order of **John Crooks**; £1.7.6. “Constable will bring the complainant **William Riley**, his wife and...”

Enoch Moore (constable)- search for 3½ days with **Jacob Doxtader** for **Luke Teapil**, supposed to have robbed **Daniel Ross** of **Vittoria** in the London District (on authority of **R. Nelles**, Esq.)

Frederick Smith (constable)- charge for warrant and arrest of **William Green** (Humberstone); required assistance of **James Cummings** and **Jacob Strome** to tie him (resisted arrest) and hire wagon to take him to Chippawa, £1.2.3.

Patrick Fagan (constable)- charge for summoning coroner’s jury on the body of **George Patterson**, August 24, 1828; for summoning coroner’s jury on the body of **Jacob Hardick**, January 2, 1829, 10/-; certified by **William Duff Miller**, January 16, 1829. (Referred to April sessions, should be in the coroner’s accounts. Signed **Alexander Hamilton**, January 17, 1829.)

Patrick Fagan (constable)- charge for a special session, bring **Thomas Cavan** and others to court, on order of **John Crooks**; arrest of **Mary Bennett** (on order of John Crooks); arrest **James Ferris**, (warrant of John Crooks.) 15/-.

Report of Committee on Accounts, April session 1829 (signed **James Muirhead**.) [This is a schedule of all of the above accounts, therefore the details are not repeated.]

George Green- charge for boarding **George Nowland**, a pauper, from the County of Derry, Artrel, Ireland. Nowland is aged 40 years, has a wife but she left him at Prescott due to a disagreement. They have three children aged 4, 6 and 9 years. Boarding charge for five weeks from November 17-December 23, 1828. **William Peterson** carried him to Niagara, and then to York. Received cash from **Edgar Berryman** from the Governor’s Aide de Camp **Mr. Boyle**. **Mr. Leeming** gave \$1.00 for a frock for Nowland. Signed **Samuel Street**, January 26, 1829.

Account of Rations Due to the Jailer of the Niagara District, January 16-April 16, 1829. Signed **Peter Wheeler**, £90.16.1½, includes charge for salary, scrubbing the court house, wood for the guard, candles for the guard, four cell brooms, candle sticks, 12 cords of wood for the jail.

James Kennedy, January 16-April 4, 1829.

Joseph G. Smallwood, January 16-April 4.

William Lemon, January 16-April 4.

Matilda Mandigo, January 16-April 4.

Nathan Dean, January 16-April 16.

James Covert, January 16-April 16.

Alanzon Clarke, January 16-April 16.

John Boylston, January 16-April 16.

James Anderson, January 16-April 16.

Nathan Plumstead, January 16-March 17.

George Benedict, January 16-April 16.

John Cain, January 16-January 17.

Alfred Bradford, January 16-February 17.

Mary Thompson, January 16-January 17.

Lewis Dangerfield, January 16-April 16.

Thomas B. Seers, January 16-January 17.
John Hoyt, February 24-April 16.
Joseph Graham, March 25-April 16.
Lawrence Pendergrass, January 16-January 23 (debtor)
John Tenant, January 16-March 31 (debtor)
William Hetherington, January 16-April 16 (debtor)
Adam Vrooman, April 3-April 16 (debtor.)

File 3-30. Clerk of the Peace Accounts.

These lists details charges and fees sustained by *Charles Richardson* for filing orders, making up warrants, keeping records, postage &c. and were signed by *James Muirhead* as chairman of the Sessions. The first list dates from January 1829 was for £18.17.1 and includes the following cases:

The King vs. *Alfred Bradley* (larceny); *Lewis Dangerfield* (larceny); *Thomas B. Seers* (assault and battery, discharged); *Patrick Handy* (assault and battery); *John B. Boilston* and *James Anderson* (larceny); *Nathan Plumstead* (larceny); *Henry Fee* (assault on a constable); *Mary Thompson* (discharge for prisoner, error in information by the Magistrate); *John Cane* (larceny); *James Barker* (assault and battery); *John Hart* (assault and battery.)

April 1829, Total claimed (including January session above) £58.13.0:

The King vs. *Lewis Dangerfield* (larceny, traversed); *Susan House* (larceny); *William Green* (larceny); *Joseph Badgely* (obstructing a constable); *John Boilston* and *James Anderson* (larceny, traversed); *Elijah Armstrong* (assault on a constable); *John Hite* (assault and battery); *Joseph Graham* (larceny); *James Dunlop* (assault and battery); *Catherine Raymond* (assault and battery.)

File 3-31, Accounts—Street Surveyor.

A List of Such Persons as have paid the amount of *statute labour* for the year 1828: *Thomas McCormick*, *Isabella Richardson*, *Charles Koune*, *Matthew Camp*, *Joseph Gourley*, *Thomas Parker*, *Adam Crysler*, *Patrick Handy*, *A. Stewart*, Esq, *James Muirhead*, Esq, *Robt. Burnes*, *Jarrad Stocking*, *Strong & Jackson*, *Jacob Docksteder*, *John Crooks*, *R.M. Crysler*, *Mrs. Rodgers*, *John Tannahill*, *Mrs. E. Crysler*, *Wm. L. Daly*, *Lewis Clement*, *John Barker*, *Ursen Harvey*, *Matthew Dobey*, *James Muirhead Jr*, *John Grier*, *Mrs. E. Young*, *John Young*, *James Lockhart*, *Wm. Terry*, *R.M. Long*, *A & J. Brown*, *Chester Culver*, *Robert Dickson*, *Walter Dickson*, *E.C. Camble*, *John Wagstaff*, *John Martindale*, *Richard Howard*, *Benjamin Harrison*, *John Harris*, *Francis Kerney*, *Wm. Cook*, *George Varey*, *John Hammond*, *Truman Raymond*, *Mrs. Powell*, *James Pickard*, *Henry Copeland*, *Mrs. Nichol*, *John Claus*, *Mrs. Gardner*, *Wm. D. Miller*, *James Thompson*, *Andrew Herron*, *Rev. James Campion*, *Benjamin Fairchild*, *Jacob Terry*, *John Wagstaff Jr*, *James Crysler*, *B. Ferguson*, *John Brady*, *Wm. Burgess*, *J. Lyons Esq*, *Mrs. Jones*, *Walter Telfer*, *Donald Chisholm*, *John Asquith*, *Mrs. Fish*, *Mrs. Stevenson*, *D. McDougall*, *B. Macan*, *John Eaglesum*, *Mrs. Trumble*, *Edward McBride*, *Mathew Kathline*, *Wm. Casada*, *John Camble*, *Robt. Gray*, *John Jones*, *Peter McDougal* per D. McDougal, *Benjamin Kenada*, *Mrs. Mary Stewart*; “sold 1 plough belongin to Town,” total £71.12.6. Amount paid for labour & utensils £89.4.1¼ ; total due surveyor of streets £17.11.7¼.

List of Such Persons as have not done any Statute Labour in the year 1828 in the Town of Niagara: *Wm. Godfrey* (sailor) dead, 5 days; *John [Milton?]* per *Wm. D. Miller*, 6 days; *A. [Brison?]*, dead, 3 days; *Thomas Johnston* (York), 3 days; *John Ross* per *Wm. D. Miller*, 6 days; *Simon Wea* by *James Crooks*, 13 days; *Joseph Nickson* (gone) 4 days; *John Brown* (York) 5 days. Total £5.12.6. The remainder persons whose names are inserted in the foregoing list have performed their statute labour.

Statement of Money Paid for Labour, Plows, Scraper, & repairs of sundrie tools used for repairing the streets in the town of Niagara 1828. [Accounts from May 12-August 22, 1828.] Names *Freel*, *Low*, *Eaglesum*, *Kiff*, *Flint*, *Triplet*, *Fuller*, *John Shriber*, *Gefries*, *Flin*, *Laval*, *John Yow*, *Man*, *Orsburn*, *Read*, *Martin*, *Donald*, *Brand*, *Farrel*, *A. McKee*, *Thompson*, *John Riley*, *D. Secord*, *Grimley*, *John Manealey*, for labour, plowing & scraping, repairing bridges, repairing drains, cost of plank and timber for roads and bridges, *Simons* for hauling plank and stone, *Mathew Dobey* as per bill, road from *Brackenridges* to *Pawling*, *John Thompson*; total £89.4.1¼. [verso: *Lewis Clement*, account of money rec'd and expended in the town of Niagara. Allowance to Surveyor of Streets for 1828 £15 Cy, and to be continued as street surveyor for 1829. Account rendered April 18, 1829. Signed, *J. Muirhead* and *D. McDougal*.]

File 3-32. Account vouchers.

Vouchers for payment are signed by *William Clark*, District treasurer, and *James Muirhead* or *Alexander Hamilton*. They reflect the accounts and charges submitted above for the January and April sessions. Note however that amounts charged during the July sessions 1829 are included, although the records and documents for that quarter are not extant.

Charles Richardson, £25, October 16, 1828 and £8.0, £58.13. and £8.10 April 17-18, 1829; *Charles Stephenson* £3.2.6. January 31, 1829 (signed by Muirhead, Crooks and McDougall); *James Muirhead* £1, relief payment, £5.15 for *Stephenson's passage*, November 28, 1828; *William Moffatt* 2/6-, January 17, 1829; *James Dunlop* £15, October 16, 1828 (signed by *Henry Mittleberger*); *John McMullen* 4/2- January 15, 1829; *James Cummings* £9.0.4½ January 15, 1829; *Dr. Tiffany* £1.0.7½ January 17, 1829 payable to *Edward Mann* and an identical charge on February 15, 1829; *John Wagstaff* £1.1.0, January 17, 1829; *James Dunlop*, re: *Rufus Durkee*, called to receive order at *John Wright's*, innkeeper, St. Catharines, £2.17.3, January 15 and February 3, 1829; *Chester Wadsworth*, £1.10, October 16, 1828; *Jacob Furry*, £1.17.6, January 15, 1829. Signed *John* "his X mark" *Montague*, witness *John Grieg*; *Erastus Moses* £2.2.6 October 16, 1828; *Samuel Street* to *Thomas Clarke*, Niagara Falls, pay an order in favour of *Erastus Moses* in my name to said Moses, January 26, 1829; *Robert Dickson*, pay bearer *Jacob Furry*, constable at the Grand River £1.17.6, (fee for taking *William McDonald* to jail); *Samuel Street* for *Erastus Moses* £5.16.6, January 15, 1829; *Patrick Flynn* 7/6- January 17, 1829; *J.R. Eaglesum*, £8.3.6, January 17, 1829; *John Shriver*, 15/- January 17, 1829; *John McBride*, 15/- January 17, 1829; *Jacob Dockstader*, £3.2.6 January 17, 1829; *James Lockhart* £6 January 17, 1829; *Patrick Fagan*, 12/6- January 17, 1829; *McBride and Ferguson* £3.15.0, January 17, 1829 (order of *John Crooks*); *Elizabeth Fizette*, 10/- January 17, 1829; *John Haun*, 15/- January 17, 1829; *John Wright*, 12/6- January 17, 1829; *Peter Wheeler* £40.13.1½, January 17, 1829; *Patrick Handy*, £4.12.6, January 17, 1829; *John Marseilles* 12/6- January 17, 1829, paid to *Charles Richardson*; *Charles Richardson*, £10 and £24.19.3, January 17, 1829; *Joseph Poncett* £1.12.6, October 16, 1828, pay to *Orsen Harvey*; *R. Leonard*, £20, October 16, 1828, pay to *John Crooks*; *R.M. and J. Crysler* £1, April 10, pay to *Joseph Clement*, also 8/- July 11 and £2.11.9 October 16, signed *Charles Richardson* December 20, 1828; *James Lockhart* £3.15.0, October 16, 1828; *George Wright*, £1.10.0, October 16, 1828; *Moses Little*, £1.10.0, October 16, 1828; *Patrick Flinn*, 11/- and £1.10.0, October 16, 1828; *John Lyons* £12.10.0, October 15, 1828; *John Wray*, £4.10.0, October 16, 1828; *William L. Daly*, £4.10.0, October 16, 1828; *John McDaid (McDade)*, £1, October 16, 1828; *James Muirhead*, £2, October 15, 1828; *Charles Richardson*, £10.10.6, October 15, 1828; *John Wagstaff* £3.11.3½ October 16, 1828; *George Greenleas*, £7.2.0, October 16, 1828; *John Haun*, 10/- October 16, 1828; *Samuel Hicks* £2.2.6 October 16, 1828 pay to *C.H. Leonard*; *John Shriber*, 10/- and £1.10.0, October 16, 1828; *John Laurence*, £1.9.8, October 15, 1828; *Jacob Dockstader*, £6.4.6, October 16, 1828; *John Barker*, £13.12.8½ October 16, 1828; *Patrick McArdle*, 10/- October 16, 1828; *Rheddy Cusack* £1.5.0, October 16, 1828; *John Sellick Turrill*, £1.10.0, October 16, 1828; *Peter Wheeler*, £64.10.3, October 16, 1828; *John Marseilles*, £1.5.0, October 16, 1828; *Frederick Buchner*, £1.17.4, October 16, 1828 pay to *Jacob Dockstader*; *Ephraim Wheeler*, £1.10.0 and £1.14.10, October 16, 1828;

R. Leonard, £1.10.0, October 16, 1828; **John Kiff**, £1.7.6, October 16, 1828 pay to **Thomas Butler**, witness **Robert Burns**; **James Muirhead**, £6.5.0, October 15, 1828; **James Quinby**, £10, September 27, 1828, recognizance **C.A. Hagerman**; **Levi Lewis**, £22.10.0, September 25, 1828, 1 year interest on Magistrates bond; **John Marcelles**, £4.17.0, July 11, 1829, signed **Charles Richardson**; **John Barker**, £10, July 12, 1829; **John Stewart**, 10/- April 12, 1829; **Patrick Fagan**, 7/- July 12, 1829; **John Sellick Turrill**, 15/- July 12, 1829; **William L. Daly**, £3.3.9, July 12, 1829; **John Wray**, £1.5.0, July 12, 1829; **Patrick Flinn**, £1.1.0, July 12, 1829; **John Wagstaff**, 18/9-, July 11, 1829; **Matthew Dobie**, £1.3.9, July 11, 1829; **James Lockhart**, £1.19.4, July 9, 1828, signed **Alexander Hamilton**; **John Wright**, £3.11.0, July 11, 1829; **John Hawn**, 17/6- July 11, 1829; **John Shriver**, £1.14.6, July 12, 1829; **Peter Wheeler**, £25.9.6, July 11, 1829; **Charles Richardson**, £40, July 12, 1829; **McBride and Ferguson**, £8, July 11, 1829, by **John Crooks**; **Jacob Dockstader**, £6.10.0., July 11, 1829; **Charles Richardson**, £8.10.0, July 10, 1829; **Ephraim Wheeler**, 17/6-, July 12, 1829; **Rheddy Cusack**, £3.15.0, July 11, 1829.

File 3-33. Assessment Records.

Money is to be paid to **Warner Nelles** for the assessment of Walpole and Rainham, signed **Charles Richardson** April 12, 1829.

Niagara, April 1829. The District of London is to pay to **Edward Evans** and **William Anthony** money for road taxes in Walpole and Rainham. Signed **Charles Richardson**.

The **Committee on Assessments** to be composed of: **Charles Fell** (surveyor), **John Warren**, **David Thompson**, **George Keefer**, **George Ball** (signed **James Muirhead**.)

List of Assessment Rolls examined: Clinton, Grantham and Humberstone are incomplete; Haldimand and Walpole not yet brought in. April 17, 1829.

File 3-34. Constables.

Ordered that the following persons be appointed Constables until the next April Sessions. **Jacob Dockstader**, High Constable.

Town of Niagara: **Patrick Flynn**, **George Varey**, **William Tackerberry**, **Peter J. [Smite?]**, **Stephen Jeffrey**, **Joseph Poncett**, **Francis Proctor**, **Patrick McArdle**, **Henry A. Woodruff**.

Queenston: **Chester Wadsworth**, **James Miller**.

Stamford: **Samuel Hicks**, **Joseph Smith**, **William Forsyth**, **Edgar Barryman** (Stamford Village.)

Recommended by **J. Cummings**.

Thorold: **Philip Carl**, **Aaron Price**, ~~**Lewis Willson**~~, **Daniel S. Grenville**, **Jacob Upper**. Recommended by **D. Thompson**.

Grimsby: **John Stewart**, eldest son¹⁴ of **Ralph Walker**, **Benjamin Morris**. Recommended by **W. Crooks**.

Gainsborough: **John Page**, **Frederick McPherson**.

Willoughby: **Erastus Moses**, **Joel Phelps**. (Recommended by **J. Cummings**.)

Bertie: **John J. Harris**, **Charles Anger**, **John Anger**, **Thomas Helmer**. (Recommended by **J. Kerby**.)

Caistor: **J. Dockstader**, **David [Merritt?]**¹⁵

Humberstone: **Peter Warren**, **John Mickle**, **Elias M. Bennett**.

Rainham: **Frederick Row**.

Walpole: **George Waggoner**, **Edward Philpots**, ~~**Henry Furry**~~, **George Runehy**.

Crowland: **Charles Hellems**, **Matthew Hudson**, **William Wilkins**, **Frederick Buchner**.

¹⁴ Possibly **William Walker** (b. 1804.) Neither the draft nor the final copy of this list recorded his given name.

¹⁵ The "draft" copy of this list contains the remark "none required" for Caistor.

Wainfleet: *Stephen Millage Farr, Thomas Otway Page*, (on the Lake) *Henry Zavitz Jr.* Recommended by *D. Thompson*.

Grantham: *John Wright, Thomas Gilleland, John Smith, Jonathan P. Raymond, Peter Young, Thomas Read*.

Louth: *John McCarty, George Cook, Stephen St. John*.

Haldimand: *Edward Philpotts, Henry Furry, George Runchey*.

Pelham: *Eber Rice, Nicholas Frank, Lewis Wilson*. Recommended by *D. Thompson*.

Clinton: *John Culp, John Grubb, Philip Simmerman, John Moote, Luther Deforest*. (Recommended by *W. Crooks*.)

Approved in General Quarter Sessions this 17th day of April 1829, signed *J. Muirhead* (chairman.)

File 3-35. Correspondence.

Letter from *Warner Nelles*, Grand River, April 10, 1829. Suffers from indisposition and is unable to ride. Should the Court of Requests be moved from the mouth of the river to *Huff's Settlement*? It would be more convenient for the residents of Canboro' Walpole and Rainham, who can go and return the same day, but the trip takes three days for them to get to the mouth of the river. Mention this to *Mr. Evans* (the judge), *Mr. Anthony* prefers Huff's.

Zachariah Mudge, Government House, April 24, 1829 to *Charles Richardson*: please make a return of the assessment for Niagara for 1828 agreeable to the form of statute in 59 Geo. III ch. 3.6.

Charles Richardson, Niagara, April 1829, to the *Treasurer of the London District*. Please pay the road taxes for Walpole and Rainham to *Edward Evans* and *William Anthony*.

Charles Richardson to *Zachariah Mudge*, April 3, 1829. Encloses a statement re: emoluments and offices held by me, agreeable to yours of the 18th ult. Charles Richardson, Clerk of the Peace, Niagara District, December 31, 1828, was appointed to his office on February 21, 1828 but not sworn into it until April 8th. Collects no salary, only fees which amounted to £151.13.5. Has no other place of profit except his practice as attorney and barrister, executed by principal. Holds a Commission under the *Heir and Devisee Act*, and for taking oaths and affidavits, and recognizances of bail.

Zachariah Mudge, Government House, to *Charles Richardson*, March 18, 1829. Has enclosed a form, the Lieutenant Governor desires information on each head. [The blank form to be filled in concerned information regarding manufactures, grist and saw mills, the number of ships built in 1828 with their burthen, iron ore deposits, mines and beds, plaster beds, salt works and general remarks. This form had one category filled in by Richardson, which specified "only one salt works at St. Catharines."]

Charles Richardson to *Zachariah Mudge*, April 3, 1829. I will make it out as soon as possible, as soon as I get the necessary information from individuals in the District "there being no documents in my office which I could adopt as a guide in making my report." This refers to the blank form sent by Mudge on March 18th.

Richardson's form indicated the following: *oil mills* established by *John Brown* in Clinton and *John DeCow* in Thorold; three *steam mills*, two at Chippawa established by *James Macklem* and one at St. Davids owned by *Richard Woodruff*; steam ships *Alciope* (built by *George Canning*) and the *Welland Canal* (built by *William Moffatt*); cloth spinning business operated by *Thompson and Mewer*; *carding machines* located at St. Davids, Niagara Falls, and St. Johns; a *fullers mill* located at St. Johns.

Edward McMahon (Acting Secretary) Government House, to *Charles Richardson*, November 7, 1828: Requests an annual report regarding appointments. *Johnson Clench*, clerk of the Niagara District Court, executed by principal. November 24, 1828.

File 3-36. Criminal Calendar.

List of Persons Confined in the Niagara Jail (Peter Wheeler) April 14, 1829. Signed by *R. Leonard* and *Charles Richardson*.

Nathan Dean, committed August 30, 1828, order of *James Cummings*. Under sentence.
James Covert, September 20, 1828, order of *Daniel McDougall* and *John Crooks*. Under sentence.
Alonzo Clark, October 6, 1828, order of *Samuel Street*. Stealing horse from *George Rowe*.
John Boylston, October 21, 1828, order of *Daniel McDougall*. Stealing iron &c.
James Anderson, October 22, 1828, order of *Daniel McDougall*. Stealing iron &c.
George Benedict, October 29, 1828, order of *Robert Grant*. Stealing \$15-20 from *William Winn*.
Lewis Dangerfield, December 30, 1828, order of *Alexander Hamilton*. Felony.
John Higt, February 24, 1829, order of *Daniel McDougall*. Assault and battery.
Joseph Graham, March 25, 1829, order of *James Black*. Stealing boots of *D. Stewart*.

File 3-37. Filings.

By *Robert Nelles*, information from the High Constable. A warrant was issued by *Judge Mitchell* of the *London District* against *Mrs. Bird* and a man gone into the United States for robbery in the London District. The warrant endorsed by Robert Nelles. Widow Bird deposited several trunks at *Mr. J. McCarthey's* near the *15 Mile Creek*. The stolen property was concealed in the trunks. Widow Bird was on her return to the *Head of the Lake* to get out of the way of the warrant. Warrant granted authority for *George H. Kerr* or other constables to arrest Mrs. Bird. Fee £0.14.4. Date March 27, 1827.

File 3-38. Presentments.

The *pauper list* to be discontinued which will place them in a state of misery. Prays that the magistrates will consider that the proportion of tax to each inhabitant of the District will be trifling and to continue the list. Signed *Charles Richardson*, *James Baxter* (foreman.) April 16, 1829.

The Concession or road allowance between Concessions 1, 2 and 3 between lots 24, 25, 26 and 27 [Niagara?] was shut up by *James McFarland*, *John McFarland*, *James Freel*, *John Eaglesum*, *John F. Lawe* and *Heron? Thompson*., yeoman. An order of October 1828 was not acted upon. Witness: *John Cox*. True bill: *George A. Ball* (foreman), *Charles Richardson*, *Alexander Hamilton*.

The road allowance between Concessions 8 and 9 in Grimsby by *John Harris*, *Robert Wardle*, *Abraham Merridith*, *Donald Urquart*, *William Bridgeman* and *Thomas Adams*, yeoman, from *Smith Griffins* to the *30 Mile Creek* and eastward to Thomas Adam's barn was shut up, to the damage of His Majesty's subjects. Witnesses: *Isaac Griffin*, *Henry Smith*. True bill: *George A. Ball*, *Alexander Hamilton*.

File 3-39. Insane and Destitute Accounts.

Niagara, February 4, 1829. Ordered that £1.10.0. be paid out of the District funds to buy the necessaries of life for the destitute widow and three children of *George Patterson*, drowned in a well in Niagara last fall. Signed *William Clark*, *James Muirhead*, *John Crooks*, *Daniel McDougall*.

Statement of Money Paid to the Undermentioned Paupers April 1829-April 1830. [NB: This list is in very poor condition, some names are therefore illegible.]

Jonathan Lawrence 3/9-

Mrs. Mills 5/-

child at **Mrs. Lundy's** 5/-

Judith Knox 3/9-

orphan child 5/-

wife of **Plops** 10/- per month

Jacob Clipp and wife 5/-

Mrs. Nunnemaker 10/- per month

foundling child 3/9-

John Berry 10/-

Mary Risenburgh 5/-

[-----?] 3/9-

Andrew Burns 3/9-

Barbara Brown 3/9-

Edmund Green 3/9-

William Ross 7/6-

John Ellis 3/9-

Benjamin Newman 3/9-

Old King 15/-

Eliza Fane and daughter 5/-

[-----?] 5/-

Westbrook 5/-

Edmund Green

William Ross

Signed **William Clark**. "Amount due last April session."

File 3-40. Orders.

A capable person to deliver the assessment rolls to the collectors, pay £8.10.0. to defray the cost. Signed **James Muirhead**, April 17, 1829.

Henry Craig (coloured man) paid £0.12.6. for attendance as witness in King vs. **Dangerfield**. Signed **James Muirhead**, April 18, 1829.

Pauper list of October last continues to July. Add **John Ellis** at 3/9-. Signed **James Muirhead**, April 18, 1829.

Full rate of 1d per £1 to be collected. Signed **James Muirhead**, April 18, 1829.

Lewis Clement to retain £15 as recompense for services as *street surveyor* 1828 and the same this year. Signed **James Muirhead**, April 15, 1829.

Constables charges are to be certified by the Magistrates under whose warrant they act. Signed **James Muirhead**, April 18, 1829.

The **Gaol limits** to be continued from **Eaglesum's Tavern** to **John Graham's** lot, then to the gate of the churchyard up to the church door. Signed **James Muirhead**, April 18, 1829.

Exemption money paid to **James Muirhead** and **Thomas Butler** to be used to repair the **Black Swamp Road**. Signed James Muirhead, April 18, 1829.

Samuel Derragh, Wainfleet. Settled early at the mouth of **Oswego Creek** on the **Welland River**. Has experienced inconvenience due to a bad bridge, an expense to himself and others before it fell, now we must travel a great distance around. A road is much wanted leading from Sandwich, the mouth of the Grand River, Canboro' etc. A grant of £8 required to help rebuild the bridge. Ordered money paid to **David Thompson**, signed **James Muirhead**, April 15, 1829.

William Crooks, request £40 to build bridge on 40 Mile Creek in Grimsby, January 16, 1829. Referred to Quarter Sessions, signed **Alexander Hamilton**. Order for grant to be paid upon completion, signed **James Muirhead**.

Charles K. Fell, to be appointed Surveyor of Highways of the Niagara District, April 17, 1829. Signed **James Muirhead**.

Lewis Clement, Niagara, merchant, appointed Town pathmaster. April 17, 1829. Signed **James Muirhead**.

Jonathan Doan ordered to serve notice on officers for Pelham: **Alexander Chapman** and **Charles Fell**, assessors and **Alexander Brown**, collector; **Elijah Phelps** and **John Stiers** (Town Wardens); **Samuel Beckett** and **Edmond Woodford** (poundkeepers); **Hezekiah Davis** (Town Clerk); **Cornelius Lacey**, **Joseph Hill**, **Nathan Hacock**, **Enos Shrigley**, **John Stiers**, **David Bradshaw**, **Aaron Stringer**, **Andrew Hensell**, **William Disher**, **John McGlashan**, **David Metler**, **Jacob Schram** (pathmasters.) April 17, 1829. Additional pathmasters to those appointed in January: **Samuel Beckett**, **John Oil**, **John Snure**. William Disher expunged from list. John McGlashan having been appointed to one road, signed **David Thompson** (J.P.) and **James Muirhead**.

The **Court of Requests** is to be held at **Smithville** for the division comprising Caistor, Gainsboro (west of Canboro') and Grimsby north of Concession 7. April 17, 1829 signed **James Muirhead**.

The Clerk of the Peace certifies to the Treasurer of the London District to pay **Edward Evans** and **William Anthony** money collected for the road tax in Walpole and Rainham. They are to collect exemption money and expend it on the road. April 17, 1829 signed **James Muirhead**.

The **Court of Requests** held at **Brown's Bridge** for the division comprising Wainfleet, Crowland, Humberstone, from **Mathias Misener's** bridge on the Welland River to **Cooks Mills**, then to **Zavitz's Mills** at the **Sugar Loaf**. Also part of Gainsboro, Pelham, Thorold and Canboro Road from the **Narrows Mills** to the line between Gainsboro and Pelham, and the road past **Moses Mettlers** to **Ninsler's school house** at **Beckett's Mill Road**. Then on the road between **Michael Henn's** and **Abraham Overholt's** to the line between Pelham and Thorold, and along the road from **John Taylor's** to **Elijah Shotwell's** on the River Welland. April 17, 1829 signed **James Muirhead**.

Bridge at Clinton over the 20 Mile Creek on the road leading to 40 Mile Creek is wanting on lot 7 Concession 10. The road is used to advantage but statute labour is insufficient for a bridge. Signed **William Wiers**, **Adam Moote**, **George Clark**, **John Moote**, **Amiel Barbeon**, **Daniel Barbeon**, **David Barbeon**, **Michael McCombs**, **John Johnson**, **Joseph Gill**, **Joseph Michener**, **Jeremiah Johnson**, **Charles Dennis**, **Nathan Johnson Sr**, **Nathan Johnson Jr**; ordered £8 upon completion to John Johnson. April 17, 1829 signed **James Muirhead**.

£25 is required to open a road in Grimsby between Concessions 8 and 9 from lot 30 to Binbrook. Signed *George A. Ball, Isaac Merritt, Solomon Wardell, Rutrand C. Griffin, Erastus Darby, Warner Sheehan, Joseph Merritt, Daniel Merritt, Robert Merritt, John M. Camp, John Field, David Griffin, Ralph Field, Adam Hutt, Daniel Wardel, Jesse Baldwin, Henry Smith, Peter Buckbee, Caleb Nelson, Joseph Coon, Edward Taylor, Isaac Griffin*. April 17, 1829- to be paid to George A. Ball in April 1830 on a statement produced that the labour has been performed. Signed *Alexander Hamilton, James Muirhead*.

File 3-41. Petitions.

David Bowman, Pelham, to *Sir John Colborne*. Petitioner is son of late *Henry Bowman*, UEL, aged 21 years. Has no lands, prays for 200 acres as SUE. Signed "his X mark." Certified by *Stephen Beckett*. Certificate of *James Muirhead* and *Charles Richardson*- David is son of Henry Bowman, retained his Loyalty in the late war. Signed James Muirhead, April 14, 1829.

Richard Moffatt: was fined in November last for keeping a slaughter house in the town of Niagara contrary to police regulations. Half the fine was given to the District treasurer for use of said town. Represented that petitioner is a poor man, and since the nuisance has abated will the Sessions give leave to return his money? Signed before *Daniel McDougall*, January 17, 1829. Petition endorsed: to be paid to police treasurer. The court is of the mind that the matter is not within their cognizance. Signed *Alexander Hamilton*.

File 3-42. Precept.

List of Jurors prepared by *Daniel McDougall* and *John Crooks*, April 1, 1829 for the Sessions April 14, 1829.

Grand Jury: *William Powell, John Putman* (sick), *John Wintermute, Edward Ricely, James Johnson, George Lewis, Samuel McKee, Frederick Myers, Isaac Hawn, Alexander Duglas, William Buck* (sick), *John Baxter, Jacob Baxter, James Baxter, Peter Haun, John Miller, Jacob Miller, Andrew Miller, Benjamin Learn, Thomas O. Page, James Wintermute, Jacob Wilson, Benjamin Shadwick, Richard Thompson*.

Petit Jury: *Thomas Sapping?* Lapping, *Tunis Vandevoran, Thomas Wiley, Henry Winguard, Samuel Wait, John F. Winguard* (not known), *Philip Wintermute, Ira Wheeler, Christian Wolever, Justus Webster, Peter Wolever, Abraham Wingard, Christian Wingard, William Witherspoon, George Zavits, Christian Zavits, Henry Zavits, George Benner, John Burat?* (not known), *John Sherk, Benjamin Sherk, Adam Snider, Conrad Shipple, Levy Schooley* (sick), *James Sipes, Rufus Stephens* (not known), *Michael Sherk, Azabiah Schooley, John Scoop, Daniel Sherk, Samuel Sherk, Henry Sagan, Christian Sider, Peter Snidery, Jacob Seamhihown* (not known), *Henry Stage, George Stephens, Joseph B. Sherk, Christian Shoupe, John Shoup* (not known), *Peter Tuttle, Archable Thompson, Jeremiah Tuttle* (not known), *Peter Wingard, Abraham Wingard* (dead), *John Wingard, James Kennedy, John Riseley, Alexander Wintermute, Adam Konkle, John Page, James Dunlop, Jonathan P. Raymond, Jesse Baldwin, Gilbert Anderson, Patrick Flinn*.

File 3-43. Road and bridge records.

The petitioners wish to erect a new bridge where *Hartsel Bridge* now is. The road is very public, adjoining the main road from St. Catharines to *Queenston*, and a direct way from St. Catharines to Niagara Falls and *Buffalo*. Men or teams crossing the bridge are in danger. Two miles of remarkably bad road, including the *Mountain Ridge*, requires 49 days of statute labour. The statute labour is insufficient for the rest of the road without the bridge. Grantham, April 6, 1829. Signed: *Jacob I. Ball, Robert Heron*,

Thomas Kerr, Robert Campbell, John Kerr, Peter Weaver, Cluss Jewell?Sewell?, Edward [-----?], John McCoombs, John Shaver, Phillip Shaver, Lewis Traver, John Bessey, William Westover, William Parnall, William E. Parnall, Edward Griffin, Jacob Kipp, Samuel Dolson, John Soper, John Wright, James Black (J.P.), E. Adams, J.H. Clendennan.

File 3-44. Tavern and shop licences.

Charles Gisso, Private in the *Queen's Rangers* under *Colonel Shank* for 7 years. Lost his property in the late American War, received small compensation. Keeps a tavern to make a decent livelihood. Has a convenient house and stables, April 14, 1829. Signed *William M. Kerr, John Munro, [-----] Horne, Lewis Clement, A. Heron, R.M. Long, John Campbell.* (Rejected, *James Muirhead.*)

Robert Connor. Wishes to open a house of public entertainment. April 16, 1829. Approved, signed *James Muirhead.* Filed April 18 by *Charles Richardson.*

Charles Anderson, Stamford. Wishes to have a licence to keep a tavern in the house occupied by *Captain Gordon* on the *Portage Road* between Queenston and Niagara Falls. April 15, 1829. Signed *Adam Killman, Stephen Brown, William Pew, George Lacey, Jonathan Doan, Neart Vanwyck.* Approved, signed *James Muirhead,* May 12, 1829.

File 3-45.

Elijah Armstrong, Niagara, yeoman. Charged with assault and battery against *Jonathan P. Raymond*, Grantham, on April 14, 1829. True bill: *John Baxter* (foreman.) plus jury presentment attached. Witnesses: Jonathan P. Raymond. Verdict: guilty, fine 5/- plus costs, signed *James Muirhead* and *Charles Richardson* April 16, 1829. Warrants signed by Charles Richardson issued to *John Pawling*, Grantham, yeoman (July 16, 1829) and *Henry Woodruff*, Niagara, innkeeper (July 14, 1829.)

File 3-46.

Sarah Badgely, wife of *Joseph Badgely*, Thorold, yeoman/cabinet maker. Charged with assault against *George Lacey*, Thorold, yeoman and constable, on February 27, 1829. No bill: *John Baxter* (foreman.) Witnesses: George Lacey, *Jonathan Doan.* Recognizance to appear taken before *James Cummings*, April 11: George Lacey £50, surety *James Macklem*, Chippawa, merchant, £25. Evidence taken before James Macklem and James Cummings on February 28: Lacey had an execution from James Macklem against the goods of Joseph Badgely of Thorold in favour of *David Earl* to make the sum £4.12.3 obtained in court June 7, 1828. He came to defendants house and knocked at the door, said he had an execution for Badgely, told him to "read it or I'll read it to you." Badgely said "get out of my house you damn'd old scoundrell, or I will split your brains out." took up the fire tongs and made a blow at the deponent. I avoided the blow by taking hold of the tongs. His wife assisted to get me out of the house. Badgely put his head out the window and said if deponent came into his enclosure "he would split the damn'd old thief's brains out." His wife swore she'd scald him, called him a "damn'd old scoundrel." Deponent couldn't do his duty, was in danger of his life. Recognizance before Macklem and Cummings, March 6, 1829: Joseph Badgely £10; sureties *Joseph Lundy* (Stamford) and *Peter Upper* (Thorold) yeoman £5 each. Filed by Charles Richardson April 15, 1829. File contains constable's account endorsed by George Lacey for £5.6.7;

[Verso:] evidence taken before *Samuel Street: Anthony Wench*, Gainsborough, farmer. His horse was stolen on November 3, 1828 from *Seth Horton's* field. A large bay horse, white stripe in the face and blind in one eye, seen in the possession of *George Lake* at the *Deep Cut* on the *Welland Canal.* Warrant to George Lacey, Thorold, to search for the horse with Wench. Joseph Badgely testified the horse was the same, he sold it to Wench. Dated November 5, 1828.

File 3-47.

John P. Boilston, Grantham, labourer and **James Anderson**, Grantham, labourer. Charged with larceny, theft of two axes, four horse shoes, iron bars and cast steel the property of **William Henry Sanderson** on October 4, 1828. True bill (traversed by Crown): **George A. Ball**. Witnesses: **George Anderson**, William Henry Sanderson, **Peter Scott**, **Daniel McDougall**. Verdict: Boilston not guilty, Anderson guilty. Anderson put into the pillory for one hour. Signed **James Muirhead**, April 15, 1829.

File 3-48.

Robert Cudney, Niagara, yeoman. Charged with assault and battery against **John Cudney**, Niagara, yeoman, on March 21, 1829. True bill: **John Baxter** (foreman.) Witnesses: John Cudney. Verdict: guilty. Fine 10/- plus costs, April 17, 1829 signed **James Muirhead**. Recognizance taken before Daniel McDougall, March 21, 1829: Robert Cudney £20; sureties **Samuel Cudney** (Niagara) and **John Berringer**, yeoman, £10 each.

File 3-49.

James Dunlop, Grantham, constable. Charged with assault and battery against **Thomas B. Seers**, on January 2, 1829. Recognizance taken before **John Crooks** January 19, 1829: Thomas B. Seers £10; *nolle prosequi* filed April 16, 1829 signed **James Muirhead**.

File 3-50.

Joseph Graham, Grantham, labourer. Charged with larceny, theft of a pair of boots (value 5/-) the property of **David Stewart**, Toronto Township, yeoman, on March 24, 1829. True bill: John Baxter (foreman.) Witnesses: David Stewart, **John Wright**. Plea: guilty. Sentenced to stand in pillory and then be discharged, signed **James Muirhead**, April 16, 1829. Recognizance before **James Black**, March 25, 1829: David Stewart £20. Filed by **Charles Richardson**, April 15, 1829.

File 3-51.

John Hite (or **Hait**), Niagara, labourer, (man of colour.) Charged with assault and battery against **John Isaiah**, Niagara, labourer (man of colour), on February 20, 1829. True bill: **John Baxter** (foreman.) Witnesses: John Isaiah. Verdict: guilty. Prisoner discharged April 17, 1829, signed **James Muirhead**. Warrant issued to **Jacob Dockstader** to arrest Hite. Evidence of John Isaiah taken before **Daniel McDougall**, February 23, 1829: defendant pointed, cocked and snapped his gun at deponent, cut wounded and maimed him with a sharp instrument with intent to kill. Isaiah came into the yard where Hait cut wood with an axe, threw the axe several times and swore he'd kill him. Hait: Didn't point his gun or cock it, had it in his hands but didn't snap it. But said if Isaiah came closer, he'd break the gun over his head. Gun was not loaded. Signed "his X mark." **Reason Gaiters**: said he saw Hait point the gun and said "if you don't stand back I will shoot you" and snapped the gun. Was not present when the axe was thrown. Signed "his X mark." **William Truman**: was present at the quarrel. Hait with a gun said "keep off or I will shoot." Isaiah had an axe in his hand at the time, ran after Hait with it saying "if you don't stop I'll kill you." Signed "his X mark." Recognizance to appear: William Truman £10. Filed by **Charles Richardson**, April 15, 1829.

File 3-52.

Susan House, Humberstone, wife of **Harmonius House**, yeoman. Charged with larceny, theft of 8 yards of cotton in Stamford (value 5/-) the property of **James Macklem**, on February 19, 1829. True bill: **John Baxter** (foreman.) Witnesses: James Macklem. Verdict: guilty. Sentenced to one week in gaol. Recognizance before **James Cummings** April 4, 1829: Susan House £100, sureties Harmonius House and **Jacob Strohm** (or **Strome**, yeoman) £50 each. **William Green** £20 and Harmonius House £10. Evidence taken before Cummings and Macklem March 27, 1829: on oath of **James Secord**, Chippawa, innkeeper. Defendant stole an earthen pitcher, a smoothing iron, and a pair of boots. Susan House: claims the pitcher was bought at **William Hepburn's** at Chippawa, paid £1 for it. The smoothing iron was from **Mr. McMicking's**, paid half a dollar. Pitcher was given to her by **James Ramsey**, Hepburn's clerk. She doesn't know the name of Mr. McMicking's clerk. She was in the company of **William Green**, drove in a wagon from Lundy's Lane, where she bought a half dozen chairs. Stopped at Secord's for a snack to eat after candle light. Went to **Solomon Fisher's** one mile from Chippawa. Signed "her X mark" April 2, 1829. William Green: has lived at **Benjamin Doan's** at Humberstone for five months. Got chairs at Lundy's Lane. Went to Chippawa and bought plates and a pitcher at McMicking's, painted in the same manner as the one Secord claims. Saw the iron in her hand there, she showed it to me and said "I have an iron, I won't have to borrow one." We put the stuff in the wagon, drove to Secord's and had a snack in the evening. Did not see the boots. She had on shoes. Signed "his X mark." James Ramsey, clerk to William Hepburn- sold the prisoner a frying pan and 1 lbs. of muscovado sugar. Didn't recall selling a pitcher, none of that pattern in the shop. Confident he didn't sell the pitcher to the prisoner. **Alexander Duggan**, clerk to Mr. McMicking-never sold prisoner an iron, doesn't know the price. James Secord- pitcher and iron are identical to his, has particular marks therein. Susan House-the piece of white cotton is from James Macklem, says her husband bought it at a shop in the Deep Cut last December, lacked a little of 8 yards- ½ yard at the shop of **Mr. McGill**, he was in the shop, bought it from his clerk. James Macklem-the cotton is from my shop, his price is marked in figures on the same. James Secord, innkeeper, Chippawa- before James Cummings, April 2, 1829- had a 1 gallon earthen pitcher taken, a farmers coat of arms on it, iron #6 (**Swindell**) and common boots from the barroom. A traveller pulled them off and left before going to bed. James Macklem before James Cummings- Susan House came to my shop with a man she called **W. Bland**, bought 2 pairs of hinges, 7 lights of window glass, a gallon of whiskey (for Bland.) Bland- we got into the sleigh and found we had the cotton. I knew she didn't buy it. Deponent- has no means to identify it, cotton being alike but there is a shop mark on it. Susan House- I came to Chippawa with **Phillip Bland** in a one horse sleigh to go for whiskey at Macklems- charged goods to Harmonius House. Went up **Lyon's Creek**, Bland asked if she could keep a secret- he said "I am a new beginner, got cotton at Macklems. If you don't tell, I'll give you half." Prisoner swore not to tell. He took the cloth and tore it in two and gave her part- she never used it- was brought from her house by the constables.

File 3-53.

Catherine Raymond, Grantham. Charged with assault and battery against **Thomas B. Seers**, Grantham, yeoman, on January 2, 1829. Witnesses: Thomas B. Seers. *Nolle prosequi* filed April 15, 1829 by **Charles Richardson**; defendant discharged April 16, 1829 signed **James Muirhead**. Recognizance to appear taken before **John Crooks** January 20: Catherine Raymond £15, sureties **Jonathan P. Raymond** £7.10.; recognizance to appear taken before **George Adams: James Dunlop** £15, **William Sanderson** £7.10.

File 3-54. Orders.

Clerk of the Peace to procure two reams of ruled paper for assessment rolls, and deliver the same to the assessors. Signed **James Muirhead**, May 12, 1829.

Clerk of the Peace to notify the District officers to make their returns by July 1st or be prosecuted. May 12, 1829.

Clerk of the Peace to procure the Attorney General's opinion re: the right to charge expenses in criminal formation by Justices of the Peace to the District. May 12, 1829.

Ordered to pay the bill of costs, £1, in the case of **John Campbell vs. Davis**.

*Niagara District Quarter Sessions, October 1829.***File 4-1.** Accounts.

Bartimus Ferguson, charge for advertising the District accounts of **William Clarke**, treasurer, £4. Signed **James Muirhead**, July 20, 1829.

Andrew Heron, charge to publish "Notice to Town Clerks, Assessors &c" £2.3.4. Paid by **Neff**, Signed **James Muirhead**, July 20, 1829.

William Ross, has a wife and five children, is sick- foot contracted with rheumatism, ordered 7/6- Signed **James Muirhead**, **John Crooks**, **Ralfe M. Crysler**, **William Clarke**.

Rations due to the jailer of the Niagara District (Peter Wheeler), April 17-July 16, 1829. Charge includes 1 cord of wood for the guard, 2 cell brooms, 36 candles for the guard, £21.14.9. Signed **James Muirhead**, July 20, 1829. Names of prisoners with date of commitment:

Nathan Dean, April 17-July 7, 1829

Alanson Clark, April 17-July 7

George Benedict, April 17-July 7

James Covert, April 17-July 16

Susan House, April 18-April 24

Isaac Ducket, May 11-July 16

William Thomson, May 14-July 16

John Tipple, May 15-May 16

John Simpson, May 18-July 16

John McKeever, June 2-July 16

Mary Ann Monroe, June 23-July 16

Michael Gannon, June 23-July 16

John Walker, July 11-July 16

Debtors: **William Hetherington** (April 17-July 16), **Adam Vrooman** (April 17-June 6), **Alfred Wilder** (July 7-July 16)

Frederick Buckner: charge for attendance at court as witness against **Samuel Forsyth**, May 18, 1829, 5/-. Signed **James Muirhead**, July 20, 1829.

Charles W. Edwards: charge for whitewashing and plastering the court house and gaol, 18 days labour, furnishing sand, hair and glue, £6.2.6. July 16, 1829. Signed **James Muirhead**, July 20, 1829.

James Thompson, Stamford: charge for 10 barrels of lime, £1.17.6, May 29, 1829. Signed **James Muirhead**, July 20, 1829.

Peter Wheeler: charges for washing the prisoners shirts: **Nathan Dean** (13), **Alanson Clark** (13), **George Benedict** (13), **James Covert** (13), **Isaac Ducket** (10), **William Thompson** (10), **John Simpson** (10), **John McKeever** (6), **William Hetherington** (13); charge for washing 22 blankets (13/9-) and four bed ticks (2/6-) Total £2.0.10½. Signed **James Muirhead**, July 20, 1829.

John Wray, charge for 1 day as crier, May 12, 1829; charge for six days as crier from July 14-20, 1829. £1.15.0. Signed **James Muirhead**, July 20, 1829.

Peter J. Smite (constable), charge to arrest and commit **J. Simpson** (larceny), May 18, 1829; to arrest and commit **M. Gannon** June 23; subpoena two witnesses re: **Isaac Duckett** (orders of **James Muirhead**);

commit **Mary Ann Munroe**, July 7 (orders of **John Crooks**); to arrest **John McMonagal** and bring him to court, July 19; attendance at court July 21; total £2.6.0. Signed James Muirhead.

Walter Telfer: charge for medicines, attendance on **McCall** at **James McFarlanes** (4 visits) £5.3.6; also medicine and attendance on **William Ross** and family from June 9-July 16, £4. Signed **James Muirhead**, July 20, 1829.

Lewis Clement, charge for 12 padlocks bought by **Mr. Wheeler**, £1.10.0., July 8, 1829. Signed **James Muirhead**, July 20, 1829.

Mathew Dobie, charge for 1 pair of hand irons, £0.7.6., June 27, 1829. Signed **James Muirhead**, July 20, 1829.

Joseph Hackett to **Dr. Muirhead**: please explain to the court the circumstances of my case, taking care of sick men at **James McFarlanes** for pay 15/-. Signed James Muirhead, July 20, 1829.

Constables attending court, July 1829: **Francis Proctor**, **Peter J. Smyte**, **Thomas Whitten**, **Robert Donald**, **Frederick Buchner**, certified **R. Leonard**. Signed **James Muirhead**, July 20, 1829.

Francis Proctor (constable)- charge to arrest and commit **Isaac Duckett** (larceny) May 11, 1829; serving subpoena on **B. Ulman** re: Duckett, July 15; attending two witnesses to **James Muirhead** re: Duckett plus travel expense; total £1.14.2. Endorsed on rear paid to 'Mr. **Benjamin Midaugh**.' July 20, 1829.

Jacob Dockstader: charge for allowance as High Constable, £3.2.6. Certified by **R. Leonard**, signed **James Muirhead**, July 20, 1829.

Materials for making an inside fence in the jail yard: 65 cedar posts, ferrying of the same, duty and cartage, £4.7.3. Signed **James Muirhead**, **John Crooks**, **Daniel McDougall**, July 20, 1829.

File 4-2.

Detail of Road Taxes Available for the Townships, signed William Clarke, treasurer, April 14, 1829.

File 4-3, Correspondence.

General Return of the Population for the District of Niagara, agreeable to the returns of the assessment 1829. Signed **Charles Richardson**, June 1, 1829.

Township	Males under 16	Females under 16	Males over 16	Females over 16	Total
Bertie	480	497	465	485	1927
Caistor	91	75	65	55	286
Canby Settlement	69	78	66	58	271
Haldimand County	175	178	190	145	688
Clinton	417	347	438	385	1587
Crowland	203	190	215	175	783

Gainsboro	325	275	279	247	1126
Grantham	645	461	477	492	2075
Grimsby	338	386	200	345	1269
Humberstone	187	174	158	161	680
Louth	299	265	348	300	1212
Niagara	408	371	357	327	1463
Niagara (Town)	371	260	333	216	1180
Pelham	299	333	290	257	1179
Rainham	78	60	60	53	251
Stamford	337	369	473	390	1569
Thorold	481	418	212	404	1515
Wainfleet	258	181	236	178	853
Walpole	84	86	10	6	186
Willoughby	165	166	55	131	517
Total	5710	5170	4927	4810	20617

Charles Richardson to *Zachariah Mudge*, June 1, 1829: enclose population returns for the District for the information of His Excellency.

Aggregate account of assessment for the District of Niagara 1828. Original enclosed to *Zachariah Mudge*, May 7, 1829. Details the number of acres, houses, mills, merchant ships, store houses, livestock, &c.

File 4-4. Criminal Calendar.

Prisoners in charge of the Gaoler of the District of Niagara (Peter Wheeler) July 14, 1829. Filed by *Charles Richardson*.

Nathan Dean, committed August 30, 1828. Order of *James Cummings*, broke gaol July 7, 1829.

Alonson Clark, October 6, 1828. Order of *Samuel Street*, broke gaol July 7, 1829.

George Benedick, October 29, 1828. Order of *Robert Grant*, broke gaol July 7, 1829.

James Covert, September 20, 1828. Order of *John Crooks*. Under sentence.

Isaac Ducket, May 11, 1829. Order of *James Muirhead*. Stealing \$1 in paper Bank of Upper Canada, 1 sterling silver coin (value 3/-) the property of *J. Graham*, £3.13.9 in silver and 15/- in Bank of Upper Canada notes.

William Thompson, May 14, 1829. Order of *David Thompson*. Stealing the coat of *John Lynch*.

John Simpson, May 18, 1829. Orders of *James Muirhead*. Stealing \$1 bill, the property of *B. Ulman*.

John McKeever, June 2, 1829. Order of *David Thompson*. Security to keep the peace.

Michael Gannon, June 23, 1829. Order of *John Crooks*. Assault and battery.

John Walker, July 11, 1829. Order of *David Thompson*. Stealing 2 blacksmith hammers (value 5/-) of *John McMulkin* and 70 feet of chain of *John Hartwell*.

File 4-5. Filings.

William Thompson, Chippawa, tailor. Charged with felony, the theft of one black coat, the property of **John Lynch**, (value 35/-) on May 6 or 7, 1829. Recognizance to appear, taken before **David Thompson**: John Lynch £20. Evidence taken before David Thompson: **Eber Rice** says the prisoner confessed he borrowed the coat but didn't return it.

Evidence taken before **James Cummings**: **William Denny** and **Edward White**, Lieutenants in the 70th Regiment, were driven to the **Whirlpool** by **Mr. Forsyth**, tavern keeper at the Falls. His whip was broken (entangled in the carriage wheels.) July 15, 1829. Forsyth seeks cost of board and lodging, a stage to **Buffalo**, a horse and wagon to the Whirlpool, damage to the horse, breaking his whip, corkage on five bottles of wine. Exhibits: bill for Mr. Dana [sic] at the **Niagara Falls Pavilion**, July 11, 1829 \$16, bill for Mr. White at the Niagara Falls Pavilion \$15.38.

John Whitten, Niagara, carpenter. Charged with assault against **Edward Middlehurst**, Niagara, carpenter, on the commons nigh **Mr. Graham**, innkeeper. He was knocked down and jumped upon with no provocation, July 15, 1829.

Solomon B. Rose, charged with blasphemy by **Jacob Hosteder**, Grantham. Evidence taken before **David Thompson** and **Alexander Hamilton**, July 17, 1829: witness was at the school house at 10 Mile Creek on June 28, after preaching a sermon the defendant made use of words "that he would to God the Church of England prayer books, creeds, catechisms, were gathered or put into a heap or pile and burnt, that he would they were eradicated from the face of the earth, that they had done more harm than good" and that "the Trinitarian doctrine was an error" and "that Christ was not the very and eternal God." **Matthew McMullin**, Grantham, heard Rose accused by J. Hosteder; **Abraham Secord**, Grantham, heard the defendant say that the words of the Bible were not all God's words, some were the devil's words, that all between the lids of the Bible is not all scripture; **George Read**, Grantham, testified the same as J. Hosteder; other witnesses with similar testimony (all of Grantham) **Isaac Westover**, **Alexander Wilson** (teacher), **Thomas Darling**, **John Darby**, **Robert Hodkison**. Recognizances for witnesses to appear, each bound £10.

Jeremiah Callaghan (or **Calahan**) charged with felony, the theft of some bills from the pocketbook of **George McMaster**. Recognizance to appear taken before **James Black**, St. Catharines, July 16, 1829: George McMaster £10, **Joseph Markwell** and **Charles Campbell** £5 each.

File 4-6, Presentments.

To provide against mischief and nuisances in the town of Niagara. People are in the habit of shooting musquets and firing squibs, to the danger of setting fire to property or maiming subjects; despite police and regulations, swine still run at large in the town- resolved that no hogs are to be allowed to run except ones with a ring through the nose; those riding horses and driving carriages and wagons and carts at such rate and who pass each other endanger His Majesty's subjects; "an alarming and increasing evil in this town is...so many women of loose habits in the practice of prowling our streets at all hours in the night and infesting the stables and other out houses in the town and stealing such loose property as happens to fall in their way;" those carrying unlawful weapons for the purpose of gratifying a malignant and vindictive spirit, to the great danger of His Majesty's liege subjects...all of which are respectfully submitted as being highly injurious to the property of the said town of Niagara and to the peace comfort and security of His Majesty's subjects." Grand Jury Room, **David Thompson** (foreman) July 18, 1829.

For the better security of His Majesty's subjects, a **fire engine** and other apparatus be furnished from rent on market lots. Each landlord in town to furnish two engine buckets. Grand Jury Room, **David Thompson** (foreman) July 18, 1829. Filed by **Charles Richardson**.

The complaint of **John Casey**, a prisoner in the debtor's ward. He has been grossly and frequently insulted, abused and ill treated by a coloured man in the employ of the sheriff without the least reproof. Wishes for some means to prevent the abuse. The cells were examined, and the jury commends the sheriff and gaoler for clean and comfortable cells. All the prisoners were satisfied except said Carey [sic.] Grand Jury Room, **David Thompson** (foreman) July 18, 1829. Filed by **Charles Richardson**. Charges brought against gaoler **Peter Wheeler** by Casey: a gross violation of the printed regulations of the gaol, intercourse or conversation with prisoners between 8am and 4 pm was not enforced regarding my friends; a coloured man, hired to flog, assailed me at the diamond of the door "with gross abuse, scurrility, curses and threats;" the gaoler's "barbarous and inhuman conduct towards the unfortunate criminal which, to the feelings of any heart less hardened than Pharaoh's must, in my humble opinion, give a sensible shock." The crime was singing aloud, they damned him and swore vehemently to put him in chains and put him in the dungeon, close to the kitchen fire with no opening for air. This must "inevitably produce suffocation." Prisoner soon fainted but was revived with cold water. Prisoner hasn't caused so much disturbance as the coloured man. When mentioned to the gaoler "he damned me and said he should sing as much as he pleased." Hopes for redress.

File 4-7, Insane and Destitute.

Hannah Winters, Grantham. Wickedly and maliciously contrived to aggrieve **Levi Crawford**.

Robert Addison: "One poor family in particular on whoes behalf I venture to address your worships is in a most pitiable situation. The man is call'd **Black Tom**, a hard working and industrious man, his wife has been struck by the palsy for years and is quite unable to walk, or even feed herself. He has three young children, and much of his time must be taken up in waiting on his wife. In such a situation, without help, some of them must perish. I am, gentlemen, your most humble servant."

Robert Addison's Representation regarding paupers. "To the Magistrates of the District of Niagara in Quarter Sessions assembled. Worshipful gentlemen, I am sorry to understand that notice has been given that the allowance to paupers is to be discontinued, many of them I fear will be reduced to extreme distress, for bread is very dear, and most of these miserable human beings are utterly incapable of helping themselves."

Edmund Green, a destitute stranger, came to my house in ill health- fell, had three broken ribs and a severe hurt in the spine. He is almost totally helpless. Prays for an allowance for him, signed [**George? Russell?**] Certified correct by **William Leeming**. 5/- paid by District treasurer to **Carleton Leonard** for services rendered by **Dr. R.L. Cockcroft**, surgeon, for Green. July 20, 1829.

Letter of **Thomas Creen**, October 12, 1829 re: **William Ross**. A pauper, in utter poverty and a helpless situation. Requires the constant presence and assistance of his wife, has young children. **Sarah Ross** wife of William Ross: the family emigrated from Ireland last year. He is confined to bed and can't work, she must attend him. They have five children. Signed "her X mark" July 15, 1829. Allowed 7/6- per week, signed **James Muirhead**.

Statement of Allowances granted to the persons undermentioned from the Period stated and ordered to be paid up to the Quarter Sessions in October next. Signed **James Muirhead**, July 20, 1829.

Old King, (a man of colour.) Paid to **John Claus**, 15/- weekly. Letter attached from **John A. Stevenson**, Oakwood, to **James Muirhead** June 8, 1829: Old King went to York after clothing where he took sick. Received \$3 per month.

Benjamin Newman, (a man of colour) to be inserted on the pauper list at £0.3.9 weekly, July 20, 1829.

Statement of Allowances granted to Persons undermentioned from the Period stated and order paid up to the next Quarter Sessions (October.) Signed **James Muirhead**, July 20, 1829.

Jonathan Lawrence, paid to **George Adams**, 3/9- per week;

Mrs. Miles, to **Mrs. Page**, 5/- weekly;

an orphan at **Mrs. Lundy's**, to **Samuel Street**, 5/- weekly;

Judith Knox, 3/9- weekly;

an orphan child, to **George Adams**, 5/- weekly;

wife of **S. Plopp**, to **George Conolly**, 10/- monthly;

Jacob Clipp and wife, to **George Adams**, 5/- weekly;

Mrs. Nunnimaker, to **Mr. Leonard**, 10/- monthly;

foundling child, to **Mrs. M.A. Steel**, 3/9- weekly;

John Berry, to **Abby Mandigo**, 10/- weekly;

Mary Risenburgh, to **Samuel Taylor**, 5/- weekly (reduced to 3/9-)

Christopher Burt, to **George Lacey**, 3/9- weekly;

Andrew Burns, to **George Adams**, 3/9- weekly;

Barbara Brown, to **widow Palmer**, 3/9- weekly;

Edmund Green, to **Mr. Leonard**, 5/- weekly (reduced to 3/9-)

William Ross, to **Sarah Ross**, 7/6- weekly;

John Ellis, 3/9- weekly;

Benjamin Newman, 3/9- weekly;

Old King (coloured man), to **John Claus**, 15/- monthly;

Eliza Jame and daughter, to **George Adams**, 5/- weekly;

Dennis Cane, to **Daniel McDougall**, 5/- weekly;

Notations on document: "List continued" until January session 1830 (signed October 15, 1829) and list further continued until April session 1830 (signed January 15, 1830.)

File 4-8, Orders.

William Forsyth, Stamford, innkeeper. Tavern licence, good order, no gambling or unlawful games, signed **Charles Richardson**, January 5, 1829. Recognizance: **William Forsyth** £10, sureties **Adam Crysler** and **Joseph Wynn** £5 each. Breach of recognizance, recognizance estreated. Signed **James Muirhead**, July 18, 1829.

Patrick Fagan: estimate to sheriff **Col. Leonard** to line inside walls of one cell with hewn stone and arched, £60; if rough stone covered with plaster £32. Height 6'6" x 9' wide, cell length 9'6".

Charles Anderson (petitioner), prays that the Concession Road between lots 3-9 in Concessions 2 and 3 in Grimsby to be opened. **Charles K. Fell** to survey the same. Signed **James Muirhead**, July 15, 1829. Petition signed by: **Jonathan Woolverton**, **William Nelles**, **Dennis Woolverton**, **Samuel Kitchen**, **Charles Anderson**, **Jacob Kitchen**, **John Terryberry**, **Jacob Terryberry**, **Alexander Jackson**, **Daniel Palmer**, **Henry Griffin**, **David Cargill**, **Francis Crooks**, **Alexander Milmine**, **John Pettit**, **Robert Nixon**, **Zenas Beach**, **William Nixon**, **George Muir**, [-----] **Pettit**, **Adam Simmerman**, **James Durham**, **William Kaitting**, **Thomas Hardy**, **John Beam**, **Matthias Book**, **Sylvester Doren**. Ordered to be opened, signed **Charles Richardson**, July 15, 1829.

Clerk of the Peace, allowed to apply to the *Surveyor General's office* for a schedule of all land granted in the District. Signed *James Muirhead*, July 16, 1829.

Charles K. Fell (surveyor), to survey a road between Niagara Falls and the *Talbot Road (London District)* through Walpole and Rainham. Signed *James Muirhead*, July 16, 1829.

John Johnson, has erected a *bridge at the 20 Mile Creek* on lot 7 Concession 10 (Clinton.) 150 feet long and 18 feet wide, frame and planked, 30 feet filled in with earth. Certified *William Wiers, Michael McComb, Nathan Johnson, John Moot, Jeremiah Johnson*. Ordered to pay John Johnson £8, signed *James Muirhead*, July 16, 1829.

Clerk of the Peace, authorized to enlarge and improve his seat sufficient for papers and books. A proper box ordered for the crier of the court. Signed *James Muirhead*, July 20, 1829.

James Cummings, ordered £7.10.0. in aid of statute labour to build a frame bridge across a small creek at Chippawa on the main road to *Fort Erie*, April 14, 1829. Timber obtained by statute labour. Requires \$50 to complete, \$20 raised by subscription. Sum required to frame and raise bridge. Signed *James Muirhead*. (verso endorsed for "bridge in Willoughby.")

County butchers required to comply with regulations for the sale of meat, signed *James Muirhead* and *Charles Richardson* July 20, 1829.

Clerk of the Peace to procure books, *Chitty's Criminal Law*, Starkie *On Pleading* and Hawkins *Pleas of the Crown*. Signed *James Muirhead*, July 20, 1829.

William Clark (treasurer) ordered to raise £300 (by loan or otherwise) for District purposes. Signed *James Muirhead* and *Charles Richardson*, July 20, 1829.

Gaol Limits ordered to be inspected by sheriff, between *Brown's* old stand to that occupied by *David Botsford*. Signed *James Muirhead*, July 20, 1829.

£20 ordered to be paid to *James Muirhead, Daniel McDougall* and *Thomas Butler* to complete the *pound in town of Niagara*. Signed *James Muirhead*, July 17, 1829.

Ordered that *road taxes* for Walpole and Rainham collected in the London District be paid to the Niagara District. Signed *James Muirhead*, July 16, 1829.

Dr. Muirhead, Daniel McDougall and *John Crooks* ordered to be a committee to secure the cells for the Niagara gaol, to advertise for cut stone supplied by the lowest bidder. Signed *James Muirhead*, July 20, 1829. [verso contains statement about county butchers quoted above.]

File 4-9, Precept.

List of Jurors, filed July 14, 1829. Signed by *John Crooks* and *Ralph M. Crysler*, filed by *Charles Richardson*.

Grand Jury: *David Thompson, Adam Crysler, Rodman Starkweather, Jacob Caniff, Chester Culver, John Wagstaff, Matthew Catalin, James Miller, Thomas Stoughton, John McBride, Robert Cannon, Edward Whitemore, John Graham, George McBride, William Cassidy, Adam Brown, James Ecclesum, John Martindale, James Pickard, Joseph Poncett, Henry Woodruff, David Botsford, Andrew Heron Jr, Richard Howard*.

Petit Jury: *Thomas Cortney*, ~~*George Winterbottom*~~, *Stephen Morris*, *John Riley*, *Granville Burnett*, *William Morse*, *Ebenezer Strong*, *John Jones*, *Charles Fields*, *Richard Hancock*, *Ursen Harvey*, ~~*Richard Moffatt*~~, *Adam Hawley*, *Michael Morley*, *Archibald McLean*, *John Harris*, *John Douglas*, *William Cook*, *Alexander McKee*, *George Varey*, *Patrick McArdle*, *Patrick Fagan*, *John Hammond*, *John Shivers*, *Samuel Nisbett*, *George Grealey*, *Robert Taylor* (sick), ~~*Patrick McBride*~~, *John Whitten*, *William Burgess*, *Charles Campble*, ~~*William Moffatt*~~, ~~*Charles M. Edwards*~~, *Edward Wall*, *William Stoneman*, *Henry Reid*, ~~*Robert Mulligan*~~, *George Rousseau*, ~~*Thomas Gorman*~~, ~~*John Douglas*~~, ~~*George Buehannan*~~, *James Thompson*, *Stephen Morris*, *Thomas Hutchison*, *John S. Brand*, *Robert Grout*, *Samuel Walsh*.

File 4-10

Thomas Cornell, Queenston, butcher. Charged with assault and battery against *William Ely Pointer*, yeoman, on April 26, 1829. No bill: David Thompson (foreman.) Witnesses: W.E. Pointer, *Chester Wadsworth*. Evidence taken before *Alexander Hamilton*, April 28: Came to get the key to the stable, *Eastham* lent me the lock and key. Cornell lost the key and he would have to pay for another. I called him a damned rascal or scoundrel, he kicked the deponent both in the door of the house and out of doors. *Richard Byar* (coloured man) was in Cornell's house. Pointer came for the key, Cornell said he lost it. Pointer called him a "damned old rascal, I will make you get another." Cornell ordered him out, Pointer said something, Cornell kicked him out. Signed "his X mark." Recognizance: Thomas Cornell £10, William E. Pointer £10.

File 4-11

Adam Crysler, Niagara, innkeeper. Charged with assault and battery against *George Winterbottom*, Niagara, hatter, on June 6, 1829. True bill: *David Thompson* (foreman.) Witnesses: George Winterbottom, *John Burr*. Evidence before *John Crooks*, June 8: deponent was beaten by Crysler, signed "his X mark." Recognizance: Adam Crysler £15, surety *Joseph Poncete [Ponsett?]* £15. Verdict: guilty, fine £1 plus costs. Signed *James Muirhead*.

File 4-12

Robert Fields, Niagara, painter. Charged with assault and battery against *James Rogers* on July 17, 1829. True bill: *David Thompson* (foreman.) Witnesses: James Rogers. Presentment attached. Warrant issued by *James Muirhead* July 20, 1829 and filed by *Charles Richardson*. Verdict: not guilty, signed James Muirhead.

File 4-13

Maria Fitch, Niagara. Charged with larceny, stealing a promissory note (25/-) and another (10/-) of the *Bank of Upper Canada*, the property of *Maria Truscott*, on June 24, 1829. No bill: *David Thompson* (foreman.) Witnesses: *Maria Truscott*, *Mary Muldoon*, *George Ganich*. Evidence taken before *James Muirhead*, June 25: deponent kept money in a small drawer, \$5.00 (*Bank of Montreal*), \$2.00 (*Bank of Upper Canada*.) but only the girl Maria Fitch knew they were there. Signed "her X mark." Recognizance: Maria (her X mark) Fitch £20, sureties *Robert Kay* and *Francis Metcalfe* £10 each. Verdict: not guilty.

File 4-14

Samuel Forsyth, Stamford, innkeeper. Charged with obstructing a constable, **Frederick Buchner**, Stamford, in the execution of his duties on April 25, 1829. True bill: **David Thompson** (foreman.) Witnesses: Frederick Buchner. Evidence taken before David Thompson and **Charles Richardson**, July 20, 1829: Forsyth violently assaulted deponent, the next day he refused to aid him in the execution of his duty. Verdict: not guilty, signed **James Muirhead** October 16, 1829.

File 4-15

Michael Gannon, Niagara, labourer. Charged with assault and battery against **John M. Monagh**, labourer, on June 23, 1829. Witnesses: John M. Monagh. Evidence taken before **John Crooks**, signed "his X mark." Notation by **Charles Richardson**: discharged, no prosecution appearing. Discharged from recognizance.

File 4-16

Aaron Helmore, Thorold, yeoman. Charged with assault and battery against **Matthew Overholt** on May 7, 1829. True bill: **David Thompson** (foreman) Witnesses: Matthew Overholt. Evidence of Matthew Overholt taken before **George Keefer** on May 8: Deponent was sent by his father to Helmer for flour which he'd lent him. Helmer said "he would give him flour" and took up a hoop pole and began to beat and abuse and struck him several times on the back and shoulders. He fell down, much hurt and bruised, hardly able to get away. Signed "his X mark" Verdict: guilty, signed **James Muirhead**, October 13, 1829. Fine £5 plus costs, prisoner to remain in custody until paid.

File 4-17

Samuel Hicks, Stamford, butcher/yeoman. Charged with assault on a constable, **Frederick Buchner**, Crowland, yeoman/constable on April [2]5, 1829. True bill: **David Thompson** (foreman.) Witnesses: Frederick Buchner. Evidence before **James Muirhead**, April 25: Buchner had an execution against the goods of Hicks, went to his house and desired to see the goods to satisfy the execution. Hicks said he would not show them. Buchner said he would go in the house and levy on what he found. Hicks said he'd knock him down. He attempted to go to the door but Hicks struck him. He tried a second time and received a blow. Recognizance to appear taken before **James Macklem** of Chippawa: Frederick Buchner £10, sureties **Ozias Buchner** (yeoman) and **Henry Weishuhn**, Stamford, yeoman, £5 each; Samuel Hicks £10, sureties **Samuel C. Forsyth** and **James Skinner** £5 each. Verdict: guilty. Fine £5 plus costs, prisoner to remain in custody until paid. Clerk do lay an indictment on Samuel Forsyth (innkeeper) and James Skinner (saddler) for obstructing Buchner, signed James Muirhead, July 17, 1829.

File 4-18

Susan House, wife of **Harmonius House**, of Humberstone and **William Green**, same place, labourer. Charged with larceny, stealing 1 earthen pitcher (value 2/-), 1 smoothing iron (2/-) the property of **James Secord** of Willoughby, on March 27, 1829. True bill: **John Baxter** (foreman.) Witnesses: **Mary Secord**. Verdict: guilty, prisoners sentenced to two weeks in gaol. Signed **James Muirhead**, July 18, 1829.

File 4-19

George Martin, Niagara, labourer. Charged with assault and battery against **Joshua Strothers**, Niagara, barber, on June 22, 1829. Evidence taken before **John Crooks**, witness: Joshua Strothers. Signed "his X mark." Notation: settled.

File 4-20

Richard Moffatt, Niagara, butcher. Charged with assault and battery against **William Turman** on April 19, 1829. No bill: **David Thompson** (foreman.) Witness: William Turman. Evidence taken before **John Crooks**. Recognizance: William "his X mark" Turman £10, Richard Moffatt £10, surety R. Gray £5.

File 4-21

Mary Ann Monroe, Niagara. Charged with assault and battery against **Benjamin Sterling**, Niagara, barkeeper, on June 23, 1829. Evidence taken before **John Crooks**. Witnesses: Benjamin Sterling. Recognizance: Mary Ann Monroe £10, sureties **Joshua Strother** and **Hugh Minor** £5 each. Signed **James Muirhead**.

File 4-22

Peter McCall, Grantham, shipwright. Charged with larceny, theft of one iron crowbar (value 5/-) the property of **John Martindale Sr**, on April 25, 1828. No bill: **David Thompson** (foreman.) Witnesses: **Daniel Doran** (or **Dorrin**), **William Hepburne**, John Martindale. Evidence of Daniel Dorin before **George Adams**, July 7: I went to work for McCall on the day the schooner **Peacock** went to the mouth of **12 Mile Creek harbour**. Went on board **Mr. Northrop's** scow, took the crowbar and took it to another scow. Hepburn: the crowbar described by Dorrin was the same, reddish or rusty coloured. It laid among brick or stone and was unused for a long time. John Martindale Sr: McCall took the crowbar from the scow, the property of Job Northrop, near the lock at the mouth of the Welland Canal. **David Blair**, Port Dalhousie: was in the employ of McCall in 1828 at the 12 Mile Creek before moving to **Mr. Clark's** at **16 Mile Creek**. McCall's wife asked what to do with the wrench? He said take it along, and carried it upstairs. It was then carried to the harbour and left at the home of Martindale. Doesn't know if it was stolen, but said it cost half a dollar, was about 4 foot long and contained 40 lbs of iron, signed "his X mark." **Rachel Blair**: lived with McCall in May 1828. Brought home 1½ barrels of pork which were taken into the cellar. Five barrels of pork were stolen, paid nothing, which were later buried in the garden. **John Tinlin** said he'd never do the like again. Took the pork off the wharf at Youngs Town, also roap picked into oakum. She received 20/- from McCall for picking it. **Daniel Gregory** and John Tinlin were in company with him. Signed "her X mark." **John Blair**: found an iron hook for turning logs and timber in the straw where potatoes and turnips were buried. 6 or 7 lbs. I put the hook on the floor and asked what it was used for? Mc Call said for turning over timber. Recognizance to appear taken before George Adams, July 11: Peter McCall £25, sureties **John Gregory** and **James Tinline** £12.10.0. each; John Martindale, William Hepburn, **Jesse Pawling**, **Rossiel O'Brien**, Daniel Dorrin, Daniel Blair, **Thomas Akenhead**, **Rufus Davis**, Rachel Blair and **George Brown** £12.10.0 each.

File 4-23

Peter McCall, Niagara, shipwright. Charged with larceny, stealing 2 iron chisels (2/-), one slicker (3/-), and a handsaw (2/-) the property of **Rufus Davis**, on June 1, 1828. No bill: **David Thompson** (foreman). Witnesses: Rufus Davis, **Thomas Akenhead**. Evidence taken before **George Adams**, July 7: Thomas Akenhead, Port Dalhousie: in June 1828 two chisels, a slicker (an instrument to dress mortices) and a handsaw were in the chest of McCall at 12 Mile Creek, the tools of Rufus Davis. The chest was locked, they were clandestinely taken. **George Brown**, Louth: was with **Jesse Pawling** and McCall in November 1827 travelling to Chippawa in a wagon. There was an axe in a stump near a barn, Pawling wouldn't get it so McCall did. I believe it belonged to **George Keefer**. **Roziel O'Brien**: Showed an axe which resembled a cooper's axe but neither Pawling nor Brown had the courage to take it. McCall pointed to the stump where he got it from (November 1827.) Rufus Davis: I missed some tools in May or June 1828. Two chisels, a slick and saw were locked in a chest. I challenged McCall about it. Jesse Pawling: Went to Chippawa in November 1827. Between **Jacob Ball's** and the **Beaverdam** we saw a "handy axe" and

planned to get it. I wouldn't take it, but McCall got over the fence in a field and got the axe off a stump. Was a cooper's axe? **William Hepburn**: in the spring of 1828 an iron wrench, 4 feet long, the property of the **Welland Canal Company** was missing. Did McCall have the wrench? He said he paid a quarter dollar for it from **Sloan's Boatmen**, I was surprised to find such property in his possession. Rufus Davis: in November 1828 I heard McCall say to O'Brien he had had no cant hook since he lived at the harbour, it must belong to someone else.

File 4-24

Peter McCall, Grantham, shipwright. Charged with larceny, stealing one iron wrench, the property of **Thomas Akenhead**, (value 5/-) on May 1, 1828. No bill: **David Thompson** (foreman.) Witnesses: Akenhead, Blair, Hepburn.

File 4-25

Peter McCall, Grantham, shipwright. Charged with larceny, theft of one iron cant hook the property of **Rosial O'Brien**, (value 4/-) on December 1, 1828. No bill: **David Thompson** (foreman.) Witnesses: O'Brien, Davis, Blair. Evidence before **George Adams**, June 26, 1829: in November or December last McCall carried away my cant hook.

File 4-26

John McCullough, Niagara, blacksmith. Charged with assault and battery against **Isabella Proctor**, wife of **Francis Proctor**, Niagara, innkeeper, on April 16, 1829. True bill: **David Thompson** (foreman.) Witnesses: Isabella Proctor. Evidence taken before **James Muirhead**, June 15: in the absence of my husband, defendant made use of very improper language. I went down to the backyard where he struck her with a blow with his fist, knocked her down, and used threatening language. **James Barker** and **John Skelton** of Niagara did aid and abet McCullough in his outrageous conduct. Requires security to keep the peace, apprehensive of bodily harm, signed "her X mark." Recognizance to appear: John McCullough £20, **Matthew Dobie** £10. Verdict: not guilty, signed **James Muirhead**.

File 4-27

John McCulloch, Niagara, blacksmith. Charged with assault and battery against **Francis Proctor**, on June 15, 1829. No bill: **David Thompson** (foreman.) Witnesses: Francis Proctor. Evidence taken before **Daniel McDougall**, June 15. Recognizance: John and **Helen McCulloch** £10, sureties **Jacob Dockstator** and **Thomas Whitten** £5 each.

File 4-28

John McCullough, Niagara, blacksmith, and **Helen McCullough**, Niagara. Charged with assault and battery against **Francis Proctor** on June 15, 1829. No bill: **David Thompson** (foreman.) Witnesses: Francis Proctor, **Hugh Shaw**.

File 4-29

John McMonagle, Niagara, yeoman. Presentment: Keeps a very irregular and disorderly house which annoys and disturbs his neighbours. "A common receptacle for all kinds of people, and for people of colour," a haunt of crime. Steps must be taken to inquire into the premises. Signed **David Thompson** (foreman) July 18, 1829, filed by **Charles Richardson**. True bill: David Thompson (foreman.) Witnesses: **Mary Hughs**, **George Varey**, **James Kennedy** and his wife, May 18: defendant kept a house for lucre and

gain, men and women of evil fame and of dishonest conversation, assemble for drinking, tippling, whoring and misbehaving themselves. Verdict: guilty, signed *James Muirhead*.

File 4-30

Francis Proctor, Niagara, innkeeper. Charged with assault and battery against *Titus Root*, shoemaker, on July 13, 1829. True bill: *David Thompson* (foreman.) Witness: Titus Root. Evidence taken before John Crooks. Recognizance: Francis Proctor £10, surety *Jared Stocking* £10. Verdict: guilty. Fine £1, plus costs £3.5.0. Signed *James Muirhead*.

File 4-31

Isabella Proctor, Niagara. Charged with assault and battery against *John McCollough* (blacksmith) on April 16, 1829. No bill: *David Thompson* (foreman.) Witness: John McCollough. Evidence taken before *John Crooks*, June 15. Recognizance: Isabella Proctor £10, sureties *Thomas Whitten* and *James Oliver* £5 each.

File 4-32

John Simpson, Niagara, labourer. Charged with larceny, stealing a bank note (value 5/-) the property of *Burnett Ulman*, Niagara, yeoman, on May 16, 1829. True bill: *David Thompson* (foreman). Witnesses: Burnett Ulman, *Peter G. Smite*. Evidence taken before *James Muirhead*, May 18: Ulman slept at the house of *Robert Gray*, innkeeper. Simpson occupied the same bed, but got up earlier. Called *Peter G. Smite*, waiter. Examined his wallet and found the dollar missing. A \$1 *Bank of Upper Canada* note # 9471. It was passed at *John Graham's* tavern. Simpson: denies the charge, says he got the bill at York. *Sarah Graham*, wife of John Graham, innkeeper: Simpson called in on the morning of the 17th for a glass of peppermint. He gave her a bill, said it was \$4, she gave him change \$2, \$1 and the rest in silver. Claimed the bill was stolen. Signed "her X mark." Recognizance: Burnett Ulman, £20. Verdict: not guilty, signed James Muirhead.

File 4-33

Ransom Vantassel, Stamford, innkeeper. Charged with larceny, stealing one silver coin (an American half dollar) the property of *Alexander Scott*, on July 13, 1829. True bill: *David Thompson* (foreman.) Witnesses: Alexander Scott.

File 4-34, Accounts.

Richard Leonard, sheriff's account for moving £20, signed *James Muirhead* October 15, 1829.

Dr. Muirhead, charge for medicine and 6 months attendance at gaol, £6.5.0.

John Wray, services as crier on August 31, September 14 and October 13, 1829. £3.10.0. Signed *James Muirhead*, October 15, 1829.

Henry A. Woodruff (constable), charge for arrest of *Henry Weishuhn* and others (abduction) £2.1.6 by order of *Daniel McDougall*; cost for subpoena, travel, etc. King vs. *Armstrong*.

Thomas Whitten (constable), charges for arrest of *Margaret Flynn* (contempt, bigamy); *Mary Ann Monroe* and *Michael McMonagle* (on warrant); *Jane Hart* and *Indian Peg* (on a warrant); plus court attendance £2.14.0.

Jonathan P. Raymond (constable), charges for travel 40 miles to subpoena **James Esdale** (case of **David Elsworth**, felony); arrest **Solomon B. Rose** (warrant, blasphemy) September 15, 1829. £1.15.6. Signed **James Muirhead**, October 15, 1829.

George Cook (constable), charge to subpoena **John Lacy** and **John Stew** (felony) £1.12.6. Signed **James Muirhead**.

John Wright (constable), charge to arrest **Joseph Graham** (warrant); arrest **Jeremiah Callaghan** and arrest **Hannah Winters** (bench warrant.) £1.15.6. Signed **James Muirhead**, October 15, 1829.

Robert Donald (constable), charge to attend court July 20, 1829; charge to arrest **George Peters**, September 4, 1829. £1.0.0. Signed **Peter T. Pawling**, **James Muirhead**, October 16, 1829.

R.B. Groat (or **Groat**), charge for paper, quills, ink powder, ink stands, wafers &c. £2.1.3. Signed **R. Leonard**, September 12, 1829, certified **James Muirhead**, October 14, 1829.

John Crooks, charge for shirts, sheets £1.11.0, January 20, 1829; blue calico, red flannel, brown cotton, morocco shoes, black worsted stockings, £2.16.6, February 23, 1829 bought by **Peter Wheeler** for the use of the gaol, Signed **James Muirhead**, October 15, 1829.

Assessors of Grantham Township, 1829. 7% on the amount of the assessment £152.18.2 amounts to £10.12.0, less by allowance 5/-, total £10.7.0. Signed **D.W. Smith** and **Henry Mittleberger**. Approved **James Muirhead**, October 16, 1829.

Francis Proctor (constable), charge for arrest of two women (orders of **Daniel McDougall**) on August 6; arrest of **Jacob Griffin** (warrant) September 5; subpoena to **Henry Riley** (felony) September 18; subpoena **Nicholas Nicholson** and **Butler Dockstader** (felony) September 19; subpoena **Harmonius** and [-----] **Beach** (abduction); subpoena **Henry** and **Leah** [-----] (abduction) £3.19.6. Signed **James Muirhead**, October 16, 1829.

Frederick Buchner (constable), charge to arrest **Robert Fields** (bench warrant, for assault and battery) July 20, 1829; court attendance, King vs. **Forsyth**, £0.15.0. Signed **James Muirhead**, October 16, 1829.

Peter J. Smites (constable), charge to arrest two women (orders of **Daniel McDougall**) August 6; arrest **George Willis** and **George Davis** (warrant, grand larceny) September 13; arrest **Michael Mason** (order of **John Crooks**, September 19); paid **Simon Camp** to convey Michael Mason to gaol, September 16; arrest **John Stewart** (bench warrant, felony) plus charge of wagon to convey him to gaol, September 19; arrest **George A. Campbell**, September 19; arrest **Sarah Minor** (bench warrant) October 13; attendance on petit jury; £6.16.6, signed **James Muirhead**, October 16, 1829.

Jacob Dockstader, charge to arrest **Charles Smith** (King vs. **William Forsyth**) July 17; arrest **Solomon B. Rose** (bench warrant, blasphemy) orders of **Richard Leonard** and **George Adams**, July 20; removal of all persons from the house of **John McMonagh**, August 6; arrest **Maria Litz** August 22; arrest **Enoch Robison** (stabbing a man) September 3; subpoena to **John Thompson**, September 22; subpoena **Robert Dickson** and **E.C. Campbell** (misdemeanor) September 22; services as **High Constable** October 16. £6.10.0, signed **James Muirhead**, October 16, 1829.

Peter T. Pawling, list of Constables at October assizes 1829: **Jacob Dockstader**, **Peter I. Smith**, **Samuel Hicks**, **Thomas Whitten**, **John Kiff**, **John Smith**, **Stephen Jeffry**, **Francis Proctor**, **Henry A. Woodruff**, **Chester Wadsworth**, **Jonathan P. Raymond**, **Peter Young**, **George Cook**. Constables at October Quarter

Sessions: Thomas Whitten, Henry A. Woodruff, Jonathan P. Raymond, *John Wright, Robert Donald*.
£15.10.0. Signed *James Muirhead*, October 16, 1829.

Account of Rations due the Jailer of Niagara District (Peter Wheeler) July 17-October 15, 1829.

[Account includes the cost for 36 candles (guard), 5 cell brooms, straw for the cells, candles for court and jury, half year 'sallery' £46.11.1½; plus washing account £1.5.9 for total £47.16.10½.] Signed *James Muirhead*, October 15, 1829.

James Covert, July 17-October 4, 1829.

Isaac Ducket, July 17-October 15.

John McKeever, July 17-October 15.

John Walker, July 17-August 2.

Perry Thompson, July 22-September 21.

Jane Hart, August 6-August 12.

Eliza Hays, August 6-August 17.

Maria Fitch, August 21-August 25.

George Peters, September 5-October 15.

Susan House, July 15-August 1.

George Davis, July 15-September 22.

Joseph Johnson, September 13-September 16.

[-----] *Stewart*, September 19-September 21.

Michael Mason, September 16-October 15.

Jeremiah Calagan, September 15-October 15.

David Elsworth, September 18-October 9.

Alfred Welder (debtor) July 17-August 17.

William Hetherton (debtor) July 17-August 20.

Peter Wheeler, charge for washing shirts for prisoners, July 15, 1829, total £0.13.3.

James Covert, 12 @ 3d=£0.3.0.

Isaac Ducket, 13=3/3-

Perry Thompson, 9=2/3-

John McKeever, 3=9d.

John Walker, 3=9d.

George Peters, 6=1/6-

Michael Mason, 4=1/-

David Elsworth, 2=6d.

William Hetherton, 5=1/3-

Charge for washing 15 blankets and 5 bed ticks, £0.12.6.

Total £1.5.9.

File 4-35, Road Accounts.

Elias Braley, Crowland, has done road work worth \$25 or £6.5.0. Wainfleet, August 1, 1829. Certified by *John Clark, David Thompson, William Clark*.

John Warren, £10.14.0¼ is the amount of accumulated highway tax for Humberstone from *William Clark*, September 26, 1829.

Silas Hopkins, \$97 in road work done by him on the road through Caistor between 20 Mile Creek and Chippawa Creek. Certified by *Smith Griffin* and *William Crooks*, Grimsby, September 14, 1829.

The subscribers at Grimsby have inspected the work of Silas Hopkins on the road from Smith Griffin at 20 Mile Creek to *Lymburner's Mill* on the Chippawa Creek at Caistor and are fully satisfied. Smith Griffin to judiciously appropriate the money. Signed *John Harris, Robert Waddel, Reuben Tisdale, Marcus Whitman*.

Guy J. Atkins, \$54.24 or £13.1.3 in road work performed in Pelham, payable by treasurer. Certified *David Thompson* (J.P.) Notation: Mr. Atkins is much in want of money, pay the within to *Andrew Thompson*, Wainfleet, October 17, 1829. Amount received from treasurer, signed Andrew Thompson.

Guy J. Atkins, \$30 or £7.10.0. in road work performed in Pelham. Wainfleet, September 12, 1829.

Certified by *David Thompson* (J.P.) and *John Clark*.

Alva Gaffin, Willoughby, to cut a road from where statute labour extends to beyond *Peter Saylor*s on the 3rd Concession to the Cross Concession, about 1½ miles. He will bridge bad frog holes and creeks, drain swampy places, cut and clear all trees 1 foot in diameter or under and clear all old logs in the road way, road to be 4 rods wide. To be completed by September 1, 1829. *James Cummings* to pay \$40 per mile. Chippawa, March 28, 1829. Witness: James McNiven. Received £20.13.0. for two miles.

File 4-36 Correspondence.

Zachariah Mudge to *Charles Richardson*, Government House, August 10, 1829. Asks what is the best place of departure for the *Horse Ferry boat* between Queenston and Lewiston?

James Muirhead to *Zachariah Mudge*, October 16, 1829. The best spot is where the scows and ferry boats depart. The access to the water's edge is better, and the eddy running up facilitates crossing. It is under the direct view of the *Collector of Customs*.

Charles Richardson to *Zachariah Mudge*, August 15, 1829, acknowledges letter.

Charles Richardson to *Zachariah Mudge*, October 16, 1829. Encloses copy of presentment.

James Muirhead to the *Magistrates of the London District*, October 16, 1829. Requests a conference in November at *Warner Nelles'* in Haldimand about the proposed road from Talbot Street to Niagara Falls. The survey of the road was made in July.

File 4-37

Lewis E. Sterns, entered the *Customs House* and paid the duty on 134 pairs of mens and womens shoes. Certified *John Warren*, August 17, 1829. Lewis Sterns paid customs on a barrel with 82 morocco shoes and two boxes filled with 72 pairs of leather shoes, certified *Charles Stanton*, August 12, 1829. Permission granted to remove the shoes from *Fort Erie* to *Ancaster* in the Gore District.

File 4-38, Filings.

Hannah Winter, wife of *Greenleaf Winter*, St. Catharines. Charged with perjury. Recognizance to appear taken before *James Black*, July 27, 1829: Hannah "her X mark" Winter £10, sureties *John Wright* and *John Cleveland*, yeoman, £5 each. Discharged October 16, 1829.

Evidence of constable *Chester Wadsworth* of Queenston, taken before *R.H. Lee* of Stamford: A burglary occurred at the house of *Joseph Whitney* of Queenston on the 26th or 27th August 1829. Information of *Mary Whitney*. Suspects are *Owen McGraw*, *Manuel Bradt* and *William Robbins* of Thorold. Witnesses: *David Vanalstine* and *John Muir* (Grantham.) Subpoena to summon witnesses before *Robert Grant* and *Alexander Hamilton*, August 27, 1829.

File 4-39, Grand Jury Presentment

James W.O. Clark (foreman): the *bridge at the 20 Mile Creek* in Louth is in a very bad state, much decayed. People crossing are in danger of injury. A new plank bridge will cost £37.10.0. with 2 stone "butments," timber crossing the same and extended to land. This construction will be much more lasting than plain wood, the money well applied. Ordered £30 to build such a bridge, signed **George Adams, Joseph Smith, Barnabas Gregory, James Muirhead, Charles Richardson**, October 14, 1829.

File 4-40, Insane and Destitute.

Letter from **John Stevenson**, Oakwood, to **Daniel McDougall**, April 14, 1829: an unfortunate man was incarcerated for a small debt, has no friends and no means to pay. **Mr. Champion** promises to contribute.

A poor honest man has been confined in jail 3 months or more for a \$12 debt, contracted for board and lodging while sick with a fever. Friendless, a subscription is needed. Signed **Robert Addison**, 5/- contribution.

John Ellis, a British subject, was a sailor and soldier in His Majesty's service. Now aged 78 years, no longer able to work. Never asked for alms. Had some cattle, made them over to his son-in-law for maintenance but he absconded. Signed **Robert Addison, Thomas Creen, John Ellis, W. Greig, George Connolly**.

Duplicate copy of a document re: case of **Black Thom**. (see file 4-7.)

Mary Risinbarrick, the widow of **Daniel Risinbarrick**, a discharged soldier in the *Canadian Volunteers*, died after being discharged with a considerable family. Her exertions are inadequate for the necessities of life, one of her family is "a helpless idiot." Disagreeable necessity of begging for assistance, is now totally helpless due to age and infirmity. The sum allowed to her is insufficient, requires further relief, signed "her X mark." Pelham, October 12, 1829: signed **Henry Slawmick, William Davidson, David P. Brown, David Thompson, Stephen M. Farr, [Charles?] Fell, James Brown, Joseph C. Price, James S. Smith, Aaron Price**.

Lyman Ferras, Niagara, October 16, 1829: was a soldier in His Majesty's service, has lived in Niagara many years. Was able to maintain himself until attacked by "a most afflictive malady." Has subsisted on his property, now aged 74 years and his property is exhausted. Signed "his X mark."

Johannah Knox, Niagara, October 15, 1829: is reduced by infirmity and age to a state of extreme imbecility and incapable of the least exertion. Is in a suffering state for want of warm clothes, by means of which her bodily health will be improved. Prays for winter clothes.

Duplicate copy of **Pauper List** included in this file (see file 4-7.)

File 4-41, Orders.

The surveyor of roads and highways is to open a road from the *Court House* to the place where it intersects the *West Line* in the Township of Niagara, signed **James Muirhead** and **Charles Richardson**, October 16, 1829.

Clerk of the Peace permitted to absent himself for the rest of the session, sending a person to act in his place. Signed **James Muirhead** and **Charles Richardson**, October 14, 1829.

File 4-42, Petitions.

John Kain, confined in gaol 2 months, alleged crime of taking 2/- from **Patrick Handy**. He was employed by Handy 9 months, received no compensation, was lost time. Lent Handy \$29.00 on August 1st. Passed a note payable in three months, the note was due but Handy refused to pay and put me out of doors. I called the next day and was refused again. Asked for my bundle of clothes, which was brought to the house of **Thomas Gorman**. Handy came to the house and went through the bundle, and took out items he said were his. Someone authorized by Handy put articles into the bundle? Take my case into consideration, otherwise it will mean the ruin of my health and property. Take out a *capias* for Handy.

File 4-43

Handwritten schedule of *poundkeeper's fees*, plus printed copy of the table of fees, signed **Charles Richardson**, Clerk of the Peace, October 16, 1829.

File 4-44, Precept.

List of Grand and Petit Jurors, compiled by **James Muirhead**, **Charles Richardson** and **Ralph M. Crysler** October 13, 1829.

Grand Jury: **Peter Haines**, **Edward Keating**, **James W.O. Clark**, **Stephen St. John**, **Joshua Beeby** (sick), **George H. Kerr**, **Isaac Doty**, **David Bradt** (sick), **Spencer Doty**, **John Flummerfelt**, **Lewis Haines**, **Jacob Vanloon** (deaf), **Philip Beemer**, **Patrick Griffis**, **Cornelius Crumb**, ~~**Garet Schram**~~, **John Patterson**, **John Seburn**, **Benjamin Pickard**, **William Adams**, **Barney Gregory**, **Andrew Butler**, **George W. Read**, **Jacob Gold**.

Petit Jury: **John Smith**, **William Smith**, **John Honsinger**, **Jonas Laraway**, **Nicholas Patterson** (sick), **Carlton Thompson** (away), **James Smith** (away), **Loyal Davis**, ~~**James N. Smith**~~ (sick), **Henry Disher**, **John Bradt**, **Henry Will**, ~~**Peter Bugby**~~, **Samuel Hunsbury** (sick), **Jabez Johnson**, **Reuben Runchey**, **John Sammonds**, ~~**Joseph Will**~~, **Isaac Hunsbury**, ~~**Abraham Montross**~~, **Butler Bradt**, **Frederick A. Schram**, **Harmon Rykeman** (too old), **Benjamin Smith**, **Adam Haines**, **Henry Smith** (excused), **James Thompson**, **John Burgar**, ~~**Jesse Souls**~~, ~~**Felix Havens**~~ (absent with leave), **Joseph Bradt**, ~~**Bartholomew Disher**~~, **Abraham Hygh**, **John Krots** (sick), **Abraham Krots**, **Jacob Culp** (away), ~~**Joseph Overholt**~~, ~~**M. Fritz**~~, ~~**Filman Culp**~~, **Peter Hostrosser**, ~~**Philip Tuffard**~~, **Philip Grandier**, ~~**John Beem**~~, **Philip Wills** (sick), **William Everet**, ~~**Isaac Wismer**~~, **David Burtch**, ~~**James Burtch**~~ (excused), **Stephen Burtch**, **Israel Burtch Jr.**, ~~**Daniel Clendennan**~~, ~~**James O. Causby**~~, **Cornelius Rykman**, **Isaac Wismer**, **David Fritz**, **Alvah Foster**.

File 4-45

Joseph Badgley, Thorold, yeoman. Charged with assault and battery against **George Lacy**, constable, on February 29, 1829. True bill: **John Baxter** (foreman.) Witnesses: George Lacy, **Jacob Vrooman**, **John Stewart**. Verdict: not guilty. Costs charged to the District, signed **James Muirhead**.

File 4-46

James Barker, Niagara, tailor. Charged with assault and battery against **Patrick Handy**, on December 28, 1828. Witnesses: Patrick Handy. Recognizance taken before **John Crooks**: James Barker £10, sureties **Francis Proctor** and **Thomas Courteney** £5 each. Signed **Charles Richardson**.

File 4-47

Patrick Fagan, Niagara, stonecutter. Charged with assault and battery against **Joseph Eden** on August 28, 1829. True bill: **James W.O. Clark** (foreman.) Witnesses: Joseph Eden, **Francis A.B. Clench**. Evidence taken before **Ralph M. Crysler**, August 29: deponent was in the street talking to **Bernard**

Clench. Fagan attacked with no provocation, choak'd me and struck me with his fist. Recognizance taken before Ralph M. Crysler and Charles Richardson, October 13, 1829: Patrick Fagan £15, Joseph Eden £10; verdict: not guilty, signed **James Muirhead**.

File 4-48

Mary Fountain, Niagara. Charged with assault and battery against **John Stone** (man of colour) on September 25, 1829. True bill: **James W.O. Clark** (foreman.) Witnesses: John Stone, **Daniel Hart**. Evidence of John Stone, September 26: deponent was on board the **Oldcroper**, passed by her house and knocked on the pickets with a small walking stick. She came out and struck him under the right eye with an axe, signed "his X mark." Recognizance: John Stone £10; Mary Fountain £10, sureties **William Reily** and **John Johnston** £5 each. Verdict: not guilty, signed **James Muirhead**.

File 4-49

Joseph Fryzman, Niagara, labourer. Charged with petit larceny, stole 2 bags (3½ bushels) of wheat (value 10/-) the property of **Joseph Clement** on July 25, 1829. True bill: **James W.O. Clark** (foreman.) Witnesses: Joseph Clement. Verdict: not guilty, signed **James Muirhead** and **Charles Richardson**, October 16, 1829.

