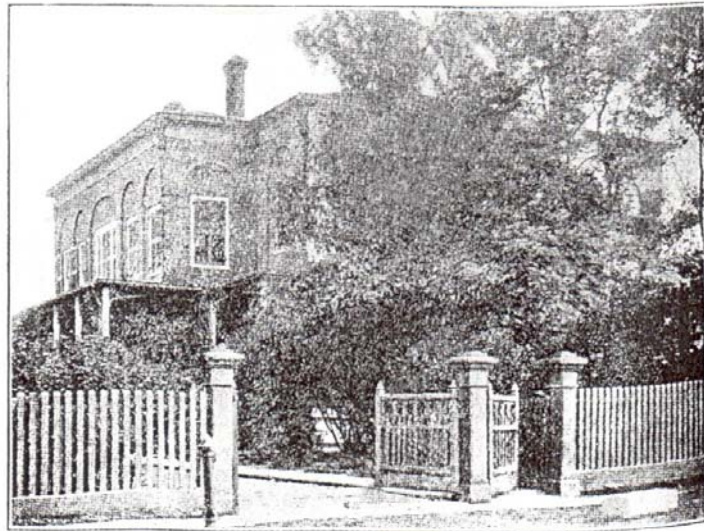


THE OLD JAIL AND COURT HOUSE.



MISS ALICE'S HOUSE - - - - -

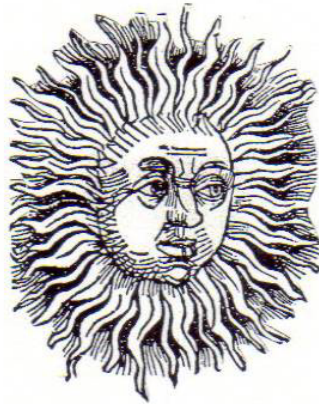
Early Niagara District Court Records 1787-1841.

A Source Book with a Nominal Index

Volume 3:

General Quarter Sessions of the Peace 1835-1840

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 October sessions for 1835 in file 21-23.

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Niagara District Quarter Sessions, January 1835.

File 18-1. Tavern and Shop Licences.

The *Clerk of the Peace* ordered to issue licences to the same applicants as last year at the same rates. Unless there are objections, when they will be admitted to court for decision, January 5, 1835. Signed *Robert Melville*.

All licences in *Niagara* at the rate of £6, January 5, 1835. Signed *Robert Melville*.

Complaints against the *Black Horse Tavern* by *George Keefer* are suspended.

All licences in *St. Catharines* at the rate of £6, January 5, 1835. Signed *Robert Melville*.

All licences in *Thorold* at the rate of £3.10.0. January 5, 1835. Signed *Robert Melville*.

All licences in *Drummondville* at the rate of £5, January 5, 1835. Signed *Robert Melville*.

All licences in *Queenston* at the rate of £4, January 5, 1835. Signed *Robert Melville*.

All licences in *Chippawa* at the rate of £4, January 5, 1835. Signed *Robert Melville*.

All licences at the *Falls* at the rate of £6, January 5, 1835. Signed *Robert Melville*.

All licences at *Waterloo* at the rate of £6. Signed *Robert Melville*.

Licences at *Palmira* £10 and the *Ontario House* £7.10.0. (*Charles Walsh*.)

Licences at Beamsville, Grimsby, Dunnville, Niagara Township, Grantham Township, Louth, Clinton, Stamford, Willoughby, Bertie, at the rate of £4; licences at Pelham, Gainsborough, Crowland, Wainfleet and Humberstone at the rate of £3.10.0; licences at Caistor, the County of Haldimand, Rainham and Walpole at the rate of £3; a special licence at Clifton and at the *Spiral Stairs* and the *Falls Ferry* £3. Signed *Robert Melville*.

Objections to licences: *Isaiah Starkee* at the *Spiral Stairs* at the Falls. Is a tenant under *The Falls Company*, licence to issue to *Samuel Street*.

Objections to *R.H. Lee*, Chippawa, by *William Duff*, on account of gamblers and other misconduct at his house.

Objections to *Thompson McKeal* by *J.C. Ball*.

Objections to *Jane Goodfellow* by *Thomas Butler*.

Licences withheld from *Alexander Wintermute* and *Harrison Thompson* of Bertie, signed *Robert Melville*, January 5, 1835.

File 18-2. Accounts (1-34.)

List of Claims passed by the Committee, January 29, 1835.

G.H. Kerr (Commissioner) £62 expended on **20 Mile Creek Bridge** in 1831.

William Clark, constable account £1.6.4.

Joseph Martin, constable account 10/-

John Gilleland, constable account £1.1.6.

Rufus Wright, constable account £1.10.0.

Francis Proctor, constable account plus services as crier at the election £2.

Joseph Archer, constable account, committed **Thomas Gardner** to gaol on the complaint of **Jane Gardner**, £3.11.9.

Peter Wheeler, searched the bundle of **William Riley** (confined in gaol) in order to see if he has anything of **John Mitton**, to be kept and report to **Daniel McDougall**.

John La[Mash?], subpoena served to his wife and servant woman. Orders of **Daniel McDougall**, issued to constables **King**, **Pollard** and **William Riley**, November 22, 1834.

£14.17.6. cost for cabin passage on board the steamboat **United Kingdom** from Niagara to Kingston for constables **John P. [H]Annett**, **[Solomon] Secord** and **[Joseph] Archer** and three prisoners. Signed **Alexander Hamilton** and **William Clarke**.

J. and R. Wagstaff, charge for plates, wash basin, nails &c. £1.18.3.

Alexander McLeod, "Let **Mr. Wheeler** have such time as he require for prisoners," January 29, 1834. (**Wagstaff**.)

Samuel Wood (coroner) Charge £2.8.0. for holding an inquest on the bodies of **John Gallavin** and **John McCaun** (drowned at **Port Dalhousie**) September 14, 1834.

Robert Kay, charge for shoes for prisoners, 10/-

R.M. Clement, charge for pad locks and a cross cut saw, £2.7.6.

John Clement, charge for blankets £7.17.6. Signed **A. McLeod**.

Jacob Dockstader, High Constable account £4.12.6.

Joseph Archer, constable account £4.10.0. Signed **Alexander Hamilton**.

John P. Hannett, constable account £11.3.6. Signed **Alexander Hamilton**

Charles Richardson, charge for foolscap, blank book, receipt book &c £6.19.6. (**E. Lesslie & Son**.)

A. McLeod, sheriff's account £16.

Dr. Telfer, charge for gaol attendance £6.5.0.

William Craig, charge to whitewash the entrance hall, prisoner's walk, criminal cells and debtor's rooms £3.

Andrew Boylan, charge for masonry work (to stop up a hole where prisoners broke out) 17/6-
Signed **John Kidd**.

Daniel Lyon £45.4.0; **John F. Stewart** £58. Assistance with the assessment rolls, signed **Robert Waddell** (assessor.)

Lewis Donnelly, constable accounts £2.15.0 and £4.2.6.

William Guild & Co, charge for blankets, ticking and pantaloons for the prisoners £7.5.3. Signed **John Alma**, December 22, 1834.

John P. Hannett and **L. Phelps**, charge to convey prisoners to **Kingston** £3.11.6. November 3, 1834. Witness: **S.E. Secord**.

Alexander McDonell, returning officer for the 1st Riding of Lincoln, charge to erect hustings at **Walker's Hotel**, £18.10.0.

William Smith, Port Dalhousie, October 22, 1834. Charge of £4 as poll clerk (4th Riding of Lincoln) at elections. Witness **George Smith, Alexander Stewart, Cooks Mills**, Crowland.

P. Drummond, charge for a box of soap and tumblers, £1.16.9. Cheapest to buy a box of soap at 4½d rather than at retail at 6d per bar. Certified **A. McLeod**.

Peter Wheeler, charge for 26 cords of firewood, 5 ticks, towels &c. £13.6.0. **Ephraim Wheeler**, charge for services as turnkey £12.7.6. Certified **A. McLeod**.

John E. Clyde, charge for glazing 18 lights, repairs to 2 locks, "centry box," guard's bed &c. £5.14.3. Certified **A. McLeod**.

James Blair, mason. Charge for repairs to gaol and court house arch, blacksmith work, rebuilding kitchen fireplace &c. £3.6.8½, January 27, 1835. Certified **A. McLeod**.

Matthew Dobie, charge for shackles, chains, rings and ring-bolt, hoop for a man's body &c. £1.18.1½. Certified **A. McLeod**.

Daniel McDougall to constable **Joseph Archer**, warrant to apprehend **Samuel Armstrong** on the complaint of **Christopher Campbell**, Niagara, for stealing, £2.10.0. November 23, 1834.

Daniel McDougall, warrant to apprehend one **Pollard**, a coloured man of Niagara Township, charge of larceny, dated November 22, 1834. On November 13, 1834 Pollard stole a blue cloth coat, 5 shirts, a gold ring, 3 cravats, 3 silk handkerchiefs, 3 razors, women's boots, shoes, beads, a fine tooth comb, shoe brush and women's hose from the dwelling house of **John Milton** [**Mitton?**], Niagara.

John Alma, search warrant issued to constable **Joseph Archer** on November 14, 1834, on the complaint of **John Milton**, of the Town of Niagara. Wearing apparel and other goods worth £10 were stolen on November 13, and are secreted on the premises of **John Thomson**, near the gaol.

Account of Rations Due to the Gaoler of the Niagara District (Peter Wheeler) October 23, 1834-January 27, 1835. £60.11.8. [Charge includes candles, cell brooms, washing, 200 bundles of cut straw and candles for the court.] Prisoner's names and date of commitment:

Patrick Donley, October 23, 1834-January 27, 1835.

Aron Roy, October 23-January 27.

Daniel Boyer, October 23-January 27.

James Burniston, October 23-January 27.

Aron Jackson, October 23-November 13.

Charles Friend, October 23-December 24.

Rufus Westover, October 23-January 27.

Richard Burk, October 23-January 27.

William Riley, October 23-January 27.

Absalom Jones, October 23-November 27.

Chancy Skinner, October 23-November 27.

James Liscom, October 29-November 27.

Sylvester Greenfield, November 7-January 27.

James Ensign, November 8-January 27.

Andrew Mayer, November 9-November 20.

Francis Mayer, November 9-November 20.

Andrew Wilson, November 14-January 27.

William Armstrong, November 24-January 27.

Duncan Graham, November 26-December 23.

John Doyle, November 26-December 24.

Joseph Hochkiss, December 6-January 27.

Thomas B. Lewis, December 6-January 27.

David Wright, December 6-January 27.

Axa Hochkiss, December 6-January 27.

Mrs. Lewis, December 6-January 7.

Hannah Wright, December 10-January 27.

Nathaniel Stephens, December 18-January 27.

James Stockdale, December 28-January 7.

Mark Bishopbrick, December 31-January 27.

John Cole, January 9-January 27.

Charles Santee, January 15-January 27.

John McEmery, confined 1 day

Peter Wheeler, charge for boarding seven children for 53 days £4.12.9. Charge for boarding

James Handley, **Robert Alward** and **James Allen** £6.17.0.

File 18-3. Accounts (35-47.)

William C. Chace, **Port Dalhousie**, January 27, 1835. Charge for £6.10.0. for my services on the **St. Catharines Board of Health** during the **cholera epidemic** in 1832. Certified **Luther Cross** and **George Smith**.

Samuel Wood, coroner, April 4, 1835. **Henry Conkle** came to my place, notified me of a man found dead near his place in Clinton. Certified **Chadwick Smith**.

Eleazer Scott to **Coroner Woods** about a woman named **Younglove** found in a field near the lake (**Adam Konkle**), March 3, 1834.

Samuel Heron, charges for printing £12.1.6 and £4.17.6. January 26, 1835.

Dr. Allen, St. Catharines Board of Health- charge for drugs £5.4.9¾ (from **William C. Chace**)

Alexander Wintermute, constable account £3.10.0.

William H. Nelles, constable account £0.19.0. (certified by **Jacob Keefer**.)

Henry Brown, constable account. Charge £1.1.0. to summon a coroner's jury for an inquest on the body of **Francis Chitley**, January 26, 1835. (Certified by **William Duff Miller**.)

Chester Wadsworth, constable accounts £3.15.0 and £5.9.10½.

D.S. Brown, constable account £1.11.0. (certified by **Jacob Keefer**.)

James J. Ralston, charge for paper, book and wafers £1.8.6. (signed **A. McLeod**.)

William Telfer, to the **Commissioners of the Gaol**, charge for spikes, timber and dressed planks to repair the gaol; loss of a summer's work while waiting to procure timber £65.13.6.

William Johnson, work on Telfer contract £90.15.0. January 16, 1835.

William Telfer, to plank the hall floor of the gaol, May 21, 1834. This is the only tender received and so accepted, signed **Daniel McDougall**, **Robert Melville**, **John C. Ball**. Letter to the sheriff May 28, 1834 to enter into the contract, signed Daniel McDougall and Robert Melville. Referred to the next Sessions October 23, 1834. £25 allowed for damages, January 30, 1835 signed **William Smith**, J.C. Ball.

File 18-4. Accounts Rejected.

Joseph Smith, **Henry Kerr**, **Lewis Haines**. £12.10.0. for the **15 Mile Creek Bridge** and stone buttments, July 16, 1831. Signed **James Muirhead**, **Charles Richardson**, certified by **James W.O. Clarke**.

John Moore, charge for surgical aid to a man employed as a miller at **Mr. Streets**, at the house of **Mr. Nickerson**, October 1834. Dated at **Ten Mile Creek**, January 28, 1835.

Alexander Nickerson, 41 days attendance for a broken leg (**Henry Miles**) £5.2.6. Grantham, February 24, 1834.

J.H. Lacey, constable account £4.10.6.

Francis Webster, charge for services as returning officer for Haldimand, Grand River, October 28, 1834. £9.2.6. (signed **Mr. Clarke**, treasurer.)

Samuel Chibbuck received from **Francis Webster**, £1 to erect hustings, October 8, 1834.

William Dennis, received from **Francis Webster**, £1 to act as constable at the elections, October 8, 1834.

Eleanor McKeefer, received from **Francis Webster**, £2.10.0. for the use of rooms adjoining the hustings for a place to take the poll, October 9, 1834.

Stephen Randall, received from **Francis Webster**. 15/- to deliver 50 notices for the election. Hamilton, September 30, 1834.

William Crooks, £8 on order issued last Sessions (called on **Mr. Hall**.)

Henry Griffin and **J.J. Moore** certify that **Ralph Walker** of Grimsby erected the hustings for the election, 1st Riding of Lincoln, £5, January 25, 1835. (Rejected, admitted in the Returning Officer's account.)

File 18-5. Treasurer's Accounts.

Statement of Monies Received and Paid by the Treasurer of Niagara District. Signed **William Clarke**, January 27, 1835.

File 18-6. Wolf Scalp (Bounty) Certificates.

Account of Wolf Scalp Certificates Paid since April Last. [total £56 paid.]

Reuben Green (Stamford) Two wolves killed on January 1, 1823 and in December 1824. Scalps certified destroyed by **Samuel Street**, December 31, 1834.

Samuel Wiggins (Wainfleet.) February 17. One skin destroyed December 18, 1834, certified by **Amos Bradshaw**. Endorsed "Amount received from **Jeremiah Forrester**, collector."

Isaac Thomas (Rainham.) April 10, 1833. Scalp certified destroyed by **Edward Evans**, May 28, 1833. Signed **William Clarke**.

Dennis Row (Walpole.) July 23, 1834. Scalp certified destroyed by **Edward Evans**, August 30, 1834.

Charles Green (Wainfleet.) October 27, 1832. Scalp certified destroyed by **David Thompson**, January 27, 1834.

Philip Book (Gainsborough.) Two wolves caught in a trap, February and March. Certified destroyed by **Smith Griffin**, May 30, 1834. £8.

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

Philip Simmerman (Clinton) Two wolves killed May 1, 1818 and August 28, 1818. Scalps certified destroyed by **William Sampson**, JP, April 1, 1819 (**John Symington**, treasurer.)

Stephen M. Farr, one wolf killed February 21, 1834. Scalp certified destroyed by **David Thompson**, February 22, 1834.

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

Peter Lampman (Niagara) yeoman. Three wolves killed in Grantham. Scalps certified destroyed by **Daniel McDougall**, July 2, 1832. Paid £3, January 9, 1835.

Jacob Lam (Willoughby.) Wolf killed in Crowland within 5 miles of an inhabited place. Scalp certified destroyed by **William Duff**, Chippawa, January 14, 1835. £1.