File 4-50

Robert Garvin (or **Gervin**), **James Killbride**, **James Reid** and **George Conam**, Thorold, labourers, charged with riot and assault against **Nicholas Smith**, constable, on October 4, 1829. True bill: **Jonathan Pettit** (foreman.) Witness: Nicholas Smith. Evidence taken before **George Keefer**, October 6, 1829: Ten or more diverse evilly disposed persons unlawfully and riotously assembled to disturb the peace and assaulted deponent while in the execution of his office. There was an affray on the **Welland Canal** between **Hynam Vinica** and **Henry Fee**. Assailants threatened to flog and beat him, attempted to club Smith. They went away, 300 or 400 yards, collected a force and came back to beat and assault Vinica. When Smith called for peace, they beat him, struck him with fists and clubs.

File 4-51

Alexander Gordon, Stamford. Charged with assault and battery against **Benjamin Middaugh**, between June 17, 1829. True bill: **David Thompson** (foreman) plus presentment, July 17 filed by **Charles Richardson**. Witness: Benjamin Middaugh. **Daniel McDougall**, warrant to **Chester Wadsworth** June 17, 1829 to apprehend Gordon. Recognizance taken before **R.H. Lee** June 19: Benjamin Middaugh £10, Alexander Gordon £20. Discharged from recognizance, *nolle prosequi*. Letter from Daniel McDougall to Charles Richardson, October 12, 1829: the matter is settled but if any more testimony is required, I shall be at York.

File 4-52

John Hart, Niagara, labourer. Charged with assault against **Hannah Cullins** on September 25, 1829. Witnesses: Hannah Cullins. Evidence taken before **Ralph M. Crysler**: deponent was beaten with no provocation at the house of **Patrick Curring** in the Town of Niagara. Recognizance before Ralph M. Crysler, September 27: Hannah "her X mark" Cullins £5, John Hart £10; surety **McMahon** (St. Catharines) for Cullins £10.

File 4-53

John Jones, Queenston, mariner. Charged with assault against **Bartholomew Armstrong**, on August 19, 1829. Witnesses: Bartholomew Armstrong. Evidence taken before **Robert Grant**: plaintiff is a mate on board the steam vessel **Alciope**. He was assaulted by Jones, a seaman on board, struck with his fist on the breast, was knocked down, Jones used very abusive language. **William Duff** was a witness to the blow. Recognizance: Bartholomew Armstrong £10. File includes note of costs.

File 4-54

Peter Marsh, Haldimand, labourer, **John Champlain** (labourer) and **William Bradt** (labourer). Charged with larceny, stealing three pounds of nails (value 2/-) the property of **Philemon Mooney** on May 6, 1829. Witnesses: Philemon Mooney, **William Anthony**. Recognizances to appear taken before William Anthony, J.P.: William Bradt £20, sureties **John Austin** and **Adam Dockstader** £10 each; Peter Marsh £20, sureties **William Fisher** and **James McDonald** £10 each; John Champlain £20, sureties **Justin Lomis** and **James Champlain** £10 each; Philemon Mooney, carpenter, £25.

File 4-55

Sarah Minor, charged with assault and battery against **Clarissa Lawes** on August 24, 1829. True bill: **James W.O. Clark** (foreman.) Witnesses: Clarissa Lawes, **Henry Strother**. Evidence taken before **John Crooks**: Lawes is apprentice to **Charles Keown**, signed "her X mark." Recognizance: Sally Minor £10, sureties **Jared Stocking** and **Thomas Whitten** £5 each. Defendant pleads guilty, fine £1 plus costs and to remain in custody. Signed **James Muirhead** and **Charles Richardson**, October 14, 1829.

File 4-56

Richard Moffatt, Niagara, butcher. Charged with assault and battery against **Israel Burtch Jr.**, on October 13, 1829. True bill: **James W.O. Clark** (foreman.) Warrant issued to constable **Stephen St. John** for the arrest of Moffatt. Evidence: Burtch was assaulted at the **Market House** at Niagara, he was thrown to the ground and out of doors and out of the house with no provocation. Recognizance: Richard Moffatt £10, surety **John Martindale** £5. Verdict: guilty. Fine 5/- plus costs. Signed **James Muirhead**, October 15, 1829.

File 4-57

William Turman, Niagara, blacksmith. Charged with assault against **Fanny Rielly**, wife of **William Rielly**, on September 5, 1829. True bill: **James W.O. Clark** (foreman.) Witnesses: Fanny Rielly, **John Isaiah**. Evidence taken before **John Crooks**, October 14, 1829: deponent was assaulted and thrown down by Turman. Verdict: not guilty. Signed **Charles Richardson**.

Niagara District Quarter Sessions, January 1830.
(December 1829 and February 1830 adjourned.)

File 5-1, Accounts

Andrew Heron, May 12, 1829 charge for advertising a "Notice," printing 100 copies of the same, advertising a "Reward," printing 50 copies of poundkeeper's fees, total £2.6.10. Signed **Charles Richardson, James Muirhead**, December 7, 1829.

File 5-2, Correspondence

Niagara, December 17, 1829. **Charles Richardson** to **James Baby**, prays for information and opinion from the Attorney General on innkeeper's licences.

Niagara, December 8, 1829. **James Muirhead** to **Zachariah Mudge**, encloses petition from the magistrates to **Sir James Kemp**, praying for lots 103-104 for erecting new public buildings. Petition to be laid before **Sir John Colborne**.

Niagara, December 8, 1829. **James Muirhead** to **Captain Phillpotts**, R.E., requests report on the unfitness of lots 103-104 for military purposes.

Government House, December 10, 1829. **Zachariah Mudge** to **Charles Richardson**. The assessments for the Niagara District have not yet been received, please forward them as soon as possible.

Niagara, December 16, 1829. **Charles Richardson** to **Zachariah Mudge**. Acknowledges letter of December 10 regarding the Niagara District assessments. Encloses an aggregate assessment for the District for 1829.

Niagara, December 7, 1829. Letter from **James Muirhead, Robert Dickson** and **John Claus**, magistrates of the **Market Reserve** re: grant of land for public buildings. Space required for the Register office, Treasurer, Clerk of the Peace, Police and District School.

File 5-3, Orders

December 7, 1829, **John Warren** and **Edward Evans**: the most direct route for a Public road from Niagara Falls to **Talbot Road** be entered into the Minutes, met with unanimous approbation, and ordered that measures be taken to carry it into effect.

December 7, 1829, report of **Charles K. Fell**, surveyor of Highways ordered to be confirmed re: the road from Niagara Falls to Canboro. To run from **Haggai Skinner's** to [**Slacks?**] through Stamford and Thorold to the bridge at the **Deep Cut** to **Hill's Tavern**, then past **Rice's Tavern**, then to the Welland River, then passing **M[-----] Mills, Humphrey's Farm**, through Gainsboro to the Welland River, then to Canboro and **Oswego Creek**.

File 5-4, January accounts.

Anthony White, charge for harbouring and boarding a poor man named **Jackson**, attendance upon him between July and August 1827; charge for his funeral expenses, £2. Certified by **J. Kerby** and **John Warren**, October 11, 1827. Referred to the January sessions by **J.B. Clench**. Signed **James Muirhead** and **Charles Richardson**, January 13, 1830.

David Bonesteel, December 15, 1829 charge for a shroud for **Mary Risinbarrack** (pauper) and coffin, digging her grave and expense of interment, £1.9.10. Signed **James Muirhead**, January 13, 1830.

Thomas Butler and **William Ball**, a plough and scraper are much wanted for the **Black Swamp Road** due to the nature of the soil. Will cost £6.5.0. for the same. Signed **James Muirhead**, January 13, 1830.

William Crooks, cost to build a bridge on the 40 Mile Creek total £53.4.9. **Lambert Vansickle**- masonry work, **Daniel Palmer**- hauling oak timber, **P. McMahon** and **R. Monagan**- for framing and covering bridge, **Mahlon Palmer**- for turning a pine railing. Council ordered £45, balance £8.4.9. Signed **James Muirhead**, January 13, 1830.

R. Leonard, cost to hire **Joseph Smallwood** as executioner for **Isaac Duckett** £1, signed **James Muirhead** January 14, 1830.

R. and **J. Cryslar**, November 27, 1829 cost for linen, sheeting, blankets for prisoners in gaol, £2.0.1½. Signed **John Crooks**.

R. and **J. Cryslar**, January 14, 1830 cost for trousers, jackets &c for prisoners in gaol, £3. Signed **John Crooks** and **James Muirhead**.

Patrick Sherry, constable. Charge for the arrest of **Lappon** and **Brady** (house breaking), plus wagon to convey them to Niagara gaol, £2.5.0. Signed **William Crooks**, **James Muirhead**, January 14, 1830.

Silas Hopkins, collector for Caistor. Certifies that **John O'Reilly** has paid 14/6- in taxes, or 9/9- more than his assessment. Ordered to return the 9/9-, Signed **William Crooks** and **James Muirhead**, January 16, 1830.

Constables Bradshaw and **Gideon Grisdale**, cost to apprehend **Bratt** plus mileage from **David Thompson's** to the Grand River, cost to conduct the prisoner to Niagara, £1.9.4. Signed **James Muirhead**, January 15, 1830.

R.M. and **J. Cryslar**, September 4, 1829. Cost for linen and thread to make a shirt for a black man, cotton for **Old Lane**, blankets for **Mrs. Knox** £1.11.0. Signed **James Muirhead**, January 15, 1830.

Henry A. Woodruff, cost for the arrest of **Zenas Aldgo** on warrant for stealing a pig; cost involved in his pursuit of rioters on the **Welland Canal** at Chippawa, plus mileage from the sheriff's office to Chippawa, £1.5.0. Signed **Peter Pawling**, **James Muirhead**, January 15, 1830.

Robert Green, cost of expenses incurred in giving evidence against **Emanuel Bratt** £1.10.0. Signed **James Muirhead**, January 15, 1830.

John Isaiah, cost of cleaning 4 chimney flues at the Niagara gaol, 7/6-. Signed **James Muirhead**, January 15, 1830.

Thomas Gilleland, charge for services as constable with the sheriff to the **Deep Cut** on the **Welland Canal** in pursuit of rioters 10/-. Signed **Peter Pawling**, **James Muirhead**, January 15, 1830.

Jacob Dockstader, cost for services as High Constable; cost for posting notices of the Town Meeting, £3.17.6. Signed **James Muirhead** and **John Crooks**, January 15, 1830.

John Kiff, (constable) cost of 4 days attendance at court at 2/6- per diem, 10/-. Signed **James Muirhead**, January 15, 1830.

Jonathan P. Raymond (constable) cost for services in pursuit of rioters on the *Welland Canal*, and for going after **Joseph Clement**, 12/6-. Signed **James Muirhead**, January 15, 1830.

Robert Donald, for services as court constable, 10/-. Signed **James Muirhead**, January 15, 1830.

John Wray, charge for services as crier, December 7 and 30, 1829 and January 12, 1830, £1.10.0. Signed **Charles Richardson**.

Mrs. Horton, charge for attending and care for **Beason**, 7 days, at **Dr. Muirhead's** request, £1.5.0. Enclosed certificate from **James Muirhead**, **Mrs. Houghton** cared for **Andrew Bison**, December 31, 1829. Amount paid to **Daniel McDougall**, signed James Muirhead, January 13, 1829.

John Haun, January 4, 1830 charge for digging a grave for Beeson the coloured man, 5/-. Signed **James Muirhead**, January 15, 1830.

John Johnston, Grantham, labourer, on oath before **James Black**, saith that **Perry Thompson** assaulted him. Warrant issued for arrest of Thompson issued July 21, 1829; constable **Jonathan P. Raymond**, charge to convey Thompson to Niagara gaol from St. Catharines £1.19.0. Signed **James Muirhead**, January 15, 1830.

Francis Proctor (constable) cost for services with sheriff in pursuit of rioter on the *Welland Canal*; arrest of **George Martin** (larceny); services as court constable, £1.16.0. Signed **Peter Pawling**, **James Muirhead**, January 15, 1830.

John Anger, Bertie, constable. Charge for arrest of **Peter Johnson**, December 26, 1829, 12/6- Signed **Henry Warren**, **James Muirhead**, January 15, 1830.

Peter Wheeler, charge for washing prisoner's shirts: **George Peter** (13 shirts), **Michael Mason** (13), **Jeremiah Callagan** (15), **Isaac Ducket** (10), **William Taylor** (12), **Rufus K. Lapping** (10), **Ransaler Brad** (10), **James Richmond** (10), **Emanuel Brat** (8), **William Green** (2) 101 shirts at 3d= £1.5.3. Signed **James Muirhead**, January 15, 1830.

Account of Rations due the gaoler of the District of Niagara (Peter Wheeler) October 16, 1829-January 15, 1830. Signed **James Muirhead**, January 15, 1830 [Cost includes cords of firewood for the guard, candles for the guard, straw for the cells, 3 cell brooms, candles for the court) £26.2.0.

George Peters, October 16, 1829-January 15, 1830.

Michael Mason, October 16-January 15.

Jeremiah Calagan, October 16-January 15.

Isaac Ducket, October 16-December 22, 1829.

William Taylor, October 22-January 15.

Rufus K. Lapping, November 9-January 15.

Ransaler Brady, November 9-January 15.

James Richmond, November 11-January 15.

Emanuel Brat, November 22-January 15.

George Martin, December 29-January 15.

William Green, January 1-January 15, 1830.

John Talbent/Talbert? (debtor) October 27-January 12.

File 5-5, Clerk of the Peace accounts, signed by **Charles Richardson**, May-July 1829.

Cost of swearing witnesses before the Grand Jury: *Hugh Shaw, Job Strowbridge, George Reid, Thomas Darling, Jacob Hosteter, Alexander Wilson, Robert Hodgkinson, Jacob Westover, Matthew McMullen, Abraham Secord* and *John Darby*; Affirmation of *Isaac Overholt*; Cost of presentment for gaol, fire engine, police regulations etc. Cost of warrants etc. for the following cases: Rex Vs. *Susan Overholt* and *William Green* (larceny); *Maria Fitch* (larceny); *John McMonagle* (keeping disorderly house); *Gilbert McMicking* (assault and battery); *Samuel Forsyth* (obstructing a constable in his duties); *John Simpson* (larceny); *Thomas Cornell* (assault and battery); *Peter McCall* (larceny); *Michael Gannon* (assault and battery); *Ransom Brady* (larceny); *Mary Ann Munroe* (assault and battery); *George Martin* (larceny); *William Thompson* (larceny); *Alexander Gordon* (assault and battery); *Hannah Winters* (perjury); *William Forsyth* (breach of recognizance); *William Whitten* (drawing indictment and filing information.) *J. Martindale; Rufus Davis, Thomas Akenhead.* Recognizance of *Jeremiah Callahan, George Martin, Joseph Markwell, Charles Campbell*; Swearing in *James Muirhead, George Adams, and John Wright* before the Grand Jury; Filing presentment against *Solomon B. Rose*; Recognizance to appear for *Jacob Hosteter et. al.*; Swearing in *Dr. Telfer, William Duff Miller, George Varey, Mary Hughes* before the Grand Jury; Recognizance of *Peter Marsh, John Chaplain, and William Bradt*; Swearing *Lewis Crawford*; Filing orders for road from Niagara Falls to the London District; cost of postage for letters; cost of subpoenas, bench warrants, &c. Signed *James Muirhead*, January 12, 1830.

Rex vs. *Peter Johnson; Lenas Auldjo; R. Harvey; Charles Campbell; William Green; Henry Bond; Emmanuel Bradt; J. Cudney; G. Martin; L. Hicks; Nancy Cornell; L. Lymburner; Joseph Fryzman*; recognizance of *D. Cargill et. al.; Lappin; Brady*; bench warrants, presentments, special orders re: roads, filings, accounts, recopied documents &c, letters and postage. Signed *James Muirhead*, March 23, 1830.

File 5-6, Road accounts

Mr. Clark to pay *Captain Evans* money for the roads in Rainham and Walpole, signed *John Evans* October 10, 1829.

Warner Nelles and *Edward Evans*, Grand River, April 9, 1828 to *Thomas McCormack*: road taxes of £2.6.0. for Walpole and £2.5.7½ for Rainham charged to the Niagara District. Paid to *Benjamin Teaver* and *John Evans*. Filed January 14, 1830.

Elias Braley has worked on roads in Crowland to the amount of £4.10.9. Certified by *David Thompson, Crowell Willson, George Keefer*, November 7, 1829. Signed *William Clark*, treasurer.

James Downing has laboured on the road between the 20 and 40 Mile Creeks, to the amount of £8.15.0. Certified *William Crooks, Smith Griffin*, Grimsby, December 15, 1829.

Benjamin Hoover- road money from Walpole, £4.8.1. to be paid by *Mr. Clark* to *Captain Evans*, April 7, 1829. Filed January 12, 1830.

John Evans- £2.2.1 road taxes for Walpole and 6/- for Rainham sent to "*John Clark*" [sic] treasurer of the Niagara District. Signed [-----] and *Edward Evans*.

File 5-7, Tax arrears

List of tax arrears for the Niagara District, arranged by township, compiled by *William Clarke* and *Charles Richardson*.

Bertie: *John Warren*, lot 6 or 7 Con. 6.

Caistor: **James Green**, lots 21 and 22 Con 1 and Con 2 and lot 23 Con 4; **Abner Owen**, lot 7 Con. 2; **David Dean**, lot 13 Con. 2; **Edmund Burke**, lot 19 Con 4; **Jacob Ball**, lots 21-22 Con 5; **Joshua Gillman**, lot 2 Con 7; **Moses Merritt**, lot 5 Con 7.

Grantham: **Adam Stull**, lots 6-11 Con. 8. "refuses to do anything respecting the quantity owned by him;" **R. West**, lots 8-11 Con 9.

Humberstone: **Solomon Steel**, lot 18 Con 4.

Niagara: lots 79-82, **Reserve for Hospital**, leased to individuals but not occupied; lots 83-86 Clergy Reserve, leased to **Alexander Stewart**; lots 93-94 leased to **Ralph Clench**; lot 154 **Methodist Chapel**; lots 203, 225-226, 245-251, 255-263 and 267-272 Clergy Reserve (part out of town), leased to **William Dickson**.

Pelham: **Isaac Hodgkison**, lot 14 Con 7; **John Groh** (lessee) lot 14 Con 8.

Stamford: **Jacob Kilman** (lessee) lot 72.

Thorold: **Isaac Swayze** (lessee) lot 99.

Wainfleet: **Elmsley** and **McGill**, lots 17-19 Con 7.

File 5-8, Correspondence

Letter of **Charles Richardson** to **Zachariah Mudge**, Niagara, January 11, 1830: has enclosed a report for 1829, includes Clerk of the Peace accounts to December 31, 1829.

Letter of **James Muirhead** to **Zachariah Mudge**, Niagara, January 15, 1830: a route from Niagara Falls to Talbot Street has been adopted. Diagram of road plus petition for aid in opening the road and bridge over the Grand River enclosed.

File 5-9, Criminal Calendar

Calendar of Ciminal Prisoners confined in Niagara Gaol (Peter Wheeler) January 12, 1830. Signed **R. Leonard**.

Jeremiah Calagon, Committed July 16, 1829. Under sentence.

George Peters, September 5. Under sentence.

Michael Mason, September 16. Under sentence.

William Taylor, September 22, orders of **J. Kirby**. Stealing a watch, the property of **John P. Wintermute**.

Ransaler Brady, November 9, orders of **William Crooks**. Breaking open the house of **David Cargill**.

Rufus K. Lapping, November 9, orders of William Crooks. Breaking open the house of David Cargill.

James Richmond, November 11, orders of **Thomas Merritt**. Want of bail.

Emanuel Brat, November 26, orders of **David Thompson**. Stealing the coat and half hose of **Robert Green**, razor of **Matthew Smith** and boots of **Edward Riley**.

George Martin, December 26, orders of **James Muirhead**. Stealing a bag with 45 whitefish, the property of **John Haight**.

William Green, January 1, 1830, orders of David Thompson. Assault on **James Thomas**.

File 5-10, Filings

Evidence taken before **George Adams**. **Peter Wheeler**, gaoler of Niagara, between 7 and 8 pm, October 11, 1825, in the highway near the Court House gate, was wounded 2" in the throat with a sharp instrument, by **John Spence**, stonemason. He delivered a blow with his right hand, a severe wound of a dangerous nature with intent to murder. Warrant for the arrest of Spence issued to **Ephraim Wheeler**, October 12. True bill: **Daniel Field** (foreman) Signed **Charles Richardson**, January 1830.

Uphemius Abbott, Humberstone, at the house of **Lavinia Steel**, Humberstone, did on [December?] 8, 1829 there abuse **Hannah**, wife of **Samuel Steel** of Humberstone "in a most shameful manner." He spit

twice in deponent's face and struck her. Evidence taken at Bertie before *John Warren*, [October] 10, 1829. Filed by *Charles Richardson*, January 12, 1830. Remark "settled by permission of the court."

File 5-11, Presentment

The road allowance between Concessions 8 and 9 in Grimsby has been shut up between lots 7 and 16, by fences of rails and poles and the side line shut up. This nuisance must be speedily removed. Signed *Robert Waddle, Daniel August, John Harris, Peter Morse, Daniel Camp, John Camp, William Bridgeman*, yeoman, *William Snyder, Smith Griffin*. Signed *Daniel Field* (foreman), lines ordered to be opened, signed *James Muirhead* January 13, 1830.

The jurors examined the *Niagara gaol cells*, found them in good repair. Received no complaints from the prisoners. Signed *Daniel Field* (foreman) and *Charles Richardson*, January 14, 1830.

Part of the *East and West Line* has been shut up by *James Wilson, John Wilson, William Ball, William Servis, Benjamin Pickard, James Pickard, Peter Coughel*, and *Alexander Rogers*. Signed *Daniel Field* (foreman) January 15, 1830.

File 5-12, Non-Conformist Appointments

Rev. Robert McGill to *Charles Richardson*: applies for a licence to celebrate marriages according to law, Niagara, January 14, 1830.

File 5-13, Orders

Township of Walpole: at the late town meeting the overseers of highways for the *Lake Road* not appointed, they are *David Field* and *Samuel Spears*. Signed *James Muirhead*, January 14, 1830.

Court of Requests ordered to be done away with at Queenston and joined with the court at Niagara. Signed *James Muirhead*, January 15, 1830.

Complaints were received about the state of the gaol and ill treatment of the prisoners. The cells were examined and found in good order, no complaints. Signed *Daniel Field*, January 14, 1830. Ordered that such notice be inserted into the *Niagara Gleaner* and *Herald*, signed *James Muirhead* and *Charles Richardson*.

The road allowance in Grimsby between lots 7 and 15 in Concessions 8 and 9, and the side line between lots 9 and 16 in Concessions 8 and 9 ordered to be opened. Signed *James Muirhead* and *Charles Richardson*, January 14, 1830.

John Shriver ordered to be appointed constable in the stead of *Patrick Flynn* (absconded.) Signed *James Muirhead* and *Charles Richardson*, January 12, 1830.

David Field and *Samuel Spears* ordered to be added as pathmasters for the Lake Road in Walpole. Signed *James Muirhead* and *Charles Richardson*, January 12, 1830.

Clerk of the Peace ordered to write to the Attorney General for an opinion on the jurisdiction of the Court in requests of issuing executions beyond the limits of the divisions in the District, signed *James Muirhead* and *Charles Richardson*, January 15, 1830.

Benjamin Canby requests that a road be opened from the bridge near **Kealey's** on the road between **Matthew Smith's** to **Barton Farr's**, then to the bridge leading from **Ch. Lymburners** to **Dunnville** in as straight a direction as can be made. Signed **Charles Richardson**.

File 5-14, Precept

List of Grand and Petit Jurors, Town and Township of Niagara, made out by **Ralph Morden Crysler** and **James Muirhead** December 21, 1829. Filed by **Charles Richardson** January 12, 1830.

Grand Jury: **James R. Eaglesum, John Barker, Jacob Canniff, Robert Grant, Matthias Cathline, James Willson, John Cox, John T. Lawe, Abraham W. Secord, Francis G. Swayze, Solomon Markle, Gilbert Anderson, Walter Butler** (sick), **James Cushman, James Rogers, Alexander Rogers, Benjamin Lawrence, Gilbert Anderson, James Miller, Joseph Wynn, John Defield, John Guernsey, Daniel Field**.

Petit Jury: **James Cudney** (sick), **Francis Lawrence, Joshua Cathman** (or **Cashman?**), **Jacob Boice, Joseph Anderson, James Lawrence, Joseph Graham, Isaac Vanfleet, Seth Pain, John Thompson, John Secord, Ephraim Wheeler, Alexander G. Thompson, Paul Vancuren, James Allen, Andrew H. Thompson, Jonathan Lavell** [or **Lavil?**], ~~**John Lovell**~~, **John Yeo, James Freel, John Lawrence, Hugh Freel, John Marlatt, David Camp, Peter Cain, George Fields, Matthew Rose, John Smith, Benjamin Pain, Joseph Brown, Charles B. Baker, John McGowen, John Stewart, Israel Baker, Aaron Winchester, William E. Pointer, Lewis Rose, William Corning, James Steel, John Bruce, John Worthington, Jacob N. Vroman, Jonathan Bliss, Edward Defield, James Humphreys, Munson Coles, John Pickard, James Pickard**.

File 5-15, Road and bridge petitions.

Township of Gainsboro: order that money in treasury, wild land assessment, to assist in the building of a bridge over the 20 Mile Creek on the line between Gainsboro and Grimsby since statute labour is insufficient, January 3, 1830. Signed **Philip Dean, Edward Griffin, Andrew Dean, William Gardner, Lewis Campbell, Robert Clendenning, John Rancier, Cornelius Dolson, Alexander Lane, Walter Clendenning, James** [----]ell, **John S.** [-----], **Abraham Griffin, James Page, John Page, J. Wrong, Conrad Mopeson, Smith Griffin, Matthias Lampman, John McGrigor, Cewan Griffin, Daniel McCollum, Moses Gilmore, John Mingle, Peter Snyder, Thomas Stocking**.

File 5-16

Lenas Auldjo, Niagara, shoemaker. Charged with larceny, stealing a pig (value 20/-) the property of **Jacob Dockstader**, on December 11, 1829. True bill: **Daniel Fields** (foreman.) Witness: Jacob Dockstader. Evidence taken before **Ralph M. Crysler**: the pig was concealed in the house of Auldjo. Recognizance: Lenas Auldjo £20. Verdict: not guilty, signed **James Muirhead, Charles Richardson**, January 13, 1830.

File 5-17

Henry Bond, Stamford, blacksmith. Charged with larceny, stealing a note (11/-) the property of **Hiram Beach**, on November 2, 1829. True bill: **Daniel Field** (foreman.) Witness: Hiram Beach. **James Cummings**- subpoena to appear and testify on January 15, issued by **Charles Richardson** January 14, 1830. Warrant issued by **James Muirhead** to constable **Erastus Moses** to arrest Bond, January 14, 1830. Presentment: Henry Bond did tear up a note (11/-) in favour of Hiram Beach, signed **Daniel Field** (foreman.) Verdict: not guilty, signed James Muirhead.

File 5-18

William Borleston, Niagara, mariner. Charged with assault and battery against **Catharine Foster**, wife of **James Foster**, on October 29, 1829. True bill: **Daniel Field** (foreman.) Witnesses: Catharine Foster. Recognizance taken before **Daniel McDougall**: Catharine Foster and **Mary** [-----] £5 each; William Borleston and **John Crooks** each £10. Plea: guilty. Fine £1 plus costs. Signed **James Muirhead** and **Charles Richardson**, January 13, 1830.

File 5-19

Emanuel Bratt, Wainfleet (**Welland Canal**) labourer. Charged with larceny, theft of the coat (value 5/-) and socks (6d) the property of **Robert Green**, Wainfleet, labourer, on November 13, 1829. True bill: **Daniel Field** (foreman.) Witnesses: Robert Green. Evidence taken before **David Thompson**: property stolen from the house of **Eleanor McKeever**; the razor of **Matthew Smith** (or **Smyth**) was also stolen (value 5/-) and the boots of **Edward Riley** (10/-) **Francis Bradshaw** testified re: theft of the boots, November 23. Recognizance taken before David Thompson: Robert Green, Matthew Smith and Edward Riley £10 each Plea: guilty, Bratt confessed signed "his X mark" November 26, 1829. Signed **James Muirhead**.

File 5-20

Emanuel Bratt, Wainfleet (**Welland Canal**) labourer. Charged with larceny, theft of the razor of **Matthew Smyth**. True bill: **Daniel Field** (foreman.) Witness: Matthew Smyth.

File 5-21

Bratt vs. Smyth. Evidence of Matthew Smyth: Bratt stole my razor and the boots of **Edward Riley**. Plea: guilty. Sentenced to 1 month in gaol, and to be publicly whipped twice (39 lashes.) Signed **James Muirhead**, January 15, 1830.

File 5-22

Charles Campbell, Niagara, yeoman. Charged with assault and battery, stuck **William K. Stewart** with a club and uttering other outrageous attempts on December 20, 1829. Jury presentment attached; True bill: **Daniel Field** (foreman) January 15, 1830. Witness: William K. Stewart. Warrant issued by **James Muirhead** and **Charles Richardson**, January 15, 1830. Campbell arrested, discharged by proclamation no prosecutor appearing, March 23, 1830. Bail before **Ralph M. Cryslar**. Fees due to **Jacob Dockstader** 5/-.

File 5-23

Nancy Cornell, Queenston. Charged with assault and battery against **Patrick Fanning**, Queenston, labourer, on December 28, 1829. No bill: **Daniel Fields** (foreman.) Witnesses: Patrick Fanning, **Chester Wadsworth**.

File 5-24

Thomas Cornell Jr, Queenston. Charged with assault and battery against **Patrick Fanning**, Queenston, labourer on December 28, 1829. Evidence taken before **Alexander Hamilton** and **Robert Grant**, December 29: Thomas Corneal Jr and **Barbara Corneal** (his wife), **Nancy Corneal** (wife of **Thomas Corneal Sr**) and **Nancy Corneal** their daughter took household articles out of plaintiff's room. He requested that it be left until the morning, this being an improper time to remove it. Defendant seized

Fanning by the throat and pushed him to the partition and displaced it. Nancy Corneal (the daughter) seized a chair and struck plaintiff with it. The chair was thrown at him when he made his escape, to prevent being struck with a horse whip. Nancy Corneal pushed **Catharine Fanning**, wife of the plaintiff, into a corner of the room and was assaulted a second time. She is near her confinement and is much injured. Evidence of Thomas Corneal Jr: Upon taking a chair from Fanning he clenched me by the collar, I laid hold of Fanning in self defense. Nancy Corneal: I raised a chair in defense of my mother. Recognizance: Patrick Fanning and surety **Chester Wadsworth** £10 each; Thomas Corneal Sr. of Queenston, butcher, £10, Thomas Corneal Jr. £10, sureties **Israel Baker** of Queenston farmer and **Keys Gleeson** £10 each.

File 5-25

Joshua Cudney, Grantham, yeoman. Charged with assault and battery against **William Vanfleet**, on January 10, 1830. True bill: **Daniel Field** (foreman.) Witness: William Vanfleet. Presentment included: plaintiff was knocked down and abused by Cudney on January 10. Warrant issued by James Muirhead, January 15, 1830. Prisoner arrested and bail given before **John Crooks**. Recognizance: Joshua Cudney and **George Waggoner** (or **Wagner**, yeoman) £10 each. Plea: guilty. Fine £1 plus costs. Fees due to **Jacob Dockstader** 5/-. Signed **James Muirhead** and **Charles Richardson**, March 24, 1830.

File 5-26

Joshua Cudney, Grantham, yeoman. Charged with assault and battery against **Cortland Pickard**, Niagara, yeoman, on January 10, 1830. Witness: Cortland Pickard. Evidence: plaintiff assaulted by Cudney on January 10. Recognizance taken before **Charles Richardson**: Joshua Cudney and **George Waggoner** £12.10.0. each. Remark: *nolle prosequi*, January 15, 1830.

File 5-27

William Green, Humberstone, labourer. Charged with assault and battery against **James Thomas**, on December 31, 1829. True bill: **Daniel Field** (foreman.) Witnesses: James Thomas, **Catharine House**, **Jacob Stroher**. Evidence taken before **David Thompson**, January 1, 1830: Green confessed, he beat plaintiff with his fist and kicked him with his feet "and further that he will do so again," signed "his X mark." Jacob Stroher says that Green also beat Thomas with a club. Recognizance to appear: James Thomas, Catharine House and Jacob Stroher, all of Humberstone, £10 each. Verdict: guilty. Sentenced to 1 month in gaol, £5 security to keep the peace for two years. Prisoner to remain in gaol until bond paid, signed **James Muirhead** and **Charles Richardson**, January 14, 1830. Attached is a letter from David Thompson, Wainfleet, to Charles Richardson January 5, 1830, has prefixed a statement of his fees amounting to 14/9-.

File 5-28

Reuben Harvey, Niagara, labourer. Charged with larceny, stealing an axe (value 5/-) the property of **William Lockwood Daly** [sic], on January 14, 1830. True bill: **Daniel Fields** (foreman.) Witness: **John Taylor**. Presentment, January 15: re: theft of the axe of John Taylor. Verdict: guilty, sentence one week in prison, signed **James Muirhead**.

File 5-29

Leonard Hicks, Niagara, labourer. Charged with assault and battery against **Richard Shaw**, Niagara, labourer, on December 30, 1829. Witness: Richard Shaw. Evidence taken before **James Muirhead** on December 30: Hicks stole two whitefish from the deponent at the River. The deponent alleging this, Hicks

struck him with his fist on his head and breast, signed “his X mark.” Recognizance before James Muirhead January 7, 1830: Leonard Hicks £5, sureties *Edward McBride* and *Peter* [-----] £2.10.0. each. Remark: discharged by order of the court, signed *Charles Richardson* January 1830.

File 5-30

Peter Johnson, Bertie, labourer. Charged with larceny, stealing a 15 lbs. crock of butter the property of *Peter Tuttle*, Bertie, yeoman, on September 5, 1829. No bill: *Daniel Field* (foreman.) Witnesses: Peter Tuttle, *Benjamin* [-----], *John Anker*, *Elizabeth Teele*. Evidence taken before *Henry Warren*, September 7: a 25 lbs. crock stolen worth £0.12.6. Recognizance taken December 26, 1829: Peter Tuttle £20; Peter Johnson £20 and surety *Abraham Johnson* £10. Signed *Charles Richardson*, January 12, 1830.

File 5-31

Chapman Leach (or *Leitch*), Queenston, blacksmith. Charged with assault and battery against *Lewis House*, Willoughby, innkeeper, on November 13, 1829. True bill: *Daniel Field* (foreman.) Witnesses: Lewis House, *Joseph Brooks*, *Martin Holden*. Recognizance taken before *John Ussher*: Chapman Leach £5, sureties Augustus House, Willoughby, farmer and *Erastus Moses*, Willoughby, mason, £2.10. each. Recognizance before *Charles Richardson* November 26, 1829: Lewis House £5, surety *Jacob Gander*, yeoman, £2.10. Evidence taken before John Ussher, November 14: Lewis House came to the barroom between 8 and 9. Leach was there, drank some liquor, abused me and called me a “damn’d rascal.” He jumped up, seized me by the collar, clenched his fist and swore he’d “break me to pieces” and abused me in the grossest language. I was oblig’d to leave for safety, went to the kitchen. Heard my wife scream, went back to the bar, was collared by Leach a second time. *Augustus House* prevented him from striking me. Leach shoved me out of the room. I got away and remained in the kitchen until Leach left. Chapman Leach: denies acting in the manner stated. Verdict: guilty, fined £2 plus costs and to remain in custody until paid. Signed *James Muirhead*, January 13, 1830.

File 5-32

Lyman Lymburner, Niagara, labourer. Charged with assault and battery against *Robert Williams*, St. Davids, carpenter on December 23, 1829. Witnesses: Robert Williams. Bench warrant issued, “count the costs” signed *Charles Richardson*, January 13, 1830. Evidence taken before *Robert Grant*: plaintiff was struck and kicked several times by defendant with his fist and feet between 3 and 4 pm, cut and bruised in his face, head and body in a barbarous and cruel manner. Recognizance: Robert Williams £10.

File 5-33

George Martin, Niagara, labourer (a man of colour). Charged with larceny, the theft of 45 whitefish (value 5/-) the property of *John Height*, of York, (a man of colour) on December 28, 1829. True bill: *Daniel Field* (foreman.) Witnesses: John Height, *William Turman*. Evidence of John Height taken before *James Muirhead*: George Martin stole a bag with 45 whitefish from the rear door of *Mr. Jeffreys*, innkeeper at Niagara, signed “his X mark.” The information of George Martin, committed, now in gaol, signed *Charles Richardson*, January 13, 1830. Verdict: guilty, Martin sentenced to stand 1 hour in the pillory today and 1 hour tomorrow. Signed James Muirhead, January 14, 1830.

File 5-34

Alonzo Willard, Clinton, labourer. Charged with assault and battery against *Margaret Tufford*, wife of *William Tufford*, on December 8, 1829. True bill: *Daniel Field* (foreman.) Witnesses: Margaret and

William Tufford. Recognizance taken before **Robert Nelles**: Alonzo Willard and William Tufford £20 each. Verdict: guilty. Fine 10/- plus costs and prisoner to remain in custody until paid. Signed **James Muirhead** and **Charles Richardson**, January 13, 1830.

File 5-35, Accounts February session

John McPherson and Co. Charge for the cost of passage for **McAuly** and **Henderson** from Niagara to Prescott, then to Montreal, July 23, 1829 £3. Signed **James Muirhead** and **Daniel McDougall**, February 15, 1830.

Maria Truscott, charge for boarding and lodging **Mrs. Trotter** on order of **Daniel McDougall**, £1.10.0. Signed **James Muirhead** and **Charles Richardson**, February 15, 1830.

Patrick McArdle, charge for making a coffin for a coloured man named **Baison**, January 13, 1830, 7/6- Signed **James Muirhead**, February 15, 1830.

M. Trusket, charge for boarding **Andrew Burns** between December 16, 1829 and January 15, 1830, £1.5.8. "Let **M. Crysler** have within order, he having settled the same." Signed **James Muirhead**, February 15, 1830.

George Cook (constable), charge for services at **Court of King's Bench**, September 1829, £0.13.5½. Signed **Peter Pawling**.

List of Debts due to the Niagara District, £133.4.3. {List details various outstanding charges.}

Andrew Heron Jr., November 18, 1829 charge for 269 feet of scantling £0.13.5½ (bill dated February 11, 1830.) Signed **James Muirhead**, February 15, 1830. A notation written by **Charles Richardson** on the verso of the bill reads "What is to be done with **Patterson's children**?"

File 5-36, Vouchers February session

£24.10.0. payable to **Charles Richardson**. Signed **James Muirhead** and **William Clarke**, February 15, 1830.

£100 payable to **Patrick Fagan** for building a cell in the Niagara gaol, January 9, 1830. Signed **James Muirhead**, **John Crooks**, **Daniel McDougall**. Extra work: to tear up and rebuild the foundation of the cell floor, teaming stone and barrels of lime and sand, laying a hearth, break out windows and set the frame, cut fit and set a stone seat, alterations to iron door jambs; journeyman's fees, £10.13.9. Signed **James Muirhead** and **Daniel McDougall**, payment received from **William Clarke** February 5, 1830.

File 5-37, Orders February session

Clerk of the Peace is to soon acquire paper for the assessment. He is authorized to appoint a person to deliver the rolls to the assessors, signed **James Muirhead**, February 15, 1830.

£24.10.0. to be paid to the Clerk of the Peace for improvements made to the seat occupied by him in court pursuant to an order, signed **James Muirhead**, February 15, 1830.

Niagara District Quarter Sessions, March 1830.
(April and June 1830 adjourned, June 1830 Special Sessions.)

File 6-1, Accounts (March session)

Charles Richardson, Clerk of the Peace account, signed **James Muirhead** (chairman) March 23, 1830.

John Crooks, printing account with the **Niagara Herald** office, signed **James Muirhead**, March 26, 1830.

John Wray, for attending sessions as crier, signed **James Muirhead**, March 26, 1830.

Charles L. Hall, for copies of the **Provincial Statutes** 1819-1829, signed **James Muirhead**, March 26, 1830.

William Terry, salary for attending the Legislative Assembly 55 days, certified by **Marshall S. Bidwell** March 6, 1830, signed by **James Muirhead**.

John J. Lefferty, salary for attending the Legislative Assembly 58 days, certified by **Marshall S. Bidwell** March 6, 1830, signed by **James Muirhead**.

Robert Randal, salary for attending the Legislative Assembly 58 days, certified by **Marshall S. Bidwell** March 6, 1830, signed by **James Muirhead**.

Charles Richardson, printing account with the **Niagara Herald** office, signed **James Muirhead**, March 6, 1830.

Epaphus Ismond, over-assessed for taxes in 1827, ordered 13/8- refunded. Signed **James Muirhead**, March 25, 1830.

Dr. Tiffany, charge £5 to visit **McCall**, a vagrant at **James McFarlane's** July 8-12, 1829; services for **Samuel Garland** and family, and for **Kelly (Nelly) Evans** in 1829. Signed **James Muirhead**, March 25, 1830.

Drs. Telfer, Tiffany and **Muirhead**, £5 to examine the body of the late **Patrick Fagan**, orders of Coroner **William D. Miller**. Signed **James Muirhead**, March 25, 1830.

Johnson Clench, charge for delivery of assessment rolls. Signed **James Muirhead**, March 25, 1830.

William Woodruff, salary for attending the Legislative Assembly 58 days, certified by **Marshall S. Bidwell** March 6, 1830, signed by **James Muirhead**.

Richard Leonard, seeks nominal allowance as sheriff of Niagara District, signed **James Muirhead**, March 24, 1830.

Edward Whiteman (constable), charge for horses and wagon, one night services for arrest of **Cudney** £1.5.0. Signed **James Muirhead**, March 4, 1830.

George A. Ball, statement re: road work in Grimsby and Binbrook during April 1829 £25. Filed by **Charles Richardson**, April 1830.

Andrew Heron, account for publication of notices in the Niagara papers for **Mr. Pawling** between 1821 and 1828, £18.3.0. Signed **James Muirhead**, March 23, 1830.

Dr. Walter Telfer, accounts for the services of *midwives* £2.10.0. and £1.10.0. Attendance on **Ross** (a pauper) £3 and on **Kain** £3 between September 1829-February 1830. Total £10. Signed **James Muirhead**, March 23, 1830.

Joseph Hall (constable.) Charges to subpoena four witnesses in the case of Rex vs. **John Wilson**, re: the death of **William Brewer**. Signed by **David Thompson** (JP) and **James Muirhead**, March 24, 1830.

Dr. Muirhead, charge for attendance on prisoners £6.5.0. Signed James Muirhead, **Charles Richardson**, March 23, 1830.

To the Magistrates from **Jesse Jones**, Louth, March 23, 1830. On the 5 September last a stranger named **T. Burbank** fell sick of fever at the house of your petitioner. Was confined in bed, required a night watch for 9 weeks and was confined to my house for 5 months. "in which case Humanity occasioned your petitioner to employ 3 several phisians. The bills of the said phisians the said T. Burbank cannot pay being pennyles, your petitioner being bound to pay the said Bills. Which said bills amount to £11. Your petitioner Humbelly begs that your worships would take said bills into consideration and grant something to defray the said bills or part of the same and your petitioner as in Duty Bound shall ever pray." Ordered: Jesse Jones to receive £5, signed **James Muirhead**, March 25, 1830.

File 6-2

Stamford, March 17, 1830. **David Lynch** and **John Davis**, assessors. Report on **William Forsyth Sr.** Part of his property is in the United States. "He pointedly refused to give any information regarding them by saying it was not the duty of assessors to assess property out of the province." He has two closed carriages, "he last year gave in eight of this description."

File 6-3, Correspondence

Government House, March 24, 1830. **Zachariah Mudge** to **Charles Richardson**: question in regard to a circular from the Lieutenant Governor.

Niagara, March 11, 1830. **Charles Richardson** to **Zachariah Mudge**. Requests a copy of the bill regarding the sitting of the Quarter Sessions.

Government House, March 13, 1830. **Zachariah Mudge** to the Clerk of the Peace (Niagara District.) Acknowledges letter and encloses a copy of the bill "**An Act to Alter the Times of sitting of the General Quarter Sessions in the Niagara District**," December 15, 1829. Received assent March 6, 1830.

File 6-4, Criminal Calendar

Criminals at Niagara Gaol, March 23, 1830, in charge of Peter Wheeler. Signed by **R. Leonard**, sheriff, filed by **Charles Richardson** March 23, 1830.

Michael Mason, Committed September 16, 1829. Under sentence.

William Taylor, October 22. Orders of **James Kirby**. Stealing the watch of **John P. Wintermoot**.

Rufus C. Lapping, November 9. Orders of **William Crooks**. Feloniously breaking open the house of **David Cargill**.

Ransler Brady, November 9. Orders of William Crooks. Feloniously breaking open the house of David Cargill.

William Green, January 1, 1830. Under sentence.

John McIntyre, February 17. Orders of *Daniel McDougall*. Intising a soldier to desert.

Jesse Balm, February 27. Orders of *James Cummings*. Counterfeiting a note of hand on *Daniel Sherk*.

Harkless Livers, March 9. Orders of *R.M. Crysler*. Feloniously taking an axe (7/6-) from *Henry Sanderson*.

Joseph Cudney, February 20. Orders of Coroner *William Duff Miller*. Murder.

Joshua Cudney, February 20. Orders of Coroner William Duff Miller. Murder.

an Indian, February 21. Orders of *Warner Nelles* Esq. Murder.

File 6-5, Filings

John Love received a forged note of hand to *Daniel Sherk* September 3, 1829 for \$20 payable in wheat at the *Chippawa Mills*, at the shop of *James Macklem*, Chippawa. Macklem paid the same. Complaint made by *John* and *James Macklem* before *James Cummings*. Warrant to *Erastus Moses*, constable, being a cripple he had to hire a team to convey prisoner to gaol. Served two notices on *Samuel Forsyth* and *Joseph Oldfield*. Prisoner brought before magistrate and bound over on complaint of *Samuel Hicks*. The prisoner's name is supposed to be *Jesse Balm*, his true name is *Nathaniel Meads*.

Chester Gunn: complaint that *Isaac Vanfleet Sr*, *Isaac Vanfleet Jr*, and *John Vanfleet* (all of Niagara) did threaten to take his life. Recognizance: Chester Gunn £10 to prosecute. Warrant to apprehend the Vanfleets, and to be bound over to next session, signed *Daniel McDougall*, March 27, 1830.

File 6-6, Non-Conformist Applications.

The *Rev. Robert McGill*, a settled Minister, regularly ordained, constituted and appointed thereto. His abilities attested to, signed by *John Grier* (merchant), *Charles Koune* (gentleman), *James Lockhart* (merchant), *Ralph Morden Long* (merchant), *John Tannahill* (merchant), *Jared Stocking* (merchant), *William Duff Miller* (merchant). Before the justices: *James Muirhead*, *John Crooks*, *Daniel McDougall*, *James Kerby*, *David Thompson*, *George Ball*, *Smith Griffin*. Filed by *Charles Richardson*, March 24, 1830.

File 6-7, Orders

Use of nets restricted in fishing, £1 fine. Signed *James Muirhead*.

Pathmasters in Pelham ordered to open a road along the Chippawa Creek, between lots 5 and 6 Con. 14 and the road allowance between Concessions 13 and 14 March 26, 1830 signed *James Muirhead*.

Clerk of the Peace ordered to obtain two [-----] for the chairman of the court, signed *James Muirhead*, March 26, 1830.

An order to open a road between lots 7 and 16 in Concessions 8 and 9 in Grimsby be partly suspended, signed *James Muirhead*, *John F. Stewart*, *Smith Griffin*, March 26, 1830.

Ordered that path masters open a road between Pelham and Gainsboro at the northeast angle of Gainsboro and running south to the *Canboro Road*, signed *James Muirhead* March 26, 1830.

Residents of Wainfleet, Pelham and Thorold pray for £40 to repair *Brown's Bridge* over the Chippawa Creek. Signed *Charles K. Fell*, *David Thompson*, *Zenas Fell*, *Alexander Brown*, *Amos Bradshaw*, *James Brown*, *Solomon Hill*, *Richard Brown*, *John Gilson*, *Jacob Misler*, *James Watson*, *John Yarhagan*, *George McKnight*, *Charles Fell*, *Samuel Fell*, *Asa Forrester*, *James Fell*, *Tabor Farr*,

Alexander Brown, R. Merritt, John Rutledge, Stephen M. Laren, Robert Watson, Jeremiah Forrester, Benjamin Nixon, Hiram Willson, [-----] Moutton. £25 granted in 1825, £30 ordered for repairs signed *James Muirhead*, March 16, 1830.

The road allowance between lots 126, 127, 128, 129, 130, 131 and 140 in Niagara Township is passable, request that the allowance be opened. Signed *William Simonds, John Middaugh, George Cain, George Upper, John Coughill, Aaron Allen, John Donaldson, Thompson McKeel, John Bellement, John Tannahill, Jared Stocking, Jacob Dockstader, James Lockhart, R.M. Long, George Wagner, Charles Houne.*

Ordered that the road leading from the *Queenston Road* be opened. Intersects the *Swamp Road* at *Mr. Breckenridge's* at Four Mile Creek and *John C. Ball's*. Persons living on it do statute labour under *John B. Clement*. Signed *James Muirhead*, March 24, 1830.

File 6-8, Petitions

Butchers in the Town of Niagara "feel agrieved" by Country butchers who come in two or three times per week and sell small quantities of meat and do not pay fees. We pay market fees of 32/- per annum for a stall. Country butchers should be levied the market fee "to give us an equal opportunity with them." Signed *Thomas Parker, Thomas Richardson, John Martindale, John Skipwith, William Cassidy, Richard Moffet.*

Sarah Trotter, Niagara. Is infirm from a hurt in her arm, incapable of the least exertion. She is destitute of all means except her own labour. Has board and lodging with *Mr. John Hammond* since January 5th when she was hurt but can't return remuneration for the same. Take her case into consideration and grant relief to allow her to remunerate Mr. Hammond and support herself until she recovers, signed "her X mark." Rejected, signed *James Muirhead*.

File 6-9, Precept (March session)

List of Grand and Petit Jurors, compiled by *James Muirhead* and *John Crooks* and filed by *Charles Richardson*, March 23, 1830. ("24 good and lawful men.")

Grand Jury: *John Whitmore, B. Darling, John Young, John A. Colby, Adam Stephens, George Lawrence Jr, George Chisholm, Hugh Willson, Stoughton Moore, Peter Warner, John Meadough, Frederick Goring, William H. Goring, Robert Lambert, Arthur Lambert, Daniel Stewart, Leonard Fowler, Jacob Davis, Abraham Benjamin Markle, Joseph Clement, John P. Clement, Samuel Stephens, Peter Lampman Jr.*

Petit Jury: *Daniel Sturges, Nicholas Pickard, John Cudney, Peter Coughell, Samuel Cudney, Thomas Place, Robert Cudney, James McCleintick, ~~John Lawrence Jr.~~, William Henderson, Joseph Pickard, John Fox, Thompson McKail, Henry Kiff, Elijah Armstrong, Joseph Hains Jr, ~~James Cudney~~, Michael Madella, James Croft, Francis Emmerick, George Emmerick, Hugh Rose, James Hillier, William Scott, John Hudson, Robert Hobson, Robert Williams, William Simonds, John Simonds, Enoch Stewart, Moses Quick, William Stewart, Thomas Eastem, Christian Warner Jr, Erastus Brooklin, John Collard, David Cole, Joseph Collard, ~~Stephen Collard~~, Aaron Allen, George Rose, Elijah Collard Jr, John Cain Jr, George Cain, George Upper, John Coughell, ~~Michael Kiff~~, ~~William Allen~~.*

File 6-10, Tavern and shop licences

Robert Grant, Queenston. The house of the estate of the late **Thomas Dickson** of Queenston, large, commodious, extensive stabling. Well calculated in every respect for a house of public entertainment. Prays for a tavern licence, shall issue to any fit person that Mr. Grant may rent the house to. Signed **James Muirhead**, March 24, 1830.

Joseph Stevens, Niagara. Rents the farm and house of the late **John Breakenridge**, also has a public house, stables and shed. Prays for a tavern licence for the year. Signed **James Muirhead** and **Charles Richardson**, March 24, 1830.

John Talbot. Kept a public house at **Port Dalhousie**. Was thrown into prison due to the persecution of an illegal debt and kept there until nearly all means were exhausted. Took the two story house of **Robert** and **Peter McDougall** at the west end of town. Prays his case be taken into consideration, requests a licence for a public house, March 20, 1830. We know him to be a sober, honest and industrious man, signed **John Harris**, **James C. Cryslar**, **Lewis Clement**, **John Tannahill**, **George** [-----], **John B. Clement**, **Jared Stocking**, **J.B. Clement**, [-----] **Eaglesum**, **Dr. Tiffany**, **E.B. Strong**. Rejected, signed **James Muirhead**.

File 6-11

Adam Beam, Willoughby, yeoman. Charged with assault and battery against **David Gonder** (or **Gander**), on January 25, 1830. True bill: **Peter Warner** (foreman.) Witnesses: David Gonder. Evidence taken before **John Ussher**, March 1: Beam behaved in a "most riotous manner" in the house of **Jacob Gonder**. Deponent brought him a large glass tumbler of cider to pacify him, and he threw the tumbler and contents at plaintiff. It struck him in the corner of his left eye, bruised him. Beam caught plaintiff by the collar, swore to flog him and his entire family. Tried to push him out of the house, he took up a chair and pushed it at the deponent but was prevented by Jacob Gonder from other mischief. He took care not to give Beam further offence. He came to the house for the purpose of creating a riot. Adam Beam: denies the assault. Recognizance to appear taken before John Ussher, J.P.: Adam Beam, Bertie, farmer £5; sureties **John Seagrist**, Willoughby, farmer and **Erastus Moses**, Willoughby, mason, £3 each. Verdict: guilty. Fine £2 plus costs, signed **James Muirhead**. Attached account of costs signed **Charles Richardson**, July 15, 1830.

File 6-12

Jacob Fry, Niagara, labourer. Charged with assault and battery against **John Brooks** on January 29, 1830.

File 6-13

Samuel Hicks, Stamford, butcher. Charged with larceny, stealing the silver watch (value £5) the property of **Samuel Forsyth**, innkeeper/yeoman, on August 7, 1828. True bill: **Peter Warner** (foreman.) Warrant issued to **William Forsyth** or other constables to apprehend Hicks, served by **Erastus Moses**. Witnesses: Samuel Forsyth, **Joseph Oldfield**. Evidence taken before **Samuel Street**: Hicks charged with the theft of the watch (£5) from the mantle in Forsyth's kitchen, also with the theft of six dozen crackers and ginger cakes to be sold at **Ransom van Tassels**, value 1/-. Hicks was at a funeral and later went to Forsyth's. He loaded some wood, eat some crackers and put some in his pocket to eat on the way to **Lundy's Lane**. He was accompanied by Forsyth who knew he got them at his house. **William Forsyth**, his wife, and **Jane Blain**: Hicks had also taken oats and hay from Forsyth, did not know value of same or the time taken. Recognizance to appear: **Harmonius Cryslar** and **Austin Morse** £25 each; Samuel Hicks £25; Samuel Forsyth and Joseph Oldfield £25 each, filed by **Charles Richardson**, February 14, 1830. Verdict: not guilty, signed **James Muirhead**.

File 6-14

Reuben Jackson and **John Isaiah**, labourers. Charged with forcible entry and detainer, against the goods and property of **Henry Fountain** on February 14, 1830. True bill: **Peter Warner** (foreman.) Witness: **Mary Fountain**. Bench warrant for their arrest and to be brought to court signed by **Jacob Dockstader** and **James Muirhead**, March 25, 1830. Verdict: not guilty, signed James Muirhead March 25, 1830.

File 6-15

Harkless Livers, labourer (a lad of colour.) Charged with larceny, the theft of an axe (worth 2/-) the property of **Henry Sanderson**, Niagara, on March 7, 1830. Witness: Henry Sanderson, signed "his X mark." Evidence before **Ralph M. Cryslar**, March 9: Livers voluntarily saith: He was with Sanderson at Niagara on March 6. Sanderson lent him the axe for wood cutting at **Proctors**. Next morning (Sunday) he took the axe and went up the river with another person to **James Willson's** about an hour. Took another axe by mistake. Signed "his X mark."

File 6-16

Charles Mount, labourer. Charged with assault and battery against **Luther Boardman** on March 25, 1830. True bill: **Peter Warner** (foreman.) Witness: Luther Boardman. "Prosecutor discharged from recognizance having left the country." Signed **James Muirhead**, July 14, 1830.

File 6-17, April (adjourned) session accounts.

Court constables: **Jonathan P. Raymond** (4 days), **Francis Proctor**, **John Kiff**, **John Shriver** £1.12.6. Signed **R. Leonard**, **James Muirhead**, April 15, 1830.

John Kiff (constable), charge for summoning pathmasters, posting notices to stop fishing (at the request of **Charles Richardson**) £1.3.0. Signed **James Muirhead**, March 27, 1830.

Peter Wheeler, charges for washing prisoner's shirts: **George Peters** (10 shirts), **Michael Mason** (13), **Jeremiah Callaghan** (10), **William Green** (13), **Ruffus L. Lapping** (13), **Ransler Brady** (13), **William Green** (10), **Emanuel Brat** (4), **John McIntyre** (8), **Jesse Balm** (7), **Chapman Leach** (1), **William H. Myers** (7), **Harkless Livers** (2), **Joshua Cudney** (1), **Joseph Cudney** (8), an **Indian** (4), and **Isaac Duckett** (3.) 118 shirts at 3d=£1.9.6.

Rations due to the Gaoler of the Niagara District (Peter Wheeler) January 16-April 13, 1830. £84.13.6. Signed **James Muirhead**, April 15, 1830. [Cost includes half year "sallery," 42 cords of wood, straw for the cells, 5 cell brooms, 45½ candles for the guard, 9¾ cords of wood for the guard, and for **Tobias Ballimore** scrubbing the court house April 11-13.]

George Peters, January 16-March 22, 1830.

Michael Mason, January 16-April 13.

Jeremiah Callaghan, January 16-March 22.

William Taylor, January 16-April 13.

Rufus Lapping, January 16-April 13.

Ranselar Brady, January 16-April 13.

James Richmond, January 16-March 2.

William Green, January 16-March 26.

Emanuel Brat, January 16-February 15.

John McIntyre, February 18-April 13.

Eliza Campbell, February 18-March 2.
John Campbell, February 18-March 2.
Chapman Leach, January 13-January 26.
William H. Myers, January 13-February 27.
Jesse Balm, February 27-April 13.
Reuben Harvey, January 16-January 22.
Harkless Livers, March 9-March 26.
Joshua Cudney, February 20-April 13.
Joseph Cudney, February 20-April 13.
An *Indian*, February 21-April 13.
John Fry, April 1-April 13.
George Marting, April 2-April 13.
Isaac Ducket, March 24-April 13.
John Henderson, April 7-April 13.

William E. Pointer, special constable. August 27, 1829 charges for arrest of *William Robbins Jr.* (warrant of *R.H. Lee*) and keeping him in custody, left in charge of Robbins; travel to *George Keefer* for information on Robbins (orders of *Robert Grant*); serve subpoena issued by *R. Hamilton* on *David Vanalstine* and *John Muir* both of Grantham. September 19, 1829 charges to serve subpoenas issued by *David Thompson* on *Lewis Rose* (Queenston); subpoena on *Mark Hawson* and *Samuel Forsyth* (both of Stamford/Niagara Falls) plus mileage in the case of Rex vs. *Michael Mason*. March 24, 1830: was appointed constable in absence of *Chester Wadsworth*, in consequence of a burglary at the house of *Captain Whitney* at Queenston. Certified at Stamford by *R.H. Lee*, J.P., March 24, 1830. Signed *James Muirhead*, April 15, 1830.

John Wagstaff, charge for repairing the bottoms of four kettles, putting up stove pipes in the court room, making sheet lead up into pipe for the cells, on May 19 and December 3, 1829 and March 6, 1830, £2.10.5½. Signed *James Muirhead*, April 15, 1830.

Jacob Wiley, cost to attend upon a pauper, a coloured man named *Jack*, for 5 days and expenses for his funeral £6.5.0. True account, certified *Eber Rice*, *James Gibson*, *Thomas Smith*. Allowed £1.5.0, signed *James Muirhead*, April 15, 1830.

Samuel Wood (coroner) March 1829. Holding an inquest on the body of a man of colour (name unknown) £1.5.0. Jury precept to constable (5/-), swearing jurors &c (15/-), travel for 2 witnesses 12/10-. Total £2.17.10. Grantham, April 12, 1830. Signed *James Muirhead*.

Samuel Wood (coroner) August 1829. Holding an inquest on the body of a man supposedly drowned on the schooner *R.H. Broughton* £1.5.0. Jury precepts &c. March 14, 1830, holding an inquest on the body of *Mary Hainer* £1.5.0. Jury precepts &c. Total £5.2.0. Grantham, March 23, 1830. Signed *James Muirhead*.

Cyrenius Hall (coroner) April 15, 1830. Holding an inquest on the body of *Walter Forbes*, April 23, 1829, £1.5.0. Cost for witnesses, precepts, *Dr. Hall's* fees as surgeon &c. £4.8.6. Signed *James Muirhead*.

Gilbert McMicking (coroner) Chippawa. Holding an inquest on the body of *Benjamin Shoup*, May 24, 1829 £1.5.0. Inquest on the body of *William Moffatt*, January 6, 1830 £1.5.0. Inquest on the body of *Nicholas McArthur* February 27, 1830 £1.5.0. Total fees £8.9.8. Signed *James Muirhead*.

William Duff Miller (coroner) Niagara, April 13, 1830. Holding an inquest on the body of **Patrick Fagan**, February 19, 1830, £1.5.0. Warrant to apprehend **Joseph Cudney**, **Joshua Cudney** and **Ferris Cudney** and commit them to gaol. Holding an inquest on the body of **Isaac Ostrander** March 27, 1830 £1.5.0. Total fees £6.5.6. February 26, 1829 for supplying **Peter Wheeler** gaoler with one pair of worsted socks for a prisoner in gaol (order of **John Crooks**) 2/3-. Total fees £6.7.9. Remark “£3.16.6. and 2/3- retired as this embraces all charges to date.”

David Thompson (coroner) Wainfleet, April 14, 1830. Holding an inquest on the body of **John Brewer**, £1.5.0, July 20, 1829. Total fees £4.5.8. Signed **James Muirhead**.

Erastus Moses (constable.) Charge to arrest and commit **William Taylor** for larceny, apprehended by **Wintermute**, October 22, 1829. Charge to arrest **Chapman Leach** on warrant for assault November 14, 1829. Charge to arrest **William H. Myers** (forgery) January 13, 1830. Charge to arrest **Henry Bond** (bench warrant for tearing up a note) January 15, 1830. Cost to subpoena **James Cummings** as witness in a cause, January 15, 1830. Total fees £2.9.6. Signed **Samuel Street**, **James Muirhead**.

Erastus Moses (constable.) Charge to apprehend **Isaac Duckett** (a coloured man) March 24, 1830, conveyed from Chippawa to Queenston, there delivered by **David Thompson** to constable **Chester Wadsworth**; summons on **Black Sam** for examination by **James Cummings** (J.P.) Apprehending **Benjamin Harris** (warrant) taken before **R.H. Lee** and discharged.

Erastus Moses (constable.) Bill for apprehending **Henery W. Miers** [**William H. Myers**], cost of warrant, mileage, “slay and horse” 18/6-, January 13, 1830.

Eber Rice (constable.) Charge for services in attempting to collect Quaker and Tunker exemption money from **Samuel Tailor**, **Johnson**, **Daniel Willson**, **James Stringer**, **Joseph Moore**, £1.2.0. Certified **David Thompson**, J.P. Signed **James Muirhead**, April 15, 1830.

Eber Rice (constable.) Charge £0.5.0. for summoning jury for **Samuel Wood** (coroner) on the body of a man of colour, Pelham, March 27, 1830. Charge £0.9.0. for summoning jury for **David Thompson** (coroner) on the body of **John Brewer**, Wainfleet, July 20, 1829; charge to apprehend **William Thompson** (theft of property from **John Lynch**) to arrest, convey him to gaol with a team, cost of board &c. Wainfleet, May 15, 1830, signed **James Muirhead**.

Chester Wadsworth (constable.) Charge £0.3.6. to commit **Isaac Duckett** for horse stealing, orders of **David Thompson** J.P. March 24, 1830.

Lewis Rose. Subpoena for Court of *Oyer and Terminer*, Rex vs. **Michael Mason**, £20 fine. Signed **David Thompson**, Queenston, September 19, 1829.

Mark Hewson and **Samuel Forsyth** (Stamford.) Subpoena against **Michael Mason**, for the theft of **Jacob Caniff's** horse £10 fine. Signed **David Thompson**, Queenston, September 17, 1829.

Edgar Berryman (constable.) Charge to assist **Chester Wadsworth** in the arrest of **Lewis Dangerfield** (felony) 1829; arrest of **Tobias Battimore** (assault and battery under aggravated circumstances) including mileage, subpoena two witnesses, conveyance, April 14, 1830 £1.4.3. Signed **James Muirhead**.

John Wright (constable.) Charge for conveying an insane coloured man **James** from St. Catharines to the Niagara gaol, commitment orders of **James Black**, hiring a wagon, traveling 12 miles, £0.13.6. Certified **Thomas Merritt**, April 13, 1830. Signed **James Muirhead**, April 15, 1830.

Thomas Whitten, Niagara, April 13, 1830: charge for assisting as constable in the pursuit of the **Cudneys** (for murder) on a warrant from coroner **William D. Miller** £2.12.0. on February 19 and March 27, 1830. Signed **James Muirhead**, April 15, 1830.

Aaron Price (constable.) March 1830, constables fees on exemption executions against Quakers: **Richard Willson** (alien), **John [Clifford?]** (exempt), **Thomas Pase?** (surgeon certificate), **Joseph C. Price** (lame in one arm) £0.5.9. Signed **David Thompson** and **James Muirhead**, April 15, 1830.

Joseph Smallwood, April 13, 1830: charge to carry into effect the sentence of the court on three criminals, £3. Orders of **Richard Leonard**, sheriff, signed **James Muirhead** April 15, 1830.

James Anderson, December 8, 1828: charge to apprehend **Lewis Dangerfield** (guilty of larceny) and attend April sessions 1829, subpoena plus mileage. £0.17.3. Signed **James Muirhead**, April 15, 1830.

Charles K. Fell, April 14, 1830: cost for viewing a road in Canboro', Walpole, Grimsby, and through the marsh to **Dunnville**, July 1829; for viewing a road between Canboro' and Dunnville, Canboro' to Walpole and from Dunnville to Rainham, December 1829; for viewing a road in **Smithville**, February 1830; for viewing a road between Pelham and Gainsboro', and between Pelham and Grimsby, March 1830. Plus cost of travel, preparation of plans, attendance at Quarter Sessions &c. £24.18.9. Signed **James Muirhead**, April 15, 1830.

Maria Truscott: charge for board and lodging of **Patrick Patterson**; for board and lodging **Bedy Patterson**; cost of a coat, trousers, shirt, and boots and mending a suit, £4.18.10. By order of **Daniel McDougall** and **R.M. Crysler**, signed **James Muirhead**, April 15, 1830.

Jacob Dockstader: charge to arrest **Charles Campbell** (bench warrant) January 20, 1830; charge to arrest **Joshua Cudney** (bench warrant) January 29; charge to commit **Mrs. Elizabeth Campbell** (bench warrant) February 17; charge to commit **Joshua** and **Joseph Cudney** (murder warrant) February 20; charge to arrest **Chester Gunn** (warrant for breaking the peace) February 24; serving a warrant of distress on the property of Elizabeth Campbell, March 1; charge to arrest **Reuben Jackson** and **John Isaiah** (bench warrant) March 25; charge to arrest **John Fry** (felony) on the orders of **John Crooks** March 31; charge to arrest **George Martin** (breaking the peace) April 2; charge for services as High Constable £5.9.0. Signed **James Muirhead**, April 15, 1830.

William O'Reilly, Stamford. Charge for repairs on **Muddy Run Bridge**, March 23, 1830: oak planking, drawing planking, laying down planking, rails and posts. £4.5.0. disbursed by me as overseer of highways. Signed **James Muirhead**, April 15, 1830.

John Shriver (constable) April 13, 1830: Charge for taking a woman to gaol for bad conduct (orders of **Daniel McDougall**); arrest of **McIntire** and **John Fry**. £1.3.6. Signed **James Muirhead**, April 15, 1830.

Jared Stocking: charge for the funeral of a pauper named **William Nevills**, £1.10.0. Signed **James Muirhead**, April 15, 1830. Verso endorsed "burying a pauper."

Henry Woodruff: charge of £1.4.9. for the arrest of **Joseph Cudney** (warrant) on the assault of **Patrick Fagan**; **John Fry**, for an assault on **John Brooks**; **Joseph Cudney** and **Joshua Cudney** (murder); **H. Livers** (negro boy) for larceny; Signed **Daniel McDougall**, **James Muirhead**, April 15, 1830.

J.R. Eaglesum, April 12, 1830: charge for conveyance of constables £2, for a wagon and horses to convey men in pursuit of three **Cudneys**, murder, on a warrant from the coroner, January 24, 1830; charge to repair the gaol fence. Signed **James Muirhead**, April 15, 1830.

James Lockhart, March 30, 1830: charge for brown shirting, thread, pearl buttons for the purpose of making shirts for prisoners, £1.17.2. Orders of **Richard Leonard**. Signed **James Muirhead**, April 15, 1830.

Matthew Dobie, January 28, 1830: charge for making three pairs of handcuffs, by order of **Peter Pawling** (deputy sheriff) £1.10.0. Signed **James Muirhead**, April 15, 1830.

David Thompson, April 13, 1830: charge to survey the gaol limits, drawing plans and laying out gaol limits (including chain bearers) £5. Signed **James Muirhead**, April 15, 1830.

Patrick McArdle, February 1830: "repairs to jail" for a "convenience" erected in the stone cell £0.15.0. Signed **James Muirhead**, April 15, 1830.

Report of Committee of Accounts, £198.9.10½, April 15, 1830.

File 6-18, Other Accounts.

John Barker, inquired into the cost of iron work from **Mr. Dobie** and **Mr. Graham** for hooks and ladders, with chains and ropes, £41. 36 caps £25.5.0. 3 lamps £2.10.0. Total £72.15.0. for use of fire company. Signed **James Muirhead**, March 25, 1830.

John Wray, charge for three days as crier £0.15.0. Signed **James Muirhead**, April 15, 1830.

R. Crysler, charge for 1½ hundred quills and tapers, £1.3.1½. Signed **James Muirhead**, April 15, 1830.

R.B. Groat, charge for paper, ink, powder £2.9.8. 100 quills £0.5.7½, total £2.15.3½. Signed **James Muirhead**, April 15, 1830.

George McCann, charge for 1 ream of paper £0.18.9. Signed **James Muirhead**, April 15, 1830.

David Thompson, Wainfleet, January 6, 1830: certifies a warrant to arrest **William Green** (assault and battery against **James Thomas**) was issued to **John Doan** (constable.) Carried him 6 miles, then 27 miles to gaol. Signed **James Muirhead**, April 13, 1830.

File 6-19, Accounts Rejected.

James Thomas, Crowland, discharged sailor. Charge for 4 days as a witness against **William Green** (assault and battery,) £1.7.6. Rejected, signed **James Muirhead** April 8, 1830.

Dr. T. Raymond, was employed in attendance upon and supplying medicine to **William Nettles** (deceased) between January 19-February 28, 1830. Nettles had no property or means to satisfy the debt, £10. Rejected, signed **Jared Stocking** and **James Muirhead**.

David Thompson, Wainfleet, March 14, 1830: charges against the Niagara District in exemption cases, for costs in sundry suits brought for exemption monies, £2.5.9½. Not sustained and rejected, signed **James Muirhead**.

Cost of executions, summons to constables &c: **William Shotwell**, **Benjamin Hill**, **Jesse Willson**, **John [Taylor?]**, **John McLaney**, **Peter Beckett**, **Samuel Beckett**, **Robert Spencer**, **Aaron Stringer**, **Henry Rinker**, **Abraham Overholt**, **John Moore**, **James Moore**, **Richard Willson** (alien), **Joseph Price** (lame in one arm), **Joseph Moore** (not an acknowledged Quaker), **Samuel Taylor Johnson**, **Daniel Willson**, **James Stringer**.

File 6-20

Printed broadside, *District of Niagara, in account with the treasurer, April 1829-April 1830*. Signed *William Clarke* (treasurer) and *Charles Richardson* (Clerk of the Peace.) [Contains a treasurer's account dated April 15, 1830.]

File 6-21, Orders (April session.)

Charles K. Fell, surveyor of highways. Accompanied by *John Warren*, *Edward Evans* and *Benjamin Canby*. Ordered to survey and report on a road from *Canby Town* to Rainham through the Indian lands. Signed *James Muirhead*, April 13, 1830.

Daniel McDougall, appointed surveyor of streets for the town of Niagara, April 13, 1830, signed *James Muirhead*.

Rate of ferriage at Niagara Falls reduced to 11d. from May 1 to November 1. Signed *James Muirhead*, April 13, 1830.

Ordered to publish notice in the *Niagara Herald*, *Gleaner* and *Farmer's Journal* re: stamping of *weights and measures*. Signed *James Muirhead*, April 13, 1830.

Notice to Clerk and assessors re: return of lands held by leases from the Crown in the County of Haldimand. Signed *James Muirhead*, April 14, 1830.

The pauper list ordered to be continued, the name *Catherine Frank* to be added at 3/9- per week. Signed *James Muirhead*, April 14, 1830.

Charles K. Fell, surveyor of highways. Ordered to take the bearings and distances of a contemplated road between *Lundy's Lane* and Canboro, signed *James Muirhead*, April 14, 1830.

Rate of 1 penny in the pound to be collected for 1830. April 15, 1830.

Samuel Street, *Alexander Hamilton*, *Robert Grant* and *Daniel McDougall* to be a *Committee on Public Accounts*, signed *James Muirhead*, April 13, 1830.

James Cummings, *George Adams* and *John Clarke* to be a *Committee on Assessments*, signed *James Muirhead*, April 13, 1830.

File 6-22, Accounts (June session)

Thomas Butler, acting clerk, for attendance two days and making records £3. Signed *James Muirhead*, June 8, 1830.

John Wray, for two days attendance as crier, £0.10.0. Signed *James Muirhead*, June 8, 1830.

John Warren, for expenses while surveying the road from Canboro' to Rainham at *Steets'*, ferriages, *Kennedy's*, *Tunis'*, *Sensebaughs'*, *Shaws'*, £3.11.3. Signed *James Muirhead* and *Thomas Butler*, June 7, 1830.

File 6-23, Filings, liquor offences (June, special session.)

Special sessions held before magistrates **Daniel McDougall, R.M. Crysler, John Crooks** and **James Muirhead**. Summons issued to **Jacob Dockstader**, High Constable; surety in most cases was **John Claus**, June 16, 1830:

Edward Whittemore, Niagara, guilty of selling liquor without a licence. Fine £20 plus costs.

Robert Taylor, Niagara, guilty of selling liquor without a licence. Fine £20 plus costs. Subpoena and warrant/summons for material witnesses: **Daniel Sturges, George Cudney, Augustus Irish, Jacob Boice**.

Frederick Sanderson, Grantham, yeoman, guilty of selling liquor without a licence. Fine £20 plus costs. Material witness: **Thomas Read**.

John Hawn, Niagara, guilty of selling liquor without a licence. Fine £20 plus costs. Material witnesses: **Elizabeth Frissett, George Rousseau, Alexander McKee**.

Elijah Armstrong, Niagara Township, yeoman, guilty of selling liquor without a licence. Fine £20 plus costs. Material witness: **Michael Kiff**.

Niagara District Quarter Sessions, July 1830
(August session adjourned.)

File 7-1, Accounts

Edward Evans, Rainham, July 10, 1830. £10 to *Daniel Hoover* for sundry articles for the burial of a soldier found on the beach of Lake Erie, in April last, for coffin, shrouding &c. Signed *James Muirhead*, July 13, 1830.

George Dockstader, Grand River, for keeping a pauper, *Henry Worth*, for 11 weeks, £2.15.0. July 15, 1830.

John Crocker, charge and expenses for bringing *Richard Ryan*, *James Motherwell* and *Elijah Montano* to gaol, charge of assault and battery, £1.11.8. July 15, 1830.

John Crocker, charge for expense of burying *John Berry*, drowned in the *Broad Creek* near Grand River, July 14, 1829. Paid *Abner Decow* and *Samuel Bosquet* for taking care of the body and bringing it to the *Naval Depot*. Digging grave, making coffin, supplying three boards for it &c. £0.17.6.

Jacob Dockstader, High Constable account May-July 1830, £4.17.0.

Peter Wheeler, Account for washing prisoner's shirts: *Michael Mason* (13 shirts), *William Taylor* (13), *Rufus Lapping* (13), *Ranselar Brady* (13), *Jesse Balm* (13), *John Longhouse*, Indian (13), *Isaac Ducket* (13), *George Bruster* (8), *James Motherwill* (1), 100 shirts @ 3d each, £1.5.0. Making 17 shirts £1.5.6. Total £2.10.6.

Ephraim Wheeler, charge to summon Coroner's Jury (body of *Isaac Hoff*) 10/-; attendance at the gaol 1 month, £2.10.0. Signed *Richard Leonard*, *William Duff Miller*, *James Muirhead*, July 17, 1830.

John Shriver (constable), charge to arrest *Francis Proctor* and *Ellen Wallace* (larceny), 11/- June 11, 1830.

John Talbot (constable), charge to arrest *John McGongle* and *Berry* and convey them to gaol; charge to arrest *James Hains* and *James Law* (bench warrant) £0.13.4. July 20, 1830.

Lewis Clement, charge for three padlocks 6/3- June 18, 1830. Signed *Peter Wheeler*.

John Jones- charge for making a coffin for *Isaac Hoff*, a prisoner, died in gaol, 15/-. Signed *William Duff Miller*, July 19, 1830.

John Wray- charge for 7 days services as crier, £1.15.0. July 13, 1830.

John Hawn (sexton)- charge for digging a grave July 18 for *John Hoff*, a prisoner who died in gaol 5/- Signed *William Duff Miller* July 19, 1830.

John Crooks, charge for printing advertisements/notices for bills for building the *Block House*, the assizes, dates of the Quarter Sessions, old iron for sale, forbid the blasting of *Table Rock*, £15.12.6. July 16, 1830.

Rations due to the Gaoler of the Niagara District (Peter Wheeler) April 14-July 15, 1830. £34.10.6.
[Charge includes the cost of candles, cord wood for the guard, five cell brooms]

Michael Mason, April 14-July 15, 1830.
William Taylor, April 14-July 15.
Rufus Lapping, April 14-July 15.
Ransler Brady, April 14-July 15.
John McIntyre, April 14-July 15.
Jesse Balm, April 14-July 15.
Joshua Cudney, April 14-July 15.
Joseph Cudney, April 14-July 15.
John Longhouse (Indian), April 14-July 15.
Isaac Duckett, April 14-July 15.
Tobias Billimore [*Bittimore?*], April 14-May 10.
John HYTE, May 3-May 9.
George Bruster, May 15-July 15.
William Anderson, June 3-June 7.
John Sanders, June 15-July 15.
James Motherwell, June 16-July 15.
Ellen Wallis, June 19-July 15.
Mary Ann Wallis, June 24-July 15.
Henry Goff, July 9-July 15.
Ferris Cudney, July 9-July 15.
John McGonagle, July 9-July 15.
Herman Dennis, July 10-July 15.
Joseph Campbell, June 2-June 8.
Mark Hueston (debtor) May 17-June 22.
George Turney (debtor) June 9-July 15.
William Page (debtor) June 16-July 15.
Samuel Ross (debtor) June 19-July 6.

File 7-2, Correspondence

Letter addressed to *Zachariah Mudge* from *Charles Richardson* re: District reports; the population of the Niagara District in 1830; explains absence of Richardson, who was accompanying his sister, the wife of *Captain Rist* of the *33rd Regiment*, to New York while on her way to England; commissioners of customs; the Acts of the last session; district inspectors were to fine persons selling liquor with no licence; letter to *Henry Boulton* about the *Court of Requests*.

File 7-3, Criminal Calendar

Calendar of Criminal Prisoners in custody of Peter Wheeler, July 13, 1830. Signed sheriff *R. Leonard*.

Michael Mason, committed September 16, 1829. Under sentence.
William Taylor, October 22. Under orders of *James Kerby*. Stealing the watch of *John Wintermoot*.
Rufus Lapping, November 9. Breaking open the house of *D. Cargill*.
Ransler Brady, November 9. Breaking open the house of *D. Cargill*.
John McIntyre, February 17, 1830. Orders of *Daniel McDougall*. Intice soldier to desert.
Jesse Balm, February 12. Orders of *James Cummings*. Passing counterfeit note in the name of *Daniel Sherk*.
Joshua Cudney, February 20. Orders of *William Duff Miller*. Murder.
Joseph Cudney, February 20. Orders of *William Duff Miller*. Murder.
John Longhouse (Indian), February 19. Orders of *William Duff Miller*. Murder.
Isaac Duckett, March 24. Orders of *James Cummings*. Stealing the horse of *James Thompson*.

George Bruster, May 15. Orders of **Thomas Merritt**. Stealing the coat, pantaloons, vest, pocketbook and two \$10 notes (**Bank Of Upper Canada**), the property of **John Wright**.

John Sanders, June 15. Orders of **John Crooks**. Stealing a hat from **John McGonagal**, of **Michael Gannon**.

James Motherwill, June 16. Orders of [**John Powell?**] Assault and battery.

Ellen Wallis, June 19. Orders of Daniel McDougall. Stealing \$5.00 the property of **Hester Lawrence**.

Henry Goff, July 9. Orders of **James Muirhead**. Assault and battery.

Ferris Cudney, July 9. Orders of William Duff Miller. Murder.

John McGonagle, July 9. Orders of Daniel McDougall. Keeping a disorderly house.

Herman Dennis, July 10. Orders of James Kerby. Plan to burn down the house of surgeon **B.P. Hall**.

File 7-4

Duplicate copy of a deed for 34 acres of land, the south half of broken front lot 1 Concession 3, Humberstone, deeded from **Samuel Street** and his wife to **Smith Shotwell**, March 30, 1829. Certified a true copy by **John Lyons**, July 10, 1833.

File 7-5, Filings

Recognizance to appear taken before **Samuel Street: Henry Weishuhn**, Chippawa village £50, charged with assault and battery against **J.H. Harris** on December 19, 1829 ; sureties **John Shainholdtz**, Willoughby, yeoman and **Samuel Hicks**, Stamford, yeoman, £25 each.

Recognizance to appear taken before **George Adams**, Grantham, June 23, 1830: **Henry Carter** (assault and battery) £20, sureties **Nelson Davis** and **John Cleveland** £10 each.

Recognizance to appear taken before **Robert** and **Henry Nelles**, March 15, 1830: **Alonso Willard**, Clinton, distiller £100, sureties **Thomas Handy**, Clinton, saddler and **David Kenneda** (or **Canada** yeoman) £50 each. Jurors presentment attached signed **Peter Warner** (foreman), March 24, 1830: Alonso Willard said "you will be sorry for what you have done, you will not live long when you get home. I will make a cold joey [josy?] of you, **William Tufford**."

Letter from **Crowell Willson** to **Charles Richardson**, Crowland, March 25, 1830: Was informed last evening of the change in date for the session. Have been confined to bed some weeks by a "canser" in my lip. I have bound **Charles Willson** on the complaint of **John Segar** for assault and battery. Segar has not come to post a bond to prosecute which he agreed to when I issued the warrant. He's gone down but I can't say whether he'll appear. I sent Willson's recognizance down by him (an uncommon way of doing business) but I had no other way of conveyance.

Enclosure: recognizance taken before Crowell Willson, March 6, 1830: Charles Willson, Crowland, yeoman, £10, surety **John Haun**, Crowland, yeoman, £5. Remark, July 13, 1830: Segar vs. Willson, settled by consent of parties. On examination it appeared to be too frivolous to bring before the Court, signed Crowell Willson.

Evidence of **Rachel Boston**, wife of **James Boston**, St. David's, coloured woman, taken before **Robert Grant** and **Alexander Hamilton**, April 11, 1830: **Tobias Battimore** and **Augustus Washington** (coloured men) were in an adjoining part of the house on the 10th. The conversation and circumstances- they were playing cards. Washington charged Battimore with cheating. Washington said "damn you I have won it three times already and I won't give it up to you." Battimore said "if you don't give up the money I will sacrifice you." A scuffle ensued, Washington turned Battimore out of doors. I heard a cry of "murder." I ran to the door, called to my husband who was 15 rods away at **Mr. Campbell's** house. Battimore came

from around the house at the back door. I found Washington in the house in a chair with his face all bloody from a wound in his forehead, rocking back and forth stupified. He said Battimore struck him with an axe. The question was repeated 2 or 3 times to be sure. I helped him into his part of the house, where he now lies dangerously ill. Battimore struck him at the door, blood in three spots on the wall near the door, and knocked Washington into the fire. Rachel and James Boston swore to the truth of the statement, signed "her X mark" and "his X mark." Tobias Battimore: readily confessed to gambling with Washington. Had a quarrel, Washington seized him by the throat and threatened to kill me. In fear and defense I struck Washington with the axe handle. Washington had my finger his mouth and was biting it, and continued to bite until I struck a blow with my fist and the scuffle ended, signed "his X mark." Commitment issued same date to the common gaol. Recognizance: **Richard Woodruff** bound £10 for Rachel and James Boston to appear, April 12, 1830. James Boston bound £10 April 13, 1830. Letter attached from Alexander Hamilton, April 11, 1830: Washington too ill, in danger of his life, to be brought down. Robert Grant thought it unadvisable to grant Tobias Battimore bail. On April 12th Grant and I proceeded to St. David's and found Washington quite unable to give evidence, lying with his eyes shut and apparently insensible to everything around him. He is attended by **Dr. Cockcroft**.

File 7-6, Presentments

Bridge over the 15 Mile Creek near **John Clark** and **William Adams** is impassable. Requires £20 to complete.

Jury examined cells in prison, need some windows for the circulation of air for the benefit of prisoners, July 16, 1830.

Welland Canal Company has obstructed the highway from **Eber Riess [Rice]** to Niagara Falls, signed **Daniel Field**.

File 7-7, Orders

David Thompson, ordered £30 to repair **Brown's Bridge** at Chippawa

The **sheriff** ordered to employ an efficient person to assist in the defense of the gaol.

Mr. Rollston, District Schoolmaster, claims rent for the schoolhouse, July 14, 1830.

A **bridge** to be erected over **Sulphur Creek** near the **Grand River**, in Rainham, Concessions 1 and 2. The bridge cost £75, ordered £25 to assist in the cost. Signed by the inhabitants of **Dunnville**, Rainham and Walpole, January 13, 1830: **Oliver Phelps**, **Daniel Hoover**, **David M. Field**, **James M. Sheehan**, **Alpheus S. St. John**, **David Thompson**.

William Clark, treasurer. £50 for bringing the rolls up to date and £12.10.0. office rent, July 14, 1830.

Clerk of the Peace, ordered to obtain a coat of arms for the court house.

Warner Nelles, to pay **Edward Evans** £5 for making a road through Indian lands, July 16, 1830.

£500 ordered to be raised for District purposes, July 20, 1830.

File 7-8, Petitions

Ozias Buchner on behalf of **Francis Benedict**, who practiced physic and surgery in this province before the late War, and wishes to have a licence but is unable to attend court due to an indisposition. Signed Ozias Buchner. Petition rejected July 15, 1830.

Affidavit of **James Brown** and **Amos Bradshaw** of Thorold, taken before **David Thompson**, May 8, 1830: **Francis Benedict** of Crowland practiced physic in the District prior to and during the late War, May 8, 1830.

Affidavit of **James Cummings**, **James Macklem** and **Crowell Willson**: **Francis Benedict** resided in Crowland during the late War where he followed the practice of physic and surgery.

Affidavit of **Lewis Willson**, Wainfleet, June 5, 1830: **Francis Benedict** has resided in Crowland since 1810, practiced physic surgery in the late War. Sworn before **John Clarke**.

Matthew Gilman and others, June 1830: Suffer inconvenience because the concession line from the Lake through Rainham and Walpole is not worked according to law. A road from the dam at the Grand River to **Port Dover** would be a great convenience if Statute Labour was performed on it. Signed **Philip Helmer**, **John McGaw**, **Adam Harden**, **Frederick Rose**, **Frederick Gibbs**, **Thomas Silverthorn**, **Robert Davis**, **Thomas Stillwell**, **Richard Gibbs**, **William Steel**, **Peter Culver**, **Boltus Chrysler** [**Christler?**], **Jacob Yeager**, **James Wheeler**, **James Stewart**, **James Drinkuelor**, **Samuel Eakins**, **Benjamin Goodrich**, **Christopher Rhora**, **Benjamin Stewart**, **William Ross**, **Samuel Telmon** [**Tallman?**], **James Hill**, **John Horst**, **John T. Camp**, **Isaac Camp**.

File 7-9, Precept

List of Grand and Petit Jurors compiled by **James Muirhead** and **John Crooks**, June 30, 1830 for sessions on July 13, 1830.

Grand Jury: **Charles Anderson**, **Alexander Milmine**, **Samuel Milmine**, **Andrew Pettit**, **Jonathan A. Pettit**, **Robert Nixon**, **William Nixon**, **John C. Pettit**, **Isaac Smith**, **Silas Smith**, **Asa Pettit**, **Peter B. Nelles**, **Henry Conkle**, **Adam Conkle**, **Thomas Adams**, **John Camp**, **George Adams**, **John Fields**, **Robert Merritt**, **William Merritt**, **Isaac Merritt**, **Ralph Fields**, **Adam Hutt**, **Robert Wardle**. Added to the list: **James Millmine**.

Petit Jury: **John Inglehart**, **Samuel Kitchen** (substitute **Elias Ryder**), **Jacob Nelles**, **Patrick Sherry** (substitute **Francis Proctor**), **Sylvester Dorin**, **Patrick McMMain**, **Thomas Hill**, **Charles Collady** (died), **John Lewis**, **John Kline** (substitute **John Cox**), **John Barns**, **Andrew Hunter**, **Isaac Coon**, **Peter Bouslaugh**, **John Vandoosen/Vandouzen** (substitute **George Upper**), **William Young**, **Philip Ramsdale**, **Andrew Mjuir?**, **Thomas Chapman**, **Francis Vansickle**, **James Vanatta**, **Martin Miller**, **Joel Burnes**, **John Thompson**, **Hiram Darrow**, **William Fisher**, **Jonathan Thompson** (substitute **John Thomson**), **William Howard**, **Jesse Simmerman**, **William Keating**, **Samuel S. Moon**, **George Thompson**, **Zenas Beach** (substitute **Benjamin Pickard**), **Gabriel Young**, **Peter Mitchell**, **John Crowley**, **Isaac Holmes** (substitute **John Talbot**), **George Darling** (substitute **James Shaw**), **Samuel McCurdy**, **John Coon**, **Ashman Moore**, **Samuel Edmons**, **Robert Thompson**, **Daniel Simons** (dead), **George Cruise**, **George Muir** (substitute **Thomas Gorman**), **William Lawson**, **John Terryberry**.

File 7-10, Shop and tavern licences

Joseph Markwell, baker, prays for a licence to keep a house at St. Catharines and sell ale, beer, cider and other spiritous liquors for one year from May 1, 1830. Recognizance before **Thomas Merritt** and **James Black**, May 18: Joseph Markwell £10, sureties **James Little** (yeoman) and **James Mackay** (yeoman) £5 each.

Kenneth Reach, yeoman, prays for a licence to sell beer, ale &c. in St. Catharines. Recognizance before **George Adams** and Thomas Merritt, May 18: Kenneth Reach £10, sureties **Robert Campbell** (yeoman) and James Little (yeoman) £5 each.

John McDade, yeoman, prays for licence to sell beer, ale &c. in St. Catharines for one year from May 1, 1830. Recognizance before James Black and George Adams, May 18: John McDade £10, sureties James Little (yeoman) and James Mackay (yeoman) £5 each.

Letter from **James Black** to **Charles Richardson**, St. Catharines, June 8, 1830: encloses recognizances for three ale house licences at St. Catharines.

File 7-11

Joseph Campbell, Niagara, labourer. Charged with larceny, stealing 2 waistcoats (value 5/-) the property of **John Campbell**, on May 29, 1830. True bill: **Jonathan A. Pettit** (foreman.) Witnesses: **Joseph Eden**, **Robert Cassedy**, **John Shiver**.

File 7-12

William L. Daly, Niagara, merchant. Charged with assault and battery against **Francis Proctor**, Niagara, innkeeper, on June 7, 1830. True bill: **Jonathan A. Pettit**. Witnesses: Francis Proctor. Evidence of Francis Proctor taken before **James Muirhead** June 12: William Daly and others came to the house at 1 or 2 o'clock and demanded admission. When refused, Daly broke the glass in the window. I went out of the house to identify the others, was struck and knocked. Recognizance taken before James Muirhead June 14: Francis Proctor £10; William Daly £10, sureties **Jared Stocking** and **John Beach** £5 each. Defendant not appearing, recognizance estreats, signed James Muirhead October 21, 1830.

File 7-13

David Dean (alias **Deane**) Clinton, yeoman. Charged with assault and battery against **John Lawrence**, Niagara, labourer, on March 9, 1830. True bill: **Jonathan A. Pettit** (foreman.) Warrant of **John Clark** to **John Claus** to apprehend Dean. Evidence of John Lawrence, Louth, April 2: Dean inflicted a severe wound on my right hand with an axe. Recognizance taken before **Thomas Merritt**, April 5: David Dean £25, sureties **Walter Dittrick**, Grantham, innkeeper and **David William Smith**, Grantham, Esquire, £12.10.0. each. Plea: guilty, fine 5/- plus costs. Signed **James Muirhead**.

File 7-14

William Defield, Queenston, labourer. Charged with assault against **Lyman Briggs**, Niagara, labourer, on June 29, 1830. Witnesses: Lyman Briggs. Recognizance taken before **John Crooks**: Lyman "his X mark" Briggs £5, surety **Adam Cryslar** £5. Filed by **Charles Richardson**, July 13, 1830.

File 7-15

George Duncan, Bertie, labourer and **James Finley**, Bertie, labourer. Charged with larceny, stealing a pig (value 5/-) the property of **James Kerby**, on October 24, 1829. True bill: **Jonathan A. Pettit** (foreman.) Witnesses: **Benjamin Hershie**, James Kerby, **John J. Harris**, **John Hershie**, **Adam Shippel (Sheffle.)** Recognizance before **James Muirhead**, November 4: George Duncan, Fort Erie (man of colour) £10, sureties **Charles Anger** and **William Truman** (man of colour) £5 each; James Finley £10, sureties Charles Anger and William Truman £5 each, filed by **Charles Richardson** July 13, 1830. Warrant of James Kerby to constable Charles Anker and the jailer, on the oath of Benjamin Hershie, to take George Duncan

(a man of colour.) Evidence of Benjamin Hershie, November 2: On October 24th after dusk, heard the squealing of pigs in the direction of George Duncan's house. Questioned whose pigs were they? Hershie and his brother John and Adam Sheffle went and saw large white pigs of the gross breed, weighing each about 100 lbs. Summoned Duncan and Finley (both men of colour.) Finley had a club and struck the pig repeatedly and killed it. They hurried off with the pig to Duncan's house as if afraid of discovery. They said it was Duncan's but we knew it was one of James Kerby's. Evidence of Benjamin Hershie Jr, son of Benjamin, of Bertie, farmer, aged 16 years: He was desired by his father to see whose pigs they were. Verdict: not guilty, signed *James Muirhead*.

File 7-16

James Dunlop, Grantham (St. Catharines), saddler. Charged with assault against *Samuel Smith*, St. Catharines, labourer, on June 19, 1830. True bill (traversed): *Jonathan A. Pettit* (foreman.) Witnesses: Samuel Smith. Evidence taken before *George Adams*, June 21: was at the house of *John Smith*, innkeeper. Dunlop beat me upon the breast and eyes. Recognizance taken before George Adams, June 23: James Dunlop £20, sureties *Theophilus Brundage* and *John Fitzgerald* £10 each. Recognizance before George Adams June 21: Samuel Smith £10. Withdrew plea of not guilty, enters plea of guilty. Fine 5/- plus costs, signed *James Muirhead*, October 20, 1830.

File 7-17

James Dunlop, St. Catharines, saddler. Charged with assault and battery against *Henry Carter*, St. Catharines, saddler, on June 21, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: Henry Carter. Evidence taken before *George Adams*, June 22: Dunlop dragged Carter out of bed to the floor, beat him with his fist upon his body, arms and hips, was much injured. Recognizance taken before George Adams, June 22: James Dunlop £20, sureties *John Cleveland* and *John P. Hyck* £10 each. Recognizance before George Adams June 22: Henry Carter £10, James Dunlop £25 "to keep the peace to Henry Carter until the next sessions." Henry Carter, late of Erie, Pennsylvania, came to attend court 4 days, bound over by defendant putting off trial, October 21, 1830 costs £6.9.2. Constables *Samuel Dolson*, *John Thompson* and *R. King* mileage and fees £0.9.2. Verdict: guilty, fine £2 plus costs.

File 7-18

James Dunlop, St. Catharines, saddler. Charged with forcible entry and detainer against *Sylvester G. Glynn*, Grantham, shoemaker, on June 4, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: Sylvester G. Glynn, *Sarah Cleveland*. Evidence taken before *George Adams*, June 5: Dunlop came to Glynn's house to remove his goods and chattels (furniture.) Glynn forbade him so doing in vain and resisted; Dunlop carried things out anyway and gave Glynn a heavy and severe blow on the face and injured him severely in the eye. He ejected Glynn from the premises, turned his property all out and locked the doors. Glynn endamaged, has no shelter for his family, wife is on the eve of childbirth. Verdict: guilty, judgement arrested, signed *James Muirhead* October 20, 1830.

File 7-19

Adam Fralick, Stamford, yeoman. Charged with assault and battery against *Robert Curtis* on April 2, 1830. Witnesses: Robert Curtis. Evidence taken before *Robert H. Lee*. Recognizance before R.H. Lee, April 2: Robert Curtis £20; Adam Fralick £20, sureties *William O'Reilly*, Stamford, yeoman and *Neart Vanwycke*, Stamford, yeoman, £10 each. Signed *James Muirhead*, July 13, 1830.

File 7-20

James Frasier, Thorold. Charged with assault and battery against **Lucretia Lutes** (alias **Lutz**) on June 26, 1830. Witnesses: Lucretia Lutes, **John Thompson**, **George Keefer**. Evidence taken before George Keefer, July 3: Frasier broke open her door and beat, struck, kicked and abused her. She was not able to work for a week, signed "her X mark." Filed by **Charles Richardson**, July 13, 1830.

File 7-21

John Fry, Niagara, labourer. Charged with larceny, stealing a silver watch (value 15/-) the property of **John Baylie**, Niagara, wagon-maker, on March 31, 1830. Witness: **John Brooks**, Niagara, labourer, evidence taken before **John Crooks**, January 26: Brooks was assaulted by Fry, filed March 24, 1830. Evidence of John Baylie, taken April 1: signed "his X mark." Filed by **Charles Richardson**, July 13, 1830.

File 7-22

Henry Goff, Niagara, schoolmaster. Charged with assault and battery against **Francis Proctor**, on July 8, 1830. True bill: **Jonathan A. Pettit** (foreman.) Witnesses: Francis Proctor. Evidence taken before **James Muirhead**, July 9: Goff was drunk, turned Proctor out of his house and struck him and tore his shirt. Recognizance taken before James Muirhead July 10: Francis Proctor £5, filed by **Charles Richardson** July 13. Cancelled for want of bail. Verdict: guilty. Fine £1 plus costs, to remain in custody until paid, signed James Muirhead.

File 7-23

Chester Gunn, Niagara, labourer. Charged with assault and battery against **Isaac Vanfleet**, on February 16, 1830. No bill: **Jonathan A. Pettit** (foreman.) Witnesses: Isaac Vanfleet, **Jacob Dockstader**. Evidence taken before **Daniel McDougall** February 25: Gunn beat Isaac Vanfleet Jr. and threatened his cattle, Vanfleet fears injury. Recognizance: Isaac Vanfleet £10; Chester Gunn £20 to keep the peace 1 year, surety **Peter M. Ball** £10.

List of recognizances taken before **R.M. Cryslar**:

Charles Campbell, £10, sureties **George Greenlees** and **James Eaglesum** £5, January 20, 1830.

Chester Gunn £20, sureties Peter M. Ball and **George Waggoner** £10 each February 27.

John Vanfleet, Isaac Vanfleet Sr. and Isaac Vanfleet Jr. £20, sureties **John Tannahill** and **John Campbell** £10 each, March 2.

Henry Sanderson £20, for **Harkless Livers** (a lad of colour) March 9.

Matthew Barron £10 against Harkless Livers (a lad of colour) March 11.

File 7-24

John Henderson, Grantham, labourer (coloured man.) Charged with assault and battery against **John Hooker Pixley**, St. Catharines, innkeeper, on April 7, 1830. True bill: **Jonathan A. Pettit** (foreman.) Witnesses: John Hooker Pixley. Evidence taken April 8: Henderson broke into the house of Pixley at night, assaulted him, his life was in danger; filed by **Charles Richardson** July 14, 1830. Plea: guilty. Fine £2 plus costs, signed **James Muirhead**, July 15, 1830.

File 7-25

George Heubner, Grimsby, blacksmith. Charged with assault and battery against **Eli Everitt**, Grimsby, chair-maker and painter, on June 19, 1830. No bill: **Jonathan A. Pettit**. Witnesses: Eli Everitt. Evidence taken before **Henry Nelles**, June 21: Heubner assaulted, beat and bruised Everitt, his clothes much torn.

Recognizance taken before Henry Nelles, June 21: George Heubner £10, surety *William Nixon* £5; Eli Everitt £10, surety *Lewis Whitney* £5. Filed by *Charles Richardson*, July 13, 1830.

File 7-26

John Kiff, Niagara, yeoman. Charged with assault and battery against *James Barker*, Niagara, tailor, on May 16, 1830. Witnesses: James Barker. Evidence taken before *Daniel McDougall*, May 17: Kiff did strike, beat and push Barker out of *Francis Proctor's* house, and broke two panes of glass. Signed "his X mark." Recognizance taken May 22: James Barker £5, John Kiff £10, sureties George Upper and Peter Cain £5 each. Filed by *Charles Richardson*, July 13, 1830. *Nolle prosequi* by proclamation, signed *James Muirhead* July 19, 1830.

File 7-27

William Maxwell, Wainfleet, labourer. Charged with assault and battery against *Richard McGuire*, St. Catharines, on November 30, 1829. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: Richard McGuire, *Patrick Nagh*. Recognizance before *David Thompson*, April 5, 1830: Richard McGuire £10, sureties *Matthew Hutson* (or *Hudson*) and *James Morrow*, Crowland, £5 each; William Maxwell £10, sureties *Levi Newlove*, Wainfleet, contractor on the *Welland Canal*, £5. "Indictment quashed, defendant not appearing, recognizance discharged." Signed *James Muirhead*, July 20, 1830.

File 7-28

Peter Moffatt, Niagara, mariner. Charged with assault upon a constable, *George P. Kinsley*, Niagara, on July 2, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: George P. Kinsley. Evidence taken before *Daniel McDougall*: Moffatt struck Kinsley with his fist. Recognizance before Daniel McDougall, July 3: Peter Moffatt £50, sureties *William Moffatt* and *Robert Miller* £25 each. "Defendant did not appear, recognizance estreats" signed *James Muirhead* October 21, 1830.

File 7-29

Peter Moffatt, Niagara, mariner. Charged with assault and battery upon *John Shriver*, on July 2, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: John Shriver. Evidence taken before *Daniel McDougall* on July 3. "Defendant not appearing, recognizance estreats" signed *James Muirhead* and *Charles Richardson* October 21, 1830.

File 7-30

William Moffatt, Niagara, mariner. Charged with assault and battery upon *John Shriver*, on July 2, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: John Shriver. Evidence taken before *Daniel McDougall* on July 3. "Defendant not appearing, recognizance estreats" signed *James Muirhead* and *Charles Richardson* October 21, 1830.

File 7-31

James Motherwill, Haldimand, labourer and *Elijah Montano*, Haldimand, labourer. Charged with assault and battery against *Richard Ryan* on June 15, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: Richard Ryan, *Margaret Ninneyjack*. Recognizance to appear taken before *John Powell*: Richard Ryan £10, Peggy Ninneyjack £10; Elijah Montano £20, sureties *Edward Philpot* and *William McDonald* £10 each. Plea: guilty. Fine 1/- each plus costs, signed James Muirhead July 14, 1830. Constable *John*

Crocker, on the complaint of Richard Ryan, warrant to arrest Motherwill and Montano filed by *Charles Richardson* July 13, 1830.

File 7-32

John Pender, Grimsby, labourer. Charged with assault and battery against *Truman M. Rowley*, Grimsby, stage driver, on June 19, 1830. No bill: *Jonathan A. Pettit* (foreman.) Witnesses: Truman M. Rowley. Evidence taken before *Henry Nelles*: Rowley was assaulted on horseback by Pender. Recognizance taken June 21: Truman M. Rowley £10, surety *Eli Everitt* £5; John Pender £10, surety *James Grady*, Grimsby, yeoman, £5. Filed by *Charles Richardson*.

File 7-33

Francis Proctor, Niagara, innkeeper. Charged with larceny, stealing two waistcoats (value 5/-) the property of *John Campbell*, on May 29, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: *Joseph Eden*, *Robert Casady*, *John Shiver*. *Nolle prosequi*, signed *James Muirhead* July 17, 1830.

File 7-34

Francis Proctor, Niagara, innkeeper. Charged with receiving stolen goods, two waistcoats (value 5/-) the property of *John Campbell*, on May 29, 1830. True bill (traversed to October sessions): *Jonathan A. Pettit* (foreman.) Witnesses: *Joseph Eden*, *Robert Casady*, *John Shiver*. Verdict: not guilty, signed *James Muirhead*.

File 7-35

John Redner, Grimsby, blacksmith, *Isaac Huff*, Grimsby, labourer. Charged with assault against *Jacob Lodge*, Grimsby, cooper and *John Hoover*, Grimsby, blacksmith on October 16, 1829. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: Jacob Lodge, John Hoover. Letter from *Smith Griffin* to *Charles Richardson*, Grimsby, October 1829: encloses documents to proceed in the case. Evidence of Lodge and Hoover taken before Smith Griffin, *Smithville*, October 16, 1829: On the evening of the 16th Redner and Huff entered the blacksmith shop of Hoover and assaulted Lodge and Hoover with blows, threatenings and private injury. *Trueworthy Smith* verifies statements, October 16. Recognizance taken October 16: John Hoover and Jacob Lodge £10 each; recognizance taken October 19: Isaac Huff £20, sureties *Donald Urquhart* and *Barclay Fanning*, yeoman, £10 each. Recognizance taken before Smith Griffin: John Redner £20, sureties *George A. Ball* and *John F. Stewart* of Grimsby £10 each; additional recognizance taken before Smith Griffin: Isaac Huff £20, sureties *Rufus Durkee* and *Elijah Urquhart* £10 each; subpoena issued by Charles Richardson for Lodge and Hoover March 23, 1830; warrant signed by James Muirhead and Charles Richardson for the arrest of Huff and Redner signed March 23, 1830; Verdict: Huff "guilty," sentenced to four days in gaol, costs paid by the District; Redner pleads "guilty" fined 1/- plus costs, signed *James Muirhead*.

File 7-36

John Redner, Grimsby, blacksmith and *Isaac Huff*, Grimsby, labourer. Charged with an assault upon *John Hoover* on October 16, 1829. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: John Hoover, *Jacob Lodge*. Defendant pleads guilty. Redner fined 1/- plus costs, Huff sentenced to four days in prison. Signed *James Muirhead*, July 15, 1830.

File 7-37

Johanna Sanderson, Niagara, *femme covert*. Charged with larceny, stealing 1 silver tablespoon and three silver teaspoons (value 5/-) the property of **Robert Cannon**, Niagara, innkeeper, on February 15, 1830. True bill: **Jonathan A. Pettit** (foreman.) Witnesses: Robert Cannon, **Jane Watts**, **Charlotte** [-----.] Evidence taken before **James Muirhead**, July 2: In December or January last past on the 1st, Cannon found his property in the possession of Jane Watts, an unmarried woman who keeps a grocery next door to him. Watts was sold the teaspoon by Sanderson, and taken to the deponents. Cannon identified the spoon by its' marks, believes Sanderson carried it off. Jane Watts: spoon sold to her by Sanderson three months ago for 1/3-, Sanderson said her husband found it in the yard. Spoon was identified by Robert Cannon. Signed "her X mark." **William Duff Miller** named surety for Sanderson, £5. Verdict: not guilty, signed **James Muirhead** and **Charles Richardson**, July 17, 1830.

File 7-38

John Sanderson, Niagara, labourer (man of colour.) Charged with larceny, stealing the hat of **Michael Gannon**, Niagara, printer [painter?] (value 1/-) on June 15, 1830. Witnesses: Michael Gannon. Evidence before **John Crooks**, June 15: Gannon and Jack Sanderson took the hat from the house of **John McMonigle**. *Nolle prosequi*, no prosecutor. Defendants discharged by proclamation, signed **James Muirhead**, July 19, 1830.

File 7-39

Alexander Stewart, Niagara, Esquire, **William Lockwood Daly**, Niagara, merchant, **Francis H. Hoyt**, Niagara, merchant, **Henry Jackson**, Niagara, labourer. Charged with riot at Willoughby and wounding and ill treating **Augustus House** on April 24, 1830. True bill (traversed): **Jonathan A. Pettit** (foreman.) Witnesses: Augustus House, **Andrew Miller**, **Horace Randall**. Evidence taken before **James Cummings**, April 25: House conversed with Andrew Miller on the River Road nearly opposite the tavern of **Lewis House**. A carriage with three persons and a mulatto driver drove up, stopped, and set their dog at the dog of the deponent. Deponent said "Gentlemen, I would thank you to let the dogs alone." Alexander Stewart said "Damn you stop and I will serve you just so." Deponent said "Maybe you will" and walked off with Horace Randall. Alexander Stewart said "Damn you stop" but the deponent would not, they were nothing but a set of blackguards. All four men were in pursuit of the deponent who is lame and cannot walk fast. He said to Randall "They should not catch me with my big coat on" and pulled off his coat. They overtook the deponent and began to strike him with blows, William Daly struck first, then Alexander Stewart. Deponent defended himself and knocked down Daly and Stewart. Then he was knocked down by the mulatto man, overpowered and severely bruised. Lewis House came to his assistance with a fork handle and drove them off. Recognizance before James Cummings April 26: Alexander Stewart, William L. Daly, Francis H. Hoyt and Henry Jackson £10 each; Augustus House £10, surety **Erastus Moses** (Chippawa, constable) £5. Filed by **Charles Richardson** July 13, 1830. Notation: Defendants not appearing, recognizance estreats, signed **James Muirhead**, October 21, 1830.

File 7-40

Stephen Sutton, Stamford, labourer. Charged with assault against **John Thompson, Jr.**, Stamford, farmer, on June 4, 1830. True bill: **Jonathan A. Pettit** (foreman.) Witnesses: John Thompson, **Isaac Howie**. Recognizance taken before **James Cummings**, July 9: Stephen Sutton £10, surety **James Secord**, Chippawa, £5; John Thompson and surety **John Silverthorn**, Stamford, yeoman, £10 each. Verdict: guilty. Ordered to pay fine £1 plus costs, and to remain in custody until paid, signed **James Muirhead**. Bill of costs £2.7.3, signed by **David Thompson** at Queenston, July 14, 1830.

File 7-41

William Taylor, Bertie, labourer. Charged with larceny, the theft of one watch (value 5/-) the property of *John P. Wintermute*, on October 22, 1829. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: *Jacob Dockstader*. Plea: guilty. Sentenced to imprisonment (--?--) days and then to be discharged. Signed *James Muirhead*, July 20, 1830.

File 7-42

Michael Tolls, Niagara, labourer. Charged with assault and battery against *Ralph Truax*, Niagara, mason, on July 11, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: Ralph Truax, *Robert Cassidy*. Evidence taken before *James Muirhead*, July 12: Truax was in the house of innkeeper *Fitzgerald* on the evening of the 11th. He was taken by the collar, pushed and struck. Recognizance: Michael Tolls £10, sureties *Francis Proctor* and *John Fitzgerald* £5 each; Ralph Truax £10. Verdict: guilty. Fined £1.5.0. plus costs. Signed *James Muirhead*, July 17, 1830.

File 7-43

Isaac Vanfleet, Niagara, innkeeper, *John Vanfleet*, Niagara, labourer, *James Haines*, Niagara, labourer, *James Lawrence*, Niagara, yeoman. Charged with riot and assault against *Chester Gunn* on April 24, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: Chester Gunn. File contains presentment of July 14, 1830, plus warrants of *Charles Richardson*, filed July 15 and 19, 1830. Verdict: not guilty, signed *James Muirhead* July 20, 1830.

File 7-44

Elinor Wallace, Niagara, *femme covert*. Charged with larceny, stealing one bank note (value 25/-) the property of *Francis Lawrence* on June 17, 1830. True bill: *Jonathan A. Pettit* (foreman.) Witnesses: *Hester Lawrence* (*femme covert*), *Hugh Minor*. Evidence of Hester Lawrence taken before *Daniel McDougall*, June 19: the \$5.00 bill was stolen, signed "her X mark." Hugh Minor: Wallace gave me the \$5.00 note and asked for a half dollar. He gave it but kept the note, now in possession of Daniel McDougall, signed "his X mark." Elinor Wallace: was at the house of Francis Lawrence on the 17th. Does not know if she took the bill or was given it. Went to town to *Mr. Truscott's*, was told the bill was not good, and so to *Mr. Starkweather* and to several others. Met Hugh Minor, who said it was bad but gave her 50¢ for it. Signed "her X mark." Recognizance: High Minor £10. Verdict: not guilty, signed *James Muirhead* July 15, 1830.

File 7-45, Accounts (August sessions, adjourned)

Dr. Telfer, May 1830, charge for attendance and medicine for *John Thomson* and *William Ross* by orders of Daniel McDougall, £10.10.0. Signed *James Muirhead*, August 2, 1830.

Francis Proctor (constable), charges for arrest of *Johanna Sanderson*, *Isaac Huff*, and conveying *William Ware* to the Ferry (orders of *James Muirhead*) £1.5.8, August 2, 1830.

John Kidd (deputy sheriff) charge for a whitewash brush plus barrels for the use of the gaol, £1.0.8½, signed *James Muirhead* August 2, 1830.

Charles K. Fell, July 20, 1830 charge for surveying the *Grand Western Road*, £26.10.0. Signed *James Muirhead*, August 2, 1830.

Thomas Cumpston, July 30, 1830 charge for work on gaol £4.15.6. Signed *James Muirhead*, August 2, 1830.

John Kidd (deputy sheriff) June 1830 charge for bringing **Brewster** from St. Catharines to Niagara gaol plus mileage, 9/-. Signed **James Muirhead**, August 2, 1830.

Matthew Dobie, June 15, 1830 charge to fix fetters and iron grates £15.4.6. Signed **James Muirhead** and **Charles Richardson**, August 2, 1830. Plus receipt/voucher to Dobie for work at the gaol in the amount of £7.10.0.

Patrick McArdle, charge for boards, railings, oak scantling, framing, large gate frame, gate and hinges £13.15.0. Signed **James Muirhead**, August 2, 1830.

John Talbot (constable) charge for services at court £0.17.6. Signed **James Muirhead**, August 2, 1830.

John Shiver (constable) charge for services at court £0.17.6. Signed **James Muirhead**, August 2, 1830. Certified by **John Kidd** (deputy sheriff.)

George Lacy, charge of £1.8.0. for going to **Smith Griffins**, certified by **Peter T. Pawling** and signed **James Muirhead** August 2, 1830.

George P. Kingsley (constable) account of £2.10.4. submitted for March and July 1830. Signed **James Muirhead**, August 2, 1830.

Francis Proctor (constable) charge for services at court £0.17.6. Signed **James Muirhead**, August 2, 1830.

Dr. Truman Raymond, charge for visits, medicines and attending upon **William Nettles** and his wife, January 19-February 28, 1830 £10.10.0. Signed **James Muirhead**, August 2, 1830.

John Wray, August 2, 1830, charge for services as crier (1 day) £0.5.0. Signed **James Muirhead**.

George P. Kingsley, August 2, 1830, charge for services as court constable, £0.17.6. Certified by **James Kidd**, signed **James Muirhead**.

File 7-46, Clerk of the Peace Accounts.

Two accounts of £60.2.0. and £28.11.6. compiled by the Clerk of the Peace, signed by **James Muirhead**, August 2, 1830.

Niagara District Quarter Sessions,
October and December 1830 and Special Sessions January 1831.

File 8-1. Accounts.

Dr. Cockcroft, October 20, 1830, for medical expenses for **Augustus Washington, St. Davids**, April-May 1830, £8.19.3. "To professional attendance and medicine for Augustus Washington, St. Davids, 1830." April 11- dressing a severe wound on his head and medicine, journey £0.17.6 H[alifax] C[urrenc]y; April 12- journey, bleeding, medicine, evening journey and bleeding, £1.7.6; April 13-journey, bleeding, medicine, 15/-; April 14-journey and medicine (twice) £1.2.6; April 15-journey, bleeding, medicine, 15/-; April 16-journey, medicine, 12/6-; April 17-journey, medicine, 12/6-; April 18-journey, medicine, 11/3-; April 20-journey, 10/-; April 22-journey, medicine, 13/-; April 26-journey, ointment, 12/6-; May 1- journey, 10/-. Passed in General Quarter Sessions at Niagara, October 20, 1830, signed **James Muirhead** (chairman.) I hereby certify that I think the charges in this account reasonable, signed James Muirhead, surgeon. I certify that I authorized Dr. Cockcroft to attend on Augustus Washington who was severely hurt by **Tobias** at St. David's, signed **R.H. Lee** (J.P.)

David Mitchell and **Robert Deming** (constables) charge for services 19/-

John Lyons, charge for blank books for Land Registry index volumes £7.17.0.

Dr. Muirhead, charge for medical attendance at gaol, £6.5.0.

John McDonald, innkeeper, charge for boarding a pauper and giving him wine (orders of **Dr. Muirhead** and **Dr. Telfer**) £3.

F.W. Sanderson, August 2, 1830, charge for a coffin and digging a grave for a boy found at **Port Dalhousie**, £1.10.0.

Richard Leonard, allowance for attending at court &c, £20.

Dr. Cockcroft, charge for medical expenses £8.19.3.

File 8-2. Correspondence.

Copy of a **Population Return for Lincoln** 1830.

Letter dated Government House, September 27, 1830 from **Zachariah Mudge** to **Charles Richardson** requesting an explanation for the decrease in population for the District.

Letter dated Government House, September 14, 1830 from **Zachariah Mudge** to **Charles Richardson** requesting a copy of a population return for the District, with a separate return for Haldimand.

Letter dated Government House, April 7, 1830 from **Zachariah Mudge** to **John Warren** informing him that the **Six Nations** will cede lands to allow commissioners to make a road from **Canbytown** to Rainham.

Letter dated Government House, August 7, 1830 from **Zachariah Mudge** to **James Muirhead** informing him that **Lewis Burwell** will undertake the survey of the road from **Canbytown** to Rainham.

Letter dated Government House, August 3, 1830 from **Zachariah Mudge** to **Charles Richardson** please make observations on the enclosed statement.

Letter from *Charles Richardson* to *Zachariah Mudge*, October 4, 1830: Haldimand population return enclosed. The error was caused by my deputy.

Copy of a *Population Return for Haldimand* 1830.

File 8-3. Filings.

Peter Frare (or *Fraye*) Bertie. Charged with assault against *James Smith*, Bertie, farmer, on July 21, 1830. Evidence taken before James Kerby, July 21: Frare burst Smith's door and ill treated him, threatened to turn him out and "kick him to hell." He threw the deponent down three or four times. Warrant to constable *David Mitchell* to apprehend Frare to answer the complaint of James Smith, July 21. Recognizance July 24: Peter Frare £10, sureties *Dr. Benjamin P. Hall* and *Daniel Clarke* of Bertie, each £5.

Leonard Hicks. Charged with assault against *John Isaiah*, Niagara, labourer, on September 25, 1830. Evidence of *John Talbot*, constable, before *John Crooks*: Isaiah was beaten by Hicks. Recognizance: Leonard Hicks £10, sureties *John Dockstader* and John Talbot £5 each.

File 8-4. Presentment.

A well has been stoned up but left open on the road into Niagara from the *Black Swamp Road*, and is dangerous especially at night. It should be filled in or covered, so that His Majesty's subjects are not in danger of falling in. Signed *George A. Ball*.

File 8-5. Insane and Destitute.

William Ross, pauper. Despite an allowance he is still destitute and helpless and in a suffering condition. State of most abject want and wretchedness. Signed *Thomas Creen*, July 12, 1830.

Request to place *Sarah Risinbarrick*, an insane woman at the house of *David Bonesteel* at Thorold, on the pauper list. Signed *David Thompson*, January 27, 1831.

John Moore Sr. Born in Ireland in 1741, joined the army in 1762 and went to Portugal where he was wounded at Lisbon. Went to New York in 1765 where he taught school. He refused to swear allegiance to the Republicans and came to Upper Canada. He taught school at Grimsby, Stoney Creek, Clinton, Louth and Stamford. He is now unfit to teach due to his advanced age and infirmities. He was an assessor in Grimsby and Clinton as well as a school trustee. He signed a petition to parliament with a request to establish Township Schools. He has no savings from his scanty salary. Now aged 90 years, he is helpless and infirm, destitute of subsistence. Prays for a small pension "to preserve him during the brief remainder of his days, free from the distresses of abject poverty." October 11, 1830.

Catherine Frank, widow of *Henry Frank* of Gainsborough. Since the death of her husband she has laboured under the disadvantage of "my idiot or indeed a lunatic girl, my daughter" is incapable of support and "retards the progress of those who might assist me in earning a scanty subsistence." Prays for the grant of a sum agreeable to the Statute regarding Idiots and Lunatics, "her X mark" September 3, 1830. Signed *William Robertson*, *John Havens*, *Duncan Davidson*, *William Scencebach*, *Adam Jones*, *William Cockran*, *Phineas Smith*, *John Cruise*, *Samuel Darragh*, *Jacob DePoty*, *George Hopkins* and [-----.]

File 8-6. Orders.

Inconvenience and delays have been caused by information and recognizances not being regularly transmitted by the magistrates. Ordered that they be communicated before each session, October 21, 1830.

John Lyons, October 19, 1830: makes application for an annual rent remuneration. Question: do the executors or administrators of a deceased Register or the Register himself (if deprived of his situation by misconduct) have the right to appropriate for their private use any blank paper unwritten upon? Ordered that Lyons be paid £12.10.0. for rent and books. (Notation dated October 21, Clerks in the Executive Council are allowed to charge for rent, fuel and stationery.)

Charles K. Fell, ordered to lay out a road between Louth and Clinton, from lot 23 Concession 1 and eastward parallel to the base line through **James O'Connolly's** land, October 21, 1830.

Ordered that a road allowance 1 chain wide between Bertie and Humberstone be opened on the east side of the boundary line. **George Zavitz**, Bertie, October 21, 1830.

George Rykert, St. Catharines, October 21, 1830. Provides a sketch of the line from a pine tree on Lake Erie past the **Garrison Line**, between the farms of **George Zavitz** (Bertie) and **J. Kennedy** (Humberstone)

File 8-7. Presentment.

List of Grand and Petit Jurors compiled by **James Muirhead** and **Daniel McDougall** on September 28, 1830 for Quarter Sessions to be held October 19, 1830.

Grand Jury: **Henry Smith, Lewis Whitney, William P. Snyder, Matthias Book, Amos Farwell, Daniel Palmer, Henry Griffin, John P. Bridgeman, John Harris, Hiram Swaze, John Terraberra, John Wilcox, Daniel Wilcox, Joseph Merritt, Townsend Lownsberry, Eli White, George A. Ball, Peter Bugbee [Buckbee?], John C. Pettit, John Beamer, Ralph Walker, John Kennedy, Peter Snider, Joseph Snider.**

Petit Jury: **John Lewis, Thomas Holsted, Stephen St. John, Isaac Griffin, Horace Greenman, John Kulp, Daniel Wardell, Joseph Trembly, Asha M.G. Smith, Solomon Wardell, John Bush, William Elsworth, Morris Terraberra, Joseph Henry, John Smith, Samuel Smith, Abraham Eaflen [Eafland], Abraham Batters, Samuel Russ, Jacob Bently, Ezekiel Russ, Daniel Freeland, Matthew Tallman, Timothy Wardell, Isaac Willcox, Daniel Willcox, Elijah Harris, Moses Travis, Joseph Merritt, Dennis Wolverton, Caleb Nelson, Jacob Terraberra, John Terraberra, John Vansickle, William Beamer, Isaac Parsons, George Dorland, John Flewelling, Samuel Whitman, Henry Gilmore, Cornelius Hill, Jacob Boughslaugh, William Walker, John Barns, Daniel Nelson, Jacob Lodge, Nathaniel Griffin, Richard Griffin.**

File 8-8. Roads and Bridges.

John Clark, Louth, October 20, 1830 certifies that the **12 Mile Creek Bridge** near **Adam Brown** is complete. Contracted by **Jesse Smith** and Adam Brown. Also that a road laid out by **Mr. Fell** through Adam Brown's land is nearly finished and used by the public. A bridge over the **15 Mile Creek** near **William Adams** in Louth is entirely down, needs to be replaced before the public may cross to the road leading to Niagara Falls.

File 8-9.

Charles Baker, Queenston, labourer. Charged with assault and battery against **Mary Ann Smith**, wife of **Richard Smith**, sailor, on September 25, 1830. True bill: **George A. Ball** (foreman.) Witnesses: Mary Ann Smith. Evidence taken before **Alexander Hamilton** September 26: about 10 pm a window of the house was broken by a stone which struck deponent on the shoulder while in bed. She went to the door, two men were there, Charles Baker and a young man (a boarder.) Deponent has been in fits since in consequence of the alarm they caused her, signed "her X mark." Recognizance: Charles Baker £25, sureties **Charles B. Baker**, **Edward Defield** and **Andrew Anderson** £25 each. Verdict: guilty, fined £5 plus costs, plus 3 months in gaol and to remain in custody until fine paid. Signed **James Muirhead**, October 21, 1830.

File 8-10.

John Barker, Niagara, carpenter. Charged with assault and battery against **James Fraser**, Niagara, tailor, on August 27, 1830. True bill: **George A. Ball**. Witnesses: James Fraser. Recognizance taken before **Daniel McDougall**, August 28: James Fraser £5, John Barker £10. Verdict: guilty. Fined £5 plus costs, signed **James Muirhead** January 31, 1831.

File 8-11.

Richard Caldwell, Niagara, labourer. Charged with assault and battery against **Leonard Hicks**, Niagara, labourer, on July 29, 1830. No bill: **George A. Ball** (foreman.) Witnesses: Leonard Hicks. Recognizance taken before **Daniel McDougall**: Richard Caldwell £10, sureties **William Turman** [**Truman?**] and **Philis Homes** £5 each.

File 8-12.

Thomas Eastham, Queenston, innkeeper. Charged with assault and battery against **Cornelius Groat Vrooman**, son of **Jacob Vrooman**, of Queenston, aged 16 years, on September 28, 1830. True bill: **George A. Ball**. Witnesses: Cornelius Groat Vrooman. Evidence taken before **Alexander Hamilton**, September 29: deponent was beaten in the house of **Chester Wadsworth**. Recognizance taken October 2: Jacob Vrooman and Thomas Eastham £5 each. Plea: guilty. Fined 5/- plus costs, signed **James Muirhead**, October 21, 1830.

File 8-13.

John Falconer, Niagara, labourer, **George Harris**, Niagara, labourer, **John Howard**, Niagara, labourer. Charged with riot and assault against **Catherine Harris** [or **Harries**], Niagara, on July 23, 1830. True bill: **George A. Ball**. Evidence of Catherine Harries taken before **James Muirhead**: the door of the house was broken open and three persons of colour came into the house, came naked to the bed, pulled the cloth off her and abused her by having criminal connection with her. She jumped out a window and called for assistance, they followed her and Harris struck her twice with a club and once with his fist. Examined the house, and found the dress missing which they tore off her in the struggle. Signed "her X mark." Enclosed copy of a letter from Thomas Butler to Dr. Muirhead, July 26: will act as security for Howard, come down this afternoon "being required at home prevents my appearing before you in person." Recognizance taken before **James Muirhead**, July 26: John Howard £20, surety **Thomas Butler** £10; John Falconer £10, sureties **Charles Falconer** and **William Winterbottom** £5 each. Verdict: not guilty, October 20, 1830.

File 8-14.

Ellen Fitzgerald, Niagara, femme covert. Charged with assault and battery against **Michael Tolls**, Niagara, labourer, on July 22, 1830. Witnesses: Michael Tolls. Evidence taken before **James Muirhead**: deponent went to the house of **John Fitzgerald**, innkeeper, at Niagara to see an acquaintance. He was attacked by Fitzgerald, who struck him and tore his shirt, signed "his X mark." Ellen Fitzgerald: pleads not guilty. Recognizance: Michael Tolls £10, **John Fitzgerald** £10, sureties **John McBride** and **Francis Proctor** £5 each.

File 8-15.

John Fitzgerald, Niagara, innkeeper. Charged with assault and battery against **John Molloy**, **Lockport**, New York, on August 13, 1830. Witnesses: John Molloy. Evidence taken before **James Muirhead**, August 14: Molloy was violently assaulted in Fitzgerald's house, was pushed and his coat torn. Evidence of **Joseph Archer**: on Saturday or Sunday last Fitzgerald came to the house of **Francis Proctor** and threatened to take the life of the deponent, August 23, 1830. Evidence of **Wainwright Proctor**: heard Fitzgerald threaten to take the life of Joseph Archer, August 23, 1830. Recognizance: John Fitzgerald £10, sureties **John Campbell** and Francis Proctor £5 each.

File 8-16.

Leonard Hicks, Niagara, labourer. Charged with assault and battery against **Richard Coldwell**, Niagara, labourer, on July 29, 1830. True bill: **George A. Ball**. Witnesses: Richard Coldwell. Evidence and recognizances taken before **Daniel McDougall**: Richard Coldwell £10; Leonard Hicks £10, surety **Jared Stocking** £10. Warrant to apprehend Hicks issued to **Jacob Dockstader** July 29, 1830.

File 8-17.

Matthew Hutson [or **Hudson**], Crowland, yeoman. Charged with assault and battery against **Francis Galbraith**, Crowland, yeoman, on August 19, 1830. True bill: **George A. Ball**. Witnesses: Francis Galbraith. Evidence taken before **David Thompson**, Wainfleet, August 23: Francis Galbraith is the agent of **Daniel Gleason**. He went to a field leased by Hutson on business regarding the delivery of oats and pease. Hutson used abusive language and called to **Barton Hutson** to bring a gun and make Galbraith leave the field. Hutson laid violent hands on the deponent, threw him to the ground and tore his clothes. Recognizance taken August 25: Francis Galbraith £10, surety **George Coulter** £5; Matthew Hutson £20, surety **George McKnight**, Wainfleet, £10. Verdict: guilty. Fines 10/- plus costs; statement of costs £0.9.9.

File 8-18.

Joseph Markwell, St. Catharines (Grantham) shopkeeper. Charged with assault and battery against **Mary Ann Addis**, of St. Catharines, in late July or August, 1830. True bill: **George A. Ball** (foreman.) Evidence of Mary Ann Addis: was beaten by Markwell, her health injured as a result. Plea: guilty. Fine £3 plus costs, signed **James Muirhead** and **Charles Richardson**.

File 8-19.

John McMahon, Grantham, labourer, **Solomon Simons**, Grantham, labourer, **Edward Godfrey**, Grantham, labourer, **Beria Hodgkinson**, Grantham, labourer. Charged with larceny, stealing the bee hive (value 5/-) the property of **Richard Mann**, on August 28, 1830. True bill: George A. Ball (foreman.) Witnesses: Richard Mann, **Gideon Mann**, **Alexander Nelson**, **William Miller**, **Nancy Mann**. Evidence of William Miller taken before **George Adams**, September 23. Recognizance: Richard Mann and William Miller £10 each; Edward Godfrey, Solomon Simons £20 each, sureties **Ralph C. Darby** and **William**

Darby £10 each, September 24; Beria Hodgkinson £20, sureties *Charles Rolls* and *William Westover* £10 each, September 24. Verdict: not guilty.

File 8-20.

Richard Smith, Queenston, innkeeper. Charged with assault and battery against *James Paugborn* [*Pangborn*?] of St. Davids, teamster, on August 30, 1830. True bill: *George A. Ball* (foreman.) Witnesses: *James Paugborn*, *Isaac Paugborn*. Evidence taken before *Alexander Hamilton*: deponent was assaulted and beaten by Smith. Recognizance: J. Paugborn and Isaac Paugborn £10 each; Richard Smith and surety *Chester Wadsworth* £10 each. Verdict: guilty, fined £1 plus costs.

File 8-21.

Adam Snyder, Bertie, yeoman. Charged with assault with intent to rape, against *Elizabeth Thompson* (a woman of colour), on July 20, 1830. No bill: *George A. Ball* (foreman.) Witnesses: Elizabeth Thompson. Evidence taken before *James Kerby*, July 23: Elizabeth Thompson and her husband reside as keepers at the house of *Mr. Jacob Baxter*. Adam Snyder is a carpenter living near them. He was skulking around the barn, went in and laid down. Deponent went out, saw who it was, and came back into the house. Snyder came into the house, asked if they went to *Captain Baxters*, and deponent said they had. Snyder then laid hold of the deponent and wished it possible to take improper liberties with her. He pulled her into a chair on his lap, she did her utmost to get away. He pulled down the flap of his pantaloons and showed her his private parts. He laughed at her, she feeling determined to resent the insult, signed "her X mark." Warrant of James Kerby to constable *David Mitchell* to apprehend Adam Snyder, July 23. Recognizance taken at Bertie July 24: Adam Snyder £10, sureties *Benjamin Hershey* and *John Hardison* £5 each.

File 8-22.

William Tufford, Clinton, yeoman. Charged with assault on a constable while in execution of his duties, *John Page* (constable for Gainsboro') on September 25, 1830. True bill: *George A. Ball* (foreman.) Witnesses: John Page. File contains presentment. Verdict: guilty, fined £5 plus costs. To remain in custody until paid.

File 8-23.

William Turman [or *Truman*?] Niagara, labourer. Charged with assault and battery against *John Isaiah* (Niagara, a man of colour), on August 12, 1830. True bill: *George A. Ball* (foreman.) Witnesses: John Isaiah. Evidence taken before James Muirhead: on the morning of the 12th William Turman beat deponent with a club on the head, knocked him down, jumped on his body with his feet with no provocation, signed "his X mark." Recognizance: William Turman £10, sureties *Hope Bullet* and *Thomas York* £5 each. Filed by *Charles Richardson* August 13, 1830. Verdict: guilty, fined £3 plus costs, signed James Muirhead.

File 8-24. Accounts, December sessions.

Joseph Archer, constable account, £1.1.0.

George P. Kingsley, constable account, 17/6-

John Shriber, constable account, 17/6-

John Meadough, St. Davids, February 11, 1830. Charge for making a coffin and digging a grave for **Mrs. Elizabeth Mills**, £1.11.3. Submitted October 20, 1830.

Jacob Dockstader, High Constable account, £7.5.2.

John Talbot, constable account, £3.15.0.

Dr. Telfer, account for 29 visits (£3) and supplying medicine (£1.3.6.) Also for attending the inquest at a suicide at **McDonald's tavern**, August 1830, total £4.3.6.

Charles Edwards, charge to whitewash and plaster gaol "sells" £1.5.0.

John Hawn (sexton) charge for digging a grave for the burial of **John Smith**, September 19, 1830, £0.5.0. (certified by **William Duff Miller**.)

Ephraim Wheeler, charge for services as gaol turnkey, July 26-October 16, 1830 £6.17.6.

Peter Wheeler, charge for washing shirts of prisoners: **Michael Mason** (7), **Ranselar Brady** (9), **Rufus Lapping** (9), **John Tutaly** (14), **John McIntyre** (6), **Jesse Balm** (9), **Isaac Ducket** (9), **George Bruster** (14), **Herman Denis** (9), **Henry Friel** (9), **Daniel Alguire** (2), **Daniel Abbot** (5), **Henry Goff** (5), **William Page** (14), 131 shirts at 3d per shirt, plus 12 blankets and 1 bed tick, £1.19.3.

Robert B. Groat, September 6, 1830 charge for services as crier 16 days £4.

John Wray, October 19 and December 6, 1830, charge for services as crier 3 days £1.

Order- **John Wray** to be paid £12.10.0. as crier, December 6, 1830.

John Wagstaff, June 10-October 19, 1830. Charge for vinegar, 2 tin kettles, 1 dozen cups, putting up stove pipes, glazing 4 windows (use of the gaol) £1.8.2.

Francis Proctor, constable account, £1.8.6.

John Skipworth, constable account, 15/-

John Shriber, constable account, £2.

Matthew Dobie- August 28, 1830 charge for 8 weight of fetters for the man that went to [Bermuto?] 8/-

Peter Ostrasser, November 3, 1830 constable account, 10/-, signed **John Kidd**.

John Fitzgerald, constable account, £0.13.1½, signed **John Kidd**.

George Bessy, constable account, £0.10.0, signed **John Kidd**.

John G. Harris, constable account, £0.10.0. and £1.7.6, signed **John Kidd**.

Erastus Moses, constable account, £1.12.6 and 5/-, signed **John Kidd**.

John M. Geary, constable account, 10/- signed **John Kidd**.

James McGary, constable account, 12/6-, signed *John Kidd*.

Joel Snider, constable account, 10/-, signed *John Kidd*.

J.F. Stewart, four constable accounts, £2.11.3, 16/3-, 3/9-, 11/-, signed *John Kidd*.

John Gilleland, constable account, £1.3.9, signed *John Kidd*.

John G. Hawn, constable account, 7/6-, signed *John Kidd*.

Robert Deming, constable account, 7/6-, signed *John Kidd*.

Jacob Dockstader, constable account, 12/6-, signed *John Kidd*.

Joseph Archer, constable accounts, 18/9-, 7/6-, 12/6-, signed *John Kidd*. Rear post marked "York, UC, August 23."

George C. Kingsley, constable account, 8/-, signed *John Kidd*.

John Talbot, four constable accounts, £3, £1.2.6, 12/6-, 7/6-, signed *John Kidd*.

Jacob Dockstader, constable account, £2, signed *John Kidd*. and *Richard Leonard*

Daniel Grenville, constable account, £1.2.6, signed *John Kidd*.

John Skipwith, constable account, £1.12.6, signed *John Kidd*.

George C. Kingsley, three constable accounts, £1.7.6, 12/6-, 12/6-, signed *John Kidd*.

John Kidd, charge for salary as deputy sheriff, £1.15.6.

Elijah Burtch, constable account, 7/6-, signed *John Kidd*.

John Shriver, three constable accounts, 12/6-, 6/3-, £1.7.6, signed *John Kidd*.

Francis Proctor, three constable accounts, 8/9-, 8/9-, £1.11.10½, signed *John Kidd*.

John Croker, two constable accounts, 18/9-, £3.5.9, signed *John Kidd*.

Account of Rations due to the Gaoler of the Niagara District (Peter Wheeler), July 16-October 21, 1830, £65.1.6. [Account includes charges for half year salary, straw for the cells, four cell brooms, candles] Names of prisoners and date of commitment:

Michael Mason, July 16-August 31, 1830.

Ranselar Brady, July 16-September 13.

Rufus K. Lapping, July 16-September 13.

John McIntyre, July 16-October 21.

John Tutaly (Indian), July 16-October 21.

Joseph Cudney, July 16-October 21.

Joshua Cudney, July 16-October 21.

Jesse Balm, July 16-September 16.

Isaac Duckett, July 16-September 8.

George Bruster, July 16-October 21.

Ferris Cudney, July 16-October 21.
Herman Denis, July 16-September 17.
Henry Friel, July 16-September 8.
Mary Malchief, August 9-September 7.
Daniel Alguire, August 27-September 7.
Joshua Doan, September 6-September 8.
Lucy Hall, September 10-October 1.
Philip West, September 13-September 17.
Daniel Abbott, September 15-October 21.
Henry Goff, July 16-August 23.
George Martin, September 29-October 21.
Michael Hagen, October 14-October 21.
Michael Tools, July 17-July 19.
William Page (debtors) July 16-October 21.
David Watt (debtor) September 18-October 21.

File 8-25. Orders.

Charles K. Fell, ordered to examine and survey the road allowance between Humberstone and Bertie and to confer with *John Warren* on the same and report their findings to the court, December 6, 1830.

File 8-26.

William M. Ball, Niagara, yeoman and *John Wilson*, Niagara, yeoman. Subpoena signed by *Charles Richardson* on January 8, 1831, served by constable *John Talbot* on January 17, "why you should not be fined for shutting up and stopping *West Line Road*." Defense attorney *John Lyons*- since *George Ball* is nearly related to William M. Ball, his client protests him sitting as a magistrate. Magistrates *Daniel McDougall*, *Ralph M. Crysler*, *John Crooks*, George Ball, *Charles Richardson*. Evidence of *John Cox*, Niagara, yeoman and *Hugh Freel*, Niagara, yeoman, taken before Daniel McDougall on January 8, 1831: the West Line was opened as a common and public highway under the provisions of 50 Geo. III. ch. 1.13 (1828.) William M. Ball stopped up the west end, leading into the *Black Swamp Road*, by erecting rail fences across it which still continues; and heard John Wilson say "he had shut up the road" on the east end leading into the *Queenston Road* and river. Hugh Freel- testified that 2 other fences were put up by Wilson. He saw Wilson and two sons repairing the fence, believes it was put up to stop His Majesty's subjects from travelling on the road. Subpoena dated January 8 by Daniel McDougall and Ralph M. Crysler for Charles Richardson to appear on January 17, and to bring all books and papers along regarding the West Line Road. John Cox, sworn: an order was given to the pathmaster to open the West Line, which was done by *Rheddy Cusack*. Road shut up by William M. Ball and John Wilson. Statute labour was performed on the road in the spring of 1828 after it was opened. He was present with the surveyor when the survey was made- road ran through Wilson's orchard and Ball's garden. Trees which had been planted were dug up and destroyed without the consent of the owners (two trees were at least 26 years old.) The act of the pathmaster was illegal, the proceeding null and void. [Note: see box 29 file 5, John Wilson's account and sketch of the estate "thrown waste by opening of West Line Road."]

File 8-27. Accounts (January 1831.)

Levi Page- for an amount overrated on assessment

C.A. Foster- charge for counsel given to the Grand Jury £1.3.4.

Samuel Spears, constable account- Rex vs. *Overholt*, £1.18.6.

John Thompson, special constable account- appointed by **Warner Nelles**- to find an Indian witness in the murder by **John Tootley** [ie, **Tutaly**] of **John W. [McChams?]** in the London District; hire the wagon of **J. Hottenborough** (witness lame) £7.16.6. Certified by **Walter Nelles**.

David Bonesteel, Thorold. Has supported **Sarah Risenbarrick** (insane woman) last year, who requires care as an infant child. Petitioner is a poor discharged soldier with a large family and circumstances cannot admit him doing so *gratis*. Prays to have his account for washing and board, £13, paid. Account payment approved. Signed **David Thompson, Joseph C. Price, Stephen Uphan, Eber Rice, Jacob Mesler, Thomas Silverthorn, John Pickett, John Johnson, William Davidson, Archibald Thompson, James** “his X mark” **Watson, Taber Farr, David P. Brown, Alexander Brown, William Pickett, Richard Burgar, Henry Salwmitt [Slawmick?], James Brown**.

George H. Dockstader, charge for boarding pauper named **Henry Wart** £6.17.6.

John Talbot, constable account £2.17.4, signed **Daniel McDougall**.

Richard Leonard, for services of constables **John Shriber, John Talbot, John F. Stewart, Joseph Archer** £3.10.0. Signed **John Kidd**.

Amos Farewell, constable account £1.10.0. Signed **John Kidd**.

Charles K. Fell, road survey account £20.15.0. February 1, 1831.

R.B. Groat, charge for services as crier £1.10.0.

John McBride, charge for a coffin for **James Smith** 10/-, orders of **William Duff Miller** September 19, 1830.

Peter Burgar, constable account £1.3.8. Signed **David Thompson**.

Jacob Mesler, constable account £1.8.6. Signed **David Thompson**.

George McKnight, constable account 7/- Signed **David Thompson**.

Erastus Moses, constable accounts £1.1.0. and £1.15.0. On the orders of **James Cummings**, the hire of a sleigh necessary as “prisoner could not be got along in any other way.” Bill endorsed with remark that Moses is “an active constable, and is at all times ready to do his duty.”

Joseph Archer, constable account £0.1.0.

Peter Wheeler- charge for washing shirts for prisoners: **John McIntyre** (6 shirts), **John Tutaly** (14), **Daniel Abbott** (14), **Isaac Duckett** (9), **Abraham Eastwood** (5). 48 shirts at 3d. each, plus 9 blankets and 3 bed ticks, £0.19.6.

John Shriber, constable account £1.5.0.

Ephraim Wheeler, charge for services as turnkey, October 16, 1830-January 15, 1831 £7.10.0.

Jacob Dockstader, charge for services as High Constable, £4.11.0.

John Smith, constable account £0.18.6.

John Croker, constable account £1.10.10. Endorsed "Done duty and not paid, **Edward Evans J.P.**"

William Garner, constable account 10/- Signed **R. Leonard**.

John Kidd, charge for services as Deputy Sheriff 10/-

John Craig, September 4, 1830 charge to paint court house and gallery £46.10.0.

John Young, charge for six blankets, linen and thread £7.3.9.

James R. Eaglesum, the following items of expense in conveying a convict, **Michael Mason**, to Quebec: passage on board the *Alciope*, *Neptune*, *Swiftsure*, *Captain Mosier*, £33.11.0.

Benjamin Stewart, constable account- January 27, 1831: warrant for **Margaret Doyl**, 5/-

George Adams- paid £20 for erecting a bridge across the 12 Mile Creek, January 27, 1831.

Adam Brown- £12.10.0. for land bought for use of the road, January 27, 1831.

Dr. F.W. Porter- charge for medicine and attendance upon **John Henderson**, £3.10.0.

Inhabitants of Louth and Thorold. A new bridge is needed across the 12 Mile Creek at **Brown's Hill**, on the road leading from **John DeCou's** (Thorold) to **John Clark's** (Louth.) Due to the badness of hills and other parts of the road, it is impossible to divert statute labour towards the bridge erection which is to be based upon the plan of a bridge now about to be erected over the 16 Mile Creek, March 18, 1830. Signed **Philip Hodgkinson**, **Adam Brown**, **Samuel S**[-----], **Joseph Smith**, **Barnabas Gregory**, **James Johnston**, **John Gregory**, **Peter Price**, **John McCarthy**, **Jacob Upper**, **George Marlatt**, **Samuel Theal**, **William McClellan**, **Hiram Swayze**, **John DeCou**, **Amos B. Thomas**, **Stephen Thomas**, **Benjamin Pickard**, **Jesse Jones**. **Jesse Smith** built and completed the bridge, certified by **John Clark** and **George Adams**, January 12, 1831. Reverse of petition contains the remark "considered at July sessions, ordered £20 paid when bridge completed, July 15, 1830."

Account of Rations due the Gaoler of the Niagara District (Peter Wheeler) October 22, 1830-January 27, 1831, £25.14.1½. [Charge includes cost of candles and brooms.] Names of prisoners and dates of commitment:

John McIntyre, October 22-December 1.

John Tutaly, October 22-January 27.

Joseph Cudney, October 22-January 27.

Joshua Cudney, October 22-December 18.

Daniel Abbot, October 22-January 27.

Isaac Ducket, November 23-January 27.

Abraham Eastwood, December 23-January 27.

Ellen Johnson, January 11-January 27.

Sally Hardy, January 10-January 12.

Julia Merritt, January 10-January 13.

Catherine Harris, January 10-January 12.

Rosanah Mills, January 10-January 12.

Mary McPherson, January 10-January 13.

Stephen Barnes, January 20-January 27.

William Asher, January 20-January 27.

George Martin, October 22-October 25.
Robert Cudney, November 30-December 8.
William Anderson, January 12-January 27.
Mary Ann Monroe, November 6-December 13.
Margaret Lane, November 6-December 13.
Charles Baker, October 22-January 21.
William Page (debtor), October 22-January 11.
David Watt (debtor), October 22-January 11.
Ralph Truax (debtor), October 31-January 27.
Warren Nicholas (debtor), January 4-January 27.
Joshua Birtch (debtor), January 5-January 27.
John Briggs (debtor), January 5-January 27.

File 8-28. Other Accounts.

Samuel Heron, January 14, 1831: charge for printing licences for innkeepers, £0.7.6.

John Smith, constable: October 6, 1830 charge for summoning a coroner's jury, on the body of *John Morse*, cost of coffin, candles, digging grave &c. 16/-. Certified by *Samuel Wood*, St. Catharines, January 26, 1831.

File 8-29. Correspondence.

Letter dated at Niagara, December 20, 1830, from *Charles Richardson* to *Zachariah Mudge*. Encloses accounts of the Niagara assessment.

Letter dated at Government House, November 18, 1830, *J. Bailey* to *Charles Richardson*. Requests that Richardson transmit a statement of court fines, forfeitures estreated, and submit regular accounts thereof.

Aggregate account of Niagara District assessments for 1830. [Note: two versions of this document are contained in the file, a draft and final copy compiled by *Charles Richardson*.]

File 8-30. Correspondence.

Archibald McLean, printed circular, January 21, 1831. Full account of fees, salaries, pensions, payments &c of all offices, services by all offices, clerks and servants, schedule of fees &c.

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

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 McMahan*, July 14. 5/-.
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.

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.

Statement of Estreated Fines, Niagara District, 1827-28.

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.

Statement of Estreated Fines, Niagara District, 1828-29.

Alexander Cooke, Niagara, carpenter. Assault against *William Vannorman*, April 11. £1.

Patrick Cullen, Niagara, innkeeper. Assault against *Thomas Hero*, April 11. 5/-.

William Moffatt, Niagara, innkeeper. Assault against *Reuben Jackson*, April 11. 1/-.

William Moffatt, Niagara, innkeeper. Assault against *Michael Kiff*, April 11. 1/-.

Rheson Gaters, Niagara, labourer. Assault and battery against *Patrick Cullen* (constable), April 13. £2.

Albert Camp, Grantham, labourer. Assault against *John Smith*, April 11. 5/-.

John Hunt, Thorold, butcher. Assault and battery against *Alonzo Kimball*, April 10. 1/-.

John Hunt, Thorold, butcher. Assault and battery against *Ezekiel Blake Kimball*, April 10. 1/-.

John Hunt, Thorold, butcher. Assault and battery against *Eliza Kimball*, April 10. 1/-.

Sutton Fresell, Niagara, labourer. Riot and assault against *Hugh Richardson*, April 10. 4/-.

George Shutts, Willoughby, cooper. Assault against *Moses Nickerson*, July 9. 5/-.

George Harrison, Thorold, labourer. Assault and battery against *Margaret Harrison*, July 10. 10/-.

Richard Moffatt, Niagara, butcher. Assault and battery against *John Kiff*, July 10. 5/-.

Statement of Estreated Fines, Niagara District, 1829-30. (£20.5.0.)

Robert Gray, Niagara, innkeeper. Assault and battery against *Caesar Hepburn*, January 11. 5/-.

William Markle, Stamford, yeoman. Assault and battery against *John Ottley*, January 17. 5/-.

William Markle, Stamford, yeoman. Assault and battery against *Benjamin R. Ottley*, January 17. 10/-.

Gilbert Anderson, Niagara, blacksmith. Assault and battery against *Patrick Flynn*, April 15. £5.

James Heron, Niagara, printer. Assault and battery against *Hugh Shaw*, April 17. 5/-.

Aaron Helmore, Thorold, yeoman. Assault and battery against *Matthew Overholt*, October 14. £5.

Sarah Minor, Niagara. Assault and battery against *Clarissa Lawes*, October 14. £1.

Richard Moffatt, Niagara, butcher. Assault and battery against *Israel Burtch*, October 15. 5/-.

Robert Cudney, Niagara, yeoman. Assault and battery against *John Cudney*, April 17. 10/-.

Francis Proctor, Niagara, innkeeper. Assault and battery against *Titus Root*, July 18. £1.

Adam Crysler, Niagara, innkeeper. Assault and battery against *George Winterbottom*, July 20. £1.

Elijah Armstrong, Niagara, yeoman. Assault and battery against *Jonathan P. Raymond*, July 18. 5/-.

Samuel Hicks, Stamford, butcher. Assault against a constable, July 17. £5.

William Forsyth, Stamford, innkeeper. Breach of recognizance. July 18.

Statement of Estreated Fines, Niagara District, 1830-31. (£26.16.0.)

William Gosen, Humberstone, labourer. Assault and battery against **James Thomas**, January 14. £5.

Alonzo Willard, Clinton, labourer. Assault and battery against **Margaret Tufford**, January 15. 10/-

Chapman Leach, Queenston, blacksmith. Assault and battery against **Lewis House**, January 15. £2.

William Boyeleston, Niagara, mariner. Assault against **Catherine Foster**, January 15. 1/-.

Joshua Cudney, Grantham, yeoman. Assault and battery against **William Vanfleet**, March 24. 1/-.

Adam Beam, Willoughby, yeoman. Assault and battery against **David Gander**, July 15. £2.

Stephen Sutton, Stamford, labourer. Assault against **John Thompson**, July 15. £1.

David Dean, Clinton, yeoman. Assault and battery against **John Lawrence**, July 15. 5/-.

John Redner, Stamford, blacksmith and Isaac Hoff, Stamford, labourer. Assault against **Jacob Lodge**, July 15. 1/-.

James Motherwill, Haldimand, labourer and **Elijah Morland**, Haldimand. Assault and battery against **Richard Ryan**, July 14. 2/-.

James Dunlap, Clinton, saddler. Assault and battery against **Henry Carter**, £2.

John Henderson, Grantham, labourer. Assault and battery against **John Hooker Axely**, July 15. £2.

Michael Fowles, Niagara, labourer. Assault and battery against **Ralph Truax**, July 17. £1.5.0.

Henry Goff, Niagara, schoolteacher. Assault and battery against **Francis Proctor**, July 17. £1.

Richard Smith, Queenston, innkeeper. Assault and battery against **John Paugborn**, October 19. £1.

James Dunlop, Grantham, saddler. Assault and battery against **Samuel Smith**, October 20. 5/-.

Thomas Easthen, Queenston, innkeeper. Assault and battery against **Cornelius Groat Vrooman**, October 21. 5/-.

Charles Baker, Queenston, labourer. Assault and battery against **Mary Ann Smith**, October 21. £5.

Joseph Markwell, Grantham, shopkeeper. Assault and battery against **Mary Ann Addis**, October 21. £3.

Niagara, December 27, 1830. **Charles Richardson** to **James Baby**, encloses statement of fines and forfeitures.

Niagara, December 28, 1830. **Charles Richardson** to **Zachariah Mudge**. Regarding a patent in Chinguacousy Township for **Daniel O'Reilly**.

File 8-31, Filings.

Complaint of **Margaret Anderson**, beaten by her husband **William Anderson** on January 10, 1831. She is in fear of her life. Warrant by **James Black**, St. Catharines, January 12, 1831 to any constable to apprehend William Anderson.

Subpoena to **John Y. Crooks** to give evidence in the case of conspiracy against the life of **John Brooke**. Signed **Nathan Pawling** (Grand Jury.) Ordered by **James Muirhead**, January 28, 1831. Subpoena issued by **Charles Richardson**.

Complaint of **Jane Baker**, wife of **Daniel Baker**, Queenston. Evidence taken before **Alexander Hamilton**, December 6: On Saturday evening last, at home in Queenston, Daniel Baker asked deponent for something to eat. She told him to look on the table. He ordered her out of the chair, brought out the table and ate. He rose and struck her on the head. She said if he struck her again, he must abide by the consequences. He said "if that's the case, she shall have more of it." He beat and kicked her, threw a tin basin at her. She picked it up. He made a pass at her with a knife, she deflected it with the basin. The knife glancing struck the child (seated on her knee) on its' head. She made her escape with the child to a neighbour. Has been confined to bed under doctor's care. Is in fear of her life. Recognizance to appear, December 7: **William Wynn**, Queenston, yeoman and **Joseph Wynn**, Queenston, yeoman, £10 (sureties for Jane Baker); Daniel Baker £50, sureties **Elias Durham** (Grantham) and **James Fields** (Niagara) both

£50. No indictment, defendant ordered to keep the peace for one year. Costs £2.1.3. Signed **Charles Richardson**, January 27, 1831.

File 8-32. Grand Jury Presentments.

Welfare and Credit of the Niagara District. The withdrawal of succor from the paupers of this District grieves us. We pray that you gratify the inhabitants with an extension instead of a restriction of the **paupers list**. This populous and wealthy District can afford to maintain a few paupers. Precautions must be taken against unworthy applicants to guard against wasteful appropriation. Increase the District **food allowance for the gaol** prisoners, they complain of insufficiency. Place prisoners committed before their trial in a separate cell from those already convicted. **Licences** in the District are not equitably proportioned. Signed **Nathan Pawling** (foreman) January 29, 1831.

Road allowance through Louth and Clinton. A road along the lakeshore through Louth and Clinton has been used for many years, but is too narrow at **James O'Connolly's**. There is dangerous passing in several places. He is opposed to increase the road width there which is warranted by law. If he can't be induced to remove fruit trees on equitable principles, we may remove it to some proper place above his orchard and give him remuneration for damages he may sustain. The road should continue along the lake until it intersects the **Old Lake Road** on the east side of the 12 Mile Creek. Signed **Nathan Pawling**. [January?] 1831.

File 8-33. Orders.

The bridge across the mouth of **Lyons Creek** in Willoughby is unsafe. Cost to rebuild estimated between £75 and £87.10.0. The **Welland Canal Company** is to build a tow path bridge 200 yards below the old bridge. Contractors to delay the work, until it is determined if the district and Canal company money may be sufficient to build a tow path bridge large enough for public convenience. Should £30 be expended to complete a bridge and let the present one tumble down, or spend a combined £75-90 to build a larger bridge. Signed **James Cummings**, January 25, 1831. Ordered £30 to Welland Canal Company to defray the cost of building a bridge. James Cummings and **Samuel Street** to report if the sum was properly applied.

Edward Beckett, pathmaster, Thorold. Ordered to open the concession line south of lots 214-216 and to make a report at the next sessions, January 29, 1831.

John Manely, [**Morely?**] ordered **Inspector of Chimneys for Niagara**. Chimneys to be swept once every month in winter until May, and kitchen chimneys swept every two months in summer. 10d from owners for each chimney. Households to keep two fire buckets in the hall, in a convenient place, and ladders. January 31, 1831.

George Adams and **Jesse Smith** ordered £27.10.0. for building a **bridge over 15 Mile Creek**.

Patrick O'Reilly, **Simcoe Chapman** and **Charles W. Hellems**, ordered £37.10.0. when proof is given of the completion of a bridge over the Welland River between Patrick O'Reilly and the **Widow Parks**, January 29, 1831.

George Keefer and **George Rykert** (surveyor of highways) are to convey to **John Rasen** [**Rason?**] and **Joseph Disher** part of the Concession line between Concessions 2 and 3 in Pelham in lieu of a road laid out through their land by George Rykert in 1823 for which they have received no remuneration as yet. January 29, 1831.

Crowell Willson, certifies that a bridge near **John Misener** has been properly repaired, cost of £15. January 29, 1831.

Barnabas Gregory (pathmaster Louth) ordered to open the Concession line between lot 8 Concession 3 and lot 8 Concession 4. January 29, 1831.

File 8-34. Precept.

List of Grand and Petit Jurors, compiled by **James Muirhead** and **John Crooks**, filed by **Charles Richardson** on January 13, 1831 for Sessions on January 25, 1831.

Grand Jury (Gainsborough and Louth.) **Robert Comfort, John Snyder, James Butler, William Taylor, Philip Dean, William Garner, John Rosy, Jacob Fisher, Abisha Moore, Joseph Lane, Ward Cook, John W. Downs, Andrew Dean, Thomas Hardy, Daniel McCollum, John Mingle, George Rossell, Allen Minor, William Adams, Nathan Pawling, Henry Kerr, James W.O. Clark, John McCarty, James Secord.**

Petit Jury. (Gainsborough) **Daniel Awry [Avery?] Adam Mingle, Seth Parker, James Page (sick), Lewis Campbell, Smith Griffin, Moses Gilmore, Luther King, Stephen Drake, Robert Nelson, Peter Lawrence, Cary Raymond (sick), Cornelius Dolson, John Mingle, Solomon Hill, Thomas Stocking, Miles Hitchcock, Nathaniel Hill, John Hoover, James Flewellen, Abraham Meredith, William Meredith, Richard Meredith, Rufus Dirkey [Durkee?].**

(Louth): **Peter Haines, Phillip Wills (sick), Henry Wills, Edward Keating, James Smith, Benjamin Smith, Erastus Goldsmith, William Purely, Peter Ostrasser, James Burtch, Daniel Gregory (sick), Adam Haines, Robert Runchey, George Reid (sick), Jacob Gold, Thomas Reid, Frederick Landers, Joel Smith, Andrew Butler, Philip Beamer, David Beamer, Jesse Jones, Henry Disher, John Bradt.**

File 8-35. Road and Bridge Records.

Inhabitants on the Road Between Queenston and Niagara. Request that a *stone bridge* be built north of **Daniel Field's house** which would be of great public utility. Signed **George Field, Joseph Brown, Henry Brown, Solomon Vrooman, Jacob E. Terry, James Cooper, David Cooper, John Cooper, Timothy Cooper, James Denham [Durham?], George Stevens, Samuel Houghton, Daniel Field, Peter Ulman, Asa P. Carpenter, Barnett Ulman.** Ordered: that a bridge be made, upon inspection of James Cooper and Daniel Field. They are to report upon it when finished for payment. To be taken into consideration at April sessions, March 25, 1830. Payment granted January 11, 1831.

File 8-36. Tavern and Shop Licences.

Adam Cryslers, January 25, 1831. Was prevented from attending the Quarter Sessions. Was unable to obtain a tavern licence without payment of £10, a sum beyond anything heretofore paid. He is the only person charged that sum. Due to the high cost to rent a house, he is constrained to relinquish the idea of a licence unless the rate is reduced. No inn in the District commands the same advantages. Signed **Charles Richardson, John Kidd, W.B. Wintermute, William Forsyth, W. Butler, Robert Dickson, William Miller, Jacob Keefer, George Rykert, Charles P. Hall, Walter Dickson.** (Rejected.)

File 8-37.

Stephen Barns, Willoughby, labourer and **William Asher**, Willoughby, labourer. Charged with larceny, stealing the property (value 5/-) of **James Cummings** on January 18, 1831. True bill: **Nathan Pawling**

(foreman.) Witnesses: James Cummings. Verdict: guilty. William Asher sentenced to stand ½ hour in the pillory, Stephen Barns to stand ¼ hour in the pillory. Signed *James Muirhead*, January 28, 1831.

File 8-38.

Justus Carey, Niagara, labourer. Charged with assault and battery against *Owen McGrath*, Niagara, labourer, on January 18, 1831. True bill: *Nathan Pawling* (foreman.) Witnesses: Owen McGrath. Evidence of Owen McGrath taken before *John Crooks* on January 19. Recognizance to appear: *Lachlan Donnely* and *George Macan [McCann]* £12.10.0. each. Verdict: guilty. Fined £1 plus costs. Statement of costs: £4.18.0.

File 8-39.

Robert Cudney, Niagara, labourer. Charged with larceny, stealing a watch (value 10/-) the property of *Zenas B. Alger* on December 25, 1830. True bill: *Nathan Pawling*. Witnesses: Zenas B. Alger. Juror's presentment attached. Filed by *Charles Richardson*, January 29, 1831.

File 8-40.

Robert Cudney, Niagara, labourer. Charged with assault and battery against *Dilaly (Dellily) Cudney*, widow, on November 25, 1830. Witnesses: Dilaly Cudney. Evidence taken before *Daniel McDougall*, November 26: Robert Cudney assaulted and beat deponent, signed "her X mark."

File 8-41.

Lachlan Donnally, Niagara, labourer. Charged with assault and battery against *Owen McGrath* on January 18, 1831. True bill: *Nathan Pawling* (foreman.) Witnesses: Owen McGrath. Evidence of Owen McGrath taken before *John Crooks* on January 25. Recognizance of sureties *Justus Cary* and *George Macan* £12.10.0. each. Verdict: not guilty. Filed by *Charles Richardson*.

File 8-42.

Helen Johnson, Niagara. Charged with larceny, stealing the wagon seat (value 5/-) the property of *Francis Proctor*, on December 25, 1830. True bill: *Nathan Pawling* (foreman.) Witnesses: Francis Proctor. Verdict: not guilty, signed *James Muirhead*, January 28, 1831.

File 8-43.

Richard Moffatt, Niagara, butcher. Charged with larceny, stealing 7 cords of firewood (value 10/-) the property of *John Fry* on December 22, 1830. True bill: *Nathan Pawling* (foreman.) Witnesses: John Fry, *Benjamin Lawrence*. Verdict: guilty. Sentenced to 48 hours in gaol, signed *James Muirhead*, January 29, 1831. Cost of two witnesses, four days each £2.2.6.

File 8-44.

John McDonald, Niagara, innkeeper. Charged with assault and battery against *John Layburn*, Niagara, yeoman, on December 22, 1830. True bill: *Nathan Pawling* (foreman.) Witnesses: John Layburn. Evidence taken before *Daniel McDougall*, December 23: Layburn was assaulted and beaten by McDonald. Recognizance taken December 23: John Layburn £10; recognizance taken December 27: John McDonald £10, sureties *Francis Proctor* and *George Winterbottom* £5 each, filed by *Charles*

Richardson January 26, 1831. Plea: guilty. Fined 1/- plus costs, signed **James Muirhead** January 27, 1831.

File 8-45.

Rowland McDonald, Grantham, gentleman, and **Robert Campbell**. Charged with assault and battery against **Peter Tenbroeck Pawling** on November 13, 1830. True bill (against McDonald), no bill against Campbell: **Nathan Pawling** (foreman.) Witnesses: Peter T. Pawling. Robert Campbell and **Jacob Bowry** of St. Catharines subpoenaed in case. Jury presentment filed by **Charles Richardson**, January 27. Robert Campbell subpoenaed by Charles Richardson on January 26 to appear January 27; **Joseph Markwell** subpoenaed by Charles Richardson on January 27; **Jacob Tiddrick** and **Peter Campbell** subpoenaed by Charles Richardson January 29; bench warrant issued by **James Muirhead** for Rowland McDonald and Robert Campbell, January 29. Verdict: not guilty. Cost charged to the District, signed James Muirhead.

File 8-46.

Jonas Overholt, Rainham, yeoman. Charged with larceny, the theft of a large sow pig, value 20/-, the property of **Isaac Thomas**, Walpole, on December 11, 1830. True bill: **Nathan Pawling** (foreman.) Witnesses: Isaac Thomas, **Patrick McLinchy**, **Edward Evans**, **James Drinkwater**. Evidence of Isaac Thomas taken before Edward Evans: pig valued at £2, signed "his X mark." Warrant issued by Edward Evans, JP, to **Benjamin Stewart** or his assistant constable to apprehend Jonas Overholt, December 14, 1830. Recognizance to appear taken before Edward Evans, December 17: Isaac Thomas £20, surety Patrick McLinchy £10. Verdict: not guilty.

Niagara District Quarter Sessions, March 1831.

File 9-1, Accounts.

John Talbot, constable account, February-March 1831, £2.10.2.

Samuel Heron, April 5, 1831, charge for publishing accounts £5.19.0.

William Crooks, remuneration for services as Member of the Legislature, 69 days, £39.10.0. Signed *Archibald McLean*, March 16, 1831.

John Clark, remuneration for services as Member of the Legislature, 57 days, £33.10.0. Signed *Archibald McLean*, March 16, 1831.

John Warren, remuneration for services as Member of the Legislature, 44 days, £28. Signed *Archibald McLean*, March 16, 1831.

Robert Randal, remuneration for services as Member of the Legislature, 69 days, £39.10.0. Signed *Archibald McLean*, March 16, 1831.

R.B. Groat, March 25, 1831 charge for paper, quills, ink powder for court, £2.7.11.

Charge to rebuild the *Black Creek Bridge* on the *River Road* between Chippawa and Fort Erie, £50. March 25, 1831.

Charles Richardson, expense account £50, March 25, 1831.

R.B. Groat, March 25, 1831 charge for services as crier £1.5.0.

Dr. Telfer, charge for attendance at inquest on the body of *Isaac Huff*, July 7, 1830, orders of coroner *William Duff Miller* £1.3.4; charge for attendance at inquest on the body of *James Smith* September 19, 1830, £1.3.4. Signed *James Muirhead*, March 25, 1831.

Samuel Wood (coroner), Grantham, March 22, 1831. Charge for holding an inquest on the body of an unknown man accidentally drowned at *Port Dalhousie*, September 2, 1830; charge for holding an inquest on the body of *John Moise*, died from excessive drinking October 7, 1830; charge for holding an inquest on the body of an unknown man at St. Catharines, died from a visitation of God, November 17, 1830; charge for holding an inquest on the body of *Richard King*, who fell into the water and died from cold, December 6, 1830. £10.0.6. Signed *James Muirhead*, March 25, 1831.

Jacob Dockstader, charge for services as High Constable, £5.19.8.

John Kidd- March 31, 1831 certifies the constables present at court were *John Talbot*, *Joseph Archer*, *Peter Ostrasser*, *John Skipworth*, fees £2.

Thomas Gilleland- constable account for April and December 1830 and February 1831 £1.5.6.

John Smith- constable account February 1831 £0.16.6.

Francis Proctor- constable account December 1830-March 1831 £2.5.8.

Charles K. Fell- charge for surveying roads October 2, 1830 and March 21, 1831 £3.17.6.

Dr. Muirhead- March 24, 1831, charge for attendance at gaol three times per week due to the sickness of a still dangerously ill black man, £10.0.0.

Richard Leonard- charge for attending at court &c. March 24, 1831 £20.

[File contains a document, a list of the approved charges submitted to the sessions, endorsed on the outside as "*Accounts investigated.*"]

File 9-2, Clerk of the Peace Accounts.

File contains the accounts of **Charles Richardson**, Clerk of the Peace, for £27.10.6., dated February 8, 1831.

File 9-3, Other Accounts.

David Davis, charge for serving a warrant on an Indian plus costs £5.14.7. Cost includes dinners at Canboro', **Humphrey's**, **St. Johns**, Grand River; required the assistance of **John Clark**.

File 9-4, Lists of Constables.

Pelham: **Joseph Hill** (March 25)

Caistor: **John M. Stephenson**

Louth: **Jacob Johnson**, **George Schram**, **Robert Davis**. (List sent by **John Clark** to **Charles Richardson**, March 23.)

Grimsby: **Mahlon Palmer**, **John F. Stewart**, **Robert McCool**, **Jacob Lodge**, **Amos Fairwell** (March 14.)

Clinton: **John Marselles**, **William Simmerman**, **David Hager**, **Jesse Palmer**.

Gainsborough: **Adam Snyder**, **Adam Mingle**.

Grantham: **Thomas Gilleland**, **John Smith**, **Nelson Davis**, **Thomas Read**, **Robert Irvin**, **Andrew Vandeburgh**, **Cornelius Read**. (List contained in a letter from **George Adams**, March 22. He noted that **John Ellis** could be removed from the pauper list, as he was "buried last week.")

Letter from **David Thompson**, Queenston, March 25: named additional constables **Peter Burgar** (Crowland), **Enoch Shrigley** (Thorold) and **Enos Shrigley** (Pelham.)

Thorold: **Thomas Wood**, **Arthur McIntosh**, **William J. Stewart**, **James Wiley** (March 23.)

Willoughby: **Thomas Vincent**, **Joseph Price**, **Jacob Gander**

Crowland: **Moses Skinner**, **Samuel Glover**, **Frederick Buchner**

Stamford: **Erastus Moses**, **Joseph Oldfield**, **William Henry**, **John Barker**

Bertie: **Adam Woolever**, **John Harris**

Niagara: **Francis Proctor**, **Joseph Archer**, **John Shriver**, **Henry A. Woodruff**, **Joseph Eden**, **William Hay** [Bay?], **John Miller**, **Christopher Heron**, **Gilbert Anderson**.

Queenston: **Chester Wadsworth**, **Edward Defield**, **Jonathan P. Raymond**.

St. Davids: **Joseph Clement**.

File 9-5, Correspondence (1)

Charles Richardson, Clerk of the Peace, to **Z. Mudge**, Esq. Niagara, 5 March 1831. Sir, I have the honor to transmit the Return of the **Court of Requests** for Stamford & Willoughby which I have just received. I have the honor to be, Sir, your most obt. Humble servt. [Verso endorsed No. 87.]

Niagara, Feb. 14, 1831. **Charles Richardson**, Clerk of the Peace, District of Niagara. Sir, I have the honor to transmit by direction of His Excellency the Lt. Governor, a return to be filled up by the Commissioners in your division and transmitted to my office with the least possible delay, for the year ending 31st Dec 1830. I have the honor to be, Sir, your most obt. Humble servt. Copies enclosed with forms and addresses to **Daniel McDougall**, **Samuel Street** Esq, **James Cummings**, **George Adams**, **H. Nelles**, **Warner Nelles**, **Smith Griffin**, **Hon. J. Kirby**, **David Thompson**, **Edw. Evans**. [Verso: No. 78, letter addressed to commissioners of Court of Requests in the different divisions in accordance with the communication rec'd from **Mr. Secty. Mudge**, Feb. 14, 1831.]

Letter from **James Cummings** to **Charles Richardson**, Chippawa, 2 Mar. 1831. Sir, You have annexed a return of the causes tried at our **Court of Requests** at Chippawa from Jan. 1, 1830 to Jan. 1, 1831. I have the honor to be, Your humble servt. Mailed from Chippawa Mar. 3, postage 9d. Rec'd Mar. 3rd.

Letter from **Samuel Street** to **Charles Richardson**, **Falls Mills**, Feb. 22, 1831. Dear Sir, I received by your brother **Alex** on the 19th instant your favour of the 14th inclosing a form to insert the causes tried in the Court of Requests for the division for the year 1830. **Mr Cummings** has the Court books and having received from you a form of the same kind, will fill and transmit it as you request. I remain, dear sir, your obedt. Servt. [Verso: Rec'd 22 Feb., No. 85]

Letter from **Z. Mudge** to **Charles Richardson**, Clerk of the Peace, Niagara. Dated at **Government House, York**, 9 Feb. 1831. Sir, I am directed by the **Lt. Governor** to request that you will forward the enclosed address of the **House of Assembly** and the accompanying forms, to the several commissioners holding **Courts of Request** in your district, in order that they may be filled up and returned to this office as soon as possible. I have the honor to be, Sir, your most obedient servant. [Verso: No. 77. Mr. Secty Mudge's communication respecting returns of commissioners of Court of Requests, Feb. 9th]

Letter from **James Kerby**, Commissioner Court of Requests, to **Charles Richardson**, Esq. **Fort Erie Mills**, 19th Feb. 1831. Sir, In consequence of **Mr. Warren's** absence from home, I find upon examination of the Records of our proceedings in the Court of Requests ending the 30th Dec. last, that it will be out of my power to fill up the return you require without his assistance. I am on the eve of going to **York &** in order to expedite the business I shall take the books over with me so that we may report thereon in the way you have directed. I have the honor to be, Sir, your ob. Servant.

Draft letter from **Charles Richardson** to **Z. Mudge**, Office of the **Clerk of the Peace**, Niagara, Feb. 28th, 1831. Sir, I have the honor to transmit such returns as have been made by the Commissioners of the Court of Requests in the different divisions and shall not fail to communicate the remainder when rec'd. I have the honor to be, Sir, your most humble servt. [No. 80, communicating 4 returns of commissioners of Court of Requests, viz: Niagara, Grantham and Louth, Grimsby and Caistor, Gainsboro and Clinton]

Return of Causes tried in the Court of Requests held for the Townships of Gainsborough and Caistor and Gore of Grimsby Division, between 1st Jan. last and the date of this return inclusive. Sums recovered £221.16.8; costs rec'd by justices or their clerks £18.4.6; costs rec'd by constables £11.9.1; disbursements to witnesses £1.17.6; number of witnesses 20; 94 suits. Signed **Smith Griffin, H. Nelles**, Grimsby, 22 Feb. 1831. [No. 81.]

Return of Causes tried in the Court of Requests held for the Townships of Grimsby and Clinton Division, between 1st Jan. last and the date of this return inclusive. Sums recovered £96.15.6; costs rec'd by justices or their clerks £11.5.9; costs rec'd by constables £6.1.11; disbursements to witnesses £3.10.0; number of witnesses 33; 54 suits. Signed **A. Nelles, R. Nelles**, Grimsby, 22 Feb. 1831. [No. 82.]

Return of Causes tried in the Court of Requests held for the Townships of Grantham and Louth Division, between 1st Jan. last and the date of this return inclusive. Total amount of claims £293.1.3; Sums recovered £280.11.0; expenses for plaintiff £2.7.3; expenses for defendants £39.15.3, total £42.2.6; received by Justices £27.5.0; by constables £12.18.9; by witnesses £1.18.9; number of witnesses 25. Certified true by **George Adams, James Black, Thomas Merritt**, St. Catharines, Feb. 16, 1831. [No. 83.]

Return of Causes tried in the Court of Requests held for the *Village of Chippawa* Division, between 1st Jan. last and the date of this return inclusive. Amount claimed £324.10. 9½; sums recovered £252.9. 2¼; expenses incurred by plaintiffs £45.19.8; costs rec'd by justices or their clerks £22.4.6; costs rec'd by constables £16.11.8; disbursements to witnesses £6.7.6; number of witnesses 5; Signed **James Cummings** [No. 89.]

Return of Causes tried in the Court of Requests held for the Niagara Division, between 1st Jan. last and the date of this return inclusive. Amount claimed £271.6.2; Sums recovered £195. 0. 7½; expenses by plaintiffs £2.0.10½; expenses by def'd £38.17.5; costs rec'd by justices or their clerks £26.19.6; costs rec'd by constables £12.5.11½; disbursements to witnesses £1.12.10; number of witnesses 24; Certified a true copy, **J. Muirhead, John Crooks, D. McDougall, R.M. Chrysler** [No. 84.]

File 9-6, Correspondence (2)

Letter from **D. Thompson** to **Charles Richardson**, Clerk of the Peace, District of Niagara. Wainfleet, March 9, 1831. Sir, In compliance with your letter of the 14th ult. (which was only received on the 3rd Instant) I herewith transmit a return from our **Court of Requests** Book for the year ending 31 December. I have the honour to be, Sir, your obt. Sert. [verso: No. 90, D. Thompson, Esq.]

[verso] Return of **David Thompson**, Esq. As Comm. of Ct. of Requests, Wainfleet, March 12, 1831.

“Return of Causes tried in the Court of Requests had for the Township of Wainfleet 1/3 of Crowland, 1/8 of Humberstone, ½ of Pelham and 1/16 of Thorold, a Division of the District of Niagara between the 1st of Jany. Last & the date of this return” This includes costs of papers, signed David Thompson, JP, Wainfleet, 31 December 1830. [document lists cases tried on January 2, February 6, March 6, April 3, May 1, June 5, July 3, August 7, September 4, November 6 and December 4; 84 cases, amount claimed £187.4.0; expenses for plaintiffs £31.10.1; expenses by defendants £2; costs received by Justices or their clerks £10.16.6; costs received by the constables £14.3.4; disbursements to the witnesses £8.10.3; number of witnesses 87.

Letter No. 91, **Charles Richardson**, Clerk of the Peace to **Z. Mudge**, Esq, Office of the Clerk of the Peace, Niagara, March 12, 1831. Sir, I have the honour to transmit the return of **David Thompson** as a Commissioner of the **Court of Requests** which came to hand by this days mail. I have the honor to be, Sir, your most obt. Humble Servt.

Office of the **Clerk of the Peace**, Niagara, March 1, 1831. Sir, In transmitting the return required by the Honorable the Commons House of Assembly I am under the necessity of confining myself to such changes as have received the sanction of the court from time to time, never having kept any account of casual emoluments. It is not unlikely that I may have received from £150 to £200 since I have been in office over and above the sums mentioned in the accompanying accounts and the annual allowance of £30 for making out the collectors rolls and transmitting the aggregate amount of assessments to your office. With regard to the table of fees adopted by the Court of Quarter Sessions in this District, I beg leave to state that previous to its' being reported by the committee, reference was had to the allowances made to the Clerks of the Peace in the Home, London and Gore Districts, and my material alterations made in the items of charges as will appear by the statements made to me by the late **Mr. Heward** of York and **Mr. Askin** of the London District—copies of which I take the liberty of inclosing. In addition to the sums stated to have been received by me out of the District Treasury, I have to observe that the Court has made an annual allowance of £8.10.0. to defray the expense of delivering the rolls to the different collectors & although I have not derived the least advantage therefrom the charge would appear as [agt?] myself without this explanation. There is also another sum stated to have been paid out of the District Treasury amounting to £25.10.0, with respect to which I beg to observe that the money was not paid to me but to a carpenter who had made repairs to the Court House under my superintendance. I have the honor to be, Sir, Your most obt. Humble Servt. [verso: No. 93, Letter to **Mr. Secy. Mudge** concerning Returns of Emoluments of office of Clk of the Peace, March 1, 1831. £37.17.6.

[verso: Copies of accts. inclosed to Mr. Mudge, March 1, 1831.]

No. 1, paid by T. MC¹⁶, Esq. £22.3.0.

No. 2, paid by do. £30.0.0.

No. 3, July sessions 1828 £10.10.6; October 1828 £24.19.3; Jany. 1829 £8.17.1; April 1829 £58.13.0; July 1829 £40.0.0; October 1829 £3.11.6; January 1830 [no sum]; April 1830 [no sum]; July 1830 £60.2.0; October 1830 [no sum.]

[Note: the sums in item 3 are all entered in pencil.]

[verso: No. 94, Report of **J. Muirhead** as Chairman of Qr Sessions on petition of **Hugh Freel** & others respecting **West Line**, Feb. 23, 1831.]

Letter from J. Muirhead to **Z. Mudge**, Niagara, July 23, 1831. Sir, I have the honor to acknowledge the receipt of your letter of the 9th inst. Requesting my report on the petition of Hugh Friel and others relating to a road commonly called the **West Line Road**. Upon reference to the records of the Court I find that on the 9th [Jany?] 1822 a trial was had on the Report of the **Surveyor of Highways** & a special verdict rendered; that on the 11th Oct. following the individuals interested in the subject matter of the petition went before the Grand Jury preferring a bill of indictment against **John Willson**, **John Eglesum**, **Peter Ball** and **Elizabeth Slingerland** for obstructing the road in question, which bill was returned into court ignored; in the month of April following attempt was made to open the road by indict. & the Grand Jury again again ignored the bill; the complainants renewed their application to the Grand Jury in July 1825 when they returned a true bill against John Eglesum, Elizabeth Slingerland and Peter Ball Esq. The matter

¹⁶ **Thomas McCormick?**

was submitted to a petty jury on the 14th Oct. following & the parties were proved guilty upon this verdict the defendants were subsequently fined 5 shillings & an order was issued to the pathmaster “to lay open the allowance for road commonly called the West Line Road whereon the reserve in that line might be found with a view of abating the nuisance complained of.” With reference to that part of the statement of the petitioners which relates to the meeting held on the 3rd June last, I beg leave to state for His Excellency’s info. that the magistrates upon that occasion did not conceive themselves authorized to interfere, the road having been opened thro’ the orchard of John Wilson & the garden of Mr. Ball contrary to the provisions of the Stat. referred to by the Petitioners (50 Geo 3 cap. 1 sec. 2) As to what took place on the 17th Jany. last as I was not present myself I can only report according to the information I have rec’d from the Clk of the Peace. He states that he was specially called upon by two magistrates to summon John Wilson and **Wm. M. Ball** to appear on that day to shew cause why they should not be fined for obstructing the road in question; that the parties met at that occasion at the Court House & having found that the road was opened thro’ an orchard and garden which had been in [use] for upwards of five and twenty years, the court came to the unanimous conclusion that the road having been opened through an orchard and garden without the consent of the owners the act of the pathmaster was illegal & that therefore the proceeding was null & void. Being aware that the first [aspersions and reflections?] contained in the petition emanates from the pen of **John Lyons** of this place, I do not think them worthy of further notice, that by comparison with a production of his which made its appearance in a paper published in this June called the *Spirit of the Times*—a copy of which I beg leave to inclose for His Excellency’s perusal—the original in the hand writing of Mr. Lyons being in my possession. In conclusion I beg leave respectfully to suggest that this question which has so long agitated the public mind and which has so much trouble to the magistrates may be set at rest by His Excellency’s authority, by such means as His Excellency may deem meet. I have the honor to be, Sir, your very obt. Humble sert.

Circular, **Downing Street**, 5 March 1831. Sir, I have the honor to transmit to you a copy of an order of the Hon. House of Commons requesting an account of the number of emigrants arrived in the several British North American Colonies in the different years therein specified, and I have the desire that you will furnish me with the information required as far as relates to the Colony under your Govt., with as little delay as possible. I have, &c. Signed **Goderich**. Addressed to **Sir John Colborne**. Emigration, 4th March. Account ordered of the number of emigrants arrived in each of the years 1790, 1791, 1792, 1800, 1801 and 1802, and from 1810 to the latest period. [verso: No. 95, copy of Ld. Goderich’s letter to Sir J. Colborne requiring the number of emigrants who have entered the Province during the years therein mentioned.]

Letter addressed to **George Adams**, Esquire, **12 Mile Creek**. Mailed 21st March, postage paid 4 ½ d. **Grand River**, 20th March 1831. Dr Sir, The enclosed an account relative to the **Indian** that was imprison’d some time last [Nov?] in the Niagara jail for a murder committed on the G. River some time ago. Which acct. I think should be paid. The young men are calling upon me for their fees and as you are so often at Niagara I will feel extremely obliged if you will attend to the same. I have the honor to be your most obedt. Servant, **Warner Nelles**.

Copy of a petition to **Sir John Colborne** from **Hugh Freel**, **James MacFarland**, **John Cox** and the undersigned freeholders of the Township of Niagara. Your petitioners having through the ordinary channels time after time failed to obtain that justice which they conceive themselves entitled to, beg leave as a last resort to approach your Excellency with their grievances, confident that every step in your Excellency’s power will be taken as well to assure them that redress which they in vain looked for elsewhere as to punish those officers whose duty it was to afford it, if upon enquiry they should be found to have more in view the advancement of the interests of themselves or their friends or the gratification of party feelings rather than the honor and

prosperity of the Government whose servants they are—in laying the particulars of their complaint before your Excellency your petitioners although it may be deemed unnecessary to do so cannot help as loyal subjects attached to the institutions of their Country expressing their opinion that nothing tends to wean the affections of a people from its Government or produce contempt than when they find that those appointed by it to administer the laws either from ignorance of those laws or from a want of impartiality convert the Courts of Justice into hotbeds of oppression rendering the stream which should be pure and undefiled into a muddy sink of ignorance or injustice and which instead of being a Government's Glory is its disgrace and ultimately its ruin. [document states the facts of the road obstruction of the West Line from 1819 involving Messrs. *Wilson, Eaglesum, Peter Ball* and *widow Slingerland*. The section of road obstructed was the *West Line* bordering on the ground reserved for the *Garrison* now called *Fort George*; Garrison Line and Township line deemed to be one and the same; first verdict rendered under *Thomas Clark* as chairman, *Mr. Breakenridge* as attorney employed by the petitioners; recourse made to the *Court of King's Bench* in 1823; Mr. *Attorney General Robinson* gave his opinion that if the road was a King's Highway, the best way would be to have the other party indicted at the Sessions for a nuisance; verbal order given to open road; written order issued upon the application of *Mr. Stewart*; Mr. Wilson shut up the road leading to the river, and Mr. Wm. M. Ball that part of the road leading to the *Black Swamp Road*; magistrates Messrs. *MacDougall, Muirhead, George Ball, John Crooks, Mr. Claus* was also present yet he declined acting being interested in the division. Petitioners beg to observe that Messrs. Ball and Crooks are both connected either by blood or marriage to one of the defendants; again summoned before magistrates George Ball, John Crooks, Daniel McDougall, *Morden Crysler*.] Petitioners pray that the survey be rectified. Signed: *Hugh* "his X mark" *Freil, James McFarland, John Cox, James [Faul?], Casper* "his X mark" *Cain, James B. Jones, Joseph Anderson, John McFarland, Peter Cain, James Allen, Frederick Pickard, James Thompson, Joseph Clement, John B. Clement, Benjamin Lawrence, George B. Lawrence, Gilbert Anderson, Joshua Cushman, Jacob Coughel, John [Nery?], Joseph Brown, James Cooper, James Durham, Solomon Vrooman, Chapman [Adair?], Nathan Fitch, George Field, Peter T. Pawling, John P. Clement, John* "his X mark" *Thomson, Alexander Thompson, Andrew Thompson, William McLellan, John McLellan, William Casselman, George Lawrence, Paul VanCuren, John Berringer, Isaac Berringer, Joseph [Kent], Simon Kemp, Peter Ulman, W.J. Smith, Joseph Poncett, John Oliver, John Ulman, John Kemp, Adam Brown, William Robbins, Charles B. Baker, James [Field], Daniel [Field], Matthew W. Rown, Adam Hawley, John Martindale, Chester Culver, Edw. McBride, John Bodie, Jacob Duesler, Henry Woodruff, George Wagoner, James Miller*. [verso: petition of Hugh Freil and others complaining of misconduct in certain magistrates respecting West Line, Feb. 1831]

Letter from *D. Thompson* to *Charles Richardson*, Clerk of the Peace, District of Niagara. Wainfleet, March 9, 1831. Sir, In compliance with your letter of the 14th ult. (which was only received on the 3rd Instant) I herewith transmit a return from our *Court of Requests* Book for the year ending 31 December. I have the honour to be, Sir, your obt. Sert. [verso: No. 90, D. Thompson, Esq.]

[verso] Return of *David Thompson*, Esq. As Comm. of Ct. of Requests, Wainfleet, March 12, 1831.

"Return of Causes tried in the Court of Requests had for the Township of Wainfleet 1/3 of Crowland, 1/8 of Humberstone, 1/2 of Pelham and 1/16 of Thorold, a Division of the District of Niagara between the 1st of Jany. Last & the date of this return" This includes costs of papers, signed David Thompson, JP, Wainfleet, 31 December 1830. [document lists cases tried on January 2, February 6, March 6, April 3, May 1, June 5, July 3, August 7, September 4,

November 6 and December 4; 84 cases, amount claimed £187.4.0; expenses for plaintiffs £31.10.1; expenses by defendants £2; costs received by Justices or their clerks £10.16.6; costs received by the constables £14.3.4; disbursements to the witnesses £8.10.3; number of witnesses 87.

Letter No. 91, **Charles Richardson**, Clerk of the Peace to **Z. Mudge**, Esq, Office of the Clerk of the Peace, Niagara, March 12, 1831. Sir, I have the honour to transmit the return of **David Thompson** as a Commissioner of the **Court of Requests** which came to hand by this days mail. I have the honor to be, Sir, your most obt. Humble Servt.

Office of the **Clerk of the Peace**, Niagara, March 1, 1831. Sir, In transmitting the return required by the Honorable the Commons House of Assembly I am under the necessity of confining myself to such changes as have received the sanction of the court from time to time, never having kept any account of casual emoluments. It is not unlikely that I may have received from £150 to £200 since I have been in office over and above the sums mentioned in the accompanying accounts and the annual allowance of £30 for making out the collectors rolls and transmitting the aggregate amount of assessments to your office. With regard to the table of fees adopted by the Court of Quarter Sessions in this District, I beg leave to state that previous to its' being reported by the committee, reference was had to the allowances made to the Clerks of the Peace in the Home, London and Gore Districts, and my material alterations made in the items of charges as will appear by the statements made to me by the late **Mr. Heward** of York and **Mr. Askin** of the London District—copies of which I take the liberty of inclosing. In addition to the sums stated to have been received by me out of the District Treasury, I have to observe that the Court has made an annual allowance of £8.10.0. to defray the expense of delivering the rolls to the different collectors & although I have not derived the least advantage therefrom the charge would appear as [agt?] myself without this explanation. There is also another sum stated to have been paid out of the District Treasury amounting to £25.10.0, with respect to which I beg to observe that the money was not paid to me but to a carpenter who had made repairs to the Court House under my superintendance. I have the honor to be, Sir, Your most obt. Humble Servt. [verso: No. 93, Letter to **Mr. Secy. Mudge** concerning Returns of Emoluments of office of Clk of the Peace, March 1, 1831. £37.17.6.

[verso: Copies of accts. inclosed to Mr. Mudge, March 1, 1831.]

No. 1, paid by T. MC¹⁷, Esq. £22.3.0.

No. 2, paid by do. £30.0.0.

No. 3, July sessions 1828 £10.10.6; October 1828 £24.19.3; Jany. 1829 £8.17.1; April 1829 £58.13.0; July 1829 £40.0.0; October 1829 £3.11.6; January 1830 [no sum]; April 1830 [no sum]; July 1830 £60.2.0; October 1830 [no sum.]

[Note: the sums in item 3 are all entered in pencil.]

[verso: No. 94, Report of **J. Muirhead** as Chairman of Qr Sessions on petition of **Hugh Freel** & others respecting **West Line**, Feb. 23, 1831.]

Letter from J. Muirhead to **Z. Mudge**, Niagara, July 23, 1831. Sir, I have the honor to acknowledge the receipt of your letter of the 9th inst. Requesting my report on the petition of Hugh Friel and others relating to a road commonly called the **West Line Road**. Upon reference to the records of the Court I find that on the 9th [Jany?] 1822 a trial was had on the Report of the **Surveyor of Highways** & a special verdict rendered; that on the 11th Oct. following the individuals interested in the subject matter of the petition went before the Grand Jury preferring a bill of indictment against **John Willson**, **John Eglesum**, **Peter Ball** and **Elizabeth Slingerland** for

¹⁷ **Thomas McCormick?**

obstructing the road in question, which bill was returned into court ignored; in the month of April following attempt was made to open the road by indict. & the Grand Jury again again ignored the bill; the complainants renewed their application to the Grand Jury in July 1825 when they returned a true bill against John Eglesum, Elizabeth Slingerland and Peter Ball Esq. The matter was submitted to a petit jury on the 14th Oct. following & the parties were proved guilty upon this verdict the defendants were subsequently fined 5 shillings & an order was issued to the pathmaster "to lay open the allowance for road commonly called the West Line Road whereon the reserve in that line might be found with a view of abating the nuisance complained of." With reference to that part of the statement of the petitioners which relates to the meeting held on the 3rd June last, I beg leave to state for His Excellency's info. that the magistrates upon that occasion did not conceive themselves authorized to interfere, the road having been opened thro' the orchard of John Wilson & the garden of Mr. Ball contrary to the provisions of the Stat. referred to by the Petitioners (50 Geo 3 cap. 1 sec. 2) As to what took place on the 17th Jany. last as I was not present myself I can only report according to the information I have rec'd from the Clk of the Peace. He states that he was specially called upon by two magistrates to summon John Wilson and **Wm. M. Ball** to appear on that day to shew cause why they should not be fined for obstructing the road in question; that the parties met at that occasion at the Court House & having found that the road was opened thro' an orchard and garden which had been in [use] for upwards of five and twenty years, the court came to the unanimous conclusion that the road having been opened through an orchard and garden without the consent of the owners the act of the pathmaster was illegal & that therefore the proceeding was null & void. Being aware that the first [aspersions and reflections?] contained in the petition emanates from the pen of **John Lyons** of this place, I do not think them worthy of further notice, that by comparison with a production of his which made its appearance in a paper published in this June called the *Spirit of the Times*—a copy of which I beg leave to inclose for His Excellency's perusal—the original in the hand writing of Mr. Lyons being in my possession. In conclusion I beg leave respectfully to suggest that this question which has so long agitated the public mind and which has so much trouble to the magistrates may be set at rest by His Excellency's authority, by such means as His Excellency may deem meet. I have the honor to be, Sir, your very obt. Humble sert.

Circular, **Downing Street**, 5 March 1831. Sir, I have the honor to transmit to you a copy of an order of the Hon. House of Commons requesting an account of the number of emigrants arrived in the several British North American Colonies in the different years therein specified, and I have the desire that you will furnish me with the information required as far as relates to the Colony under your Govt., with as little delay as possible. I have, &c. Signed **Goderich**. Addressed to **Sir John Colborne**. Emigration, 4th March. Account ordered of the number of emigrants arrived in each of the years 1790, 1791, 1792, 1800, 1801 and 1802, and from 1810 to the latest period. [verso: No. 95, copy of Ld. Goderich's letter to Sir J. Colborne requiring the number of emigrants who have entered the Province during the years therein mentioned.]

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Copy of a petition to **Sir John Colborne** from **Hugh Freel**, **James MacFarland**, **John Cox** and the undersigned freeholders of the Township of Niagara. Your petitioners having through the ordinary channels time after time failed to obtain that justice which they conceive themselves entitled to, beg leave as a last resort to approach your Excellency with their grievances, confident

that every step in your Excellency's power will be taken as well to assure them that redress which they in vain looked for elsewhere as to punish those officers whose duty it was to afford it, if upon enquiry they should be found to have more in view the advancement of the interests of themselves or their friends or the gratification of party feelings rather than the honor and prosperity of the Government whose servants they are—in laying the particulars of their complaint before your Excellency your petitioners although it may be deemed unnecessary to do so cannot help as loyal subjects attached to the institutions of their Country expressing their opinion that nothing tends to wean the affections of a people from its Government or produce contempt than when they find that those appointed by it to administer the laws either from ignorance of those laws or from a want of impartiality convert the Courts of Justice into hotbeds of oppression rendering the stream which should be pure and undefiled into a muddy sink of ignorance or injustice and which instead of being a Government's Glory is its disgrace and ultimately its ruin. [document states the facts of the road obstruction of the West Line from 1819 involving Messrs. *Wilson, Eaglesum, Peter Ball* and *widow Slingerland*. The section of road obstructed was the *West Line* bordering on the ground reserved for the *Garrison* now called *Fort George*; Garrison Line and Township line deemed to be one and the same; first verdict rendered under *Thomas Clark* as chairman, *Mr. Breakenridge* as attorney employed by the petitioners; recourse made to the *Court of King's Bench* in 1823; Mr. *Attorney General Robinson* gave his opinion that if the road was a King's Highway, the best way would be to have the other party indicted at the Sessions for a nuisance; verbal order given to open road; written order issued upon the application of *Mr. Stewart*; Mr. Wilson shut up the road leading to the river, and Mr. Wm. M. Ball that part of the road leading to the *Black Swamp Road*; magistrates Messrs. *MacDougall, Muirhead, George Ball, John Crooks, Mr. Claus* was also present yet he declined acting being interested in the division. Petitioners beg to observe that Messrs. Ball and Crooks are both connected either by blood or marriage to one of the defendants; again summoned before magistrates George Ball, John Crooks, Daniel McDougall, *Morden Crysler*.] Petitioners pray that the survey be rectified. Signed: *Hugh* "his X mark" *Freil, James McFarland, John Cox, James [Faul?], Casper* "his X mark" *Cain, James B. Jones, Joseph Anderson, John McFarland, Peter Cain, James Allen, Frederick Pickard, James Thompson, Joseph Clement, John B. Clement, Benjamin Lawrence, George B. Lawrence, Gilbert Anderson, Joshua Cushman, Jacob Coughel, John [Nery?], Joseph Brown, James Cooper, James Durham, Solomon Vrooman, Chapman [Adair?], Nathan Fitch, George Field, Peter T. Pawling, John P. Clement, John* "his X mark" *Thomson, Alexander Thompson, Andrew Thompson, William McLellan, John McLellan, William Casselman, George Lawrence, Paul VanCuren, John Berringer, Isaac Berringer, Joseph [Kent], Simon Kemp, Peter Ulman, W.J. Smith, Joseph Poncett, John Oliver, John Ulman, John Kemp, Adam Brown, William Robbins, Charles B. Baker, James [Field], Daniel [Field], Matthew W. Rown, Adam Hawley, John Martindale, Chester Culver, Edw. McBride, John Bodie, Jacob Duesler, Henry Woodruff, George Wagoner, James Miller*. [verso: petition of Hugh Freil and others complaining of misconduct in certain magistrates respecting West Line, Feb. 1831]

File 9-7, Criminal Calendar.