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

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

Robert Willson (Gainsborough.) Two wolves killed last summer, scalps certified destroyed by **Robert Nelles**, February 19, 1824.

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

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

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

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

Jacob Shirk (Humberstone.) One wolf skin destroyed by **James Kerby**, December 6, 1833, certified December 24, 1833.

Jacob Stoner (Humberstone.) One wolf killed in Humberstone January 9, 1833. Scalp certified destroyed by **James Cummings**, March 29, 1833.

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

Jonathan Kinsey (Humberstone.) One wolf killed March 25, 1829. Scalp certified destroyed by **J. Warren**, April 8, 1829.

Jacob Kline (Humberstone.) One wolf killed 1828. Scalp certified destroyed by **J. Warren** June 29, 18[--]. Paid October 29, 1834.

Jacob Stoner (Humberstone.) Seven wolves killed March 1829. Scalps certified destroyed by **J. Warren**, Bertie, December 23, 1829.

John Evert, alias **Everrett** (Rainham.) Six wolves killed March 22, 1834. Scalps certified destroyed by **Edward Evans** March 22, 1834.

File 18-7. Assessment Records.

Isaac Hawn, town clerk, Bertie, served the assessment rolls (certified by **William Smith**, J.P.)

John Lemon, Willoughby, certifies the following persons left before delivery of the rolls: **James Mitchell**, **Benjamin Paine**, **Patrick Stewart**, **William Smith**, January 10, 1835.

Frederick L. Gibbs, certifies that **John Daw** removed from Walpole, sworn before **R.M. Crysler**, January 9, 1834.

Jeremiah Forrester, Wainfleet, certifies that **John McKay**, **Hugh McKenna** and **Henry Keeler** have removed from the township. Sworn before **David Thompson**, January 8, 1835.

Anthony Upper, Thorold, certifies that **Jonah Howey**, **William Daley**, **James Lund**, **James [-----]**, **N. Mac[---]lly**, **Mr. Swope**, **James Showey**, **James Martin** and **Robert Hough** have removed from the township. Sworn before **John Alma**, February 21, 1835.

William Biggar, Stamford, certifies that **Thomas Fuham**, **R.T. D[-----]**, **E. Ryerson**, **Thomas Oldsmith**, **Philip Graham**, **John Robinson**, **W. Street** and **John Dalton** have removed from the township. Sworn before **R.M. Crysler**, January 9, 1835.

Samuel Beckett, Pelham, certifies that **Nathan Kelly**, **Seth Burdwin**, **Peter Tupplemine**, **Joseph Daloran**, **Henry Davis** and **Charles Gullard** have removed from the township. Sworn before **Robert Melville**, January 14, 1835.

Jacob Gould, Louth, certifies that **John Sw[-----]**, **Stephen Comfort**, **W. Nicholas** and **George King** have removed from the township. Sworn before **John Alma**, January 7, 1835.

Benjamin Cutter, Humberstone, certifies that **Enos Dennis**, **George Bears**, **Elias M. Burnet**, **Reuben Green**, **Benjamin Doan**, **Eli Root**, **Daniel Buchanan**, **Jacob Richard** and **Jacob Wade** have removed from the township. Sworn before **R.M. Crysler**, November 25, 1834.

John Norton, Haldimand, certifies that **Daniel Thompson** and **O. Burnham** have removed from the township. Sworn before **Malcolm Laing**, J.P. January 5, 1835.

Andrew Thompson, Haldimand. Certifies that **Peter Downer**, **Cyrus Smith**, **John Kilmer**, **Francis Dowlen** and **James Dicksworth** have removed from the township, and **Joseph Warden** has since deceased. Sworn before **William Mylne**, January 3, 1835.

Daniel Palmer, Grimsby, certifies that **Alexander Milmine**, **William Wales**, **George M. Nelles**, **Henry Follet**, **Levi Walker**, **Mrs. Jessup**, **James Lintree**, **Samuel Kimble**, **Armstrong Kichen**, **Lawrence Clouse** and son, **Jacob Follick**, **John Fox**, **Reverend Griffis**, **Jacob Bently**, **John Redford**, **Garrit Slingerland**, **Joseph Getchel**, **John A. Stephenson** and **Jacob Thomas** have removed from the township. Sworn before **Robert Nelles**, January 9, 1835.

Frederick McPherson, Gainsborough, certifies that **Samuel Sperry**, **Daniel Robbins**, **Elijah Phelps**, **William Emery** and **Stephen Vaughner** have removed from the township. Sworn before **R.M. Crysler**, January 14, 1835.

John Patterson, Clinton, certifies that **George Smith, Martin Ribly, William Hilse, Henry Simmerman, John Simmerman** and **Charles Gurney** have removed from the township. Sworn before **H. Nelles**, January 3, 1834.

James Tisdale, Caistor, certifies that **John Boyd, Elizabeth Stephenson, Stephen Swick, Cornelius Fesler, Harrison Warrell, James Siday** and **Robert Clendenan** have removed from the township. Sworn before **R.M. Crysler**, January 6, 1835.

File 18-8. Niagara Township Boundary Records.

“**An Act for Appointing Commissioners to Ascertain the Niagara Boundary line of the Township of Niagara and establish a Public Highway Contiguous to the Same,**” awarded £37.10.0. to **John Willson** as compensation for damage by removal of a *tannery* on the line of the road, December 22, 1832. Signed John Willson, **James Cull** and **Benjamin Thorne**. The road through the tannery yard is not now required for the public, but payment is withheld until the same is required for the benefit of the public, January 27, 1835.

File 18-9. Convictions (**E.S. Adams**, JP, St. Catharines.)

Jacob Davis, charged with assault and battery against **Edward Evans**, January 2, 1835. Evidence of Edward Evans, January 13: he was knocked down by Jacob Davis with his fist near **Luther Dyer's**, was not able to do anything for several days. Fined £2.10.0. and £1.16.9. costs, paid to **John Cleveland**.

Charles Gaylord, charged with assault and battery against **John Ryan**, October 27, 1834. Evidence of John Ryan, October 28: was struck down and abused by Gaylord at the house of **Ralph Truax**. Fined 5/- plus £1.2.3. costs, paid to **John Gilleland** and received by **John H. Clendennen**.

File 18-10. Convictions (**Edward Evans**, JP, Rainham.)

Christopher Fite, Rainham, charged with assault and battery against **Jeremiah McDonald**, on August 2, 1834. Fined £1.10.0. and 11/3- costs, August 9, 1834.

James Alwood, Walpole, charged with breaking the drum of **John W. Evans**. Fined £1.10.0. and 13/9- costs, September 18, 1834.

Henry Simmerman, charged with assault and battery against **Dinnes Fanner** of the Township of Dunn, on January 8, 1835. Fined £1 and 13/7- costs, January 10, 1835.

File 18-11. Convictions (**Jacob Keefer**, JP, Thorold.)

Philip Garholt, labourer. Charged with kicking and assaulting **Joseph Merithew**, Thorold, on November 20, 1834. Fined 5/- plus 10/3- costs, November 20, 1834.

Stephen Cleveland, Thorold, carpenter. Charged with striking and assaulting **Daniel S. Brown**, constable. Fined £2.10.0 and £1.5.0. costs, November 14, 1834.

John Cake, labourer. Charged with assault and battery against **Caleb Ingols**, Thorold, on October 31, 1834. Fined 5/- plus 23/9- costs, November 14, 1834.

Robert McCue, labourer. Charged with assault and battery against **Charles Richardson**, Thorold, on October 31, 1834. Fined 20/- plus costs 23/9-, November 14, 1834.

Henry Clement Fralick, Thorold, labourer. Charged with striking and assaulting **Henry Hellems**, Thorold, on December 31, 1834. Fined 5/- plus £1.7.5. costs, January 2, 1835.

Henry Adley, Thorold, innkeeper. Charged with attempts to choke, kick and assault **John Ryan**, Thorold, on December 15, 1834. Fined 1/- plus 13/- costs, December 22, 1834.

William Coulter, Thorold, labourer. Charged with assault and battery against **Caleb Ingols** and **John Huntly**, Thorold, on October 31, 1834. Fined 20/- plus 23/9- costs, November 4, 1834.

File 18-12.

Adam Fralick, Stamford, yeoman. Charged with assault against **John Rouse**, bailiff at the *Court of Requests*. Convicted before magistrate **Malcolm Laing**, Stamford, November 24, 1834. Fined £3 (paid to **William Clarke**) and 11/3- costs (paid to John Rouse.)

File 18-13. Convictions (**J. Mewburn**, JP, Stamford.)¹³

John Riley. Charged with larceny, stealing the horse of **Patrick O'Donohue**, Brantford, saddler, September 24, 1834. Evidence of John Riley: he met O'Donohue near the tavern, asked to see the horse in pasture. Left the horse, went to the distillery and asked for **Mr. Lennox**. Wanted to trade his horse for O'Donohue's horse. They went to the field and traded horses, agreed to a trade. Rode the horse quietly, went back to Lennox's with the halter. Complainant came in, said he'd be damned if he would not be cheated. He examined and went away with the horse. Evidence of **Hiram Forsyth**, mechanic. Was near the distillery, horses traded. He saw a completely raving mad man, who said he'd not be cheated. Evidence of **Joseph Brooks** (mason.) The horse trade was made at the mill door. He saw the complainant ride Riley's horse. They made a trade. He later came back, he said the horse had a snotty nose and wouldn't take it. Evidence of Patrick O'Donohue, Brantford, saddler. Is a native of Ireland. Was at the *Whirlpool Tavern* at noon. He met Mr. Roarback and asked to trade horses but Roarback had none to trade but "this man did." He said to wait until he had his drink, and would then show him the horse "but don't let master know." They traded horses, said to run through the woods and he'd meet him but to say nothing to the distiller. Black horse, worth \$15 and "\$5 to boot." Wished to try the horse. Defendant took the saddle, bridle and harness of the horse and put it on his own. Rode the horses to the distillery, met a man who said "are you trading?" Found the horse to be ailing, running at the nose and short of wind. The defendant was at the distillery, ran down a short road through the bush, came out with a halter in his hand. Said he wouldn't trade, swore he'd get knocked down if he didn't stand by it. The person who took the horse was named John, lives at the Whirlpool Hotel. Evidence of **James Butler**, miller at *Oswald's Mill*. Saw O'Donohue on a sorrel horse, then on a black one. He said "you've changed colour." O'Donohue said yes, he'd traded for John Riley's black horse. Evidence of **Robert Gilchrist**, blacksmith. Riley had a horse, he owned half and **Thomas Oswald** the other half. Riley sold the horse, but didn't know if the horse was glandered. Verdict: each party endeavoured to cheat the other. Complainant and defendant each to pay cost of witnesses &c. If the horse is glandered he is advised to return it and take back his own.

¹³The handwriting in Mewburn's conviction files is very bad and difficult to read in places.

Edgar Berryman, charged with assault against **Elijah Evitts**, Stamford, mason on November 30, 1834. Evidence of Elijah Evitts taken December 1: at 1 or 2 o'clock he passed by **Mr. Russell's chapel** with an axe on his shoulder. Edgar Berryman, barefooted, came up and caught the axe, threatened to take his life by splitting his skull down. He struck at plaintiff twice, who avoided the blows by stepping back. Evidence of Edgar Berryman: plaintiff came to his house and told him about **John McMicking**. Was dizzy. Plaintiff was running away with the axe, I pursued him to the chapel. I asked him why he stole the axe from my house? 'Didn't my son pay you for it? If right, I will split your skull.' Evidence of **William Berryman**, taken December 2: Doesn't know the nature of an oath, sometimes reads the New Testament but never goes to church. If he tells a lie, he knows he will die and go to Hell but good boys go to Heaven. Said Evitts gave him an axe last winter, they gave him a quart of whiskey and his mother some money, also 1/- and three quarts of whiskey since. Evitts asked for whiskey again, and said he might keep the axe. 1/- each time to pay. He was always drunk in his father's house. Thinks the axe is worth 12/- York Cy. Offered \$1.00 for the axe which he refused. Evidence of **Andrew Murphy**: Evitts brought the axe to his house, he offered to buy it and was refused, said it cost 20/-. Evidence of Elijah Evitts: William Berryman had the axe 1 or 2 days last February. I received a quart of whiskey for the use of the axe. He doesn't remember being offered \$1.00 for the axe. Evidence of **Hiram Van**[-----]. He knows William Berryman, lived with him as an apprentice for 5 or 6 weeks. Doesn't know him to commit a dishonest act. Verdict: case involves two of the most drunken reprobates in the township. Berryman neglects his family and sets an evil example, never goes to a place of worship nor his family. William Berryman has a good character, though under 14 years of age, and so an oath could not be administered. Evitts was paid for the sale or loan of the axe with whiskey drunk and should have taken the axe back again. Berryman delivered the axe, offered 4/- York Cy. which was refused. The parties ordered to pay the costs between them as a small punishment for breaking the Sabbath.

Thomas Newton, Stamford, butcher. Charged with assault against **Mary Offord**. Evidence of **Mary Offord**, wife of **William Offord**, Stamford, storekeeper, taken December 30, 1834: Went to the shop of **Thomas Newton**, butcher, about 2 pm to purchase a heart. A dispute arose, said it was paid for by **Mr. Fido**. Newton said "damn you, clear out" and took the heart away from the little boy. She had not money to pay. Newton said "damn you, I will thrash you if you don't clear off." When she was on the street, he took a shovel full of beasts blood and straw from the floor and threw it on her three times, covered her from head to foot. She went away, but used no saucy language. Evidence of **John Hawkins**: He saw Newton throw on her outside the shop. Dispute arose over a beast's heart which he refused the boy since he had no money. The mother came back and took the heart and said "I'll pay you by and by." Newton refused, said he'd had enough. He flew into a passion, words followed about Mr. Fido. He told her to clear out, she refused until she pleased. She stepped to the door, and he said if she didn't clear out he'd throw blood. He threw three shovels full. She didn't use violent language. Evidence of **Robert Baker**: lodges at Offereds. Was witness to the events. The clothes were produced, a small quantity of blood was upon the apron, sleeve and cap. Not any great quantity. Evidence of **Thomas Newton**: Called a liar but Mary Offord lied about Mr. Fido. He desired her to go out of the way which she refused to do, and he threw dirt towards her. He has no other ill will towards her. Verdict: the assault was trifling, the clothes were spotted here and there with marks of blood and water. Baker proved the complainant refused to clear out. Newton cleaned the slaughter house at the time. The complainant is known in the village as a great abuser of all parties. The defendant to pay the costs and soap for washing the clothes. The complainant is advised to keep silence.

William Defield, Queenston. Charged with assault against **Edward Humphries**, Queenston, labourer, on November 28, 1834. Evidence of Edward Humphries taken at Queenston, November 29: deponent was at **Wynn's Tavern** at 7 pm. with **James [Roly?]** to see if Wynn would settle for

work done. William Defield was present, and asked the deponent to pay a loss [wager] on the weight of some hog which he lost. He answered 'why [when] he had paid would he do the same?' Defield threatened deponent and threw him out of doors, collared and pushed him out the bar room to the door, off the steps and onto the road. The defendant went away, the deponent went back to the bar. He was not drunk, nor perfectly sober. He had a few glasses of beer in the day. Evidence of James Roly: There was a dispute when Defield asked Humphries to pay his treat which was refused. Evidence of *William Beaven* [alias *Beven*], cyder merchant. Heard Defield say to "hold your tongue, or I will show you out." Evidence of *William Rose*, barkeeper: Heard men talking about a bet on hogs. Defield said Humphries owed him two treats. Humphries said Defield owed him the same. Humphries said "I'll pay for mine first and you second." Defield said "say no more about it." Evidence of *William Botsford*, Oxford, London District. Heard Humphries say to Defield "you lost the bet on the hogs." Defield said "be quiet, or I will put you out of doors" &c. Verdict: there was no riot or disorderly conduct, except for some oaths and bad language. William Defield ordered to pay costs \$3.00 and a fine \$4.00, \$4.00 to be used on the roads. Memorandum of fines: *Thomas Newton* \$2.00, William Defield \$4.00, *Ann Leech* \$5.00.