A Calendar of Criminals, Prisoners, Confined in Niagara Gaol March 22, 1831 (*Peter Wheeler*.)

Isaac Ducket, committed November 23, 1830 orders of *R. & H. Nelles* and *W. Crooks*. Felony. *Sylvester G. Glynn*, February 15, orders of *James Black*. Attempt and threat to take the life of his wife.

Francis Clare, March 3, orders of James Black. Felony- stealing one shirt and shift, fork, tea pot, bowl, cup and saucer.

Edward Hawkins, March 1, orders of **Daniel McDougall**. Felony- taking and carrying away 1 silver spoon, value 3/4-, the property of **Jacob Duesler**.

File 9-8, Ferry Records.

Joseph Wynn, Queenston, established a horse ferry, includes rates of ferriage March 25, 1831.

File 9-9, Filings.

Rex vs. **Mills**, costs £2.8.3. [File empty.]

File 9-10, Presentments.

State of the gaol, the cells are in good order, signed **John C. Davis** (foreman) March 24, 1831.

File 9-11, Orders.

The road between Louth and Clinton, from lot 23 Concession 1 to **James O'Connelly** be opened. Order of **James Muirhead** sent to **Charles K. Fell**, October 21, 1830.

Regulations for **fishing** at Niagara ordered, March 25.

£12.10.0. ordered to assist in the construction of a **bridge at Mud Creek** on the road between **Smith Griffins** and the Thirty Mile Creek, March 25.

Ordered that **Barnabas Gregory** is to open the line between lot 8 Concession 3 and lot 8 Concession 4, March 24.

File 9-12, Petitions.

Henry Wart, Haldimand, aged 87 years, in a distressed situation. Has no means of support, no property, became blind and deaf three years ago. Has lived here 34 years. He owned land and paid taxes, is a Loyal subject, honest, sober and industrious. Lives at the home of **George H. Dockstader**, May 31, 1830. Signed **Benjamin Canby, John Nelles, Ferrin Smith, Adam Dockstader, Nathaniel Dennis, John Young, William Cook, William W. Nelles, Abraham Young, Warner Nelles, H. Davis, W.H. Nelles, Dennis Keely, J. Smith, Ezra Smith, Elkana Rogers, Jonathan Lounsbry, Joseph Warden, Joseph [-----], Aron Melich, Francis Lame Bear [Lambear?], John Nelles, John Delair, Matthew Smith**.

Lundy's Lane, January 20, 1831. An emigrant named Coutis is in great distress. His family came here last summer, worked at the **Deep Cut**. He became ill, his wife died and two children. He is left in a wretched state in a solitary hut. He removed here to be in closer attendance.

John Bradt, Louth. Took in an alien stranger named **Edward Churchill**, now deceased. He had no home nor relatives, became ill at Bradt's and died, was buried at my expense. Churchill had no property. Pray for a grant of assistance. From January 6, 1830 a room in the tavern was provided for him, and liquor and victuals for those who attended him. Cost of a coffin, shirt, sheet and digging his grave, February 1, 1830, total £19. **George Adams, James Black** and **Thomas Merritt**, St. Catharines, February 22: we recommend Bradt for £5.10.0. The deceased possessed blacksmith tools worth \$70, held by **Barnabas Gregory** of Louth for a debt of \$25.

Joseph Wynn, prays for a lease of the *ferry at Queenston*. Encloses proposed Table of fees, March 23, 1831.

File 9-13, Precept.

List of Grand and Petit Jurors, compiled by *James Muirhead* and *Daniel McDougall* on March 4, 1831 for Sessions on March 22, 1831.

Grand Jury: *Eber Rice, David Burger, Aaron Lambert, Isaac Munn, Benjamin Swayze, Joseph Willson, Daniel Birdsell, Jeremiah Dewdy [Dawdy?], David Bradshaw, Simcoe Chapman, Jacob Wills, John C. Davis, George Rees, John McGlashan, Charles McGlashan, Jabez Johnson, Jacob Snure, Jacob Van Loane [Van Loon?], William Renner, Joshua Beebee, Edin Beebee, Asa Beebee, Bartholomew Disher, Jacob Osborne.*

Petit Jury: *George Kelly, Isaac Haney, Ebenezer Haney, John Haney, William Clarke, Henry Disher, Alexander Chapman, Freeman Swayze, John Bowman, Jacob Hendershot, George Cosby, William Schram, Daniel Wills, ~~Jacob Schram~~, John H. Schram, William Disher, Abraham Clarke, John Raising, John Summers, Henry Fry, Barnabas Hains, Isaac Huntsberry, Jeremiah Weaver, Seth D[————], Joseph Bradt, Isaac Doughty, William Everett, ~~Jacob Everett, Jacob Culp, John W. Schram~~, Samuel Campbell, Peter Schram, David Crew, Israel Doan, Cornelius Ryckman, Stephen Burtch, Isaac Huntsberry, Samuel Huntsberry, Thomas Clendennan, Ludovick Hains, Christian Huntsberry, John Huntsberry, Isaac High.*

File 9-14, Tavern and Shop Licences.

Alexander Boles, St. Catharines. Has a house, retired from noise and bustle. Prays for licence, March 21, 1831. Is a sober and industrious man, signed *George Adams, Thomas Merritt, James Black, Jacob Frimey, K. Reach, P.W. TenBroeck, James Fitzgerald, James Riley, Peter Campbell, Richard Clarke, J. Clarke, Robert Berry, Job Northrup, William C. Chace, Joseph Hayward, George Rykert, James Little, F.H. Hoyle, Purcell [Russell?] Armington.* (Granted.)

George M. Clement, Niagara. Desires to keep an inn, March 22, 1831. (Granted.)

File 9-15

Daniel Baker, Queenston, labourer. Charged with assault against *Jane Baker*, his wife, on March 19, 1831. True bill: *John C. Davis* (foreman.) Witnesses: Jane Baker. Evidence taken before *Robert Grant*, March 21: Baker with both hands violently cast, flung and threw deponent upon the wall, kicked her on the head, neck, breast, side and back and other parts; deponent has diverse bruises, hurts and wounds- her life despaired of. Defendant struck a knife into the wall close to her face. In terror she took shelter at her father's house. Evidence of Daniel Baker: deponent says his wife assaulted him. Recognizance: Daniel Baker £10, sureties *Chester Wadsworth* and *Charles B. Baker* £5 each. Verdict: guilty. Sentenced to one month in gaol and to be kept in prison until he secures sureties to keep the peace for one year. Filed by *Charles Richardson*, signed by *James Muirhead* March 23, 1831.

File 9-16

Francis Clare [Clear?], Grantham, labourer. Charged with larceny, stealing a frock, shirt, tea pot, bowl, cups and saucers &c (value ~~£0.8.6.~~ £1.5.0), the property of *Richard Flewellan*, Grantham,

labourer, on March 2. Witnesses: Richard Flewellan. Evidence taken before **James Black**, March 3: the goods were taken between 2 pm on March 1 and 6 pm on March 2, and hidden in the house of Francis Clare. Discharged by proclamation.

File 9-17

Edward Defield, Queenston, constable and **John Stewart**, Queenston, labourer. Charged with assault and battery against **Benjamin Nickels**, March 22, 1831. Presentment signed by **John C. Davis** (foreman) filed by **Charles Richardson**, March 24. Witnesses: Benjamin Nickels, **Sarah Ann Beattie**, [**Huddy?**] **House**. Evidence of deponent: Defield and Stewart bruised him with clubs. Verdict: not guilty.

File 9-18

Sylvester G. Glynn, Grantham, labourer. Charged with aggravated assault against **Elizabeth Glynn**, February 15, 1831. Grand Jury presentment signed by **John C. Davis** (foreman.) Witnesses: Eliza Glynn. Evidence taken before **James Black**: deponent was beaten and ill treated by her husband, who cast and flung her on the ground, kicked her head, neck, breast, sides, back &c. Evidence of **Nathaniel [Blackmer?]**, cooper and **Peter Darby**, carpenter, on the oath of **Thomas Merritt**: Glynn with an axe in one hand and a knife in the other threatened to murder his wife. James Black and **John Smith** attempted to arrest him, February 15, 1831. Plea: guilty. Sentenced to one month in gaol, and to secure sureties to keep the peace for one year.

File 9-19

Edward Hawkins, Niagara, labourer. Charged with larceny, stealing 1 silver spoon (value 2/6-) the property of **Jacob Duesler**, Niagara, tailor, on March 15, 1831. Witnesses: Jacob Duesler, **Charlotte Lowe**, **David West**, **Ann Courtney**, **Henry Woodruff**. Evidence taken before **Daniel McDougall**: Hawkins came to the house of deponent at 6 pm and asked for something to eat. Tea was set before him and the silver spoon, when he left the spoon was gone. Ann Courtney- attests to the truth of the facts. Edward Hawkins-denies charges. Recognizance to appear: Jacob Duesler, David West and Ann Courtney- £5 each. Verdict: not guilty, March 23, 1831.

File 9-20

John Jenkins, Grantham, labourer and **Patrick McMahon**, Grantham, labourer. Charged with building a rail fence on the **Middle Road** in Grantham and obstructing the highway. Presentment signed by **Nathan Pawling** (foreman), January 28, 1831. Witnesses: **Theophilus Brundage**, the road was obstructed 10 hours on the 28th. Damage was sustained by His Majesty's subjects not being able to pass and repass on the road &c.

File 9-21

James Mann, Grantham, labourer. Charged with assault and battery against **James Watson**. Witnesses: James Watson. Recognizance taken before **Thomas Merritt** March 14, 1831: James Watson £10, sureties **David William Smith** and **Thomas Gilleland**, £5 each. Recognizance discharged, no prosecutor appearing.

File 9-22

Benoni Nickals [*Nichols*], Stamford, labourer. Charged with assault and battery against **Edward Defield** and **John Stewart**, constables, on March 22, 1831. Evidence taken before **Robert Grant**, March 24: Defield was employed as a constable to serve a warrant for debt (issued by Robert Grant) on the defendant. He arrested Nickals at Chippawa, who was in a wagon with two women. He wouldn't let the deponent ride in the wagon, but gave abusive language and said he'd go and do what he pleased. Could go in the wagon if he didn't go faster. The deponent went one mile, when the road was good he (Nickals) started the horses. Deponent called for him to stop, he would have made his escape unless John Stewart overtook him. Nickals struck several blows with the whip, deponent seized him by the collar. Nickals struck him a blow with his fist on the head. Deponent tied him up and brought him to Queenston with the help of Stewart. Exhibit: warrant from Robert Grant to **Chester Wadsworth** to levy upon the goods of Nickals to recover a debt of £8 in favour of **David McWethy**. Verdict: guilty. Fine £5 plus costs, and to remain in custody until paid. March 25, 1831.

File 9-23

Peter Urquhart, Gainsborough, labourer and **Peter Winney**, Grimsby, labourer. Charged with larceny, stealing 10 pounds of beef and pork (value 2/6-), the property of **James Butler**, on February 1, 1831. Witnesses: James Butler, **Adam Snyder**. Evidence taken before **Smith Griffin**, February 2: defendants defrauded me of my property. Recognizance to appear: James Butler £10. Verdict: not guilty, March 22, 1831.

File 9-24

Jacob N. Vrooman, Niagara, yeoman. Charged with larceny, stealing one pal[I]asse (value 5/-), two quilts (value 5/-), a saw (value 5/-) the property of **Thomas Cornell**, on September 24, 1830. Warrant to apprehend Vrooman issued by **James Muirhead** to constable **John Talbot** on January 26, 1831. Witnesses: **Nancy Cornell**, **John** [-----], **Edward Defield**, **Keys Gleason**, **Joseph Johnson**, **Kenneth McDougall**. Presentment attached; Evidence taken before **Nathan Pawling**: Vrooman in company with a constable broke into the premises of Nancy Cornell sometime between September 6 and 24, and took sundry articles of wearing apparel, beef tallow (the property of Thomas D. Cornell) and has been converted to his own use. Goods were taken under the pretense of rent being due to Vrooman. Case traversed. Verdict: not guilty, March 22, 1831.

Niagara District Quarter Sessions,
April Sessions (Special) and July 1831.

File 10-1, Accounts. April 19, 1831 Special Session. Reverse side of accounts sheet inscribed “*James Marshall vs. Charles Secord.*”

Dr. Muirhead, April 19: charge for opening the body of *Isaac Duckett* to ascertain the cause of death, March 27, 1831. £2.6.8.

William Duff Miller (coroner) April 19: charge for holding an inquest on March 27 on the body of *Isaac Duckett* (a coloured man) who died in gaol, £2.14.0.

John Hawn, March 28: charge for burial of *Isaac Duckett* (coloured man) who died in gaol, 5/-. Certified by *William Duff Miller*.

Joel Porter, March 27: cost for a coffin for *Isaac Duckett*, sending coffin and carrying the corps to the grave, £0.15.0. Certified by *William Duff Miller*.

Francis Proctor, April 19: charge for summoning a coroner’s jury for an inquisition on the body of *H. Burt*, September 13; charge for summoning a coroner’s jury on the body of *James Smith*, September 19; charge for summoning a coroner’s jury and coffining the body of *Isaac Duckett*, March 27, 1831. £0.17.6. Certified *William Duff Miller*.

Drs. Muirhead and Porter, April 19: charge for medicine and attendance on a coloured man for three weeks at *James Miller’s inn*, £4.10.0.

James Miller, April 19: cost of coffin, sheet and shirt for *Ezekiel Ball* (a coloured man) and to *John Hawn* (sexton) for digging the grave, £1.12.6.

John Osborn, April 19: charge for attending *Ezekiel Ball* (coloured man) while sick for three weeks, died on Saturday last, £1.10.0.

Samuel Wood (coroner) April 19: charge for holding an inquest on April 9 on the body of *Henry Carver*, Grantham, £1.5.0.

Gilbert McMicking, April 19: charge for holding an inquest on October 10 on the body of an unknown woman, found below the Falls, and cost of a sheet, coffin and burial at *Lundy’s Lane*; charge for holding an inquest on the body of *Hugh Haggerty* on January 28, “disenterring the body and entering it again,” £7.8.2.

R. and J. Crysler, April 19, 1831: charge for cotton for *James Dennis*, and to *John Davis* for a coffin for Dennis’ wife, £0.15.6. buried December 6, 1830.

Daniel McDougall, March 19, 1831: *An Account of Statute Labour in the Town of Niagara 1830 and Money Paid in Lieu of Statute Labour*. [Account shows 1420 days of statute labour, and £60.3.9. exemption money collected.]

Schedule of Niagara District accounts, *Niagara Herald*, published April 20, 1831.

Ephraim Wheeler, charge for services as turnkey between January 15-April 15, 1831, £7.10.0.

Account of Rations Due the Gaoler of the Niagara District, January 27-April 19, 1831 (*Peter Wheeler*.) £69.13.7½. [This schedule dated April 19 includes charges for Wheeler's salary, 42 cords of fire wood, candles, straw for the cells, black lead to clean the stove and scrubbing the court house.] Names of prisoners and date committed:

John Tutaly, January 27-February 11.
Joseph Cudney, January 27-February 11.
Daniel Abbott, January 27-March 17.
Isaac Duckett, January 27-April 3.¹⁸
Abraham Eastwood, January 27-February 27.
Ellen Johnson, January 27-January 30.
Sylvester G. Glynn, February 15-April 19.
Francis Clare, March 3-March 24.
Edward Hawkins, March 15-March 23.
Daniel Baker, March 23-April 19.
Henry Kirk, March 25-April 1.
Benjamin Nichols, March 25-April 19.
John Ryan, March 16-March 17.
Ralph Truax (debtor) January 27-April 19.
Warren Nichols (debtor) January 27-April 19.
John Briggs (debtor) January 27-April 19.
Valentine Ward (debtor) February 1-February 18.

Peter Wheeler, April 19, charge for washing prisoner's shirts: *John Tutaly* (2 shirts); *Daniel Abbott* (7); *Isaac Duckett* (9); *Abraham Eastwood* (4); *Sylvester G. Glynn* (9); *Francis Clare* (3); *Daniel Baker* (1); *Benjamin Nicholas* (3). Total 38 shirts at 3d, plus 20 blankets, 4 bed ticks and making three new bed ticks £1.7.6. Signed *James Muirhead*.

File 10-2, Clerk of the Peace Accounts.

Accounts for the Special Sessions for January 1831 included the following cases: Rex vs. *Peter Urquhart* and *Peter Wire* [Winney?] (larceny); *Jacob N. Vrooman* (larceny); *Edward Hawkins* (larceny); *Daniel Baker* (assault and battery); *Francis Clare* (larceny); *James Connolly* (obstructing the highway); *Henry Kirk* (larceny); *Edward Defield* and *John Stewart*; *Benjamin Michaels* (assault and battery); *Sylvester G. Glynn* (aggravated assault); *James Mann* (assault and battery); *John Hawkins* and *Patrick McMahon* (obstructing the highway.) £82.18.9. Filed April 19, 1831.

File 10-3, Orders.

Accounts of the Treasurer examined and approved, ordered to be printed in the Niagara papers, April 19. Signed *James Muirhead*.

Ordered that the rate of 1d in every £1 to be collected, April 19.

Ordered that the Clerk of the Peace insert the following merchant shops in the Pelham assessment for 1829-1830 agreeable to those made out by *David Thompson*: Messrs. *Brady*, *Joseph Wilson* and *Lewis Wilson*. Signed *James Muirhead*, April 19.

¹⁸The date of April 3 must be a clerical error since other documents show that Duckett died in gaol on March 27.

Ordered that **Daniel McDougall** continue as *surveyor of streets for Niagara*, and lay open a *road from the gaol to the court house* 45 feet wide.

Ordered that **Andrew Burns** be paid £2.10.0. to defray the cost to the *Talbot Settlement*, April 19.

Ordered that the *Committee to Examine the Gaol* to consist of **James Muirhead**, **Daniel McDougall**, **John Crooks**, **John Claus**, **George A. Ball** and **Thomas McCormick**, April 19.

Ordered that **Robert Grant** and **Alexander Hamilton** be Commissioners to examine the *stone culvert construction* on the highway, with powers to contract for the same, signed **James Muirhead** April 19.

File 10-4, Accounts.

David Lynch, Stamford, for duties as Town Clerk, 10/6-, July 2, 1831. Includes a list of Stamford officers: pathmasters **Lawrence Lemon**, **Peter DeWitt**, **Gilbert McMicking**, **William VanEvery**; poundkeeper **Edward Denham**; town warden **John McMicking**. Signed **James Muirhead**, July 14, 1831.

Richard Leonard: statement of salaries for constables **Jacob Dockstader**, **Joseph Archer**, **John Talbot**, **Gilbert Anderson**, **Edward Defield**, **Ezra Durham**, £3.15.0. Signed **James Muirhead**, July 16, 1831.

Patrick McArdle: charge for repairs to gaol, glass and putty, £1.5.0. Signed **John Kidd**, **Charles Richardson** and **James Muirhead**, July 16, 1831.

Gershom Wright, St. Catharines, July 12, 1831: charge for a coffin for **John Morse**, October 9, 1830; March 1831 coffin for an unknown man; £1.0.0. Certified by **Samuel Wood** (coroner), **James Muirhead** and **Charles Richardson**.

John Kidd: charge for 13½ yards of green baize ordered by **Judge Ridout**, £0.16.10½. Signed **James Muirhead**, July 16, 1831.

Peter Wheeler: July 16, 1831 charge for boarding **Mrs. [Mary] Terman's** three children for 9 days, 13/6-.

R.B. Groat: charge for services as crier, £1.5.0. Signed **James Muirhead** and **Charles Richardson**, July 16, 1831.

Samuel Glover: constable account £1.11.0. Signed **James Muirhead**, July 16, 1831.

Jacob Dockstader: High Constable account £3.7.6. Signed **James Muirhead**, July 16, 1831.

Ephraim Wheeler: charge for services as turnkey April 15-July 15, 1831 £7.10.0. Signed **James Muirhead** and **Charles Richardson**, July 18, 1831.

William Garner: constable account, £1.15.2. Signed **James Muirhead** July 16, 1831.

Charles Edwards, June 20, 1831: charge for whitewashing gaol cells 10/-, signed **John Kidd**, **James Muirhead** and **Charles Richardson**, July 14, 1831.

John Hawn, sexton: charge for digging a grave for **Daniel Ferguson**, drowned May 19, £0.5.0. Signed **William Duff Miller**, **James Muirhead**, July 12, 1831.

Edward Defield, June 22, 1831: charge for summoning a coroner's jury, cost of a coffin, digging a grave and burial of the body of a man found in the Niagara River at **Queenston**, £1.1.3. Signed **James Muirhead**, July 14, 1831.

John Crooks: cost to print 400 bills to advertise the Sessions; **Ferris Cudney**; **Powell** wounded by **F. Morgan**, £8.3.9. Signed **James Muirhead** and **Charles Richardson**, July 12, 1831.

James Ralston, schoolmaster: charge of £15 to rent a schoolroom. Signed **James Muirhead**, July 14, filed July 16, 1831.

John Lounsberry: constable account £0.17.6. Signed **James Muirhead**, July 16, 1831.

John Stevenson: constable account £5.12.2. Signed **James Muirhead** and **Charles Richardson**, July 16, 1831.

Charles K. Fell: charge for surveying roads in Wainfleet, **Dunnville**, the **Nelles Settlement**, Canborough, Pelham and Gainsborough, £8.1.3. Signed **James Muirhead** and **Charles Richardson**, July 16, 1831.

Peter Wheeler, July 14, 1831: Charge for washing the shirts of prisoners confined in the Niagara Gaol: **Benjamin Nichols** (14 shirts); **John Smith** (10); **Anthony Pruscoux** (6); **William Smith** (4); **Edward McHenry** (4); **Sylvester G. Glynn** (3); **Joseph Lemon** (9); **Desmon Webb** (7); 57 shirts at 3d, total £0.14.3. Signed **James Muirhead**, filed by **Charles Richardson** July 16, 1831.

Account of Rations Due to the Gaoler of the Niagara District (Peter Wheeler) April 19-July 14, 1831. £24.2.0. Signed **James Muirhead**, July 14, 1831. [Charge includes the cost of candles and brooms.] Names of prisoners and dates committed:

Benjamin Nichols, April 19-July 14, 1831.

Daniel Baker, April 19-April 26.

John Smith, May 3-July 14.

Mary Davis, May 18-July 14.

John Oliver, May 26-July 14.

Anthony Pruscoux, June 3-July 14.

William Smith, June 19-July 14.

Edward McHenry, June 20-July 14.

Mary Turman, July 5-July 14.

Thomas Parks, July 3-July 5.

Warner Shavilier, July 12-July 14.

John Fry, May 17-June 13.

Sylvester Glynn, April 19-May 7.

Joseph Lemon, April 20-June 8.

Desmon Webb, April 20-June 4.

Warren Nichols, April 19-July 14.

John Briggs, April 19-July 14.

Ralph Truax, April 19-May 7.

James Gaut [?], May 26-July 14.

David Turr [?], May 7-July 14.

File 10-5, Road Accounts.

James Black and **Thomas Merritt**, Grantham, May 19, 1831: £11.19.4. highway tax granted to the Township of Louth to lay out a road between **John Clark** and the **Lake Road** leading to **Port Dalhousie**.

John Warren, June 8, 1831: £21.0.11 road taxes collected for Humberstone and Bertie.

Joseph Price: charge for ditching 450 rods on Concession 3 (Willoughby) 3 feet at the top, 18" deep and 18" at the bottom, £28.2.6. Received at Chippawa from **James Cummings**, witness **C.H. Leonard** and **Alexander Lefferty**. As per contract of October 1, 1830, completed before December 1, 1830 at 1/3- per rod.

James Cummings: received £12.17.3. road taxes.

To **Stephen Roy**, or bearer, endorsed by **Mr. Clark** (treasurer): £50 of absentee land tax for Gainsborough paid for work on the road from 30 Mile Creek to Chippawa Creek. Signed **James Black**, **Thomas Merritt**, **John Clark**, **Smith Griffin**. Received by Smith Griffin, December 29, 1831.

To **Siles Hopkins** or bearer, endorsed by **Mr. Clark** (treasurer): £37.10.0. of absentee land tax paid for work on the road through Caistor from Chippawa Creek to the Grand River "if so much remains in the Treasury." Signed **James Black**, **Thomas Merritt**, **John Clark**, **Smith Griffin**. Received by Smith Griffin December 29, 1831.

Jacob Mesler: charge £6.12.7½ for work on **Brown's Bridge** at Wainfleet. Enclosed in a letter from **David Thompson** at Wainfleet, to **William Clarke**, treasurer, January 1, 1831. Endorsed by **James Muirhead** "Pay to David Thompson or his order, January 17, 1831. Received January 26, 1831 by David Thompson."

Francis Galbraith: please pay £5 for my work on the highway in Pelham, the order of **John Clark** and **David Thompson**. Signed David Thompson and **George Keefer** (endorsed "received by Francis Galbraith March 24, 1831.)

File 10-6, Vouchers 1-50. [Vouchers not copied as they reflect the information in "Accounts" above.]

File 10-7, Vouchers 51-100. [Vouchers not copied as they reflect the information in "Accounts" above.]

File 10-8, Vouchers 101-150. [Vouchers not copied as they reflect the information in "Accounts" above.]

File 10-9, Vouchers 151-212. [Vouchers not copied as they reflect the information in "Accounts" above.]

File 10-10, Assessments and Collectors Rolls.

General Statement of Assessments, April 1830. Signed by **William Clarke**, April 19, 1831.

Return of Service of Collector's Rolls by Benjamin Clench, 1831. Signed by **Charles Richardson**, July 16, 1831. **Philip Beamer** (Louth); **Andrew Dean** (Gainsborough); **John J.**

Patterson (Clinton); *Daniel Palmer* (Grimsby); *Joseph Brooks* (Canborough); *Isaac Camp* (Rainham); *George Waggoner* (Walpole); *Walter B. Sheehan* (Haldimand); *Jeremiah Forrester* (Wainfleet); *James Tisdale* (Caistor); *John Schofield* (Pelham); *Amos Bradshaw* (Thorold); *Ozias Boughner* (Crowland); *Jacob Strohm* (Humberstone); *Richard Thompson* (Bertie); *Peter Misener* (Willoughby); *Thomas Wilson* (Stamford); *John B. Clement* (Niagara); *John Gibson* (Grantham).

File 10-11, Correspondence.

James Cummings to *Charles Richardson*, Chippawa, July 20, 1831. *Collingwood Forsyth* wishes to open a grocery at the Falls, he has equal right as any of His Majesty's subjects. He has gone to considerable expense to erect a new flight of steps at **Table Rock** and built a house at the head to keep a grocery and to provide refreshments for visitors. He is entitled to a licence. Every man who applies has the free benefit of the law. If he abuses it, the law is there to punish.

Henry J. Boulton, York, July 15, 1831: Does not see anything to prevent the Quarter Sessions from trying cases for misdemeanors of physicians practicing without a licence. "It has been done more than once here."

John Beverly Robinson to *Thomas McCormick*, York, May 18, 1831: You are no longer treasurer but minutes of charges not forwarded £4.13.4.

William Clarke to *Charles Richardson*, July 16, 1831: encloses *Mr. Robinson's* Accounts of the Niagara District.

Letter from *James Muirhead* to *Edward McMahan*, Niagara, July 21, 1831. Petition of *William Forsyth* transmitted for His Excellency's information, was convicted of aggravated assault on *Michael Morgan*, and fined £5 plus imprisonment. Forsyth was convicted before a full bench. Reply from Edward McMahan: petition was laid on the table late in the session but not acted upon. Any application for remission of punishment should be made to His Excellency. [File contains a draft and good copy of the letter.]

Letter of *Edward McMahan* to *Charles Richardson*, Government House, July 17, 1831: An account of the number of emigrants required for the Niagara District.

Letter of *Charles Richardson* to *James Baby*, July 1, 1831: No fines &c estreated to the Crown during the Quarter Sessions ending June 30.

Letter of *Charles Richardson* to *Zachariah Mudge*, June 10, 1831: Encloses population return for the Niagara District A second letter is addressed to *Mr. McMahan*, June 11, 1831: have enclosed the return to you, having heard of the melancholy death of Mr. Mudge.

Letter of *Charles Richardson* to *James Baby*, April 1, 1831: encloses a return of fines and forfeitures to March 31, 1831.

Letter of *Henry John Boulton*, York, July 7, 1831: A poor old man, *O'Connelly*, has been with me to see if he cannot have protection regarding attempts to open a road in a half circle behind his house and premises on the lakeshore in Louth. This must injure the man very materially. He did not bring a petition and proceedings from the Quarter Sessions therefore I cannot give him an opinion. His immediate neighbours try to injure the old man for their benefit, which I hope you will aid me in trying to frustrate. I charged him nothing for my advice. A map shows how unjust

the attempt is, and how seriously he will be injured. Before a road can be made, a petition must be made to the road surveyor by 12 freeholders and he must report thereon to the Quarter Sessions. If no opposition is made, the road may be established. If opposition is made, a jury may be sworn to try the matter. Proceedings have not been had.

Letter of **Charles Richardson** to **Henry J. Boulton**, Niagara, July 11, 1831: steps have been taken, the jury has determined the matter in favour of the petitioner (**O'Connelly**) after a full hearing. Also encloses a presentment against physicians practicing with no licence. Does the Quarter Sessions have the authority to try such cases under the Statutes?

File 10-12, Court of Requests.

Duncan McNabb vs. **Jacob Gander**, Chippawa, November 6, 1830. Before magistrates **R.H. Lee** and **Samuel Street**, non suit for £1.15.6; cost of summons, service, judgement (non suit) 3/6-, certificate paid by plaintiff. Signed **James Cummings**, July 14, 1831. Paid 1/- for the copy.

File 10-13, Criminal Calendar.

List of Criminal Prisoners Confined in the Niagara Gaol, July 12, 1831 (**Peter Wheeler**.)

Benjamin Nicholas, confined March 23, 1831. Under sentence.

John Smith, May 3. Committed on orders of **James Cummings**, charge of assault and battery.

Mary Davis, May 18. Orders of **Daniel McDougall**. Felony, theft of calf skin the property of **John Brady**.

John Oliver, May 26. Orders of **John Crooks**. Felony, theft of a pocket book with \$30 and order on **Lewis Clement**, the property of **Simon Kemp**.

Anthony Pruseaux, June 3. Order of **W. Crooks**. Threat to fire the premises of **Cyrus Sumner**.

William Smith, June 19. Order of **John Clark**, on oath of **H. Camp** and **Eliza Kenneda**, disturbance of peace, they are in dread of him.

Edward McHenry, June 20. Order of Daniel McDougall. Felony, theft of 2 silk handkerchiefs and 2 silk sashes, the property of **Ann Moffatt**.

Mary Terman, July 5. Orders of **James Muirhead**, John Crooks and **Daniel McDougall**. Under sentence.

File 10-14, Filings.

Evidence of **Mary Turman**, of Niagara, *femme covert*, taken before **Daniel McDougall**, April 27, 1831: in the afternoon of April 24th **John Fry**, Niagara, labourer, came into her house. He abused her with foul language, and he was ordered by a coloured man (an inmate of the house) to be quiet or get out. He continued the abuse and was pushed out of the house. When outside the house he pointed a pistol at the deponent and "swore by Jesus Christ he'd blow her brains out."

Deponent was alarmed and went to the justices. She came home, and Fry came to her door and knocked very hard. The coloured man told Fry not to come in but Fry said he would. If the door was not opened he'd break it. He was told if he broke the door, he'd suffer for it. Fry struck the door three times with great violence, broke the lock and rushed into the house. The deponent hid, Fry took up a candle and went upstairs to search the house. The inmates forced him out.

Deponent fears he will do her harm. Signed "her X mark." Evidence of **John Drain**: was present at the house, saw Fry acting badly and had a pistol, swore he'd blow her brains out. July 15, 1831.

June 3, 1831, subpoena to **Moses Skinner**, Crowland, to give evidence against **Francis Benedict** (misdemeanor) at Sessions on July 12, 1831, signed **Charles Richardson**.

June 3, 1831, subpoenas to **Linus B. Clarke**, Crowland, and **Arthur Johnson**, Crowland, served by Constable **S. Glover**, signed **Charles Richardson**.

James Cummings, Chippawa, July 11, 1831. **Mr. Weishuhn** and me has settled the warrant that I took out for him and it is my wishes that you would not return the warrant to the court as all cost is paid. Addressed to **E. Moss**.[?]

Alexander Hamilton to **Charles Richardson**, Queenston, July 13, 1831: the information of **John Pickard** concerning **Clendennan** enclosed. A warrant has been issued but no return made. Pickard's wife is in Queenston with the property, but Clendennan is not with her. She had given up the property which they had taken back with them and I thought the matter ended. The information was laid aside and entirely escaped my attention. Evidence of **John Pickard**, Niagara, taken before Alexander Hamilton at Queenston, May 16, 1830: **Walter Clendennan** of Grantham left the province with goods and chattels (a wagon, yoke of cattle and household furniture) worth £25, the property of my brother, **James Pickard**, of Niagara, who is absent from his house. Prays that a warrant might issue for Clendennan. Recognizance: John Pickard £20, surety **Gilbert Anderson** £20. Recognizance to appear taken before **George Adams**, June 11, 1831: Walter Clendenning, of Grantham, millwright, £25, sureties **Walter Dittrick**, Grantham, innkeeper and **John Hainer**, Grantham, yeoman, £12.10.0. each. [File includes draft copy of a bond, June 20, 1831.]

John Clark to **Charles Richardson**, July 14, 1831. It is not in my power to remain longer in town in the case of **William Smith**. My observation of his conduct in disturbing the peace, and instigating others to do the same, and grossly insulting me as magistrate, make me feel perfectly warranted in committing him. The parties complaining did not appear, he will be discharged by proclamation. He ought to be bound to keep the peace. The constable account for taking Smith from Grand River to Canboro' and then delivered to another constable \$7.00. **John Lounsberry's** account \$7.00. Letter of **H[enry?] Camp** to be forwarded to John Clark, St. Catharines: "I wish you would have the goodness to rite to Square Clark and say to him that Smith says when he gits clear that he will take his life I think it to be my deutey to informe square Clark of the threts made by Smith."

John Gibson (foreman): that **Sarah Taylor**, wife of **Robert Taylor** of Niagara, give evidence before the Grand Jury, July 14; **Robert Burns** and **Johnson Clench** to give evidence before the Grand Jury, July 14; **William Gant**, **Henry Preston** and **Benjamin Gates** be sworn to give evidence before the Grand Jury, July 12, 1831. Filed by **Charles Richardson**.

File 10-15, Filings.

Presentment: **John Stewart**, Gainsborough, constable, at the house of **John Lacey**, Thorold, on June 22, 1829 was in charge of prisoner **James Fields**, Niagara, labourer. On the commitment of **William Anthony**, J.P., and charged by **William Johnson** with the theft of £2. Stewart took £4.5.0. as his fees and restored £2 to William Johnson, and then and there wilfully suffered James Fields to escape and go at large. Signed **Samuel Street**, September 18, 1829. Evidence: **William Johnson**, a labourer on the **Welland Canal**, on the last day of June or early July 1829 came and made information that **James Fields** stole £2. A warrant was issued to **John Kenneda**, constable, to apprehend Fields. Fields made his escape before the warrant for commitment was made. He was pursued 2-3 miles, and **Constable Stewart** coming the opposite way heard the "hue and cry." He stopped him and brought him back. The prisoner was put in charge of Stewart, I made out the warrant of commitment, delivered it to Stewart and sent them away. A man, **Lacy**, was present at the **Deep Cut**. He saw Stewart and Fields. A certain sum was taken from Fields for constable fees

and a sum for me as a magistrate. Lacy swore the amount was stolen and the prisoner was allowed to escape. Happened just before the last Assizes. Asked the gaoler if he received the prisoner Fields, he said he did not. The *Attorney General* directed me on how to proceed. Warrant issued July 21, 1831. Warrant to appear for witnesses William Anthony, John Kennedy and John Lacy issued by *William Campbell* September 18, 1829. Recognizance to appear: William Anthony, John Lacy and John Kennedy £25; John Stewart £100 and sureties *Robert Dickson* and *Alexander Stewart* £50 each. Exhibits: two \$2.00 Bank Notes and one \$4.00 note.

File 10-16, Fire Company Records.

List of *Fire Company #1* "to apply for certificates:" *John Barker, John Rogers, John Y. Crooks, John Clement, John Davidson, John Graham, John Harris, John Martindale, John McBride, John Kay, John Shriver, John Wagstaff, John Douglas, John McDonald, John D. Botsford, John Grier, John Lax, Andrew Boylan, Ralfe M. Clement, Adam Hawley, Andrew Heron, Urson Harvey, Hugh McNally, Michael Morley, James Rogers, George Vary, James Wagstaff, Richard Wagstaff, Nicholas Wall, Thomas Whitten, Thomas Lennox, Thomas Richardson, Richard Howard, Joseph Poncett, Charles Fields, Robert Fields*. Signed *James Muirhead*, July 12, 1831.¹⁹

File 10-17, Grand Jury Presentments.

Condition of Roads and Bridges. The road between *Rose's farm* to Stamford and the Falls has been lately worked but is in a bad state. The road has been thrown up high in the centre, is 20 feet wide from the outside of each ditch, therefore two waggons in passing with loads are in danger of slipping.

The *bridge across 4 Mile Creek* at the *Lake Road* is in a dangerous state, the timbers decayed. Repairs are needed but statute labour is insufficient. £5 needed to repair bridge.

The *bridge over 15 Mile Creek* on the *Main Road* is almost fallen down, is dangerous and needs to be rebuilt. Estimated to cost £15.

The *bridge over 20 Mile Creek* on the same road is dangerous, the timbers have decayed but the planks are good. Will cost £37.10.0. to repair.

Joseph Smith, Henry Kerr and *Lewis Hains* to be commissioners to pay out repair money. Stone butments would be cheapest.

Signed *John Gibson, Peter M. Ball, David Emmett, Richard Mann, Jacob Hosteter, Adam Stull, Jeremiah Durham, Elias Durham, Thomas Darling, William Facer, Cortland Secord, Robert Bessey, John Willson*²⁰, *James Dittrick, Peter T. Pawling, Robert Kay, Joseph Vanderlip*.

Grand Jurors have examined the gaol and prison and find it in good order, the prisoners satisfied with the treatment of the gaoler. Signed *John Gibson*, July 16, 1831.

¹⁹A nearly identical list of the men of Niagara Fire Company No. 1 was printed in *Niagara Historical Society Pamphlet #27* (1914-15), "Names Only But Much More," p. 34. Between 1830 and 1831 the main changes appear to have occurred in Division #2, where the names John D. Botsford, Thomas Lennox, John McDonald and John Grier were no longer seen. These men had been replaced by *William Harris, Joseph B. Clement* and *Roland A. Goodenough*.

²⁰Willson's name was originally struck out but reinserted at the end of the list of signatories.

File 10-18, Orders.

A bridge was ordered to be built and inspected by *James Cooper* and *Daniel Field*, to report upon when completed, signed *James Muirhead* January 11, 1831. A stone arch was built by *George Field* near *Daniel Field's inn*, which he contracted to build for £14.15.0. or \$59. Reported upon July 11, 1831. (Endorsed "order of last October.")

Charles K. Fell, ordered to survey the road between Concessions 4 and 5 in Grantham between lots 20 and 21 and to report upon the same, July 15, 1831.

Benjamin Clench, ordered £8.10.0. for delivery of rolls to collectors, July 16, 1831.

John B. Robinson, ordered £4.13.4. for his opinions given when Attorney General on May 25, 1826 and July 13, 1829.

Joseph Smith, Henry Kerr and *Lewis Hains* ordered £25 for the new *20 Mile Creek Bridge* and £12.10.0. for the *15 Mile Creek Bridge*, July 16, 1831.

Courtland Secord, ordered £5 to repair the *4 Mile Creek Bridge* on the *Lake Road*, July 16, 1831.²¹

Charles K. Fell, ordered to survey a road on the *Grand River* in Moulton and Haldimand, running from the road at *Dunnville* to the place formerly occupied by *Christopher Lymburner* and to intersect with a road opened from *Burlington Beach* touching at *Highflyers* near the *Nelles' Settlement* and to produce maps of the same, July 16, 1831.

Louth, April 8, 1831. A dispute has arisen concerning *Concession Roads*. The District Surveyor says the roads should be laid out on the north side of marked stakes, the chain bearers say it should be on the south side. Some believe one and others believe another. Some cut timber on the north side of the stakes and others on the south side, some shut up the road on the north side and others on the south side. "These proceedings are the cause of a great disturbance in Louth." Concession roads are obstructed, some altogether stopped up. Ordered that *Charles K. Fell*, a competent surveyor, examine and report upon them. The petitioners will pay the surveyor, July 14, 1831. See George III (1818) p. 438 for the surveyor's oath, pp. 439-440 surveyors deemed as judges of land boundary matters. Signed *Eber Cullver, John Clark, George Oile, James N. Smith, John Smith, Nicholas Smith, Benjamin Smith, Andrew Flummerfelt, John Flummerfelt, Cornelius Ryckman, David Crow, David Bradt, Adam Beamer, John Franklin, Daniel Wills, Jacob Schram, William Adams, Richard Dawdy*.

James W.O. Clarke, pathmaster, based upon a verdict of the jury is ordered to open a road near the orchard of *James O'Connolly*, under the supervision of *Charles K. Fell*, and to report on the same, July 15, 1831.

Ordered that no allowance for *office rent* is to be paid to any person heretofore in receipt of such allowance from the District Funds including schoolhouses. Signed *James Muirhead*, July 15, 1831.

²¹The document contained a clerical error, the "5" Mile Creek, which was struck out and changed to "4" Mile Creek.

File 10-19, Precept.

List of Grand and Petit Jurors, compiled by *Charles Richardson* and *J. Clench*, July 12 and 13, 1831.

Grand Jury: *Jacob Hosteter, Richard Mann, James Dittrick, Adam Stull, Robert Bessey, Thomas Darling, John B. Clement, Peter M. Ball, Robert Kay, Adam Brown, James Secord, Joseph Clement, Peter T. Pawling, Robert Miller, Joseph Vanderlip, David Emmett, Jeremiah Durham, Elias Durham, William Facer, John Gibson, William Wynn, John Wilson, Courtland Secord, James McFarland.*

Petit Jury: *Richard Clark, Joseph Markwell, John McDade, John Wright, Gershom Wright, Kenneth Reach, Seth Keith, Lewis Britton, James Mann, William Darby, Cornelius Read, Lewis Lambert, Moses Cook, William H. Sanderson, Jacob Kipp, Nelson Dewis, Alexander Goodman, John F. Mittleberger, John Smith, James Watson, Francis Goring, Jacob Darby, John Clendennan, Isaac Secord, James Miller, James R. Eaglesum, Matthew Catheline, John Whitten, William Bargess, Matthew Dobie, John Guernsey, John Hammond, Thomas Lennox, Henry Woodruff, Adam Hawley, John Stewart, Walter Butler, John Yeo, Leonard Fawell, Patrick McArdle, Adam Crysler, William Cassedy, George Winterbottom, Joseph Wynn, Charles B. Baker, James Humphries, David Thompson, Elijah Armstrong.*

File 10-20, Roads and Bridges.

Isaac Wismer, Louth, yeoman. Is bound to *Charles K. Fell* of Pelham (surveyor of highways) £200, October 30, 1830. If a fence is placed in front of his farm near the Lake on the south side of a line, or interferes with leaving the road allowance 41 feet 3 inches wide in front of the farm between his premises and that of *James O'Connelly*, on or before December 24th next. Ordered to keep the fence 41' 3" from the bank of Lake Ontario, road may be removed southerly in case the bank caves in or washes away. Other parts of the road to be kept open along the lake. Witnesses: *George Carl, Andrew Butler.*

File 10-21, Road and Bridge Reports.

Charles K. Fell, Pelham, July 11, 1831 has examined the ground for a road ¾ miles on the line between Pelham and Gainsborough from the *Canboro' Road* to the River Welland. The road appears to be practicable and necessary. It is uncertain where the road allowance was left, but recommends that it be marked based upon the original survey 2 perches wide on each side of the Concession.

File 10-22, Tavern and Shop Licences.

Margaret Hart, Thorold, February 1, 1831. Has kept a boarding house for 2 years. Desires a licence to keep an inn at the house where she now dwells. Signed *William Hodgkinson, Jacob I. Ball, Nicholas Smith, Eton McArthur*[?]. (Endorsed "2/6- due on this, rejected.")

John Talbot, Niagara, July 14, 1831. Has repeated applications for a tavern licence without effect. Has fitted up a house with beds for travellers at great expense. As a British subject he thought no objections would be raised. Signed *David Thompson, John McDade, Francis Proctor, John McBride, Joseph Archer, Jacob Dockstader.*

File 10-23

William Bell, Thorold, labourer, **Jared Anthony**, Thorold, labourer, **Alexander McCabe**, Thorold, labourer, **Thomas Foster**, Thorold, labourer, **Ellen Campbell**, Crowland, *femme covert*; charged with riot and assault against **Robert Buchanan** on June 6, 1831. No bill: **John Gibson** (foreman.) Witnesses: Robert Buchanan.

File 10-24

Alonzo Bissel, Niagara, labourer. Charged with assault and battery against **John Berringer** on June 22, 1831. True bill: **John Gibson** (foreman.) Witnesses: John Berringer. Recognizance taken before **John Crooks** July 7: Alonzo Bissel £12.10.0., sureties **Daniel Fuller** and **George Cudney** £6.5.0. each. Plea: guilty. Fine 1/- plus costs. Signed **James Muirhead**, filed by **Charles Richardson** July 16, 1831.

File 10-25

Mary Davis, Niagara, (coloured woman.) Charged with larceny, stealing a calf skin (value 8/9-) the property of **John Brodie**, Niagara, druggist, on May 17, 1831. True bill: **John Gibson** (foreman.) Witnesses: John Brodie. Evidence taken before **Daniel McDougall**, May 18: Brodie suspects her, a coloured woman, since the skin was found in her possession. Mary Davis- says she bought the skin from a soldier. Recognizance to prosecute: John Brodie £10. Verdict: not guilty, signed **James Muirhead**. Filed by **Charles Richardson**, July 12, 1831.

File 10-26

William Forsyth, Jr., Stamford, innkeeper. Charged with assault and battery against **Michael Morgan**, Stamford, servant, on July 4, 1831. True bill: **John Gibson** (foreman.) Witnesses: Michael Morgan, **Robert Caswell**. Evidence of Michael Morgan taken before **Samuel Street** July 4: Morgan, a servant in the employment of **William D. Wright** of **Table Rock**, was taken by the throat by Forsyth at 1 pm and choaked until he threw up blood, Forsyth declared he'd kill him. Forsyth was taken off three times by a gentleman stranger. In passing by Forsyth's defendant asked if deponent was going for a warrant, ran out and seized him and attempted to choak him, was taken away by **Caswell**. Signed "his X mark." Recognizance July 4: William Forsyth Jr. £5, surety **Joseph Oldfield** £5; recognizance July 11: Michael Morgan, surety **Robert Kilman Caswell** £5 each. Schedule of fees/costs attached. Verdict: guilty. Fine £5 and jail for one month. To remain in custody until fine paid, signed **James Muirhead**.

File 10-27

Thomas Foster, Thorold, labourer (a canaller.) Charged with assault and battery against **Robert Buchanan**, Crowland, canaller, on June 6, 1831. No bill: **John Gibson** (foreman.) Witnesses: Robert Buchanan. Evidence taken before **David Thompson**, Wainfleet, June 6: deponent was passing by the house of Foster on the street in a quiet and respectable manner. He was requested in for refreshments, when Foster began abusing deponent who left the house. Foster took up a blacksmith hammer and swore he'd kill him with it. Deponent narrowly escaped. Another canaller, **David Trotter**, pursued and overtook deponent, and assaulted, beat and bruised him, bit a large piece out of his left cheek, and broke his left shoulder bone in two places and continued to threaten him. **William Bell**, **Francis Humphres**, **Jerred Anthony** and **Alexander McCabe** saw the affray, signed "his X mark." Recognizance: Robert Buchanan £10, sureties to appear William Bell, Francis Humphries, Alexander McCabe £5 each; Thomas Foster £10, sureties **Peter Burgar** and Alexander McCabe £10 each; David Trotter £10, sureties Peter Burgar and Alexander

McCabe £5 each; file includes a letter from David Thompson to **Charles Richardson**, Wainfleet, July 12: the bearer, Robert Buchanan, is prosecutor in the case. They've made friends, and wish the papers withdrawn. "All the men prior to the outrage were honest and decent men, especially Robert Buchanan." Filed by Charles Richardson July 12, 1831.

File 10-28

John Grier, Niagara, yeoman. Charged with larceny, stealing an ox chain (value 15/-) the property of **Samuel Truscott**, on July 13, 1831. True bill: **John Gibson** (foreman.) Witnesses: Samuel Truscott. Presentment attached, filed by **Charles Richardson** July 13, signed by jurors John Gibson, **William Facer**, **James Ditrack**, **Thomas Darling**, **Peter M. Ball**, **Adam Stull**, **David Emmett**, **Cortland Secord**, **Elias Durham**, **Jeremiah Durham**, **Jacob Hosteter**, **Richard Mann**, **Robert Bessy**, **John Willson**, **Peter T. Pawling**, **Joseph Vanderlip**. Verdict: not guilty. Filed by Charles Richardson July 16, 1831.

File 10-29

Joseph Lemon, Stamford, labourer and **Desmon Webb**, Stamford, labourer. Charged with larceny, stealing six hams (value 15/-) the property of **Edward Durham**, Stamford, weaver, on April 18, 1831. True bill: **John Gibson** (foreman.) Witnesses: Edward Durham, **William Garner**, **Ezra Durham**. Warrant for commitment of Desmon Webb issued by **James Cummings**, Chippawa, April 20 on the complaint of Edward Durham: 200 lbs of pickled pork (hams and side pieces) were taken from deponents wood house between April 9 and April 19. Webb taken by **William Garner**. Recognizance taken before **James Muirhead** June 4: Desmon Webb £4, sureties **Patrick McCardle** and **Peter Wheeler** £2 each. Evidence of Edward Durham taken before James Cummings May 18: the hams were secreted about the house of Webb, **Caldwell** and **Cauley** (chair maker) of Stamford. Search warrant issued for the same. Evidence of **Seloma Cowan** taken before James Cummings April 19: Joseph Lemon boarded 5 or 6 days at Webb's home. He said what board he'd had, he'd turn in provisions for the same; gave \$1.00 and said he'd get meat. Brought 40 lbs. of meat in a tub in small pieces about day light. Deponent didn't see it brought into the house. He was asked where he got it, not honestly? He said he paid for it. Deponent suspected it was from **Vantassel's** cellar, having had a dispute. Deponent gave him a glass of whiskey on the morning when he came in. There was no pork in the house previously except four pounds, purchased from **Robert Brooks** a few days before. Desmon Webb: thinks the meat is in a bag. He heard his grandmother Mrs. Cowan remark that she fears it was not honestly got. Joseph Lemon: says the only meat he brought in was bought before from Brooks. Recognizance taken before **R.H. Lee**, July 13: **Austin Morse**, Stamford, carpenter and **Neart VanWyck**, Stamford, cooper, £40 each, sureties for Joseph Lemon. Verdict: Joseph Lemon "not guilty." Filed by **Charles Richardson** July 12, 1831.

File 10-30

Beaneago Matham[?], Niagara, labourer. Charged with assault and battery against **Thomas Hero**, June 10, 1831. True bill: **John Gibson** (foreman.) Witnesses: Thomas Hero, **James R. Eaglesum**. Verdict: guilty. Fine £1 plus costs and to remain in custody until paid, October 19, 1831.

File 10-31

Leonard Misener, Crowland, yeoman, and **Anson Misener**, Crowland, labourer. Charged with assault and battery against **Peter Young**, July 4, 1831. True bill: **John Gibson** (foreman.)

Witnesses: Peter Young, **George Young**. Evidence taken before **James Cummings** on July 5: Peter Young, son of George Young, Crowland, yeoman, put up a fence between the premises of Leonard Misener and George Young. He was finished and going home with three younger brothers, got up on the fence and sat down. Leonard and Anson Misener told him to get off the fence. Defendants shook their fists at me, Anson Misener was told to give deponent a good whipping. He took deponent by the collar, struck him in the face and blackened his eye. Recognizance: Peter Young and George Young £5 each to appear; Leonard Misener and Anson Misener £5 each. Plea: guilty. Fined £2 plus costs, and to remain in custody until paid. Signed **James Muirhead**, July 13, 1831.

File 10-32

John McBride, Niagara, wheelwright. Charged with assault and battery against **John Layburn**, June 23, 1831. True bill: **John Gibson** (foreman.) Witnesses: John Layburn. Evidence of Layburn taken before **Daniel McDougall** June 23. Recognizance John McBride £10, sureties **Thomas Wheller** and **Robert Kay**, £5 each. Verdict: not guilty, signed **James Muirhead**.

File 10-33

Edward McHenry, Niagara, Flamboro' West, Gore District, yeoman/labourer. Charged with larceny, stealing dress goods 1 silk handkerchief (value 2/-), 1 cotton handkerchief (value 6d) and 2 silk sashes (value 1/-) the property of **Ann Moffatt**, Niagara, *femme covert*, on June 19, 1831. Witnesses: Ann Moffatt. Evidence taken before **Daniel McDougall**, June 19: dress goods found in custody of defendant. Recognizance: Ann Moffatt £10; *nolle prosequi*, defendant discharged by proclamation, signed **James Muirhead** July 16, 1831.

File 10-34

Thomas Parks, Niagara, labourer. Charged with assault and battery against **Mary Turman**, Niagara, *femme covert*, on July 3, 1831. No bill: **John Gibson** (foreman.) Witness: Mary Turman. Evidence taken before **Daniel McDougall**, July 4: Parks threatened to break open the bar of the deponent; upon her return from cooking for a peace officer she found the bar broken open and \$4 removed. Parks beat her. Signed "her X mark." Recognizance: Mary Turman £10 to prosecute. Remark: Mary Turman is now a prisoner, signed **Charles Richardson** July 12 and filed July 16, 1831.

File 10-35

Thomas Parks, Niagara, labourer. Charged with larceny, stealing a bank note (value 5/-) the property of **Mary Turman**, on July 4, 1831. No bill: **John Gibson**. Witnesses: Mary Turman.

File 10-36

Francis Proctor, Niagara, innkeeper. Charged with assault and battery against **Joshua Strothers**, Niagara, barber, June 24, 1831. True bill: **John Gibson** (foreman.) Witnesses: Joshua Strothers, **Susan Godfrey**, **Mary Hughes**, **Thomas Godfrey**. Evidence taken before **James Muirhead** June 25: Strothers stood on the street chatting with a woman named **Foster** at **Hall's house**, where he was assaulted by Proctor. He was beaten, his clothes torn, signed "his X mark." Recognizance: Joshua Strother £15; Francis Proctor £10, sureties **William Winterbottom** and **Charles Gesso** £5 each. Verdict: guilty. Fined 1/- plus costs £4.1.6. Signed by **James Muirhead**, filed by **Charles Richardson**, July 12, 1831.

File 10-37

Francis Proctor, Niagara, innkeeper. Charged with assault and battery against **Richard Smith**, Queenston, yeoman, on April 25, 1831. Witnesses: Richard Smith. Evidence taken before **R.H. Lee**, on April 29, 1831. Recognizance: Richard Smith £20. Filed by **Charles Richardson**, July 13, 1831.

File 10-38

Peter Scott, Grimsby, (coloured man) labourer. Charged with assault and battery against **Lewis Dangerfield** on July 10, 1831. Witnesses: Lewis Dangerfield. Presentment: Scott pointed a loaded gun at deponent and threatened to shoot him. Signed **John Gibson, Peter T. Pawling, Thomas Darling, Adam Brown, Joseph Vanderlip, Elias Durham, Cortland Secord, Robert Miller, Jeremiah Durham, David Emmett, John Willson, James Dittrick, Robert Kay**, July 15, 1831.

File 10-39

John Smith, Willoughby, labourer. Charged with assault and battery against **Joseph Morningstar**, Willoughby, farmer, on April 28, 1831. True bill: **John Gibson** (foreman.) Witnesses: Joseph Morningstar. Evidence taken before **James Cummings**, Chippawa, April 30: **John Morningstar** came into deponent's house between 10 and 11 pm, much intoxicated and hollering and screaming. Deponent tried to quiet him and get him into bed. He struck and clenched deponent. Deponent struck him a few blows and let him get up. He went out, and came in with John Smith (also known as "**Yanky John**") and both fell upon deponent, knocked him down and struck him with a club or other weapon and cut his head open. They beat deponent until they were satisfied. Verdict: guilty. Sentenced to 14 days in gaol, costs paid by the District. Signed by **James Muirhead** and **Charles Richardson**, July 13, 1831.

File 10-40

Richard Smith, Queenston, labourer. Charged with assault and obstructing constable, **Francis Proctor**, on April 25, 1831. True bill: **John Gibson** (foreman.) Witnesses: Francis Proctor. Evidence taken before **James Muirhead**, April 28: deponent had warrant of distress against Smith, who knocked him down several times. Recognizance: Richard Smith £10, sureties **George Fields** and **Jonathan P. Raymond** £5 each. Filed by **Charles Richardson** July 12, 1831.

File 10-41

Joshua Strothers, Niagara, barber. Charged with assault on constable **Francis Proctor**, on June 24, 1831. True bill: **John Gibson** (foreman.) Witnesses: Francis Proctor, **Catherine Foster, John Kay**. Filed by **Charles Richardson** July 12. Recognizance taken before **James Muirhead** July 13: Joshua Strothers £10, Francis Proctor £10. Evidence taken before **Daniel McDougall**, June 25: Strothers took up a club to strike deponent. Verdict: not guilty, signed James Muirhead.

File 10-42

David Trotter, Wainfleet, labourer. Charged with assault and battery against **Robert Buchanan**, on June 6, 1831. True bill: **John Gibson** (foreman) Witnesses: Robert Buchanan. Plea: guilty. Fined 1/- plus costs, signed **James Muirhead** July 16, 1831.

File 10-43

Paul Vancuren, Niagara, yeoman. Charged with assault and battery against **John McMahon**, Niagara, labourer, on April 16, 1831. Evidence taken before **Daniel McDougall** April 18: deponent was assaulted at **4 Mile Creek**, signed "his X mark." Recognizance: John McMahon and Paul Vancuren each £10, filed by **Charles Richardson** July 13. *Nolle prosequi*, defendant discharged. District pays costs of 8/9- and 5/-. Signed **James Muirhead** July 16, 1831.

File 10-44

Robert Wilson, Thorold, labourer. Charged with assault and battery against **George Washington Lake** on July 10, 1831. True bill: **John Gibson** (foreman.) Witnesses: George Washington Lake. Presentment signed by John Gibson, **Peter T. Pawling**, **Thomas Darling**, **Joseph Vanderlip**, **Elias Durham**, **Cortland Secord**, **Richard Miller**, **Jeremiah Durham**, **Adam Brown**, **James Dittrick**, **Robert Kay**, **J.M. Ball**, **Adam Stull**. Filed by **Charles Richardson**, July 15, 1831.

File 10-45, Accounts (July Sessions.)

John Stephenson, constable account £1.10.0. Signed **John Kidd**.

Charles Richardson to **E. Lesslie & Sons**, order for a large folio and *Magistrates Manual*, £2.7.6.

John Talbot, constable account, £3.18.6.

Dr. Muirhead, July 21, 1831 charge for medicine and attendance at the gaol £5.

File includes a Schedule of Accounts paid.

File 10-46, Clerk of the Peace Accounts.

Mentions the following cases: Rex vs. **Edward Defield** and **John Stewart** (assault and battery) traversed; **Walter Clendennan** (larceny); **Thomas Morrison**, **James Allen** and **Aaron Allen** (riot and assault) traversed; **Nathaniel Braneago** (assault and battery) traversed; £57.10.6.

File 10-47, Orders.

Pound keepers and all constables in the Town of Niagara ordered to take up all **swine running at large**. Bell man to announce it, and claimants are to redeem their swine at the following rates: under 6 months, 2/6-; 6 months-1 year, 5/-; over one year 10/- plus costs. July 21, 1831. [File also includes a draft copy of this order.]

Treasurer of the District ordered to lay out an abstract of accounts at the next Sessions, July 21, 1831.

Niagara District Quarter Sessions, October 1831.

November 1831 (adjourned), January 1832.

File 11-1, Accounts.

Richard Leonard, October 20, 1831 sheriff accounts, £20.

Dr. Telfer, July 9, 1831 reducing the fractured thigh bone and six weeks of medicine and attendance upon **Roderick Graham**, a pauper, orders of **Dr. Muirhead**, £6.

John Hawn, sexton, September 5: digging a grave for a child, **Mary Wallace**, 2/6-.

Dr. Porter, September 4: charge for attendance at the inquest on the body of one **McGonnagill**, orders of coroner **William Duff Miller**, £1.3.4.

Robert Miller, charge for three tubs for the gaol, £1.10.0.

Leula [?] **Walker**, subpoena for **W. Chevalier** [**Shevalier**?] £1.2.6. Signed **John Kidd**.

Dr. Telfer, charge for medicine for a pauper in Queenston, by order of **Robert Grant** and **Alexander Hamilton**. This charge includes attendance on 17 emigrants dangerously ill, £21.9.1.

Scott Montgomerie & Co. Charge for paper, foolscap and quills £1.13.9. Signed **John Kidd**.

George Adams, October 20, 1831: charge for advances made to paupers, not knowing them struck off the **pauper's list**, £4.17.6.

John Lyons, charge for office rent, 1 register book and 1 index book, £17.10.0.

Alexander McKie, October 21, 1831: charge for services as Assize Crier £2.15.0.

Charge £12.10.0. to build a **bridge across Mud Creek** on the road from **Smith Griffin's** to **30 Mile Creek**, March 25, 1831. **Elijah Harris**- certifies the bridge complete, October 21, 1831.

Hugh Shaw, October 21, 1831: charge to lodge, board and wash **Nathaniel Tiesman**, £4.2.6.

John F. Stewart, constable, October 22, 1831: charge for conducting prisoners to gaol &c, £0.17.6. Signed **John Kidd**.

Dr. Muirhead, October 22, 1831: charge for examining the body of **John Bellinger** at the coroner's request, £1.

John Lyons, charge for an order from **E. Leslie** for 8 quires of paper (May 31) and a blank book (July 14, 1831), £3.10.0.

John Lyons, June 16, 1831 charge for binding a register book; charge for 3 volumes of **Chetty On Pleadings**, £5.15.0.

John Talbot, October 22, 1831 constable account £7.0.6.

Erastus Moses, September 8, 1831 constable account. Charge to apprehend *Enoch Williams* (coloured man) on the complaint of *Peter Myron* (charge of larceny) and two other coloured men, £2.1.3.

Francis Proctor, October 22, 1831, constable account £2.11.4.

Chester Wadsworth, October 22, 1831, constable account £0.13.9.

William Duff Miller (coroner) October 22, 1831. £12.18.8. charges for holding an inquest on the body of *Daniel Ferguson* (May 19, 1831); an unknown man at Queenston (June 22); *William Kerriage*, bombardier of *Royal Artillery* (June 22); *John Bellinger* (August 10); *John McManigle* (September 5.)

Henry Woodruff, constable account, £3.5.0.

Alexander McKie, October 22, 1831, charge for services as crier £1.5.0.

Peter Wheeler, gaoler, October 22, 1831, charge to keep *Martin Burns*; gravel and lumber for the gaol yard £1.6.3.

Gilbert Anderson, October 22, 1831, constable account £1.17.0.

John Shriber, October 22, 1831, constable account £0.8.9.

Ephraim Wheeler, October 22, 1831, charge for services as turnkey, £7.10.0.

William Garner, October 22, 1831, constable account £0.16.3.

Peter Wheeler, October 22, 1831, charge to board *Mrs. Turman's* two children, £2.3.6.

John Mitton [*Milton?*], October 22, 1831, constable account £0.5.0.

Charles K. Fell, October 22, 1831, road accounts £7.17.6.

John Talbot, October 22, 1831, constable account £0.10.0.

John Shriver, October 22, 1831, constable account £2.7.6.

John Brant, May 30, 1831, salary for 25 days as Member of the Assembly, signed by *Archibald McLean*, £17.10.0.

Dr. Muirhead, October 22, 1831: charge for medicines and attendance at gaol £5.

Amos Farewell, October 22, 1831, constable account £1.19.0.

Jacob Dockstader, October 22, 1831, High Constable account £3.11.3.

Allowance for Constables, October 22, 1831 certified by *Richard Leonard*. Constables *Jacob Dockstader*, *John Talbot*, *John Shriber*, *John F. Stewart*, *Amos Farewell*, *Peter Young*, *John M. Stevenson*, *Ezra Durham*, *Henry A. Woodruff*, *William Garner*, *Jacob Lodge*, *Chester Wadsworth*, *Gilbert Anderson*, *Joseph Archer*, *Francis Proctor*, *John Mitton* [*Milton?*]

Peter Wheeler, October 20, 1831. Account for washing the shirts of prisoners: *John Smith* (3 shirts); *Anthony Pruseaux* (6); *Samuel Woods* (2); *Martin Burns* (4); *Joseph Breckenridge* (5); *Charles Vandeburgh* (4); *John Scott* (4); *Enoch Williams* (3); *John Fry* (2) 33 shirts at 3d, washing ten blankets, 4 bed ticks, 3 "curtains" tape and thread, total £0.8.3. Account approved October 22, 1831.

Account of Rations Due to the Gaoler of the Niagara District (Peter Wheeler) July 14-October 20, 1831. £54.6.6. [Charge includes half year salary, candles for the assizes, candles for the gaol, straw for the cells and six cell brooms.] Name of prisoners and dates of commitment:

John Smith, July 14-July 30.

John Oliver, July 14-September 21.

Anthony Pruseaux, July 14-August 31.

Mary Terman, July 14-October 8.

Warren Shavilier, July 14-September 20.

Samuel Wood, September 2-September 16.

Martin Burns, August 23-September 22.

Joseph Breckenridge, August 25-September 26.

Charles Vandeburg, August 17-September 16.

John Scott, August 22-September 21.

Enoch Williams, September 7-September 26.

Thomas Gardner, August 6-October 20.

Isaac Vanfleet, September 26-October 20.

John Fry, October 7-October 20.

John Falkner, October 13-October 20.

John Agen, September 10-September 12.

John Maneally, September 13-September 21.

John Briggs (debtor) July 14-October 20.

Warren Nichols (debtor) July 14-October 20.

Fordis Avil [*Averill?*](debtor) September 4-October 20.

George Martin (debtor) October 15-October 20.

File 11-2, Correspondence.

Annual Return of the Office of Clerk of Peace, December 31, 1831, signed by *Charles Richardson*.

Letter from *Charles Richardson* to *Edward McMahon*, November 5, 1831. Expects 1,000 labourers to find employment in the District next year. Labourers wage £3 per month plus board, mechanics (carpenters and masons) at 6/3 and 9/6 per diem. 300 or 400 men will find employment. Ports to disembark- Queenston, Niagara, Chippawa or Waterloo. Usual market prices from the clerk of the market.

Letter from *Charles Richardson* to *Edward McMahon*, November 2, 1831. Re: debt of *Godfrey Fenner*. Keep him in confinement as the debt has been due for several years. In custody at the instance of his bail, one is his daughter in good circumstances £41.14.8 over what would pay the debt. If he can't realize the debt he'll be liberated.

Letter from *Charles Richardson* to *James Baby*, October 1, 1831. Return of fines, forfeitures for the period September 30, 1831.

Printed circular, *Edward McMahon* to *Charles Richardson*, October 18, 1831 Requests information re: labourers, wages &c.

Letter from *Alexander Hamilton* to *Charles Richardson*, Queenston, September 20, 1831. Unable to supply emigration statistics for the years you request. Will require the addition of a proper column to the census return next season.

Letter from *John Warren* to *Charles Richardson*, Bertie, September 12, 1831. Cannot supply information, there are no names of emigrants to the Niagara District as permanent settlers.

Letter from *Samuel Street* to *Charles Richardson*, Niagara Falls Mills, Chippawa, September 10, 1831. Cannot supply statistics on emigration for the years 1790-92, 1800-02, 1810-31 having kept no account.

Letter from *William Duff Miller* to *Charles Richardson*, Niagara, September 9, 1831. Cannot give information on emigration nor could anyone else; refer to the census to determine the increase in population but not for emigration alone.

Letter from *Charles Richardson* to *Robert Dickson*, August 2, 1831. Requests a return of emigrants for 1790-92, 1800-02, 1810 to the present. Endorsed with the reply "Do you think I am Methusalem?"

Circular sent from *Charles Richardson* with a request for information regarding population and emigration, August 2, 1831. Sent to *Thomas Merritt*, *John Warren*, *David Thorburn*, *William Anthony*, *Smith Griffin*, *John Maclem*, *James Cummings*, *David Thompson*, *James Black*, *John Clark*, *George Adams*, *Henry Nelles*, *Robert Nelles*, *Abraham Nelles*, *James Kerby*, *Edward Evans*, *Alexander Hamilton*, *Robert Grant*, *Samuel Street*, *R.H. Lee*, *Crowell Willson*, *James Muirhead*, *George Ball*, *Thomas McCormick*, *R.M. Crysler*, *John Claus*, *Daniel McDougall*, *John Clark*, *BC Beardsley*, *William Clark*, *George Keefer*, *Richard Leonard*, *William Crooks*, *William H. Merritt*, *Andrew Heron*, *Warner Nelles*, *Peter Ball*, *William Duff Miller*, *Henry William Nelles*.

File 11-3, Criminal Calendar.

Criminal Calendar, return made by jailer *Peter Wheeler* October 16, 1831. Prisoners: *Thomas Gardner*, August 2, 1831. Under sentence, selling liquor without a licence. *Isaac Vanfleet*, September 26, 1831. Under sentence, keeping a disorderly house. *John Fry*, October 7, 1831. Ordered committed by magistrate *Daniel McDougall*, charge of assault and battery. *John Fockner*, October 13, 1831. Under sentence, selling liquor without a licence.

File 11-4, Filings.

Warrant to apprehend issued to *Amos Farewell* of Grimsby or any other constable. Complaint made before *William Crooks* by *Cyrus Sumner* of Clinton, physician, that *Anthony Pruseaux* who was in his employment threatened to set fire to his premises, June 3, 1831.

File 11-5, Assize filings.

Charles Richardson, clerk. Case tried September 14, 1831. Rex vs. *Witherill* for taking vegetables.

Before magistrate **James Black**, August 18, 1831. **William Witherill** of St. Catharines, labourer, £20 and **Charles K. Clark** of St. Catharines, founder, £10. Re: charge of trespass by **W.C. Chase**. Evidence of **Peter TenBroeck**, the prisoner is Mr. Chace's gardener, saw prisoner among the corn. Confirmed by **Walter Crooks**. **Charles K. Clark** -prisoner works for Chace, took cucumbers and beans. **Russell Armington**- passing Mr. Chace's garden, saw prisoner leave with a handkerchief containing vegetables. Prisoner acknowledges charge. Complaint of **William C. Chace**, merchant, before James Black, his roots and vegetables taken at 7am on August 17th by prisoners.

Rex vs. **Henry Livingstone Benjamin** of Stamford, charge: Practices physic without a licence. Witnesses **Isaac H. Culp**, **Dr. Lafferty**, **James Secord**; True Bill: **J. Butler**, **H.J. Boulton**, Attorney General. Henry Livingstone Benjamin of Stamford, gentleman, of a wicked mind and disposition. Has sufficient knowledge to practice his profession and execute and perform the duties of his calling and retained and employed by His Majesty's subjects, to heal them of maladies, sores and diseases, and for the delivery of pregnant women for large sums of money. February 1st set up the practice of physician, surgeon and midwife for gain. Not a member of the medical board, has no licence, was not employed in His Majesty's naval or military service. December 1st, administered medicine and advice to **Hugh Culp** for gain. August 1st, administered medicine and advice to **Jonathan Conklin** for gain.

File 11-6, Presentments.

Edward McBride, October 19, 1831. The bridge on the river road between **Mr. Carrie's** farm and **Mr. Woolman's** farm is in a dangerous state.

The *district gaol examined* and found to be in an improved state, but steps must be taken to complete repairs. Inconvenience from the state of the privies. Should erect a privy in the stone arch at the back door of the gaol; erect a stone wall through the centre of the goal running north and south so that the prisoners might have [a large -----in the centre] and be in a safe confinement.

Edward McBride, October 22, 1831. Individuals from sickness, age or infirmity are reduced to a most forlorn state, and must call on the charity of the country for necessities. Measures must be made to relieve those really in distress and make proper provision for the same.

File 11-7, Non-conformist appointments.

John W. [Byron?] of Crowland. An ordained deacon in the Methodist Episcopal Church. Heard before **Robert Grant**, **James Muirhead** and **Charles Richardson**.

The German Evangelical Lutheran Synod of Pennsylvania certify that **John George Schmick** is a pastor and preacher at Sinking Valley, Water Streer, Half Moon, Williamsburg and Newry. Appointed an Evangelical Lutheran preacher June 16, 1824. Certified at Carlisle by **J. Miller** and **Christian Endress**. The within is a correct translation of the German, certified by **Charles K. Fell**, October 20, 1831.

File 11-8, Orders.

October 20, 1831. Ordered £50 paid to **John Warren** on completion of a bridge. £50 paid on completion of a road from north to south of **Cranby Marsh** commonly called "**The Narrows**" in Wainfleet. Chairman and Clerk of Peace requested to pass orders for payment.

File 11-9, Petitions.

Petition of the *Constables of the Niagara District*. Many find it difficult to attend the courts of justice in the District on the small fees allowed, many have to travel great distances. Pray to add to their daily allowance what should go to their families' support, 5/- per day. Signed *Jacob Dockstader, John F. Stewart, Joseph Archer, Jacob Lodge, John Chilton [Milton?], John Talbot, Henry A. Woodruff, William Garner, Chester Wadsworth, Gilbert Anderson, John Shriver, Peter Young, Francis Proctor*. (Rejected.)

Petition of *Maria Frank* of Gainsborough. Has a lunatic daughter (for which you gave an allowance twelve months ago) but who has taken a turn for the worse. A poor widow with three helpless children in distress. My industry furnishes their scanty subsistence. This poor pauper encumbers the house and retards the progress of my industry. Place a sum in the hands of a competent and give a dividend to my daughter for victuals and cloathing. Signed *Maria Frank, William Robertson, John Brown, William Shannon, John McCallum, Thomas H. Roberts, Samuel Darragh, Benjamin Brown*. (Rejected.)

File 11-10, Precept.

List of Grand and Petit jury, compiled by *James Muirhead* and *John Crooks* October 1, 1831 for Sessions on October 18, 1831.

Grand Jury: *Peter Lampman, Benjamin Lawrence, Matthew Werner, Robert Lambert, William Castleman, James Durham, Joseph Brown, Henry Brown, Abraham W. Secord, George Field, William Thorra[?], Benjamin Ottley, Edward McBride, Peter Warner, John P. Clement, Adam Stevens, Gilbert Anderson, Benjamin Markle, Daniel Field, Alexander G. Thompson, Daniel Secord, Frederick Goring, Abraham Hosteter, Benjamin Thompson, Gilbert McMicking*.

Petit Jury: *Thomas Horton, Michael [————], Andrew Brady, John Fitzgerald, Samuel Secord, John McKinley, James Allen, Samuel Stevens, John A. Colby, Jacob N. Vrooman, Benjamin Markle, Peter Cain, John Caughill, Joshua Cushman, Frederick Markle, Michael Kiff, Solomon Markle, Arthur Lambert, Richard Havens, Richard Howard, Benjamin Hughes, John McBride, Josiah Brown, Kenneth McDougal, Simon Camp, Francis Harkison, George Upper, Nelson Staats, John Hawn, Andrew O'Keefe, Erastus Brookins, Paul VanCuren, Thompson McKeef[?], William Peterson, James Field, Benjamin Woolman, William Swayze, James McBride, James Cudney, John Young, George Clement, John Simmons, Robert Hobson, David Camp, Joseph Kent, John Cox, Hugh McNeill[?], Robert McKinley, George Winterbottom*.

File 11-11, Road and Bridge Petitions.

Wainfleet, October 10, 1831: The road between the *Sugar Loaf* and *Chippawa* (1½ miles) is inaccessible except in winter. £50 required and raise a public subscription to make the road: *Walter Dittrick, John Gregory, Adam Stull, John Kidd, William Hamilton Merritt, James Brown, Ozias Buchner, William Hoover, John F. Stewart, Elijah Harris, Benjamin Cullerton[?], James McFlewelling[?]*. The road leads from the north side of the *Cranberry Marsh* ("The Narrows.") £50 to be paid upon completion, October 20, 1831.

File 11-12, Road and Bridge Records.

Charles K. Fell, on receipt of orders dated July 15, 1831, I attended a survey (on August 25th) of a road in Grantham between Concessions 4 and 5 between lots 20 and 21. Was unable to proceed due to a lack of information and assistance. Again on October 8th I had no assistance. Will require considerable expense. Dated at **Pelham Square**, October 17, 1831.

File 11-13

Joseph Archer, Niagara, constable. Charged with assault and battery against **Joshua Strother** on October 10, 1831. True bill: **Edward McBride** (foreman.) Witness: Joshua Strother. Verdict: not guilty. Signed **James Muirhead**, January 27, 1832.

File 11-14

Joseph Archer, Niagara, labourer. Charged with assault and battery against **Henry Strother** on October 10, 1831. True bill: **Edward McBride** (foreman.) Witness: Henry Strother, John [Tagg?]. Recognizance taken before **Daniel McDougall**: Henry Strother £10. Verdict: not guilty. Signed **James Muirhead**, January 28, 1832.

File 11-15

George Barber, Niagara, carpenter. Charged with assault and battery against **Joshua Strother**, Niagara, barber, on August 2, 1831. No bill: **Edward McBride** (foreman.) Witnesses: Joshua Strother. Evidence taken before **James Muirhead**: On August 1 about 12 or 1 o'clock at night persons demanded entry to his house. Deponent refused, and they threatened to tear his house down if he didn't comply. Deponent lit a candle, opened the back window and saw George Barber, a ships carpenter, with six others. Barber wanted women and liquor and threatened deponent. He had a gun and threatened to shoot, signed "his X mark." Recognizance: Joshua Strother and George Barber £10 each, sureties **James Eaglesum** and **John McBride** £5 each.

File 11-16

William Cassady, Niagara, butcher and **Seth Keith**, Grantham, innkeeper,. Charged with assault and battery against **Moses Goodfellow** on October 3, 1831. True bill: **Edward McBride** (foreman.) Witnesses: Moses Goodfellow. Recognizance taken before **Daniel McDougall**, October 7: £10. Verdict: not guilty, signed **James Muirhead** October 20, 1831.

File 11-17

John Fry, Niagara, labourer. Charged with assault and battery against **William Jones**, Niagara, on October 6, 1831. True bill: **Edward McBride** (foreman.) Witnesses: William Jones. Recognizance taken before **Daniel McDougall** October 7: £10. Verdict: guilty, fined costs plus 15 days in gaol.

File 11-18

Samuel Hicks, Stamford, butcher. Charged with assault and battery against **Henry Clinton Green**, Stamford, innkeeper, on July 3, 1831. Witnesses: Henry Clinton Green. Evidence taken before **Samuel Street**, August 3: Green was on his way home from a prayer meeting between 9 and 10 pm. He met Samuel Hicks on the road. Deponent said he "acted a generous part" that day by treating the deponent with his own liquors. Hicks replied that Green and his son **Jonathan** were liars and struck deponent on the mouth, brought him to the ground, then struck him with

blows and kicks on the head. Broke deponents rib on the left side, who was confined in bed 4 or 5 days, unable to rise alone, and was confined longer in the house. Is still sore and unable to labour. Was under doctor's care for four days. Prays for redress. Recognizance taken before **R.H. Lee** August 3.

File 11-19

Jacob Lodge, Grimsby, yeoman and **Mary Lodge**, his wife. Charged with assault and battery against **Jonathan Hill**, Grimsby, on October 6, 1831. No bill: **Edward McBride** (foreman.) Witnesses: Jonathan Hill. Recognizance taken before **Daniel McDougall**, October 18: £10.

File 11-20

Joseph Markwell, Grantham, grocer. Charged with assault and battery against **Chauncey Beadle**, Esquire, St. Catharines, on July 30, 1831. Witnesses: Chauncey Beadle. Evidence taken before **James Black**, July 30: deponent was assaulted about 7 pm. Recognizance taken August 1: Joseph Markwell (signed "his X mark") £10. Document endorsed: "for assizes" **Charles Richardson**, September 14, 1831.

File 11-21

Hugh Minard, Niagara, labourer (a man of colour) and **Sarah Minard**, his wife. Charged with keeping a disorderly house on October 18, 1831. Presentment signed by **Edward McBride**, October 21, 1831. True bill: Edward McBride. Witnesses: **Samuel Welsh**, **Jonathan Jones**, **Thomas Parks**, **Augustus Irish**. Recognizance taken before **James Muirhead** October 22: High Minors £20, sureties **John Grier** and **John Mitton** of Niagara £10 each. Verdict: guilty, fined £2.10.0. and ordered to keep the peace for 12 months.

File 11-22

William Moffatt, Niagara, seaman. Charged with assault and battery against **Samuel Heatherington**, Niagara, on October 11, 1831. True bill (traversed): **Edward McBride** (foreman.) Witnesses: Samuel Heatherington. Recognizance taken before **Daniel McDougall** October 13: Samuel Heatherington £10, William Moffatt £10 and surety **John McBride** £10.

File 11-23

Thomas Morrison, Niagara, yeoman, **Aaron Allen**, Niagara, yeoman, **James Allen**, Niagara, yeoman. Charged with riot, assault and battery against **John Anson Colby**, Niagara, yeoman, on April 15, 1831. True bill: **John Gibson** (foreman.) Witnesses: John Anson Colby. Recognizance taken before **Daniel McDougall** April 15: John Anson Colby £10; July 12 for Thomas Morrison, James Allen and Aaron Allen £10 each, surety **William Duff Miller** £10 (Aaron Allen) and £20 for Morrison and James Allen. Verdict: not guilty. Document endorsed "nolle prosequi ordered by court, costs paid by the District" October 22, 1831.

File 11-24

John Munroe, Niagara, labourer. Charged with assault and battery against **John Layburn**, Niagara, on August 26, 1831. True bill: **Edward McBride** (foreman). Witnesses: John Layburn. Recognizance taken before **Daniel McDougall** August 27: John Layburn £10.

File 11-25

Jeremiah McKennah, Queenston, labourer and **James Kelly**, Queenston, labourer. Charged with larceny, stealing one brace (value 5/-) the property of **Hiram Parks**, on August 21, 1831. True bill: **Edward McBride** (foreman.) Witnesses: **Alvah Fuller**, Hiram Parks, **William Tackeburry**. Evidence of Alvah Fuller taken before **Daniel McDougall**, August 21. **George Varey**, around 4 pm. today saw men go into the house, McKennah came out with something up his arm under his coat, I thought it was a plane. William Tackeburry: today between 4 and 5 pm I saw James D[---- ----?] alias Kelly in company with 5 or 6 other men and women near the house of **Robert Kay** in Niagara, had a brace up under his coat behind him. Jeremiah McKennah: the house was to let, but took nothing. James Kelly: denied knowledge of the brace at all. Recognizance: Alvah Fuller, George Varey and William Tackeburry £10 each.

File 11-26

Thomas Parks, Niagara, labourer. Charged with assault and battery against **Thomas Gardner**, Niagara, labourer, on July 25, 1831. Witnesses: Thomas Gardner. Evidence taken before **James Muirhead** July 25: Parks came to deponents house, stripped off his clothes and challenged the deponent to fight, employed abusive language.

File 11-27

John F. Stewart, Grimsby, blacksmith, **William Stewart**, Grimsby, yeoman and **Jonathan Hill**, Grimsby, yeoman. Charged with riot and assault against **Jacob Lodge** and **Mary Lodge** his wife, and beat her so that her life was threatened on October 6, 1831. True bill: **Edward McBride** (foreman.) Witnesses: Jacob Lodge, Mary Lodge, **Smith Griffin**. Subpoenas issued by **Charles Richardson** to **Daniel Nelson** and **James Flewellan** (October 12), and to **John Hoover**, **William Shingler**, **John Nelson**, **A. Curtis** (October 19.) Recognizance taken before Smith Griffin October 8: John F. Stewart, William Stewart and Jonathan Hill £20 each, sureties **John Camp**, **Elijah Harris** and **Ralph Fields** £10 each. Evidence of Mary Lodge taken before Smith Griffin October 7: the men came to my house, Hill said here is cider, come and drink. William Stewart blew out the candle in the barroom. John Stewart said to Hill "call the landlady to bring another candle." I came in, William Stewart threw something in my face. They had a great laugh, made vulgar expressions and abusive words. John Stewart said "you came to beat me" [?] William Stewart broke a tumbler, struck it on the table. Hill took the pieces in his hand. John Stewart struck them out, they flew about the house, and some of them hit me. This was intentionally done, I received a kick. Hill cursed and swore. My husband Jacob Lodge told him to be quiet or he'd put him out. Hill said no person could put him out. Lodge took hold of him but couldn't put him out. I said I believe you came for a riot. John Stewart smote his fists together and said he'd have revenge on me for saying so, if it cost \$500 or his life. Therefore I fear he may take my life. Hill followed me to the kitchen with abusive words. I told him to go out but he wouldn't. I shoved him out, but he returned with ill language. I told him to go out or else I would scald him. He refused, and I have some hot water on him. The next morning Hill and William Stewart came into the house with abusive words and swore no person could put them out. Verdict: not guilty, October 22, 1831.

File 11-28

John F. Stewart, Grimsby, blacksmith, **William Stewart**, Grimsby, yeoman and **Jonathan Hill**, Grimsby, yeoman. Charged with riot and assault against **Jacob Lodge** and **Mary Lodge** his wife, and beat Jacob Lodge so that his life was threatened on October 6, 1831. True bill: **Edward**

McBride (foreman.) Witnesses: Jacob Lodge, Mary Lodge, **Smith Griffin**. Subpoenas issued by **Charles Richardson** to **Daniel Nelson** and **James Flewellan** (October 12), and to **John Hoover**, **William Shingler**, **John Nelson**, **A. Curtis** (October 19.) Recognizance taken before Smith Griffin October 8: John F. Stewart, William Stewart and Jonathan Hill £20 each, sureties **John Camp**, **Elijah Harris** and **Ralph Fields** £10 each. *Nolle prosequi* ordered October 22, 1831. Evidence of Jacob Lodge taken before Smith Griffin October 7: I strove to put Hill out, and I called to John Stewart to assist me but he wouldn't and went into another room. A magistrate ordered John Stewart to go back and assist me. Instead he took hold of me and put me under keepers and swore he'd confine me. I complained of the treatment and said he'd not release me till ordered by a magistrate. He swore and smote me with his hands. He raged and swore to such a degree that the Magistrate interfered. He cursed and swore by his Maker that he'd knock down the first man (even the Magistrate) if they offered to take hold of him. Next morning Hill and Stewart came to the house with abusive language. No person could put them out.

File 11-29

Joshua Strother, Niagara, barber. Charged with larceny, the theft of two pigs (value 10/-) the property of **Matthew Dobie**, Niagara, blacksmith, on October 17, 1831. True bill: **Edward McBride** (foreman.) Witnesses: Matthew Dobie, **Francis Proctor**, **Nathan Abadnigo**, **John Riley**, **John Whitten**. Evidence taken before **Daniel McDougall**: Francis Proctor searched the house of Joshua Strother and found the pigs confined in the kitchen. Recognizance to appear: Matthew Dobie and Francis Proctor £10 each. Verdict: guilty, fined £2.

File 11-30

Henry Strothers, Niagara, labourer. Charged with assault on constable **John Talbot**, Niagara, on October 10, 1831. True bill: **Edward McBride** (foreman.) Witnesses: John Talbot, **Samuel Proctor**. Evidence of John Talbot taken before **Daniel McDougall** October 20. Verdict: guilty, fined £1 plus costs for attendance (£1.10.0. and £2.7.6.) for **William Swayze**, **Joseph Archer**, **Thomas Parks**, October 22, 1831.

File 11-31

John Talbot, Niagara, constable. Charged with assault and battery against **Henry Strothers**, Niagara, on October 10, 1831. True bill: **Edward McBride** (foreman.) Witnesses: Henry Strothers, **John Tagg**. Information taken before **Daniel McDougall**. Recognizance: Henry Strothers £10, sureties **John McBride** and **Francis Proctor** £5 each. Verdict: not guilty, January 25, 1832.

File 11-32

William Terman, Niagara, labourer, and **John Layburn**, Niagara, labourer. Charged with riot and assault against **John Monroe** on August 26, 1831. Witnesses: John Monroe. Recognizance taken before **Daniel McDougall** on August 26: John Monroe £10.

File 11-33

John Whitten, Niagara, carpenter. Charged with assault and battery against **Joshua Strother**, Niagara, barber, on October 10, 1831. True bill (traversed): **Edward McBride** (foreman.) Witnesses: Joshua Strother. Evidence of Strother taken before **James Muirhead**, October 11: Strother was coming home from the races on the plains of Niagara, was tripped and thrown down

and kicked by John Whitten, signed "his X mark." Recognizance taken October 17: Joshua Strother £10; recognizance taken October 12: John Whitten £10, sureties *John Eaglesum* and *John Douglas* £5 each. Verdict: not guilty, January 27, 1832.

File 11-34, Accounts November Sessions 1831 (adjourned.)

Edward Leslie & Sons, November 3, 1831. Charge for books purchased £3.19.0.

Peter Young, November 1, 1831. Charge to serve subpoena on *William Simons*, 6/3-.

Jacob Lodge, constable account, £1. Signed *John Kidd*, November 1, 1831.

Daniel McDougall, November 1, 1831, excess assessment 16/-.

C.A. Foster, November 1, 1831. Charge for counsel, attendance, writing letters to sureties for contractors of the gaol, £2.10.0.

Chester Wadsworth, constable account 1830-31, plus amount paid to *Hugh Freel* for shooting a mare &c. £1.17.11.

Alexander McKee, November 1, 1831, charge for services as crier £0.5.0.

James Gordon, £1.12.6. taxes/assessment on lot 29 Concession 3 Louth, signed *William Clarke* November 3, 1831.

B. Canby, £3.8.3. taxes/assessment on Broken front lot 5 Gainsborough, signed *William Clarke* November 3, 1831.

J. Inglehart, £1.12.6. taxes/assessment on Broken front lot 23 Grimsby, signed *William Clarke* November 3, 1831.

File 11-35, Clerk of the Peace Accounts.

Schedule made out by *Charles Richardson* on November 3, 1831 for £49.11.0. Includes the case of Rex vs. *James Golbing[?]*, charged with riot and assault (traversed.)

File 11-36, Accounts January Sessions 1832.

Joseph Smith, *Henry Kerr* and *Lewis Hains*, ordered £25 on July 16, 1831 on proof of the completion of a new *bridge across 20 Mile Creek* with stone butments. Ordered January 25, 1832 signed *James Muirhead* and *Charles Richardson*.

Peter Burgar, constable account, £1.3.6. and £1.8.6.

John Hawn (sexton) October 27, 1831: charge for digging a grave for an unknown man found floating down river, 5/-. Certified by *William Duff Miller*, January 25, 1832.

Dr. F.W. Porter, charge to attend an inquest on October 27, 1831 on the body of an unknown man found floating down river (coroner *William Duff Miller*) £1.3.4. January 26, 1832.

Drs. Muirhead and *Porter*: charge for attendance and medicine for destitute emigrants, 2½ months, plus money advanced and payment for wood £7.2.6. January 26, 1832.

George Adams, paid £10 to **Seth Keith** for his labour in erecting a *bridge over the 10 Mile Creek* in Grantham between Concessions 5 and 6. January 26, 1832.

John Croker, constable account £3.15.0. Signed by **Edward Evans**, January 27, 1832.

Hugh Shaw, charge for board and lodging **Nathaniel Tisman** for 5 weeks, £2.10.0. January 26, 1832.

Mrs. Flin, charge for board and lodging **Nathaniel Tisman** for 9 weeks, £4.10.0. January 27, 1832.

Costs for an inquest held on the body of **James Patterson, Dunnville**, June 8, 1831. **Alexander Lawson** (constable), **Seth Smith** (charge for coffin) and **D. Allen** (grave digging.) £4.2.0. January 28, 1832.

Dr. Muirhead, charge for medicine and attendance on prisoners from October 1831 £5. January 28, 1832.

Peter Burgar, constable account £1.13.6. Document endorsed “charged against **John Pie** and **William Ryan** if found guilty,” signed **David Thompson**.

Over assessments: **Horace Greenman** £0.9.0½, **Joseph Collonston** £0.11.3, **David Baxter** £0.9.6, **David Davis** £4.3.11. Ordered that checks do issue on the above men, January 28, 1832.

William Crooks, charge for publishing District accounts £12.10.0. January 26, 1832.

Dr. Telfer, charge for medicine and attendance on **John Monroe** (small pox) £5, January 28, 1832.

Ephraim Wheeler, January 28, 1832: charge for services as turnkey between October 15, 1831 and January 15, 1832 £7.10.0.

Francis Proctor, constable account, £3.3.9. Signed **Daniel McDougall** and **James Muirhead**, January 30, 1832.

Joseph Archer, constable account, £1.2.6. and £0.17.6. Signed **Daniel McDougall** and **James Muirhead**, January 30, 1832.

Jacob Dockstader, High Constable account, £6.7.6. January 30, 1832.

John Talbot, constable accounts, £1, £2.5.0., £0.17.6, £2.1.2. January 30, 1832.

Thomas Courtney, charge for the coffin of a man found in the river October 27, 1831 10/-. Certified **William Duff Miller**, January 28, 1832.

Clerk of the Peace, £50, he to submit accounts by March next, January 30, 1832.

Alexander Mackie, charge for services as crier, £1.15.0. January 30, 1832.

Simon Welsh, charge £0.15.0. to appear as a witness against **Hugh** and **Sarah Miner**, January 30, 1832.

Samuel Heron, charge for printing 100 bills regarding Magistrates' meeting, and 100 bills regarding swine running at large, £1.5.0. January 30, 1832.

Richard Leonard, charges for constables at court £3.2.4. Present: **John Talbot**, **Joseph Archer**, **John Shriver**, **John Mitton**, **Peter Burgar**. Certified by **Jacob Dockstader**, January 30, 1832.

Richard Leonard, charge for table and half dozen chairs £2.5.0. January 30, 1832.

Jacob Gander Jr., constable account, January 13, 1832: £2.12.9. Certified by **James Cummings**, Willoughby, January 30, 1832.

Amos Fairwell, Grimsby, January 23, 1832 constable account, £4. Submitted January 30, 1832.

Peter Wheeler, January 28, 1832 charge for washing prisoner's shirts: **James Logan** (12 shirts), **John Reynolds** (2) 14 shirts at 3d, plus washing three bed ticks, 6 blankets, cost to make 3 bed ticks £0.12.1½. Cost for boarding **Mrs. Cantern's** [**Cantren?**] children for 85 days £4.5.0. January 29, 1832.

Rations Due the Gaoler of the Niagara District (Peter Wheeler), October 20, 1831 to January 26, 1832, £27.9.6. [Submitted January 28, 1832, the charges include the cost of candles for the court, straw for the cells, 4 cell brooms and candles for the jail.] Names of prisoners and dates committed:

Thomas Gardner, October 20-November 10.

Isaac Vanfleet, October 20-October 29.

John Fry, October 20-November 16.

John Falkner, October 20-January 13.

James Logan, November 3-January 26.

John Collens, November 3-January 26.

Margaret Cantern, November 3-January 26.

Jane Gardner, November 22-November 24.

John Renolds, January 9-January 26.

William Cavanaugh, January 16-January 26.

John Pie, January 23-January 26.

William Ryan, January 23-January 26.

Godfrey Fenner (debtor) October 20-December 11.

Warren Nicholds, (debtor) October 20-November 26.

Fordis Avril (debtor) October 20-January 26.

George W. Smith (debtor) October 30-January 26.

George Martin (debtor) October 20-December 16.

Thomas Helmer (debtor) December 8-January 26.

Levi Brown (debtor) December 15-January 26.

James Tinline (debtor) December 24-January 26.

John Horn (debtor) December 30-January 26.

Herman House (debtor) January 7-January 26.

File 11-37, Correspondence.

George Adams to **Charles Richardson**, Grantham, January 10, 1832. Has enclosed 20 certificates which were forwarded for my signature.

File 11-38, Criminal Calendar.

Criminal Prisoners Confined in Niagara Gaol (Peter Wheeler) January 24, 1832. [Endorsed "Niagara Calendar, **Richard Leonard**, Esq., sheriff."]

John Collins, committed November 3, 1831. Orders of **H. Nelles**. Charged with assault and dangerous beating of constable **John F. Stewart**.

Margaret Cantren, November 3, 1831. Orders of **H. Nelles**. Charged with assault and dangerous beating of constable **John F. Stewart**.

James Logan, November 4, 1831. Orders of **David Thompson**. Charged with buggery.

John Renolds, January 9, 1832. Orders of **R.** and **H. Nelles**. Charged with stealing the horse of **Michael Gilmore**.

William Cavannaugh, January 16, 1832. Orders of **Daniel McDougall**. Charged with stealing the watch of **Peter** [-----.]²²

John Pie, January 24, 1832. Orders of **David Thompson**. Charged with assault.

William Ryan, January 24, 1832. Orders of **David Thompson**. Charged with assault.

File 11-39, Presentments.

The **10 Mile Creek Bridge** at lot 8 between Concessions 4 and 5 was carried away by the late rains. Will cost £10 to replace it, signed **Edward McBride** (foreman) October 19, 1831. **George Adams** ordered to inspect it, the £10 will be paid on completion if necessary (October 22, 1831.)