Evidence of *Andrew Pearce*, engineer, steam boat *United Kingdom*, taken November 29, 1834: deponent was due a note of £9 from *George Portan*'s clerk for wages due. He presented a note, Portan violently tore it from his hand and it fell to the floor and he put the remainder in his pocket. Deponent picked up a piece, Portan said the note was of no use, that *Mr. Hamilton* wouldn't pay, there was a mistake of \$2.00, and drew another. Deponent tried to catch the old one of him. He has received \$14 since, and gave a note to *Mr. Cudney* for 14/6- drawn upon Portan. George Portan gave an order on Robert Hamilton, which he refused with oaths to pay. Warrant issued against Portan, who is bound over £50 to appear, sureties William Wynn and Chester Wadsworth of Queenston, £25 each. George Portan lives or boards in Niagara Town, he is purser of the "United Kingdom." Case is a felony rather than a trespass. Pearce is bound to appear, but has no sureties. He works with *Dr. Cross* on the *salt works at St. Catharines*. The defendant (Portan) acknowledges taking the note. His impression was that it gave a higher amount than R. Hamilton would allow. He expressed regret at his rashness and impropriety. He paid money to the complainant two or three times, and gave an order on Mr. Hamilton for £9 but deducted the sums paid and three weeks board for complainant's son at a half dollar per week. Paid cash £2.4.6., board 7/6- per week, total £2.12.0. Balance due Pearce from the £9 note equals £6.8.0. Verdict: Mr. Portan to pay the fees of the magistrate and constable, and to be discharged when the sum [balance due to Pearce?] is paid. *Nolle prosequi* ordered, the defendant discharged by proclamation January 29, 1835.

File 18-14. Correspondence.

Letter from *Smith Griffin* to *Charles Richardson, Smithville*, December 27, 1834. Encloses list of *Commissioners for the 8th Division*. In my hurry with other business it was overlooked. I can supply you with a barrel of hams and good beef.

Letter from *Charles Richardson* to *John Clark*, House of Assembly, January 17, 1835. I will be absent from the Quarter Sessions due to so much business of importance in the house. Appoint my deputy, *Mr. Hall*, in my place.

Letter from *John Alma* to *Charles Hall*, January 21, 1835. *Captain Weston* called regarding a man committed for enticing soldiers of the *15th Regiment* to desert. The Magistrates refused to try him, as a matter for the Assizes. The chief evidence (private *Enoch Evans*) will certainly leave in May when the detachment is relieved. Can the matter be brought forward, or order sent to another country? The next Assizes will be held January 28th.

File 18-15. Criminal Calendar.

Calendar of Criminal Prisoners in Niagara Gaol (Peter Wheeler) January 27, 1835.
Patrick Donley, committed September 6, 1832. Assizes. Murder.
James Burniston, September 9, 1834. Assizes. Under sentence.
Aron Roy, September 9, 1834. Assizes. Under sentence.
Daniel Boyer, September 9, 1834. Assizes. Under sentence.
Rufus Westover, October 2, 1834. Orders of *E. Adams* and *George Rykert*. Stealing the horse of *Oliver Phelps*.
James D. Liscom, October 22, 1834. Orders of *W. Smith*. Stealing \$10.
James Ensign, November 8, 1834. Orders of *S. Birdsall*. Stealing 110 sheep.
Andrew Wilson, November 14, 1834. Orders of *John Alma*. Enticing a soldier to desert.
William Riley, November 15, 1834. Orders of John Alma. Stealing 1/- of *Mr. Brown*. Tried.
William Armstrong, November 24, 1834. Orders of *Daniel McDougall*. Stealing \$10.
Joseph Hochkiss, December 6, 1834. Orders of John Alma. Forgery.
David Wright, alias *Quackenbush*. December 6, 1834. Orders of John Alma. Forgery.
Axa Hochkiss, December 6, 1834. Orders of John Alma. Counterfeit money.
Hannah Wright, December 10, 1834. Orders of *William Duff*. Counterfeit money.
Nathaniel Stephenson, December 18, 1834. Orders of *Smith Griffin*. Forging a note.
Mark Bishopbrick, December 31, 1834. Orders of *R. Grant*. Stealing goods.
John Cole, January 9, 1835. Orders of R. Grant. Stealing goods from *Joseph Winn*.
Charles Santee, January 15, 1835. Orders of *E. Adams*. Stealing fowls. Tried.
Thomas Lewis, December 6, 1834. Orders of John Alma. Forgery.
Sylvester Greenfield, November 7, 1834. Orders of *John Mewburn*. Attempted rape.

File 18-16. Filings.

Recognizance taken before *Henry Mittleberger*, May 29, 1834: *William Murray*, St. Catharines, baker, *John Ryan* and *Michael Fitzgerald*, St. Catharines, shoemakers, £10 each. Witnesses and evidence against *Margaret Coy* (alias *Prendergast*, alias *Smith*) charge of felony. Should have gone before the Grand Jury, recognizance of prosecutors ordered estreated, January 29, 1835.

Evidence of *James Farman*, Waterloo, Bertie, innkeeper. On October 29, 1834 *Charles L. Fowler* and *James D. Liscom* were in the bar. Fowler asked for two glasses of liquor, offered a \$10 *Bank of Upper Canada* note to be changed, which I could not. Fowler and Liscom sat by the fire, and asked for cards which I did not have. Liscom went out, I said the brandy was not paid for. He said Fowler would pay. Fowler was much intoxicated, and I searched his pockets. I took £4.11.3. but the \$10 note was not there. Believed that Liscom took it.

Malcolm Laing to *Chester Wadsworth*, constable, Queenston. Upon the oath of *William Wyller*, Niagara, gentleman: that *Hannah Wright*, alias *Quackenbush*, Queenston, passed a forged \$5 note (*Boston North Bank*) in the store of *Mr. Guild* on November 5. She denied it. Warrant to apprehend Wright, dated December 9, 1834.

John Alma to *Chester Wadsworth*, constable. Upon the oath of *Clarke Gamble*: that *Freeman Hochkiss*, *Axy Hochkiss*, *Lucinda Hawkins*, *Daniel B. Servos* (*et. al.*) were employed in forging and uttering forged notes of the *Bank of Upper Canada*. Plates and forged notes in their possession. Warrant to apprehend them and bring them to me to answer the charges, December 5, 1834.

Robert Grant to **Chester Wadsworth**, constable. Upon the oath of **Robert Laird**, Thorold, grocer. That a bundle of goods- calicoes, dimitty shawls, caps and Scotch bonnets were stolen from his wagon on November 22, 1834 and secreted in the store house of **Adam Brown (Front Street, Queenston)** occupied by **Mark Bishopbrick, George Kirkland** and **Daniel Baker**. Search warrant dated December 30, 1834.

File 18-17. Assize Filings.

Charles Richardson, subpoena issued to constables **Richard Hazelwood, Andrew Heron Jr.** and **James R. Eaglesum**, on August 30, 1835 to apprehend **Thomas Smith** and **Leonard Hicks** (charged with larceny) for Assizes to be held on September 2, 1835.

File 18-18. Presentments.

Richard Forrest, St. Catharines. Has supported **Francis Linch**, insane and destitute. Grand Jury presentment prays that he be allowed 3/9- per week, signed **Henry Griffin** (foreman) January 27, 1835.

Phoebe Goodell, St. Catharines. Paid 7/6- for **Harriet Hague**, deaf and dumb. **Henry Griffin** (foreman) January 28, 1835.

Recommended that the **Garrison Road** through Bertie on the south side of a line continue to be an established road, signed **Henry Griffin** (foreman) January 28, 1835.

Thomas Angleman, Thorold. Paid 5/- for an 8 year old idiot child, signed **Henry Griffin** January 29, 1835. Ordered £3 until the next Sessions.

Alexander Nickerson, paid £3 to remunerate him for taking care of a person in the employ of **Mr. Street**, whose leg was broken by a wagon load running over him. Has been in Nickerson's house 41 days, signed **Henry Griffin** (foreman), January 29, 1835.

Recommended that a road be laid out and kept in repair in Bertie and Humberstone (the division line). See the 3rd section of the Act regarding Public Highways, signed **Henry Griffin** (foreman), January 29, 1835.

Gaol was visited, much might be done for the prisoners at little extra cost and won't interfere with justice. There are no beds for most debtors and criminals, who sleep on the floor. Harsh treatment and a waste of bedding. Recommend that iron bedsteads be procured. Must prevent the collection of filth and vermin. Criminal cells are poorly ventilated. Necessary from the number sleeping in each cell, 4, 6 &c. The prisoners have no complaints of the gaolers' treatment, only the ill arrangement of the building and the want of a change of bedding. **Mr. Wheeler** says it can't be done for want of blankets. Sound clothing ordered for some nearly naked prisoners. A barbarous law to imprison men for debt. Signed **Henry Griffin, Orson Phelps, William W. Raincock, Samuel Moore, Adam Brown, Walter Willson, John Stewart, Peter Cain, William C. Chase, Peter Drummond, John Balfour, Wynn, Charles Anderson.**

File 18-19. Return of Sick in Gaol.

Quarterly Return of Sick in the Niagara Gaol, October 18, 1834- January 27, 1835. Signed **Dr. Walter Telfer.**
Daniel Boyer, febris;

James Manley, *pulmonitis*;
Andrew Mayer, *febris*;
Daniel Glen, *constipatio*;
James Allan, *syphilis*;
Thomas Lewis, *pleurisy*;
Lewis' child, *tabes mesenterica*.¹⁴

File 18-20. Niagara Harbour and Dock Company.

Petition of the *Niagara Harbour and Dock Company* to *Sir John Colborne*. Have the ferry from Niagara by lease for 7 years. Pray for a longer lease (25 year period), and to establish a steamboat and ferry to serve the town. This will prove beneficial to the company. Rate will be fixed by the magistrates. Signed *James Lockhart*. Certified a true copy by *William Clarke*.

Letter from *John Beikie* to *Robert Melville*, February 18, 1834. An extension of the lease will form an important precedent for the province, and should first be submitted to the magistrates for approval.

Letter from *William Clarke* to *Charles Richardson*, March 24, 1835. Encloses copy of the company petition and letter of reply from *John Beikie*.

File 18-21.

Jacob Gross, Clinton, Minister of the Society or Congregation of Menonists. Affidavit certifies that he was ordained, signed *Jacob Fry* and *Horace [Phi-----?]*. *John C. Ball*, January 27, 1835.

File 18-22. Orders.

C.L. Hall, *Richard Graham* and others. Ordered that the *Surveyor of Highways* open the *Garrison Road*, Fort Erie, at the expense of the District. Signed *John Clark*, January 29, 1835.

Dr. William Telfer. Ordered £25 for gaol services, to be kept in the possession of the clerk until a discharge in full be given for the claim, he being allowed to keep all materials in his possession furnished for the work. Signed *John Clark*, January 30, 1835.

Clerk of the Peace ordered to print return of census roll, column where assessors may enter the number of *insane*, *deaf* and *dumb* under 4 William IV ch. 11 section 3.

Clerk of the Peace to enter a column in the Assessment roll for the number of *Quakers*, *Menonists* and *Tunkers* in the District.

Accounts passed by the Committee ordered to be received, January 30, 1835.

Chairman ordered to sign cheques for the accounts passed, as soon as the *Clerk of the Peace* has prepared them, January 30, 1835.

¹⁴“Tuberculosis found in the glands of the lining of the abdomen in children. Characterized by progressive wasting.” See Dr. Jeanette L. Jerger, *A Medical Miscellany for Genealogists*. (Bowie, Maryland: Heritage Books Inc, 1995) p. 141.

Messrs. **Ridout, McDougall** and **Butler** to be a committee to draft an address to Sir John Colborne regarding the 2nd Assize to be held, and the chairman of the Sessions is to sign it, January 30, 1835.

Bertie, December 1, 1834. At a special sessions held at **Waterloo** on November 27, before **William Smith, Alexander Douglas** and **James Kerby**. The pathmasters are ordered to open a road between **Captain John Baxter's** and **Samuel Sherk's** on the line between Bertie and Humberstone.

Messrs. **Christie, Wood** and **Darling** ordered to be commissioners to expend £15 on the bridge and road in Grantham (Lot 21 Concession 1) in **Mr. Ball's** report, January 28, 1835.

The **Clerk of the Peace** ordered to represent to the Executive of the delay and evasion of justice when the forfeiture of recognizance ordered is not carried into effect by officers, January 29, 1835.

The **Gaol Committee** empowered to contract for a new gaol roof, January 29, 1835.

The order to empower the **sheriff** to furnish the gaol with necessaries is rescinded, and to be put into the hands of the **Gaol Committee**, January 29, 1835.

Report of **Gaol Committee**, signed by **Thomas Butler**, January 28, 1835: cells are clean and comfortable, debtors have no complaints. Some prisoners complain of an insufficiency of food. Fuel (wood) purchased is of an inferior quality, thrown carelessly about the yard.

£50 ordered to be retained in the hands of the Treasurer for committee accounts.

The report of the Grand Jury on the state of the gaol referred to the **Gaol Committee**, January 29, 1835.

Property held by **Daniel McDougall** in a suit against **Henry P. Turner** (charge, larceny) to be delivered to **Jacob Kenniff**, prosecutor. No bill found, the property acknowledged to be that of Mr. Kenniff, January 28, 1835.

The proceedings against **Robert Comfort** for **obstructing the highway** in Clinton ordered to be stayed. He acknowledged the error in court, and agreed to remove it, January 28, 1835.

Benjamin Thomas ordered to be **path-master** on Concessions 2 and 3 in Niagara Township, January 28, 1835.

List of **fence viewers** for **Grantham**, January 30, 1835: **Thomas Darling, George W. Read, Jacob J. Ball, James Clendennan, John Haynes, Benjamin Pickard, Cornelius Read, Isaac Secord, Reubin Lambert, Joseph Vanderlip, William Secord, John Bessey Jr, William May, William Parnell, Thomas Gilleland, Jacob Hainer, Warner Nellis, Peter Griffiths.**

List of **Stamford Township officers**, January 30, 1835: Collectors, Town Wardens, Pound Keepers, Town Clerk; Assessor; [verso: **Peter B. Darby**, on the oath of **Alexander McLeod**, Niagara, gentleman.]¹⁵

¹⁵This list of officers was left blank except for the notation recorded on the rear of the document.

Peter Carroll, Oxford, charge of £8 as surveyor for the commission to establish the **Louth Township boundary**, December 29, 1834.

Treasurer ordered to pay **John Wilson** £39, an award regarding the establishment of the **Niagara Township boundary**, January 27, 1835.

Ordered that the **Cholera Hospital** be disposed of, the proceeds paid to the treasurer of the **Board of Health at Fort Erie**.

Treasurer ordered to render an abstract statement of accounts, January 27, 1835.

All applicants for **licences** ordered to be rated the same as at the last adjourned sessions.

Francis Proctor ordered to act as crier, January 27, 1835.

Envelope addressed by **Charles Hall** to **Charles Richardson**, M.P., Toronto, February 24, 1835. Town Meeting held at Stamford, January 5, 1835. Officers elected: **David Lynch** (clerk), **David Lynch** and **Jacob Garner** (assessors), **Edward Durham** and **George Garner** (pound keepers), **John Lemon** (collector), **J.H. Culp** and **R.H. Lee** (wardens.) Pathmasters: **James Thompson**, **Lanty Shannon**, **William Hepburne**, **William Peterson**, **John Lemon**, **Elijah Johnston**, **George Bender**, **J. Lefferty**, **Thomas Oswald**, **John Corwin**, **Thomas Garner**, **David Clowe**, **George Rowe**, **William Perdew**, **William Biggar**, **James Lundy**, **John Smoke**, **John Johnston**, **Isaac Howie**, **Philip Garner**, **Joseph Moor**, **Ira Howie**, **Archibald Thompson**, **James Oswald**, **Alexander Cooper**. Certified by **Ogden Creighton**.

File 18-23. Road and Bridge Petitions.

Bertie, January 17, 1835: No answer regarding a petition for a **bridge over Frenchman's Creek**. We have asked **James Kerby** to intercede. There is a great necessity for a bridge. Signed **John Anderson**, **John Lester**, **William Bowen**, **Edmund Riselay**.

Stamford and **Drummondville**, January 30, 1835: the **bridge over Muddy Run** is in a bad state, very dangerous, cannot be repaired with safety. A new bridge is required, to be built out of stone. Money cannot be raised for it, pray for assistance. Signed **John Mewburn**, **Lanty Shannon**. Referred and rejected.

Pray to have the surveyor ordered to establish a road in Bertie between Concessions 4 and 5 from the Niagara River to **Garrison Road**. Signed **Alexander Johnson**, **William Johnson**, **John Johnson**, **Jacob Johnson**, **Richard Johnson**, **Cyrenius Johnson**, **Philip Beamer**, **Christian Pladoe**,¹⁶ [-----] **Snider**, [-----]. Rejected.

File 18-24. Road and Bridge Reports.

Charles Fell to examine the road at **Robert Comforts** and establish an original line. Witnesses to be sworn, and a report submitted. Signed **William Hamilton Merritt**, July 1834.

¹⁶Undoubtedly this surname is "Plato." The ink in this petition is very faded and difficult to decipher.