The **road from Queenston to St. Johns (Short Hills)** is obstructed by the **Welland Canal Company** digging up part and a part obstructed due to the overflowing of the canal. The **road from St. Catharines to the Deep Cut**, opened and Statute Labour performed upon it, is also obstructed by the canal. The roads and bridge repairs have been neglected, are almost impassable and in some instances impassable. The Welland Canal Company should be ordered to repair and make the roads good. The road from Queenston to the Short Hills will require two bridges erected at great expense over the 12 Mile Creek, with stone butments to make them substantial. Statute labour has been performed in the fall of the year when it is of little use, should pathmasters be compelled to order Statute Labour at the start of the year? Signed **William Wallace, Francis Galbraith, Henry Seger, James Hagar, Andrew Hansel, John Hoover, Robert Wilkerson, Jonathan Doan, Matthew Misener, Jacob Brookfield, Isaac Kelly, Ozias Buchner, Solomon[?], Misener, Hiram Swayze**.

Elizabeth James, Jane Harris and her daughter **Margaret Harris** all live in Pelham and are destitute. Elizabeth James is 80 years old and almost helpless. While able she did her utmost to support herself. Jane Harris has been blind many years, and Margaret Harris is entirely insane. They are in a distressed situation. Pray that relief for them be provided by the Town Wardens of Pelham. Signed **William McClelland, Christopher McAlpin, Hiram Swayze, Henry Seger, John Hoover, Jonathan Doan, Samuel Hopkins, Jacob Brookfield, Peter Benedict, Andrew Hansler, John Misener, Harmonius VanAlstine, Matthew Misener, James Hagar, Robert Wilkerson, Ozias Buchner, Francis Galbraith, Isaac Kelly**, January 28, 1832.

File 11-40, Orders.

²²The plaintiff's surname was not inserted in the calendar.

From the number of fires necessary to be kept up, and alterations to the court house, an additional wood allowance has been ordered. 60 cords of wood necessary instead of 40 cords. The gaol has supplied the deficiency, signed **Richard Leonard**, January 25, 1832.

William Clarke, there has been trouble and inconvenience to carry out the provisions of the Legislation of 1830-31 regarding road appropriation at no compensation. Has expended £75, was granted £50, January 28, 1832.

George Greenlees was appointed pathmaster on the road from **Clement's Tavern** on the **Swamp Road** to the **Lake Road**. He is not a resident there and is to be excused, ordered that **Joshua Cushman** do his duty January 25, 1832.

Gaol limits ordered to be extended to the house of **Captain John Moran[?]**, with the privy attached thereto and other outhouses, also to the house of **John Talbot** and blacksmith shop of **John D. Botsford**, January 28, 1832.

Ordered that no indictment will lie against **John Crooks** on the presentment of the Grand Jury, but the **Clerk of the Peace** will communicate the same to the Lieutenant Governor, January 28, 1832.

The following lots sold by the Sheriff under the assessment law, by Order-in-Council of April 3, 1830, ordered not to be sold for non payment of taxes, but the sums charged to the District. (£32.8.10, lands located in Humberstone, Gainsborough, Wainfleet, Grimsby, Willoughby, Crowland and the Town of Niagara.) January 30, 1832.

File 11-41, Petitions.

Mr. and Mrs. John Beam have taken trouble and expense for 7 years in the care of an old and helpless woman, **Mrs. Richards** (widow of a UE Loyalist) who is not able to help herself. Pray that provisions be made for her care and support. Signed **John Beam, Deborah Beam, Samuel Kitchen, Michael McCombs, Hiram Swayze, William Kelley, Philip Simmerman, Matthew Simmerman, Jeremiah Simmerman, William Keating, Ira Bentley, David Palmer, Henry Hixson, William Lawrence**. [Endorsed: "no provision for the poor, every Township must provide for their own poor."]

File 11-42, Precept.

List of Grand and Petit Jury compiled by **James Muirhead** and **Daniel McDougall** on December 12, 1831 for Sessions to be held January 24, 1832.

Grand Jury: **James Brookfield, William Rease, Peter Benedict, Daniel C. Brown, Francis Galbraith, Osias Buckner, John Misener, Robert Wilkerson, John Hoover, Isaac Kelly, Jonathan Doan, Samuel Hopkins, Jacob Brookfield, Christopher McAlpine, Matthew Misener, Joseph Durk, Halsey Park, Henry Segar, Harmonius Vanalstine, Andrew Hansler, William McClellan, Thomas Merritt, Hiram Swayze, James Hagar**.

Petit Jury: **Banaja Doan, Hiram Doan, Samuel Vanalstine, Martin Buchner, John Wilson, Charles Wilson, Charles W. Helms, Jonas Yokam (sick), John Cook, William Wilkins, Stephen Petit, Alexander Simpson, Adam Misener, Thomas Brockbell, Joseph Doan, Daniel Buchner, Andrew Vanalstine, Leonard Matthews, Samuel Glover, Daniel H. Benedict, John Young**.

~~John Brady~~, *Jeremiah Misener, George Young, Adam Young, Andrew Nevil, John Helms, Samuel Swayze, Jonathan Page, James Brown, Amos Bradshaw, John Clark, John J. Brown, Aaron Price, Joseph Harris, William Davis, Thomas Ellason, Peter Upper, Thomas Wilson, William Adams, Daniel Totter, William Moore, Caleb Swayze, Philip Young, Jacob Shaver, William J. Stewart, Joseph Upper, Levi Page.*

File 11-43, Road and Bridge Petitions.

Louth, July 8, 1831. Commissioners have declared the *bridge at the head of the 20 Mile Creek pond* over the creek extremely dangerous. Pray for an allowance of money to rebuild the bridge, signed *Jesse Jones, G.H. Kerr, Edward Keating, John Misener, John Hunsberger, Christian Hunsberger, Johannes [Hunsberger?]²³, John Stewart, [-----] Burch, I.P. Dority, John P. House, Timothy Hixson, John Durham, John Kretz, Jacob High, Abraham High, James Everets, Joseph Smith, Cyrus Sumner, Johnson Butler, P.W. Tenbroeck, J.T. Romey[?], Isaac Dory [Doty?], Daniel Hunsberger, Israel Burch, Samuel Hunsberger.* Referred to next Sessions. Money from the province to be applied and so petitioners referred to these funds, January 24, 1832.

The line from lots 2 and 3 between Concessions 9 and 10 in Clinton have been shut up by *Benjamin Martin* to the great damage of the petitioners and the public, especially *Adam Moot*, who has been shut up with no communication to mill or market except through his neighbours fields. Petitioners pray that the pathmaster opens the road, and state upon which side of the line the road allowance is to be made. Signed *Richard Dawdy, Isaac Moyer, David Dean, John Eckar, Abraham Honsbury, David Bartran, Daniel Bartran, Jeremiah Johnson, John Johnson, Nathan Johnson, John Moot, John Corby, William Weirs.* [Document contains a sketch showing the road opened 18-20 feet wide, and indicates the part shut up. Remarked that it is a narrow road, "situated so it fills with snow, impassable as soon as winter commences with any carriage." Shows the position of the 20 Mile Creek, with properties of Nathan Johnson, John Moot, Adam Moot, William Wiers, *George Clark*, Benjamin Martin and *Barnabas House.*] Endorsed "referred for further information" January 24, 1832.

File 11-44, Tavern and Shop Licences.

Printed copy of a broadside *Rules and Regulations for Inn-Keepers*, signed *Andrew Heron* and *George Adams*, dated January 5, 1832.

Petition of *Nelson Swayze*, of *Beaver Dams*, Thorold, innkeeper. Has rented the stand owned by *William McClellan* from *Obadiah Hopkins* for part of the year. *Joseph Badgley* intends to apply for a licence in *Jacob Keefer's* house at Beaver Dams; petitioner prays that he not be issued a licence since the travelling custom is scarcely sufficient for one house. An injury will surely take place by thus encouraging dram drinking and tippling. Signed *William McClellan, Jacob Upper, John DeCew, George Lacey, Isaac Kelly, Samuel Theal, William [Orr?], John Couke, George Marlatt, Hiram Swayze, Joel Davis, Anthony McIntosh, Caleb Swayze.*

Andrew O'Keef, has arranged to keep an inn at *Queenston Heights* in the house of *George Chisholm*. Prays for a licence, January 24, 1832. Signed *Adam Brown, Charles B. Secord, J. Secord Sr, Joseph Wynn.* (Rejected.)

²³This signature was written in old Germanic script and is difficult to decipher. The given name is definitely "Johannes."

File 11-45

John Bowman, Pelham, yeoman. Charged with larceny, stealing 7 geese (value 8/9-) the property of **Andrew Brady**, Pelham, yeoman, on June 30, 1831. No bill: **William McClelland** (foreman.) Witnesses: Andrew Brady, **Peter Hendershot**, **Jacob Hendershot**, **Jane Thomas**. Recognizance taken before **William Hamilton Merritt** November 7: John Bowman £10, sureties **Henry Johnson** and **Thomas McGuire** £5 each. Recognizance taken before **David Thompson**, November 16: Andrew Brady £10. Filed January 25, 1832.

File 11-46

John Collins, Grimsby, tailor. Charged with obstructing **John Kidd**, sheriff's deputy, on November 3, 1831. True bill: **William McClelland** (foreman.) Witnesses: John Kidd. Presentment: Collins presented his firelock and threatened to kill deponent if he offered to proceed in the discharge of his duties. Signed by Grand Jurors William McClelland, **James Hagar**, **Francis Galbraith**, **James** or **Jacob Brookfield**, **Robert Wilkerson**, **John Hoover**, **Christopher McAlpin**, **Matthew Misener**, **Jonathan Doan**, **Isaac Kelly**, **Peter Benedict**, **Henry Segar**, **John Misener**. Plea: guilty. Sentenced to one week in gaol, January 30, 1832.

File 11-47

John Collins, village of Grimsby, and **Margaret Caution** (alias **Cantern**) of Grimsby, widow. Charged with a misdemeanor, assault on constable **John Fitz Stewart**, on November 2, 1831. True bill: **William McClelland** (foreman.) Witnesses: John F. Stewart. Evidence taken before **Henry Nelles** November 3: Collins was to be arrested on an action for debt. He resisted arrest, was assisted by Margaret Cantern. A scuffle ensued and Collins escaped. He struck deponent over the head with an iron bar, assaulted and dangerously beat him. *Nolle prosequi* ordered, January 26, 1832.

File 11-48

Warrant of **Richard Leonard** to constable **John F. Stewart**, November 2, 1831, to apprehend **John Collins** for a debt of £9.12.6. owed to **David Williams**. Case to be tried at the Sessions for January next [1832.] Writ of October 31 signed by **John Kidd** and **Alexander McDonell**, attorney for the plaintiff David Williams. True bill: **William McClelland** (foreman.) Witnesses: John F. Stewart, John Kidd. Verdict: John Collins (guilty) and **Margaret Caution** (not guilty.) Collins sentenced to one week in gaol, January 28, 1832. [File also contains Grand Jury presentment in the case.]

File 11-49

Jonas William Garrison, Humberstone, merchant. Charged with assault and battery against **James White**, January 5, 1832. True bill: **William McClelland** (foreman.) Witnesses: James White, **Andrew Boyle**. Evidence taken before **David Thompson**, Wainfleet, January 7: White went to Garrison's shop, who is merchant and contractor on the **Welland Canal**, to get a settlement about work done where he was assaulted. John W. Garrison- denies the charge. Warrant to apprehend Garrison issued to **constable Burgar**. Recognizance taken January 25, 1832: James White £10 (or 200 shillings); Jonas W. Garrison £10, sureties **Francis Galbraith** and **Alexander Boles** £5 each (or 100 shillings.) Verdict: guilty, fined £2 plus costs £10.8.6. March 29, 1832.

File 11-50

Isaiah Green, Grantham, labourer (black man.) Charged with larceny, stealing a silver watch (value 15/-) the property of **Nelson Davis**, of St. Catharines (Grantham) innkeeper, on October 28, 1831. Evidence taken before **Daniel McDougall** December 28: Green stole the watch of the deponent. Silver watch with steel chain, gilded seal and key. [Soft chain of cotton and silk, steel brushed with a steel pipe?] Recognizance taken January 24, 1832: Nelson Davis £20. *Nolle prosequi* ordered, cost charged to the District, July 13, 1832.

File 11-51

Alexander Kennedy, Grantham, yeoman/labourer. Charged with assault and battery against **Rufus Davis**, Grantham, millwright, on January 1, 1832. True bill: **William McClellan** (foreman.) Witnesses: **Rufus Davis**, **John D. King**, **Richard Wood**. Evidence taken before **Thomas Merritt** January 3: Kennedy was at the deponents house at **Port Dalhousie** at dusk. Kennedy told the deponent he was his prisoner without letting him know the charge, and abused him for some time for no reason until 10 pm. Recognizance taken January 3: Rufus Davis £25, sureties **William H. Sanderson** (blacksmith) and **John Cleveland** (carpenter) £12.10.0. each; recognizance taken January 5: Alexander Kennedy (merchant) £50, sureties **Thomas Read** (innkeeper), **James Fitzgerald** (merchant) and **Johnson Butler** £16.13.4. each. Plea: not guilty, withdrawn and defendant pleas guilty. Fined 1/- plus costs, March 28, 1832.

File 11-52

John Mills, Niagara, labourer. Charged with assault and battery against **Joseph Neal**, Niagara, October 25, 1831. True bill: **William McClelland** (foreman.) Witnesses: Joseph Neal. Recognizance taken before **Daniel McDougall**: Joseph Neal £10; John Mills £10, sureties [**Thomas?**] **Lennox** and **Francis Proctor** £5 each. Verdict: guilty. Fined 5/- plus costs £1.5.0, January 25, 1832.

File 11-53

William Moffatt, Niagara, innkeeper. Charged with assault and battery against **Charles Dobie**, Niagara, blacksmith, on October 21, 1831. No bill: **William McClelland** (foreman.) Witnesses: Charles Dobie. Evidence taken before **James Muirhead** October 22: Dobie was at the inn of **John Graham**, Niagara, where he was knocked down and kicked by William Moffatt.

File 11-54

William E. Parnall, Grantham, yeoman. Charged with assault and battery against **Reuben Wells**, Grantham, schoolmaster, on January 17, 1832. True bill: **William McClellan** (foreman.) Witnesses: Reuben Wells. Evidence taken before **Thomas Merritt** January 18: deponent was violently assaulted on the afternoon of the 17th, was collared, Parnall threatened he would be the death of the deponent and had him where he wanted him. Parnall threw a stone at the deponent and used violent threats and conduct. Recognizance: Reuben Wells £20; William E. Parnall £20, sureties **John Wright** (Grantham, innkeeper) and **John Smith** (Grantham, innkeeper) £10 each. Verdict: not guilty, January 26, 1832.

File 11-55

Francis Passmore, Humberstone, labourer. Charged with assault and battery against **James Darrough**, on January 21, 1832. True bill: **William McClellan** (foreman.) Witnesses: James Darrough. Grand Jury presentment, January 27: Passmore in company with **John Pye** and **William Ryan** assisted and abetted in the assault on **William Moore**, **George Stewart** and James Darrough. Signed by jurors **William McClellan**, **Francis Galbraith**, **Isaac Kelly**, **James Hagar**, **Christopher McAlpin**, **Henry Seger**, **Jonathan Doan**, [-----?] **Misener**, **J. Brookfield**, **Samuel Hopkins**, **John Hoover**, **Robert Wilkerson**, **Andrew Hansel**.

File 11-56

Francis Pasmore, Humberstone, labourer. Charged with assault and battery against **George Stewart** on January 21, 1832. True bill: **William McLellan**. Witnesses: George Stewart. Filed January 28, 1832.

File 11-57

John Pie [alias **Pye**], Humberstone, labourer and **William Ryan**, Humberstone, labourer. Charged with assault and battery against **George Stewart** on January 21, 1832. True bill (traversed): **William McClellan** (foreman.) Witnesses: George Stewart, **Robert Bailey**, **William Moore**, **James Derraugh**, **James Graham**. Evidence taken before **David Thompson** January 23: Robert Bailey, William Moore, George Stewart and others came to the shanty of **William C. Johnson** on business. A dispute arose between Pie and Stewart over the bed and who would sleep therein. Stewart pulled his coat off, and Pie and **Lawrence Dean** laid violent hands on him. They pulled Stewart from the shanty and kicked him. Pie and Ryan then went to the shanty, laid hold of **James Mitchel** and dragged him out. Peace was restored. Pie took Moore's rifle and went to Doan and discharged it. He returned, said it was recharged, and had sufficient ammunition. He presented the gun, not pointed at Moore but he said no one moves until Moore delivers up some more ammunition. Peace was restored. Pie and his associates withdrew, then returned again with the gun. Ryan, Dean and others had axes, said it was better to behead them now than at another time. Witness along with **Cotton Rouse** and **Hiram Bowlin** tried to make peace. Stewart, Darrough and Mitchel escaped through the window. Moore hid under the bed. Pie went in where the others had been and not finding them pursued Derraugh and the others but did not overtake them. Recognizance: Robert Bailey £5.

File 11-58

John Pie [alias **Pye**] of Humberstone, labourer and **William Ryan**, Humberstone, labourer. Charged with assault and battery against **William Moore**, canaller, on January 21, 1832. True bill (traversed): **William McClellan** (foreman.) Statement of costs £1.15.0. Witnesses: William Moore, **Robert Bailey**. Pie charged with assault against Moore, **James Derraugh**, **George Stewart** and **James Mitchell** but denies the charge against Mitchell and Stewart, says he acted in self defense. **Francis Passmore** denies charges. Evidence taken before **David Thompson**, January 23: Moore went to Johnson's shanty on section 12 to see Rouse and Bailey on business. He went with others, and took a gun as he expected to meet some game. They stayed until after dark. Pie seized the gun, pointed it at deponent's breast and ordered all the ammunition or he'd blow deponent's brains out. Deponent complied. The men withdrew, then returned armed with axes, ordered a candle to be got and searched for his associates, declared their lives should be taken. Associates escaped through the window. The rioters threatened deponents life, who was hidden under the bed by **Mary McKeever** and a girl and Robert Bailey where he remained all night. James Derraugh: agrees with evidence, said the gun was discharged before it was pointed at Moore's breast although it was said to be recharged. **James Graham**: states that he saw John

Pie declare if he had any one of them he would behead him instantly. George Stewart: states that they suffered a violent beating, heard Pie order witnesses head to be cut off with an axe. Robert Bailey: states witness was in error, Francis Passmore was quiet and for peace during the whole time. Warrant issued to **Constable Burgar** to apprehend Pie, Ryan and Dean, January 22, 1832. Pie, Ryan and Dean committed to gaol January 23. Recognizance: William Moore and James Derrrough £10 each, James Graham and George Stewart £5 each. John Pie and Francis Passmore £5 each.

File 11-59

John Pie, Humberstone, labourer and **William Ryan**, Humberstone, labourer. Charged with assault and battery against **James Mitchell**. True bill (traversed): **William McLellan** (foreman.) Witnesses: James Mitchell.

File 11-60

John Pie, Humberstone, labourer and **William Ryan**, Humberstone, labourer. Charged with assault and battery against **James Darrough**. True bill (traversed): **William McLellan** (foreman.) Witnesses: James Darrough.

File 11-61

James Robinson, Niagara, mariner. Charged with larceny, the theft of 2 pieces of pine timber (value 10/-) the property of **Thomas Courtney**, Niagara, carpenter, on December 6, 1831. True bill: **William McLellan** (foreman.) Evidence taken before **Daniel McDougall** December 9: Robinson stole deponent's timber from the beach. Recognizance of Thomas Courtney £10 filed January 28, 1832. Verdict: not guilty.

File 11-62

John Talbot, Niagara, constable. Charged with assault and battery against **Peter West**, Niagara, blacksmith, on November 28, 1831. True bill: **William McClellan** (foreman.) Witnesses: Peter West. Evidence taken before **John Crooks**, November 28: deponent rents $\frac{1}{4}$ acre and house and barn, is in peaceable possession. Keeps a padlock on the barn. At 7 am the lock had been taken off and another put in it's place. Upon inquiry, Talbot said he did it. The deponent's property was in the barn. Talbot called for his wife to bring the key. He opened the barn, and broke down the pig sty with an axe and let loose five hogs. He cast half a cord of wood into the highway and a bedstead, 4 buckets, chains, augurs, and 4 barrels containing various things. Talbot said to him "if you go into the barn I will cut your ear close to your head and split your damned head open" and raised the axe in a position to strike him. Deponent is afraid of bodily harm, signed "his X mark." Recognizance: John Talbot £15, sureties **Peter Cain** and **Henry C. Woodruff** £7.10.0. each. Verdict: not guilty. Costs £2.0.6, January 28, 1832.

Niagara District Quarter Sessions, March and July 1832
April Sessions (adjourned.)

File 12-1, Accounts.

John Claus to *Mary Flynn*, £2.5.0. for boarding *Nathan Tisman* for 9 weeks, March 28, 1832.

John Franklin, March 14, 1832 charge 5/- for digging a pauper's grave. Filed March 30, 1832.

Andrew Burns and *Mrs. Ross*, cash advanced for paupers £7.10.0.

John Warren, salary for 72 days as Member of the Legislature, certified by *Archibald McLean*, January 28, 1832.

William Crooks, salary for 64 days as Member of the Legislature £35, certified by *Archibald McLean*, January 28, 1832.

John Clark, salary for 64 days as Member of the Legislature £37, certified by *Archibald McLean*, January 28, 1832.

Robert Randal, salary for 67 days as Member of the Legislature £38.10.0, certified by *Archibald McLean*, January 28, 1832.

Batholomew C. Beardsley, salary for 69 days as Member of the Legislature £39.10.0, certified by *Archibald McLean*, January 28, 1832.

Schedule of Accounts Passed in March Sessions, £221.10.0. Signed *James Muirhead*. Accounts to April 16 increased this amount to £274.9.8.

Petition of *David Bonesteel*, Pelham. In the summer of 1829 *Mary Risenburgh*, the aged and infirm widow of a soldier in the *Canadian Fencibles*, with *Sally Risenburgh*, "a natural born Idiot, her daughter, objects of greatest compassion" came to my house. They were cast upon me for protection with no home or friend for assistance. I am in low circumstances, yet I could not turn a deaf ear. I relied upon provincial aid to help keep them. I received an order for \$1.00 per week until the close of 1830. There is no more money for this purpose. Still a miserable case, it is cruel to withhold assistance. Before the winter of 1829-30 the mother was of some assistance. In December 1829 she "paid the debt of nature" and left her daughter the object of public charity. A wretched female aged 30 years, who "exhibits the most appalling instance of unfortunate and degraded humanity...destitute of that reason which is necessary to guide mind and body." She is "entirely childish, and frequently perverse; cleanliness is not part of her disposition; and the wife of your petitioner has a task of which delicacy might forbid a recital, but which the charity of your hon'ble body will duly estimate." I would cast her out, but no one is willing to undertake the disagreeable and costly task which they do with no remuneration. Let not the stern points of Court Rules suppress the dictates of humanity, March 22, 1832. Signed *David Thompson*, *William Davidson*, *David Burgar*, *John Farr*, *Amos Bradshaw*, *Henry Slawmitt*, *Joseph C. Price*, *John Pickett*, *Peter Kerr*, *Francis Galbraith*, *Andrew Moore*, *Alexander Brown*, *Julius T. Cory*, *Stephen Coleman*, *Joseph Willson*, *John Shotwell*, *Joel Shotwell*, *John A. Tidey* (DPS), *Stephen M. Farr*, *David Price*, *Thomas Bald*, *Enoch Shrigley*, *Aaron Price*, *Francis Ellis*, *William Pickett*, *James Brown*, *Matthew Hutson*, *John G. Haun*, *Francis Forrester*, *James Crafford*, *John Crafford*, *Joseph Stratton*, *Enos Shrigley*. Filed March 27, 1832, ordered £15.

File 12-2, Assessments.

Committee on assessments: *George Ball, John Crooks, Daniel McDougall, James Kerby, John Claus.*

David Baxter, before *James Kerby*, Bertie, October 11, 1831. Was over-rated in taxes £1.2.1¼ by *Mr. Thompson* (collector.) Has 30 acres cultivated, 40 acres uncultivated, 3 cows, 2 horses, and a frame house. Signed "his X mark." Document contains a pencil notation "Dear *Clarke*, will you see to this? *Charles Richardson.*"

File 12-3, Constables.

Letter from *Samuel Birdsall* to *Charles Richardson*, Canborough, January 2, 1832: have appointed *Joseph Brooks* as constable.

Letter from *James Kerby* to *Charles Richardson, Fort Erie Mills*, February 22, 1832: we are without constables, *Henry Putman* has been appointed as one. Send me two blanks for appointments and I will fill them as soon as possible.

File 12-4, Correspondence.

Charles Richardson, Niagara, to *David Thompson*, Wainfleet, March 28, 1832: I request your attendance with papers in the case of *Kinsley*. If inconvenient, I request a transmission of the papers (draft.)

Charles Richardson to *Edward McMahon*, Niagara, January 1832. Enclosed is a return list of my emoluments for the year ending December 31, 1831.

Charles Richardson to *Edward McMahon*, Niagara, February 9, 1832. Transmits a copy of the Grand Jury presentment against *John Crooks*. Not sufficient evidence to warrant his indictment, but more properly a matter for His Excellency's instructions.

Edward McMahon to *Charles Richardson*, York, Government House, April 30, 1832. Regarding *John Crooks* and the collection of *Militia fines* not paid to the proper officer. Enclosed is a report.

Attorney General's office, March 29, 1832. *Henry J. Boulton* to *Edward McMahon*, Acting Secretary. An indictment against *John Crooks* might be sustained for part of the charge in the presentment. Under 48 Geo. III ch. 1.40 fines collected are to be transmitted in 2 months to the Colonel or next senior officer in the Regiment. If the statute requires a person to do the act, and he doesn't, he can be indicted for not obeying the statute. If he hasn't collected the fines, this is not so properly indictable, subject to correction of the King's Bench. If *Crooks et. al.* (must be two) convict persons but refuse to issue a warrant for levying a fine from a corrupt motive, they may be indicted, unless they think conviction improper or from other cause. If the prosecutor thinks differently, he may apply to *King's Bench* to compel them to issue process. *Mr. Crooks* and *Mr. Kay* thinks he can keep an Dr. and Cr. of fines, costs, and so make the costs balance the fines. He is in error. Each delinquency stands on it's own footing and is distinct from other cases. Example, if a fine is collected against *Mr. Macon* 30/-, it cannot be applied to payment of costs in prosecuting *Thomas Gardener* but should be paid to the Colonel of the Regiment.

File 12-5, Criminal Calendar.

Calendar of Prisoners Confined in the Niagara Gaol, (Peter Wheeler) March 27, 1832. *James Logan*, committed November 4, 1831. Orders of *David Thompson*. Buggery. *John Renolds*, January 9, 1832. Orders of *R.* and *H. Nelles*. Stealing *Mr. Gilmore's* horse. *William Cavanaugh*, January 16. Orders of *Daniel McDougall*. Stealing a watch of *Peter Carnouth*. *Fitz B. McCarlin*, February 2. Orders of Daniel McDougall. Stealing a coat of *Joel Porter*. *William McClain*, February 25. Orders of Daniel McDougall. Stealing a watch of *William Moffatt*. *Daniel Law*, March 15. Orders of *William H. Merritt*. Broke the house of *William Galbraith* and robbed it of flour &c. *George Kinsley*, March 16. Orders of David Thompson. Murder. *Henry Hamiton*, March 22. Orders of *John Warren, W. Anthony*. Stealing the horse of *A. Wintermute*.

File 12-6, Filings.

Letter of *Smith Griffin* to *Charles Richardson, Smithville*, March 9, 1832. Enclosed is the information of Mrs. Lampman and her recognizance. *Elizabeth Lampman*, wife of *Robert Lampman*, Gainsborough, yeoman, states that he threatened to put an end to her life. In the last part of February past he said "if any one got a stick of wood for her, except her father's people, he would put an end to them and her." She is in "dayly" fear of her life, March 4, 1832.

Daniel McDougall to *George P. Kinsley*, constable, February 11, 1832. Warrant to arrest *George Cudney*, Niagara, yeoman on the complaint of *Joseph Johnson*, Niagara, labourer. Johnson states that Cudney beat him on February 8, 1832 and fears bodily harm.

Recognizance taken before *William Hamilton Merritt*, March 25, 1832: *George Warren* £50, to give evidence against *Daniel [Laren?]*, Thorold.

Evidence taken before *Thomas Merritt*, March 29, 1832: *Samuel Craigs*, of St. Catharines, distiller. On March 28 *Nathan Hall* (coloured man) broke into his distillery, which belongs to Messrs. *Bowing, Butler &c.* and took part of a barrel of pork, which was found in the house of *Mary Carter*.

Praeceptum for a writ of *subpoena* in the case of *Rex vs. Gilbert Anderson* for assault and battery to be directed to *Peter Cain* and *Jacob Upper*. Signed *Robert Dickson* (defense attorney.)

Witnesses to be subpoenaed in *John Mosier's* case against *John Tannahill*: *Edward Clark Campbell, Edward McBride, Johnson Stewart, James Lockhart, James A. Clement, D.W. Smith, Jared Stocking, Daniel McDougall, William Winterbottom*. Signed *Charles Gurney* (foreman.)

File 12-7, Presentment.

March 28, 1832, *Complaints against the Niagara gaoler, Rex vs. Wheeler*. 1st, not giving sufficient provisions and of good quality. There were only one or two cases, stopped when it appeared to be found out. 2nd, abusive language directed to females and debtors. Their situation is quite hard enough and kinder language should be at all times used towards them. As for females, your public situation should induce you to treat them with respect. We have examined

the prisoners and the general complaints towards *Peter Wheeler*, gaoler. He withheld a sufficiency of fuel in cold weather though prisoners had it purchased near the gaol. He uses abusive and obscene language to the wives of prisoners who come to visit, and debarred from visiting unless in the presence of Wheeler. The food is putrid and unfit. Prisoners are in want of water. He must be compelled to empty the buckets containing the filth and excrement of prisoners. Witnesses: *Fordes Avreill, John Haun, Peter M. Ball, George W. Smith*.

File 12-8, Precept.

List of Grand and Petit Jury compiled by *Daniel McDougall* and *John Crooks* on March 12th for Sessions to be holden on March 27, 1832.

Grand Jury: *William Snyder, Isaac Moyer, Henry* [-----], *Adam Simmerman, Thomas* [-----], *Timothy Hixon, Samuel Corwin, John B. Henry, Jesse Pawling, Clement Dickson, Jacob H. Ball, George Smith, William May, James Dolson, Philip Simmerman, Richard Dawdy, David Doan, Jacob Beam, Charles Gurney, James R. Henry, Henry Pawling, George Havens, Oliver Phelps, William Hepburn, Clement Dickson*.

Petit Jury: *Daniel Roberts, Peter Snyder, David Adair, Michael McCombs, John Kilbourne, John McIntyre, Andrew House, Alexander McGaw, John L. Clows, Stephen Comfort, Patrick McGaw, William Everitt, Richard Hinton, George Clark, Jeremiah Johnson, Matthew Johnson, Jacob Lawrence, Archibald McCardy, Joseph Adair, William Tufford, John Beam, David Palmer, Lot Patterson, William McLean, John H. Comfort, Joseph Miles, George Bennett, Glover Bennett, George Johnson, Benjamin Martin, Matthew Johnson, Jacob Comfort, Thomas Read, John Wright, George Bessy, Samuel McCombs, James May, Stephen Parnell, Joseph Martin, David Stuart, William E. Parnell, Thomas Wall, Aaron Havens, Aaron Allen, William Parnell, Abraham Messmore, George Flanders, Francis Darby*.

File 12-9, Orders.

Daniel McDougall: two civil cases have been brought against him for widening the road from the court house to the town when he was surveyor of streets. He be indemnified, made at order of the Court, March 30, 1832.

Charles K. Fell: made a survey of a road on the *Grand River* in Moulton and Haldimand, running from one surveyed by him from *Dunnville* to *Christopher Lymburners*, and run up the river to intersect the road from *Burlington Beach* to *Highflyers* near the *Nelles Settlement*, and to make a map of the same, July 14, 1831; ordered to continue the survey along the river to the boundary between the Districts of Niagara and Gore and to make a map of the same, March 30, 1832.

Daniel McDougall and *John Crooks* ordered to form a committee to draw up Gaolers' regulations, March 31, 1832.

Charles K. Fell, ordered to continue as surveyor of highways, March 30, 1832.

Thomas Butler and *George Ball*: the road near *2 Mile Creek* has been injured by water overflow, part is worn away and hard to travel. Pray for £6 to help repair the same, March 28, 1832. Approved.

File 12-10, Tavern and Shop Licences. [Note: all the St. Catharines licences were filed March 17, 1832 with the exception of James McGill, filed March 20, 1832.]

Daniel T. Grenville, St. Catharines, Grantham, yeoman. Prays for licence. Surety **John Smith** (tavernkeeper.) Bond £10 before **James Black** and **Thomas Merritt**. Grenville licenced to sell beer, ale, cider and other liquors (not spiritous) for one year from February 23, 1832.

James McGill, St. Catharines, Grantham, yeoman. Prays for licence. Surety **John McDade**, Grantham, yeoman. Bond £10 before **James Black** and **Thomas Merritt**. McGill granted licence to sell beer, ale, cider and other liquors (not spiritous) for one year from March 3, 1832.

John Coleman, Port Dalhousie, Grantham, yeoman. Prays for licence. Surety **John McDade**, Grantham, yeoman. Bond £10 before **James Black** and **Thomas Merritt**. Coleman granted licence to sell beer, ale, cider and other liquors (not spiritous) for one year from March 15, 1832.

Michael Lee, St. Catharines, Grantham, yeoman. Prays for licence. Surety **James Fitzgerald**, Grantham, yeoman. Bond £10 before **James Black** and **Thomas Merritt**. Lee granted licence to sell beer, ale, cider and other liquors (not spiritous) for one year from January 15, 1832.

John McDade, St. Catharines, Grantham, yeoman. Prays for licence. Surety **John Wright**, Grantham, innkeeper. Bond £10 before **James Black** and **Thomas Merritt**. McDade granted licence to sell beer, ale, cider and other liquors (not spiritous) for one year from May 1, 1832.

Jacob Turner, St. Catharines, Grantham, yeoman. Prays for licence. Surety **John Wright**, Grantham, innkeeper. Bond £10 before **James Black** and **Thomas Merritt**. Turner granted licence to sell beer, ale, cider and other liquors (not spiritous) for one year from February 14, 1832.

Letter from **Warner Nelles** to **Charles Richardson**, Grand River, March 16, 1832. **Mr. Swick** intends to apply for a licence. Could not be recommended as worthy. Allow me to recommend **Thomas Burk**, of good fame and conversation. I will have no objection to be one of his sureties.

File 12-11.

John Barns, Niagara, labourer, **William B. Smith**, Niagara, labourer, **Thomas Richardson**, Niagara, butcher, **Thomas Waugh**, Niagara, labourer. Charged with riot and assault against **Jordan Ganes**, Niagara, labourer, on January 31, 1832. Witnesses: Jordan Ganes. Evidence taken before **Daniel McDougall**, February 13: Ganes was beaten at the house of **John McDonell** in Niagara. Recognizance: John Barns £10, surety **Jacob Duesler** £10; William B. Smith, Thomas Richardson and Thomas Waugh £10 each, sureties for each of these three men **Francis Proctor** and **B. Minulby** £5 for each man; Jordan Ganes £20.

File 12-12.

John Carter, Grantham, labourer. Charged with larceny, the theft of 20 pounds of pork (value 15/-) the property of **Thomas Butler** and **Jacob Thomas (Brewery)** on March 28, 1832. True bill: **Charles Gurney**. Witnesses: **S. Craig**, Thomas Butler. Verdict: guilty. Ordered to stand one-half hour in the pillory and then be discharged.

File 12-13.

Adam Cryslor, Niagara, innkeeper. Charged with assault and battery against **John Drain** on February 27, 1832. No bill: **Charles Gurney** (foreman.) Witnesses: John Drain. Recognizance taken before **Daniel McDougall** February 28: John Drain £10. Filed March 28, 1832.

File 12-14.

Jordan Ganes, Niagara, labourer (coloured man.) Charged with assault and battery against **John Martindale, Jr.**, Niagara, butcher, on January 31, 1832. True bill: **Charles Gurney** (foreman.) Witnesses: John Martindale. Warrant to apprehend Jordan Ganes (coloured man) for assault issued by **Ralph M. Cryslar** to **Jacob Dockstader**, January 31. Filed March 30, 1832.

File 12-15.

William Hoffman, Bertie, yeoman. Charged with larceny, stealing one axe (value 5/-) the property of **Christian Martin**, Willoughby, yeoman, on September 15, 1831. True bill: **Charles Gurney** (foreman.) Witnesses: Christian Martin. Evidence taken before **James Cummings**, Chippawa, December 12: Hoffman took a chopping axe from the field on the side of the road, nearly new, converting it to his own use. Letter of James Cummings to **Charles Richardson**, March 23, 1832: have sent the enclosed papers by **Mr. Kidd**. **Mr. Warren** promises the defendant will appear and the prosecutor will attend. "I may be down myself but cannot say for sartain." **Walter H. Dickson**, *praecipe* for subpoena in **Rex vs. Hoffman** (larceny) directed to **Jacob Fretz**, March 27, 1832. Recognizance taken before James Cummings: Christian Martin £5, surety **Joseph Morningstar** £5. Verdict: guilty, sentenced to 2 weeks in gaol. March 28, 1832.

File 12-16.

Festus Irish, Grantham, labourer. Charged with assault and battery against **James Waters** on March 18, 1832. No bill: **Charles Gurney** (foreman.) Witnesses: James Waters. Recognizance taken before **Daniel McDougall** March 19: James Waters £10. Filed March 28, 1832.

File 12-17.

Fitz P. McCarthy, Niagara, labourer. Charged with larceny, the theft of one coat (value 20/-) the property of **Joel Porter**, on January 31, 1832. True bill: **Charles Gurney** (foreman.) Witnesses: Joel Porter, **Henry A. Woodruff**. Crime found not within the jurisdiction of the court, March 28, 1832.

File 12-18.

William McLean, Niagara, labourer. Charged with larceny, theft of a silver watch (value 15/-) the property of **William Moffatt**, Niagara, innkeeper, on February 25, 1832. No bill: **Charles Gurney** (foreman.) Witnesses: William Moffatt, **James Markie**. Evidence of William Moffatt taken before **Daniel McDougall**: The watch, chain and key were stolen on Tuesday night or Wednesday morning; James Markie says that William McLean came to his house one hour after dark on Wednesday and offered to sell the watch for \$16.00. **William Hutchinson** offered \$6.00, McLean asked \$14.00; Hutchinson said he couldn't go that high and they agreed on \$7.00. Hutchinson left for York yesterday. William McLean says he bought the watch from a woman in the street, paid \$1.00 for it. [Document endorsed "prisoner discharged."]

File 12-19.

John Taylor, Niagara, labourer. Charged with assault and battery against **Jane Courtney** on February 11, 1832. True bill: **Charles Gurney** (foreman.) Witnesses: Jane Courtney, **Joseph Martin**. Recognizance taken before **John Crooks** March 8: John Taylor £10, sureties **Richard**

Moffatt and **John Talbot** £5 each. Evidence of Jane Courtney taken February 13. Verdict: guilty. Fined 10/- plus costs £1.17.6. March 29, 1832.

File 12-20.

Paul Vancuran, Niagara, yeoman. Charged with assault and battery against **James Cushman, Jr**, Niagara, yeoman, on February 11, 1832. True bill: **Charles Gurney** (foreman.) Evidence of James Cushman taken before **John Crooks**. Recognizance taken before John Crooks February 13: Paul Vancuran £10, surety **A. Woodruff** £10. Plea: guilty, throws himself on the mercy of the court, March 29, 1832. Fined 10/- plus costs £2.15.0.

File 12-21, April accounts.

Joseph Hill, constable accounts, £3.15.8 and £3.0.8, April 10, 1832.

John Smith, constable account, £0.16.7. April 10, 1832.

Simon Hoover, constable account, £1.15.0. April 10, 1832.

John Kidd: certifies court constables were **John Talbot**, **Jacob Hendershot**, **Henry Woodruff**, **Gilbert Anderson**, £2.7.6. April 10, 1832.

David Thompson: charge to attend coroner's inquest on the body of **Patrick Curtain**, Humberstone, March 16, 1832 £4.10.0.

Thomas Courtney, charge for a coffin for a coloured man named **Antrim**, 10/- March 1832.

John F. Stewart, constable account £2.5.0. April 10, 1832.

Samuel Heron, charge for paper and printing 500 bills £2.10.0. April 10, 1832.

William Riley, charge to rent house to **Monson** (coloured man with smallpox) for one month, 10/- On orders of **Dr. Telfer**. April 16, 1832.

Jacob Hendershot, constable account, 15/6- Case of **Andrew Brady** vs. **John Bowman**, April 10, 1832.

William Hamilton Merritt, charge for boarding **Cornelius Lyan** for one week 10/- March 17, 1832. Filed March 29, 1832.

Samuel Wood, Grantham, March 26, 1832: 17/6- to be paid to **John Smith** for furnishing a coffin for **John Morse**, grave digging and burial, October 6, 1830. £1 to John Smith for a coffin for **Richard King**, grave digging and burial, December 6, 1830. Approved April 10, 1832.

Samuel Wood, Grantham, March 26, 1832. Charge for holding an inquest on the body of **Henry Cawse[?]**, April 9, 1831, £2.6.8; charge for holding an inquest on the body of **George Roke[?]**, October 20, 1831, £2.8.8; charge for holding an inquest on the body of **Thomas Rabbit[?]**, February 21, 1832, £2.6.8; charge for holding an inquest on the body of **Elizabeth Halstead**, March 4, 1832, £2.9.8. Total £9.11.0. April 10, 1832.

John Smith, constable account for summoning a coroner's jury re: **Elizabeth Halstead**, £0.5.0. Certified **Samuel Wood**.

F.L. Converse, charge for attending a coroner's inquest on **Elizabeth Halstead**, who destroyed herself by taking opium. Called in at the request of the jury, certified by **Samuel Wood**. £1.3.4. April 10, 1832.

Alexander McKee, charge for services as crier £1.10.0. April 10, 1832.

Peter Wheeler, charge for washing the shirts of prisoners: **James Logan** (12 shirts), **John Renolds** (12), **William Cavanagh** (12), **Fitz P. McArthur** (10), **Henry Hampton** (3). 49 shirts at 3d each, total £0.12.3. April 10, 1832.

Ephraim Wheeler, charge for services as turnkey January 15-April 15, £7.10.0. April 10, 1832.

Richard Leonard, allowance/salary as sheriff £20, April 10, 1832.

Francis Proctor, constable account £2.15.0. April 10, 1832.

Jacob Dockstader, High Constable account £4.2.6. April 10, 1832.

Henry A. Woodruff, constable account £1.18.6. April 10, 1832.

John Talbot, constable account £2.13.3. April 10, 1832.

William Duff Miller, charge for holding an inquest on the body of a man found in the river, October 27, 1831, £2.7.0.

Cyrus Sumner, charge for attendance to give evidence on the death of **Scott Burt** (surgeon) who died suddenly, September 13, 1830, £1. Orders of **William Duff Miller**. April 10, 1832.

H.C. Thomson and **G. McFarlane** (Kingston), charge for three copies of *Provincial Revised Statutes*, ordered by **James Muirhead** £6. To be paid by **Charles Richardson**, April 10, 1832.

Dr. James Muirhead, charge for medicine and attendance at gaol, £5. Charge for attendance and medicine on a young woman at **Proctor's** (condemned, should she live) £3.10.0. Total £8.10.0. April 10, 1832.

Alexander Mackie, charge for services as crier 5/-, April 11, 1832.

Estate of the late **Dr. Cockcroft**: charge for his attendance at a coroner's inquest held on the body of **Hugh Haggerty** (orders of coroner **Gilbert McMicking**), £2.10.0., January 28, 1831; charge for attendance at a coroner's inquest on the body of **John Bender** (coroner Gilbert McMicking), £0.10.0., November 16, 1828.

Rations due to the Gaoler of the Niagara District (Peter Wheeler), January 26-April 11, 1832. £84.0.0., changed to £84.5.6. April 10, 1832. [Account includes charge for salary, candles for jail, candles for Sessions, straw for cells, 60 cords of wood, charge to scrub the court house.] Names and dates of commitment:

James Logan, January 26-April 11.

John Renolds, January 26-April 11.

William Cavanaugh, January 26-April 11.

Fitz B. McArthur, February 2-April 11.

William McLain, January 31-March 28.

George P. Kinsley, March 15-April 11.

Daniel Lane, March 15-April 11.

Henry Hampton, March 22-April 11.

John Carter, March 29-March 31.

Henry Hoffman, March 29-April 11.

Debtors:

George W. Smith, January 26-April 11.

Fordis Avril, January 26-April 11.

Levi Brown, January 26-April 7.

Thomas Turnbull, January 26-April 11.

James Tinline, January 26-February 28.

John Haun, January 26-April 11.

Herman House, January 26-March 1.

John McKay, March 15-April 11.

File 12-22, Clerk of the Peace Accounts.

Clerk of the Peace Accounts to January 1832, £73.16.0. (Passed April 10, 1832.)

Clerk of the Peace Accounts to March 1832, £58.10.6. (Passed April 10, 1832.)

File 12-23, Surveyor of Streets Accounts.

Surveyor of Streets account 1831, Statute Labour laid out £65.12.6 or 1456 days, signed **James Muirhead** April 10, 1832.

File 12-24.

Printed broadside, **District of Niagara, Treasurer Account**, signed **William Clarke**, April 11, 1832.

File 12-25, Correspondence.

Letter of **James Kerby** to **Charles Richardson, Fort Erie Mills**, April 4, 1832. Kerby intended to be at the Adjourned Sessions, but ice swept away 100 feet of his mill race and he was thus obliged to stay at home and oversee repairs and get the mill running. Wishes to be present at the decision of the established road width between Humberstone and Bertie townships. **Mr. Ryckard**, surveyor at St. Catharines, should be present in court to confirm the testimony of the late **Azaliah Schooley**. Apologies to **Dr. Muirhead** for putting the enclosed report in my pocket by mistake.

File 12-26, Orders.

Ralph Clench, ordered that he be paid £3 for examining and correcting the assessment rolls, April 11, 1832.

Treasurer ordered to draw £250 from the bank for District use, April 11, 1832.

William Clarke, ordered £8.6.3. for books and accounts, April 10, 1832.

Daniel McDougall, ordered to continue as surveyor of streets. He is to report the names of Statute Labour workers and those who commute their labour. April 11, 1832.

Clerk of the Peace ordered to deliver the rolls to collectors. District accounts to be published in the Niagara *Gleaner*. 1d in every £1 to be collected.

File 12-27, Road Orders, April 10, 1832.

£20 ordered to repair the bridge and make a turnpike at John Misener's. £25 laid out on the same, to be paid when examined and certified complete by *John Misener*, *George Keefer* and *William Hamilton Merritt*.

£12.10.0. ordered to cut down the side hill and make a bridge over the *Deep Hollow* at *Parnall's*. Paid when the same is completed, certified by *George Adams*, *Thomas Merritt* and *William Hamilton Merritt*.

£6.5.0. ordered for the bridge over the *Beaver Dam* in Thorold, to be examined when complete by *John Clark* and *George Keefer*.

£50 ordered to repair the *Swamp Road* by contract, to be examined by *George Adams*, *Thomas Butler* and *William H. Merritt*.

£50 ordered for a bridge on the *Welland River* near *Weir's Mill*. To be examined and reported upon by *John Clark*, *Smith Griffin* and *Benjamin Canby*.

The *Surveyor of Roads* ordered to lay out a public road from *Hurst's Tavern* to the *Deep Cut* adjacent to the *Welland Canal*.

£40 ordered for bridges on the *Thorold Road* if built with stone butments, to be examined and certified by *George Keefer*, *James Black* and *Hiram Swayze*.

£20 ordered for a bridge over [-----] at *John Misener's*.

£25 ordered for a bridge at *Port Robinson*, to be examined and certified by *George Keefer*, *William Hamilton Merritt* and *Duncan McFarland*.

File 12-28, July Accounts.

Schedule of Accounts passed in July Sessions 1832.

John Franklin (sexton.) Charge for digging a grave for the burial of *John Woolf* (alias *Black Jack*) April 13, 1832, 5/- Certified by *William Duff Miller*.

Robert Deming, constable account, £1.6.6. July 16, 1832.

Francis Proctor, constable account, £1.14.0. July 16, 1832.

John Kidd, charge for pine table with drawers and chairs for the court, £2.7.6. July 16, 1832.

Ephraim Wheeler, charge for services as turnkey April 15-July 15, 1832 £7.10.0.

Thomas Hero, charge for sweeping the gaol chimney 15/- July 16, 1832.

Peter Wheeler, charge for washing prisoner's shirts: **James Logan** (14 shirts), **John Renolds** (14), **William Cavanaugh** (14), **Henry Hampton** (14), **Thomas Foot** (8); 64 shirts at 3d per shirt, plus washing 17 blankets and 4 bed ticks, £1.8.1½, July 16, 1832.

John Kidd, salary for court constables **Luke Lawrence**, **John Talbot**, **Joseph Martin**, **Robert Deeming**, **John Mitton** £2.10.0. July 16, 1832.

Charge for services of Court Crier £2, July 16, 1832. Signed **James Muirhead**.²⁴

Scott Tyre & Co, charge for paper, quills and wafers £3.3.9. Certified by **John Kidd**.

Jacob Dockstader, High Constable account £4, July 16, 1832.

John Talbot, constable account £3.13.11. July 16, 1832.

Francis Proctor, charge for boarding **Mary Clemans** for 13 weeks, furnishings for same (calico, cotton, shim[m]y, muslin for caps, 1 pair of shoes) by order of **Dr. Muirhead**, £6.3.2.

Charles K. Fell, road survey accounts, £18.10.0.

James Dittrick, charge for coffin, digging a grave and burial of **Felix Kelly**, who died suddenly at his house November 16, 1830, £1.5.0. Certified by **Samuel Wood** July 13, 1832.

Dr. Telfer, charge for medicine and attendance upon **Margaret O'**[**Conner?**] a pauper, £7.16.0. July 13, 1832.

Drs. Telfer and **Porter**, charge for three visits to **Lundy's Lane** and **Chippawa** to examine the nature of the disease prevailing there, £6. July 13, 1832.²⁵

William Clark, charges submitted by **Minard** £1.15.0, [**Leonard**] **Hicks** £1.10.0, **Mrs. Minard** £1.2.6., **Mrs. Bess** £1.2.6., **Mrs. Hicks** £0.18.9. Also charge for four barrels for water, a cart and horse. Notation from **Charles Richardson**, July 4, 1832: "Dear Clark, £4.16.3. balance due for cleaning the jail- pay the poor fellows, they deserve every shilling."

Ephraim Wheeler to **Charles Richardson**, July 4, 1832: Certified that **Miner** completed work around the jail (7 days) and **Leonard Hicks** (6 days.) Also **Mrs. Miner** (6 days), **Mrs. Bess** (6 days) and **Mrs. Hix** (5 days.)

Samuel Heron, charge to advertise the District Accounts, 770 lines, £18.10.6, July 12, 1832.

Daniel McDougall, £25 to repair the roads and drains in town, and to have the road meet the **Black Swamp Road**. Approved July 11, 1832.

Dr. John Lefferty, surgeon. Charge to visit **Patrick Tool**, **Gravelly Bay**, to amputate the metatarsal bones of both feet, medicine, dressings and application, January-March 1832 £8. July 10, 1832. [original charge was £11.]

²⁴This document does not who acted as crier.

²⁵Probably an outbreak of the cholera.

Dr. Muirhead, charge for medicine and attendance upon **Mary Clemens**, an orphan girl seriously ill, for 4-5 weeks, £6.5.0. Also charges for medicine and attendance upon prisoners in the gaol, £5. July 10-11, 1832.

Robert Durning, constable account, £1.5.0. for the arrest of **Thomas Foot**. Certified by **James Kerby**, July 10, 1832.

Rations Due the Niagara Gaoler (Peter Wheeler) April 12-July 13, 1832. £28.1.3. [Charge includes candles for the gaol, brooms for the cells.] Names of prisoners and dates of commitment:

James Logan, April 12-July 13.

John Renolds, April 12-July 13.

William Cavanaugh, April 12-July 13.

Henry Hampton, April 12-July 13.

Henry Hoffman, April 12-April 18.

James Murphy, April 26-April 30.

John Haun, April 27-July 13.

Mary Stewart, May 4-May 12.

John Smith, May 12-May 17.

Thomas Foot, May 20-July 13.

Robert Taylor, June 21-June 28.

Jacob Weismer, June 23-July 13.

Sarah Taylor, July 7-July 12.

Debtors:

George W. Smith, April 12-July 13.

Fordis Averill, April 12-July 13.

John Hawn, April 12-July 13.

John McKay, April 12-April 14.

William Legett, May 22-July 5.

Simon Sexsmith, June 11-July 13.

Bartley Boyle, June 11-July 13.

Daniel McDonald, June 20-July 13.

Phineas Danford, June 25-July 13.

William Sherman, June 25-July 7.

James Jenkinson, June 30-July 7.

William Monro, June 30-July 13.

File 12-29, Clerk of the Peace Accounts.

Accounts of **Charles Richardson**, Clerk of the Peace, for £59.4.0., July 17, 1832.

File 12-30, Other Accounts.

David Thompson, fees as Magistrate, £0.17.6.

Peter Burgar, constable account (certified by David Thompson), £1.14.0.

File 12-31, Criminal Calendar.

Calendar of Criminal Prisoners in Niagara Gaol (Peter Wheeler) July 10, 1832.

John Renolds, committed January 9, 1832. Orders of **R. Nelles**. Stealing the horse of **Michael Gilmore**.

James Logan, November 4, 1831. Orders of **David Thompson**. Buggery.

William Cavanaugh, January 16, 1832. **Daniel McDougall**. Stealing the watch of **Peter Carouth**.

Henry Hampton, March 22. Orders of **John Warren** and **William Anthony**. Stealing the horse of **Alexander Wintermoot**.

John Haun, April 27. Orders of Daniel McDougall. Under sentence.

Thomas Foot. May 20. Orders of **James Kerby**. Stealing green and blue silk and patterned calico, the property of **Richard Thompson**, merchant.

Jacob Wiesmer, June 23. Orders of **Alexander Hamilton**. Failure to procure sureties to keep the peace.

Sarah Taylor. July 7. Orders of **James Muirhead**. Threatened to burn the house and take the life of **Robert** [-----] Released on bail for good behaviour 12 months.

File 12-32, Filings.

Evidence of **John Riley**, Niagara, taken before **Daniel McDougall**: was beaten by a seaman on board the steamboat **Canada**, July 9, 1832. Recognizance for £10.

File 12-33, Presentment.

State of the Gaol. The *debtor's room* is crowded with prisoners, is uncomfortable and filthy. The floor has a green plank. A one inch space between the planks is filled with dirt and maggots. The straw on the beds has not been changed in 10 months. The stench of the filth buckets is very offensive. The gaol hours for communication with friends only between 8 am and 4 pm., and a servant stands nearby to hear all conversations. Recommend that a pine floor (seasoned planks) be laid over the old, and the straw be changed. The filth buckets should be changed and cleaned twice daily, taken out in the morning and left in the sun. Each room should have two beds, a table, wash bowl and basin. Communication with friends should be allowed from ½ hour after sunrise to ½ hour before sunset. Signed **David Davis**, **Lewis Willson**, **Peter Haun**, **Samuel Wiggins**, **Martin Dell**, **John Lemon**, **Peter Dell**, **Henry Fitch**, **John Edsall**, **Arthur Cosby**, **Simcoe Chapman**, **Samuel Dell**, **Jeremiah Forrester**, July 12, 1832.

Henry Snure, Pelham, pathmaster, lodged a complaint in June 1830 before **George Keefer** and **John Clark** at a Special Sessions in Thorold near **Beaver Dams**. **John McGlashan Sr**, **John McGlashan Jr.**, **Charles McGlashan** and **Alexander McGlashan** neglected their Statute Labour (11 days.) They were legally warned by deponent. The Magistrates neglected to charge them not knowing the area. As a result the *bridge across the 15 Mile Creek* is in disrepair. Deponent was fined £2 plus costs £0.16.3. Have transmitted a copy to the Attorney General or his officers that they may proceed on it. Signed **David Davis**, **Lewis Willson**, **Jeremiah Forrester**, **Martin Dell**, **Simcoe Chapman**, **John Edsall**, **Arthur Cosby**, **Peter Dell**, **Samuel Wiggins**, **Henry Fitch**, **Samuel Dell**, **John Lemon**, **Peter Haun**.

File 12-34, Insane and Destitute Records.

M. Ottley, Warden of Stamford, to **R.H. Dee**, July 10, 1832. **Christopher Burt**, aged 85 years. He has lived in this township for more than 30 years, and prays for relief being unable to support himself at this time of life. Letter of **R.H. Dee** to **James Muirhead**, July 11. Wishes for instructions regarding old man Burt, an object requiring support. Dee unable to attend the Sessions due to the sickness of his children. (Received from **Mr. Cook**, silversmith, on the 14th instant between 1 and 2 o'clock.)

File 12-35, Gaol Committee Report.

Richard Leonard, June 15, 1832. Report on the vicinity of the gaol and yard enclosed. The platform is out of repair, rubbish remains from court repairs last year; is so much out of repair that I recommend whether it is not advisable to make a new gaol. I consider the gaol unsafe until the lower windows are made secure by iron bars. Ordered.

Committee of **George Adams**, **James Cummings** and **John Crooks**, July 12, 1832 have visited the debtors. Proper and sufficient cleanliness is not possible due to open floor joints. Filth buckets should be removed twice daily and remain in the sun. Recommend that the floor be covered with 1" boards, and the open space cleaned and filled with lime. Should order two water spouts to be made, to carry out any water in excess of that required for washing; hay should be used for beds until straw procured. Sketch of ground plan of privy. The sheriff's room should be converted to an additional debtor's room for the more respectable class of debtor, the windows secured with gratings, floors to be made of 2" planks and spiked. A room connecting the bedroom adjoining the sheriff's room should be closed up and the communication given it from the lobby of the main hall. A fence made out of 3" square pickets should be made across the lobby and extended length wise in front of the criminal cells and across the back lobby. The back door and superficial work should be removed and a window (properly grated) installed. The front door and superficial work should be removed and strong folding doors substituted with a fan light, secured by grating, which will afford ventilation. The privy should be at a distance, communicating by a secure passage, at small expense. July 13, 1832.

File 12-36, Orders.

Chippawa, July 4, 1832: The **Board of Health** at Chippawa request the **Rev. Mr. Leeming**, **James Macklem** and **Robert Kirkpatrick** be added to the board; money granted be paid over to **Samuel Street**, president. Ordered that the above be added to the Board, July 10, 1832.

Ordered that £500 be raised by the Treasurer on the credit of the District for District purposes, July 16, 1832.

Ordered that books deposited with the **Registrar** of the District and the **Clerk of the Peace** notify them of this order, July 16, 1832.

£50 to repair the **bridge across Chippawa Creek** ordered to be paid by the Treasurer. July 1832.

File 12-37, Precept.

List of Grand and Petit Jurors compiled by **James Muirhead** and **Daniel McDougall**, June 1, 1832 for Sessions to be holden July 10, 1832.

Grand Jury: **Silas Carter**, **Ambrose Morris**, **Peter Hawn**, **Adam Beam**, **John Edsall**, **John Lemon**, **Samuel Dill** [**Dell?**], **Andrew Elliott**, **Henry Fitch**, **Eber Rice**, **Lewis Willson**, **Simcoe Chapman**, **Joseph Durham**, **Jeremiah Forrester**, **Arthur Cosby**, **David Davis**, **William McCredie**, **Peter W. Dell**, **Martin Dell**, **Alexander Chapman**, **Richard Bargar**, **Samuel Wiggins**, **Jesse Henry**, **Leonard Misener**.

Petit Jury: ~~**William Baxter**~~, ~~**J. Brown**~~, **James Edsall**, **Richard Graham**, **George Hoffman**, **John Johnson**, **John Allwood**, **William Scarlett**, **John Hardison**, **Thomas Vincent**, **Jacob**

Everingham, Barnet Dell, Robert Buchner, ~~Dexter Adams~~, Daniel Allwood, Charles Ellsworth, Isaac Hawn, Luke Lee, Frederick Myars, ~~William Searlett Sr~~, ~~David Young~~, Michael Lemon, Joel Phelps, Barnabas Dell, Adoram Dell, Jacob Hill, Jacob Ozman[?], Enos Shrigley, George Shrigley, Jacob Wills, John Carles[?], Peter Jennings, Stephen M. Farr, John Petit, David Flummerfelt, ~~David Robbins~~, Aden Robbins[?], David Putman, John Brown, Samuel Rice, Robert Tafflemire [Taffelman?], John G. Hawn, William Henderson, Hiram Cronknight, Samuel Cramer, William Davidson, Henry Dell, Robert Chalmers, Stephen Robbins, Samuel Dockstader.

File 12-38.

Catherine Dangerfield, Niagara, *femme covert* and *Rachael Adams*, Niagara. Charged with assault and battery against *Richard Adams*, on July 10, 1832. Witness: Thomas Servos, Niagara, yeoman. Warrant to apprehend issued to *Chester Wadsworth*. Recognizance taken before *Daniel McDougall* July 10: Thomas Servos £10. Verdict: Catherine Dangerfield “guilty,” Rachael Adams “not guilty.” Dangerfield to remain in custody until £1.5.0. paid, July 12, 1832.

File 12-39.

John Dela, Niagara, labourer. Charged with assault and battery against *William Sampson* on June 20, 1832. Witnesses: William Sampson. Evidence taken before *Daniel McDougall* on June 21. *Nolle prosequi*, cost charged to the District July 13, 1832.

File 12-40.

Richard Dodd, Niagara, labourer. Charged with assault and battery against *Alexander Campbell*, Niagara, labourer, on June 20, 1832. Witnesses: Alexander Campbell. Evidence taken before *John Crooks* June 20. *Nolle prosequi*, cost charged to the District July 13, 1832.

File 12-41.

Johnson Fuller, Niagara, labourer. Charged with assault and battery against *William B. Smith*, Niagara, labourer, on May 28, 1832. No bill: *David Davis* (foreman.) Witnesses: William B. Smith. Evidence taken before *John Crooks* May 28. Filed July 11, 1832.

File 12-42.

Moses Goodfellow, Niagara, yeoman. Charged with assault and battery against *Sarah Ann Taylor*, wife of *Robert Taylor*, Niagara, innkeeper, on June 1, 1832. No bill: *David Davis* (foreman.) Witnesses: Sarah Ann Taylor. Evidence taken before *James Muirhead* June 1: Goodfellow came to her house, after some words he kicked and abused her. Warrant to apprehend Goodfellow issued to *John Talbot*, constable. Recognizance: Moses Goodfellow £10, sureties *Jacob Boice* and *James Haines* £5 each.

File 12-43.

Barnabas Gregory, Louth, yeoman. Charged with assault and battery against *Andrew Gregory*, Louth, yeoman, on April 7, 1832. No bill: *David Davis* (foreman.) Witnesses: Andrew Gregory. Recognizance taken before *Thomas Merritt* April 7: Andrew Gregory £10; recognizance taken April 10 Barnabas Gregory £10, sureties *George Adams* and *Thomas Darling* £10 each.

File 12-44.

Thomas Hughes, Niagara, labourer. Charged with assault and battery against **John B. Duet**, Niagara, on June 6, 1832. No bill: **David Davis** (foreman.) Witnesses: John B. Duet. Recognizance taken before **Daniel McDougall** June 12: John B. Duet £10.

File 12-45.

Thomas Livers, Grantham, labourer. Charged with assault and battery against **Mary Wells**, Niagara, on July 2, 1832. Witnesses: Mary Wells. Recognizance taken before **Daniel McDougall** July 7: Mary Wells £10. *Nolle prosequi*, cost charged to the District July 13, 1832.

File 12-46.

John Long, Walpole, yeoman. Charged with assault and battery against **William Steel**, Walpole, on May 7, 1832. True bill: **David Davis** (foreman.) Witnesses: William Steel, **Edward James Knewan** [?]. Warrant to apprehend John Long issued to constable **Isaac Cates** by **Edward Evans**, JP, Rainham, May 9. Recognizance: John Long £20, sureties **Benjamin Stird** and Isaac Cates £10 each. William Steel and Edward James Knewan sworn in court July 10, 1832. Defendant and prosecution discharged from recognizance, costs charged to the District, July 11, 1832.

File 12-47.

William Moffatt, Niagara, innkeeper. Charged with assault and battery against **Daniel McRae**, Niagara, on June 20, 1832. Witnesses: Daniel McRae. Recognizance taken before **Daniel McDougall** June 20: Daniel McRae £10. *Nolle prosequi*, cost charged to the District July 13, 1832.

File 12-48.

Henry Myres, Niagara, mariner. Charged with assault and obstructing a constable, **John Talbot**, on July 9, 1832. True bill: **David Davis** (foreman.) Witnesses: John Talbot, **John Kidd**. Recognizance taken before **James Muirhead** July 9: Henry Myres £10, sureties **Walter Dickson** and **Edward Campbell** £5 each. Verdict: not guilty, July 13, 1832.

File 12-49.

Thomas McGrath, Crowland, labourer/contractor on the **Welland Canal**. Charged with larceny, stealing two cart wheels (value 15/-) the property of **Joseph Burgar**, Thorold, yeoman, on March 14, 1832. Witnesses: Joseph Burgar. Evidence of Joseph Burgar taken before **David Thompson** May 5: Burgar loaned an ox cart last autumn to **Joseph Moore**, canaller, of Crowland. Took hay (£3) from his house to Moore's. The wheels, worth £2, were stolen on January 10. Search warrant issued to constable **Peter Burgar** May 7. Evidence of Peter Burgar taken before David Thompson, Wainfleet, May 7: the wheels were found at the shanty of **Thomas McGrath**. Joseph Burgar swears they are the same as those taken from me. Thomas McGrath: the wheels were left for him by **Daniel Sulovan** on March 14, with directions to deliver them to his sister **Margaret Sulovan**. Has the impression that they were never taken from Moore, a contractor, without Moore's consent. Sulovan left the province a few days later. Peter Burgar: the prisoner said he purchased the wheels from a person he doesn't recollect. The wheels were left in charge of the constable. Recognizance taken before David Thompson May 8: Thomas McGrath £12, sureties **David Brown** (Crowland) and **Stephenn Milleage Farr** (Wainfleet) yeoman £6 each.

Recognizance taken before David Thompson, Wainfleet, May 5: Joseph Bugar £10. Verdict: not guilty, July 12, 1832.

File 12-50.

John Penderghast, Niagara, labourer. Charged with assault and battery against **Robert Taylor**, Niagara, on June 21, 1832. Witnesses: Robert Taylor. Recognizance taken before **Daniel McDougall** June 21: Robert Taylor £10. *Nolle prosequi*, cost charged to the District, July 13, 1832.

File 12-51.

Francis Russeau, Niagara, labourer and **John Ryan**, Niagara, labourer. Charged with assault and battery against **Mary Hughes**, July 10, 1832. True bill: **David Davis** (foreman.) Witnesses: Mary Hughes. Presentment signed by **David Davis**, **Samuel Wiggins**, **Samuel Dell**, **Jeremiah Forrester**, **Peter W. Dell**, **Martin Dell**, **John Edsall**, **John Lemon**, **Simcoe Chapman**, **Arthur Cosby**, **Peter Hawn**, **Henry Fitch**, **Lewis Willson**. Verdict: guilty, sentenced to 24 hours in gaol.

File 12-52.

Arthur Shore, Humberstone, labourer. Charged with assault and battery against **Charles Dowlay**, Crowland, labourer on the **Welland Canal**, on April 23, 1832. Witnesses: Charles Dowlay. Evidence taken before **David Thompson**, Wainfleet, April 25: Deponent passed on the line of the canal near the house of Shore. Shore came unsuspectedly behind the deponent armed with a [buss?] and did assault him. July 9: Shore apprehended and jailed for want of security. David Thompson to **Charles Richardson**: Thompson called on **George Keefer** and entered bail before him. Recognizance of Charles Dowlay £10. *Nolle prosequi*, costs charged to the District.

File 12-53.

Arthur Shore, Humberstone, labourer. Charged with assault and battery against **Patrick Weldon**, Humberstone, labourer on the **Welland Canal**, on May 4, 1832. Witnesses: Patrick Weldon. Evidence taken before **David Thompson**, Wainfleet, May 5: Shore laid violent hands on the deponent and beat him in an outrageous manner at the house of **Mary Boyles**. Recognizance: Patrick Weldon £10. David Thompson to **Charles Richardson**, Wainfleet, July 9: Shore was apprehended for want of bail. Subsequently met with **J. [-----]**, bondsman, before **George Keefer**. *Nolle prosequi*, costs charged to District July 13, 1832.

File 12-54.

William D. Swayze, Niagara, labourer. Charged with assault and battery against **William B. Smith**, Niagara, labourer, on May 28, 1832. No bill: **David Davis** (foreman.) Witnesses: William B. Smith. Evidence taken before **John Crooks** May 28. Filed July 11, 1832.

File 12-55.

John Talbot, Niagara, constable. Charged with assault and battery against **Mary Ann Munroe**, Niagara, on June 14, 1832. Witnesses: Mary Ann Munroe. Recognizance taken before **Daniel McDougall** June 14: Mary Ann Munroe £10; John Talbot £10, surety **George Winterbottom** £10. Remark: *nolle prosequi*, cost charged to District July 13, 1832.

Niagara District Quarter Sessions, October 1832 and January 1833.

File 13-1. Accounts.

Schedule of Accounts, October 1832. [list of accounts received for the October sessions.]

Daniel McDougall, Surveyor of Streets, accounts £7.10.0.

Peter Morse, July 9, 1832 for labour on the Chippawa Bridge “at the time broke down” and charge for “a waggon, one yoke of oxen, horse and eight barrels of pork went into the creek,” £1.5.0. Signed *James Cummings*, October 16, 1832.

Samuel Griffin and *Benjamin Canby*, have examined the bridge built by *Norris Humphrey* across Chippawa Creek between Gainsborough and Wainfleet near *Wires Mills*, found it to be good and substantial. £50 paid by *William Clarke* (treasurer) to Norris Humphrey, Gainsborough, August 11, 1832.

Drs. Telfer and *Porter*, September 19, 1832: charge to attend as health officers and for hospital duty for *Asiatic cholera* patients on board the schooner “*Rebecca and Eliza*” &c. £11, October 17, 1832.

Robert Kay, overcharged on taxes; charge for a pair of shoes for a man in the gaol 17/6-, signed *William Clarke*, *James Muirhead*, *Daniel McDougall*, October 17, 1832.

William Clarke, allowance of 4% on £500 sent by the Government for distribution of the relief of *cholera* (ie, £20) October 18, 1832.

James Muirhead, charge for medicine and attendance at the gaol £5, October 18, 1832.

Richard Leonard, sheriff’s salary for duties &c £20, October 17, 1832.

Jacob Dockstader, September 12, 1832, High Constable account to summon jury on *Robert Taylor*, £4.17.0. Filed October 18, 1832.

John Franklin (sexton) charges for digging graves: *Robert Taylor* (July 31); *George McIntory* (August 12); *John Car* (August 18); *Mrs. Knox* (August 21); *Rosannah Coulson* (October 7); two children (September 23.) £1.10.0. Filed October 17, 1832.

Ephraim Wheeler, charge for services as turnkey July 15-October 15, 1832 £7.10.0 October 18, 1832.

John Wagstaff, charge for kettles, wash basons, spittoons, stove pipes &c for the use of the gaol, £6.9.10½. Signed *John Kidd*, October 18, 1832.

Dr. Porter, charge to attend the inquests upon the bodies of *Mary Kay* (May 16) and *Hannah Marlatt* (July 23) £2.6.8. Orders of coroner *William Duff Miller*, filed October 17, 1832.
William Duff Miller, October 17, 1832: charge to hold inquests upon the bodies of *John Woolf* (alias “*Black Jack*”) on April 13; *Mary Kay* (May 16) and *Hannah Marlatt* (July 23) £7.16.0.

Charles Richardson, charge for paper and for services as secretary of the *Board of Health* £10, October 18, 1832.

Charles Richardson, £75, but required to lay accounts before the next Sessions, October 20, 1832.

Francis Proctor, constable account £3.11.9. October 20, 1832.

Dr. Telfer and **Rev. Robert McGill**, charge for beef, candles, sugar, pepper, potatoes three loaves of bread and milk to the sick at the hospital, charge for washing, 1 load of wood, and for three days of services for the sick, £1.8.5½. Certified by **Walter Dickson**, **Robert Melville**, **James Lockhart**. Cholera money appropriated for prior applications, passed in Quarter Sessions October 20, 1832.

Daniel S. Grenville, constable account £1, October 18, 1832.

Daniel McDougall, 5/- for disbursements on account of the cholera, October 20, 1832.

Lewis Willson, Pelham, October 15, 1832: A long time since I had a case before the magistrates, who disposed of the case before the principal witness came forward. Magistrate **David Thomson** refused a rehearing. Would have meant two trials, and double the costs. I wish you to force the collection of the fine, £2.17.9. Witnesses: **Amos Bradshaw**, **David Morgin**, **Love Newlove**, **George Lacy**, **Alexander Brown**, **Henry Rogers**, **Thomas Preastman**, **Jacob Minor**.

John Kidd, constable account £4.1.0. October 20, 1832.

James Muirhead, charge for services on the **Board of Health** £12.10.0. October 20, 1832.

John Talbot, constable account £5.10.0. To serve 300 **Edinboro' Board of Health** papers; two days and nights on **King's Wharf** keeping out vessels; digging a grave for **George Sutherland &c**, October 19, 1832.

Dr. Lefferty, charge to attend two men at the **Sugar Loaf**, £3. October 19, 1832.

John Talbot, constable account £2.5.0.

James Burgar, constable account £4.0.9. Signed **John Kidd**, October 19, 1832.

Peter Burgar, two constable accounts, £2.12.6. and £3 Signed **David Thompson** and **John Kidd**, October 19, 1832.

Solomon S. Merrick, constable account £0.7.6. Signed **H. Nelles**. October 19, 1832.

Alexander McKie, charge for services as crier, £4.5.0. October 19, 1832.

Amos Farewell, September 6, 1832 charge for summoning a jury for an inquest on the body of a child, killed by a waggon running over it, 12/-. Signed **H. Nelles**, October 19, 1832.

Samuel Heron, charge for advertising lots of land for taxes, 125 lines, £3.10.0. in an extra *Gleaner*, October 18, 1832.

Amount of Rations due Peter Wheeler (Gaoler of Niagara District) July 14-October 19, 1832.

£78.10.0. [Charge includes salary as jailer, washing, candles for the jail and assizes, filed October 18.] Names of prisoners and dates of commitment:

James Logan, July 14-October 19.
John Renolds, July 14-September 12.
William Cavanaugh, July 14-October 19.
Henry Hampton, July 14-October 19.
Thomas Foot, July 14-September 13.
Jacob Wiesner, July 14-July 16.
Catherine Dangerfield, July 14-July 18.
John Fry, August 8-August 18.
Simon Sexsmith, August 10-September 29.
Thomas Sexsmith, August 10-October 6.
John Orr, August 10-September 7.
Arthur Shore, August 10-September 29.
Ralph L. Davis, August 17-October 19.
Asa Hawley, August 22-October 19.
Samuel Swift, August 28-August 30.
John Fry, September 3-October 19.
Ephraim Singer, September 4-September 6.
George P. Kingsley, September 6-September 8.
Andrew Wilson, September 6-October 6.
Stephen Smith, September 6-September 13.
Patrick Donley, September 6-October 19.
Thomas Turnbull, September 17-September 18.
George Martin, September 22-October 19.
John Falkner, September 22-October 3.
David Odell, September 30-October 19.

Debtors:

George W. Smith, July 14-October 19.
Fordis Averil, July 14-October 19.
John Collins, July 14-October 12.
John Haun, July 14-October 19.
Rufus Davis, July 14-October 19.
Daniel McDonald, July 14-October 6.
Phinius Danford, July 14-September 27.
William Monro, July 14-August 18.
Albert Ruseo, August 29-October 19.
Simon Sexsmith, September 29-October 19.
James Gilmore, October 6-October 19.
Richard Strange, October 6-October 9.

Peter Wheeler, October 19, 1832: charge for washing shirts of prisoners, *James Logan* (14 shirts); *John Renolds* (12); *William Cavanaugh* (14); *Henry Hampton* (14); *Thomas Foot* (12); *John Fry* (5); *Simon Sexsmith* (7); *Thomas Sexsmith* (7); *Arthur Shore* (7); *Ralph Davis* (8); *Asa Hawley* (8); *Andrew Wilson* (4); *Patrick Donley* (5); *George Martin* (3); *David Odell* (3) 123 shirts at 3d each, total £1.10.9. plus washing 8 bed ticks and 8 blankets £0.10.9. (included in amount for gaol) total £2.1.6.

File 13-2. Other Accounts.

Cyrenius Hall (coroner) Fort Erie, October 12, 1832. Charges for attendance at inquests upon the bodies of **Richard Miles** (May 14); **Joseph McMillon** plus cost of coffin (August 9); **Philip Rodney**, died from cholera, coffin and grave digging (August 18); **William Kelley** plus coffin and digging grave (August 20) £12.2.2. Filed October 20, 1832.

Solomon Soaper charge to appear as witness in case of **William E. Parnell** £1.10.0.

George P. Kingsley, constable account £0.12.0. Certified by **Daniel McDougall**.

Richard Leonard, sheriff and constable accounts £19.10.0. October 20, 1832.

File 13-3. Criminal Calendar.

Calendar of Criminals in Niagara Gaol (Peter Wheeler) October 16, 1832. Names of prisoners plus dates of commitment:

James Logan, November 4, 1831. Orders of **David Thompson**. Under sentence.

William Cavanaugh, January 16, 1832. Orders of **Daniel McDougall**. Under sentence.

Henry Hampton, March 22. Orders of **John Warren** and **William Anthony**. Under sentence.

Asa Hawley, August 22. Orders of **J. Clarke**. Under sentence.

Ralph L. Davis, August 23. Orders of **John Crooks**. Under sentence.

John Fry, August 24. Orders of Daniel McDougall. For want of security.

Patrick Donley, September 6. Order of the court. Murder.

George Martin, September 10. Orders of Daniel McDougall. Stealing **Mr. Keele's** axe.

David Odell, September 30. Orders of William Anthony. Stealing a gown of **Lewis House**.

File 13-4. Filings.

Smith Griffin, warrant issued to constables on the complaint of **Sephronia Walker** (Clinton) to apprehend **Warner Shavalier** (Clinton) charge of rape, April 2, 1831.

Letter of **John Clark** to **Charles Richardson**, St. Catharines, May 15, 1832. Prisoner **John Smith** of Trafalgar was committed to gaol on the 12th. He committed a violent assault on **Thomas Merritt** in the execution of his office in quelling the affray. Was to be liberated on the 17th on locating sureties for keeping the peace, but not to be bound over for trial. The prisoner is to pay all costs "particularly the constable who had a great deal of trouble with him." Recognizance taken before **Ralph M. Crysler**, May 15: John Smith £50, sureties **Robert Lambert** and **Jacob Darby** £25 each.

Evidence of **Mary Turman**, widow, of Niagara, taken before **Daniel McDougall** on September 3, 1832: **John Fry**, Niagara, labourer, threatened to kill deponent on September 1. She fears for injury. Fry required to find sureties.

Letter from **Matthew Crooks**, JP, chairman, **Gore District Quarter Sessions**, September 8, 1832: Magistrates of the Gore District allow constables \$1.00 *per diem*. Six constables are present at the Sessions and District Court, 12 are present for Gaol Delivery. The High Constable allowed £20 *per annum*.

File 13-5. Presentment.

John M. Camp (foreman.) Jurors have no cause for complaint of the cells and prisoners. Pleased with the alterations at the gaol for the comfort of the prisoners, October 18, 1832.

File 13-6. Orders.

William Duff Miller. Ordered a map of the *Town of Niagara* on parchment, October 18, 1832.

St. Andrew's Church ordered to be included within the *Gaol Limits*; order rescinded that included the *old Presbyterian Meeting House* and pathway (from the post in front of the brick house of **Mr. Kounce** [*Koune?*], now occupied by **Mr. Lockhart**); new limits shall be in a straight line from the post to the east corner of the church and a breadth of six feet. October 19, 1832.

Charles K. Fell, ordered to ascertain and open a road 1 chain wide between lots 20 and 21 in the 4th and 5th Concessions of Grantham, and to make a report, October 19, 1832.

The order to extend the *Gaol Limits* over the *shipyard* where the steam boat *Alciope* was repaired last winter near *Navy Hall* to be rescinded, so far as they extend on the south side of *Queen Street* over the property of **J. Dockstader**, and the sidewalk to the *Roman Catholic Chapel* from the east corner of lot 107. The limits ordered to be extended to and include the workshop and yard of **John Barker**, carpenter. October 18, 1832.

File 13-7. Precept.

List of Grand and Petit Jurors drawn up by **John Crooks** and **Daniel McDougall**, September 28, 1832 for Sessions to be holden October 16, 1832.

Grand Jury: **William Nelles**, ~~**John Beamer**~~, **John Harris**, **Eli W. White**, **James Milmine**, **Dennis Wolverton**, **Robert Waddle**, **Charles Anderson**, **Andrew Petit**, **Asa Petit**, **Daniel McCollum**, **Philip Dean**, **Adam Hutt** (excused), **William Merritt**, **Peter B. Nelles**, **Ralph Walker**, **John Camp**, **Henry Griffin**, **Alexander Milmine**, **John S. Petit**, **Jonathan A. Petit**, **William Taylor**, **Robert Nixon**, **Abisha Morse**.

Petit Jury: **Daniel Merritt**, **Samuel Kemble**, **William A. Hurst**, **John Kennedy** (excused), **Nathan Williams**, **William Walker**, **John Culp**, **Israel Cook**, **Adam Mingle**, **John Wilcox** (excused), **Jacob Terryberry**, **John Smith** (excused), **Zeanas Beach**, **Daniel Lewis**, **Samuel S. More**, **Robert Merritt**, **Isaac Smith**, **Morris Terryberry**, **Levi Walker**, **James Overholt**, **Adam Conkle**, **Samuel Kitchen**, **Townsend Lounsberry**, **Stephen Drake**, **Thomas Stocking**, **Daniel Wilcox**, **Joseph Henry**, **William Fisher**, **William Keaton**, **James Simmerman**, **Henry Gilmore**, **Smith Griffin Jr**, **Peter Simmerman**, **Jesse Baldwin**, **Isaac Wilcox**, ~~**William McCandlish**~~ [?], ~~**Solomon Wardle**~~, **William Nixon**, **Thomas Adams Jr**, **Elijah Harris**, **John D. Beamer**, ~~**James Simmerman**~~, ~~**Abraham Batters**~~, **Caleb Marlatt**, ~~**Jesse Simmerman**~~, **Joseph Merritt**, **John Terryberry**, **Cornelius Hill**, **Nathan Hill**, **John P. Bridgman**.

File 13-8. Petitions.

Petition of **David Frazier**, October 15, 1832, for support and attendance upon **Thomas Doyle** for five weeks before he died, and expense for his funeral; also for **James Murphy** for three weeks; **John Burns** for three weeks, plus the cost of his coffin and funeral; **Mrs. John Burns**, for six weeks and two days, and who is still sick. Petitioner is a poor and indigent man, barely able to support his family. Done from motives of humanity. **Bartholomew Tench**, certifies that Frazier lives near **Mr. Thompson** who can vouch for the facts. Signed **Robert Lattimore**, **Thomas Brown**, **Archy Craiger**, **John Booth**, **John McCabe**, **John Tuck**, **William Eakins**, **Thomas Walsh**, **James Darrough**, **Thomas Elliot**, **John Oarr**, **Thomas Carson**, **Buchanan and McMorrin**.

File 13-9. Road and Bridge Records.

Charles K. Fell, October 17, 1832 subpoena issued by **Charles Richardson** for Fell to give a road report on October 18.

Letter from **Alpheus St. John** to **Charles Richardson**, Dunnville, October 15, 1832: the bearer Mr. **Barton Farr** has a petition from the inhabitants on the river with a request for aid to bridge the creek near his house.

Petition from residents on the Grand River. Two bridges on the Grand River within five miles, one 230 and the other 250 feet. Require one more, 250 feet near **Barton Farr's**. Will require £50 to construct plus a superintendent to oversee. Moulton, October 8: **Alpheus S. St. John, Orson Phelps, Andrew Thompson, Barton Farr, Frederick Windecker, Timothy Page, H.N. Camp, James Withgrove, William John Freeman, Joseph Willcox, James Stringer, George H. Dockstader, Abner DeCou, John Farr, Lyman Burnham, D[?--?] Burnham, John [Fonger?], Adam Dockstader, John Burnham, J.J. Lymburner, C. Lymburner**. (Rejected.)

Thorold, June 23, 1832. An application was made to shut up a public road along the **Welland Canal** across lots 30-32 and lay out a new road in place thereof. The change in line is unnecessary. Will cause inconvenience as the road runs from good ground near the house to a meadow, the change would deny the owner access to lands bounded by the canal except by water or from across another person's land. Will be required to make more fences on lot 32. Signed **George Marlatt, Arthur McIntosh, Jacob Keefer, Isaac Kelly, Robert Wilkerson, John Couke, Jacob Upper, George Shriner, H.C. Ball, Sidney R. Squier, Anthony Upper, Jacob Upper, Levi Page, George Lacey, Peter Upper**.

Charles K. Fell, requisition to bring a report on the road alteration by the house of **Widow Waters** to the house of **John Wilson** in Niagara, October 18, 1832. Signed **Daniel McDougall, Charles Richardson, A. McKee, James Muirhead, John Crooks, Ephraim Wheeler, Ralph M. Crysler, Patrick McArdle, Jacob Canneff, R.M. Long, William Duff Miller, John Wagstaff, Ursen Harvey, Joseph Poncett, Moliner** (anglice **John Grier**.)

File 13-10. Tavern and Shop Licences.

Theophilus Thomas Lowe, Niagara, trader. An Englishman, came here last summer as a resident of the town. Wishes to keep an inn on the flat near the docks, has purchased a building for that purpose which he contemplates adding to. Prays for a licence to see liquor. Signed **John Clement, Jacob Canneff, Walter Wilson, John McFarland, Johnson Clench, Courtland Secord, John Harris, Robert Miller, John Coulter, Richard Howard, Matthew Dobie, Frederick Dillon**. (Rejected.)

File 13-11.

Isaac Davis, Grantham, yeoman. Charged with assault and battery against **George Martin**, Niagara, on September 6, 1832. Witnesses: George Martin. Recognizance taken before **Daniel McDougall** September 6: George Martin £10; recognizance taken September 7, Isaac Davis and surety **George H. Kerr** (Louth) £10 each. *Nolle prosequi*, defendant discharged. Cost charged to District, October 18, 1832.

File 13-12.

Walter Elliott, Niagara, labourer. Charged with assault and battery against [*Roseneil Pascola*?] on September 17, 1832. True bill: *John M. Camp* (foreman.) Witnesses: Roseneil Pascola. Recognizance taken before *Daniel McDougall* September 17: Walter Elliott £10, sureties *Joseph Laflam* and *Francis Proctor* £5 each.

File 13-13.

Isaac Leech, Willoughby, labourer. Charged with assault and battery against *John Christie*, Chippawa, gentleman, on August 6, 1832. True bill: *John M. Camp* (foreman.) Witnesses: John Christie, *John Nelles*, *George King*, *A. Lafferty*. Evidence of John Christie taken at Chippawa August 7: deponent sat on the gallery or front of the house of *James Secord*, innkeeper at Chippawa, last evening where he boards. Leech swore he'd knock the cigar from his mouth and knock his teeth down his throat. Deponent went to the far end of the gallery and leaned over the bannisters. Leech came up and caught him by the jacket, gave it a violent pull. Deponent disengaged himself yet Leech kept following abusing him for about an hour with the most foul language imaginable and threatened to strike him. Warrant issued to constable *Samuel Hicks* to apprehend Leech. Recognizance taken before *James Cummings* August 7: Isaac Leech £10, sureties George King £2.10.0. and Samuel Hicks £7.10.0. Verdict: guilty. Fined £5 plus costs, sentenced to 1 month in gaol. October 17, 1832.

File 13-14.

George Martin, Niagara, labourer. Charged with larceny, stealing an axe (value 5/-) the property of *William Conway Keele*, Niagara, merchant, on September 19, 1832. True bill: *John M. Camp* (foreman.) Witnesses: William C. Keele, *Caroline Congden*. Verdict: guilty. [Pencil notation: Sentence 5 years transport.] Evidence taken before Daniel McDougall: Caroline Congden, a servant of Keele, got up at 5:15 am and looked out the window. She saw George Martin pick up an axe in the yard, throw it over the fence and climb over. He picked up the axe, put it under his great coat and went away. She acquainted her master with the robbery. William C. Keele: an axe for chopping wood is missing, stolen by George Martin.

File 13-15.

David O'Dell, Willoughby, labourer. Charged with larceny, stealing one woman's gown (value 2/-) the property of *Lewis House*, innkeeper, on September 26, 1832. True bill: *John M. Camp* (foreman.) Witnesses: Lewis House. Evidence of Lewis House taken before *William Anthony*, Bertie, September 27: deponent followed O'Dell and overtook him at the house of *Jacob Wilson* (innkeeper) at Bertie. Charged with theft, O'Dell agreed, and when searched the gown was found. Recognizance taken October 7: Lewis House £10, Jacob Wilson, innkeeper, £5. Verdict: guilty, sentenced to be put in the stocks for one hour and then discharged, October 17, 1832.

File 13-16.

Rosinah Pascola, Niagara, mariner. Charged with assault and battery against *Walter Elliott* on September 17, 1832. No Bill: *John M. Camp* (foreman.) Evidence of Walter Elliott taken before *Daniel McDougall*. Recognizance taken before Daniel McDougall: *Paschal Resonear* £10, sureties *Joseph Laflam* and *Francis Proctor* £5 each.

File 13-17.

Francis Passmore, Humberstone, labourer. Charged with assault and battery against **William Moore** on January 21, 1833. True bill: **William McClellan** (foreman.) Witnesses: William Moore, evidence taken January 28, 1833.

File 13-18.

Thomas Queen, Niagara, yeoman. Charged with assault and battery against **Cynthia Thompson**, Niagara, on July 29, 1832. No bill: **John M. Camp** (foreman.) Witnesses: Cynthia Thompson. Recognizance taken before **Daniel McDougall**: Cynthia Thompson £5; Thomas Queen £5, sureties **William [Mason?]**, **James [-----]** and **John Talbot** £5 each.

File 13-19.

Solomon Soper, Grantham, yeoman. Charged with assault and battery against **Reuben S. Wells** on October 9, 1832. True bill: **John M. Camp** (foreman.) Witnesses: Reuben S. Wells. Presentment attached plus warrant on misdemeanor dated October 18, 1832. Verdict: not guilty, October 19, 1832.

File 13-20. Accounts (January 1833)

Allowance for Court Constables: **Amos Farewell**, **Chester Wadsworth**, **Luke Lawrence**, **Joseph Martin**, **John F. Stewart**, **John Talbot** £2.10.0. Signed **John Kidd**, January 28, 1833.

Amos Farewell, constable account, £1.15.0. January 28, 1833.

James Muirhead: charge for three loads of wood for the paupers 15/- January 28, 1833.

Elisha Misener, constable account £1.8.10. Signed **John Kidd**.

Daniel McDougall, October 6, 1832: 3/9- to any carpenter who will make a child's coffin for **N.(R ?) Carlson (Coulson?)** Filed January 28, 1833.

Robert Deeming, constable account, £1.0.8, signed **John Kidd**, January 28, 1833.

John Kidd, Deputy Sheriff account, warrant sent to York, steam boat **Niagara**, stove &c, £10.16.6. January 28, 1833.

Alexander McKie, charge for services as crier, £1.15.0. January 28, 1833.

Lewis Clement & Son, charge for furnishing gaol and court with chairs, straw, pails, nails, linen, cotton, thread, blankets, ink powder, £9.11.0½, signed **John Kidd**.

William Murray, Thorold, carpenter. Completed the **bridge on the Chippawa Creek** at **Port Robinson**, September 5, 1832. To be paid £25. Certified by **George Keefer**, **Duncan McFarland**, **William Hamilton Merritt**. Filed January 28, 1833.

Daniel S. Grenville, constable account, 18/-, January 25, 1833.

Samuel Wood (coroner) Charge to hold an inquest on the body of **John Weaver**, Grantham, drowned October 23, 1832. From my house near 2 miles.

John Harris, charge for bread for two pauper families, orders of **James Muirhead**, £2.15.4.

John Talbot, constable account £4.5.5. January 28, 1833.

William Parnell and **John Kerr**, charge for work done on the road between **John Bessey** and **Jacob I. Ball**, digging down the hills, building a stone culvert, £12.10.0. Signed **Thomas Kerr**, **John Shaver**, **John Bessey**, **David Bessey**, **George Bessey**, **John Vanderburgh**, Grantham, January 8, 1833. Certified by **George Adams** January 24, approved January 28, 1833.

George P. Kingsley, constable account, £2.11.1. January 28, 1833.

Matthew Dobie, charge for making fetters, chains, shovels £0.14.6. January 28, 1833.

Alexander McKie, charge for services as crier, 5/-, January 30, 1833.

Daniel S. Grenville, constable account, Niagara gaol, January 22, 1833. Was called from bed on October 22nd by **Mr. Woods**, at 11 pm, the night extremely wet and stormy. Will leave account partly blank, to be filled in.

Scott Tyre & Co. charge for paper, foolscap, quills, string, £5.12.1. Signed **William Clarke**, January 28, 1833.

Dr. Muirhead and **John Hawn**, charge for bread delivered to families in Fort George £2.11.4.

Colley Alexander Foster, charge for drawing up affidavits, examination of witnesses &c. £1.16.8. Signed **Daniel McDougall**.

R. & J. Crysler, charge for flannel £1.1.4½, signed **Daniel McDougall** January 28, 1833.

Joseph Robertson, **Jacob Shirk**, **J. Colby** (*4 Mile Creek Bridge*.) Examined assessment rolls. Signed **William Clarke**, January 28, 1833.

Dr. Muirhead, charge for medicine and attendance at gaol, £5, January 28, 1833.

Samuel Heron, charge for printing bills, a notice of the treasurer to **Menonists** not paying their *exemption money*, 18/6- January 28, 1833.

Peter B. Darby, constable account 14/-, January 28, 1833.

Drs. Telfer and **Porter**, charge for medicine, advice and attendance upon two pauper families at **Fort George**, £4.10.0. January 28, 1833.

Charles K. Fell, charge to lay out a *road to the Court House*, £5.5.0. January 28, 1833.

Lewis Clement & Son, charge for cotton and thread, £1.2.0. January 28, 1833.

Ephraim Wheeler, charge for services as turnkey, October 15, 1832-January 15, 1833 £7.10.0. January 28, 1833.

Jacob Dockstader, High Constable account, £4.15.0. January 28, 1833.

Joseph Martin, constable account, £0.12.6. Signed *John Kidd*, January 28, 1833.

John Russel & Co, charge to *Mr. Richardson* for English paper £2.5.0. January 28, 1833.

Daniel McDougall, charge for coat, trousers, shoes &c for prisoners £5.1.6. January 28, 1833.

John McBride, charge for a coffin for *William* [*Hain? Hair?*] August 16, 1832 £0.7.6. Certified by *George P. Kingsley* January 28, 1833.

William Duff Miller (coroner) Charge for holding inquests upon the bodies of: *Isaac Hoffin* (July 17); *Scott Burt* (September 13); *James Smith* (September 19); plus cotton and thread for shrouds, £14.2.0. The above from 1830.

Rations due the Gaoler of the Niagara District (Peter Wheeler) October 19, 1832-January 24, 1833. £32.6.6. [Charge includes cost of candles for gaol and sessions, plus 12 cell brooms.]

Names of prisoners and dates of commitment:

William Cavanaugh, October 19-November 4.

Henry Hampton, October 19-November 17.

Ralph Davis, October 19-November 4.

Asa Hawley, October 19-December 17.

John Fry, October 19-January 24.

Patrick Donley, October 19-January 24.

William Foresyth, October 24-January 24.

George Martin, October 26-January 24.

William McGarvey, October 26-October 27.

Robert McGarvey, October 26-October 27.

Patrick Macaboy, October 26-December 10.

William Disher, November 27-December 20.

Sigh Green, November 29-January 24.

John Fitzgerald, December 4-January 24.

John Montgomery, December 12-January 24.

Benjamin Anderson, January 19-January 24.

Charles E. Hellems, January 22-January 24.

Debtors:

George W. Smith, October 19-October 23.

Fordis Averill, October 19-October 23.

John Haun, October 19-October 23.

Albert Rusco [*Ruseo?*], October 19-November 4.

Simon Sexsmith, October 19-November 4.

Rufus Davis, October 19-November 4.

James Gilmore, October 19-January 10.

Andrew Moor, October 19-January 7.

John Barnes, November 17-December 14.

Patrick Murry, January 5-January 10.

Peter Wheeler, charge for washing prisoner's shirts: *William Cavanaugh* (3 shirts); *Henry Hampton* (5); *Ralph L. Davis* (5); *Asa Hawley* (8); *John Fry* (14); *Patrick Donely* (14); *William Foresyth* (14); *George Martin* (13); *Peter Macaboy* (7); *Sigh Green* (6); *John Montgomery* (5), 94 shirts at 3d per shirt, total £1.3.6. Also charge £0.11.10½ for washing 6 blankets, 6 sheets and 1 bed tick. Total £1.15.4½, January 28, 1833.

File 13-21. Clerk of the Peace Accounts.

Charles Richardson, Clerk of the Peace, accounts October 1832 £57.10.0, and January 1833 £51.0.6.

File 13-22. Accounts (Rejected.)

William H. Sanderson, £1 charge to attend court as a witness against *J. Talbot*.

John Howard, Niagara, January 23, 1833. Prays for compensation for *Thomas Russel*, who came to his house December 26, 1832 and remained until January 20, 1833. He promised to pay for the time at the house during his sickness where he died on January 20. Expenses for board 21 days and cost of his burial. Recommended by *Rev. Thomas Creen*, January 30, 1833.

File 13-23. Constables.

Niagara: *George P. Kingsley, Patrick Beatron, Walter Elliot, Patrick Donolly*; St. Davids: *John [Howell?]*; Queenston: *Chester Wadsworth*; Four Mile Creek: *Gilbert Anderson*; Haldimand: *Charles Nelles, William Dockstader, George Daly, William Orderly*; Wainfleet: *Abraham Chapman, Hugh McKenna*; Crowland: *Peter Burgar, Samuel Glover*; Humberstone: *David Price, Jacob Strohm*.

File 13-24. Calendar of Prisoners.

Calendar of Criminal Prisoners in Niagara Gaol (Peter Wheeler), January 22, 1833. Names of prisoners and dates of commitment:

John Fry, September 4, 1832. Orders of *Daniel McDougall*. Assault.

Patrick Donley, September 6. Assizes, murder.

George Martin, October 23. Disobedience and contempt of court.

William Foresyth, October 24. Orders of *George Adams*. Stealing a copper adze and iron wedge, the property of *L. Leport*.

Sigh Green, November 29. Orders of *Thomas Merritt*. Stealing two horses, the property of *S.H. Spalding*.

John Fitzgerald, December 4. Orders of Daniel McDougall. Murder.

John Montgomery, December 12. Orders of Daniel McDougall. Stealing a net from the sheriff.

Benjamin Anderson, January 19. Orders of *Henry Nelles*. Threatened to kill his wife and others.

Charles W. Helms, January 22. Orders of *David Thompson, William Anthony* and *R.H. Dee*. Sells liquor without a licence.

File 13-25. Filings.

Alexander Hamilton, Queenston, November 12, 1832: regarding the stealing of the steam vessel *Niagara* from the wharf on October 18, 1832. Signed *James Augustine Clement, John Kidd, Patrick Bates, James McNeilly, George Carter, Charles Coleman, John Russell, Patrick Keney, Nathan Ball, Augustus Damige*.

Recognizance taken before *Ralph M. Clement* November 14, 1832: *John Hardison* £25, sureties *Robert Deming* and *George J. King* £12.10.0. each. To answer the complaint of *George Hardison*.

James Ferris, Haldimand, yeoman. Charged with larceny, stealing a heifer (between 1 and 2 years old) the property of *John Camp*, Rainham, in November 1832. Grand jury presentment

dated January 24, 1833, signed: *Henry Smith, Arnold C. Teever, John Vanduzen, Samuel Wightman, Peter Snider, George Muir, George Adams, Daniel Awrey, William Beamer, Jacob Tufford, John Hoover, Israel Cook, Moses Gillmore.*

File 13-26. Presentment.

Jurymen visited the gaol, found some of the cells are not as clean as they ought to be; the debtors room is comfortable, but some complain of no proper means to obtain wood after having it brought to the outside of the gaol. January 24, 1833. Signed *Henry Smith, William Beamer, James Page, John VanDuzen, Peter Snyder, Jacob Tufford, Isaac Merritt, Israel W. Cook, Samuel Wightman, George Muir, Amos Adkins, Lewis Whitney, Arnold C. Teever, Andrew Dean, Daniel Awrey.*

File 13-27. Orders.

Court of Requests at Chippawa ordered to include Bertie and Humberstone, January 23, 1833.

Clerk of the Peace ordered to communicate with the Magistrates regarding the costs of assault and battery cases, January 30, 1833.

The bond of *John Claus* and *Robert Dickson* (July 12, 1828) ordered to be withdrawn, and a new one drawn up for John Claus and *Lewis Clement*, January 30, 1833.

Henry F. Pawling has paid taxes on his land in Grantham (lots 16-18, Broken Front and Concession 1) between 1820 and 1832. (certified by *John Crooks*, January 15, 1833.) Treasurer ordered to refund his money since the taxes were paid. (January 23, 1833.)

File 13-28. Petition.

Petition of *David Frazier*, for assistance in the support and maintenance of *John Burns* for three weeks and four days plus his funeral expenses; for support and maintenance of *Widow [Stancey?]* and two orphans; *Thomas Doyle*, five weeks and three days; [also expired the sad *Pithouse?*]. Signed *Alexander Cook, A. Farr, Edward Johnston, J. Mc[Worris?], Duncan McFarlin, James [Traige?], Archy [Cuag?]* (Rejected.)

File 13-29. Precept.

List of Grand and Petit Jurors, compiled by *Daniel McDougall* and *John Crooks* December 17, 1832 for Sessions to be holden January 22, 1833.

Grand Jury: *Alexander Jackson, William Beamer, Israel W. Cook, ~~Daniel Merritt~~, Arnold C. Teever, John Vanduzen, George Muir, Amos Adkins, Ira Bently, Peter Snyder, William Gardner, Moses Gillmore, Henry Smith, Daniel Awrey, George Adams, Isaac Merritt, Samuel Whiteman, ~~William Merritt~~, Jacob Tufford, Jacob Boughslaw, Lewis Whitney, Peter Bugbee, John Hoover, Thomas Hardy, Andrew Dean, James Page.*

Petit Jury: *William Howard, Joseph Moore, Charles Moore, ~~Matthew Book~~, Richard Griffin, Abraham Meredith, Edward Taylor, Joseph Merritt, Moses Merritt, ~~Joseph Parks~~, Daniel Nelson, Ralph Fields, John Robison, Ezekiel Smith, William Walker, Samuel McCurdy, ~~Solomon Wardle~~, ~~Matthew Talman~~, ~~William Hare~~, Asher M.G. Smith, Henry Smith, ~~Daniel Wardle~~, ~~Nathan Williams~~, Joseph Wilcox, Daniel Christy, Ezekiel Russ, Charles Roy, Moses*

~~Travers, William Fisher, William Ryan, Stephen St. John, Thomas Halstead, Epaphos Ismond, Barney Colliton, Abraham C. Griffin, John Fox, Cornelius Dolson, John Wrong, Smith Griffin Jr, John Mingle, Robert Nelson, Adam Snyder, David Snyder, Peter Ball, Rufus Derkee, Richard Meredith, Jacob Lodge, John Field, John McGregor, John Page, Henry Gilmore, David Landford, Joseph Southworth.~~

File 13-30. Road and Bridge Petitions.

To **Charles K. Fell**, Petition to open the road between lots 2 and 3 in the 1st and 2nd Concession north of the Garrison line, Bertie, October 29, 1832. Signed **Christian Hershey, James Kerby, Benjamin P. Hall, John W. Lewis, Timothy Hoyt, John Lester, William Dunn, Adam Moot, John Balyone, Henry Hershey, [Johnson?] Johnson, Isaac Thompson, George Hardison, Daniel Clark, Thomas Cook, Lewis Palmer.**

Petition to open a road between lots 20 and 21 in the 4th and 5th Concessions of Grantham, kept closed by **Robert Arnold** and **George Adams** in defiance of the public. They don't agree to any line, and the public is deprived of the advantages of a road. Order sent to **Charles Fell** but he makes no report. Pray that he be given directions to open the road and make a report. Grantham, January 5, 1833. Signed **Walter Dittrick, Andrew Butler, John Hainer, John Clendennan, Samuel Wood, Patrick McLinley [or McLinchy?], James Soper, John F. Mittleberger, John Haynes, Patrick McMahon, William H. Sanderson, Reuben Lambert, John Wright, Gershom Wright, John May, Christian May.** Ordered that the Clerk of the Peace make the reason known why the surveyor hasn't opened the road.

Petition to **Charles K. Fell**, of Pelham Square, November 1, 1832. A communication from the **Fort Erie Road** between lots 14-15 north into the road allowance between Concessions 3 and 4 and then to the **Chippawa Road** is desirable. A road allowance on 14-15 is impracticable, being on wet and swampy land. A road was opened across lot 15 Concession 2 with consent, now the same is required through Concession 3. Signed **Josiah Bears, Jacob Sherk, H. Johnson, Peter Sherk, Ira Bears, Benjamin Schooley, Daniel Kneisley, Isaac Dennis, Benjamin Morningstar, John Neer, Jacob Bears, John Dennis, John Wintermute, William Michener, David Kinsey.**

The wood bridges over the ditches on the road from Niagara to **Queenston**, south of the residences of **Francis Swayze** and **Richard Hiscott**, are in a ruinous and almost impassable condition. The wearing of the bank by water necessitates that a stone bridge ought to be built. Signed **Richard Hiscott, James Durham, James Cooper, Joseph Brown, Henry Brown, Nathan Field, George Field, Burnett Ulman, Asa P. Carpenter, John Willson, Walter Biggar, John McFarland, Francis G. Swayze, Joseph Kent, Daniel Field, John Kemp**, January 22, 1833. To be given an estimate at the next Sessions.

The line of the road allowance between the townships of Caistor and Gainsborough is in dispute, on the east side of Caistor and the west side of Gainsborough and Wainfleet, from Grimsby south to the Indian Reservation. Petitioners pray to have the surveyor ordered to examine and establish the line of the original survey, July 9, 1832. Inhabitants of Caistor: **James Tisdale, John Tice, Jonathan Fulsom, Joseph Phelps, James Lymburner, Oliver Fulsom, Henry Miller, Elliot Crosby, John Clendennan, William May, Isaac Merritt, Joshua Nelson, Moses Merritt, Caleb Travis, Absalom Travis, Horace Greenman.** Inhabitants of Gainsborough: **Stephen Drake, Henry Gilmore, Emmanuel Jones, James S. Page, William Gardner, Joseph Felker, Robert Nelson, George Roszel.**

There are disadvantages from no public road from Canboro' to Binbrook where it falls into the road to Hamilton. The road partially opened for 18 miles but 30 miles is required. Petitioners pray to have the road examined, the ground is judged to be excellent, and have the surveyor ordered to open the same, July 9, 1833. Inhabitants of Canboro: *Peter Swick, William Fitch, Matthew Smith, Aron Melick, Joseph Melick, Peter Lymburner*. Inhabitants of Caistor: *John Tice, James Tisdale, Jonathan Fulsom, John Riley, Henry Miller, Abraham Balm, David Merritt, George Dockstader, Robert Lymburner, James Lymburner, Michael Lymburner, Jacob Lymburner, John Y. Lymburner, Joseph Dockstader, George A. Bowman, James Park, Henry Johnson*. [Petition endorsed "12 or more freeholders need to apply in writing to Fell."]

A road is to be established on private ground in Concession 2, north through lot 15 between Concessions 2 and 3, Humberstone. This road is not to advantage, and the original road allowance is only 10 chains distant from the proposed road. The petitioners remonstrate, statute labour on the proposed road has been done illegally by the pathmaster, January 12, 1833. Signed *James Brookfield, Aaron Doan, Joshua Doan, Timothy Doan, Daniel McKay, Peter Weaver, John Weaver, William Y. Pawling, Joel Skinner, Abraham Neff, Samuel Stoner, Jacob Neff, Daniel Neff, Simon Hoover, Henry Hoover, Advent Emmanuel Hoover, Thomas H. Wilde, Edward Wilde, Louis [Perlet?] John Haney, Levi Doan, Thomas Weis, David Barney, William Hazlett, Alfred Cook, J.H. Lacey, Alexander Cook, Robert Doan, Jacob Freer, John H. van Riper, Edward G[---?---], John Haun, John B. Cook*.

The bridges here at *Snyders' Mills*, Gainsborough, over the 16 and 20 Mile Creeks are in a ruinous condition. They cannot be repaired using Statute Labour. There are two principal roads and cross roads to keep in repair. There are no inhabitants for six miles, yet meets the *Canboro' Road* at the Welland River. The only connecting road between here and Chippawa, Canboro' and the *Grand River Dam*. There is no assistance yet from the District, although from uncultivated land and the nature of the roads we need it. The bridges are old and totally decayed, will require £62.10.0. to repair them. Signed [-----] *Kelly, Andrew Dean, Henry Snyder, Adam Snyder, William Snyder, John M. Camp, William Gardner, John McDonald, Joseph Snyder, Daniel Awrey, George Secord, John Page, Robert Servos, Cornelius Dolson, Adam Snyder, Robert Comfort, Harem Crank [?], Jesse Henry, John McGregor*. [Endorsed "laid over to next Sessions."]

File 13-31. Road and Bridge Reports.

Charles K. Fell, ordered to mark a road in Grantham in Concessions 4 and 5 between lots 20 and 21 on October 19, 1832. Encloses sketch (showing posts) dated *Pelham Square*, March 25, 1833. Report dated January 24, 1833: Fell was ordered in October to lay out the road, which was impossible at the time due to the high water level in the 12 Mile Creek, decided to wait until the creek was frozen. Attempted to examine the road in December but again prevented by high water. "How vain, how illusory the hopes of Mortals!" Tried again with success on March 18, set down posts. "Though almost inundated with melting snow, not Herculean but disagreeable and inconvenient." The road was advertised in two places, *Mr. Northrop, Mr. Meredith* and others were concerned. Went to the spot with pathmaster *Thomas Darling*. The road was opened. Presented my accounts, but was threatened with indictment over the accounts, over the money I had expended on the works and time spent. "Gentlemen! Time the stuff as a quaint philosopher said 'that life is made of.' The accounts are inspected by the Clerk of the Peace in order to tax it! To say more is an insult to common sense, all I ask of you is justice!" Niagara, October 20, 1833.

Charles K. Fell, has surveyed and extended the road in Niagara from *Widow Waters* to *John Wilson's* fence. *Pelham Square*, January 22, 1833.

Charles K. Fell, has surveyed a road between lots 5 and 6 in Concession 6 Gainsborough. The road is necessary and practicable with small expense. Sketch attached, dated **Pelham Square**, January 22, 1833.

Charles K. Fell, the road in Bertie between lots 2 and 3 in Concession 1 and 2, on the north side of the **Garrison line** appears necessary. Sketch attached, dated **Pelham Square**, January 22, 1833.

Map of a New Road, petitioned for by Isaac Camp through Indian Lands on the Grand River to the 3rd Concession in Rainham in the Direction of Long Point. [Note: this detailed map is coloured, on a scale of 40 chains to an inch. Shows the Grand River, Lake Erie, **Canboro' Road**, the **Indian Line**, **Perry Gifford's Road** and **Isaac Camp's Road**.]

File 13-32. Tavern and Shop Licences.

Letter from **James Black** to the Magistrates, Thorold, January 3, 1833. Was to accompany **Mr. Keefer** to court but is confined with a bad leg and **Mrs. Keefer** is supposed to be on the point of death. A licence is to be suspended until the case of **Badgley** vs. **Swayze** is heard. Badgley neglected to enter recognizance. In the matter of **McCue** vs. **McArthur**, McCue has a suitable house to accommodate the public as an inn but as he encourages gambling his licence should be suspended. **McMahon** has a bad house, is not suitable for a licence. **Mr. Spadding** sells liquor without a licence. **Mr. Claus** knows about this, I believe he is going away. **Mr. Hart** sells liquor without a licence, but is only a dram shop. Mr. Keefer and myself were witness to him selling.

Letter of **Margaret Hart** to **Mr. Black**, August 11, 183[2?] I wish to inform you of the truth. I applied for a licence last year. **Mr. Keefer** said he'd not object at court but he did because I sell liquor without a licence. If there is justice I would keep as decent a house as would need be but I am deprived of a decent living for the sake of others and they are not the better. I built the first house in this village in hopes of making a living. I cannot take it and move out of the township; nor is my house indecent, I have not over leaped the line of rectitude. I would be happy to speak to you in person and not in anger. I welcome you to come here, I wish for justice, and I won't transgress His Majesty's laws. I thought you were the man to deal justice to me.

John Talbot, kept an inn last year. Has applied for renewal of licence but was refused since there are too many inns. Prays for a licence as the others have been granted, January 25, 1833. [Rejected.]

Letter from **James Cummings** to **Charles Richardson**, Chippawa, December 26, 1832. Encloses papers for the court which I cannot attend being unwell. **Henry Hudson** has taken the house occupied by **James Secord** as an inn. Assist him to obtain a licence, if it comes in the Secord name, can it be transferred to Hudson?

Thomas Dority. Wishes to keep an inn at Niagara. He has fitted up the house where he now lives for the comfort of travellers, has a good stable. January 25, 1833. Signed **John Harris**, **Lewis Clement**, **Moliner Jr**²⁶, **Matthew Dobie**, **John Alma**, **William Duff Miller**, **Thomas Sewell**. [Rejected.]

²⁶This appears to be **John Grier**, who signed other documents as "Moliner."

File 13-33.

John Alma, Niagara, grocer/gentleman. Charged with assault and battery against **Rodman Starkweather**, Niagara, merchant, on January 14, 1833. True bill: **Henry Smith** (foreman.) Witnesses: Rodman Starkweather. Evidence of Starkweather: was assaulted in his store. Recognizance taken before **John Crooks** January 14: John Alma and surety James P. Ralston £12.10.0. each. Plea: not guilty; traversed; changed to guilty March 26. Fined 1/- plus costs.

File 13-34.

Jacob Boice, Sr., Niagara, yeoman. Charged with assault and battery against **George Ball**, Niagara, on October 18, 1832. Witness: George Ball, evidence taken October 22. Recognizance taken before **John Crooks** on October 24: Jacob Boice £10, surety **Francis Proctor** £10.

File 13-35.

George Boyce, Niagara, yeoman. Charged with assault and battery against **George Ball**, Niagara, on October 18, 1832. Evidence of George Ball taken October 22. Recognizance taken before **John Crooks** October 24: George Boyce and surety **John Caughill** £10 each.

File 13-36.

Jacob Boyce, Sr, Niagara, yeoman, **George Boyce**, Niagara, yeoman, **John Vanfleet**, Niagara, yeoman, **James Haines**, Niagara, yeoman. Charged with riot and assault against **George Ball** on October 19, 1832. True bill: **Henry Smith** (foreman.) Witnesses: George Ball, **John W. Ball**, **John Grason**. Presentment signed **Henry Smith**, **Arnold C. Teever**, **James Page**, **William Beemer**, **John Hoover**, **Jacob Tufford**, **Samuel Wightman**, **Peter Snyder**, **Peter Buckbee**, **Moses Gilmore**, **George Adams**, **John VanDuzen**, **George Muir**, **Amos Adkins**, **Daniel Awrey**, **Lewis Whitney**. Verdict: not guilty, January 24, 1833.

File 13-37.

James Augustus Clement, Niagara, mariner/gentleman. Charged with assault and battery against **Francis Proctor**, Niagara, on November 5, 1832. True bill: **Henry Smith** (foreman.) Witnesses: Francis Proctor. Evidence of Francis Proctor taken before **Daniel McDougall** on November 5. Recognizance: James A. Clement £20, sureties **Lewis Clement** (merchant) and **Jared Stocking** £10 each. Plea: guilty. Fined £5 plus costs £2.18.3.

File 13-38.

Joshua Cudney, Niagara, yeoman. Charged with assault and battery against **Jacob Dockstader**, Niagara, yeoman, on October 16, 1832. True bill: **John M. Camp** (foreman.) Presentment dated October 17, 1832. Subpoenas issued for **Thomas Richardson**, **Elijah Armstrong**, **George Waggoner** and **Peter Cain** October 18, 1832. Recognizance taken before **Daniel McDougall** November 17: Joshua Cudney, surety George Wagner £10 each. Evidence taken before Daniel McDougall and **Ralph M. Cryslar**, January 9, 1833: Jacob Dockstader agrees to drop the suit. *Nolle prosequi* filed January 22, 1833. [Note: the outside of the indictment erroneously named the plaintiff as Joshua Cudney.]

File 13-39.

William Forsyth, Stamford, cooper. Charged with larceny, stealing a cooper's adze (value 2/-), iron wedge (2/-), cotton shirt (2/-) the property of **Leon Laport**, Stamford, cooper, on October 21, 1832. True bill: **Henry Smith** (foreman.) Witnesses: Leon Laport, recognizance £12.10.0. Evidence taken before **George Adams**: the goods were found at the inns of **Thomas McMahon** and **McArthur**²⁷ in Thorold, where Forsyth sold the last two articles. Forsyth threw the wedge away on **Lundy's Lane**, October 24. He took the items because Laport owed him money. If he hadn't been drunk he wouldn't have done it. Plea: guilty. Sentenced to half-hour in the pillory.

File 13-40.

James Haines, Niagara, labourer. Charged with assault and battery against **George Ball**, Niagara, on October 18, 1832. Witnesses: George Ball, **John W. Ball**, **John Grason**. Recognizance taken before **John Crooks** October 24: James Haines and surety **George Wagner** £10 each; evidence of George Ball taken October 22.

File 13-41.

Clarissa Koune, Niagara. Charged with larceny, stealing two cotton shirts (value 5/-) the property of **Mary Turman**, Niagara, widow, on January 3, 1833. True bill: **Henry Smith** (foreman.) Witnesses: Mary Turman. Indictment quashed January 23. Evidence of Mary Turman taken before **Daniel McDougall**: the shirts were taken from my garden. Recognizance taken before Daniel McDougall on January 4: Clarissa Koune and surety **Samuel M. Carter** £10 each.

File 13-42.

Clarissa Lewes, Niagara. Charged with larceny, stealing two cotton shirts (value 5/-) the property of **Mary Turman**, Niagara, widow, on January 3, 1833. No bill: **Henry Smith** (foreman.) Witnesses: Mary Turman.

File 13-43.

Mary Ann Martindale, Niagara, widow, **Robert Johnson**, Niagara, labourer, **George Cook**, Niagara, carpenter, **James G. Fletcher**, Niagara, carpenter. Charged with riot and assault against **Timothy Carrigan** on November 3, 1832. Witnesses: Timothy Carrigan, **John Mandefield**. Recognizance taken before **Daniel McDougall** on November 7: Robert Johnson and Mary Ann Martindale £20 each, sureties **John Murphy** and **John Talbot** £10 each; George Cook and James G. Fletcher £20 each, surety **John Barker** £20. Evidence of Timothy Carrigan taken on November 6: he came to Niagara with his wife and two children. About 9 pm. went to bed upstairs. In half an hour he was attacked by Martindale and the servant Robert Johnson. Fletcher dragged deponent out of bed, beat him and attempted to choak him, tied him by the wrists to the bed post. He extracted himself with the aid of his teeth. Evidence of John Mandefield: Went to Martindale's inn at Niagara. Carrigan was about to go upstairs with a lighted pipe but Martindale wouldn't let him. He put out the pipe and went upstairs. There was a cry of murder, and I said to Martindale "you have a band of ruffians in the house to murder him." He came out and went down at 1am, Martindale took the child and said go back to bed in peace. He refused to do this and went away, and laid at the side of the house for half an hour. Then went back in and to bed.

²⁷Possibly **Elon McArthur**, licenced as an innkeeper in 1833.

File 13-44.

William Moffatt, Niagara, innkeeper. Charged with assault and battery against **John Montgomerie**, Niagara, on April 28, 1833. Witnesses: John Montgomerie, **Walter Elliott**, **Jacob Ha**[-----]. Recognizance taken before **Daniel McDougall**: John Montgomerie £10. Plea: guilty. Charged 1/- plus costs.

File 13-45.

Elon McArthur, Thorold, innkeeper. Charged with assault and battery against **Robert McCue**, Thorold, sawyer, on December 1, 1832. No bill: **Henry Smith** (foreman.) Witnesses: Robert McCue, **Isaac Casson**, **Stephen Cleveland**, **James McQueen [McQuinn?]**, **Cornelius Bowen[Bacon?]**. Evidence of Isaac Casson taken before **James Black**: Deponent was at McArthur's, about 40 people there drinking and gambling with cards. McArthur struck McCue. McCue was sober. He saw a black man strike McCue and McCue struck him, his face was bloody. McCue was quiet. Saw a good deal of money won and lost. Evidence of Stephen Cleveland: There were about 20 people there between 6 and 7 pm. Three black men threatened to whip and kick McCue. One struck him, McArthur clinched and choked him. Were four card tables, playing for money. McArthur played and won. McCue was in a fight with a black man named J. Davis. McArthur did not obey the warrant. Witnesses Cornelius Bacon and James McQuinn of Thorold subpoenaed to confirm evidence. Evidence of Robert McCue taken December 5: was at Thorold and was beaten several blows about the head and body by McArthur. He instigated others there, who were gambling and drinking, to beat the deponent. Warrant to apprehend McArthur issued December 6 to **Robert Hough** or other constables. Subpoena of James Black for Samuel Cleveland and others to testify, January 19. McArthur served with a warrant December 8, 1832 (signed James Black.) Recognizance taken before James Black, January 3: Elon McArthur £10, sureties **Silas St. John**, yeoman and **Sherman Lindsley**, cooper, £5 each; Robert McCue £10.

File 13-46.

Francis Proctor, Niagara, innkeeper. Charged with larceny, stealing a white worsted webbing saddle girth with two tin buckles (value 2/-) and a cotton or cotton and worsted saddle bag with two tin buckles (value 2/-) the property of **James Dike**, Niagara, saddler, on January 14, 1833. True bill: **Henry Smith** (foreman.) Witnesses: James Dike. Indictment quashed, a new indictment ordered January 23, 1833. Costs £1.2.6. Evidence of James Dike taken before **Daniel McDougall**: goods taken from my shop. Recognizance of James Dike £10. Recognizance of Francis Proctor £10, surety **Colley Alexander Foster**, Niagara, barrister £10. Minutes of evidence taken by **John Crooks**: Proctor came into Dike's shop on the 14th instant. The girths were in a showcase. Proctor went behind the case. The next day he taxed Proctor with stealing the two girths. He denied it, but said he knew who stole one girth. He said he would bring the girth but didn't. Proctor asked how much, he'd rather pay than have the law. On Wednesday morning he asked Proctor where is the girth? Proctor said "it's where you won't see it." The girth produced in court was stolen from the shop. Evidence of **William Dennis**: Proctor was in the shop and looked at the harness. He made a complaint on the work. He invited the witness to his house, saw two girths and asked Proctor where he got them? He made no reply. Proctor's wife was asked where he got them, she said he bought them from [Urson?] Harvey. Evidence of **Harvey** said he didn't sell Proctor any girths. Evidence of **John Thomas Bateson** - was sent by James Dike to Proctors' to tell him to see Dike. He heard Proctor's wife say that the money made by selling brandy was now used to pay for the girths. Proctor gave him \$5.00 to give to Dike, said he'd come in the morning.

Saw a white ox girth in Proctor's hand. **John Talbot**: the girth in court was bought at St. Catharines, they were made yesterday.

File 13-47.

Francis Proctor, Niagara, innkeeper. Charged with larceny, the theft of the property of **James Madison Dike**, Niagara, saddler, on January 14, 1833. True bill: **Henry Smith** (foreman.) **Charles Richardson**, prosecutor. Verdict: guilty. Sentenced to four weeks in gaol, January 26, 1833.

File 13-48.

Henry Wellington Richardson, Niagara, gentleman. Charged with assault and battery against **Robert Branam**, on December 25, 1832. True bill: **Henry Smith** (foreman.) Witnesses: Robert Branam. Subpoenas issued to **John B. Clement** and **John Davids**, January 25, 1833. Recognizance taken before **Daniel McDougall**, December 27: Robert Branam £10; recognizance taken January 9, 1833: Henry W. Richardson £10, surety **W.B. Winterbottom** (barrister) £10. Verdict: not guilty, January 23, 1833. Costs £2.2.6.

File 13-49.

John Talbot, charged with receiving stolen goods, viz: one saddle stolen by **Francis Proctor** on January 23, 1833. True bill: **Henry Smith** (foreman.) Witnesses: **James Madison Dyke**. *Nolle prosequi* ordered January 26, 1833.

File 13-50.

Mary Turman, Niagara, widow. Charged with assault and battery against **Clarissa Laws**, Niagara, on January 4, 1833. No bill: **Henry Smith** (foreman.) Witnesses: Clarissa Laws. Evidence taken before **James Muirhead**, January 21: Clarissa Laws, "a girl of colour" of Niagara was at the house of Mary Turman. After a conversation about shirts, the deponent was beaten by Turman with her fists and with a broomstick. Recognizance of Clarissa Laws £5.

File 13-51.

John Vanfleet, Niagara, yeoman. Charged with assault and battery against **George Ball** on October 18, 1832. Witnesses: George Ball. Evidence taken before **John Crooks** on October 22. Recognizance taken October 24: John Vanfleet £10, surety **Isaac Vanfleet** £10.

File 13-52.

Gordon Wilson, Niagara, labourer. Charged with assault and battery against **Samuel Hodder Gibbs** on December 5, 1832. True bill: **Henry Smith** (foreman.) Witnesses: Samuel H. Gibbs. Recognizance taken before **Daniel McDougall** December 12: Samuel H. Gibbs £10; recognizance taken before Daniel McDougall December 8: Gordon Wilson £10, surety **John Wilson**, yeoman, £10. Plea: guilty. Fined £1 plus costs £1.2.6. January 23, 1833.

Niagara District Quarter Sessions, March 1833.
(April and July Sessions adjourned.)

File 14-1. Accounts.

Accounts passed in March sessions 1833.

Cyrenius Hall (coroner) charge to hold an inquest on the body of ***Philip Bland*** and ***Mr. Murdock***, December 25, 1832 plus cost to dig graves and charge for coffins. Bertie, March 25, 1833. "Murdock had no effects at his decease," signed ***W. Anthony***, JP.

David Bonesteel. Has had ***Sally*** the daughter of the late ***Daniel*** and ***Mary Risinbarrick***, an idiot girl, destitute of all means. Was awarded £12.10.0. in March 1832. No one wants her, and deponent was encouraged by magistrates to keep her. Wishes for a grant of aid, Thorold, March 21, 1833. Signed ***David P. Brown, David Thompson, Richard Brown, Amos Bradshaw, Elisha Misener, Thomas Carson, Henry Sloan, John Shotwell, Enos Shrigley, Benjamin Shrigley, James Crafford***. Ordered £13, March 30, 1833.

William D. Waters, charge for drawing 14 barrels of water to the court house and cleaning the yard, 12/6-.

Elisha Ives, mariner, of Willson, New York. In November last he heard from constable [***Francis***] ***Proctor*** of an escaped man, ***Fitzgerald***, escaped from Ireland charged with the murder of his wife. Deponent pursued him up the river on the US side, caught him, and brought him to ***Youngstown***. Then crossed the river and informed Mr. ***Daniel McDougall***. Prisoner was committed to the ***Lockport gaol***, then delivered to ***Mr. Kidd***. There is a considerable reward in Ireland, wishes to convey him thence, plus prays for compensation in arresting him. Ordered £7.10.0, March 25, 1833.

William Hamilton Merritt, served 100 days as Member of the Legislative Assembly, £55. Signed ***A. McLean***, February 13, 1833. Passed March 29, 1833.

Robert Randall, served 100 days as Member of the Legislative Assembly, £55. Signed ***A. McLean***, February 13, 1833. Passed March 29, 1833.

John Clark, served 100 days as Member of the Legislative Assembly, £55. Signed ***A. McLean***, February 13, 1833. Passed March 29, 1833.

William Crooks, served 101 days as Member of the Legislative Assembly, £53.10.0. Signed ***A. McLean***, February 13, 1833. Passed March 29, 1833.

George Smith, constable account, 10/9-. ***James Cummings, Erastus Moses, Samuel Hicks***, April 5, 1833.

Scott Tyre & Co. Charge for paper £1.11.3. Signed ***John Kidd***, April 8, 1833.

Ephraim Wheeler, charge for services as turnkey £7.10.0. April 8, 1833.
Erastus Moses, constable account £0.17.3. April 8, 1833.

Charles Freeman, charge for services as chimney sweep (1 year) 15/-, April 8, 1833.

Jacob Dockstader, constable account £4.4.2. April 8, 1833.

Lewis Clement, charge for pad locks, spikes, hambro lines £11.13.9. Signed *John Kidd*.

Charge for services of constables present at the Sessions: *John F. Stewart*, *Patrick Bertram*, *Joseph Martin*, *Luke Lawrence*, *Patrick Kingsley*, £3. Signed *John Kidd*.

Dr. Muirhead, charge for medicine and attendance at gaol, £7.10.0.

Lewis Clement, charge for 32 yards of cotton, £1. Signed *Ephraim Wheeler*.

Patrick Butler, charge £5 to appear as witness against *John Fitzgerald* (murder), detained with his wife at court for 15 days.

Peter Burgar, constable account, £3.5.6. Signed *David Thompson*, April 8.

James Burgar, constable account, £1.10.8. Signed *David Thompson*, April 8.

Patrick Bertram, constable account, £1.7.6. Signed *Daniel McDougall*, April 8.

George P. Kingsley, constable account, £6.0.6. April 8.

Chester Wadsworth, constable. Charge to summon a jury for an inquest on the body of *Hannah Marlett*, July 23, 1832; *John Williams* (January 17, 1833) plus shroud and digging the grave, £1.12.6. Signed *William Duff Miller*.

James Humphreys, constable account, 18/7-.

William H. Smith, constable account, £1.18.6.

Chester Wadsworth, constable account, £1.6.4.

George P. Kingsley, constable account, £1.19.10.

Richard Leonard, sheriff's account, £20.

Alexander McKee, charge for services as court crier, £1.15.0.

Peter Wheeler, charge for washing prisoner's shirts: *Patrick Donley* (14 shirts); *Silas Green* (14), *John Montgomery* (14), *Charles W. Hellems* (14), *William Everingham* (6), *Benjamin Anderson* (6), *Richard Abbott* (3), *James Ensign* (3), *John Snively* (3), *George Martin* (12.) 89 shirts at 3d each, total £1.2.3.

Account of Rations due the Gaoler of the Niagara District (Peter Wheeler) January 24-April 8, 1833, £87.14.9. [Charge includes cost for salary, 60 cords of firewood, scrubbing the court, six brooms for the cells, candles for the Sessions and the gaol.] Names of prisoners and dates of commitment:

Patrick Donley, January 24-April 8, 1833.

Silas Green, January 24-April 8.

John Fitzgerald, January 24-April 8.

John Montgomery, January 24-April 8.

Benjamin Anderson, January 24-February 18.

Charles W. Hellems, January 24-April 8.
William Everingham, March 4-April 8.
Benjamin Anderson, March 5-April 8.
Richard Abbott, March 14-March 29.
James Ensign, March 19-March 28.
John Snively, March 22-March 29.
Joshua Green, March 31-April 1.
Peter Grishin, March 31-April 1.
George Martin, April 2-April 8.
 Debtors:
Fordis Averil, January 24-April 8.
John Haun, January 24-April 8.
Daniel Grenville, January 24-April 8.
Henry Rogers, January 28-March 11.
James Lambley, February 2-April 3.
Patrick Murry, February 15-April 8.
John Orr, February 25-April 8.
Thomas Elliot, February 25-April 8.
Henry A. Smith, March 16-April 8.

File 14-2. Accounts (Board of Health.)

Report of the Committee appointed at the Quarter Sessions, March 1833, to investigate accounts by the Branch Boards of Health, established June 23, 1832: Welland Canal line, Fort Erie, Chippawa, Queenston; paupers; cholera; lime; constables fees &c. £133.2.7. Signed *Daniel McDougall*, *George Adams*, *James Cummings*, *Samuel Street*, March 28, 1833.

Silas Vandecar, charge to clean and whitewash the buildings at St. Catharines, £1.5.0. June 26, 1832.

Thomas Gilleland, charge to clean and whitewash the buildings at St. Catharines, £1.5.0.

John McDade, charge to clean and whitewash the buildings at St. Catharines, £1.5.0.

Barney Smith, charge for sitting up with *McFarland* and nursing "*John the gardener*," on orders of *Dr. Beadle* and *Dr. Converse*, £1.

William C. Chace, charge for medicines for *Dr. Beadle* and *Dr. Allan* (laudanum, nitric acid, sulphuric acid, ammonia) £5.5.11¼.

Note from *Rev. James Clarke*, July 3, 1832. Have the goodness to let *Dr. Allan* get such medicines as he may require, charge it to the Board of Health. The within articles required by me, *Dr. John Allen* M.D. at *Port Dalhousie*, June 28, 1832.

George Smith, charge for services rendered at Port Dalhousie, £7.17.6. Dated July 17, 1832 ["Rejected."]

Summation of Accounts for *Rykert*, *Chase*, *Pawling*, *George Smith*, *Barney Smith*, *John McDade*, *Thomas Gilleland*, *Silas Vandecar*, £44.17.7½.

Nathan Pawling, charge for bedding at the hospital at Port Dalhousie, £4.13.11. Account sent to the *General Board of Health* at Niagara and not returned.

Jonathan Woodhull, George Smith, charge for rice, fowls, bread for sick in the hospital, cleaning the store house used as a hospital, £1.2.9. [Rejected.]

Rev. James Clarke, George Rykert. Charge for blankets (*E.S. Adams.*) £0.17.6. [Rejected.]

Bill of Sundries, St. Catharines, August 11, 1832: oil, flour, straw for beds, laudanum, milk, wine, sugar, tea, soap, tin basin, blankets, nails and boards for four coffins &c. £5.11.4½. Bought of **D. Thompson**, October 5, 1832: nails, coffin boards, Peruvian bark. Patients **McMullen, John Byrnes** and wife, **Hinches** family, **J. Murrett** (nurse), coffin for **Slowey, Ball, McNeil &c.** £4.1.10½.

Thomas Doyle, charge for nursing, coffin and shroud, digging grave, December 1832.

John Burns, charge for nursing, coffin and shroud.

Widow Burns, Widow Slowey and children.

David Bonesteel, charge for nursing and board for orphans of **Hinchey** and **Zavitz**.

David [Froisher?] charge for nursing £12.17.0. December 31, 1832.

Statement of Claims made to the Board of Health, £212.5.11. Signed **Rev. Mr. Clarke, Porter** and **Jeffery**, January 30, 1833.

Jonathan Woodhull, charge for attending sick at **Port Dalhousie** and wife's attendance with milk and necessaries during June and July 1832, £7.18.9. (January 11, 1833.)

William Row (constable) attendance at Port Dalhousie to remove the corpses, June-July 1832, £7.10.0. (January 11, 1833.)

George Smith, charge for services as health warden at Port Dalhousie, June-August 1832 £20. (January 10, 1833.)

Letter from **B. Tench** to **Charles Richardson**, Humberstone, March 23, 1833. **John Clark** says the House of Assembly has ordered money to liquidate the claims of the Board of Health. Ours is £73.19.8. When may we expect the same? PS: no new commission of the peace.

Statement of Sundry Accounts audited and approved by the St. Catharines Board of Health, (Rev. James Clarke,) June 25-August 25, 1832: accounts include those for **James Fitzgerald, Walter Dittrick, William Adams, George Rykert, Nathan Pawling, George Read, Northrup and Smith, Dr. Cross, Dr. Murray**, late **Dr. Ellice, Alexander Orr, Richard Sampson, Gershom Wright, M. Judge** (nurse), expense for coffins of 11 paupers who died at St. Catharines.

Statement of medicine at the request of magistrates and on the advice of Drs. **Telfer** and **Porter**, "sick emigrants, chiefly Irish," £1.5.11, August-October 1832.

Alexander Hamilton: The following wines, medicines &c. delivered to a sick English emigrant at the request of the Queenston magistrates, on the advice of Drs. **Telfer** and **Porter**, July-October 1832 £5.6.1½. Total amount of claims £155.19.1¼.

John Riley, Niagara, constable. Charge for services for attending Board of Health £1.2.6.

James Thompson, charge for lime, £1.11.3. July 9, 1832.

C.H. Leonard, charge for **William Fay** and family at the house of **James Secord**, Chippawa, during illness, cholera attendance, making a coffin, digging a grave, taking trouble for the family and taking them to **Fort George**, August 17, 1832 £3.15.0. (January 1, 1833.)

John Talbot (Niagara Board of Health) charge for services; charge to dig the grave of **George Sutherland**; Paid **Denny Leeper** and **John Cumston** to serve regulations of the **Edinburgh Board of Health**, £5.10.0.

Board of Health, St. Catharines, July 28, 1832: **H. Rose** charge for lime; **Alexander Brown** (cartage of lime); boards and nails for bunks and coffins; paid **Ewers** to haul the same to the hospital, £25.7.9. Cash 5/- in the pocket of **Duncan** at death (Note: this account includes the expenses of 37 burials by cholera.)

Daniel McDougall, received 10 barrels of lime from **Mr. McMicking** at 3/1½- each, August 24, 1832. Received 10 more barrels of lime, August 27. Total £3.2.6.

Richard Moffatt: charge for blankets, pillows, straw, sheets; "new silck handkerchief" £3.16.3. Burnt by order of **Dr. Muirhead**, being in the possession of **Robert [Taylor?]** when he died of cholera in gaol. Allow the above, but deduct funeral expense, signed **John Kidd**, July 30, 1832.

Daniel McDougall, £15.2.11. Extra expense to clean the streets in Niagara in consequence of the cholera, July 20, 1832.

Dr. William C. Chace, statement of medicine for **Drs. Beadle** and **Allan**, July 2, 4 and 6, 1832: £4.15.5¼. Delivered on order of **Rev. James Clarke**. (March 28, 1833.)

File 14-3. Clerk of the Peace Accounts.

Charles Richardson, accounts for March 1833 £75.5.6. Approved October 30, 1833.

File 14-4. Other Accounts.

W. Crooks, **Thomas McCormick** and **William Clarke**, £39 to **Thomas Ridout**, York, March 6, 1834.

W. Crooks, **Thomas McCormick** and **William Clarke**, £15 to **Thomas G. Ridout**, York, March 6, 1834.

File 14-5. Rejected Accounts.

Charge for an inquest held on the body of **Patrick Curtin**, Humberstone, March 16, 1832, £4.10.0. Signed **David Thompson**.

File 14-6. Treasurer's Accounts.

Two copies of accounts published and signed (certified correct) by **William Clarke**, April 8, 1833.

File 14-7. Boundary Records, Township of Niagara.

Letter of **James Cull** to **Charles Richardson**, York, January 20, 1833: North west boundary, compensation to **John Wilson**. Commissioners John Wilson, James Cull and **Berry Thorne**. Pay Wilson £37.10.0. for damages caused by the removal of the tannery and premises on the line of the road.

Account of Commission, to **Augustus Jones**. Witness **Bull, Haynes, Stull**; surveyor's assistants [**Talfourd?**], **Lawson, Rykert** (surveying), **James [Keefer?]**, **Jesse Ball, John Olliver, John Lamont, Cooper**, Paid Camuth to cut stone monument, postage for Mr. Cull and Willson, £133.4.3. December 22, 1832.

James Cull to **Charles Richardson**, York, February 5, 1833: forwards the account of the commissioners.

Charles Richardson to **James Cull**, Niagara, February 11, 1833: acknowledges receipt of account.

Charles Richardson to **James Cull**, Niagara, March 27, 1833: copy of the award must be had before the Quarter Sessions in order to pay the account.

File 14-8. List of Constables.

Mr. Hamilton is unable to attend the Sessions, solicits the favourable consideration of the court to the within list, March 25, 1833.

The following appointed constables for 1833, signed **Jacob Dockstader**.

Niagara: **Jacob Dockstader** (High Constable), ~~**Joseph Archer**~~, **Mr. Dority** (Market place), **Patrick Kenny, Patrick Bateson, Walter Elliott, Lewis Donnelly, Peter Cain, William Henderson, George P. Kinsley, Joseph Martin, Gilbert Anderson** (4 Mile Creek), **Francis Proctor**.

Grantham: **Thomas Gilleland, John Smith, T.G. Petton, Thomas Read, Edmond Secord**.

Stamford: **Robert Caswell, Stephen Conklin, Joseph Oldfield, George McLaughlin, Adam Freleigh, David Dunton, Johnston Green**.

Thorold: **Henry Hoover, Robert Hough, Robert Kelly, William Moore**.

Caistor: **Merritt Johnson**.

Queenston: **Chester Wadsworth, Richard Smith, James Humphreys, Arthur Shaw** (St. Davids.)

Grimsby: **Ira Couse, Jesse Palmer, Amos Farewell, Dennis Palmer, John F. Stewart**.

Bertie: **Robert Demming, Henry Putman, Jerry Mentur** [**Mentar, Menton?**], **William Green**.

Willoughby: **Erastus Moses, John Smith, Henry Hoover**.

Crowland: **Peter Burgar, Samuel Glover**.

Pelham: **Henry Snure, Eber Rice**.

Humberstone: **David Price, Jacob Strohm**.

Gainsborough: **George Robins, John Page**.

Wainfleet: **Hugh McKenna, Abraham Chapman**.

Walpole: [blank]

Rainham: [blank]

Moulton: [blank]

Canboro': [blank]

Louth: [blank]

Haldimand: [blank]

Clinton: [blank]

Letter from **Smith Griffin** to **James Muirhead, Smithville**, March 27, 1833: Constables recommended are **John F. Stewart** (Grimsby), **George Robins** (Gainsborough), **Merritt Johnson** (Caistor) and **John Page** (Gainsborough.) The roads are so bad, it is impossible to attend the Sessions.

Letter from **James Kerby** to **Charles Richardson, Fort Erie Mills**, April 8, 1833: There is not a sufficient number of constables to maintain good order when necessary. **Demming** and **Putman** appointed, I nominate **Menton** and **Green** at the Ferry and one more for Humberstone. Send another blank for a fourth "below **Major Powell's** on the Niagara River."

Letter from **George Adams**, April 1833: Constables nominated for the Township of Grantham: **Thomas Gilleland**, **John Smith** (innkeeper), **T.G. Petton**, **Thomas Read** (Port Dalhousie), **Edmond Secord** (innkeeper.) Constables for Grimsby, recommended by **Henry Nelles**: **Ira Couse**, **Jesse Palmer**, **Amos Farewell**, **Dennis Palmer**.

List of Names for Constables, Niagara, March 29, 1833: ~~**Christopher Haran**~~.

File 14-9. Calendar of Prisoners.

Calendar of Criminal Prisoners in the Niagara Gaol (Peter Wheeler) March 26, 1833.
Patrick Donely, September 6, 1832. Assizes. Murder.
George Martin, October 27. Sent out on former banishment, March 30, 1833.
Silas Green, November 29. Orders of **Thomas Merritt**. Stealing two horses from **Mr. Pawling**.
John Fitzgerald, December 4. Orders of **Daniel McDougall**. Murder.
John Montgomery, December 12. Orders of Daniel McDougall. Stealing a net from the sheriff.
Charles W. Hellems, January 22, 1833. Orders of **Dee**, **Thompson** and **Anthony**. Selling liquor without a licence.
Benjamin Anderson, March 3. Orders of Daniel McDougall and **John Crooks**. Aiding and abetting the escape of **John Fitzgerald** from gaol.
William Everingham, March 4. Orders of **David Thompson**. Stealing a pocket book (value 2/-) and £1 note, sovereign £1.3.6., silver, **Upper Canada Bank notes** £2.11.6. from **William Stewart**.
Richard Abbott, March 14. Orders of David Thompson. For want of bail. Discharged March 28.
James Ensign, March 19. Orders of **James Cummings**. Stealing 10 bushels of wheat, value £1.10.0. the goods of **James McGarry**.
John Snively, March 22. Stealing 10/- from **Henry Hudson**. Acquitted and discharged March 28.

File 14-10. Filings.

To **George P. Kinsley**, constable. Before **Daniel McDougall**, on the oath of **Benjamin Lawrence** of Niagara, yeoman: 20 domestic fowls (value 20/-) were stolen from his hen house at the 4 Mile Creek by **Peter Grisham** of Niagara, labourer. Search warrant issued March 31, 1833.

Warrant to apprehend **William Tufford** issued by **George Adams**, January 24, 1833, for assaulting a constable. Oath of **George M. Richardson**, **Richard Leonard**, **John Kidd**- Tufford not found within the District.

Bench warrant issued by **James Muirhead** for the arrest of **James Ferris**, January 25, 1833. On oath of **Richard Leonard** and **John Kidd**, Ferris not found within the District. Signed **Charles Richardson**.

File 14-11. Grand Jury Presentments.

State of the Black Swamp Road. A ditch is open at the upper end of the road but not below, which is inundated with high water. It should be opened to drain the water and not injure the road, will cost £50 to repair. Inhabitants volunteer as soon as the ground permits. Signed **William Robertson, James Tisdale, Levi Beamer, John Upper, John Merritt, Joseph Book, William Swick, Jacob Fisher, Leonard Heaslip, Jonathan Fulsom, Joseph Snyder, Jacob Servos, Gilbert Lane, Peter Bradt.**

File 14-12. Orders.

Gaoler's salary ordered to be increased to £82.10.0. and the turnkey to £30 and boarding for the turnkey £19.10.0. March 29, 1833.

Charles K. Fell, ordered to open a road between lots 20 and 21 between Concessions 4 and 5 Grantham, March 29, 1833.

Daniel McDougall, resigned as Street Surveyor in Niagara, ordered that **Thomas Butler** be appointed in his place, March 29, 1833.

John McFarland, ordered to be paid £52.10.0. for transfer of the right and title to a road from the Niagara River to the Court House, 60 feet, upon his release of an action brought against **Daniel McDougall** for opening the road, March 28, 1833.

R.H. Dee, Dr. John Mewburn, John McMicking and **Andrew Rorback** ordered to be allowed to occupy the road allowance in Stamford between lots 43, 44, 55 and 56 in lieu of the **Portage Road**, March 28, 1833.

John Servos, John Whitmore and **Courtland Secord** ordered to see the bridges over the Two and Three Mile Creeks be repaired using Statute Labour, and to present their accounts. March 28, 1833.

Ordered £50 to be expended on the **Swamp Road** to drain ditches and repair it from **Stoney Ridge** to **Vanfleet's** or **Cudney's**. Paid upon presenting certificate of completion. March 27, 1833. Work completed July 23, 1833 signed **John Kidd, Thomas Butler** and **George Adams**.

Ordered £50 paid to construct **Farr's Bridge**. Paid upon presenting certificate of completion by **David Thompson, Mr. Keefer, Mr. Merritt** or any two of them. March 27, 1833.

File 14-13. Petitions.

Magistrates of Queenston: There is danger to the public for want of a railing from the top of the Mountain to **Mr. Thorburn's** house in the village, as the former one is entirely decayed. Contracts advertised published for the same. Cedar posts can be had on the river bank 7½ feet long, 8" square at the top. Placed to a depth of three feet in the ground, spaced 10 feet apart with two oak rails and spiked. Or, a dry stone wall should be constructed 3 feet high and 4 feet wide at the base, tapered to 2 feet wide at the top. Stones available on the road side. Signed **Robert Grant, Alexander Hamilton**. [Rejected, March 30, 1832.]

File 14-14. Precept.

List of Grand and Petit Jurors made out by *John Crooks* and *R.M. Crysler*, February 11, 1833 for Sessions on March 26.

Grand Jury: *Jonathan Fulson, John Merritt, Henry Johnson* (sick), *James Tisdale, Robert Smith, William Swick, Joseph Snyder, Lewis Felker, Leonard Heaslip, Jacob Fisher, Joseph Felker, Peter Bradt, William Robertson, Benjamin E. Moore, Silas Hopkins, Samuel Birdsall, John Upper, Joseph Phelps, Levi Beamer, William Dills, Jacob Servos, George Rossell, Joseph Book, Gilbert Lane.*

Petit Jury: *Henry Beamer, Nicholas Aurey, Miles Hitchcock, Jacob Vaughan, Jacob Bowman, David McPherson, Henry Snyder, John McPherson, Silas Dean, Stephen Roy, Peter Mingle, Philip Book, Andrew Wilson, Frederick McPherson, James Rayment, William Ellsworth, Henry Tice, Michael Crow, Robert Servos, Benjamin []* (excused), *George Humphrey, Peter Crow, Daniel More, Abraham Crow, Lawrence Moore, Fellows Gales, Peter Swick, Elkanah Rogers, Adam Jones, Matthew Smith, William Fitch, Samuel Cudney, Henry Miller, John Lymburner, Philip Felker, William May, Merritt Travis, Merritt Johnson, George A. Bowman, Lewis Campbell, James Lymburner, Josiah Nelson, Peter Felker, Roswell Raymond, James Clendennan, Caleb Travis, John Johnson, Hiram Lymburner, Lewis Smith.*

File 14-15. Road and Bridge Petitions.

Niagara, March 27, 1833. The *Lake Road* through the township is obstructed at the 2 and 3 Mile Creek, bridges being damaged by overflowing. Statute Labour is insufficient to repair bridges and perform road work. Signed *John D. Servos, Peter Cockell, John Whitmore, William Servos, Daniel Secord, Courtland Secord, Abraham W. Secord, Samuel Thorold.*

Moulton, March 19, 1833: Petitioners pray for three considerable bridges to be built over the *Grand River* six miles above *Dunnville*, 250 foot span on each. One remains 270 feet across at *Farr's farm* to make the river passable. Cost £50. Signed *Andrew Thompson, Orson Phelps, A.S. St. John, Timothy Page, J.J. Lymburner, Barton Farr, William Burch, Philip McCollum, Nathan C. Briggs, Lyman Burnham, John McDaniel, Christopher Lymburner, Frederick Windecker, Mark [Sinn?], Adam Dockstader.*

Gainsborough, bridge over the 16 Mile Creek on Concession 5 by *Mr. Brady's* (merchant) in the *Short Hills* was partly worked for 25 years by Statute Labour. New settlers are not able to perform the expense of bridge labour, 150 yards, which is on the shortest route from "Niagra fowls to the Head of the Lak or Ancaster." Cost \$200. Signed *Joseph Book, Frederick McPherson, Levi Beam, Philip Book, Jacob Price, David McPherson, William McPherson, John McPherson, Nicholas Awrey, Joseph Gee, Gideon Cantel, Peter Tice, Robert Servos, William Servos, Jonathan Gee, Joseph Lane, Daniel Lane, Nathan Lane, Alexander Lane.* [Laid over for further consideration.]

Stamford, March 27, 1833. *Portage Road* has been used since the province was first settled. Runs diagonally through the lots of the inhabitants for the sake of convenience and the best ground. Near the *Presbyterian Church* a road runs parallel and within 50-100 yards of the Portage Road until it intersects at *Stamford village*. It is not used as a road. The inhabitants would feel hemmed in if it was used as a road. A good road 66 feet wide on the west side of the Concession is used by the public. Complaint of the other being stopped up is only to annoy the persons in possession. Signed *R.H. Dee, Andrew Rorback, John McMicking, John Mewburn, Adam Bowman, James Thompson, Stephen Brown, Adam Killman, Matthew Ottley, James Willson, James Gordon, Martin Dorshimer, James Oswald* (road master, present year.) [Petition includes a sketch map of

lots 16, 17, 24, 25, 36, 37, 43, 44, 55 and 56. Shows owner's names, *Whirlpool Hotel*, Road to *Beaver Dams*, Church, *St. Paul's Street* &c.]

Samuel Cudney, Caistor. Inconvenience for the want of a good road from his house between the *Canboro' Road* and the road through Caistor. A road was opened past his house 18 years ago and travelled up until two years ago and then stopped up. Concession 1 between lots 2 and 3, about 1 mile from the Canboro' Road to the road in Caistor. Road has utility to the public, who would travel less distance. Pray to have the road opened. Signed *James Tisdale*, *Jacob Lymburner*, *John Lymburner*, *James Lymburner*, *Robert Lymburner*, *David Merritt*, [--] *Jonny Miller*, *John Risley*, *John Johnson*, *Merritt Johnson*, *Michael Depoty*, *Samuel Cudney*.

Niagara, March 27, 1833: Damage caused by *Black Swamp* from Niagara to the Ten Mile Creek this spring. Statute labour inadequate to perform repairs. Petitioners pray for money for ditches to carry away the surplus water. Signed *T. Butler*, *John C. Ball*, *William Ball*. Ordered £50.

File 14-16. Road and Bridge Reports.

Charles K. Fell, *Pelham Square*, March 25, 1833. Surveyed road in Humberstone between lots 14 and 15 north to the road allowance between Concessions 3 and 4. Suitable ground for a road runs across Concession 2. A road was cut in the centre of lot 15 by *Henry Naher* [*Near?*], *Daniel Kneisley*, *William Michener* and *John Etley*. [*Kedy?*] Each gave 20 feet in width. Part is open in Concession 3 lot 15, west part of *Josiah Bears'* land, he agrees to give 40 feet. [Sketch map attached, shows *Fort Erie Road*, *Chippawa Road*, names of owners.]

File 14-17. Tavern and Shop Licences.

Letter from *D.W. Smith* to *Charles Richardson*, St. Catharines, March 5, 1833: *Sherman Bristol* prays for a licence, keeps an inn at the *Red House* below *Warner Nelles'* on the *Grand River*. Had a licence three years ago, there is no other house in the neighbourhood. Due to ill health and the death of inmates, no house has yet been established. Pray to help get a licence for the same.

File 14-18.

John Alma, Niagara, gentleman. Charged with assault and battery against *Rodman Starkweather*, Niagara, merchant, on January 14, 1833. True bill: *Henry Smith* (foreman.) Witnesses: *Rodman Starkweather*. Evidence taken before *John Crooks* January 14: *Starkweather* was assaulted on the highway. Recognizance: *John Alma* and surety *James Ralston* both £12.10.0. Plea "not guilty" changed to "guilty" March 26, 1833. Fined 1/- plus costs £3.13.9. *George P. Kinsley* paid 5/- by *Starkweather* for serving subpoena. *Jacob Dockstader* £1 to serve subpoena. Letter from *Starkweather* to *Charles Richardson*, Niagara, March 26: disbursements in case paid to *Dr. Muirhead*, *Edward McBride*, *John Bussell*, *Hugh McNally*, *John Smithson*. *Daniel McDougall*, JP, costs 3/9-. Statement of costs; includes receipts from *John Smithson* for 2/6-, *Hugh McNally* 5/- and *Edward McBride* 5/- as witnesses.

File 14-19.

Johnson Clench, Niagara. Charged with assault and battery against *Robert Branan* of Niagara, on December 25, 1832. True bill: *Henry Smith* (foreman.) Witnesses: *Robert Branan*. Recognizance taken before *Daniel McDougall* December 27: *Robert Branan* £10; recognizance taken December 29, *Johnson Clench* and surety *Francis* [*Baby?*] £10 each. Verdict: not guilty, March 30, 1833.

File 14-20.

William Cockell, Niagara, yeoman, **Jane Cockell**, wife of William Cockell, Niagara. Charged with assault and battery against **Martha Jane Thompson**, daughter of **John** and **Charlotte Thompson**, on March 25, 1833. True bill: **William Robertson** (foreman.) Witnesses: John Thompson. Bench warrant issued by **James Muirhead** to apprehend William and Jane Cockell, March 28. Presentment signed by jurors: William Robertson, **James Tisdell**, **Joseph Book**, **John Upper**, **Gilbert Lane**, **John Merritt**, **Jacob Fisher**, **Leonard Heaslip**, **Joseph Snyder**, **Jonathan Fulsom**, **Jacob Servos**, **Levi Beamer**, **William Swick**. Verdict: Jane Cockell "not guilty," William Cockell "guilty." Fine 5/- plus costs £3.18.6.

File 14-21.

James Ensign, Willowby. Charged with larceny, the theft of 2 bushels of wheat (value 5/-) the property of **James McGarry**, Stamford, on March 16, 1833. No bill: **William Robertson** (foreman.) Witnesses: James McGarry. Evidence taken before **James Cummings**, March 19: wheat taken from the barn at the steam mill of **Robert Fitzpatrick** of Chippawa.

File 14-22.

William Rees, Stamford, yeoman. Charged with assault and battery against **Ann Smart**, wife of **Robert Smart**, on January 21, 1833. Letter from **John Mewburn**, Stamford, January 23: Mrs. Smart has an injury in her head due to the weather, it is dangerous for her to make the trip to Niagara. Letter from **R.H. Dee** to **Charles Richardson**: affidavit enclosed and Dr. Mewburn's certificate. Mrs. Smart not fit to travel. Evidence taken before R.H. Dee on January 21: William Rees came to her house intoxicated at 5 pm, and insisted that his wife, confined in bed 4 months, go with him. She remonstrated against it. He swore he'd kill anyone who interfered. He shook his fist and threatened. She took up tongs in defense. He took the tongs and struck her two violent blows on the arm and one on her right temple. Signed "her X mark." Warrant to apprehend William Rees issued by R.H. Dee to constable **Arthur Shaw**. Recognizance: William Rees £10, sureties **William Wynn** and **David Thorburn** £5 each. Letter from R.H. Dee to Charles Richardson, March 25: **Robert Smart** and his son-in-law came to an amicable adjustment of their quarrel. The daughter returned to her husband. *Nolle prosequi*. Dee confined to his house by an indisposition.

File 14-23.

Peter Scott, Stamford, labourer. Charged with larceny, the theft of one silver watch (value 5/-) the property of **Sally McGowan**, widow, on March 23, 1833. No bill: **William Robertson** (foreman.) Witnesses: Sally McGowan, **Dennis Cain**. Evidence taken before **Alexander Hamilton**, March 23: the watch of her late husband was stolen at Queenston. Evidence of Dennis Cain: deponent was at the house of **John Duchamber** at Stamford, farmer. The prisoner drew a watch from his pocket- showed it to the children, tantalizing them. Put it back in his pocket. The four year old son slept in bed with McGowan, told her the watch was gone and pointed to Scott as "that's the fellow has taken papa's watch." Prisoner- said it was a joke, sent for the watch, in the house in the morning but the messenger couldn't find it. Recognizance taken March 24: John Duchamber and **Philip Huffman**, carpenter, £10 each. Recognizance taken March 25: Sally McGowan and surety **John McNabb** (Queenston) £10 each.

File 14-24.

John Snively, Willowby, labourer. Charged with larceny, the theft of a bank note (value 5/-) the property of **Henry Hudson**, Chippawa, innkeeper, on March 21, 1833. True bill: **William Robertson** (foreman.) Witnesses: Henry Hudson. Evidence taken before **James Cummings** March 22: On the 21st between 3 and 4 pm, \$2 (including a \$1 **Bank of Upper Canada** note) and the rest in change was stolen. Recognized it by blood on it, having cut my finger. The prisoner asked for the loan of one shilling; after he passed the \$1 bill at the grocery of **Smith and Boughman** and had other change. Verdict: not guilty, March 28, 1833.

File 14-25. Orders.

£400 ordered by Treasurer on credit for District purposes, April 8, 1833.

File 14-26. April Orders.

Isaac Vanfleet appointed pathmaster, in lieu of **Elijah Armstrong** declining to act, April 22, 1833.

£62.10.0. ordered paid to the **Clerk of the Peace** (contingent account.) April 22.

1 penny in £1 ordered to be raised by the assessment April 22.

Pathmaster for the **west line** is required to open the road, agreeable to the 1832 award of the Commissioners, April 22.

File 14-27. Accounts.

William Duff Miller: charge for holding an inquest on the body of **John Williams**, (man of colour) on January 17, 1833; charge for holding an inquest on the body of **William Gore**, June 18, 1833. Total £5.6.0.

Samuel Heron: charge for printing District School notices, £1.4.9. July 1, 1833.

File 14-28. Calendar of Prisoners.

Calendar of Criminal Prisoners Confined in Niagara Gaol (Peter Wheeler) July 9, 1833.

Patrick Donley, September 20, 1832. Assizes. Murder.

Sigh Green, November 29. Orders of **Thomas Merritt**. Stealing two bay horses (£30) of **Lyman H. Spawling**.

John Fitzgerald, December 4. Orders of **Daniel McDougall**. Murder.

John Montgomery, December 12. Orders of Daniel McDougall. Stealing the net of **John Kidd**.

Benjamin Anderson, March 5, 1833. Orders of Daniel McDougall. Effect the escape of Fitzgerald.

George Martin.

John Fry, April 12. Orders of Daniel McDougall. Want of bail. Discharged July 10.

Thomas Foot, May 4. Orders of **James Cummings**. Stealing the pocketbook and notes of **Elisha Misener**.

Thompson Brown, May 1. Orders of **Warner Nelles**. Murder.

Caleb Smith, May 27. Orders of Daniel McDougall. Inticing a soldier to desert.

Joseph Morsey, June 28. Orders of Daniel McDougall. Stealing a boat (15/-) the property of **John Talbot**. Punished and discharged July 10.

George Barker, June 22. Orders of **James Muirhead**. Intice soldiers to desert.
Robert Cole. Orders of Daniel McDougall. Vagrant and vagabond.
Rufus Westover, July 3. Orders of **Alexander Hamilton**. Larceny, stealing the syth of **Richard Clement**. Not guilty and discharged July 10.

File 14-29. Filings.

James Robinson, Stamford, entered the gaol and assaulted **Joseph Scobell**, a prisoner, July 10. Witnesses: Joseph Scobell, **David Thompson**. Presentment signed July 11: **James Durham**, **Robert Kay**, **Switten Gibbs**, **Daniel [Fich?]**, **James Cooper**, **John Middaugh**, **James Harvey**, **Richard Hiscott**, **Joseph Wynn**, **William Casselman**, **Peter Lampman**, **Frederick A. Goring**, **Joseph Hains**, **John Whitmore**, **George B. Lawrence**, **Walter Biggar**.

Niagara, July 14, 1833. Evidence taken before **Daniel McDougall**: **Bernard Roddy**, Niagara, unjustly oppressed and ill-used two travellers, his guests. Request that his recognizance as innkeeper be estreated.

Presentment, July 13, 1833: **Francis Proctor** keeps a riotous, disorderly and profane house, a public nuisance. Pray to have his licence revoked and deprived of his office as constable. Witnesses: **Jared Stocking**, **James A. Clement**, **Benjamin Harrington**, **John Alston**, **Henry [Millen?]**, **Ann Richardson**. Signed **James Durham**, **Walter Biggar**, **Richard Hiscott**, **Switten Gibbs**, **Gilbert Anderson**, **Daniel Secord**, **Peter Lampman**, **William Casselman**, **James Harvey**, **John Whitmore**, **George B. Lawrence**, **Joseph Haines**, **Abraham Markle**, **Robert Kay**, **John Middaugh**.

Matthew Dobie and **Robert Kay**. Complaint of assault and battery by **John Cornell** and **Joseph Wynn**. Recognizance taken before **Alexander Hamilton**, Queenston, May 9, 1833, £10.

Bernard A.B. Clench, Niagara. Charge of assault and battery against **James A. Clement**, Niagara, on June 24, 1833. Recognizance taken before **Daniel McDougall**, June 27: Bernard A.B. Clench £10, sureties **Francis Baby**, Niagara, shopkeeper and **John Grier**, Niagara, shopkeeper, £5 each.

Thomas Sewell and **David Thompson**, charged with committing willful and corrupt perjury, July 13: An agreement was lodged between them with **Edward Clark Campbell** to evade justice. Campbell (the attorney of Sewell) refused to produce the agreement. Before the **Court of King's Bench** at York: matter investigated by the **Law Society of Upper Canada**. Campbell left town and hasn't returned after promising to produce the agreement. Signed **James Durham**, **Robert Kay**, **Switten Gibbs**, **Joseph Wynn**, **Abraham Markle**, **William Casselman**, **Gilbert Anderson**, **George B. Lawrence**, **John Middaugh**, **John Whitmore**, **James Harvey**, **Daniel Secord**, **Richard Hiscott**, **Joseph Haines**, **Peter Lampman**.

Peter Burgar, Crowland, yeoman. Charged with wickedly and maliciously aggrieving **John Kalar**, at great expense, July 11, 1833. Witnesses: John and **Elizabeth "Keeler"**. Affidavit of Peter Burgar taken before **William Bowers Winterbottom**, commissioner for oaths in King's Bench, March 12: Burgar swore he served a writ on Kalar in a suit at York between Kalar and **William Ketchum** on February 16, 1833, but it was served on February 18 after the expiry day of return for the writ. Burgar was "not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil." Signed **James Durham**, **Peter Lampman**, **Gilbert Anderson**, **Joseph Wynn**, **Richard Hiscott**, **James Harvey**, **John Middaugh**, **James Cooper**, **Daniel Fitch**, **Switten Gibbs**, **Robert Kay**, **William Casselman**, **Walter Biggar**, **Daniel Secord**, **Joseph Haines**.

File 14-30. Presentments.

Jurors visited the gaol. No complaints from the prisoners, in good order. Approve of the improvements lately made. Recommend a *pump* to be installed in the gaol so prisoners may draw water at their pleasure and add to their comfort. Could be erected at small expense, now supplied with water from well in the yard, July 13, 1833. Signed *James Durham, Walter Biggar, Robert Kay, Switten Gibbs, Joseph Haines, George B. Lawrence, John Whitmore, James Harvey, Daniel Secord, William Casselman, Richard Hiscott, Gilbert Anderson, Peter Lampman, Abraham Markle.*

Phebe Goodle, St. Catharines, widow. Keeps an orphan, *Harriet Hague*, 23 years old, blind, deaf and insane from youth. Goodle lost her husband, has a large family. Depends upon labour to support them, and has had the orphan since April 1831. Allowed £15, prays for 5/- weekly hereafter, July 13, 1833. Signed *James Durham, Walter Biggar, Robert Kay, Switten D. Gibbs, Joseph Haines, George B. Lawrence, John Whitmore, James Harvey, Daniel Secord, William Casselman, Richard Hiscott, Gilbert Anderson, Peter Lampman, Abraham Markle.* [Allowed 5/- weekly.]

File 14-31. Jail Records-Committee Report.

Debtors and criminal rooms are in good order. Bedsteads of cheap construction and water closet procured, access by prisoners to privy and debtors to the water closet. Signed *James Kerby, John Clark* and *William Hamilton Merritt*, July 13, 1833.

File 14-32.

John Meneilley served as *Market Clerk* for many years, salary £25. Payment scarcely an advantage since he was paid 1/3- and 2/6- *per diem*. Another more lucrative situation and less laborious presented itself, hence his resignation, July 12, 1833.

File 14-33. Orders.

Present gaol limits altered. *Thomas Whitten, Daniel Botsford, Colonel Evans*, put on for *John Mozier* and *James Crooks*. *D. Whitelaw* taken off. Leaves a sufficiency of ground to make a road on the beach, a continuation from *James Crooks'* store to *King's Wharf*, 15 feet from the water's edge, July 9, 1833.

£25 paid to *Thomas Butler* to erect a bridge in the vicinity of *widow Clench's*, July 9, 1833.

Ordered to open the road from the townline between Walpole and Rainham through the Indian land until it intersects the *Grand River* at *Nelles' Settlement*, at the expense of the individuals praying for the same, July 11, 1833.

Ordered that the Clerk of the Peace transmit to the Lieutenant Governor the information of *John Davis*. *Peter Burgar* and *David Thompson* to request instructions regarding the same, July 13, 1833.

Alexander McKie ordered to be appointed *Market Clerk* in the place of *John Meneilly*, July 15, 1833.

Dr. Muirhead's allowance at the gaol ordered to be £30 per annum, paid quarterly, provided he attend all the destitute sick.

File 14-34. Petitions.

George Martin. Has been confined in gaol for 8 months convicted of larceny. Has not left his country as ordered. Couldn't persuade himself to leave the country, an allegiance to which he has ever held since he knew what allegiance was, nor ever knew the shadow of a desire to know any other. He humbly bows to the course which the law took, and the sentence you awarded; the long confinement he suffered will be a sufficient lesson to direct his future conduct in the path of rectitude. Prays that his case be taken into consideration and he be set at liberty. Recommend the case to the levity of the court, July 9, 1833. Signed: *R. Dickson, W. Claus, C.A. Foster, Charles Richardson, R.C. Burns, Alexander Stewart, Johnson Clench, E.C. Campbell, Rolland MacDonald, John Miller, Judge Clement, John Kidd, G. Ridout.*

James Secord, Sr., Queenston. Appointed the *Registrar of the Surrogate Court* in 1828. Took possession of public papers and was surprised to find "not the least vestage of a record." Wills and other papers are accumulating which ought to be recorded in case the originals are destroyed by accident. Prays for money to purchase books and stationery, plus labour to arrange and copy the papers. June 8, 1833. "Recommended that James Secord send a report of the situation he found the records in previous to his appointment to that office."

Benjamin Anderson, Niagara gaol, prisoner. Has been confined since March last, for aiding in the escape of *John Fitzgerald.* Anderson is totally illiterate, not aware of the tenor of letters he had in his charge from Fitzgerald. He was actuated by an impulse of humanity to the prisoner in carrying letters to his friends, believes they contained only statements about his mind and health and situation. Anderson is son of an UE Loyalist and served His Majesty in the late war, was wounded at *Lundy's Lane.* His family depends upon the deponent. Prays for the mercy of your worships, to take his case into consideration, July 10, 1833. [Recommend consideration of his case, signed *James Durham,* foreman.]

In consequence of the extreme heat since yesterday, and the closeness of the rooms where the debtors are confined and "a vessel in which the demands of nature are answered" remains in the said rooms. Inconvenience if not sickness will be the result if relief is not administered. They may not be considered as complaining; have anxiety for their welfare; assiduous attention paid by the Deputy sheriff and *Mr. Kidd.* The English language fails to express our gratitude. Pray to have the doors opened earlier, 5 am to sunset, would add to the security of the health of debtors and their comfort, July 13, 1833. Signed *Patrick Murray, David Thompson, Joseph Scobell, Chapman, Ransom Vantuzel, Moffatt.*

File 14-35. Road and Bridge Petitions.

To *Charles K. Fell,* the petition of the inhabitants of Bertie and Willoughby, April 22, 1833. Pray for a road through the land of *John Beam* of Willoughby near Black Creek. Signed: *Heinrich [Zavitz?], Abraham Flag, Peter Winger, [-----], Henry Climinhagen, John Troup, William Buck, John Beam, Abraham Gable, Michael Baker, Samuel Wait, Matthias Haun, John Barnhard, Jacob Barnhard, Martain Beam, Wilson Haun, Nelson Haun, Benjamin Beam, Christian Winger, [-----], [-----], Abraham Glimanhagan, GeorgeHouse, Abraham Beam, John Baker, Joseph Morningstar, John Howse, [-----] Morganstern.*²⁸

²⁸Many of the names, several of them in old German script, are very difficult to decipher in this petition.

£25 is required for a bridge over the road near *Mrs. Clench* on *Butler's Street* to continue the road to *Queen Street*, July 9, 1833. Signed *Thomas Butler* (Surveyor of Streets,) *Alexander Stewart* and *C.A. Foster*. [Granted.]

A road is required from the line between Walpole and Rainham through through Indian Land to the *Grand River* near the *Nelles' Settlement*. It will save 25 miles in travel to the Hamilton Market and the seat of Government, March 15, 1833. Signed: *Henry Hoover, Adam Harder, Hiram Vinica, Dennis Row, James Gillmore, Henry Miller, Jacob Hoover, Joseph Hoover, Jacob Wolfe, James Alward, Consider Shaw, Horatio [Grece?], Joseph Matlock, Joseph Gee, Edward Grece, Joseph Shaw, William Rogers, Samuel [Belles?], [Dorman?] Cooper, [Stamen?] Shaw*. [Road ordered opened at the expense of the petitioners.]

A bridge across the *Black Creek* in Willoughby on the road from *Jacob Morningstar's* to *Adam Beam's* is decayed, alias the "*Hickory Bridge*." Inhabitants must travel two miles more to arrive at the same point. The road is long used and is in good repair, July 1, 1833. Signed: *Joseph Morningstar, Lewis House, James Barnum, John Howse, John L. Palmer, David Price, Mary Palmer, Isaac Ensign, Joseph House, John Reed, Judah Lundy, Lewis Palmer, Edward [Kane?], Andrew Miller, John Miller, Jacob Miller, Benjamin Miller, Samuel Riselay, Martin Everitt*.

Much Statute Labour has been expended on the road from Concessions 10-11 to the *Garrison line* at *Fort Erie* in Bertie. It crosses several creeks requiring bridges 200-300 feet long. Petitioner's means are inadequate, pray for aid, March 16, 1833. Signed *James Kerby, James Cummings, Michael Hoffman* (pathmaster), *Robert Stevenson, William McMurry, Alexander Smith, James Adair, John House, John Carver, Peter Barnhart*. [Ordered £15 paid to Major Kerby to assist with road work.]

File 14-36.

To *Charles Fell*, Niagara, July 11, 1833. Ground has been used as a new road in Willoughby and Bertie but never officially sanctioned, running through the land of *John Beam* of Willoughby near *Black Creek*. Part is very bad due to flatness and needs much work, labour and expense. The land was only given by Beam in hopes that he might gain the old road allowance passing between his land and the adjacent lots. The old road was established more than 25 years ago and traveled until two years ago at *Hickory Bridge*. The old road was on good ground, better than the new road. Subscription list taken up for bridge over the creek at the old road. Subscribers regarding John Beam's petition for a road from the Niagara River to Black Creek. Said it was for the purpose to get pay for land used as a public highway, but they now understand it was to get the surveyor to alter the road. Subscribers were deceived by Beam, the road cannot be altered. [Petition contains a coloured sketch map showing Beam's land, the old and new roads, Hickory Bridge, Black Creek &c.] June 1, 1833. Signed: *Michael Baker, Chris. Wingart, Heinderick Lymburner, Putner [-----] Henry Glimanhagan, Joshua [-----], John Troup, John Beam, Wilson Haun, Nelson Haun, [-----] Morgenstern, Abraham Glimenhagan, [-----], Abraham Gable*.

John Beam petitioned the surveyor to alter the road, which was only laid out in 1827-28. A considerable labour has been spent on it and it is tolerably passable. Great expense will be needed to build a bridge, £100, if Beam succeeds. No bridge is required on the present road. June 1, 1833. Signed: *Adam Beam, Peter Shisler, Martin Glimanhagan, Luke Lee, Jacob [-----], Jacob [-----], John Sider, Christian Stoup, Joseph Sherk, Johannes [-----], Eli Damer*,

Christian Hershey, Henry Miller, Jacob Gonder, Benjamin Colerick, Peter Colerick, Jacob Miller, John Byer, J[-----], David Waggoner, Martin Sider, William Bowen, David D. Campbell, A.F. Meyer, Jacob Johnson, Amasa Mather, Christian B. Hershey, Jacob Fretz, Peter Fretz, Michael D. Gonder, Johannes [-----], Peter Barnart, Jo[-----], Peter Sherk, Henry Long, Jacob [-----], Moses Byers, Henry McNear, Michael Sherk, Jacob Foorman, Charles Hibbard, William Buck, Samuel Sherk, Robert Alexander, Joseph Cutter, Wilson Buck, Baldwin Nevill, John R. Merrill, Harvey Keder, Jacob Fullmer, Isaac Hawn, John Hardison, Henry Bowen, Jacob Troup, Jacob Denckler, William Scarlett, John Creger, John Scarlett, Zechariah Teal Sr, Zachariah Teal Jr, David Mills, Jacob Jansen, William Bowen, Christian Zavitz, Thomas Spredding, Jacob Beamer, Reuben Anger, Philip Nigh, Conrad Jansen, Stephen Scarlet, A.B. Ward, Samuel Scarlett, [-----], John Jansen, Henry Benner, Daniel Paulus, Peter Jansen, John Spredding, Henry Teal, William Creger, Jacob Danner, James Benner, Jacob Benner.

File 14-37. Tavern and Shop Licences.

Henry Sloan, Crowland. Has taken expense to erect and fit up a building to keep a public house at the junction of the *Welland Canal*, May 7, 1833. Sloan is a fit person to keep a public house, signed: *John Batty, David Finlay, William Boyles, James Robinson, Nobel Keith, Thomas Carson, William McCaul, George Jordan, William McMurray, William McEnid.*

Thaddeus Smith, Humberstone. Keeps a house at *Gravelly Bay* on the entrance to the *Welland Canal* at Lake Erie, called *Port Colborne*, where one is much wanted, July 8, 1833. He is a sober, steady, and honest young man. Signed *William Hepburne, R.H. Lee, W.S. Rice, Robert Kirkpatrick, Joseph Moore, Alexander H. Emmons, John Y. Nelles, Henry Bone [Bond?]* Paid £3.10.0. for licence.

Henry Rodgers, Niagara. Has a large suitable house, with beds, stables and sheds. He is a British subject. Is able to gain a living for a large family by hard work &c. Signed *Walter Williams, Jared Stocking, John Clement, John Barker, David Smith, Otis N. Bliss, John Russell, Robert Miller, R. [Stevenson?], C. [-----], James Rogers, John Kay, Matthew Dobie, Adam Hawley, Simon Kemp, Edward McBride.* [Rejected.]

File 14-38.

John Brooks, Niagara, labourer. Charged with larceny, the theft of one hen (value 1/-) the property of *Robert Miller*, Niagara, cooper, on June 14, 1833. True bill: *James Durham*. Witnesses: *John Hogg*, Niagara, cooper and Robert Miller. Evidence of John Hogg, July 9: hen was stolen from the hen house at daybreak. Recognizance taken before *Daniel McDougall*: John Brooks £10, sureties *Peter Cain* and *John Shriver* £5 each. Verdict: guilty, not to the value of 12d. Sentenced to gaol 24 hours and then to be discharged.

File 14-39.

William Cassady, Niagara, butcher. Charged with assault and battery against *William Reed* (alias *Reid*) on May 22, 1833. True bill: *James Durham*. Witnesses: William Reed, *William Harris, Frederick Wilson, John Milton, Robert Miller, James Eaglesum*. Recognizance taken before *Daniel McDougall*, May 22: William Reed £10; recognizance taken May 28: William Cassady £10, sureties *John Campbell* and *John McBride* £5 each. Plea "not guilty" changed to "guilty." Fined 1/- plus costs.

File 14-40.

William Cassady, Niagara, butcher. Charged with assault and battery against **William Reed** (alias **Reid**) on May 22, 1833. True bill: **James Durham**. Witnesses: William Reed, **William Harris**, **Frederick Wilson**, **John Milton**, **Robert Miller**, **James Eaglesum**. Recognizance taken before **Daniel McDougall**, June 5: William Reed £10; recognizance taken June 7: William Cassady £10, sureties **John Campbell** and **John McBride** £5 each. Plea "not guilty" changed to "guilty." Fined 1/- plus costs.

File 14-41.

Benjamin Colenick, Willoughby, yeoman. Charged with assault and battery against **Amelia Tremble**, Tonawanta village, widow, on June 3, 1833. True bill: **James Durham**. Witnesses: Amelia Tremble. Letter from **Samuel Street** to **Charles Richardson**, **Falls Mills**, July 2: witnesses are **Malinda Cox**, **James Russell**, **Anna Colenick**. Has enclosed the information of Amelia Tremble against Benjamin Colenick plus recognizance. Evidence of Amelia Tremble, June 21: Prisoner assaulted me at my father's house in Willoughby, dragged me out of doors. Knocked deponent down three times with his fist and offered other abuses. Recognizance: Amelia Tremble £10, surety **Samuel Hicks**, Chippawa, butcher £5. Fined 1/- plus costs.

File 14-42.

Joshua Cudney, Niagara, yeoman. Charged with assault and battery against **George Cooke**, Niagara, on January 19, 1833. True bill: **Henry Smith**. Witnesses: George Cooke. Recognizance taken before **Daniel McDougall** January 21: George Cooke £10. Plea of "not guilty" changed to "guilty." Fine 1/- plus costs 17/8-.

File 14-43.

William Dennis, Niagara, labourer. Charged with larceny, stealing one piece of cloth (value 10/-) the property of **James Maddison Dike**, Niagara, saddler, on April 12, 1833. True bill: **James Durham**. Witnesses: James Maddison Dike, **Timothy Cook**. Evidence taken before **Daniel McDougall**: Cloth worth £1.5.0. was found upon search. **Nelson Devereaux**, barkeeper at the inn of **Peter Cain**, bought the cloth from Dennis, paid 10/-. Dennis worked for Dike, said Dike gave him the cloth in lieu of his wages. Wouldn't pay **Christopher Heron** \$3.00, and Dike wouldn't give him the cloth. Found a shirt, went in at the window and took the cloth. **Timothy Cook**: was at the shop of Dike between 11 and 12 o'clock, Dennis was paid the \$3 due to him and Dike let him have the cloth. Went to Heron's and then returned, said Heron was not at home. Verdict: not guilty. Recognizance: William Dennis £10.

File 14-44.

William Duff, Stamford, merchant. Charged with assault and battery against **Thomas Quin**, Chippawa, labourer, on April 2, 1833. Witnesses: Thomas Quin. Recognizance taken before **James Cummings**, April 2: Thomas Quin £20, William Duff £20. *Nolle prosequi*.

File 14-45.

Thomas Gilleland, Grantham, yeoman, **William Henry Sanderson**, Grantham, blacksmith, **Jacob Hainer**, Grantham, yeoman. Charged with riot and assault, against **Gilbert Belnap**, on July 4, 1833. No bill: **James Durham**. Witnesses: Gilbert Belnap, **Luther Dyer**, **James Culbertson**.

Recognizance taken before *William Hamilton Merritt*, July 6: Thomas Gilleland £100, sureties *Walter Dittrick* and *John Clendennan* £50 each; *Mrs. Fanny Haywood*, *Mrs. Aurora Dyer*, *E.W. Stephenson*, *James Little* and *James Culbertson*, £50 each. Recognizance taken before *John Clark* and William Hamilton Merritt, July 6: Gilbert Belnap £20, sureties *Samuel Kerr* and *Orin Phelps* £10 each; recognizance taken before *George Adams* July 8: William H. Sanderson and Jacob Hainer £50 each, sureties Walter Dittrick and *Cyrus Smith* £25 each. Evidence of Eleazer W. Stephenson, stage proprietor, taken before George Adams, *Thomas Merritt* and *John Clark*. On July 4 at 2 or 3 pm was with Sanderson in the barroom at *Luther Dyer's*. Had a glass of punch. Observed to *Mr. McCarty* it was usual in the United States to have punch on the 4th. Sanderson refused, said he would have no Yankee Independence and swore he'd whip any person who would. *Charles K. Clark* replied he would, and there was an altercation between them. Jacob Hainer was in the barroom with Clark, there was a noise- Sanderson trying to get in the door. Smith pulled Sanderson back to prevent fighting. George Adams came in and commanded the peace and the parties left. The house was quiet until 10 pm. Deponent was in the street and saw a blaze of light near the home of *James Carr*, saddler, adjoining Dyer's. Two or three balls of fire of combustible matter were thrown over Carr's shop. Thomas Gilleland, constable, threw a ball on the gallery of the house of Luther Dyer, and Sanderson another, from the rear of Carr's and ascended a ladder to do the same. There was a rush of people out of the house of Walter Dittrick, they kept throwing balls into the house on the piaster or gallery. They threatened to burn the house and kill the people, assailing the house with stones. They broke a number of windows and attempted the door which was bolted. Gilleland and Sanderson tried the door. Gilleland broke a window by the side of the door. He left and went to the barroom door. Jacob Hainer said he'd kill any man who attempted to put the fire out, that they'd come to burn the house. The deponent rented the house to Dyer. Different depredations of a similar nature were committed but not so violent, this was the most violent riot that has taken place. Felt life was in danger. Evidence of Gilbert Belnap: was at Dyer's on the 4th at 10 pm. Just at the time he went in, Dyer closed and bolted the door to keep out the people rushing up. He heard a woman say the house was afire, and went upstairs to put it out. Sanderson seized him by the collar and Gilleland threatened to throw him over the gallery into the street. Sanderson objected, said to throw him downstairs. He drew deponent to the top of the stairs and pushed. If not caught by the collar he would've fallen head first. He caught the bannisters and fell on his hip and back. Tried to reason but they would not hear him. Evidence of *Christian Horton*: heard a noise on the 4th. Was told they were throwing fire bales into the house. Went upstairs and saw Mr. Little try to put out a fire bale on the gallery. Saw Belnap try to put out a fire bale in the house. Gilleland and Sanderson prevented him, saying they'd burn the house up. A scuffle. Deponent got the bale and handed it to *Richard Emley[?]*, a man of colour, who took it and put it into a [--illegible--] Belnap was struck by both Gilleland and Sanderson. Was pushed down the stairs. Deponent caught him by the collar and prevented him from falling on his face. Evidence of Mrs. A. Dyer, mistress of the house, keeps a public inn. Was present on that night in the parlour between 9 and 10 pm. A ball of fire (made of cotton?) was thrown into the road but doesn't know from where. It was taken up by Gilleland and thrown upon the gallery. She went to bolt the door and people tried to force it. She ran through the barroom and dining room and begged Sanderson to put a stop to it, and prevent people from throwing fire. She caught him by the arm, he pulled away and went upstairs. Deponent stopped at the bottom of the stairs, saw Gilleland and Sanderson try to pull Belnap downstairs. She went upstairs and saw Mr. Little throw the balls back, heard someone say "kick them back and burn it." Stones were thrown at the house. Sent the women back in fear the house be burned and in fear of her life. Mrs. Hayward and deponent went upstairs in the back room, only *Mr. Man* and Mr. Little were in the house besides the waiters in the back of the house. Deponent sent *Michael*, a man of colour, to shut the dining room door. Was struck by someone in passing the door. Evidence of Fanny Heward: rooms and boards on the 2nd story at Dyer's. Had retired to bed on the 4th, heard a noise, shouting, saw lights. Jumped up, pulled the curtain aside and saw a ball of fire under the

window on the gallery. Took a pitcher and tried to put it out fearing it would burn the house. Was frightened and dressed. Mr. Little tried to put out the fire. Went to her room to look out, and a stone as large as an orange came against the window and broke the sash. Also a ball of fire struck against the window. The stone was brought down and kept. Deponent was afraid to pass the windows since they were throwing stones. A ball of fire was kicked into deponent's room, but she put it out. Believes that if not for Mr. Little, the house would have been burned. Saw the men tussling, didn't know their names.

File 14-46.

Joshua Green, Niagara, labourer. Charged with larceny, the theft of two fowls (value 2/-) the property of **Benjamin Lawrence**, Niagara, yeoman, on March 31, 1833. True bill: **James Durham**. Witnesses: Benjamin Lawrence, **Gilbert Anderson**, **George P. Kinsley**. Evidence taken before **Daniel McDougall** March 31: fowls carried off by **Peter** [-----] of Niagara, labourer. Prays for a search warrant. George P. Kinsley: searched the house of Peter [-----] and found the fowls. Joshua Green is a lodger there. Recognizance: Peter and **Charlotte** [-----] £10, sureties **Ralfe Clench** and **Samuel Heron** £10 each; Benjamin Lawrence and Joshua Green £10, surety **James Butler** £10. Verdict: guilty. Sentenced to stand in the pillory 1 hour and then be discharged, July 12, 1833.

File 14-47.

George Kitson, Stamford, labourer. Charged with assault and battery against **Margaret Anderson**, Stamford, widow, on May 29, 1833. Witnesses: Margaret Anderson. Letter from **Samuel Street** to **Charles Richardson, Falls Mills**, July 9: is not able to attend sessions, sends information and recognizance of **George Crispin** against **Barnabas Johnston**, and Margaret Anderson against George Kitson. The first parties will appear, I think it doubtful whether you will see any of the latter. Evidence of Margaret Anderson before Samuel Street, May 30: Was assaulted and beaten about the face, the mark of his blow was on deponent's cheek. Recognizance: Margaret Anderson £10, surety **John Knox** £10; George Kitson £10, surety **David Dunton** £10. *Nolle prosequi*, July 13, 1833.

File 14-48.

William Moffatt, Niagara, innkeeper. Charged with assault and battery against **William Hepburne**, Niagara, innkeeper, on January 7, 1833. True bill: **James Durham**. Witnesses: William and **Margaret Hepburne**. Bench warrant (misdemeanor) issued by **James Muirhead** July 12, 1833. Evidence of William Hepburne taken before James Muirhead January 14: Several persons were in the house, **Alexander Campbell**, William Moffatt and others. Had a conversation with Campbell about some papers. Was assaulted by William Moffatt, thrown to the floor. Was greatly abused to the danger of his life. Recognizance: William Hepburne £10; William Moffatt £10, sureties **William Cassaday** and **Thomas Whitten** £5 each. Verdict: guilty. Fined £25, and confined 1 month in jail or "until the fine is paid." July 11, 1833.

File 14-49.

Joseph Mossay, Niagara, joiner. Charged with larceny, the theft of one blue frock coat (value 10/-) and yellow common vest (5/-) the property of **John Talbot**, Niagara, innkeeper, on June 27, 1833. True bill: **James Durham**. Witnesses: John Talbot, **Mary Macan**, **Helen Fitzgerald**. Evidence taken before **Daniel McDougall** June 28: coat and vest were stolen yesterday afternoon. Evidence of Mary McCann, Niagara, *femme covert*: saw prisoner come out of the house of John

Talbot with a bundle, a piece of blue cloth was hanging from it. She told Talbot what she saw and he went in pursuit. Evidence of **Martin Monaghan**: is a barkeeper at **Fitzgerald's** in Niagara. Prisoner came in yesterday and called for dinner. Had a bundle wrapped in an old snuff coloured cloth coat, the same now produced. Evidence of Nelly Fitzgerald: Prisoner came in with a bundle in a snuff coloured coat. Talbot came in and asked for the drunken man with a bundle. Deponent told him he was at the bar. The bundle was opened, and he took out the blue cloth coat and yellow vest. Evidence of Joseph Mossay: came to Niagara and got drunk. Met a man in the street who said he came from Fort Erie, looking for work. He had the blue coat and yellow vest and sold it to me for a half dollar to buy bread. Deponent wrapped them up in an old snuff coloured coat when he bought them. Recognizance taken before **Daniel McDougall**: John Talbot £10, surety **Joseph Martin Monaghan** £10; Nelly Fitzgerald £10; William McCann (for his wife) not bound. Verdict: guilty. Sentenced to stand in the pillory 1 hour and then be discharged.

File 14-50.

Isaac Overholt, Thorold, yeoman. Charged with assault and battery against **Blatchley Robins**, Thorold, yeoman, on May 27, 1833. Evidence taken before **James Black** May 31: Overholt pulled down and removed deponents fences contrary to 7 and 8 Geo. IV. Recognizance: Blatchley Robins and surety **Thomas Clark** £20 each; Isaac Overholt and surety **William Overholt** £20 each, June 7 (or 17) 1833. Discharged from recognizance.

File 14-51.

William Scott, Niagara, labourer. Charged with assault and battery against **Andrew Anderson** of Niagara on April 24, 1833. Recognizance taken before **Daniel McDougall** April 24: Andrew Anderson £10; William Scott £10, surety **Christopher Heron** £10. Defendant discharged from recognizance, no prosecutor appearing.

File 14-52.

Rufus Westover, Niagara, labourer. Charged with larceny, stealing 1 "sithe" handle (value 2/-) the property of **Richard Clement**, St. Davids, yeoman, on July 3, 1833. True bill: **James Durham** (foreman.) Witnesses: Richard Clement. Evidence taken before **Alexander Hamilton**: Clement found the scythe in possession of **Andrew Ostrander** near **St. Davids**. He said he got it from Rufus Westover of Grantham. When questioned, Westover acknowledged he had exchanged them (the scythe) with Ostrander. The scythe was not his property but that of a person in his employ, but the sheath is his, value 2/6-. Westover does not deny the charge. Committed same date. Verdict: "not guilty."

14-53. Accounts (July, adjourned.)²⁹

George P. Kingsley, constable account, £2.1.8.

Jacob Dockstader, constable account, £9.5.10.

Francis Proctor, constable account, £6.0.8.

Joseph Martin, constable account, 8/6-

²⁹This file was erroneously numbered 14-52 in the Archival storage box.

Alexander McKie, charge for services as crier £2.10.0.

John Y. Crooks, charge for oil, cask and “hawling” £3.12.6.

Samuel Heron, charge for printing bill regarding swine running at large, town meeting, innkeepers petitions, town clerk blanks and certificates, District Accounts, advertisements for the *Board of Health*, notice that dogs are to be tied up, £31.14.3.

Niagara District Quarter Sessions, October 1833.

File 15-1. Accounts (1-29.)

Thomas Butler, pathmaster, bridge on the *Swamp Road* £45.10.0.

Alexander Wintermute, constable account, £5.19.6½

John Hawn, digging a grave and interment of **John Tang** (coloured man) on September 16, 1833, 7/6-

David Clow, constable account 7/4-

Samuel Hicks, constable account £2.9.0.

Alexander McKie, charge for services as crier, £5.5.0.

Charles Field, charge for 12 Windsor chairs £3 (signed by **J. Kidd**.)

William Duff Miller, charge for holding a coroner's inquest on the body of **Catharine Hughes**, August 20, 1833 and on the body of **John Tang**, September 16, 1833, £5.2.0.

Thomas York, charge for digging a hole for the gaol privy, £2.10.0. (signed **J. Kidd**.)

R & J Crysler, charge for blankets for the gaol £2.

Joseph Martin, constable account, 12/-

John Wagstaff, charge for tin cups, stove pipes and elbows for the gaol, £2.16.10½.

Robert Melville, charge for buckets for the gaol, £1.18.9.

John Gilleland, charge for summoning a jury for a coroner's inquest held on the body of **Michael Jordan**, September 26, 1833 at **Mr. W. Dittrick's**, 10/- (certified by **Samuel Wood**.)

Warrant for arrest issued by **John Clark** to constable **John Gilleland**, September 25, 1833, from the information of **James Dittrick** presented before coroner **Samuel Wood: Michael Jordan** received bodily injuries from **John McGirk** (alias **McGurk**.)

Samuel Wood, coroner. Charge for holding an inquest on the body of **John Jones** (infant) died at **Port Dalhousie** August 26, 1832, accidentally drowned when he fell from the **Hospital Door** into the water between the pier; an unknown man, drowned in a frog pond at Thorold near **Keefer's Mills**, June 14, 1833; **John Drummond**, Grantham, drowned while bathing in the **Welland Canal** July 12, 1833; **Caroline Brown**, Port Dalhousie, drowned while in a state of intoxication July 13, 1833; **David Antrim** (a black boy), St. Catharines, drowned while bathing in the Welland Canal July 29, 1833; **William Sanderson** (child) drowned in the lock by a fall from the gates, August 8, 1833; **Alexander Emmett** (child), fell into a spring and drowned, August 10, 1833; **Michael Jordan**, St. Catharines, died from injuries received in a scuffle with **McGirk**, September 26, 1833. £20.2.8.

John Kidd, charge for digging 132 post holes for the gaol fence, £2.1.3.

Augustus House, constable account £9.6.8.

William Dockstader, constable account £2.13.3.

James Thompson, charge for 14 barrels of lime for the gaol, £2.3.9.

Dr. Thomas Snow, charge for performing a surgical operation on *Catharine Hughes* (infant) August 20, 1833 £1.3.4. (certified by *William Duff Miller*.)

John Kidd, Deputy Sheriff's account, £9.12.3.

Ephraim Wheeler, charge for services as turnkey, £15.7.6.

George Pricket, charge for mason work, £1.11.10½.

John Ryan, charge for mason work, 7/6-

Ephraim Wheeler, charge for stone, lumber, sand, digging 132 post holes for gaol fence, shirts, straw &c £15.3.1½.

Peter Wheeler, charge for washing prisoner's shirts. *Patrick Donley* (17 shirts), *Thompson Brown* (17), *Sigh Green* (13), *Benjamin Anderson* (12), *John Montgomery* (12), *Caleb Smith* (12), *William Everingham* (14), *Thomas Foot* (14), *Rufus Westover* (16), *Neil McLain* (14), *James Ensign* (13), *Horris Hall* (13), *Dennis McLoughlin* (12), *James Little* (2), *David Clancy* (14), plus washing bed ticks, towels, blankets, rugs &c. £4.5.10½.

Account of Rations Due the Gaoler of the Niagara District (Peter Wheeler) July 10-October 24, 1833. £79.13.3. [cost includes salary as gaoler, candles for gaol and assizes and brooms.] Names of prisoners and dates of commitment:

Patrick Donely, July 10-October 24.

John Fitzgerald, July 10-October 24.

Sigh Green, July 10-October 6.

Thompson Brown, July 10-October 24.

Benjamin Anderson, July 10-August 27.

John Montgomery, July 10-August 27.

Caleb Smith, July 10-August 27.

William Everingham, July 10-September 7.

Thomas Foot, July 10-September 7.

George Barker, July 10-September 7.

Rufus Westover, July 10-October 19.

Neil McLain, August 8-October 6.

James Ensign, August 15-October 24.

Horris Hall, September 25-October 12.

Dennis McLoughlin, September 30-October 24.

James Little, October 13-October 24.

Robert Nelles, August 17-August 19.

Patrick McKoy, July 10-September 7.

David Clancy, July 10-September 7.

Leonard Hix, August 3-August 7.

Charles McLain, October 2-October 24.

Sigh Green, October 22-October 24.

Joshua Green, October 22-October 23.

Leonard Hix, October 22-October 24.

Debtors:

Lewis Bapt, July 10-October 24.

John Ferris, September 18-October 13.

Lewis Odell, August 24-October 24.

George Westley, October 2-October 24.

[-----] *Bradt*,³⁰ October 3-October 24.

William Nicholds, September 27-October 15.

William Harper, September 12-October 10.

James Watson, mason, £2.12.6.

File 15-2. Accounts (30-57.)

Assize constables: *J. Dockstader*, *Alex Wintermute*, *William Dockstader*, *Francis Proctor*, *Robert Hull*, *Thomas Dority*, *Joseph Martin*, *George C. Kingsley*, *Lewis Donolly*, *Daniel Clough*, *John Gilleland*, *David Dunston*, £16.15.0.

John Talbot, charge for board and lodging for *Patrick Butler* and his wife, £15.15.0.

Clerk of the Peace Accounts, £10.5.0. (Signed *Charles Richardson*.)

John Barker, charge for gaol repairs, £28.15.11.

Scott Tyre & Co, charge for day book, sheets, blankets &c £21.8.5½.

William Dockstader, constable account (indictment *Thompson Brown*) £6.15.0.

Thomas Dority, constable account £2.4.6.

Lewis Donnelly, constable account £2.17.6.

Francis Proctor, constable account, £3.13.4.

Abbe Mandigo, charge for keeping a lame man (*William Powers*) £3.10.0.

Alexander McKie, charge for services as crier, 5/-

Robert Donald, constable account. To prevent a disturbance in the *black village*, 5/-, August 5, 1833.