Requisition to lay out a new road in Grantham, lot 20 Concession 1: from the east side of *Captain Christie's sawmill* to the new bridge over the inlet from *Welland Canal* harbour, across the piles for the bridge to the *Lake Road*. Would be of great public utility, in a good and dry situation. To be 40 feet wide. Cost £15. Signed *George A. Ball*, December 8, 1834. [Sketch attached, shows Port Dalhousie, lock, towpath, Welland Canal harbour, Lake Ontario; Captain Christie's sawmill on the east side of the pond, the new road, inlet, new bridge, Lake Road.]

Charles Fell: ordered in July to survey a road near *Robert Comfort's* in Clinton, 1 rod on each side of a line between lots 19 and 20 in Concessions 7, 8 and 9. Deviates little from the road now travelled. Removed fences in a few places, road can be brought into immediate use, suitable ground. Information on the site from all parties concurred, were of the opinion that I laid out the road on the original line. January 26, 1835.

File 18-25. Precept.

List of Grand and Petit Jurors, compiled by *John Alma* and *Thomas Butler*, December 6, 1834 for Sessions on January 29, 1835.

Grand Jury: *William White Raincock, William Adams, Peter Cain, John Balfour, John Nevin, Peter Drummond, Walter Wilson, Joseph Clarke, William C. Chase, Walter Dittrick, William Wynn, Joseph Wynn, Adam Brown, John Stewart, William Meredith, Orson Phelps, Charles Anderson, Samuel Moore, Henry Griffin, Ralph Walker.*

Petit Jury: *Christopher McAlpin, Frederick Buckner, James B. Hilton, James Cook, James Morris* (not summoned), *William Reed, William Currant* (not summoned), *Thomas Nevils, Leonard Mathews, John Ramsden* (not summoned), *Philip Carl, Matthew Hudson, David Brown, John Braly, John Hardy, Daniel Robbins, John Yokum* (not summoned), *Jacob Brookfield, James Braley, Andrew Misener, Jacob Darly, Isaac Darly, Daniel Skinner, John Helms, Thomas Wright, Charles Wilson, John Stark, Samuel Vanalstine, Jesse Yokum, Drayton Holcomb, John Brown, Thomas Castham, James Durham, John Guernsey, Nicholas Misener.*

File 18-26. Tavern and Shop Licences.

Letter from *Edmund Riselay* to *Charles Richardson* and *John Claus*, Bertie, January 1, 1835. Recommended *Alexander Wintermute* as a fit and proper person to keep a tavern last year, but since he has become very intemperate, abusive and keeps a disorderly house (drunkards and tipplers, especially on the sabbath.) Recommended *Harrison Thompson*, kept an inn in the house of *William Anthony*. He only kept it a short time, the house is kept by Anthony himself and is no better than that of Wintermute. Recommends that their licences not be renewed.

Bertie on the Niagara River, December 26, 1834. The house of *Alexander Wintermute* is a very disorderly and indecent grog shop. "Not containing any comfortable accommodations for travellers, either for man or beast, and has been a haunt for drunkards and tipplers of the neighbourhood, whose families are left to suffer." There is no necessity for this inn, Wintermute is intemperate and abusive. *Mr. Anthony*, called a "grocery," he is equally intemperate but not so abusive. Signed *William Forsyth, Samuel McAfee, John Douglas, Alexander Douglas, John Fellows, George Mackenzie, James Kerby, Edward Riselay.*

Alexander Wintermute, Bertie, yeoman. Prays for a licence for an inn, January 9, 1835. Recommended by *Benjamin Hall, Jacob Willson, Benjamin Sherk, Daniel Alward, George*

Hardison, Isaac Hawn, John Fellows, C. Hall, H. Singleton, John Fellows, John Harris, John Lester, William Dunn, Peter Wintermute, Huller Nelibor?, John Wintermute, W. Anthony, Lewis House. Deferred, rejected.

Jacob William Michaels, Canborough. Prays for licence, January 27, 1835. Recommended by **John Hill, Patrick Collins, G.H. [-----], Weishuhn, Chester Wadsworth, Jacob Dockstader.** Deferred, rejected.

Letter from **William Anthony** to **Daniel McDougall**, Bertie, January 25, 1835. **Alexander Wintermute** has been complained of by petition of keeping a disorderly inn. I reside a quarter mile away and frequently pass his inn. I don't see any disorderly conduct. He has gone to great expense to build a commodious house and sheds. Some names on the petition were on that recommending him. Pray look into this business.

Jane Goodfellow, Niagara, widow. Has had a licence for a tavern in Niagara for two years. Has a commodious house some distance from the town. Has laid out large sums to repair the house, build sheds for horses. Has kept it clean, so no fault may be found. Has good and wholesome provisions. Some persons came near and made a noise which she put a stop to, but was never disorderly. Is a poor widow with a large family. Prays for a licence for one year. If refused it will ruin her prospects, poverty will stare them in the face, January 23, 1835. Recommended by **A.W. Secord, Daniel Secord, Robert Rist, Jared Stocking, Walter Willson, Matthew Dobie, Walter Elliott, Bernard Roddy, John Meneilly, Johnson Clench, Benjamin [Campbell]¹⁷, Daniel Cook, George Upper, Alexander Rogers, John Campbell, Peter Cockel, Dalexeander Benard.** Deferred, rejected.

File 18-27. List of Township Officers.

Caistor: **James Tisdale** (clerk, assessor and collector) and **Henry Miller** (assessor.) Sworn before **R.M. Crysler**, January 6, 1835.

Canborough, town meeting held January 5, 1835: **Ezra Smith** (clerk), **Peter Swick** (collector), **Adoram Everingham** and **Seth K. Smith** (assessors), **John Sparback** and **Peter Swick** (wardens), **George Wainwright** (poundkeeper); **George Johnson, John Baldwin, Joseph Mellick, John Mellick, Allan Parker, Matthew Smith, Philip McColom, John Sangar, J. Jay Lymburner** (pathmasters), **Ferrand Smith, Aaron Mellick, William Birk, Nathaniel C. Briggs, Smith Hill, George Johnson** (fence viewers). Certified by **Samuel Birdsall**, January 10, 1835.

Gainsborough: at a town meeting held January 5: **Frederick McPherson** elected town clerk, assessor and collector. Certified by **Gilbert Lane**, sworn before **R.M. Crysler**, January 14, 1835.

Grantham: **John Lampman** and **Adam Stull** (farmers) appointed assessors January 9, 1835. Certified by **Charles Rolls**, sworn before **Henry Mittleberger**.

Haldimand, on the Grand River: at a town meeting January 23, **Joseph Young** (town clerk), **Charles Bain** and **Andrew VanEvery** (assessors.) Certified by **Warner Nelles** in a letter to **Charles Richardson**, dated at **North St. John**, January 25, 1835.

¹⁷The surname appears to be "Campbell," but the ink has been badly smudged and the name difficult to decipher.

Moulton and Sherbrooke: at a town meeting held at Dunnville January 5, **Robert Goldie** (merchant, Dunnville) and **Elam Powers** (merchant, Dunnville) appointed assessors. Certified by **Alpheus St. John**, sworn before **William Mylne** January 19, 1835.

Pelham: at a town meeting January 9, **Stephen Beckett** (town clerk), **Robert Kilman** and **Simcoe Chapman** (assessors), **John Scholdfield** (collector), **John Oil** and **Elijah Phelps** (wardens), **Samuel Beckett** and **Jacob Wills** (pound keepers.)

Rainham: at a town meeting held at the house of **James Stewart**, January 5, **Jacob Hoover**, son of **Daniel Hoover**, farmer (lot 5, front Concession) and **James W. Perkins**, teacher (lot 6, front Concession) assessors, and **James W. Perkins** (town clerk.) Sworn before **William Mylne** in a letter to **Charles Richardson**, dated Rainham, January 13, 1835.

Letter from **David Lynch** to **Ogden Creighton, Clifton**, January 12, 1835: has left the list of elected officers of Stamford.

Thorold: at a town meeting held at **Allanburgh** January 5: **Samuel Swayze** (town clerk), **William McClellan** and **John Deene** (assessors) Certified by Samuel Swayze January 15, sworn before **R.M. Crysler**, January 29, 1835.

Willoughby: at a town meeting held January 5: **James Cummings** (clerk), **John Lemon** and **Martin Dell** (assessors) and John Lemon (collector.) Certified in a letter by James Cummings to **Charles Richardson**, Chippawa.