Jacob Dockstader, constable account £6.15.9.

James Eaglesum and *William Lowe*, constables to prevent disturbance in the *black village*, 10/-, August 5, 1833.

John Talbot, constable account 6/-; delivery of subpoenas for *Thompson Brown* case, £18.16.9; delivery of subpoenas for *David Thompson*, £10.6.0.

³⁰ The first name was omitted by the gaoler in this return of prisoners.

Charles Fell, survey accounts £15.7.6.

File 15-3. Cheques Issued.

Dr. Muirhead, for medicine and attendance at the gaol, £7.10.0.

Daniel McDougall, charge for trousers and vest for *Anderson*, £2.1.3.

Dr. Raymond, charge for an operation to remove pieces of skull bones and attendance on *Patrick McCanna*, July 27, 1833 £13.10.0.

Warren Claus (defense attorney) in the case of *Dr. Walter Telfer* vs. *Francis D. Nichols*, £3.11.0.

Dr. Telfer and *Dr. Porter*, charge for medicine and attendance upon *Mary Shillins*, *Henry McMullin* and *McQueen* £10.3.0.

Barton Farr, charge £50 for *bridge over Farr's Creek*.

Johnson Clench to the *sheriff*. Levy of £17.10.2. recovered by *Francis D. Nichols* from *Walter Telfer*, June 29, 1833. (attorney *George Ridout*, *Edward Clarke Campbell*- defense attorney.)

File 15-4. Clerk of the Peace Accounts.

Clerk of the Peace Accounts, July 1833 £83.19.10 and October 1833 £56.11.10. Signed *Charles Richardson*.

File 15-5. List of Constables.

Constables at October Sessions: *Thomas Dunton*, *Chester Wadsworth*, *Alexander Wintermute*, *Thomas Dority*, *Lewis Donally*, *William Clough*, *Francis Proctor*, *George P. Kingsley*, £3.7.6.

File 15-6. Accounts Referred.

George P. Kingsley, constable account £2.15.0.

File 15-7.

Dr. Telfer and *Dr. Porter*, attendance on *Tang* £1.3.4. (Certified by *William Duff Miller*) September 16, 1833.

David Clow, charge for arrest of prisoners who broke gaol, September 8, 1833.

File 15-8. Bertie and Humberstone Boundary Records.

Charles Fell ordered to examine the road allowance between Humberstone and Bertie on December 6, 1830. He conferred with *John Warren* and reported on the same.

July 11, 1833: Agreed that the boundary between Humberstone and Bertie be determined by jury in the October sessions. Signed *Peter Fretz*, *James [Renned?]*, *Samuel Clothier* and *Jacob Fretz*.

File 15-9. Criminal Calendar.

Calendar of Criminal Prisoners Niagara Gaol, (Peter Wheeler) October 22, 1833.
Patrick Donley, September 20, 1832. Assizes, murder. Insane and not tried.
John Fitzgerald, December 4, 1832. Orders of *Daniel McDougall*. Murder. Not tried.
James Ensign, August 15, 1833. Under sentence. 3 months.
Thompson Brown, May 1. Under sentence. 6 months.
Charles McLain, October 2. Under sentence. 3 months, £10.
Dennis McLoughlin, September 30. Under sentence. 2 months.
James Little, October 13. Under sentence. 3 months.

File 15-10. Assize Filings.

Presentment. *Hugh McKenna* took 500 weight of hay from *John Young*, Grand River, yeoman, on March 19, 1833. To pervert justice and cause McKenna to escape with impunity on March 20, constables took £2 from McKenna for desisting from further prosecution. (Compounding a felony.) Witnesses: Hugh McKenna, *John Fitz Stewart*. No bill: *Jacob Garner* (foreman.)

Evidence of *Lavina Ferguson*, Crowland, widow, taken before *James Cummings* on October 22, 1833. One *Robert Doan*, Crowland, innkeeper, keeps a tippling house in the neighbourhood where many have families, with gambling and drunkenness (especially on the Sabbath.) Saturday, Sunday and Monday are injurious, especially to the families of married men and mothers of young men who look for support. The complaint is for the good of the neighbourhood, having seen its' evil effects. On October 13 deponent went to search for her brother *John Hardy*. She saw many men intoxicated in the barroom including her brother who couldn't move. This was not the intent of the act for granting licences. Recognizance taken £10. Subpoena issued by Cummings to Robert Doan to appear on October 22. Served by constable *Samuel Glover*.

Warrant for arrest issued by *Daniel McDougall* on July 15, 1833. On the oath of *Francis Proctor*, Niagara: *Bernard Roddy* beat deponent on July 14. Recognizance taken £10.

Warrant for felony, *Erie County*, October 12, 1833. Issued by *S.K. Governor*, JP, to the *constables at Buffalo*. On the complaint of *George C. Hawthorn*, Niagara. His goods (value \$60) were stolen on October 5 by *James Little* from the house of *James Miller*. ie, a watch, vest, hat, shirts and other sundry articles. Evidence taken before *James Muirhead*, October 13, 1833. A trunk belonging to George C. Hawthorn was broke open on the 5th at the house of James Miller, Niagara, innkeeper. A hat, silk vest, shirts, bead chains &c. were stolen by James Little, baker, a boarder in the same house. Evidence of James Little: the complaint is not just.

Letter from *William Thorn, St. Davids*, to *Charles Richardson*, October 15, 1833. I fell in my mill 10 days ago, was much hurt and bruised and narrowly escaped with my life. A violent cough and fever set in, and am confined to bed. I can just walk a little. Prays to be excused from jury duty.

Jacob Garner to *Charles Richardson*, October 25, 1833: subpoenaed *W.D. Miller*, *Henry Chapman*, *Joseph Clement* and *John Oakley*.

James Muirhead, summons delivered to *William Daley*, now in town, in the case of *David Thompson, Esq.*

Bench warrant issued to the sheriff for the arrest of **Thomas Sewell**, charged with perjury, October 26, 1833.

File 15-11. Assize Filings.

John Nelson Swayze, Thorold, innkeeper. Charged with blasphemy. Evidence taken before **George Keefer**, September 19, 1832. Evidence of **Joseph Badgley**, Thorold, cabinet maker: on June 28, 1832 deponent heard Swayze say "God damn God Almighty I am not afraid of his sending the cholera to me, by Jesus Christ I hant" and many other profane utterances. Recognizance taken August 18, 1833: Joseph Badgley £20; recognizance taken October 20, 1832: John N. Swayze £20, sureties **Jacob Shaw** and **James Wylie**, Thorold, yeomen, £10 each.

Evidence of **Mary Hill** taken before **Henry Nelles**, January 19, 1833: **Benjamin Anderson** came to the house on January 18 and broke down the door. He presented a pistol at me which flashed but didn't go off. He asked for his wife, and swore he'd murder her, the deponent and all in the house or anyone who interfered. Deponent fears Anderson, he carries a pistol. Evidence of **Rachel Anderson**, taken January 19: Deponent fears her husband Benjamin on account of his beatings and threats to kill her. Evidence of **Nancy Thompson** taken January 19: Anderson came to the house where she and **Thomas Hill** reside. She was drawing a pail of water when he came up furiously and presented a pistol, said he'd kill someone before he left. Evidence of **David Thompson**: Will be at court and state the case to corroborate testimony if called on. His wife is ill and cannot attend court. Letter from Henry Nelles to **Charles Richardson**, January 21, 1833: Encloses sureties. Anderson is in gaol. The others may not attend, being in very reduced circumstances. They cannot get the means to take them to court and pay expenses when they are gone, and cannot find sureties. Will the court take their cognizances of the crime? How can I make a witness attend at the Sessions or Assizes?

Recognizance taken before **George Adams** and **Thomas Merritt**, November 9, 1832. **Daniel Torbit**, Pelham, labourer, £100. His wife **Mary Torbit** to appear at the Court of **Oyer and Terminer**, accuses **William Disher** of rape.

Recognizance taken before **James Black** and **George Keefer**, October 1833: **Charles W. Holmes** [alias **Hellems**], Crowland, lawyer, £50. Charged with a misdemeanor. Sureties **John Hellems** and **John A. Tidey**, £25 each.

George Sherwood, Clerk of the Assize, to the **Sheriff of the Niagara District**. Warrant for the arrest of **William Holmes**, Grand River, on a charge of misdemeanor. Orders of **Levius Peters Sherwood**, October 10, 1833.

File 15-12. Non-Conformist Records.

Abraham Stoner, is an ordained preacher of the Menonist Church, certified by **Michael Graybiel**, October 23, 1833. (signed **James Muirhead**.)

File 15-13. Petitions.

Dwight Smith, St. Catharines, baker. **Robert Rogers**, of the United States, a total stranger, poor and destitute of clothes, want of work. Came here in late January. His mother is dead, his father alive in **Newport, Kentucky**. He did work but fell sick with small pox. I removed him from the

village and hired two people to take care of him. He died February 1, 1833. I paid for his coffin and digging his grave, £5.12.6. Signed **Robert Bessey, Eliphalet Rea, William C. Chace, E.S. Adams, Henry Mittleberger, James Fitzgerald, Hiram Leavenworth, John Mittleberger, John F. Mittleberger, David Hardie, R.A. Clarke, Gershom Wright, John Gibson, Charles Ward, W.C. Yale, John Stuart.** (Referred.)

David Thompson, Niagara. To avail himself of the benefit of the *gaol limits*, prays that so much of the limits as will suffice for his dwelling house and lot, 51 square perches (or ¼ acre) be withdrawn from **John Young's**, without infringing on the privileges others enjoy. This leaves the street and merchant shops on the limits, sufficient for the petitioner's purposes, July 22, 1833. [Referred to October sessions and then for further consideration.]

File 15-14. Orders.

£25 reward ordered to apprehend the robbers of the store of **Scott Tyre & Co.**

£25 reward ordered to apprehend the robbers of the store of **James Lockhart**, October 21, 1833.

No *surgeons accounts* allowed unless given the authority to attend by two magistrates, October 24, 1833.

Ordered that **Thomas Butler, George Ball, James Kerby, Daniel McDougall** be a Committee for the purchase of ground for a *fireproof dwelling for the Public Records* near Niagara.

Ordered that persons selling *squibs or gun powder crackers* or using them in town be fined between 10/- and £2, October 25, 1833.

John Talbot to be re-instated as constable, October 31, 1833.

Cross off the name **Barkly Miln** and insert that of **Thomas Rymer** as a Molton constable.

Gaol Committee ordered: **Daniel McDougall, Robert Melville, Thomas Butler, George Ball, John Alma.** No repairs to be made without their direction, October 30, 1833.

James Kerby, Daniel McDougall, George Ball and **Thomas Butler** ordered to form a committee authorized to receive estimates for a [fireproof?] building as per plan annexed, October 25, 1833.

File 15-15. Precept.

List of Grand and Petit Jurors, compiled by **Daniel McDougall** and **Ralph M. Crysler** on August 30 for Sessions of October 15, 1833. Letter from **John Mewburn, Darby House**, Stamford, October 24, 1833 to **Charles Richardson**: Excuses jurors Durham and Anderson of Chippawa Creek for their absence. "The former from the indisposition of his child, the latter when his only son died last Tuesday."

Grand Jury: **John Thompson, William Garner, Isaac Howie, ~~Hugh Haggerty~~, Haggai Skinner, Frederick Lampman, James Thompson, Benjamin Thompson, ~~William Thorn~~, Adam Fralick, Jacob Garner, Jacob Seeburn, Peter Hoover, Benjamin Corwine, Philip Garner, ~~John Hawkins~~, Thomas Pew, George Wright, Adam Killman, William Peterson, Richard Howie, David Lynch.**

Petit Jury: *Ogden Miller, William Pew Jr, James Biggar, John Wilson, Thomas Garner, Andrew Ostrander, James Anderson, Isaac Durham, George Rowe, George Smith, Joseph Day, John Bogardis, Reuben Pew, Henry Bond, Jonathan Conklin, Abraham Conklin, John Barker, Robert Stater, George Bender, Bernard Fralick, Peter Slaight, James Hardy, Isaac Chambers, Elijah Johnson, William L. Peterson, John Cooper, William McKenzie, John Crawford, William Biggar, Neart Vanwycke, Walter Sparksman, Ira Cook, Harrison Blackwell, Philip Bender, James Lundy, Daniel Shannon, William Offord, John Thomas, John Mitchell, Joseph Oldfield, John Howie, James Slaight, James McGarvey, John Shannon, John Lenox, Haggai Cook, Cornelius Barns, Joseph Wright.*

File 15-16.

Philip Anger, Bertie. Charged with assault and battery against *Benjamin Chadwick*, on April 6, 1833. No bill: *Jacob Garner* (foreman.) Witnesses: Benjamin Chadwick, *James Kerby, George Hardison, John Douglas*. Bench warrant issued by *James Muirhead*, July 11, 1833. Recognizance taken before *R.M. Crysler*, April 16, 1833: Philip Anger £10, sureties *Cyrenius Hall* and *David Baxter* £5 each.

File 15-17.

Ignace Bernier, Stamford, labourer. Charged with larceny, stealing one silver watch (value 5/-) the property of *Amable Metot*, Niagara Falls, carpenter/joiner, on August 13, 1833. True bill: *Jacob Garner* (foreman.) Witnesses: Amable Metot and *Margaret Metot* his wife. Evidence of *Ann Myers* taken before *James Cummings*, August 19: knows nothing of Aneas Bernier [sic] taking the watch, since she was in the house at the time. Evidence of *John Myers*: confirms the testimony. Evidence of Margaret Metot taken before *Alexander Hamilton* on August 13: In the morning while they were in bed, Bernier, an inmate in the house and an old acquaintance came into their room and took the watch from the bureau at the side of the bed. She got up and went to examine the drawers and missed the watch. There was no one else in the room. Explained in French to Bernier, he declares it untrue. Bernier deposited £15 bail with Alexander Hamilton, August 13. Recognizance taken before *Samuel Street* on August 23: Amable and Margaret Metot, £20. Defendant discharged by proclamation October 26, 1833.

File 15-18.

James Clement, Niagara, gentleman, *John Grier*, Niagara, merchant, *Carleton Leonard*, Niagara, gentleman. Charged with assault and battery and riot against *Eliza Smith* on September 1, 1833. True bill: *Jacob Garner* (foreman.) Witnesses: Eliza Smith, *Jacob Dockstader, Lucy Thompson*.

Evidence taken before James Muirhead and *R.M. Crysler* on September 5: Jacob Dockstader was aroused by persons making noise, throwing stones at the house of Elizabeth Smith. They broke her windows. He heard a person cry "murder." He met John Grier who started running and deponent said "That's a shame John" to which he made no reply. Evidence of Eliza Smith: some people assembled before her house. Clement and Grier rapped at the door and asked that it be opened. They retired from the door. *George Richardson* came up to the gate, made use of indecent language, and retired a short distance away. Leonard came up and said "now you are in our power and you shall not escape till we accomplish our designs." They withdrew for half an hour. Then 8 or 10 men assembled and threw stones. I screamed murder. Jacob Dockstader appeared and the mob dispersed. Recognizance taken before James Muirhead on September 14: Eliza Smith £10; recognizance taken before James Muirhead and R.M. Crysler on September 6: John Grier £10, C. Leonard and James Clement £10, sureties *Jared Stocking* and *John Meneilly*

£10 each. Recognizance taken before James Muirhead on September 14: George Richardson £10, sureties *William Winterbottom* and John Grier £5 each. Verdict: "not guilty," October 24, 1833.

File 15-19.

George Cook, Niagara, carpenter. Charged with assault and battery against *William Parish*, Niagara, butcher, on July 12, 1833. No bill: *Jacob Garner* (foreman.) Witnesses: William Parish. Warrant issued by *James Muirhead* to constable *Thomas Dority* to apprehend George Cook, October 11, 1833. Evidence: Parish was kicked in the groin and his fingers were severely bit. Recognizance taken: George Cook £5, sureties Thomas Dority and *James G. Fletcher* £2.10.0. each.

File 15-20.

George Crispin, Stamford, labourer and *William Waters*, Stamford, labourer. Charged with assault and battery against *Barnabas Johnston*, Stamford, carpenter, *Elizabeth* [-----] and *Phineas Slayter*, on May 13, 1833. True bill: *James Durham* (foreman.) Witnesses: Barnabas Johnston, ~~*Hannah Johnson*~~. Evidence taken before *Robert Henry Dee*, Stamford, on May 13: Johnston was beaten at his home. Recognizance taken before R.H. Dee on May 14: Barnabas Johnston £25; George Crispin and William Waters £10 each, sureties *Joseph Scobell* and *John S. [Settingington?]* £5 each. Verdict: "guilty," fined 1/- plus costs £13.7.8.

File 15-21.

William Duff, Stamford, merchant. Charged with assault and battery against *Joseph Rivet*, Chippawa, on August 13, 1833. True bill: *Jacob Garner* (foreman.) Witnesses: Joseph Rivet, *Samuel Hicks*, *Samuel Cooper*, *Loomis Ingalls*. Subpoenas issued by *Charles Richardson* for Hicks, Ingalls and *Charles Willson* on October 24. Evidence of Joseph Rivet taken before *James Cummings* on August 13: deponent went to the shop of William Duff at Chippawa. He told Duff that *Mrs. Willson*, a widow at *Mrs. Huffs* had been ill and was dead, and that he and Charles Willson were to make a coffin. We solicited charity from Duff, for pieces of board to make the coffin. Duff turned and gave me a violent kick in the side, feels the effect of it very seriously. Warrant issued by James Cummings to constable *Erastus Moses* to apprehend Duff. Recognizance taken August 17: William Duff and Joseph Rivet £5, surety *John Y. Nelles* £2. Notation: Mrs. Willson died the evening before, August 12, 1833. Verdict: "guilty," fined 1/- plus costs £1.17.6. October 26, 1833.

File 15-22.

Robert Fleury, Niagara, labourer. Charged with assault and battery against *James Humphrey*, Queenston, innkeeper, on August 6, 1833. True bill: *Jacob Garner* (foreman.) Witnesses: James Humphrey, *Alexander Hamilton*. Evidence taken before Alexander Hamilton, August 6: deponent found *Keys Gleeson* abusing some gentleman travelers at his house in the afternoon. Told Gleeson to go home and keep the peace. He went to complain of his behaviour to Mr. Hamilton. He was met by Gleeson who struck him a violent blow on the head and kicked him, was aided by defendant. They used threatening language. Recognizance taken: James Humphrey and surety *John Brown*, Queenston, merchant, £10 each; Keys Gleeson, Queenston, sureties *Joseph Wynn* and *Chester Wadsworth*, £10 each; Robert Fleury £10, sureties Chester Wadsworth and *Richard Smith* £5 each. *Nolle prosequi*, October 30, 1833.

File 15-23.

Keys Gleeson, Niagara, labourer. Charged with assault and battery against **James Humphrey**, Queenston, innkeeper, on August 6, 1833. True bill: **Jacob Garner** (foreman.) Witnesses: James Humphrey, **Alexander Hamilton**. *Nolle prosequi*, October 30, 1833.

File 15-24.

John Henderson, Grantham, labourer. Charged with assault and battery against **Sally Miner**, Niagara, widow, on September 5, 1833. No bill: **Jacob Garner** (foreman.) Witnesses: Sally Miner. Sally Miner sworn before the Grand Jury October 23, evidence given before **Daniel McDougall**. Recognizance of Sally Miner £10. (Certified by **Charles Richardson**.)

File 15-25.

Thomas Hero, Niagara, labourer, coloured man. Charged with assault and battery against **Ann Douglass** on October 3, 1833. True bill: **Jacob Garner** (foreman.) Witnesses: Ann Douglass. Evidence taken before **James Muirhead**: Deponent is a servant to **John Bissell**. Defendant was at the house drinking in the evening, when deponent was assaulted by him, beaten and struck with his fists. Recognizance taken: Thomas Hero £5, sureties **Francis Proctor** and **James [-----]** £2.10.0. each. Plea: "guilty," fined 2/- plus costs £1, October 24, 1833.

File 15-26.

George Huffman, Bertie, yeoman. Charged with assault and battery against **Benjamin Chadwick**, Bertie, innkeeper, on April 6, 1833. True bill: **Jacob Garner** (foreman.) Witnesses: Benjamin Chadwick, **James Kerby**, **George Hardison**, **John Douglas**. Subpoena issued by **Charles Richardson** to Chadwick, July 11, 1833. Evidence taken before James Kerby on April 6: Chadwick was at the **Waterloo Ferry**, was struck and abused by Huffman, and with **Philip Anger** behaved in a very riotous manner, shook his fist, threatened and struck the deponent. Evidence of **Alexander Wintermute**, constable: arrested Huffman who escaped. The charge is not disposed of or discharged, warrant issued to arrest Huffman dated August 13. Recognizance taken before **Daniel McDougall** on August 14: George Huffman £10, Benjamin Chadwick and surety **William Casedy** £10 each. Letter from James Kerby to Charles Richardson, **Fort Erie Mills**, April 10, 1833: Neighbourhood is ill supported by constable **Henry Putman**, who in a careless and wanton manner allowed Huffman to get away. Huffman has put all the constables in the district at defiance, and not one of the late appointed ones are fit for duty (ie, **Robert Deming** and Henry Putman.) Huffman escaped to the 40 Mile Creek where he formerly resided. Take steps to apprehend him by the next Assizes. Constabulary is an essential service. The neighbourhood was never more shamefully abused than by Huffman and Anger. Since Anger was committed he drew his knife to stab a black man, and cut another's wrist. These two vile men behaved in a very riotous manner and ought not to be bailed. I can bring witnesses to convict them. Send me blanks for the appointment of constables. Verdict: "not guilty," October 25, 1833.

File 15-27.

Barnabas Johnston, Stamford, carpenter. Charged with assault and battery against **George Crispin**, Niagara Falls, carpenter/joiner, on May 13, 1833. True bill: **James Durham** (foreman.) Witnesses: George Crispin, **Ann Armstrong**. Subpoena issued for **John S. Scobill** by **Charles Richardson**, October 24. Evidence of George Crispin taken before **Samuel Street** on May 14: between 5 and 6 pm under the direction of **Joseph Scobell** he took down the partition wall in the hall of the house where they dwell. Johnston was a tenant in the house, he asked why I took down

the partition? Deponent said it was by direction of John Scobell. Johnston forbid me doing more, but I said that I would regard the orders of Scobell only. Johnston swore and knocked me down, jumped on me, beat and bit me until taken off by bystanders. He discoloured the deponents eye. Pray for redress. Recognizance taken May 16: Barnabas Johnston and George Crispin £10 each; Joseph Scobell, Niagara Falls, architect, £10. Verdict: "not guilty," October 24, 1833.

File 15-28.

William Parish, Niagara, butcher. Charged with assault and battery against **John Martindale, Sr**, Louth, farmer, on September 19, 1833. True bill: **Jacob Garner** (foreman.) Witnesses: John Martindale. Evidence taken before **James Muirhead** on October 26: deponent was at the inn of **Adam Hawley** in Niagara, he was collared and shaken and threatened by Parish, assaulted, he said he'd take my life &c. Warrant issued by James Muirhead for William Parish (assault) and for John Martindale for perjury, October 26; subpoena issued by **Charles Richardson** for **Thomas Richardson**. Recognizance taken before James Muirhead on September 20: William Parish and John Martindale £10 each surety **James Meneilly** £5. Verdict "guilty," fined 1/- plus costs, October 26, 1833.

File 15-29.

James Robinson, Stamford, gentleman. Charged with assault and battery against **Joseph Scobell**, July 10, 1833. Witnesses: Joseph Scobell. *Nolle prosequi*, October 22, 1833.

File 15-30.

Bernard Roddy, Niagara, innkeeper. Charged with assault and battery against **Thomas Dority**, Niagara, innkeeper, on August 5, 1833. No bill: **Jacob Garner** (foreman.) Witnesses: Thomas Dority. Evidence taken before **James Muirhead** on August 5: deponent was across the river at the **Navy Hall ferry**. He was met on the beach when he returned by Bernard Roddy who struck me and tore my clothes. Recognizance: Bernard Roddy £10, surety **Louis Donnelly** £5.

File 15-31.

Henry Putman, Bertie, yeoman. Charged with misconduct as a constable at Bertie, July 12, 1833. True bill: **Jacob Garner** (foreman.) Witnesses: **Alexander Wintermute**, **John Kidd**, **Daniel Whitman**. Evidence taken before **James Kerby** on July 15: Putman was one of the constables who brought **David Clancy** before Kerby, charged by **Robert Acton** with taking \$1529.00 in bank notes and specie. Was examined, **John Kidd** made the warrant and delivered it to Putman and Wintermute. Putman neglected to carry Clancy to gaol. Evidence of Alexander Wintermute taken July 15: was conveying a prisoner to **Fort George**. Within two miles of the Fort the prisoner wished to speak to Acton, and said he'd give back the money and nothing more be said in the matter. Putman and Acton said they'd better let him go clean, after Acton got his money back. Putman did all in his power to let the prisoner get away. Evidence of Robert Acton: is a stranger from England, staying at **Mrs. Palmer's inn** on the Niagara River. He stopped for refreshment, left his purse on the barroom table and traveled some miles before he missed it. He rode back, and found the purse gone. Contained some silver Napoleon pieces, and notes from the Buffalo bank and other banks. Evidence of **Smith Hardison**: saw David Clancy (of Ireland) take a long green purse with a hole in the middle. Contained silver at the one end, and paper tied up at the other end and put it in his pocket. Evidence of David Clancy, July 15: he acknowledges that he took the money and gave it back to Acton. Evidence of Robert Acton, July 12: stopped at the stage to eat cherries and there he missed his purse. Returned to Palmers, a passenger named **Joseph Crandle**

remarked that he saw Acton leave his purse. Evidence of David Clancy: says he didn't steal the purse, he got it from **Captain Boyes** at York to defray his travel expenses on the way to Lobo in the London District (received \$40 at Peterborough two weeks ago.) He left \$30 with his father at Peterborough. He left Palmers and returned for his knife and tobacco. He didn't drink and didn't go behind the barn. Evidence of Smith Hardison, 15 years old, son of **Mrs. Thompson** at the Ferry: he stopped at Palmers, saw the purse and a stranger put it in his pocket and leave. The stranger asked how far it was to the Ferry? Deponent recognized him at **Kerby's Mill** next day and pointed him out. Letter from **J. Boyce** at York, July 11, 1833 to **William Mayhew** at Lobo: I have sent a labouring servant, quiet and honest, needed since the harvest is at hand. Give him lodging. Refers to **Mr. Wilson**, **Captain Johnson** and **Colonel Bostwick**. Letter gives directions on route from Niagara to Chippawa, then take a boat to **Kettle Creek**, **Westminster Township** and cross the **Thames River** on a **bridge at Woodhall's Mills**. It is two miles to **Captain Matthew's** and **Mr. Mayhew**. Warrant issued to Putman and Wintermute to arrest Clancy dated July 12, 1833. Verdict: "not guilty," October 25, 1833.

File 15-32.

Francis Scott, Niagara, shoemaker. Charged with assault and battery against **Hester Eastham**, wife of **Thomas Eastham**, on October 14, 1833. True bill: **Jacob Garner** (foreman.) Witnesses: Hester Eastham, Thomas Eastham, **Robert Kay**, Niagara, shoemaker. Evidence taken of Robert Kay before **Daniel McDougall** on October 15: was at the house of Thomas Eastham, his wife was given a severe kick by defendant with his foot on her left side. Recognizance taken before Daniel McDougall on October 16: Francis Scott £10, surety **Lewis Donally**, innkeeper, £10. Recognizance taken on October 15: Hester Eastham £10, Robert Kay £5. Verdict: "not guilty."

File 15-33.

William Sims, Grantham, labourer, coloured man. Charged with assault and battery against **Thomas Livers**, a coloured man, on October 16, 1833. True bill: **Jacob Garner** (foreman.) Witnesses: Thomas Livers. Evidence taken before **John Clark** on October 15: Livers was assaulted by Sims, who inflicted wounds with a jack knife. Evidence of William Sims, October 16: he struck from provocation. Recognizance taken October 16: William Sims £50, surety **Alex McDonell** £25; Thomas Livers £20, sureties **Theo. Brundage** and **Mrs. Sanderson** £10 each. Verdict: "not guilty," October 25, 1833.

File 15-34.

Alexander Wintermute, Bertie, yeoman. Charged with assault and battery against **William Pitcher**, labourer, on August 10, 1833. No bill: **Jacob Garner** (foreman.) Witnesses: William Pitcher, **John Wintermute**, **James Brown**. Evidence taken before **James Kerby**: deponent was ill used by Wintermute, he "slapt me," took me by the collar, choaked me, pushed me against a fence and hurt my arm. He threatened to whip me. Recognizance taken before Kerby on August 11: Alex Wintermute £10, sureties **Dr. Benjamin P. Hall** and **George Hardison** £5 each; William Pitcher £10, sureties **William Powell** and **William Anthony** £5 each.

File 15-35.

Peter Cain, Niagara, innkeeper. Charged with assault and battery against **William Buckley** on July 27, 1833. Witnesses: William Buckley. Recognizance taken before **Daniel McDougall** on July 27: William Buckley £10; recognizance taken on July 29: Peter Cain £10. *Nolle prosequi*, October 30, 1833.

File 15-36.

William Colebreath, Thorold, contractor/labourer. Charged with assault and battery against **Patrick Mulhoton** on February 22, 1832. True bill: **Charles Guerney** (foreman.) Witnesses: Patrick Mulhoton, **Charles Donley**, **Patrick Flanagan**. Evidence of **Samuel Hood** taken before **William Hamilton Merritt**: James Sullivan, a labourer on the **Welland Canal**, entered the shanty of Colebreath with **James Riley** on the 13th. Stole a wheel barrow, shovel, and iron kettle (value £1.10.0.) plus blankets &c (£1.5.0.) **Michael Regan** and **John Curtin** stole various goods. Evidence of **George Kingsley**: **William Walsh**, **Daniel Lane** and others entered the shanty and stole goods, March 14, 1832. Evidence taken before **David Thompson**: Colbreath laid violent hands on Mulhoton on March 24. Evidence of Patrick Mulhoton taken before David Thompson, March 23: was at the inn of **Robert Buckner** in Crowland near the **aqueduct**. Colebreath threatened and struck me. Recognizance taken before Thompson: Patrick Mulhoton £10; William Colebreath £10, sureties **William Orderly** and Robert Buckner £5 each. *Nolle prosequi*, October 26, 1833.

File 15-37.

Thomas Eastham, Niagara, innkeeper. Charged with assault and battery against **Francis Scott** on October 14, 1833. Evidence of Francis Scott taken before **James Muirhead** on October 22: deponent was struck on the face by the prisoner with his fists. Recognizance of Francis Scott taken October 22, £10; recognizance taken on October 23: Thomas Eastham £10, surety **Chester Wadsworth** £5. *Nolle prosequi*, October 24, 1833. Defendant to pay costs 15/6-.

File 15-38.

John Davis, Niagara, labourer. Charged with assault and battery against **Charles William Edwards**, Niagara, mason, on December 4, 1832. Witnesses: Charles William Edwards. Evidence taken before **J. Crooks** on December 5. *Nolle prosequi*, October 26, 1833.

File 15-39.

John Falconer, Niagara, labourer. Charged with assault and battery against **Abby Mandigo**, on June 26, 1832. Witnesses: Abby Mandigo. Evidence taken before **James Muirhead**, May 26: Mandigo says that Falconer came to her house, where he beat, kicked and abused her. Recognizance taken before Muirhead: Abby Mandigo £5; John Falconer £10, sureties **Samuel Heron**, printer and **Charles Falconer**, his father, £5 each. *Nolle prosequi*, October 26, 1833.

File 15-40.

Alexander Fare, Niagara, labourer, **James Gosling**, Niagara, labourer and **Stephen Gannon**, Niagara, labourer. Charged with riot, assault and battery against **Edward Fleming**, private in the **79th Regiment**, on August 28, 1831. True bill: **Edward McBride** (foreman.) Witnesses: Edward Fleming, **Rosannah Mills**. Evidence taken before **Daniel McDougall**, August 30, 1831: Fleming stood in the street and was surrounded. He asked "what do you want?" and they said "what do you want?" Fare said "knock him down, knock him down" and he was knocked down, beat and kicked in a brutal manner. Evidence of Rosannah Mills: was present and talked with Fleming. James Gosling was the first to strike him. Recognizance taken: Edward Fleming and Rosannah Mills £10 each. *Nolle prosequi*, October 26, 1833.

File 15-41.

Adam Fralick, Stamford, yeoman. Charged with assault and battery against **Thomas Lambert**. Witnesses: Thomas Lambert. *Nolle prosequi*, October 26, 1833.

File 15-42.

Adam Fralick, Stamford, yeoman. Charged with assault and battery against **George Acker**. Witnesses: George Acker. Recognizance taken before **David Thompson**, March 1, 1833: Adam Fralick £40, sureties **James Skinner**, Stamford, saddler and **Peter Burgar**, Crowland, yeoman, £20 each. Defendant also charged with the theft of the horse harness of **Thomas Lambert**. *Nolle prosequi*, October 26, 1833.

File 15-43.

John Green, Niagara, labourer, a coloured man. Charged with larceny, stealing one cotton shirt (value 5/-) and a cotton handkerchief (1/-) the property of **Henry Rogers**, on November 23, 1831. True bill: **William McClelland** (foreman.) Witnesses: Henry Rogers. Evidence taken before **Daniel McDougall** on November 24: goods were stolen from the house of **Thomas Servos**. Recognizance taken before McDougall on November 28: **Silas Green**, **Peter Grisham** and [-----] **Davis** £1.5.0. each. *Nolle prosequi*, October 26, 1833.

File 15-44.

William Hepburne, Niagara, innkeeper. Charged with assault and battery against **William Moffatt** on January 7, 1833. True bill: **Henry Smith** (foreman.) Witnesses: William Moffatt. Evidence taken before **John Crooks** on January 8: deponent was beaten by Hepburne. Recognizance taken before **James Muirhead** on January 24: William Hepburne £10, sureties **Andrew Heron** and **Walter Elliot** £5 each. *Nolle prosequi*, October 30, 1833. Recognizance of prosecution estreats.

File 15-45.

Riverius Hooker Lee, Stamford, innkeeper. Charged with assault and battery against **Philip Henry Weishuhn**, Chippawa, on November 3, 1832. Witnesses: Philip Henry Weishuhn. Evidence of Philip H. Weishuhn taken November 8: was in the barroom of R.H. Lee at Chippawa. Lee came in with a gun which he pointed at deponent, fired, and raised the gun and struck deponent on the head and elbow. Some men took the gun away. Was attacked, struck and kicked by Mills. Evidence of R.H. Lee taken November 9: He came home from company training. Weishuhn and others scuffled or pretended to fight. Deponent ordered them off. Weishuhn said he'd not go until he was ready. We had a clinch. Evidence of **William Mills**: deponent went to the bar. Weishuhn had his coat off, quarreled with **Thomas Jennings**. He put his thumbs to Jennings's eyes. They clinched and fell. Lee said "don't make noise, be still." Weishuhn stood up, squared himself, and said "what do you have to say about it, I'm your man." Lee ordered him out, but he wouldn't go until he pleased. Lee went and got a gun. They clinched and squabbled. **Mr. Sherwood** attempted to part them. Weishuhn's son said not to part them. They got Lee down on a seat and were choking him. Lee called for assistance. We got Weishuhn off Lee, Lee was at the bar and Weishuhn followed and kicked him. Weishuhn's son said "here, father, is a fellow-- put it to him." Lee ran upstairs, Weishuhn followed to the foot of the stairs. Deponent didn't strike or kick, only interfered in the way stated. Recognizance taken before

James Cummings, November 9: Philip H. Weishuhn £10; R.H. Lee and surety William Mills £10 each. *Nolle prosequi*, October 26, 1833.

File 15-46.

Riverius Hooker Lee, Stamford, innkeeper. Charged with assault and battery against **James Nary**, labourer, on August 18, 1833. Witnesses: James Nary. Warrant issued by **James Cummings**, Chippawa, to constable **Samuel Hicks** on August 18 to apprehend Lee. Evidence of James Nary: was on his way to **Gravelly Bay**, stopped at Lee's at Chippawa. He gave the teamster **Peter Scott** 1/- (York) to get some whiskey. Scott paid 1/6-, deponent said the bottle held only 3 half pints and told Lee to give us a quart. Lee refused and said to "hold your traveling, I'll kick you right out of doors." Deponent said "if you raise a fist to strike, I'll make you pay \$25." Lee stepped up and knocked deponent down, and hurt him very much. *Nolle prosequi*, October 26, 1833.

File 15-47.

Isaac Leech, Willoughby, labourer. Charged with assault and battery against **John Callaghan**, Chippawa, on August 22, 1833. Evidence taken before **John Crooks** on August 22: Callaghan is in the employ of the **Welland Canal Company**. He was at the *swing bridge at Chippawa* on the line of the cut from Chippawa to **Port Robinson** on the **Deep Cut**. There was a raft of logs under the bridge, and deponent directed **Mr. Walker**, the owner, to get them out of the way so vessel navigation was not obstructed. Leech turned and began abusing me, damning him and the Canal and "old **Randall**" would get away until he liked. Leech continued to use the most uncouth and foul language, damning him with the epithet "scoundrel." Recognizance taken on August 22: Isaac Leech and surety **Abraham Gaffin** £5 each. *Nolle prosequi*, October 26, 1833.

File 15-48.

Mary McPharlain, Niagara. Charged with larceny, stealing 4 yards of factory cotton (value 2/-) and one white cambric frock (3/-) the property of **Margaret Millard**, Niagara, on July 20, 1833. Witnesses: Margaret Millard. Evidence taken before **Daniel McDougall** on July 22: a chest with a bed tick, black worsted hose, white and striped cotton hose, cambric frock, stays, gold beads, and yellow, orange and red handkerchief was stolen from on board the steam packet "**Britain**" while at **King's Wharf**. Recognizance taken: Mary McPharlain and Margaret Millard £5 each. *Nolle prosequi*, October 30, 1833.

File 15-49.

Peter McVay, Niagara, labourer. Charged with assault and battery against **Charles Hudley**, Niagara, on November 15, 1832. Witnesses: Charles Hudley. Recognizance taken before **Daniel McDougall**: Charles Hudley £10; Peter McVay, Pickering (Home District) seaman, £10, surety **William B. Winterbottom**, Niagara, barrister, £10. *Nolle prosequi*, October 26, 1833.

File 15-50.

John Pendar, Niagara, labourer. Charged with assault and battery against **Robert Taylor**, on June 21, 1833. Witnesses: Robert Taylor. Presentment attached dated July 1832 signed by **Davis, Hawn, Willson, Edsall, Dell, Forrester, Lemon, Fitch, Cosby, Wiggins** and **Chapman**. *Nolle prosequi*, October 26, 1833.

File 15-51.

John Pinder, Niagara, labourer. Charged with assault and battery against **Matthew Dobie**, Niagara, on March 28, 1833. Witnesses: Matthew Dobie. Recognizance taken before **Daniel McDougall**, March 29: Matthew Dobie £10. *Nolle prosequi*, October 26, 1833.

File 15-52.

Jacob Shelly, Grimsby, labourer. Charged with assault and battery against **David B. Smith**, Clinton, on June 8, 1833. Presentment attached signed by **James Durham** (foreman) dated July 10. Witnesses: David B. Smith. *Nolle prosequi*, October 26, 1833.

File 15-53.

Philip Henry Weishuhn, Willoughby, labourer. Charged with assault and battery against **Robert Haughton** [alias **Aughton**] on August 21, 1832. Witnesses: Robert Haughton. Warrant issued by **James Cummings** to **Erastus Moses** on August 22, on the oath of **Robert Horton** to arrest Weishuhn. Evidence taken before Cummings: deponent went to **Chippawa** to **James Secord's inn** at 3 pm. He called for his dinner in the barroom. Weishuhn began to brag about wrestling and fighting, and said he could give any man beyond a stone of his weight a beating. Weishuhn asked if he would treat or gamble? They tossed, to see who should treat the company. Weishuhn lost, but wouldn't pay. Haughton went to treat a man at the bar, and Weishuhn came up and struck him a severe blow with his fist under the ear. Deponent left the room, Weishuhn followed to strike him again. Deponent made no reply. Recognizance taken before Cummings on August 22: Robert Haughton £10; Philip Henry Weishuhn £5, surety **Rudolph Sniveley** £2.10.0. *Nolle prosequi*, October 26, 1833.

Niagara District Quarter Sessions, January and March 1834.

File 16-1. Accounts.

Report of the *Committee of Accounts*. Accounts have been examined, some difficulty to adjust them for want of necessary accounts, vouchers &c. Signed **B. Tench**, February 1, 1834.

Constables accounts: **Joseph Martin**, **Thomas Dority**, **George P. Kingsley**, **Lewis Donnelly**, **Robert Hough** and **Alexander Wintermute** £2.16.3.

Alexander Hamilton to **Patrick Harvey** (a debtor) £4.10.0. for 12 days work at the gaol, January 25, 1834.

John Kidd, received boards for fencing from **A. Heron**, £4.14.5.

David Price, 5/- to call jury on the inquest for **James Reed**, drowned in the *Welland Canal*.

Richard Leonard, £20 salary as sheriff.

Daniel McDougall, **Thomas Butler** and **James Muirhead**, Gaol Committee. Charge of £7.17.2. for clothing and utensils for the use of prisoners.

Dr. Muirhead, charge for medicine and gaol attendance £7.10.0.

Peter Wheeler, charge for washing 10 shirts £0.12.6.

William Duff Miller, charge for holding inquests on the body of **John Tang** [*Tane?*] a coloured man, died September 16, 1833; **Thomas Gorman**, died in the gaol November 6, 1833; **John Verdan**, a private in the *66th Regiment*, died January 4, 1834. £7.7.0.

John Kidd, charge for 1000 feet of board for the gaol, £1.17.6.

Clerk of the Peace, contingency account £30 "required in detail."

Ephraim Wheeler, charge for services as turnkey, £12.7.6.

John Hawn (sexton), charge for digging a grave for **Thomas Gorman**, 7/6-. Signed **William Duff Miller**.

Jacob Dockstader, High Constable account £3.2.6.

L. Clement & Son, charge for nails, spikes, combs, "Hamber lines" &c. £10.18.1½. Signed **John Kidd**.

Thomas B. Wiagg, charge for *Wellington pad locks*, iron, nails &c. £20.0.11.

James Monro, charge for putting up a door and iron on the gaol £32.12.6. ("£25 approved.")

Daniel Clendennan, charge for 2000 feet of oak plank to the gaol as per **John Kidd**, £20.

Robert Kay, charge for coffin, shroud and funeral expense for **Thomas Gorman**, £1. Signed **William Duff Miller**, November 7, 1833.

Thomas McMahon, constable account £1.5.0. Signed **John Kidd**.

Cyrenius Hall, coroner. Charge for holding an inquest on the body of **James Lamby**, October 25, 1833, £3.5.8.

Richard Wood, Port Dalhousie. Charge for making a coffin for **Caroline Brown**, drowned in the **Welland Canal** in July 1833, 7/6- Signed **Samuel Wood**.

Richard Caswell, constable account, £1.9.3.

John Smith, constable account, £1.1.0.

Ephraim Wheeler, charge to haul 4 loads of iron, 7/6-

Charge for the services of the *crier*, £1.10.0.

Account of Rations due the Gaoler of Niagara District (Peter Wheeler) October 24, 1833-January 24, 1834. £41.15.10 (cost included brooms, straw for the cells, candles and washing.)

Names of prisoners and date of commitment:

Patrick Donley, October 24, 1833-January 24, 1834.

Charles McLean, October 24 -January 24

Thompson Brown, October 24 -January 24

James Price, November 26-December 25.

William McCoun, December 7-December 26.

William McGraw, January 16-January 21.

Leonard Hicks, October 24-January 24.

Thomas Smith, October 24 -January 24.

Aaron Roy, November 19-January 24.

James Mabeth, October 24-January 24.

Nelson Petty, January 14-January 24.

James Burniston, November 4-December 11.

Joseph Burniston, November 4-December 11.

James Ensign, October 24 -January 1.

James Little, October 24 -December 11.

John Fitzgerald, October 24-November 13.

Debtors:

John Doyle, December 31-January 10.

Louis Bapt, October 24 -January 24.

Louis Odell, October 24 -January 24.

Isaac Bradt, October 24 -January 9.

John Orork, November 25-January 24.

Thomas Whitwell, November 29-January 24.

John Callaghan, December 26-January 24.

Francis Knoll, December 30-January 18.

Horris Lothrop, December 31-January 18.

Matthius Moore, January 18-January 24.

Harvey L. Wilkins, October 24 -January 24.

File 16-2. Clerk of the Peace Accounts.

Accounts of the *Clerk of the Peace*, January 1834, £37.3.0. Signed *Charles Richardson*.

File 16-3. Accounts Rejected.

Thomas Sewell, charge for printing bills and notes £2.10.0.

John F. Stewart, constable account £1.3.4.

File 16-4. Street Surveyor's Accounts.

Thomas Butler, statement of street surveyor, Town of Niagara (1833) £191.11.6½.

File 16-5. Correspondence.

William Crooks to *Charles Richardson, House of Assembly*, January 23, 1834: regarding *David Palmer's* petition as UEL, this must be done through the Quarter Sessions. Your letter was given to *Mr. McLean*. We are sorry to hear of your accident. I spoke to *Mr. Draper* regarding the bill; the *railroad bill* is still under discussion; also regarding the *Summary Justice* bill; *Police bill*, one for the *incorporation of the City of York*; *canal bills*. Nothing new regarding *war losses claims*.

John Clark to *Charles Richardson*, York, January 29, 1834: If *Captain Creighton* is with you, hand him the enclosed. We advocate making the *Welland Canal* a provincial property with a branch to the Niagara River. The *Chippawa Railroad bill* has not yet passed their Lordships.

File 16-6. Criminal Calendar.

Calendar of Criminal Prisoners Confined in the Niagara Gaol (Peter Wheeler) January 28, 1834.

Patrick Donley, September 6, 1832. Assizes. Murder.

Thompson Brown, May 1, 1833. Under sentence.

Charles McLain, October 1. Under sentence.

James McBeth, October 13. Orders of *E. Adams*. Broke open a trunk and stole the clothing of *David Inkster*.

Leonard Hix, October 22. Orders of *Daniel McDougall*. Robbing the store of *James Lockhart*.

Thomas Smith, October 24. Orders of *John Alma*. Robbing the store of *James Lockhart*.

Aron Roy, November 19. Orders of *Smith Griffin*. Stealing a mare, saddle and bridle.

Nelson Kelly, January 14. Orders of *David Thompson*. Burning the barn, shed, hay, grain, wagon, threshing machine, windmill, 2 sleighs, 3 horses (value £250), stealing a horse (value £15) and a pair of fat oxen (£20) the property of *Lawrence Jennings*.

File 16-7. Filings.

Joel Skinner, Humberstone, carpenter. Obstructed and assaulted *Bar. Tench* at Humberstone on the 14th instant in the exercise of his duty as a Magistrate. Evidence taken before *Crowell Wilson*: *Tench* endeavored to prevent a breach of the Sabbath on November 14th. At 1 pm. *Tench* walked on the bank of the *Welland Canal* towards *Gravelly Bay*. He observed five men shingle a frame of someone named *Smith Jenner* a miller called and said "Have you not seen the King's Proclamation to prevent such work on the Sabbath?" Deponent said he'd stop it, crossed the

canal, and went to the frame. He recognized Joel Skinner, **David Waterhouse**, **Robert Cram** and others, and said it was improper to work on Sunday. Skinner said "it is Sunday and a damned deal better for you to be at home minding your own business." Tench said "I have a right to walk where I please." Since he saw the offence he was obliged to notice it and desired the men to come down. Three came down, but Skinner kept working and said 'Since he was to be fined, he'd work his way out,' and used abusive language. He told Tench to "go to hell" and "didn't fear him any more than any other Little Counter jumper." Tench said he'd act as a magistrate and if obstructed he'd punish Skinner. Skinner again told him to "go to hell." Tench left the frame and went to **Smith's** for snuff. He heard Skinner (with manifest contempt) call to the men to 'come and put out their half day.' **William Pawling**, innkeeper, asked if Tench won't take notice of the work? Tench returned to the frame and called on Waterhouse and Cram to come down. Skinner worked and continued his abuse. Tench ascended the ladder and made Skinner a prisoner in His Majesty's name. Skinner resisted but came down. He was going away from Tench who had him by the coat and said 'he must accompany him.' Skinner collared Tench and tried to drag him to a grocery where some persons were assembled. Skinner made most violent and threatening gestures, his hands repeatedly in the face of the deponent. Tench called on Cram to assist him and he and another man walked away without paying any attention. Skinner's son came running to assist and cried to his father "damn him, let him have it." Since deponent had no assistance he let Skinner go, who continued his abuse and said he "would not let any damned Irish rascal take him." Skinner's object was to put the law at defiance. Prays that a warrant might issue, November 26, 1833. Recognizance: B. Tench £20; Joel Skinner £50, sureties **William J. Steel**, Humberstone, yeoman and **Thaddeus Smith** £25 each.

Subpoena issued by **Charles Richardson**, dated November 28, 1833. Served by constable **David Clow** on **James Firman** on December 16, 1833 to give evidence against **Davis Prest** on the complaint of **Charles Stanton**. "It was impossible to attend on the 28th."

Evidence of **Richard Woodruff**, **St. Davids**, taken before **James Muirhead** on November 14, 1833. **William** and **Robert McGarvey**, **St. Davids**, coopers, as a result of the late quarrel are so cruel minded to my family that I fear bodily harm.

Letter from **James Kerby** to **Charles Richardson**, **Fort Erie Mills**, January 25, 1834. The enclosed was delivered to **William Smith** one month ago, and he promised to deliver them to you. Not done through neglect, and the poor man is now too ill to attend the Quarter Sessions. **Mr. Stanton** will be present to answer questions relative to the papers. I am also unable to attend, have been out of health all winter.

J.K. Smith and **William Smith**. The evidence of **Charles Stanton** at **Waterloo Ferry**, in the employ of **Mrs. Warren**. Two cows were severely cut last night with a sharp axe. An axe was found near **Bevely [Beverly?] Harris**, a man of colour, which is supposed to be the weapon. Harris or a boy in his employ, **David West**, did this atrocious crime. Should they be arrested? October 29, 1833. Evidence of David West, a lad of colour: He went home to Bevely Harris' at the ferry, went to bed at 10 pm and didn't rise until dawn. He has no knowledge of the crime. Didn't use the axe since last Saturday. He went from the house early to go across the river and bring a boy of colour over to attend a husking bee at **Old Finlay's**. Had no intent to escape as **Mr. John Hardison** strongly suspected. From the time of his knowledge of the crime he did not mention it to anyone in **Kerby's house** from 7 am until the afternoon except to Bevely Harris. Evidence of Bevely Harris: he states the same as David West. Knows nothing of the crime. When he got home last night in company with one **William** (a man of colour) he went and cut enough wood to burn that evening and to make a fire in the morning. He cut more wood in the morning. States that he cut up a quarter beef with the same axe. Was not aware that any hairs could be seen

about the axe, or anything leading to discovery. David West was to go home and stay with my wife in my absence. Had no knowledge of the lad's intent to cross the river as Mr. Hardison stated. Evidence of **John William Smith** (a man of colour) October 30, 1833: was at the house of Bevely Harris at the Ferry. Saw nothing suspicious, had no knowledge of the atrocious crime. There was no use made of the axe that night or the next day. If anyone was chopping wood, you would have heard. The fire was made in the morning, but didn't know if the family was up before him. He saw Harris' cow at the door and another near the side of the house. Evidence of Charles Stanton, Fort Erie, November 25, 1833: is a resident at the Ferry, in the employ of Mrs. Warren. He was at Black Rock Ferry, and met a lad of colour, **Samuel Bruce**, who could give information about the cows. He should be apprehended and detained to give information. Recognizance taken: Samuel Bruce £10, sureties Bevely Harris £10 and **Tillman Hilluray** £5 (all of colour.) Recognizance taken October 30: John William Smith £10, Charles Stanton £5, Bevely Harris, Bertie, labourer, £10, **George Hardison**, Bertie, Esquire, £5, **George Duncan** (a man of colour) £5, David West (a lad of colour) £10, sureties Bevely Harris £15 and George Duncan £5.

Andrew McGregor, Louth, labourer. Charged with assault and battery against **Basnett Dell** on January 25, 1834. Grand Jury presentment attached signed: **William Buck, Haun, Richard Yokum, Archibald Thompson, Jacob Willson, Jacob Baxter, John Hardy, Andrew Learn, Johnson, Martin Buchner, Robert Doan** and **Beam**.

File 16-8. Insane and Destitute Records.

Chauncey Beadle, St. Catharines, January 27, 1834. **Harriet Hague**, a very infirm girl, nearly deaf and blind, with a very incorrigible disposition. Lives with **Mrs. Goodell**. Have witnessed the care she takes, believes her entitled to \$1 per week as compensation.

File 16-9. Jail Records.

Peter Wheeler, has received four pairs of hand cuffs for the gaol, January 30, 1834.

Thomas Butler, B. Tench and **William M. Ball** appointed a committee to inspect the wood for the jail. It is of the worst possible description. The sheriff should advertise for 15 cords of good wood, subject to committee approval, January 31.

File 16-10. Orders.

Ordered that *regulation of licences* to be in open court.

Daniel McDougall, William M. Ball, Thomas Butler, John C. Ball and **Robert Melville** ordered to be a committee to superintend the gaol, February 1, 1834.

Ordered that no *tavern licence applications* rejected at the Quarter Sessions to be entertained in the same year, January 28, 1834.

Ordered that **Lewis Donnelly** be paid £12.10.0. for the arrest of **John Fitzgerald** (murder) who escaped from the Niagara Gaol. £5 ordered paid to **Alexander Wintermute** for the arrest of **Rufus Westover** and **James Ensign** for the arrest of 2 others who escaped at the same time, February 1, 1834.

File 16-11. Petitions.

William Cook, Markham, Home District, yeoman. Bought 300 acres (Broken Front lots 6 & 7 Concession 8 and lot 4 (Rainham) and paid taxes up to 1831. A recent survey shows that the Broken Front lots 6 & 7 are cut off by the boundary of *Indian lands*. Lot 4 has 108 acres. Prays for a certificate from the treasurer and reimburse the amount of the difference between 300 and 108 acres, December 12, 1833. Certificate from **William Clark**, received £7.8.9. taxes from Cook, April 27, 1832. Affidavit from **S.P. Hurd, Surveyor General's office**, the land is cut off. November 30, 1833. Cook reimbursed £4.16.1.

Petition from *Debtors in Niagara Gaol*: Undersigned suffer from want of fuel, and cannot furnish their own. None is allowed by the District through part of the winter except a miserable gratuity of basswood occasionally given by the gaoler to ward 3. Ward 2 had no participation, which made their situation truly deplorable. Pray for good firewood to make their circumstances comfortable, January 28, 1834. Signed: **Louis Bapp, David Thompson, Lewis Odell, Thomas Whitwell, John Ororke, John Cunningham, Horace Lathrop**. Ordered that the gaoler supply 10 cords of wood and paid for out of the district funds, January 30, 1834.

David Thompson, debtor. Wishes to enjoy the benefits of the limits assigned to the gaol, suggests the house of Mr. **John Young**, merchant, an appropriate part for his house and lot for accommodation. 90 feet from the front of the building to the rear of the lot would not interrupt with the business of the merchant's shop, January 29, 1834.

File 16-12. Precept.

List of Grand and Petit Jurors, compiled by **Robert Melville** and **John Alma** December 14, 1833 for Sessions on January 28, 1834.

Grand Jury: **Martin Beam, Willson Hawn, John Morningstar, Daniel Pound, Henry Beam, Andrew Seam, Jacob Johnson, John Hardy, Richard Yokum, Robert Doan, Charles Hill, Jacob Willson, Archibald Thompson, Adam Beam, Jacob Baxter, William Buck, Thomas Møøre, George House, John Johnson, Jacob Upper, Martin Buchner, Jeremiah Misener, Isaac Hawn, Jacob Benner, Benjamin Troup.**

Petit Jury: **David Ellsworth, Philip Benner, Moses Boyer, John Nichol, David Rice, Abraham Gabel, John Huffman, Peter Barnhart, John Alwood, John Bowman, Thomas Cook, Abraham Johnson, James Kennedy, Daniel Alwood, John Barnhart, Charles Ellsworth, James Johnson, James Edsall, Samuel Wait, Baldwin Merrils, Richard Graham, Michael Baker, John Troup, John Winger, Christian Winger, Abraham Climenhagan, Justus Webster, John Edsall, Daniel Rogers, Daniel Clarke, David Clowe, Thomas Grant, Jacob Fulmer, Frederick Myers, Edmund Rieelay, Benjamin Chadwick, Elisha Marsh, Benjamin Wright, David Mitchell, Frederick Rose, John Harris, William Smith, James Johnson, Thomas Cook, John Fellows, George Stevens, William Bowman, William Scarlet Jr, Peter Miller, Israel Brown, George Benner, Solomon Marikle.**

File 16-13. Road and Bridge Petitions.

Petition from inhabitants of Wainfleet and Humberstone. **Marshville**, August 10, 1833. Pray for a land communication between **Fort Erie** and **Port Dover**. A road has been laid out from Fort Erie to Marshville and from **Dunnville** to Port Dover, but the part between Marshville and Dunnville has not been laid out or surveyed. Pray for a survey on the south side of the **Welland Canal Feeder** 60 feet wide. Signed: **Michael Graybiel, Samuel Graybiel, Emmanuel Winter, Jonas Minor, Guy J. Atkins, James Stone, Abraham Minor, Jacob Ott, John Neff, Sela [Silas?]**

Kinnard, Samuel Minor, Chester Kinnard, John Graybiel,³¹ Samuel Neff, Samuel Davis, Edward Lee, William Simpson, John Aiken.

Fort Erie Mills, Bertie, November 16, 1833. A plan for a bridge was agreed upon and a crossing way over the Creek between lots 5 and 6 in Concessions 10 and 11. Three buttments were made four feet above the water level. 75 feet was covered with split oak 14 feet long. The string pieces were 1 foot square. Performed in a workmanlike manner. \$60 was laid out to the lowest bidder, \$10 at the start and the rest when the work was approved. Signed **Michael Huffman** and **William McMurray**, inspectors. Received \$60 for the **Bertie Bridge** upon completion from **James Kerby**.

Certified that **George Waggoner**, Niagara, built a **frame bridge at Four Mile Creek** on the **Swamp Road**, cleaned logs and rubbish out of the creek so the water may flow. Charge \$59 and Waggoner to be paid for his work. The work was done as soon as possible to the satisfaction of the commissioners. Niagara, November 23, 1833. Signed **Thomas Butler, John Alma, Daniel McDougall**.

John McFarland, Niagara, yeoman. In consideration of £52.10.0. has granted, assigned and released to **Charles Richardson, Clerk of the Peace**, his heirs and assigns in trust for the benefit of the District, all his right, title and interest, claim and estate in a public highway. The street extends from the town plot to the gaol and court, by **Peter T. Pawling's**. January 29, 1834. **C.A. Foster** has examined and found the Deed of Trust legal. **Robert Nichol** and **William Cotton** are subscribing witnesses to the indenture.

Letter from **James Cummings** to **Charles Richardson**, Chippawa, January 29, 1834. The bearer, **John Beam**, was aggrieved by a road laid out from the mouth of **Black Creek** to the town line of Bertie was taken from his land without remuneration. These are the particulars, should we give him payment? When the present road was established **Mr. Cusack**, surveyor at the time, led him to believe he'd get the road allowance adjoining in lieu thereof. The freeholders in the vicinity consented to this. He gave the land under that assurance, which was not confirmed in Sessions. Cusack found the law expired which authorized the Surveyor of Highways to deed the King's allowance in lieu of lands ceded. Since debarred from recovery of intended remuneration, if he applies by petition will he be granted payment? He is quiet and peaceable, and put good faith in the promise of the surveyor. He is on his way to Niagara, and requested me to state the particulars.

File 16-14. Road and Bridge Reports.

Charles K. Fell, Smithville, January 25, 1834: By an order of October 1833, has examined lots 20-21 Concessions 4 and 5 (Grantham.) The adjoining parties have placed fences on the north and south limits of the same.

File 16-15. Tavern and Shop Licences.

Mrs. Keefer has kept a tavern at **Dunnville** for twelve months, is a proper person to keep a tavern. Signed **William Mylne**, January 2, 1834.

James Robinson, Niagara Falls, an agent of the **Niagara Falls Company**. Prays for a licence for the **Pavilion Hotel**, Stamford, January 30, 1834. [Granted.]

³¹This name occurs twice among the signatories.

File 16-16.

John Compston, Niagara, labourer. Charged with larceny, stealing one bank note (value 5/-) the property of **John Talbot**, on November 2, 1833. No bill: **B.M. Pawling** (foreman.) Witnesses: John Talbot. Evidence of John Talbot taken before **John Alma**, November 2: At 9 am he put a bill on the table of **McBride & Talbot's Auction Room**, a note from the **Commercial Bank of Kingston**, value 5/-. He saw Compston take it. Recognizance taken before John Alma on November 2: John Talbot £20; John Compston £20 and sureties **Peter Cain** and **Thomas Compston** £10 each.

File 16-17.

Dwight Croft, Niagara, labourer, **John Servos**, Niagara, labourer, **Henry Swan**, Niagara, tanner, **Richard Woodruff Jr**, Niagara, gentleman, **William Woodruff**, Niagara, merchant, **George Shaw**, Niagara, saddler, **Royal Davis Secord**, Niagara, yeoman, **Isaac House**, Niagara, miller. Charged with riot and assault against **William** and **Elizabeth McGarvey** on November 11, 1833. True bill: William Buck (foreman.) Witnesses: William and Elizabeth McGarvey, **John P. Hannett**, **Sarah McGarvey**, **Ann McGarvey**, **Robert McGarvey**, **Sarah Ann Marshall**, **William Moore**. Presentment signed by **William Buck**, **Isaac S. Hawn**, **Archibald Thompson**, **Richard Yokum**, **Jacob Wilson**, **Jacob Baxter**, **John Hardy**, **Jacob Johnson**, **Andrew Seburn**, **John Johnson**, **Martin Buchner**, **William Buck Jr**, **Robert Doan** and **Adam Beam**. Letter of **Dr. J. Mewburn** to **Charles Richardson**, **Danby House**, Stamford, January 27, 1834: Henry Swan of St. Davids has been exceedingly ill, recovering from a severe cold. Is not well enough to attend the Quarter Sessions for fear of a relapse. Letter of **James Muirhead**, February 1, 1834: William McGarvey, Niagara, cooper: requires one or two other witnesses, viz, **Ann Armstrong** and **Richard Steel** in the complaint against Henry Swan. Recognizances taken:
Joseph Porter £10, sureties **James Miller** and **James Croft** £5 each;
George Shaw £10, sureties James Miller and **Richard Woodruff** £5 each;
Dwight Croft £10, sureties James Croft and **William Pointer** £5 each;
Isaac House £10, sureties James Croft and Richard Woodruff £5 each;
Royal Secord £10, sureties James Croft and Richard Woodruff £5 each;
Henry Swan £10, sureties James Croft and **John Harris** £5 each;
John Servos £10, sureties **John Servos Sr.** and Richard Woodruff £5 each;
Richard Woodruff £10, sureties John Servos Sr. and William Pointer £5 each.
Elizabeth McGarvey bound £10 for her daughter **Sally McGarvey** to appear.

The evidence of **Sally McGarvey** taken before James Muirhead: She was at her mother's house at St. Davids on the 11th and saw the defendants throw stones into the house, endangering the lives of the family.

Letter of **James McGarvey** to **Charles Hall**. Sir, I wish to inform you into the truth of the matter which I have employed you in. I went abroad on the 11th. On my return I was told by my mother that Henry Swan and **Joseph Woodruff** were looking for my brother to quarrel with us. They said "I think you may prepare your coffins" and had with them almost all the men in the village collected at the **steam mill**. **An Indian** prepared to begin the quarrel, Swan was at Croft's shop. A man came up to get some work done, and I went from the dwelling to the shop with **Mr. Fisher**. I went home to get some materials and met the Indian. He asked me with a kindly smile "how do you do today?" I returned the compliment and said "very well." As I passed, he drew his hand and struck me in the face three or four times. A quarrel ensued between him and I. After 2 or 3 minutes, Croft, Swan and Servos came to assist him. Swan had a large pole in his hands and drew it over my brother's head and swore "by Jesus if you lift a hand I shall give it to you." Others

came to assist, George Shaw on horseback- he tied the horse to the fence and rushed into the crowd and hollered "give it to him" the others and the Indian were hollering. **John Hannett** [**Hannatt**?] came up and said 'he gave McGarvey fair play, take off his coat and handkerchief.' Swan said "no by Jesus he must fight as he is now." When the fight ceased with the Indian and me, Servos and Swan said "by Jesus you shall get it before you leave the ground." Mother cried "William and Robert run into the house, if you don't you shall not leave the ground with your lives." We ran in and the mob followed to within 2 or 3 yards of the gate leading into the house. I ran out with a bayonet and scabbard, then the men retreated down the road. I ran after them as far as mother's barren. I met with William Woodruff who said "You damned nation rascal, are you coming at me with a bayonet?" "Yes by Jesus if you come to fight I shall let out your guts and God 'dam' you I don't want to." I stopped and when he got the opportunity he lifted two stones and threw them at me. He hollered for the party and they came up with stones. Some threw stones and others didn't. John Hannett came up and demanded peace and said "I think there is enough done." Isaac House said "you have no call to command the peace here." We had to retreat into the house and they pursued us. They threw stones into the house, others hit the house and broke off boards. I ran into the room and got the fowling piece and ran to the door and snapped it two or three times at William Woodruff, levelled it at George Shaw and he went off, Shaw being one who threw stones into the house and struck me with one. This ended the quarrel. Henry Swan swore he was at the steam mill, saw the quarrel at McGarvey's and ran up. He saw J. a French man and I fighting. He saw me run after William Woodruff with a bayonet, and fire at Shaw. Went to lift a saddle and dropped it. He didn't see Shaw throw stones. Remember-- Shaw, William and Richard Woodruff and Henry Swan all threw stones just abreast of each other. He didn't see my brother do anything, just stood by me and didn't hinder me. Also when at Dr. Mewburn's heard me say "I would have been glad if I had shot George Shaw for it would have been in my own defence." This is merely what the rest of the witnesses has sworn, that I have heard for so far.

Verdicts: Henry Swan "not guilty;" William Woodruff "not guilty;" Dwight Croft, John Servos, Richard Woodruff, George Shaw, Royal Davis Secord and Isaac House all found "guilty" of assault and fined £1 each plus costs £3.2.0 and £9.0.6 for a total £12.2.6. February 1, 1834.

Pencil notes by **C.L. Hall** (prosecutor) with questions and list of witnesses: 1st witness, **Wm. McGarvey** sworn. At the time the stones were thrown in the house by **Mr. Woodruff** were the whole of the def's present? Have you any doubt but that the **Indian** had [----] What time in the day did this happen? Do you think that Mr. W. or any of them had sufficient provocation to break [----]; Had not the persons assembled around the house before your son came out? Did you **Dwight Croft** take hold of your mother? Did not Mr. Woodruff [crossed out.] I will lay it by when I take a life as to the length of time that the riot lasted; how could any person engaged in such a row form a judgement as to its duration; if he worked at the steam mill why did he not stay there; witness heard **Hammett** (constable) command the peace; witness struck Indian while engaged with his [----], it was natural for him to do it. Asked William you damnable rascal are you going to stab me? What was William to think when he had been engaged I ask the nephew of Woodruff. **Mrs. McGarvy**, says that two of the def'ds came in the morning & asked for those fellows, she said her sons were no fellows. As to striking a woman—**Miss McGarvy** seeing one of the parties looking into the shop, was it not natural to suppose it was a premeditated attack. When the peace was commanded he put on his coat. Saw Woodruff throw a stone before. One of the party told him that one of the McGarveys had whipped young Wm. Woodruff, as to McGarvey coming out with a bayonet, his house surrounded by a mob in which there was his widowed mother and sisters. As soon as Woodruff rallied the rest followed, told witness he had no right to command, he would not have turned had not Woodruff have. As to McGarvey, is it [causing?] a row to resent a blow given without provocation? Is he not to strike a man who comes to his shop &

strikes. Why did we not bring forward. As to being a riotous character, that would be an excuse for the def^ds the offence is against. The Indian corroborates the testimony. He never had any quarrel with McGarvey never struck any man before then he must have been justified. He left [---] men before. Mr. Clark says that McGarvey he is quiet. John Fisher. Wm. Lutridge- damn your old soul I will take your guts out.

File 16-18.

Amos Farewell, Clinton, labourer. Charged with assault and battery against *William Tufford*, Clinton, on December 12, 1833. True bill: *Jacob Garner* (foreman.) Witnesses: William Tufford. Recognizance taken before *Daniel McDougall* on December 15, 1833: William Tufford £10; recognizance taken January 10, 1834: Amos Farewell £10, surety *John Kidd* (Niagara Deputy Sheriff) £10. Defendant discharged, no prosecution appearing.

File 16-19.

Isaac Leech, Willoughby, labourer, *Amos Leech*, Willoughby, labourer, *William Leech*, Willoughby, labourer, *David Pettit*, Willoughby, labourer, *Charles Rozell*, Willoughby, labourer. Charged with larceny, the theft of three turkeys (value 5/-) the property of *Benjamin Colerick*, Willoughby, yeoman, on December 25, 1833. No bill: *William Proctor* (foreman.) Witnesses: Benjamin Colerick, *Charles Vader*, Stamford, wheelwright and *James Robison*, shoemaker. Evidence of Benjamin Colerick taken before *James Cummings*, December 26: the three turkeys were stolen Wednesday morning at 5 o'clock, were brought down river in a wagon. Rozell and Robison can be taken as evidence. Evidence of Isaac Leech: came down river from *Lewis House's* in a wagon, Vader was the driver. We stopped at *Rosell's Tavern*. Walked with Pettit to Chippawa. Denies knowledge of the turkeys. Evidence of Amos Leech: There were four turkeys in the wagon, owned by Isaac Leech, David Pettit, Charles Rozell, Charles Vader and deponent. Vader won his turkey at Lewis House's in Willoughby. Evidence of William Leech: We got the turkeys at Lewis House's. Evidence of James Robison: Defendants came from Lewis House's with the turkeys, didn't stop until they reach Rozell's. Evidence of *Joseph Jay*: Was at R.H. Lee's Hotel. James Robison came down the river, stopped and took the turkeys. Evidence of Charles Vader: Went with Leech to Lewis House's in Willoughby from Chippawa in his wagon. Remained there until between 2-3 am. Was awakened in bed by hallowing. A party was raffling and playing with cards. We went for the horse and started for Chippawa, stopped at Rosell's and took the turkeys belonging to the company. Evidence of Charles Rozell: paid 2/- for a wagon to Vader's. Brought one turkey, didn't recall the others were in the wagon until they got to his house. There were 7 persons in the wagon. Evidence of David Pettit: Left House's with Leech at 1 am. We put four turkeys in the wagon. We didn't stop until we reached Rosell's. The turkeys belong to Rozell, Vader and Leech. Letter of James Cummings to *Charles Richardson*: C.W. Rozell was taken in the road as a passenger. As evidence the truth will come out. Story was told to constable *Robert Caswell* and James Robison, and told to security *Alexander Ogden*. Subpoena Robert Caswell and Alexander Ogden if necessary. Recognizance: William Leech, surety *Matthew Donahoe* £5 each; Isaac and Amos Leech £5 each; Charles Vader and surety *Henry Bond*, Stamford, blacksmith, £5 each; John Smith (grocer) and Charles W. Rosell £5 each; James Robison and surety Alexander Ogden £5 each; David Pettit and surety *John Smith* £5 each.

File 16-20.

Daniel Lewis, Grimsby, labourer. Charged with assault and battery against *Barney Colleton*, Gainsborough, labourer, on November 12, 1833. No bill: *William Buck* (foreman.) Witnesses:

Barney Colleton. Evidence taken before **Smith Griffin** on November 13: Colleton and Lewis were on the road near **Griffin's Mill**. **Moses P. Durkee** and **William Stewart** were engaged in a quarrel, Lewis interfered. Colleton told him to leave them alone, whereupon Lewis struck deponent three times with a tin horn. Warrant to apprehend Lewis issued by Smith Griffin to constable **John Page**, November 23. Recognizance taken before **Daniel McDougall** on November 28: Daniel Lewis £10, sureties John Page, Grimsby, yeoman £10, **Ruffus Durkee**, Grimsby, farmer, £5.

File 16-21.

James McBath, Grantham, labourer. Charged with larceny, stealing one shirt (value 2/-) and jacket (2/-) the property of **David Instar**, on October 29, 1833. True bill: **William Buck**. Witnesses: David Instar. Recognizance taken before **E.S. Adams**, October 30: David Instar, Captain of the vessel "**Canada**," £25. Verdict: guilty. Sentenced to stand in the pillory 1 hour.

File 16-22.

Joseph Porter, Niagara, labourer. Charged with assault and battery against **William McGarvey**, St. Davids, cooper, on November 11, 1833. True bill: **William Buck** (foreman.) Witnesses: William McGarvey. Recognizance taken before **James Muirhead** on November 13: William McGarvey £10. Verdict: "not guilty."

File 16-23.

James Price, Bertie, labourer. Charged with larceny, stealing one buffalo skin (value 5/-) the property of **Ezekiel Jones Metcalf**, Bertie, labourer, on November 19, 1833. True bill: **William Buck** (foreman.) Witnesses: Ezekiel Jones Metcalf, **Alexander Wintermute**. Evidence of E.J. Metcalf taken before **Edmund Riselay** on November 19: the buffalo skin was stolen from deponent's sleigh in the barn of **William Forsyth**, Bertie, yeoman. Searched for the robe, and the boy in the employ of William Forsyth as mail carrier. Evidence of James Price taken before **James Cummings** on November 20: Price is an apprentice to **Nelson Forsyth** and carrier of mail from Fort Erie to Niagara, was arrested by Alexander Wintermute. He was on the road between Chippawa to Fort Erie, his usual route, and he saw a horse and sleigh stand opposite to Alexander Wintermute's around 8-9 pm. The horse had a robe. Deponent was cold and took the skin, intended to return it in the morning. Had no other reason to take it. He feared a flogging and so didn't return it. Recognizance taken before James Cummings on January 28, 1834: Ezekiel Jones Metcalf £10; Nelson Forsyth, Bertie, gentleman £5. Verdict: guilty. Sentenced to 48 hours in prison, February 1, 1834.

File 16-24.

John Fitz Stewart, Clinton, yeoman. Charged with assault and battery against **William Tufford**, on December 12, 1833. True bill: **James Gilleland** (foreman.) Witnesses: William Tufford. Recognizance taken before **Daniel McDougall** on December 15: William Tufford £10. Defendant discharged, no prosecution. Recognizance of prosecution estreats, January 29, 1834.

File 16-25.

William Stewart, Grimsby, labourer. Charged with assault and battery against **Moses Pain Dirkee**, on November 12, 1833. No bill. Witnesses: Moses P. Durkee. Evidence of Moses P. Durkee taken before **Smith Griffin** on November 14: Deponent was on the highway in

Smithville, on the way to **S. Griffin's mill**. Someone threw a stone or stick from behind him. He crossed the bridge, and saw three men (**Barney Colleton**, **William Stewart** and **Robert H. Waddel**) from near **Mr. Lodge's** following him. They overtook him at **Mr. Cook's**. Colleton said "give me that horn, I can blow it better than you." He took it and broke it across his knee. Deponent turned, Stewart took his coat off and shoved me with his fist and threw me down. One had no hat. Recognizance taken before Smith Griffin on November 22: Moses P. Durkee and **Rufus Durkee** £10 each; William Stewart and **John F. Stewart** £10 each.

File 16-26.

William Tufford, Clinton, yeoman. Charged with assault and the obstruction of constables **John Fitz Stewart**, Grimsby, and **Amos Farewell**, Grimsby, constables beaten in the execution of their duty on December 13, 1833. True bill: **Henry Smith** (foreman.) Witnesses: John Fitz Stewart and Amos Farewell. Presentment attached January 24, 1834 signed: **Henry Smith** (foreman), **Arnold C. Sever**, **John Vandeuzen**, **Samuel Wightman**, **Isaac Merritt**, **George Muir**, **Peter Snider**, **Andrew Dean**, **Moses Gilmore**, **Amos Adkins**, **Israel W. Cook**, **John Hoover**, **George Adams**, **James Page**, **Peter Buckbee** and **Jacob Tufford**. Filed by **Charles Richardson**, Jan. 24, 1834. *Nolle prosequi*, recognizance and security estreats. Signed **William Hamilton Merritt**, July 9, 1834. [Verso endorsed indictment #17, Jan. sessions, Rex vs. William Tufford, obstructing constables in their duty & common assault.]

File 16-27. Accounts (March Sessions)

Report of the Committee of Accounts, March-July Sessions. Signed **N. Pawling**, July 8, 1834.

Schedule of Accounts Passed in Quarter Sessions, July 1834.

John P. Hannett, constable account, £2.11.3.

Letter of **H. Nelles**: **Amos Farewell** was sent to St. Catharines to notify the coroner of the body of a man found in the road near this place, March 24, 1834. (coroner **Samuel Wood**.)

Amos Farewell, constable account, travelled to the inquest held on the body of **Jonathan Hill**, 18 miles from Grimsby, February 19, 1834. 15/-.

Thomas Dority, constable account, 12/7-.

Joseph Clement, charge for 5 cords of firewood for debtors, £2.3.9.

Ephraim Wheeler, salary as turnkey £14.5.0.

Matthew Dobie, charge for bolt and ring, chisel, making and repairing shackles, £0.16.10½.

Abraham Chapman, constable accounts, £2.3.6 and £13.4.0.

Mary Stephenson, widow. Charge for 10 barrels of lime sent to the gaol (lent, but not returned) £1.17.6.

Kenneth Reach, tax certificate; **John Martell** (for a shop and house) £1.0.10. Certificate of **John Gibson**.

Hugh McKenna, constable account, £3.19.2½.

Thomas Hero, charge for sweeping the chimney for one year 15/-.

Samuel Wood, Grantham, March 25, 1834: charge for holding an inquest upon the body of **Jonathan Hill**, February 28, 1834, "visitation by God;" **Sarah Younglove** (Grimsby) March 4, "excessive fatigue and severe cold, froze to death;" **Obediah Roswell** (Thorold) March 19, "accidentally walked into the **Canal** and drowned." £7.17.6.

Gaol Committee: Shoes for criminals cost £2.13.1½, to be delivered to prisoners in actual want of them. Signed **Daniel McDougall**, **Thomas Butler**, **Robert Melville**, **William M. Ball**, **John C. Ball**.

Cyrus Sumner: charge to attend at the inquest held on the body of **Jonathan Hill**, £2.8.4. Signed **Samuel Wood**.

Drs. Telfer and **Porter**: charge to attend at the inquest held on the body of one **Taing**, orders of the coroner, March 25, 1834. £1.3.4.

Charles K. Fell: charge for surveying roads in Grantham Clinton and Thorold, £9.2.6.

Thomas Dority, constable account, 15/-.

John Bradt: charge for summoning jury to the inquest held on the body of **Obediah Roswell**, 5/-.
Also for an inquest held on the body of an unknown man found near **Beaver Dams**, at Thorold, June 1833. "Body interred at my desire, signed **Samuel Wood** (coroner.)"

Rations Due to the Gaoler of the Niagara District (Peter Wheeler) January 24-March 27, 1834. Cost £95.10.8. includes washing, scrubbing the court room, 60 cords of firewood for the gaol, candles for the gaol, six cell brooms and half yearly wage. [Names of prisoners and date of commitment:]

Patrick Donley, January 24-March 27.

Charles McLain, January 24-March 6.

Thompson Brown, January 24-March 27.

Leonard Hick, January 24-March 27.

Thomas Smith, January 24-March 27.

Aron Roy, January 24-March 4.

Nelson Petty, January 24-March 27.

Thomas Clark, February 16-March 27.

James Mitchell, February 19-February 24.

Michael Joyce, March 14-March 27.

Michael Coughlin, March 14-March 27.

James House, March 22-March 27.

Harmonious House, March 22-March 27.

Julia House, March 22-March 27.

Charles Davis, March 22-March 27.

Debtors:

Lewis Bapp, January 24-March 1.

Lewis Odell, January 24-March 27.

John O'Rorke, January 24-March 19.

Thomas Whitwell, January 24-March 19.

John Callaghan, January 24-March 1.
Horris Lothrop, January 24-March 27.
Harvey Wilkins, January 24-March 27.
John Ferris, March 10-March 27.
John McArthur, March 11-March 27.
James Champlain, March 11-March 27.
James H. Seers, March 15-March 27.
George H. Hall, March 15-March 27.
Matthias Moore, March 25-March 27.

File 16-28. Accounts Rejected.

Luther Boardman, constable account, £1.6.8. Inquest on the body of *Patrick Curtin*. (Magistrate not authorized to hold an inquest.)

David Thompson: cost of suit, fines &c £3.0.5. for *Charles W. Helms*, selling liquor without a licence. (Paid by defendant.)

Amos Farewell, constable account £3.10.0. (Paid by the sheriff.)

Patrick Bateson, constable account. Charge for warrants against Menonists, Tunkers and Quakers £3. (Paid by defendants.)

John Wagstaff, charge for tin plates and cups for the use of the gaol, 10/6-. Signed *Daniel McDougall*. (No voucher.)

Samuel Heron, charge for printing costs and advertising bills, regulations &c. £9.10.3. (No voucher.)

Francis Proctor, constable account. Charge for turning people out of the *cholera hospital* &c. Charge to summon a jury for an inquest on the body of a man who died in the hospital January 1834. £1.9.0. (No voucher.)

File 16-29. Wolf Scalp Certificates.

Statement of payments made for Wolf Scalp Certificates April 1, 1833-March 25, 1834. Total £116, signed *William Clarke* (Treasurer.) Names of claimants from Crowland, Walpole, Wainfleet, Thorold, Haldimand, Gainsborough, Canboro', Willoughby, Louth, Grimsby, Rainham and Humberstone: *Matthias Misener, David Nisely, John McEwen, Peter Dickson, Philip Carl, Bar. McAfee, Ross Birdsall, Samuel Birdsall, Jacob Everingham, Jonathan Cook, Frederick R. Whaling, O.[ren?] Chamberlain, Thomas Bryon, [-----], John Smith, Bar. Swayze, Elias Buckley, Jonathan Dill, John Misener, Daniel Palmer, David Long, Julian Dennis, Bales Cryslar, John Sule, David Kinsely, Samuel Wiggins, Jacob Sarn* (Willoughby), *Joel Chamberlain, Jacob Vaughan, John Cranford, [-----] Smith* (Gainsborough), *Leonard Misener, Andrew Muir, George A. Ball, Jacob Worail* (Grimsby), *Asa Pettit, John Stoner, George Adams, John Harris, M. Vannalton, Richard Meredith, John D. Beamer, William Beamer, Isaac Thomas, Christopher Yeagar, Bur. Matlock, Peter Misener, Jacob Sherk.*

File 16-30. Assessment Records.

Letter from *John Norton* to *Charles Richardson, Huff Settlement*, March 20, 1834. Regarding the Assessment Book. *Joseph Young* didn't give his land on Talbot Road since he had no certificate. Paid, and will get the deed this summer. *John A. Nelles*, mill land. Was on lease from *Captain Joseph Brant* to *Abraham Nelles* (40 Mile Creek) occupied by his son, John A. Nelles. *Abraham Clark*, wild land. He is the tenant of *William Nelles*, of 40 Mile Creek, leased from *Captain Joseph Brant*. He says the land lord must pay tax for wild land.

File 16-31. Convictions (*Samuel Street, James Robinson, James Cummings*, JP's, Chippawa.)

Letter of *Samuel Street* to *Charles Richardson*, Niagara Falls (Chippawa) March 4, 1834: encloses copies of the following convictions. On the complaint of *Joseph Tanner* and *Peter Taylor*, February 18, 1834, *Benjamin Pain* and *James Mitchell* wilfully cut and carried away oak and other timber off Glebe Lots 7 and 8 Concession 4, Willoughby. *Abraham Wintermute* and *Charles Goodenough* cut timber off Glebe Lots 10 and 11 Concession 4, and *Stephen Story* cut timber off Glebe Lot 9. Pain fined £7.8.11 (fine and costs), Stephen Story fined £7.10.11, James Mitchell fined £6.8.5., Abraham Wintermute and "Calvin" Goodenough fined £2.5.0. Another letter from Street to Richardson, March 12, 1834, refers to James Mitchell convicted under 6 Geo. III ch. 48.

File 16-32. Convictions (*Duncan McFarland* and *B. Tench*, JP's, Thorold.)

James Spratt, Thorold, labourer. Charged with assault against *Samuel Huelett* [alias *Hulett*] of *Port Robinson*, miller, on March 28, 1834. Evidence of Samuel Huelett: was at the inn of *Dilly Coleman*. He was taken by the throat by Spratt with one hand and struck in the face with the other hand. Fined £2 plus 9/3- costs. To serve 1 month in gaol unless paid sooner. £2 to be paid to *Robert Wilson*, pathmaster of Thorold.

File 16-33. Correspondence.

William Clarke to *William Hamilton Merritt*, Niagara, March 25, 1834: An order sent to me by the Clerk of the Peace required the *District Accounts* to December 31, 1833. I have been busy copying them, will be ready in a few days.

Charles Richardson to *Jacob Dockstader*, March 29, 1834: enclosed are notifications for constables. Serve them as soon as possible.

File 16-34. Criminal Calendar.

Prisoner at Niagara Gaol (Peter Wheeler), March 25, 1834. [Names of prisoners and date of commitment.]

Patrick Donley, September 6, 1832. Assizes. Murder.

Thompson Brown, March 1, 1833. Under sentence.

Leonard Hix, October 20, 1833. Orders of *Daniel McDougall*. Robbing the store of *James Lockhart*.

Thomas Smith, October 24, 1833. Orders of *John Alma, Robert Melville*. Robbing the store of *James Lockhart*.

Nelson Petty, January 14, 1834. Orders of *David Thompson*. Burning the barn &c of *L. Jennings*.

Thomas Clark, February 17. Orders of *James Muirhead*. Stealing the horse and wagon of *A. Crysler*.

Michael Joyce, March 14. Orders of **John Alma**. Stealing “three peaces of curtain callico” of **Jane Baker**.

Michael Couglin, March 14. Orders of **John Alma**. Stealing curtain callico of **Jane Baker**.

James House, March 22. Orders of **David Thompson** and **Amos Bradshaw**. Stealing one jar of lard and 130 lbs. of pork, the property of **Eunice Price**.

Herman House, March 22. Thompson and Bradshaw. Stealing lard and pork of **Eunice Price**.

Julia House, March 22. Thompson and Bradshaw. Stealing lard and pork of **Eunice Price**.

Charles Davis, March 22. Orders of Thompson and Bradshaw. Want of bail.

File 16-35. Presentment.

The **High Sheriff** has removed his office from the Town of Niagara to his residence at **Queenston**. This retards the administration of justice and collection by creditors, and delays criminal law. The office should be kept in the town near the court and gaol, in order that no delays will be experienced in the absence of the sheriff or deputy. All public offices connected with the courts should reside in the town. March 25, 1834. Signed: **B.M. Pawling, Seth Keith, Theophilus Brundage, Abraham Hosteter, Jacob Hosteter, Amos B. Thomas, Robert Hodgkinson, John Cox, George A. Darby, James McCowan, Robert Bessey, Conrad Shook, Cornelius Read, Adam Stevens, William Read, Thomas Read, Francis G. Parnall, Thomas Donaldson, Stephen Parnell, Richard Havens, Alexander McNabb, David Cooper**.

Alexander Hamilton. Motives for moving the office of High Sheriff. If the office is in my house, any papers get immediate attention; the gentlemen of the bar get their papers with punctuality. I did not appoint an under sheriff, not wishing to devolve my duties upon him. This was not from a pecuniary motive, since my assistant receives some percentage of fees as if he were appointed to that situation. The difference in location is in favour of **Queenston**. If a presentment is sent to the Lieutenant Governor, send this explanation also. March 26, 1834.

A small percentage of Statute Labour between **10 Mile Creek** and the Township Line is not sufficient to keep the roads and bridges in repair. The **Lake Road** will become impassable unless assisted by money. Not a shilling of public money has been expended for years. £20 will repair the **8 and 10 Mile Creek bridges**. **Abraham Hosteter** and **Cornelius Read** recommended as Commissioners, March 26, 1834. Signed: **B.M. Pawling, Seth Keith, Abraham Hosteter, Stephen Parnall, Francis G. Parnall, James McCowan, Robert Bessey, Cornelius Read, Thomas Read, William Read, Conrad Shook, David Cooper, Thomas Donaldson, George A. Darby, Theophilus Brundage, Alexander McNabb, Robert Hodgkinson**.

Sally Risenbarrick, an idiot daughter of **Daniel** and **Mary Risenbarrick**, 27 years old, parents dead. Has been supported by **David Bonesteel** at his own expense for 55 weeks. Recommended that he be allowed a sum for her maintenance, 6/3- per week. Signed **David Cooper, Francis G. Parnall, Alexander McNabb, Richard Havens, Robert Hodgkinson, Robert Bessy, William Read, Theophilus Brundage, George A. Darby, B. Merritt Pawling, Stephen Parnall, John Cox, Jesse Pawling, Cornelius Read, Conrad Shook, James McCowan, Lewis Lambert, Isaac Lacey, Seth Keith, Thomas Donaldson, Amos B. Thomas, Abraham Hosteter, Adam Stevens, Thomas Read**.

File 16-36. Insane and Destitute Records.

David Bonesteel (Thorold) Has cared for **Sally Risenbarrick** since March 1, 1833, has received £15. (55 weeks.) Prays for aid, March 22, 1834. Recommended: **David Thompson, Amos Bradshaw, David P. Brown, Samuel Beckett, James Brown, Richard G. Brown, Henry**

Slawmiltz [*Slawmick?*], **John D. Bradshaw**, **Stephen** [-----], **Moses Skinner**, **Hugh McKenna**, **Matthew Hutson**, **John B. O'Reilly**, **Samuel Burger**, **Abraham Chapman**, **Alexander B. Chapman**.

File 16-37. Jail Records.

Gaol Committee: **Robert Melville**, **Daniel McDougall**, **J.C. Ball**, **Thomas Butler**, **William Ball**. List of items and repairs needed at the gaol: blankets; repair gutters and spouts; clean gaol; repair the pillory; stove needs to be altered; shed for straw for bedding; £10 paid to committee for contingency; surgeon to be paid £25 per annum, paid quarterly, March 27, 1834.

Section 21, divine service should be performed on Sunday by clergy appointed by the Sessions or sheriff, signed **Alexander Hamilton**, January 30, 1834. (Rejected, **William Hamilton Merritt**.)

File 16-38. Orders.

Memorandum of Orders, March 25, 1834:

1. all accounts and bills to be laid before the Magistrates of the District and liquidated as soon as possible.
2. No monies or payments to be made or contracts entered into in the Sessions.
3. Cheque book to be kept by the Clerk of the Peace, numbered in the margin and the name registered.
4. No money or cheque to be made out as paid to order or bearer, but to the person himself.
5. All accounts and bills are to be submitted to inspection and report before they are paid.
6. All receipts and disbursements are to be published in the papers.

Printed "Orders," signed **William Hamilton** and **Charles Richardson**:

1. All accounts to be submitted to the Clerk before 2 pm. on the first day of the Sessions.
2. The Treasurer's Statement of Accounts Received and Expended for 1833 be presented, and the same presented every March.
3. The Treasurer pay respective cheques &c.
4. Accounts may only be passed or audited by seven Magistrates.
5. The Clerk of the Peace submit all orders at the next Sessions.
6. Orders to be read by the Clerk of the Peace before the next business.

[Notation in the margin: schedule of money paid in the Session to be furnished to the Treasurer by the Clerk of the Peace and a copy laid on the bench at the next Session.]³²

Clerk of the Peace to obtain a return of *wild lands* subject to tax.

Clerk of the Peace to make a return of *wild lands* tax paid, what part paid to roads &c.

Clerk of the Peace to obtain ruled paper for *Assessment Rolls* and to deliver the same (May 12.)

The *salary of the gaoler* increased to £82.10.0. (March 29.)

The **Clerk of the Peace** be paid £7.10.0. for preparing the *Assessment Rolls*, April 1833.

³² A copy of these orders are also found in the *William Hamilton Merritt Papers*, (Fonds F662), Package 27 (Courts of Justice, &c) Archives of Ontario microfilm MS74 reel 4. This document adds an additional order, "That the Clerk of the Peace shall send a copy of these Resolutions to each Magistrate."

The *Clerk of the Peace* to examine the *Assessment Rolls* and to point out and correct errors.

Thomas Butler be paid £13.12.9½ and £15 out of the Town fund and not out of the District Treasury, signed *William Hamilton Merritt*.

The sale of the *Cholera Hospital* and appurtenances ordered and the proceeds be paid into the District Treasury, March 27.

The order for the amount for *Surgeons* dated October 31 be rescinded.

[Fragmentary order regarding *Justices of the Peace*.]

Ordered that 1d per £1 be collected, March 27.

Jacob Dockstader continue as *High Constable*, March 27.

The *Gaol Committee* be reconsidered, the order to build a shed for straw to be rescinded. Ordered that the committee contract with persons to furnish straw, March 27.

Ordered that a cheque for the services of the late *Dr. Muirhead*, for his last quarterly salary, be issued to his widow, March 27.

Charles Fell ordered to be *Surveyor of Highways*, March 26.

James Russell Glenn ordered to open part of the *West Line*, March 26.

Order of October 24, for a committee to find a suitable spot in the vicinity of Niagara for erecting a fire proof dwelling for the safety of public records is rescinded, March 27.

John Denwood appointed pathmaster on the road from the *Feeder* by *Broad Creek* to the Lake Erie shore by *Mr. Claybanks*. Road was interrupted by a proprietor on the line. The road was surveyed by *Charles Fell* and £25 laid out thereon. Grant an order to open the road, signed *William Mylnes*, March 26. John Denwood ordered to open the road, signed *William Hamilton Merritt*, March 27.

File 16-39. Petitions.

Francis William Porter, it is customary to appoint a gaol physician and surgeon, salary £25. Office left vacant with the death of *Dr. Muirhead*. Prays for the appointment, March 25, 1834. (Rejected, *William Hamilton Merritt*.)

Dr. Walter Telfer, has resided in Niagara for 9 years. Has been visiting surgeon at the gaol, salary £25 which was subsequently increased to £30. Prays for the appointment. (Appointed at a salary of £25 for twelve months.)

George A. Ball. Prays for appointment as Surveyor of Highways, if appointed he will serve. Has mislaid a petition from the inhabitants of Grimsby and Caistor. March 26, 1834.

File 16-40. Precept.

List of Grand and Petit Jurors compiled by *John Alma* and *Robert Melville* on February 28, 1834 for the Sessions on March 25, 1834.

Grand Jury: *David Cooper, Francis Parnall, Alexander McNabb, Richard Havens, Robert Hodkinson, David Nickerson, Robert Bessy, William Read, Theophilus Brundage, George A. Darby, Merritt Pawling, Stephen Parnall, John Cox, Jesse Pawling, Cornelius Read, Conrad Shook, James McCowan, Lewis Lambert, Isaac Lacey, Seth Keith, Thomas Donaldson, Amos B. Thomas, Charles Rolfs, Abraham Hosteter, Adam Stevens, Thomas Read.*

Petit Jury: *William Fletcher, John Pickard, Courtland Fuller, Warren Jones, William Secord, Walter Havens, James Robertson, Peter Young, William Jones, John May, William Darby, Matthew McMullin, James Mann, James Gilleland, Isaac Secord, Robert Price, Aaron Havens, David Emmett, Stephen Emmett, Lewis Traver, Solomon Soper, Samuel Soper, Rufus Wright, William Wiley, Thomas Courtney, John Dunn, James Fraser, John Skipwith, Thomas Compston, Nicholas W. Pickard, John Caughill, James Lawrence, Robert Nevin, Charles Field, Gilbert Anderson, John Coleby, Lorenzo Bissell, Paul VanKeuren, John Cudney, Abraham Rogers, James Thompson, Alexander G. Thompson, Jonathan Lavelle, Alexander Rogers, Solomon E. Secord, Thomas Gilleland.*

File 16-41. Road and Bridge Petitions.

Petition to *Charles K. Fell*. The inhabitants of Clinton labour under inconvenience for want of a road from the *Main Road* to *Mud Creek*, on the east side of lot 9 between Concessions 4 to 8 to the foot of the Mountain in consequence of the steepness of the Mountain. January 31, 1834. Signed: *John Kilborn, John Wier, Hermon Kilborn, Jacob Strickers, John Strickers, Daniel House, Henry House, Leweys House, Harmon Hervey, Peter Wier, George Johnson, David Berdron [Bartrand?]*

Petition to *Charles K. Fell* and *Cyrus Sumner*. The inhabitants of Clinton pray to have a road laid out between lots 14 and 15 from the *Main Road* (Niagara to Hamilton) to Concession 10 to intersect *Mud Creek Road*, March 14, 1834. Signed: *Henry Rott, Christian Bughner, Jacob Merrill, Moses Couse, John Weirs, Dewey Gillmore, John H. Kilborn, Jesse Wickersham, Harmon G. House, Jacob Beam, John McIntyre, William Crowther, Patrick McGaw, Joseph Snyder, D. Smith.*

Petition from the inhabitants of Wainfleet. *Brown's Bridge* over the *Welland River* is unsafe. Two new bents must be put in place without delay, cost £15. March 22, 1834. Signed: *David Thompson, Stephen McFarr, Hugh McKenna, James Brown, Jacob Strohm, Amos Bradshaw, Samuel Beckett, David P. Brown, Samuel Burge, Joseph Willcox, Abraham Chapman.* (Recommended £12.10.0. be paid towards repairs.)

John McNabb, Grantham. A road has long been opened through his land but not on the actual line of the road. Prays to alter the route of the road to where it should be, or allow him the value thereof. Distance of 18 chains across lots 4 and 5 on the *8 Mile Creek*, March 27, 1834. (Rejected.)

File 16-42. Road and Bridge Reports.

Charles K. Fell, Pelham Square, March 22, 1834: Have reviewed roads and find them necessary and useful if opened. 50 feet where they deviate. Sketches attached for *Mud Creek Road, Fly Road* and the *Main Road*.

File 16-43. Tavern and Shop Licences.

Charles William Edwards, keeps a house on **Charlotte Street** near **Butler's Barracks**. Has made arrangements for the comfort of travellers. Prays for a licence for one year, March 24, 1834. Recommended by: **Robert Melville, William Kingsmill, A. Garrett, John Kidd, James Gordon, Francis Baby, Edward Powell, Samuel Shaw**. Paid £6, licence granted March 25, 1834. Signed **William Hamilton Merritt**.

To the Inhabitants of Crowland, Wainfleet, Pelham and Thorold near the junction of the **Welland Canal** and the **Feeder**. March 9, 1834 a jury was summoned by **David Thompson** and **Amos Bradshaw** in the absence of a coroner to hold an inquest on the body of **John McIntire**. Deceased was found dead in the Welland Canal on March 8. He had been violently bruised before his decease. He had entered the inn or house of **Henry Sloan**, in a sober state, at the junction of the Welland Canal and the Feeder on December 24, 1833. He called for whiskey, became drunk, noisy and quarrelsome. There were several people at the inn drinking and raffling. He quarreled with several of them, and was put out by Sloan. He was followed out by **George Stuart** who was angry. They were found engaged out of doors and parted by Sloan. Stuart was put into the house and the deceased was left outside. He has not been seen since, until his body was found on the 8th. **Verdict:** The deceased was abused at the house of Henry Sloan, turned out, started for home but fell drunk into the Canal and drowned. Sloan does not keep a peaceable, sober and quiet house which is a resort of the drunken and dissolute. By this "awful and lamentable catastrophe" and intemperate use of spirits plentifully furnished to the deceased, Sloan should be compelled to desist selling liquor. Thorold, March 18, 1834. Signed: **James Brown, Alexander Brown, William Davidson, Alexander W. O'Reilly, John B. O'Reilly, John Hellems, Thomas Bald, Aaron Price, David P. Brown, Abraham Chapman, Peter Jennings, Peter Pettit, Andrew Moore, C.W. Hellems, Enoch Shrigley, Jacob** [-----]³³. The Clerk of the Peace to subpoena some of the petitioners to appear to present and notify the defendant of the intended prosecution, March 26, 1834.

File 16-44.

Michael Caughlin, Niagara, labourer, private in the **66th Regiment** and **Michael Joyce**, Niagara, labourer, private in the 66th Regiment. Charged with larceny, stealing three pieces of bed curtains (9 yards, value 2/6-) the property of **Jane Baker**, widow, on March 12, 1834. True bill: **B.M. Pawling** (foreman.) Witnesses: Jane Baker. Evidence of Jane Baker before **John Alma**, March 14: bed curtains stolen from her house, contiguous to **Butler's Barracks**. Recognizance: **Elizabeth Campbell** and **Hamilton Campbell** £10 each. **Verdict:** Michael Caughlin "not guilty," Michael Joyce "guilty" and ordered to stand for 1 hour in the pillory and then be discharged.

File 16-45.

Susan Harriett Eastwood, Grantham. Charged with assault and battery against **Jane Manby** on February 4, 1834. Witnesses: Jane Manby, **John Schram, Cornelius Schram**. *Nolle prosequi*, July 9, 1834.

File 16-46.

³³This last signature is difficult to decipher due to the fact that it is in old Germanic (Gothic) script.

William Howe Green, Stamford, yeoman. Charged with larceny, sealing 100 feet of boards (value 5/-) the property of **Thomas Sheppard Smith** (alias **Smythe**) of Stamford, Esquire, on October 12, 1833. Witnesses: Thomas Sheppard Smith. Evidence of Thomas S. Smith taken before **Samuel Street** November 12: Green moved from a dwelling house on Smith's land and took 9 or 10 boards for the floor. Recognizance: William H. Green and Thomas S. Smith £10 each. Letter of Thomas S. Smith, January 2, 1834: The bearer **William Lacey** was present at my conversation with Green. He heard Green say the boards were his, that [-----] and **George Bush** assisted him to remove them before they went away. Lacey talks of going to York. If his affidavit will not be received in evidence, it would be better to bind him to appear. Recognizance taken before Samuel Street on January 4: William Lacey, Stamford, house joiner, £5. *Nolle prosequi*, defendant discharged by proclamation, July 9, 1834. Recognizance of Thomas S. Smith estreats.

File 16-47.

Andrew Gregory, Louth, yeoman. Charged with assault and battery against **Basnett Dell** on January 25, 1834. True bill: **B.M. Pawling** (foreman.) Plea: "guilty." Fined 1/- plus costs, March 27, 1834.

File 16-48.

William Gregory, Louth, labourer. Charged with assault and battery against **Andrew Gregory**, Louth, farmer, on February 1, 1834. True bill: **B.M. Pawling** (foreman.) Witnesses: Andrew Gregory, **Christian Price**, **Daniel Gregory**. Evidence taken before **Henry Mittleberger** on January 27: deponent was struck on the back of the head, knocked down, and defendant drew out a knife with intent to injure deponent. Recognizance taken January 30: Andrew Gregory £20; William Gregory £25, surety **Barnabas Gregory** £12.10.0.

File 16-49.

Henry Hampton, Grantham, labourer. Charged with larceny, stealing one shirt (value 3/-) the property of **Henry R. Nicholas**, Grantham, labourer, on December 26, 1833. Witnesses: Henry R. Nicholas. Evidence taken before **Daniel McDougall**: shirt was stolen from the garden of **Joshua Cudney**, as well as eight fowls and a flannel shirt belonging to Joshua Cudney (value 5/-) Recognizance: Henry R. Nicholas £10. Recognizance of defendant, prosecutor and all sureties estreat, July 9, 1834.

File 16-50.

Jeremiah Hartwell, Stamford, labourer. Charged with assault and battery against **Hugh Murphy**, Niagara Falls, shoemaker, on December 16, 1833. Witnesses: Hugh Murphy. Evidence taken before **James Robinson**, December 18: Murphy called at **Mr. Shapley's** for the loan of [bark?] Hartwell came in and went out, offered to accompany Murphy home. He stopped and swore "by Holy Jesus he had it in for him for sometime, called him a Bloody Orange Protestant Buggar" and he would give it to him. Hartwell made a kick at Murphy's "private parts" and struck him with his fist, knocked him down, and struck him in the face and body. Murphy was afraid of being murdered and cried "murder" and Hartwell made his escape. Recognizance: **Edward Shapley** £20 and **James O'Brien** £10. *Nolle prosequi*, recognizance of defendant, prosecution and sureties estreat, July 9, 1834.

File 16-51.

Harmonious House, Crowland, labourer. Charged with receiving stolen goods, 130 lbs. of pork and 10 lbs. of hog lard (value 5/-), the property of **Eunice Price**, on February 15, 1834. True bill: **B.M. Pawling** (foreman.) Witnesses: Eunice Price, **Charles Davis**. *Nolle prosequi*, March 27, 1834.

File 16-52.

Julia House, Crowland and **James House**, Crowland, labourer. Charged with larceny, stealing lard and pork, the property of **Eunice Price**, Crowland, widow of **David Price** (late of Willoughby), on February 15, 1834. True bill: **B.M. Pawling** (foreman.) Witnesses: Eunice Price, **Charles Davis**. Evidence of Eunice Price taken before **David Thompson**, Wainfleet, on March 20: Deponent fastened up the house on February 15th and left, when she returned the next day she discovered that persons had broken in and stolen her lard and pork. Evidence of Charles Davis, Humberstone, labourer, March 20: Deponent went to **Harmonius House's** house on the 15th. His daughter Julia House called him to another room, and asked him to go with her and James House to steal Eunice Price's pork. Their father promised to make a [quitting?] if they'd steal the pork and bring it home. They went to the house after dark and knocked at the door. If she was at home they'd posture a visit. If she was away, they'd enter at the window. James House used a chisel to open the window. Julia House went in and handed out the lard. Deponent went in to help with the pork. James House received the stolen property outside the house and closed the window. They carried the pork to Harmonius House's, "he was well pleased with the expedition." Recognizance of Eunice Price £10. Charles Davis refuses to be bound and is committed for safe keeping, March 22, 1834. Verdict: "not guilty."

File 16-53.

Michael Joyce, Niagara, labourer and private in the **66th Regiment**. Charged with larceny, stealing two razors (value 5/-) the property of **Alexander Campbell** on March 12, 1834. True bill: **B.M. Pawling** (foreman.) Witnesses: Alexander Campbell, **Elizabeth Campbell**, **Hamilton Campbell**, **Jane Baker**. Evidence of Alexander Campbell taken before **John Alma** on March 14: the razors were taken from my house near **Butler's Barracks**, now produced by **Sergeant [Jurby?]** Recognizance of Alexander Campbell and Michael Joyce, £10 each. Verdict: "not guilty."

File 16-54.

James Urquhart, Willoughby, labourer. Charged with larceny, stealing 16 lbs. of smoked pork ham (value 5/-) the property of **William Duff**, Chippawa, merchant, on May 29, 1833. True bill: **James Durham** (foreman.) Witnesses: William Duff, **Thomas Quin**. The complaint of William Duff, brought by constable **Erastus Moses**, that the ham was stolen from the forwarding store of William Duff. Evidence of James Urquhart taken before **James Cummings**. Urquhart said the ham was brought to his boarding house, doesn't know where it was purchased. He said he paid 10¢ per pound, the man said the ham was 10 lbs, so Urquhart paid \$1.00. The man who sold it was in a two horse wagon. No other person was present at the time of the purchase. Search warrant issued to constable Erastus Moses, the ham is believed to be in the house lately occupied by **Dr. Carr** belonging to **Joseph Day**, March 30, 1834. Recognizance taken May 21: James Urquhart £10, surety **Samuel Hicks** £5. *Nolle prosequi*. Recognizance of defendants, prosecution and sureties estreat July 9, 1834.

File 16-55.

Barney Woolman, Niagara, yeoman. Charged with assault and battery against **William Wadsworth**, Queenston, on February 24, 1834. True bill: **B.M. Pawling** (foreman.) Witnesses: William Wadsworth, **Daniel Wadsworth**, **Phoebe Payne**, **Thomas Humphrey**. Evidence of William Wadsworth taken before **Robert Grant**, Queenston, February 27: Deponent was at the house of Phoebe Paine in Queenston with defendant, **Richard Smith**, [----] **Moon**, Thomas Humphries and his brother Daniel Wadsworth. They were playing cards for coppers and amusement. At 9 pm he quit the play to go home. He asked defendant for his cards and put them in his pocket. Defendant said he shouldn't take the cards but to play again. Defendant then struck deponent with his fist in the side. Deponent said he'd take him to law, and defendant kicked him several more times, struck him in the mouth and loosened his front teeth saying "as you are going to take the law, I will give you something to take the law for." Evidence of Barney Woolman, February 28: thinks Wadsworth as much in the wrong as he was. Will not say more until in court. Recognizance of Barney Woolman £10, surety **Joseph Wynn** £5. Plea: "guilty." Fined 1/- plus costs £3.0.9.

Niagara District Quarter Sessions, July 1834.
(April Sessions adjourned.)

File 17-1. Accounts (April Sessions.)

Jacob Dockstader, High Constable account £0.9.0.

Robert Randall, £56 for 100 days as member of the Legislative Assembly. Signed ***A. McLean***, certified by ***William Hamilton Merritt***, March 6, 1834.

William Crooks, £55.10.0. for 105 days as member of the Legislative Assembly. Signed ***A. McLean***, certified by ***William Hamilton Merritt***, March 6, 1834.

John Clark, £52.10.0. for 95 days as member of the Legislative Assembly. Signed ***A. McLean***, certified by ***William Hamilton Merritt***, March 6, 1834.

William Hamilton Merritt, £55 for 100 days as member of the Legislative Assembly. Signed ***A. McLean***, certified by ***William Hamilton Merritt***, March 6, 1834.

File 17-2. Assessment Records.

General Statement from April 1, 1833 to April 1, 1834. Signed ***William Clarke***.

General Statement of Unoccupied Land Tax, April 14, 1834. Signed ***William Clarke***.

Statement of Lands Sold for Taxes upon Which they Had Been Paid and Amount Credited but not Properly Described, signed ***William Clarke***, April 15, 1834.

Statement of Taxes Received for Unoccupied Lands in the Township of Wainfleet, April 1833-April 1834. [Additional "Statements" exist in this file for Pelham, Thorold, Stamford, Willoughby, Humberstone, Crowland, Bertie, Walpole, Rainham, Canborough, Niagara, Grantham, Louth, Grimsby, Clinton, Caistor and Gainsborough. Includes names in a column headed "paid by."]

File 17-3. List of Constables (dated March 27, 1834 unless otherwise specified.)

Grantham: ***John Gilleland, John Cleaveland, Rufus Wright, Richard McGivins, William Murray, William Roe, George Burn [Brown?], Samuel Haight, Isaac Lacey, Solomon E. Secord, William Darby.*** Certified ***William Hamilton Merritt***.

Humberstone: ***David Price, James Hall, William Steel Jr.*** Certified by ***Bartholomew Tench***.

Queenston: ***Chester Wadsworth, William Wadsworth.***

Pelham: ***William Swayze, Zephiniah Horton.*** Certified by ***L. McGlashan***.

Louth: ***Robert Hudelston and David Davis,*** at the request of ***William Adams***.

Stamford: ***James [Fido?], John Davis, John Prouse, Jacob Hooper, Robert Whatley.***

Recommended by ***Captain Creighton, J.C. Green,*** J.P's. Certified by ***William Hamilton Merritt***, March 25, 1834.

Stamford: ***J. Dunston*** (shoemaker), ***Robert Caswell, Stephen Conklin, James Oldfield, G. McLaughlin, Adam Freleigh, David Dunton, Johnson Green.*** Certified by ***William Hamilton Merritt*** and ***John Mewburn***.

Thorold: ***Daniel S. Brown, William H. Nelles, Luke Carroll Jr, Street Chace, Jesse H. Lacey.*** Certified by ***George Keefer***, March 28, 1834.

Wainfleet: *Abraham Chapman, Hugh McKenna*. Certified by *David Thompson*.

Pelham: ~~*Eber-Rice*~~, *Thorn, Lewis Willson*. Certified by David Thompson.

Crowland: *Matthew Hutson*.

Walpole: *Frederick Gibbs, James Gillman*. Certified by William Hamilton Merritt and *A. S. St. John*.

Rainham: *Peter Cullver, Jacob Fite*. Certified by William Hamilton Merritt and A.S. St. John.

Moulton: *Barton Farr, Christopher Lymburner*. Certified by William Hamilton Merritt and A.S. St. John.

Haldimand: *Joseph Montague, James Darrough, William Orderly*. Certified by William Hamilton Merritt and A.S. St. John.

Niagara: *Jacob Dockstader, Thomas Dority, Patrick Kinny, Patrick Bateson, Lewis Donnolly, Joseph Martin, Walter Elliott*.

Niagara (Town): *Gilbert Anderson, George Clark, Solomon Markle, John P. Harnett*. Certified by William Hamilton Merritt, March 29, 1834.

Grimsby: *Hugh Anderson, Amos Farewell, Mahlon Palmer, Dennis Palmer, John F. Stewart, Daniel Lewis, James Harris*. Certified by William Hamilton Merritt and *H. Nelles*.

Clinton: *Jesse Wickersham, Erastus Darby*. Certified by William Hamilton Merritt and H. Nelles.

Gainsborough: *John Snyder, John Mingle*. Certified by William Hamilton Merritt and H. Nelles.

Caistor: *John Page*. Certified by William Hamilton Merritt and H. Nelles.

File 17-4. Correspondence.

Letter from *Cyrus Sumner* to *Charles Richardson*, Louth, April 7, 1834: Would have many things to say at Court but my time is taken up and so this is impossible to accomplish. Query: I have a man's note, value under £10, who died lately. His widow disposes of his property. Can I sue at the *Court of Requests* to recover property which she has disposed of? I believe medical attendance must be paid next to the funeral charges, a debt of four or five years running. "I expect *David Palmer* has tired you out by stories and questions, he now begs of me to ask you if it is possible for his suit to be carried to York. The other party threaten him." I shall be down on the 14th.

File 17-5.

Rough Minutes (Orders passed) April 15, 1834.

Presentment signed by *William Hamilton Merritt, John C. Ball, George Rykert, Henry Mittleberger, E.S. Adams, John Alma, Nathan Pawling, John Claus, B. Tench, Jacob Keefer, Daniel McDougall, George Ball, Robert Melville, James Black, Thomas Butler, William Duff [Miller], George Keefer*.

File 17-6. Orders.

Schedule of *Cheques Issued*, ordered to be transmitted to the Treasurer by the Clerk of the Peace. Signed *William Hamilton Merritt*.

Alexander Emmons, ordered to be constable for Stamford, April 15, 1834. Signed *William Hamilton Merritt*.

Bernard Roddy, Charles Watt, Joseph Archer, James Harvey, Henry Brown, ordered to be constables for the Town of Niagara, April 15, 1834. Signed *William Hamilton Merritt*.

Joseph O'Conolly, James Larroway, Frederick W. Sanderson, ordered to be constables for Louth, April 15, 1834.

Richard Howard, ordered *Street Surveyor* for Niagara, April 15, 1834.

Gaoler ordered to present a report of all persons confined in his custody, April 15, 1834.

Order for **Henry Sloan** to be rescinded, he having discontinued the sale of spiritous liquors, April 15, 1834.

The Clerk of the Peace ordered to notify parties connected with the *hospital*, and make a return of the same by next sessions, April 15, 1834.

Daniel McDougall, Thomas Butler, Captain Melville, John Alma ordered to form a Committee to Examine *Police Regulations*. Signed **Charles Richardson**.

Magistrates ordered to assemble to investigate Police Regulations, and to receive sealed proposals at the office of the Clerk of the Peace for one year. Signed **William Hamilton Merritt**.

File 17-7. Petitions.

No Street Surveyor appointed, the undersigned recommend **Richard Howard**, April 15, 1834. Signed **Robert Miller, John Campbell, James Clarke, James Lockhart, John Russell, V. Sumner, Francis Baby, R.M. Long, John Balfour, Absalom Dix, Ursen Harvey, Lewis Clement, P. Drummond, John Rogers, Harley Sherwood, James Mahoney, John [Stobo?], Stephen Whitten, Thomas Sewell, James C. Crysler, W. Winterbottom, Ralfe Clench, Benjamin Harrington, Jacob Canniff, J. Alston, J. Eaglesum, John Douglas, Matthew Dobie, John Andrew, John Harris, John Barker, Frederick Brown, Henry Yardington, Bryan Bewley**.

File 17-8. Tavern and Shop Licences.

Letter from **William Hamilton Merritt** to **Charles Richardson**, Wainfleet, April 2, 1834. **Henry Lemon** wishes to keep a tavern. Recommended by **Mr. [David?] Thompson**.

Letter from **James Robinson** to **Charles Richardson**, Niagara Falls, April 23, 1834. **John McLaughlin** wishes to keep a tavern, is respectable, sober &c. Signed **Adam Crysler, Daniel Lundy, James McGarry**.

File 17-9.

Samuel Heron, tender to **Charles Richardson** for publishing "District Accounts," April 26, 1834. [File includes samples of hand bills and a printed specimen of a square.]

File 17-10. Precept.

Call for a Special Session on the 9th to appoint a *Street Surveyor*. Signed **Daniel McDougall, John Alma**.

File 17-11. Accounts.

Schedule of the *Committee of Accounts*, signed by *George Rykert* July 9, 1834.

William Duff Miller, coroner's account. Charge for holding an inquest on April 10, 1834 on the body of *James Corbet* (a stranger); June 1, 1834 on the body of *Florenna Godfrey* (an infant.) £4.16.0.

John Haun (sexton) charge for the burial of *James Corbet* 7/6-, signed *William Duff Miller*.

Walter Elliot (constable) charge for summoning a jury for an inquest on the bodies of *William Gore* (June 18, 1833); *James Corbet* and *Florenna Godfrey*, 15/-. Signed *William Duff Miller*.

James Robinson, charge for an inquest on the body of *Owen Wetherley* (infant) at the house of *J. Hagerty*, Niagara Falls, Stamford, in the absence of coroner *Gilbert McMicking*. £2.8.8. April 9, 1834.

Slade Robinson, charge for summoning a coroner's jury on the body of *Owen Wetherley*, April 9, 1834.

Drs. Telfer or *Porter*, charge to attend *Henry Sanderson*, May 24, 1834. On orders of *Daniel McDougall*, *R.M. Crysler*, *John Alma*.

Samuel Wood, coroner. Charge to hold an inquest on the body of *Abraham McPherson*, June 5, 1834. Charge for *Thomas Martindale* to summon the jury, £3.1.2. July 9, 1834.

Dr. Telfer, charge for medicine and gaol attendance, £6.5.0. July 8, 1834.

Robert Caswell, constable account, £1.9.3.

William Camp, constable account, £2.8.4.

George P. Kingsley, constable account, £2.0.0.

James Hall, constable account, £1.10.0.

Letter from *James Cummings* to *Samuel Street*, Chippawa, July 7, 1834: encloses account of repairs on the *Chippawa Bridge* £25.11.10½. Part of the work was done on Sunday and so extra wages were paid. *Mr. Willson* and I took dinner at *Robert Doan's* at *Cooks Mill*.

Jacob Dockstader, High Constable account, £3.2.6.

E.S. Wheeler, charge for services as gaol turnkey £12.7.6.

Account of Rations Due to the Gaoler of the Niagara District, (Peter Wheeler) March 28-July 9, 1834. [Account includes charge for washing and six brooms, £31.18.9.] Names of prisoners and date of commitment:

Patrick Donley, March 28-July 9.

Thomas Smith, March 28-July 9.

Thompson Brown, March 28-April 29.

Leonard Hix, April 28-April 30.

Nelson Petty, April 28-May 7.

Thomas Clark, April 28-April 30.

James Ensign, April 28-July 9.

William Everingham, April 4-May 7.

Charles Davis, April 4-May 7.

John Moore, April 5-July 9.

James Beckitt, May 12-July 9.

John Cunningham, May 12-July 9.

Henry Crawford, May 19-May 26.

Jacob Ott Jr, May 19-May 25.

George Brunson, May 20-May 27.

Amy King Valentine, May 22-July 9.

Daniel Boyer, June 23-July 9.

George Merwin, June 5-June 12.

Margaret Smith, May 29-July 9.

John McCoy, June 28-July 2.

Debtors:

Lewis Odell, March 28-May 17.

Harvey L. Watkins, March 28-May 17.

John Ferris, March 28-May 17.

John McArthur, March 28-March 29.

James Champlain, March 28-May 17.

James H. Seers, March 28-March 31.

Valentine Ward, April 9-May 17.

James K. Robins, April 24-May 17.

Warren Hall, April 25-May 2.

Mathias Moore, March 28-April 5.

File 17-12.

Accounts of the Clerk of the Peace, March sessions 1834, £48.1.6. Signed *Charles Richardson* and *George Rykert*, July 9, 1834.

File 17-13. List of Constables.

Crowland: *Peter B. Darby*, *John Ramsden*. Signed *Crowell Willson*, JP, and *William Hamilton Merritt*, July 10, 1834.

Bertie: *Halcot*, *John Harris*, *William Clark*, *Thomas Elliott*, *Walter Bowen*, *Richard Fossett*, *William Daine*. Signed *William Hamilton Merritt*, July 9, 1834.

File 17-14. Fines Received (by *J.H. Clendennan*.)

Henry [Tissaman?], St. Catharines, labourer. Charged with assault and battery against *John Gibson*, Grantham, on July 4, 1834. Fined £1.5.0. plus costs £1.5.9. Paid to *John Cleveland*. Before magistrate *E.S. Adams*, July 5, 1834.

James Campbell, Thorold, charged with assault and battery against *Benjamin Abbot*, Thorold, on May 28, 1834. Fined 5/- plus costs 8/9-. Paid to *John Gilleland*. Before magistrate *E.S. Adams*.

Sarah McCarthy, charged with assault and battery against *Benjamin Godard*, St. Catharines, carpenter, on June 28, 1834. Fined 5/- plus costs 18/9- paid to *William Murry*, July 3, 1834.

William Bragan, Grantham, labourer. Charged with assault and battery against *Michael Cassidy*, St. Catharines, labourer. Fined 10/- plus costs £1.0.6. Paid to *John Gilleland*, June 15, 1834.

Ralph Truax, St. Catharines, innkeeper. Charged with assault and battery against **John Bell**, St. Catharines, labourer. Fined 5/- plus costs 8/9-, paid to **John Cleveland**, June 24, 1834.

Joseph Neel, St. Catharines, coloured man. Charged with assault and battery against **Henry Craig**, St. Catharines, labourer, on March 10, 1834. Fined 10/- plus costs £1.5.6. Paid to **John Gilleland** April 19, 1834.

File 17-15.

David Price, Humberstone, tavernkeeper. Charged with assault and battery against **Robert Hebson** [*Hipson?*] on May 21, 1834. Evidence taken before **James Black** and **Bartholomew Tench**, Humberstone, May 22. Deponent was assaulted at the house of **Robert White**, tavernkeeper. Fined £1.15.0. paid to **Emanuel Winters**, pathmaster, 15/- to deponent and £1.2.0. costs, May 23, 1834.

Joseph Ervine, Marshville, labourer. Charged with assault and battery against **Robert Mitchell**. Deponent assaulted at the house of **John Aikens**, tavernkeeper, at Marshville in Wainfleet. Fined £2.10.0. plus costs £1.2.8. paid to deponent, £2.10.0. paid to **Emanuel Winters**, pathmaster. Humberstone, June 6, 1834.

William Gates, Marshville, labourer. Charged with aiding and abetting **Joseph Ervine** in the assault and battery of **Robert Mitchell** on June 4, 1834. Fined £2.10.0. paid to **Emanuel Winters**, plus £1.12.8. costs, June 6, 1834.

Affidavit of **Emanuel Winters**, June 11, 1834: £9.5.0. expended to improve the roads from fines levied under the statute for summary punishments of petty offences.

File 17-16.

William Crawford, **Hugh Steel**, **James Cole** and **Neil McCaulay**. Charged with riot and assault against **Joseph Wynn**, tavernkeeper, at Queenston on June 22, 1834. Before justices **Robert Grant** and **Malcolm Laing** on June 23: defendants fined 5/- each, paid to **William Clarke**, plus damages of 4/4½- each (total 17/6-) paid to Joseph Wynn.

File 17-17.

David Flemming, Grantham, labourer. Charged with assault on June 2, 1834. Evidence taken before **Jacob Keefer**, Thorold, June 7: the **Canadian Wesleyan Methodist congregation** met for religious worship at the house of **Silvanus Cleveland** on June 2. Flemming used profane language and indecent behaviour, mocked and scoffed the singing and preaching, and disturbed the order and solemnity of the meeting. Fined £2.10.0. and 30/9- costs. Paid to **Luke Carroll Jr.** (constable) for distribution to **Henry Hoover** (pathmaster).

File 17-18.

William Burr, London District. Charged with assault and battery against **William Ryan** on June 30, 1834. Evidence taken before **Henry Mittleberger**, St. Catharines, July 1: between 7 and 8 pm on June 30 Burr used insulting language and struck Ryan with a rawhide across the face near the house of **John McDade**. Fined 10/- paid to **William Clarke**, £1.10.3. paid to Ryan.

File 17-19.

Daniel Sullivan, St. Catharines. Charged with assault and battery against **John Fegan**, St. Catharines, baker, on June 10, 1834. Evidence taken before **George Rykert**, St. Catharines, June 11 and fined 10/- plus costs £1.10.6.

Patrick Neihan, St. Catharines. Charged with assault and battery against **Richard Lee**, St. Catharines, coloured man, on June 26, 1834. Fined 5/- plus costs £1, paid to **John Cleveland**.

Patrick McCoy, Grantham. Charged with assault and battery against **Jonathan Collier**, St. Catharines, carpenter, on May 12, 1834. Fined £2 plus £1.5.2. costs.

William Scott, St. Catharines. Charged with assault and battery against **Robert Gray**, St. Catharines, tailor, on April 22, 1834. Fined 10/- plus £1.2.6. paid to Gray.

Daniel Christie, Louth. Charged with assault and battery against **Garet Vanustrand**, St. Catharines, distiller, on April 20, 1834. Fined 5/- plus £1.14.0, April 22, 1834.

File 17-20. Convictions before B. Tench.

Jacob Ott, Jr. of Wainfleet, yeoman. Charged with taking the horse of **John Messmore** on April 29, 1834. Evidence taken before **B. Tench** at Humberstone, May 6: took the horse from the stable of **William Pawling** [**Paulling**?], used the horse and turned it loose on the road after midnight. Was in the habit of so using horses. Fined £1.5.0. damages and £1.1.3. costs. Ott has no property in his own name but offered to pay \$5.00. Letter from B. Tench to **Charles Richardson**, Port Colborne, May 21: what course should be taken? **Weaver** and **Zavitz** also gave evidence. **David Thompson** encourages Ott not to pay the fine “with the hope of *bothering me*.” Letter from Charles Richardson to B. Tench, Niagara, May 24: absence from my house prevented an earlier reply. You acted correctly. Evidence of John Messmore: the horse is brown with a star on the forehead. Evidence of **Ruth Doane**, wife of William Pawling, innkeeper, Humberstone: at 11 pm Ott and **Brooks** were intoxicated. Ott was unable to walk home, Brooks said there were plenty of horses in the stable. He went out, she believes he took the horse. Evidence of **David Price**: Jacob Ott was at his house at 4 pm. There was a wagon at the door with the horse of **Thomas Brown** of Wainfleet. Ott was in the act of untying the horse to ride it home, not to commit a felony, he went to the stable to take another. He was intoxicated. He previously took the horse of Zavitz. Evidence of **Emanuel Winters**, Humberstone, yeoman: thinks it a “drunken frolick” to ride a horse home.

John Maxwell, “a notorious and violent character,” obstructed, threatened and assaulted constable **William Steel**. Fine £2.10.0. paid to **Emanuel Winters**, pathmaster, and 15/3- costs paid to Steel. April 29, 1834.

File 17-21. Correspondence.

Letter from **H. Boulton** to **Charles Richardson**, York, April 3, 1834. The humane conduct of **Dr. Raymond** is likely to be rewarded. I see no reason why the Grand Jury presentment should not be adopted and paid the money he so justly merits. I am happy to hear good reports of our **Harbour and Wharf Company**.

Letter from **Thomas Hawley** to **Charles Richardson**, July 7, 1834. Was called for jury duty but also served the last time. I am the only person called from my division but am obliged to remain home this week to issue the summonses.

Letter from **William Hamilton Merritt** to **Charles Richardson**, July 24, 1834: **Mr. Theal** called on me for a copy of the order to open the **road at DeCow's**. He prays you will give it to him if sanctioned by me. The verdict is to be carried into effect and I wish him to have the document.

File 17-22. Criminal Calendar.

Calendar of Criminal Prisoners in the Niagara Gaol (Peter Wheeler), July 8, 1834.

Patrick Donley, September 6, 1832. Committed by the assizes. Murder.

Thomas Smith, October 22, 1833. Orders of **John Alma**. Stealing the goods of **James Lockhart**.

James Ensign, March 27, 1834. Orders of **Thomas Clark**. Stealing the flour of **Samuel Street**.

John Moore, April 5. Orders of **J.C. Green**. Stealing the wheat of **James Gordon**.

James Beckett, May 12. Orders of **Daniel McDougall**. Stealing the axe of **Walter Elliott**.

James Cunningham, May 12. Orders of **B. Tench**. Assault and battery.

Amy King Valentine, May 22. Orders of **David Thompson**, **W. Nelles**. Stealing a watch (value £5) and printed calico (15/-) the property of **John Murry**.

Daniel Boyer, June 22. Orders of B. Tench. Stealing \$58 the property of **Moses Smith**.

Margaret Smith, May 29. Orders of **Henry Mittleberger**. Stealing two notes (value £2) the property of **J. Dunn**.

File 17-23. Filings.

Record of Sentences, July 9, 1834:

John Moor, theft of two bushels of wheat. To stand one hour in the pillory.

M. Manly, assault and battery. Fined 1/- plus costs.

J. Backet, theft of an axe. To stand one hour in the pillory.

Amy K. Valentine, theft of a watch. No person appeared against her.

Edgar Berryman, Stamford, mason. Charged with assault and battery against **James Gordon**, Stamford, Esquire, on July 3, 1834. Evidence of James Gordon taken before **Robert Grant** at Queenston: Berryman swore he wanted Gordon alone, deponent is apprehensive of harm. Warrant to apprehend Berryman issued by Grant to constable **Chester Wadsworth**. Recognizance taken before Robert Grant July 4: Edgar Berryman £20, sureties **David Dunston**, Stamford, shoemaker and **John Crawford**, Stamford, yeoman, £10 each.

John Hercules DeWitt, was engaged to teach at **Lemmon's school house** in Willoughby, for six months, reading, writing, spelling and arithmetick. Rate of 11/- per student per quarter plus scholar's board and necessaries, October 3, 1833. Signed **John Lemon**, **Frederick Buchner**, **Daniel Buchner**, **Jonathan Dell**, **Ambrose Patterson**, **Peter Buchner**, **Thomas Vincent**, **Jacob Burmount**, **Michael Lemon**, **John Buck**. Examination held before **Crowell Willson** and **James Cummings**, June 25, 1834: DeWitt charged by Frederick Buchner with having forged the name of Buchner to the school articles, for the price of two quarter's schooling 13/9- and costs £1.9.0. total £2.2.9. On September 30 or October 1 DeWitt went to raise school money. Wished Buchner had a copy, but had no pen and ink. Went to Daniel Buchner's, Peter Buchner's, and **John Eli Wright's**. Peter Buchner: worked on the repair of **Lyon's Creek Bridge**. A dispute arose between John Lemon and Frederick Buchner regarding the school. Deponent tried to pacify them, Lemon was full of contention. Couldn't send two to school, had to stay home to take care of a baby. **Lewis Buchner**: on Sunday after prayer meeting a question arose regarding the signing of the

school articles. John E. Wright: was working on bridge repairs, a quarrel arose between Lemon and Buchner, said he had no right to the school, should take the child away &c. **Jesse Patterson**: went to school with the teacher. Buchner came with his brother Daniel regarding the stove. School articles drawn up for 25 scholars, said he would write new articles, especially if erasures were made. Left the articles at the building house. Daniel Buchner: wouldn't pay the school fees, being higher than he was accustomed to. There was considerable wrangling between John Lemon and Frederick Buchner. Recognizance: John H. DeWitt £25, sureties John E. Wright and Jesse Patterson £12.10.0. each. Witness Lewis Buchner £5. Frederick Buchner £50, sureties David Buchner and **Alexander McKenny** £20 each.

File 17-24. Presentment.

Grand Jurors have visited the cells and debtors rooms in the gaol. Report signed by **Barnabas Gregory** July 8, 1834:

Cell #1: **Margaret Smith** (alias "**Fralick**") confined for petty larceny and subsists on the county allowance. Is well used by the gaoler and other keepers.

#2: **David Thompson** (confined 13 months) and **Lewis Odell**, (confined 10 months.) Thompson supports himself at his own expense 7/6- per week. Odell until lately subsisted himself and at the same cost, but is now on the county allowance.

#3: **Ken Reach** and **Valentine Ward**. Have no fault with the gaolers. Change their quarters to #1. They subsist largely on their own means plus a small allowance.

#4: a sort of dungeon appropriated for debtors. **Harvey Lorenzo Wilkins** was confined here by the gaoler since he charged the gaoler with the theft of \$350 from his pocket book. Pray to ameliorate his condition, since he will be confined here until the September assizes.

Criminal cells- the prisoners give favourable reports except for want of due attendance by the gaol physician. When ill, **Dr. Telfer** said "it was a matter of indifference to him whether he did or not."

Mr. **Valentine Ward**: is unable to support himself, is totally destitute- takes oath for 5/- weekly allowance. Confined for three weeks "if he should not sooner die for want of necessary food."

H.L. Wilkins: in nearly the same situation, brought a charge of conspiracy against the gaoler.

Takes oath for allowance. Relief should be granted, signed Barnabas Gregory July 9, 1834.

Dr. Truman Raymond of Niagara: has maintained **Elizabeth M. Willson**, "an idiot insane person," at an expense of £30.0.6. between March 29, 1833 and July 9, 1834. Endorsed "ordered paid."

File 17-25. Gaol Records.

Protest of **Alexander Hamilton** against the sufficiency of the gaol for the security of prisoners. Several prisoners escaped through the negligence on the part of the gaoler, and the insecurity of the building. Prisoners can escape by removing pine planks from the floor, and removing part of the underpinning of the gaol. Prays to make it secure. Gaoler is liable for escaped debtors who have the liberty of the day room which is equally insecure. Protests against responsibility until gaol made secure, July 1, 1834.

Sealed tenders for oak timbers, floors &c. received at the jail, signed **Charles Richardson**, May 21, 1834.

Gaol committee **Thomas Butler**, **William Ball**, **John C. Ball**, **Daniel McDougall**.

Tender of **Rufus Wright**: £81.5.0. for gaol repairs.

File includes sketch of gaol, gaol yard and position of the privy.

Dr. Walter Telfer, Report of the sick, March 21-July 9, 1834:

James Becket, "D.T's"

Harvey Wilkins, *felris*

Amy K. Valentine, *enteritis*.

James Ensign, *felris interi quotie*.

The whole of the inmates under a calanson disease and slight ailments.

Return of Prisoners Confined in Niagara Gaol (Peter Wheeler) July 9, 1834.

Patrick Donely, September 6, 1832. Assizes. Murder-insane.

Leonard Hix, October 20, 1833. Orders of **Daniel McDougall**. Stealing the goods of **James Lockhart**.

Thomas Smith, October 24, 1833. Orders of **John Alma**. Stealing the goods of **James Lockhart**.

Nelson Petty, January 14, 1834. Orders of **David Thompson**. Burning a barn and hay wheat. Escaped- broke gaol.

Miles Skelington, February 16. Orders of **James Muirhead**. Stealing a horse and wagon the goods of **A. Crysler**.

Thomas Clark, February 16. Orders of **James Muirhead**. Stealing a horse and wagon the goods of **A. Crysler**.

James Ensign, March 27. Orders of **Thomas Clark**. Stealing wheat the property of **Samuel Street**.

William Everingham, April 4. Orders of **John Mewburn**. Forgery- escaped.

Charles Davis, April 4. Orders of **John Mewburn**. Forgery- escaped.

John Moon, April 5. Orders of **J.C. Green**. Stealing wheat, the property of **James Gordon**.

James Becket, May 12. Orders of **Daniel McDougall**. Stealing an ox, the property of **Walter Elliot**.

John Cunningham, May 12. Orders of **B. Tench**. Assault and battery.

Henry Crawford, May 19. Orders of **John Alma**. Assault and battery.

Jacob Ott, May 20. Orders of **B. Tench**. For a fine.

George Brunson, May 20. Orders of **William Inglin**. Horse stealing.

Amy King Valentine, May 22. Orders of **David Thompson** and **W. Nelles**. Stealing a watch and calico, the property of **John Murry**.

Margaret Smith, May 29. Orders of **Henry Mittleberger**. Stealing two notes £2 the property of **J. Dunn**.

George Merwin, June 5. Orders of **C. Sumner** and **R & W. Nelles**, Assault and battery.

Daniel Boyer, June 13. Orders of **B. Tench**. Stealing \$58, the property of **Moses Smith**.

John McCoy, June 28. Orders of **Daniel McDougall**. Assault and battery.

Debtors:

David Thompson, June 4, 1833. *Capias*. **R. Leonard**, Niagara.

Lewis Odell, August 24. *Capias*. **John Beach**, Youngstown.

John Ferris, January 10. *Capias*. **Luther Dyer**, St. Catharines.

James Mann, April 6. *Capias*. **G.P. Kinsley**, Niagara.

John Doyal, April 6. *Capias*. **R.E. Burns**, St. Catharines.

Valentine Ward, April 9. *Capias*. **R.E. Burns**, St. Catharines.

William Baker, April 16. *Capias*. **Gowery and Bulls**, St. Catharines.

Seth Henman, April 17. *Capias*. **H.L. Wilkins**, St. Catharines.

Kenneth Reach, April 18. *Capias*. **Scott Dyer & Co**, Niagara.

Warren Hall, April 19. *Capias*. **James Wilson**, Stamford.

James K. Robins, April 24. *Capias*. **Norris Humphrey**.

Silas St. John, April 25. *Capias*. **William H. Sanderson**, St. Catharines.

John Hendershot, May 19. *Capias. Rykert & Mittleberger*, St. Catharines.
David W. Smith, June 17. *Capias. John Walker*.
Thomas McMahon, June 17. *Capias. John Hefferman*.
Joseph O'Conely, June 28. *Capias. J.W. Perkins*.

File 17-26. Non-Conformist Applications.

Elder Jacob Vanloon, Rainham, Baptist preacher. Was duly ordained. Request for a Regular Baptist Church of Christ at Walpole and Rainham, at the house of Vanloon, for singing and prayer, February 15, 1834. Moderator: *Elder William McDermant* and *Edward Dickinson Clarke*. Delegated brothers. For Charlotteville: *George J. Ryerse*; Clinton: *Thomas Hill, Robert Skelly, Ephraim Singer*; Grantham: *John Westover, James Soper*; Oxford: *W.B. Mabee, Lazarus Griffin*; Townsend: *John Harris, Uriah Coiles*; Walsingham: *Michael Troyer, Henry Barret*, Dickinson. Vanloon pressed as a candidate. He preached a sermon and related his Christian experience, call to the ministry and answered questions. William McDermant preached the ordination sermon, Thomas Hill gave the charge, John Harris gave the consecrating prayer. George J. Ryerse gave the hand of fellowship. The candidate gave the concluding prayer. A second meeting held at Vanloons, McDermant preached the ordination sermon. Signed William McDermant, Edward Dickinson. Before *Edward Evans* (JP) in Quarter Sessions, July 8, 1834.

File 17-27. Orders.

Charles K. Fell, ordered to survey a road near *Robert Comfort*, signed *William Hamilton Merritt*, July 8, 1834.

Grimsby, May 3, 1834: Order to *Robert Comfort* to remove the road obstruction between lots 19 and 20 Concession 8, Clinton, before the 20th. Otherwise the law must be enforced. Signed *H. Nelles, H.W. Nelles, Cyrus Sumner*.

District Surveyor ordered to lay out all roads 66 feet in width, signed *William Hamilton Merritt*, July 8, 1834.

Clerk of the Peace ordered to present a statement of all accounts passed at each session, including receipts and expenditures, and debts due to the District. Signed *William Hamilton Merritt*.

The *District debt* amounts to £400. Treasurer ordered to give cheques to pay the amount off. If the debt paid by borrowing money, suspend further payments. Must procure a statement of what the District owes over and above the *Bank of Upper Canada*, members wages &c.

Statement from Treasurer of Land Taxes, arrears of taxes.

[Draft] *Statement of the duty of the gaoler, gaol repairs &c.*

Committee of Accounts: order to adopt table of fees for coroner and constables, Clerk of the Peace fees (revised), report by *George Rykert, Jacob Keefer, Henry Mittleberger, John [Bate?]*

Committee of Accounts: *Thomas Butler, B. Tench, Crowell Willson* (order rescinded.)

Clerk of the Peace ordered to apply to *Warner Nelles* to pay money to *Edward Evans* for a road opened from the mouth of the *Grand River* to Edward Evans, signed *William Hamilton Merritt* July 9, 1834.

£50 ordered to *Edward Evans* for the road opened from the east line of Rainham along the lakeshore through Indian lands to the mouth of the *Grand River*. Committee: Edward Evans, *Jonas Luvey*, *Robert T. Cooke*, July 10, 1834.

Committee of 7 magistrates ordered to investigate gaol repairs to make it safe. *George Rykert*, *Crowell Willson*, *Henry Mittleberger*, *Elias Adams*, *Robert Grant*, *Jacob Keefer*, *John Ball*, July 9, 1834.

Cheque issued to *Charles Richardson* for £48.1.6, but he is ordered to present his accounts, July 10, 1834.

Gaol regulations rescinded as to prisoners having the privilege of the gaol rooms. They are ordered to have the same only between 10 and 12 o'clock and 3 and 4 o'clock. July 9, 1834.

File 17-28. Petitions.

David Palmer of Clinton to *Sir John Colborne*. Petitioner is the son of *David Palmer*, UEL, one of the earliest of settlers. His father's name was struck from the UE list, prays that his name be restored, June 20, 1833. Affidavit of *Charles Green* taken before *John O'Reilly*: knew David Palmer Sr. since the American War. He was a good subject, took up arms and joined a sergeant and two privates to retake a comrade taken by the Americans in New Jersey. Government House, July 13, 1833: referred to Inspector General for the information of the Executive Council. Palmer was a settler from New Jersey in 1788. To be reinstated on the UE List upon proof of joining the Royal Standard in the war.

Catherine Kadman of Niagara, wife of *James Conner*, to *Sir John Colborne*. Petitioner is the daughter of *John Kadman*, UEL, of Osnabrock, Eastern District, yeoman. Has no lands. Affidavit of *Thomas Servos*: he knows petitioner, she is who she claims to be. Sworn before *John Mewburn* and *William Hamilton Merritt*, July 8, 1834.

Andrew Burns: was a soldier under *Lord Cornwallis* in the Revolutionary War under *Colonel McDonnell* of the *Canadian Volunteers*. Is 86 years old, has no means of subsistence from age and infirmity except for charity. Prays for relief, July 8, 1834. [Rejected.]

File 17-29. Road Petitions.

Petition to *Charles K. Fell* from the inhabitants of *Marshville*, May 12, 1834. Pray for a road from Marshville to *Dunnville* on the south side of the *Feeder*. Signed: *Michael Graybiel*, *Guy J. Atkins*, *Jacob Atkins*, *Chester Kinnard*, *Selah Kinnard*, *Samuel Graybiel*, *Samuel Minor*, *Abraham Minor*, *Jacob Ott*, *David Morgan*, *Jacob Barrick*, *John Graybiel*.

Petition from the inhabitants of Haldimand. Road opened from the east line of Rainham along the lakeshore through Indian land to the mouth of the Grand River. Money has been laid out, but there are no inhabitants to perform Statute Labour. The road is in disrepair and almost impassible for travellers. It was almost washed away in part by the highness of the lake. Requires £50 for repairs. July 2, 1834. Signed: *Daniel Dewdney*, *William Rickard*, *James Hoggan*, *John Johnson*, *Edward Philpot*, *William Philpot*, *Mark Jukes*, *William Fifield*, [-----] *Sheehan*, *Walter B. Sheehan*, *John Croker*, *George [Dealy?]*, *Jonas Furry*, *Robert F. Cooke*, *Robert*

Cooke, William Steel, Moses [-----], Daniel Hoover, Henry Hoover, Daniel McFall Fields (Esquire), *Benjamin Hoover, Samuel Strickler, Daniel [Stanannon?], Agnew P. Farrell*. Ordered paid, signed *William Hamilton Merritt*.

Report of a Survey for a road which was made, paid for by the residents of Grantham and Thorold. The road was made without our knowledge or the request of the inhabitants near the Thorold line. On the south side of the township line no allowance for a road was intended. The gentlemen refuse to do Statute Labour, throw the road into Thorold for Statute Labour &c. Signed *Arthur McIntosh, George Marlatt, William Orr, Thomas Russell, Frederick DeCew, Daniel [Tother?], William L. Cleland, Clement Fralick, John Dennis, Samuel Hopkins, John DeCew Sr, Philip Young, John DeCew Jr, Benjamin Shenston, Thomas Angelman, Caleb Swayze, Nelson Swayze*. July 8, 1834.

Inhabitants of Grantham and Thorold request a road survey between their townships, June 20, 1834. Signed *William Adams, George Oill, Ebenezer Collver, Benjamin Smith, John Smith, James Smith, Nicholas Smith, Adam Brown, Peter Davis, Talman Theal, Jacob Hansal, J.M. Ball, Samuel Theal, Isaac Kelly*.

Andrew Swartz and *Abraham Grobb* of Clinton, appointed commissioners by Statute Law, on the side line from the *Main Road* to the Lake (lots 4 and 5 Concession 3.) Survey is erroneous, land marks not regularly kept up. Alterations on road, question where to lay out funds. Request a surveyor to examine and lay out and establish a permanent road, July 7, 1834. [Rejected, July 9, 1834.]

Difficulties with the road between *John Marlatts* due south to Concession 9 between lots 19 and 20. Laid out by *Robert Nelles*, 1 rod on each side of the line. Pray to authorize a surveyor to examine the line and have the pathmaster open the road. We will pay the expense. Clinton, June 13, 1834: *David Palmer, Lawrence Carson, Nicholas House, John [-----], Benjamin [-----], Robert Heron, Jacob Moore, Benjamin [-----], John Bush, Daniel Willson, Solomon Teeter, Thomas Shadwick, Philip Gregory, Daniel Talman, Oliver Talman, Henry Talman, Isaac Teeter, James Dawdy, Robert Comfort, John Lineberry, William Havens, Marcus Dimon, Nathan [-----], John Terryberry, William [Catan?], John Beam, Abraham Marlatt, John M. Marlatt, Daniel Collard, James N. Simmerman, Samuel Simmerman, Jesse Simmerman, Mathias [Burhms?], Thomas McCurdy, William Walker, Samuel McCurdy, Frederick Bowman, Cyrus House, Andrew House, Israel House, Jesse Nickerson, John Kilburn, Matthew Boughner, Leonard Tufford, Harmon House, William Hagerman, Nelson Boughner, Stafford Dean, Patrick McGaw*.³⁴

To *Charles K. Fell*, petitioners wish for a public road between Canboro' and Caistor, June 25, 1834. To be opened from Canboro' to *Birdsall's Mill* from the west side of lot 15 Concession 1 Canboro' to the line of lot 17 Concession 1 Caistor and the Chippawa Creek, a distance of 2½ miles. Signed: *Peter Lymburner, Benjamin Canby, William Fitch, Matthew Smith, David Birdsall, Barton Farr, John L. Dent, Thomas [Lapenotiere?], Aaron Mellick, Silas Hopkins, Abraham Balm, George A. Bowman, John Tice*.

To *Charles K. Fell*. Petitioners pray for a new road from the Canboro' Road below the village to the Township of Binbrook to intersect the *Hamilton Road*, June 21, 1834. Signed: *Samuel Birdsall, William Fitch, Benjamin Canby, David Birdsall, John L. Dent, Thomas*

³⁴The quality of this document is very poor, worn and water stained and difficult to decipher.

[*Lapenotiere?*], *Ezra Smith*, *Peter Lyburner*, *Joseph Mellick*, *Aaron Mellick*, *Ferrand Smith*, *Matthew Smith Jr.*

File 17-30. Road Reports.

Charles K. Fell. Has examined a road in Wainfleet between *Marshville* and *Dunnville* on the south side of the *Welland Canal Feeder*. The land thrown up from the Feeder makes a tolerable road, which might be widened to 66 feet and kept in good repair with a little labour. Dated at *Pelham Square*, July 2, 1834.

Charles K. Fell, approved all road reports. All roads are to be 66 feet unless there is a good reason to the contrary.

Charles K. Fell: Road laid out between the village of *Canboro'* and *Binbrook*, to intersect the road to Hamilton there. To cross over the *Chippawa Creek* along the line between *Canboro'* and the Indian lands through *Caistor* from the *school in Canboro'* to *Birdsall's sawmill*, but to avoid the mill pond. [Sketch attached.] Dated at *Pelham Square*, July 5, 1834.

Charles K. Fell: Road laid out 66 feet wide through *Canboro'* and *Caistor*, across the *Chippawa Creek* between lots 15 and 16, to join with the road from *Birdsall's Mill*. Dated at *Pelham Square*, July 5, 1834.

Charles K. Fell: Road laid out 66 feet wide between *Grantham* and *Louth*, then from *Frederick Schrams* in *Louth* through lands of *Joachim May*, *Isaac Wardle* and *Adam Haines* over the *15 Mile Creek* to the road allowance on the west side of the creek, then to descend the hill to the bridge, cross over it and up the hill on the opposite side to the road between lots 8 and 9 in *Concession 3* in *Louth*. [Sketch attached.] Dated at *Pelham Square*, July 2, 1834.

Charles K. Fell: Road to be laid out in *Clinton* from the *Main Road* (*Niagara* to *Hamilton Road*) south to *Mud Creek Road*. On the east side of lot 9 in *Concessions 4* to *8*, south to the mountain. It is a necessary road, the difficult part south to the mountain made passable at considerable expense. Where the road deviates it should be 40 feet wide. [Sketch attached, shows *Mud Creek*, *Mud Creek Road*, the *road to Ball's Mill*, *Fly Road* and *Main Road*.] Dated at *Pelham Square*, March 22, 1834.

File 17-31. Tavern and Shop Licences.

Henry Sloan, *Crowland*, July 9, 1834: Wishes for a licence to sell spiritous liquors but his house is not in strict conformity. Prays for clemency, since he is involved in a suit with his landlord who oppresses him; if he makes additions to the house it will be another cause for a suit for possession. Had a licence in July 1833 and has paid for another for this year. If he is not allowed to sell liquor it would cause him to pay twice the amount plus loss. Was married in the last month, and can pay more attention to travellers. Does not intend to remain beyond the present year in this house, prays to be permitted to sell as usual.

File 17-32.

James Bucket, *Niagara*, labourer. Charged with larceny, stealing an axe (value 2/6-) the property of *Walter Elliott*, *Niagara*, innkeeper, on March 1, 1834. True bill: *Barnabas Gregory* (foreman.) Witnesses: *Walter Elliott*, *John Leyburn*. Evidence of *Walter Elliott* taken before *Daniel McDougall*: axe was taken from the backyard. Evidence of *John Leyburn*: he bought the axe from

James Backet, paid 2/6- for it. Evidence of James Backet: he got the axe from a *Mr. Wilson* at Buffalo at Christmas, paid \$2 for it. He brought it with him to Niagara on Easter Sunday, and paid 1/- for a handle. He then went to John Leyburn and sold it for 4/6- York currency and a pint of whiskey. Evidence of *William Hepburn*: saw James Backet on the ferry, he had no axe with him. Recognizance of Walter Elliott and John Leyburn, £5 each. Verdict: guilty, ordered to stand 1 hour in the pillory and then be discharged, July 9, 1834.

File 17-33.

John Crawford, alias *John Henry*, Niagara, labourer, *Joshua Cudney*, Niagara, yeoman and *Ferris Cudney*, Niagara, yeoman. Charged with riot and assault and battery against *James Gant*, joiner and carpenter, on May 11, 1834. True bill: *Barnabas Gregory* (foreman), July 9, 1834. Witnesses: James Gant, *Mr. Norton*. Evidence of James Gant, May 20: was at Mr. Norton's between 8 and 9 pm, between the lake and the Swamp Road, where I took lodging. Had gone to bed, Crawford and Cudneys forcibly entered his room, forced me outside and into a mud hole. Recognizance of Joshua Cudney £25, sureties *Lewis Connelly* and *George Waggoner* £12.10.0. each, May 22. Recognizance of Ferris Cudney £25, sureties *Alexander Benard* and Joshua Cudney £12.10.0. each, June 4. Recognizance of *Joseph Frizeman* and George Waggoner £6.5.0. each, Joshua Cudney £12.10.0. May 22. Crawford confined in gaol, did not appear. Prosecutor traverses, *nolle prosequi*. Recognizance estreated, signed *John Clark* (chairman) January 27, 1835.

File 17-34.

John Cunningham, Humberstone, labourer. Charged with assault and battery against *Margaret Garey*, Humberstone, on April 28, 1834. No bill: *Barnabas Gregory* (foreman.) Witnesses: *D.C. Waterhouse*, *James F. Skinner*, Humberstone, blacksmith. Evidence of James F. Skinner taken before *B. Tench*: was in his workshop with *Peter Kepler*, saw a passenger (a stranger) from the schooner *Edward Sackets* which had passed through the *Welland Canal* at *Port Colborne*, run from the shanty of Margaret Garey to the canal, hotly pursued by John Cunningham with an axe in his hand, who used violent language and gestures. He called to Cunningham to stop lest he strike. The stranger called to Waterhouse for assistance. Evidence of Waterhouse, of Humberstone, carpenter: a stranger ran "bearheaded" to the canal pursued by Cunningham with an axe. Wrested the axe from Cunningham who continued his threats. Kicked Cunningham to quiet him, drove him into the house of *John Lewis*. Bound £20 to give evidence. Evidence of Margaret Garey: a stranger came to the house with his wife and child, asked to bake them a loaf. Peaceable conduct, the stranger mended a watch. Cunningham entered the house and asked if the watch was fixed. Stranger said "what do you want to know for?" Cunningham told him to "clear out." The man and wife left. I told them not to be afraid, the man was drunk and wouldn't hurt them. Cunningham took up a large stick and when I tried to take it he threw me on the bench. He then put down the stick, took up an axe and pursued the stranger. Bound £20 to give evidence.

File 17-35.

James Ensign, Stamford, labourer. Charged with larceny, stealing 101 pounds of flour in a bag (value 5/-) the property of *Isaac Howey*, on March 28, 1834. True bill: *Barnabas Gregory* (foreman.) Witnesses: *Thomas Canby*, *Matthew Doan*, *Alexander Chartier*, clerk of *William Hepburn* of Chippawa. Second writ dated July 9 included in file, with added corrections "flour with a bag" the property of "*Isaac Haven*." Subpoenas to Canby, Doan and Chartier "shall the bag of flour be produced..." Letter from *Samuel Street* to *Charles Richardson*, *Falls Mills*, July 9, 1834: ready with indictments to go before the Grand Jury. Court to decide if prisoner will pay

the costs. I send the bag of flour in case of its being necessary to proceed in court. Evidence of Samuel Street of Stamford, taken before **Thomas Clark**, March 26: James Ensign was caught by Alexander Chartier at 10 pm coming out of **Clark and Streets grist mill** at Niagara Falls. He broke in through a window. Put out a bag of flour the property of Isaac Haven, value 12/-. Evidence of James Ensign: went into the mill around dusk through a lower end window next to the river. Slept in the second story. Went to the window to look out. Canby, Clark and Street came near and called "haloe" but doesn't remember if he answered. He shut the window and stood there until discovered by their lantern. He attempted to escape at the door, but was caught by Chartier. Had no other design except to sleep, not to steal. Knew nothing of the flour bag. Says he can write but can't now, signed "his X mark." Verdict: not guilty defendant discharged, July 9, 1834.

File 17-36.

John Cleveland Green, Stamford, Esquire, **Thomas Powell**, Stamford, labourer, **Simon Creeks**, Stamford, labourer, **George Beddingfields**, Stamford, labourer. Charged with riot and assault against **Duff Fife Ducat**, farmer, on February 12, 1834. True bill: **B.M. Pawling**. Witnesses: Duff Fife Ducat, **Ann Hutchison**. Evidence of Ann Hutchison taken before **James Robinson**, **Malcolm Laing** and **John Mewburn**, February 12: at 11 o'clock the defendants alight from a wagon and go into Mr. Ducat's house where deponent is a servant. Green took Ducat's collar and Ducat's wife tried to get her husband away. She fainted. Defendants seized Ducat and dragged him out. Examined Ducat's left cheek and saw a swelling, but saw no blow struck on either side. Recognizance £10, surety Duff Fife Ducat £5. Evidence of Duff Fife Ducat, of **Stamford Cottage**: was attacked today between 11 and 12 o'clock by John Cleveland Green and the others. He was pulled out of the house, which belongs to Green, where he resided as bailiff or agent. Was struck on the cheek in the struggle. His wife **Sophia Ducat** came to his assistance. He was in his chamber and coming down met Green on the stoup with Powell. He asked if he sent **Mr. Rorback** to tender the money? Deponent answered yes, but not the full claim. Green said "I'll turn you out" and tried the latch of the door which was fastened. He knocked at the door which was opened by Sophia. He took possession of the door and said "you'll not come in." The deponent insisted to go into the sitting room and was collared by the men Green called for assistance. Recognizance £20; **Andrew Rorback**, harness maker and **James Oswald**, Stamford, innkeeper, £5 each, February 13, 1834. Evidence of Simon Crick, accused of abetting: Drove Green to the farm accompanied by Beddingfields and Powell. Didn't hear the first part of the exchange (was busy with the horses) but went to the house where Green asked if Ducat would leave the house quietly? Ducat replied, "not till you have paid or settled with me." Green tried to enter but the door was fastened inside. It was opened by the inside, Green tried to enter but Ducat rushed past him. He talked of Ducat leaving but he refused. Green took hold of Ducat, deponent went to aid Green, afraid if Ducat struck him. Sophia Ducat fainted and the servant girl was asked to get water for her. Ducat began to abuse Green, said he had a soul to save as well as Green and he had a heart but Green had none. He said he should have fought with **Dr. Mewburn**, and said to Green "you are a nice sort of fellow, your name is Green but I'll make it Black before I have done with you. You have a long purse, but I'll make it shorter." Witness: **Harrison Mewburn**: Beddingfields took hold of Ducat's collar at the back. In the scuffle he shifted his hand to the front of his coat and helped him get out. Mrs. Ducat got between the men and fainted. Abusive words were uttered after the scuffle. Evidence of John Cleveland Green: several times through Mr. Rorback and by letter deponent desired Ducat to quit the premises (was a monthly servant.) He went to the farm to ask if Rorback tendered the balance of the account and if he would quit. Ducat refused. Had a conversation on the stoup. Deponent entered the house, Ducat tried violent entry and deponent proceeded to eject him. Note: objected to by John Mewburn as evidence contrary to law. Recognizance: John Cleveland Green £20, sureties Dr. Robinson of the Falls £10; Thomas

Powell, Samuel Creek and George Beddingfields £20 each. Evidence of Thomas Powell: met Ducat on the stoup, Green asked if he got Rorback's letter? He said yes, and Green asked him to quit. Ducat said not till the account balance is settled. Green said he would compel him to go. Tried to enter and the door was shut but opened from within. Green stepped in, preceded by Ducat who seated himself. A conversation with Ducat arose, he said Green was not a man, he'd make his name Black, a long purse made short, "I have a soul to save as well as you and a heart which you have not, as you would have met Dr. Mewburn when he sent you the challenge." Green laid hold of him and turned him out, and the others assisted. Mrs. Ducat fainted against the outer staircase. Green called for water and went to her assistance. Notation from *William Hamilton Merritt*, March 27, 1834: suit unready for defense, *Simon Washburn* a material witness of Toronto is absent in Europe, is expected to return before the July sessions, can't safely proceed. Bail bond dated February 12, 1834. *Nolle prosequi*; cost of witnesses £4.1.3 plus constable fees for *Chester Wadsworth*. Signed William Hamilton Merritt, July 9, 1834.

File 17-37.

Walter Manly, Grantham, labourer. Charged with assault and battery against *Gretta Eastwood* on February 4, 1834. True bill: *B.M. Pawling*. Witnesses: Gretta Eastwood. Evidence taken before *Thomas Merritt* and *E.S. Adams*, February 6: *George Schram*, Grantham, labourer, went with Manly to the house of Gretta Eastwood. The daughter of Eastwood had knocked the daughter of Manly down. Asked what do you mean by abusing the children, let the children alone. Evidence of *Jacob Gilles*, Grantham, labourer: corroborated the facts. Evidence of Gretta Eastwood, widow, February 5: Manly asked 'what is the meaning of this work? Deponent said 'your own family occasioned it.' He said deponent was a "damned liar." Deponent said Manly was not to enter her house. He came in and struck deponent on the breast with his fist- deponent fell on the floor, he threatened to knock her down again. He came back at 11 pm and said he'd pull down the house, broke the windows with his fist, cut deponent's hand with glass. Windows broken by Manly and his family on previous occasions. Deponent fears injury. Recognizance: Gretta Eastwood £50; Walter Manly £25, surety *John Wright*, St. Catharines, innkeeper, £25. Verdict: guilty. Fined 1/- plus costs £2.0.10. Signed *William Hamilton Merritt* July 9, 1834.

File 17-38.

John Moore, Stamford, labourer. Charged with larceny, the theft of two bushels of wheat (value 5/-) the property of *James Gordon*, on April 4, 1834. True bill: *Barnabas Gregory* (foreman.) Witnesses: James Gordon. Evidence taken before *John Cleveland Green*, JP: Gordon went to his stable in Stamford at 8:30 for bedding the horses, found the door and inner door open (normally always shut), heard a noise and went in with a lantern and found Moore seated on a bag of wheat in the empty bin with his shoes off. Gordon has no bags on the premises, the prisoner must have brought this one. Verdict: guilty. Sentenced to stand in the pillory for one hour and then be discharged, signed *William Hamilton Merritt* (chairman), July 9, 1834.

File 17-39.

William H. Smith, Grantham, labourer. Charged with assault and battery against *Patrick Nihan* on January 11, 1834. True bill: *B.M. Pawling* (foreman.) Witnesses: Patrick Nihan. Presentment signed by *William Buck*, *Isaac S. Haun*, *Richard* [-----], *Richard* [-----], *Jacob Willson*, *Jacob Baxter*, *John Hardy*, *Andrew Learn*, *Jacob Johnson*, *John Johnson*, *Martin Buchner*, *Adam Beamer*, *Caleb Doan*. Evidence of William Henry Smith before *William Hamilton Merritt*, March 23, 1834: *John Markele* [*Marbele?*] a material and necessary witness, cannot

safely proceed without him, unable to attend. Verdict: not guilty. District to pay costs, signed William Hamilton Merritt, July 9, 1834.

File 17-40.

Amy K. Valentine, larceny. Charged with the theft of one silver watch (value 15/-) the property of *John Murray*. Witnesses: John Murray. Discharged by proclamation, recognizance estreated. Signed *William Hamilton Merritt*.

Niagara District Quarter Sessions, October 1834.

File 17A-1. Accounts.

Report of the Committee of Accounts, October 23, 1834. Signed **John Clark** and **Thomas Butler**.

Ephraim Wheeler, charge for services as turnkey, £27.13.9.

Thomas York and **Leonard Hicks**, charge for cleaning the privy at the gaol, £4.

Thomas York, charge for digging two holes for necessaries, 5 feet deep x 8 feet long x 4 feet wide, £2.10.0.

Charles Fell, three charges for road surveys £3.7.6, £5.12.6 and £8.15.7½, total £17.15.7½.

Quarterly Return of the Sick in Gaol, July 9-October 21, 1834.

Price (black man) pulmonitis;

Margaret Wilson (sephalis);

Isiah Shaw (delirium);

Charles Waters (delirium);

Daniel Boyd (psora);

Thomas Smith (psora);

Charles Fryer (odontalgia);

Sarah Shaw (meritis);

When there is a south or west wind, there is a very disagreeable odour proceeding from the privy which the prisoners complain of. It would require very little alteration to remedy. Signed **Walter Telfer**. (Charge for attendance £6.5.0.)

David Dunton, constable account, £2.4.10½.

Drs. Telfer and **Porter**, charge to attend an inquest held on the body of **Tang**, September 10, 1833; attendance at an inquest on **James Corbett**, April 10, 1834. £1.3.4.

Alexander Hamilton, charge for attendance at the 3rd riding elections (12 days) £20.

Dr. Telfer: charge to attend an inquest held on the body of **Wood**, August 1, 1834; attendance at an inquest held on the body of **McArthur**, August 13, 1834, £2.

Gilbert Anderson, constable account £0.10.0.

Rufus Wright, constable account £0.11.6.

George A. Ball, Surveyor of Highways Account, £4.17.6.

John Hawn (sexton), charge for digging a grave for **Theron Wood**, August 1, 1834, £0.7.6. (Signed **William Duff Miller**, coroner.)

David Davis, constable account, £1.0.5.

William Cockell, constable account, attendance at 2nd riding elections (signed **Alexander Wilkinson**) October 11, 1834.

Robert Kelly, constable account, £2.11.0.

William Murray, constable account, attendance at 2nd riding elections (signed **Alexander Wilkinson**) October 11, 1834.

John Gilleland, constable account, 7/6-

A. Mackie, charge for services as crier £5.10.0.

John Lyons, charge for register and blank index books £7.

John Waters, charge for straw for the gaol, £1.5.0.

William Duff Miller (coroner), charge for holding an inquest upon the body of **Theron Wood** (August 1) and on **Sarah McArthur**, an infant (August 13) £5.

Leonard Hicks, charge to whitewash the gaol £2.

Walter Elliot, constable account, charge for summoning a coroner's jury for **Wood** and **McArthur**, 10/- (signed **William Duff Miller**.)

John E. Clyde, charge to build a villery at the court house £10. Approved and ordered by **Thomas Butler**, **William M. Ball**, **J.C. Ball** and **Daniel McDougall**.

Alexander Wilkinson, charge as *returning officer*, 2nd riding of Lincoln, £12.10.0.

Jacob Dockstader, *High Constable* account £3.2.6.

Lewis Clement, charge for blankets, pails and soap for the gaol, £12.2.6.

John Gilleland, constable account £4.17.6. Charge for attendance as constable at the elections, 2nd riding of Lincoln (signed **Alexander Wilkinson**) £2.10.0.

Cyrenius Hall, charge for attendance at an inquest held on the body of **William O. Barker**, July 24, 1834, plus furnishing coffin and digging grave; charge for digging grave for **James Clark**, August 5, 1834. £6.8.10.

Mahlon Burwell, charge for services as *Louth Boundary Commissioner*, £12.10.0.

William Crooks, charge for services as *Louth Boundary Commissioner*, £8.

Account of Rations Due to the Gaoler (Peter Wheeler) July 10-October 22, 1834. [Charge £71.11.7. includes half year's "salary," candles for the gaol, washing and cell brooms.]

Patrick Donly, July 10-October 22, 1834.

Thomas Smith, July 10-September 22.

Margaret Smith, July 10-September 13.

Daniel Boyer, July 10-October 22.

Walter Manley, July 10-July 12.

Robert McGraw, July 14-July 20.
James McGraw, July 15-July 30.
John Brown, July 15-September 13.
Mrs. Clendennan, July 27-August 4.
William Riley, August 7-October 22.
Aron Jackson, August 7-October 22.
Joel Payne, August 10-August 30.
Thomas Gardner, August 12-August 22.
Charles Friend, August 20-October 22.
John Tuit, August 26-September 13.
Nancy O'Neil, August 28-September 13.
Susan Turner, August 28-September 13.
Sarah Shaw, August 29-September 13.
James Whitlock, August 30-September 13.
Edgar Beriman, September 6-September 12.
Joseph Burniston, September 9-October 22.
James Burniston, September 9-October 22.
Aron Roy, September 10-October 22.
Rufus Westover, October 2-October 22.
Thomas Gardner, October 17-October 22.
Harvey L. Wilkins, July 10-September 13.

File 17A-2. Accounts.

Constables: **Barnard Rhoddy**, **Walter Elliot**, **John P. Hunnatt**, **Joseph Archer**, **Lewis Donnelly**, **John Page** £2.16.3.

J. and R. Wagstaff, charge for tin kettles, stove pipes and elbows, wire and putting up stove pipes &c. £3.14.3.

Constables at the Assizes: **Jacob Dockstader**, **Walter Elliot**, **Bernard Rhoddy**, **Gilbert Anderson**, **John P. Hannatt**, **Joseph Archer**, **Richard Whatley**, **Lewis Donolly**, **Solomon E. Secord**, **Chester Wadsworth**, **David Denton**, **Henry Brown**, **George Clark**, **Patrick Bateson**, £32.
Walter Elliot, constable account, £1.17.6.

William Hepburne, cost for repairs to the old part of **Chippawa Bridge**, £12.17.7¼

Francis Proctor, constable account, charge for attendance at elections £1.6.0.

Peter Darby, constable account, charge for attendance at elections 4th riding of Lincoln, signed **Alexander Stewart** and **William Clarke**.

Hugh Anderson, constable account, charge for attendance at elections 1st riding of Lincoln, signed **A. Macdonell**, £3.

Mahlon Palmer, constable account, charge for attendance at elections 1st riding of Lincoln, signed **A. Macdonell**, £3; constable account £2.16.0.

George Merwin, Grimsby, labourer. Charged with assault and battery against **Robert F. Nelles**. Merwin beat Nelles with his fist, swore, took the sword out of Nelles scabbard and cut him, obliged him to run for his life. He struck at horses and people. He walked off "triumphantly" with

the sword, made threats of vengeance at every person who would interfere. Warrant to apprehend him issued by **Cyrus Sumner** to **Mahlon Palmer**, constable, on June 5, 1834. On evidence of **Daniel Edwards**, Grimsby, brewer. Acted upon by Mahlon Palmer. Signed **Henry Nelles**.

Alexander Hamilton, sheriff's account, £24.

Johnson Orr, charge £12.10.0. for filling up where the old bridge was erected. St. Catharines, October 20, 1834.

Amos John McMillan, charge for services as poll clerk (3rd riding of Lincoln) £10.

James J. Ralston, charge for quills, ink, ink stands, paper &c. £1.1.11.

George Munro, charge for paper 3/6-

John Prouse, constable account, charge for attendance at elections (3rd riding of Lincoln) £3.

Chester Wadsworth, constable account, charge for attendance at elections (3rd riding of Lincoln) £3.

Alexander Hamilton, sheriff's account (for the Assizes) £11.15.6.

Amos Farewell, constable account, £2.5.0.

John Cleaveland, constable account, £4.19.0.

Dr. Porter, charge to visit a man who attempted suicide, £1.5.0.

Johnson Stewart, charge for service as poll clerk (4th riding of Lincoln) and for building the hustings £7.

David Thompson, charge for service as poll clerk, Town of Niagara, £2.

Alexander Stewart, charge for services as returning officer (4th riding of Lincoln) £7.10.0.

Henry Brown, constable account, charge for attendance at election £1.

Warren Claus, charge for services as returning officer (Town of Niagara) £2.10.0.

File 17A-3. Clerk of the Peace Accounts.

Clerk of the Peace Accounts, signed by **Charles Richardson**, £52.4.7.

File 17A-4. Accounts Rejected.

Peter Carroll (DPS) for the **Louth Boundaries**, £8. [Rejected, no necessity to bring in a surveyor.]

File 17A-5. Appointment of Chairman.

Vote held for the appointment of chairman, **Mr. Keefer** (6) **Mr. W.M. Ball** (5.)

File 17A-6. Louth Township Boundary Record.

Louth Township Boundary Record, signed by **Mahlon Burwell** and **William Crooks**, July 29, 1834.

File 17A-7. Convictions (**E.S. Adams**, JP, St. Catharines.)

Charles Gaylord, St. Catharines. Charged with assault and battery against **Chester Allen**, St. Catharines, on July 14, 1834. Fined 10/- paid to **J.H. Clendennan** (pathmaster) plus costs £1.3.0 on July 14.

Solomon Button, St. Catharines. Charged with riding in a furious manner through the streets of St. Catharines. Fined 5/- paid to **J.H. Clendennan** (pathmaster) and 5/- costs paid to **John Gilleland**, October 8, 1834.

Nelson Clendennan, Grantham. Charged with assault and battery against **Thomas Keith** on August 8, 1834. Fined 10/- (paid to Thomas Keith) and £1.10.3. costs paid to **John Cleveland** on August 18.

David Hughes, St. Catharines. Charged with assault and battery against **David William Smith** on September 17, 1834. Paid 10/- to Smith and £1.9.3. costs paid to **John Cleveland** on September 17.

Thomas Bradley, Grantham. Charged with assault and battery against **John Allen**, St. Catharines, on September 7, 1834. Fined 10/- paid to **J.H. Clendennan** (pathmaster) and £1.2.6. costs paid to **John Gilleland** on September 8, 1834.

File 17A-8. Convictions (**James W.O. Clark**, JP, Louth.)

Joel Paine, Louth, labourer. Charged with assault and battery against **Peter Hare**, Clinton, on the highway near the home of Hare on August 4. Fined 10/- plus 17/6- costs, August 16, 1834.

File 17A-9. Convictions (**Robert Grant**, JP, Queenston.)

William DeField, Queenston. Charged with assault and battery against **John Clason** on September 8, 1834. Fined 5/- paid to William Clark and 11/3- costs paid to **John Cleveland**, September 9, 1834.

File 17A-10. Convictions (**Jacob Keefer**, JP, Thorold.)

Robert McGraw, convicted of assault and battery against two people at the inn of **Silvanus Cleveland** on July 14, 1834. Also charged with assault and battery against Cleveland when he interfered. Fined 10/- plus 18/6- costs.

James McGraw, convicted of threatening the life of **Stephen R. Corrington** on July 14, 1834 in the sitting room of **Silvanus Cleveland**. McGraw threatened Corrington with a cane in his hand, struck him with the cane and his fist and abused him. Fined 30/- plus 22/6- costs.

Absolem Jones, Thorold, threatened to kill **Azariah Vaughan**, Thorold, on September 16, 1834. Jones threatened to kill "the whole damned kit of them" (ie, Vaughan's family.) Jones has been

long annoying and abusing Vaughan's family. Fears harm. Prays for Jones' arrest. Recognizance taken September 17, to keep the peace against Azariah Vaughan for 12 months: Absolem Jones £10, surety **William K. Emery** £5.

File 17A-11. Convictions (**James Kerby, Samuel Street, James Robinson, James Cummings**, JP's, Chippawa.)

Gilbert McMicking, Chippawa, merchant. Charged with taking away old timber and staves from a Glebe lot in Willoughby. On the complaint of **Joseph Danner** and **Peter Taylor**, Willoughby, yeomen. Fined £5 and £4.14.0. costs, November 10, 1834. Letter of **James Kerby** to **Charles Richardson**, November 10: enclosed is the conviction of Gilbert McMicking.

File 17A-12. Convictions (**George Rykert**, JP, St. Catharines.)

John Gyer, St. Catharines, coach maker. Charged with assaulting and wounding **Allen M. Wright**. Fined £2 (paid to Allen M. Wright) and costs £1.2.3. July 22, 1834.

Barnabas Hicks, St. Catharines, blacksmith. Charged with assault and battery against **Malcolm Robinson**. Fined £2 and costs £1.5.3. (paid to Malcolm Robinson) July 16, 1834.

John Hicks, St. Catharines, blacksmith. Charged with assault and battery against **Malcolm Robinson**. Fined £1 plus costs £1.5.3 paid to Malcolm Robinson, July 16, 1834.

File 17A-13. Correspondence.

Letter from **Charles Richardson, Clerk of the Peace**, October 23, 1834, regarding the Commissions for the **Court of Requests**, 2nd division. [File includes a draft copy, dated October 21.]

Letter from **William Hamilton Merritt** to **Charles Richardson**, October 20, 1834. Cannot attend court due to indispensable business. Appoint a chairman in my absence, being "in a situation which prevents my commanding my own time on all occasions."

Letter from **Robert Dickson** October 21, 1834. **Thomas McCormack** posts a reward of £100 of his own money to find the robbers of the **Bank of Upper Canada**. £644 lost on October 16. Will the bench render their assistance in the furtherance of the same object?

Letter from **Charles Richardson** to **Robert Dickson**, October 24, 1834. The court declines its' assistance in increasing the reward.

Letter from **Charles Richardson** to **Lieutenant Colonel Rowan**, October 25, 1834. Encloses a presentment regarding a prisoner who has been long confined on a murder charge. [File also contains a draft copy of the presentment.]

Letter from **Duncan Cameron**, Toronto, November 15, 1834. Request to fill in a return of appointments, emoluments &c.

Letter from **Charles Richardson** to **Lieutenant Colonel Rowan**, December 12, 1834. Encloses copy of the Niagara District assessments.

Letter from *Charles Richardson* to *Lieutenant Colonel Rowan*, December 24, 1834. Encloses copy of the Return of the Clerk of the Peace.

Letter from *Charles Richardson* to *Lieutenant Colonel Rowan*, December 26, 1834. Encloses copy of the Return of Mines, Manufactories &c.

Charles Richardson, draft copy of the *Annual Return of the Office of the Clerk of the Peace to December 31, 1834*.

File 17A-14. Criminal Calendar.

Calendar of Prisoners in Niagara Gaol (Peter Wheeler) October 21, 1834.
James Allen, committed July 24, 1834. Complaint of *Walter Elliott*, Niagara. Debt.
Albert Oline, August 29. Complaint of *Peter Scott*, St. Catharines. Debt.
Charles P. Walters, September 13. Complaint of *R. Hamilton*, Niagara. Debt.
Patrick Donley, September 6, 1832. Assizes. Murder.
Daniel Boyer, June 23, 1834. Orders of *B. Tench*. Under sentence.
William Riley, August 7. Orders of *John Alma*. Under sentence.
Aron Price, August 7. Orders of *John Alma*. Under sentence.
Charles Friend, August 20. Orders of *Daniel McDougall*. Under sentence.
Joseph Burringston, September 9. Assizes. Under sentence.
James Burringston, September 9. Assizes. Under sentence.
Aron Roy, September 12. Assizes. Under sentence.
Rufus Westover, October 2. Orders of *E.S. Adams* and *George Rykert*. Stealing the horses of *Oliver Phelps* and *George Parnell*.
Thomas Gardner, October 17. Orders of *Daniel McDougall*. Want of bail. Discharged.

File 17A-15. Filings.

Rex vs. Thomas Smith (larceny). *Clerk of the Peace* to issue subpoenas to *Leonard Hix*, *Richard Heazelwood*, *Andrew Heron*, *James Eaglesum*, on orders of *John Alma*, August 29, 1834.

File 17A-16. Presentment.

£5.5.0. to *Mrs. Goodell* for *Harriet Hague* (insane.) Allowance should be increased since Hague becomes more burthensome. Signed *John Kidd* (foreman) October 21, 1834.

£6.5.0. to *Margaret Harris* for her sister *Jane Harris*, an insane destitute woman, subject to the order of *Joseph Burgar* of Thorold or the Treasurer, plus 5/- weekly. Signed *John Kidd*, *Samuel Swayze*, *Hiram Swayze*, *Walter Telfer*, *Isaac Swayze*, *Matthew Thomas*, *Joseph Burgar*, *Jesse H. Lacey*, *Jacob Vanderburgh*, *Samuel Hopkins*, *James Ker*, *Robert Wilkerson*, *William Hill* and *John Radcliff*, October 22, 1834.

Jurors have inspected the gaol. Apply to *Sir John Colborne* to have *Patrick Donley* (insane) removed to the penitentiary or some other safe place. His free intercourse with criminals greatly aggravates his state of mind. The walls of the debtors rooms should be whitewashed. *James Allan* (debtor) was confined for one day with no food, since there is no provision made for debtors. Pray for an allowance. The stinking state of the privy noted and want of the free circulation of air. More liberal allowance of fire wood needed, October 23, 1834. Signed: *John Kidd*, *Swayze*, *Jesse H. Lacey*, *Matthew Thomas*, *John Radcliff*, *Joseph Burgar*, *James Ker*, *Samuel Hopkins*, *Robert Wilkerson*, *William Hill* and *Walter Telfer*.

File 17A-17. Jail Records.

August 1, 1834, contract between **Robert Grant** (Queenston), **John C. Ball** (Niagara), **George Rykert** (St. Catharines), **Elias S. Adams** (St. Catharines), the Gaol Committee, and **Rufus Wright**, St. Catharines, carpenter; sureties **Robert Easton Burns** and **George Varey** (Niagara, tailor). Wright contracts to build stone walls, beams, floors and other works at the gaol before October 19, 1834, cost £81.5.0. Bond £200. The committee to complete the work if Rufus Wright fails. [File includes sketch and specifications of work.]

Letter from the **Sheriff** to **Charles Richardson**, October 22, 1834: the roof the gaol and court house is in a very bad state and leaking in many places, will much injure the building.

Thomas Watson and **John Wood** (masons, reside at **Mr. Rogers**.) Will undertake the mason work on the gaol (with the old stone) for £33.10½.0. July 31, 1834.

File 17A-18. Orders.

Amos Farewell, Grimsby, constable. Had two suits in **King's Bench**, one in the discharge of his duty regarding the Militia laws, and the other a non-suit. The plaintiff **William Tufford** left the country and left deponent with large court costs. Officers of the court should be protected and uphold them in the discharge of their trust as constables. Payment authorized. Order to authorize payment to Amos Farewell deferred until costs fixed. Costs £70.4.2. Signed **H. Nelles**, **Alexander Stewart**, March 26, 1834.

William Ball, **John L. Alma**, **W. Adams**, **Elias S. Adams**, **Lewis Clement** and **Thomas Butler** ordered to form a **Committee of Accounts**, October 21, 1834.

Charles L. Hall ordered £10 (extending assessments) for 1834.

Ordered that a jury assess damages to lands of **Mr. Decow** by the alteration of a road through his Thorold lands, October 21, 1834.

Ordered £81.5.0. paid to **Rufus Wright** for his work on the gaol, October 22, 1834.

Ordered that **Thomas Butler** and **William Ball** form a committee to contract for a new roof for the court house, October 22, 1834.

Thomas Butler, **Robert Grant**, **George Rykert**, **William Ball**, **Elias Adams**, **James Cummings** and **Lewis Clement** ordered to form a **Gaol Repair Committee**.

Peter Davis, pathmaster between Grantham and Thorold, ordered to open a road through lots 41 and 42 in Thorold, October 22, 1834.

Sheriff ordered to remove **Aaron Roy**, **James Burniston** and **Joseph Burniston** to the **Kingston penitentiary**, October 23, 1834.

Alexander Hamilton, handcuffs, shackles and chains required at the gaol, October 23, 1834. **Clerk of the Peace** ordered to send a copy of a presentment to the Lieutenant Governor regarding **Patrick Donelly**, October 23, 1834.

Sheriff ordered to white wash the debtor's rooms and clean the privy, October 23, 1834.

The *Clerk of the Peace* ordered to be paid £17.14.0. deducted for repairs and £8 for attendance at a *Special Assize*, October 23, 1834.

James Allen (debtor) ordered a gaol allowance for one month if not sooner liberated, October 23, 1834.

William Clarke ordered to raise £1000 to discharge the District debt, October 23, 1834.

The *Clerk of the Peace* ordered to inform the *Bank of Upper Canada* there will be no offer of a reward, October 23, 1834.

Francis Proctor ordered to be appointed crier, October 21, 1834.

Ordered £5 paid to *Warren Claus*, returning officer for the Town of Niagara, October 23, 1834.

File 17A-19. Petitions.

Petition for 14 weeks boarding for *Francis Lynch*, October 23, 1834- January 29, 1835, £2.12.6.

Benjamin Shenston, Thorold. Had 2½ acres of most valuable land (contiguous to his dwelling) taken for a road between Thorold and Grantham. Prays for compensation £12.10.0. October 23, 1834. Referred to next Sessions and the *Surveyor of Highways*, January 27, 1835.

Alexander McKie, owing to severe illness is unable to discharge duties as *crier*. Recommends *Mr. Dockstader* to perform the office this term if agreeable, October 20, 1834.

Ordered that *William Smith* be appointed *secretary of the Board of Health, Waterloo*, near *Fort Erie*, August 27, 1834.

Resolution transmitted to *Charles Richardson*: that the *temporary Cholera Hospital* built at *Fort Erie* in 1832 is out of repair and useless and should be sold at public auction for money to be refunded to the *District Treasury*.

Letter from *William Smith, Fort Erie*, Bertie, October 20, 1834. A survey was made by Messrs. *Fell* and *Clement* of the front concession of Bertie, on the lands of *W. Forsyth, Colonel Arthur Jones* and *Lieutenant Jones*. An old boundary line fence was thrown down, and an old road to the concession in the rear encumbered. The boundary as fixed is legal. Part of the church land was taken away at *Waterloo*. If removing the fence is illegal, Forsyth and Jones can replace the fence until another survey of the township be ordered.

Mary Dolan, aged 72 years, has no means and is an object of charity. Pray that she be placed on the pauper's list. Signed: *John Anderson* (missionary at *Fort Erie*), *W. Anthony* (JP), *Cyrenius Hall*, *John Douglas*, *James Kerby*, *William Smith* and *Edmund Riselay*. [Rejected.]

John Cole, Louth. Suffered a paralytic stroke, for 2 years is nearly blind and infirm, and unable to labour or maintain himself. Has no friends to apply to. Prays for assistance, October 19, 1834. [Rejected.]

Richard Forest, St. Catharines. Has supported an orphan **Frances Lynch**, 2 years old, from August 19, 1833 to the present. He received £2.5.6½ from the benevolent of the village, but leaves a balance due of £7.19.3½. The child is not endowed with proper senses. The parents had just arrived as emigrants and were carried off by the *cholera* in 1832. They were miserably poor and left it no means of support. Petitioner must labour to support his own family, prays for an allowance for the child, October 20, 1834. **Dr. F. Converse**: has known the child since birth, has always been sickly, does not talk and doesn't possess the mental powers common to a child of its age.

Affidavit of **Dr. F.L. Converse**: the child referred to in the petition of **Richard Forest** appears to be insane since birth, October 25, 1834.

Valentine Ward, a debtor in gaol for five weeks. Has no means to support himself in gaol. Circumstances preclude the possibility of sustenance coming on the petitioner. Beggars for an allowance, August 7, 1834. [Rejected October 22, 1834.]

Harvey L. Wilkins, debtor in gaol. Has been in close confinement by order of the sheriff. His health has been declining since the weather changed, it is very warm and the proximity of the "gaol necessary" is a "situation truly insufferable." Petitioner is 19 years of age, his constitution and strength are totally inadequate to the cruel treatment to which he is now doomed "and consequently daily giving way under his sufferings." Destruction of his constitution. Prays for the liberty of the hall with the other debtors. Affidavit of **Sheriff**: petitioner is confined on criminal charges.

File 17A-20. Precept.

List of Grand and Petit Jurors compiled by **Thomas Butler** and **R.M. Crysler**, October 4 for Sessions on October 21, 1834.

Grand Jury: **Peter Misner** (Thorold), ~~**Duncan McFarland**~~, **Matthew Thomas**, **Joseph Burgar**, **Thomas Bald**, **Jesse Lacy**, **Jeremiah Hill**, ~~**Aeneas Felt**~~, **Abraham Brown**, **John Radcliff**, ~~**Amos Bradshaw**~~, **Samuel Hopkins**, **Hiram Swayze**, **Isaac Kelly**, **George Marlet**, **Isaac Overholt**, **Samuel Swayze**, **Jonathan Silverthorn**, **Elisha Howell**, **Jacob Vanderburg**, **William Hill**, **Robert Wilkerson**, ~~**William Adams**~~, **W.W. [Raincork?]**, **John Kidd**, **Walter Telfer**, **Isaac Swayze**, **James Keir** [**Kerr?**].

Petit Jury: **John McMullen**, **Thomas Clarke**, **Peter Yocum**, **Robert Nelson**, **Thomas Topping**, **Frederick Smith**, **David Clarke**, **Robert Hobson**, **John Robbins**, **William Stringer**, **George Hill**, **Amos Canby**, **Allen Man**, **William Davis**, **Stephen Burns**, **Joseph Howey**, **John Williams**, **Robert Spence**, **Joshua Cleaveland**, **James Hirst**, **Frederick Bouker**, **Henry Hoover**, **Stephen Cleaveland**, **Squire Badgeley**, **Luke Carroll**, **Matthew Seburn**, **Benjamin Frolick**, **Jacob [Kewer?]**, **Thomas McCormack**, **Thomas Wilson**, **Levi Page**, **William Stewart**, **Thomas Russell**, **Elijah Cooper**, **Thomas Goforth**, **Henry Helems**, **Daniel Folten**, **Obediah Hopkins**, **Jonathan Hagar**, **James Hagar**, ~~**James Kerr**~~, **Edmund DeCew**, **Joel Davis**, **Nelson Swayze**, **Caleb Swayze**, **Robert King**, **William Moore**, **Thomas** [-----].³⁵

File 17A-21. Road and Bridge Petitions.

³⁵The surname of the last individual on the list of Petit Jurors was not recorded in the original document.

Inhabitants of Willoughby request aid to build a *bridge over Lyons Creek*, on the road allowance between lots 2 and 3. Signed **Joseph Philps, Andrew Elliot, William Hepburn, William Duff** and **Hugh W. Kerral**, July 5, 1834. **John Mewburn**, Stamford, July 7: having observed the great want of a bridge over Lyon's Creek, I beg to recommend it. Referred to committee October 22, 1834. £5 to John Mewburn and **Thomas Butler**.

Inhabitants of Bertie labour under the want of a *bridge* on the road between the Niagara River and the *Limestone Ridge* across the commonly called "*Frenchmen's Creek*" on Concession 2. £12 plus our own exertion will get the bridge across. Signed **John Anderson, James Kerby, W. Anthony, Alexander Douglas, Henry Bowen, Jonathan Thompson, Jacob Dammer, Philip Buck, A.F. Meyer, John Riselay, Edward Riselay, W. Smith, William Bowen, John Lester**. Filed October 21, 1834. Referred to committee and rejected for want of funds, October 22, 1834.

File 17A-22. Road and Bridge Reports.

Charles Fell, Pelham Square, July 7, 1834. Has reviewed the line for a road between Grantham and Thorold. The ground is generally level, needs little labour to make a good road 66 feet wide. Opposite lots 18-21 Concession 10 Grantham. [Sketch attached.] Filed October 21. Report referred. The report confirmed, but altered to not interfere with the garden on lots 41 and 42 in Thorold. £23.15.0. paid out of the District Treasury in favour of **John DeCew**.

File 17A-23.

John George Bridges, Niagara, gentleman. Charged with practicing medicine without a licence. Defendant is of wicked mind and disposition, has deceived His Majesty's subjects. Employed by liege subjects under the pretence of skill in physic surgery and midwifery, August 20, 1834. True bill: **John Kidd** (foreman.) Witnesses: **John Wagstaff, Dr. Telfer**. John George Bridges appeared in court. Indictment and matters not sufficient in law, is not bound by the law of the land to answer the same and prays the charges be dismissed and that he be dismissed. **Alexander Wilkinson**, attorney for the King. Says the indictment is good and sufficient for Bridges to answer. Prays for judgement. Demurrer: **Ridout** and **Claus** (nay), **Smith, Butler, McDougall, Ball, Clement** and **Bradshaw** (yea.) Recognizance taken before **Daniel McDougall**, April 9: John George Bridges £50, sureties **Johnson Clench** and **Ralfe Clench** £25 each. Recognizance of Dr. Telfer and John Wagstaff £10 each. Evidence of Dr. Telfer, surgeon, April 7: Bridges has practiced physic without a licence for gain for one year last past. Evidence of **John Wagstaff**, April 9: paid £2 for his services as family physician in December last. Practiced on **Ellen Wagstaff** December 1-6, 1833. John George Bridges declines to say anything until the matter appears before the court.

File 17A-24.

Johnson Clench, Niagara. Charged with assault and battery against **Dr. Walter Telfer**, Niagara, surgeon, on August 14, 1834. Witnesses: Walter Telfer. Evidence taken before **Daniel McDougall** on August 16: Clench assaulted Telfer on August 14. Recognizance: Johnson Clench £10, surety **Charles Fields**, Niagara, labourer, £5. Fined £2.10.0. paid to **William Clarke**, costs £1.0.9. paid to Dr. Telfer. Defendant discharged from recognizance October 23, 1834.

File 17A-25.

John Green, Thorold, shoemaker. Charged with larceny, stealing one cotton umbrella (value 2/-) the property of **Joseph Badgley**, Thorold, innkeeper, on September 6, 1834. No bill: **John Kidd**

(foreman.) Witnesses: Joseph Badgley, *Luke Carroll*. Evidence of Badgley: the umbrella was stolen from a wagon standing under *Wylde's shed at St. Johns* and secreted at the house of *Daniel Brown* of Thorold where Green lives. Search warrant issued September 17. Recognizance taken before *Jacob Keefer* on September 18: John Green and Daniel S. Brown £5 each.

File 17A-26.

John Martindale, Grantham, yeoman. Charged with assault and battery against *David Thompson*, Niagara, yeoman, on May 11, 1834. Witnesses: David Thompson. Evidence of David Thompson: was at the inn of *John Graham*, defendant struck him in the stomach and his clothes were torn. Recognizance taken before *James Muirhead* May 11: David Thompson £10; John Martindale £10, sureties *Andrew Heron* and *Walter Elliot* £5 each. *Nolle prosequi*, October 22, 1834.

File 17A-27.

John McKay, Queenston, labourer. Charged with obstructing the highway on September 5, 1834, by placing a dead hog in a putrid and stinking state which remained in the highway at Queenston for six hours. True bill: *John Kidd* (foreman.) Witnesses: *Martha Wadsworth*, *Robert Grant*. Evidence of Martha Wadsworth, wife of *Chester Wadsworth*, Queenston, innkeeper, taken before Robert Grant: In the afternoon of September 5, McKay (in the employ of *Robert Hamilton*) hauled a pig with his hoe and deposited it before the front porch on the sidewalk under the barroom window. This was to the great annoyance of the family and public. He was told to take it away and not leave it there. Recognizance taken before Robert Grant on September 6: John McKay £10, sureties *Adam Brown* and *Barney Stanford*, both of Queenston, labourers, £5 each. Plea: "guilty," fined 5/- and costs, to be locked up until paid. October 22, 1834.

File 17A-28.

Eneas John McMillan, Niagara, gentleman. Charged with assault and battery against *Thomas G. Burgess* on August 10, 1834. Witnesses: Thomas G. Burgess. Evidence taken August 19: Burgess was assaulted at the house of *Benjamin Harrington* at 9 pm. Recognizance taken before *John Alma*: Eneas John McMillan £25, sureties *Jared Stocking* and *John Grier* £12.10.0. each. McMillan fined £2.10.0. (paid to *William Clarke*) and 8/9- costs paid to plaintiff. In default of payment, sentenced to 10 days in gaol. Defendant discharged from recognizance on October 23, 1834.

File 17A-29.

John B. Lamarsh Sr., Niagara and *John B. Lamarsh Jr.*, Niagara. Charged with larceny, stealing a pig (value 5/-) the property of *Casper Coris*, Niagara, yeoman on August 14, 1834. No bill: *John Kidd* (foreman.) Witnesses: Casper Coris, *William M. Ball*, *Joseph Piatt* [alias *Payette*.] Evidence taken before *John C. Ball* on August 14: Joseph Payette of Niagara, labourer, saw defendants take the pig which was killed but not dressed; pig was taken into a room at Lamarsh's, found them in the act of scalding the pig. His wife said to say nothing of it. Suspects it was stolen. Evidence of Casper Coris, the pig was taken, he suspects Lamarsh. Recognizance taken: John B. Lamarsh Sr. and Jr., £10 each, sureties *William S. Servos* and *Gilbert Anderson* £5 each.

File 17A-30.

Francis J. O'Conner, Niagara, labourer. Charged with larceny, stealing a silver watch (value 15/-) the property of **Francis Medcalf**, Niagara, shoemaker, on May 7, 1834. Witnesses: Francis Medcalf. Evidence of Francis Medcalf taken before **Daniel McDougall**: the watch taken was #2051. Was at home, around 8 pm, and O'Conner asked to see the watch. He then kept it concealed and refused to give it up. Today he denied taking it. It is concealed either in the house of **Samuel Nisbit** or in the brick house of **John McNabb**. May 9, was at the rooms of **James Ramsay** in Niagara when O'Conner came in. Asked to come to the room and look at some [-----]. They went in, asked his wife to find some [-----] and she said she couldn't find them. They sat down. O'Conner asked the time, it was 8:30. He asked to see the markings on the watch, a **Dublin watch** #2051 made by **William Barrow**. He asked to see it. I gave it to his wife, she went to the back room and came back without the watch. I said to O'Conner "don't you mean to give me my watch back again?" He said "I don't have it" and pushed me out of doors. I went to **Talbots**, came back and the door was fast. I asked for my watch which was refused. Medcalf went home to bed. The next morning he asked for his watch again. O'Conner said he didn't know about it, "be off about your business." Between 2 and 3 O'Conner was in the room at Ramsays, Medcalf was watching by McDougall's. He heard the window raise up and saw the watch lowered down by the arm of a grown woman. He sat until a child of Ramsay brought in the watch, gave it to **Donnelly** the constable. He knew the watch as his own. Had a pint of liquor. Believes he handed the watch to O'Conner. Evidence of **Susannah Westguard** (alias **Ramsay**), taken May 9: Was at the house of her stepfather, James Ramsay. Francis Medcalf came in at 7 pm, he had been drinking but could walk and talk sensibly. O'Conner came in, asked him to come and see some [barrels?] His wife opened a chest and said she couldn't find them. He asked the time and to see the watch &c. Evidence of **John Way**: knows Susannah Westguard (alias Ramsay). She stole butter at his shop. He wouldn't believe her on oath, May 7, 1834. Evidence of **Mary Ann O'Conner**, daughter of the prisoner. She saw Francis Medcalf was drunk, Mrs. Westguard's child (5 years old) brought in the watch which was found under Susannah Westguard's window. Evidence of **John Talbot**: he parted Medcalf and O'Conner who were fighting. He went away. Medcalf followed, he was drunk but able to walk and talk and said he was robbed of a watch at the house of O'Conner. Westguard not a reliable witness, guilty of stealing. Evidence of Francis O'Conner: did not take the watch. Recognizance taken June 9: Francis Medcalf £10; Francis J. O'Conner £10, sureties John Talbot and **Francis Proctor** £5 each. [Prosecutor dead, *nolle prosequi* ordered October 22, 1834. Costs 11/3-.]

File 17A-31.

Christopher Young, Haldimand, yeoman. Charged with assault and battery against **William McConell**, Haldimand, labourer, on June 23, 1834. Witnesses: William McConell. Presentment attached signed by **B. Gregory** (foreman.) Alleged assault took place at the **Nelles Settlement**. Indictment endorsed *Nolle prosequi*, October 23, 1834.

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