File 18-28.

George Boice, Niagara. Charged with larceny, stealing one pair of boots (value 5/-) the property of **Levi Haines**, Niagara, labourer, on January 1, 1835. No bill: **Henry Griffin** (foreman.) Witnesses: Levi Haines, **Joseph Haines**, **Ezekiel [Barker?]** Evidence taken before **John C. Ball** on January 22. Recognizance taken January 24: George Boice £10, surety **Jacob Boice** £5.

File 18-29.

Adam Brown, Queenston, yeoman. Charged with keeping a nuisance, January 27, 1835. Presentment attached signed by **Henry Griffin**. Witnesses: **Robert Hamilton**. Brown permits a mare to run at large, which has a bad and infectious disorder. He sets a bad example. Costs 15/-.

File 18-30.

John Brown, Stamford, labourer (a man of colour). Charged with larceny, stealing a \$5.00 **Bank of Upper Canada** or **Commercial Bank** note (value £1.5.0.) the property of **Horace Reed**, Stamford, labourer, on July 14, 1834. Witnesses: Horace Reed. Evidence of Horace Reed taken before **William Duff**, July 14. Evidence of John Brown: defendant says he did not steal the note. The money he spent was from work, was paid 3/9- by **Mr. Cummings**, and gave the clerk \$1.00 to change. Spent 6/9- on drink, has 1/8- change. Committed to gaol July 15, 1834. Evidence of **John H. Oakley**: saw John Brown with money. He gave \$1.00 to take 3/9- from it, thinks he had more bills in his hand. Couldn't change the bill, the prisoner said not to mind and he paid in silver instead. The prisoner was sober. He paid 7½d later from the \$1.00 bill. Witness went and got the change, said he had more than one bill in his hand. Evidence of **Ransom Hooper**: the prisoner gave him \$1.00 to change to pay for liquor worth 1/-. He doesn't recall other bills in his hand. Recognizance taken: Horace Reed £5, surety **Samuel Hicks** £2.10.0. John H. Oakley and Ransom

Hooper £2.10.0. each. Recognizance of defendant, prosecution and sureties estreat, January 29, 1835.

File 18-31.

Elizabeth Campbell, Niagara, *femme covert*. Charged with larceny, stealing an umbrella and other goods (value 5/-) the property of *Mary Greenless*, Niagara, *femme covert*, on April 22, 1834. Witness: Mary Greenless. Evidence of Mary Greenless taken before *Daniel McDougall*, April 29: also had 2/6- cash stolen (two of our dollars, the *Bank of Upper Canada*, and a United States silver half-dollar) from the house of *Mary Smiley* at Niagara by defendant. *Alexander Campbell* of Niagara, labourer, did receive the umbrella and money knowing it to be stolen. Evidence of Mary Smiley: found the bills and gave them to Campbell to give to Greenless. Doesn't know if she gave them to her or not. The umbrella was in her house, and taken by Campbell. Evidence of Eliza Campbell: received \$6.00 from Mary Smiley. Her husband took \$2.00 for a window broken by Greenless, \$4.00 was laid on the table. Greenless took it, and the umbrella was taken in confusion. Evidence of Alexander Campbell: received \$2.00 and gave it back to my wife. Recognizance taken: Mary Greenless, Eliza and Alexander Campbell £20, Mary Smiley £10. All recognizance estreats.

File 18-32.

John Cole, Niagara, labourer. Charged with larceny, stealing an axe (value 5/-) the property of *Joseph Wynn*, Queenston, on January 9, 1835. Witnesses: *William Defield*, *John Richard [Clarady?]* a boy of colour. Warrant to apprehend John Cole issued by *Robert Grant*, Queenston, to constable William Wadsworth on the oath of William Defield, gentleman, January 9, 1835. The axe was taken from the yard of Joseph Wynn. Evidence of John Richard Clarady: is in the employ of Joseph Wynn. Between sunrise and 8 am he was at the house of *Joseph Southward* of Queenston. Cole, a stranger, came in with an axe which he knew to belong to Wynn from the mark on the helve. He told Defield, they found the axe at Southwards. The man left, said he'd go down the river to see if he could get across. Clarady went to *Mr. Eastham's* to look for the man, and Mr. Defields went to Mr. Humphries where he found him. Evidence of William Defield, gentleman, Queenston: Lives with the family of Joseph Wynn, and is in charge of business when Wynn is gone. Clarady came in when I was at breakfast and said a stranger had stolen an axe. He said he I came we could catch him and bring him back. We went out and found the axe but the man was gone. Mr. Southward said he'd gone to the ferry to see when he could cross as the ice was running. We found him at Mr. Humphries' grocery and told him he must come to Mr. Grant's. Asked him when he got the axe? No immediate answer, then said he took it from the yard in order to earn a few shillings for food. He said he knew he was wrong to take it, and fell on his knees, said he has a wife and five children. Said if he was let go, he would never do it again. Recognizance £10 to appear. Evidence of John Cole: took an axe to get enough to earn shillings for food and get across the river. He was intent on returning it. He asked an old gentleman nearby where he could get an axe, he said he supposed from Wynn's yard. Evidence of *Edward Defield*: was in Wynn's yard at the woodpile at sunrise. He went for a hickory stick to make a roller for a sleigh. A stranger, John Cole, came up and asked where Mr. Humphries lived? I showed him the house, but nothing was said about the axe. Recognizance £10 to appear. Defendant arraigned, plea: "guilty." Sentenced to one month in gaol.

File 18-33.

James Dunn, Grantham, labourer. Charged with assault and battery against **Mrs. Dunn** his wife, on January 10, 1835. True bill: **Henry Griffin** (foreman.) Witnesses: **Kenneth Reach**. Grand Jury presentment attached. Bench warrant to issue. Recognizance estreats, April 12, 1835.

File 18-34.

James Farman, Bertie, innkeeper. Charged with assault and battery against **John Fox**, Bertie, fisherman, on November 26, 1834. Witnesses: John Fox. Letter of **William Smith** to **Charles Richardson, Waterloo, Fort Erie**, January 19, 1835: the bearer, Mr. Farman, goes to Niagara to retain counsel for his father in an assault case. John Fox much wishes to settle. Copies were given of the complaint and recognizance and notes of the testimony. No malice prepense or felonious intention aforesought, although **James Kerby** is in the opinion that it is. I would be glad to have a line if the matter can be arranged without litigation. I will be in Niagara with the witnesses next Monday. **Liscom's** case, in gaol for stealing \$10 of **Mr. Fowler**, has left the country. There is only circumstantial evidence. Letter of **Charles Hall** to **William Smith**, January 22, 1835. Your letter to me by Mr. Farman, for consultation on the nature of the charge. It is an aggravated assault, and an attempt to commit a felony. It rests with the justices whether it be referred to the Sessions for prosecution by indictment. The Statute gives justices discretionary power. There was an assault and lifting an axe in a menacing manner. A blow was made but it didn't hit plaintiff, but a witness can prove to the contrary that an axe was not used at all. Mr. Kerby thought it could not be tried, as it was a felony. Evidence of John Fox taken before William Smith November 26: Farman struck a blow at me with an axe, seized hold of me and struck me a blow with his fist. Recognizance taken, John Fox, £20, sureties **Alexander Adams, John MacRae, Alexander Spence** and **John Somerville** £20 each. Warrant issued by William Smith to apprehend James Farman. Recognizance taken November 27: James Farman £20; parties allowed to settle on payment of costs and discharged.

File 18-35.

Henry Greenfield alias **Sylvester Greenfield**, Stamford, labourer. Charged with assault and battery by **Ellen Peterson**, wife of **David Peterson**, Stamford, on November 7, 1834. Witnesses: Ellen Peterson, **Salome Oswald, Peter Middaugh**. Evidence of Ellen Peterson taken before **John Mewburn** and **John Lemon**: at sunset on November 7 she saw a man in the orchard eating an apple. The deponent went out to milk and he went to sit on a stone close to the house where two children were, ie, her sister's child aged 8 and her own child aged 6 years. They screamed and she ran to them. The prisoner got up and ran across the field to the road. The eldest child said he was going to kill her. Evidence of Salome, wife of **Thomas Oswald**, distiller. She was at Peterson's and saw the prisoner in the orchard. She was afraid of him from his expression. The prisoner was loitering about, 2 yards from the door. Mrs. Peterson went out and the children and the door was left partly open. The deponent closed the door. Both children screamed. Deponent went out and saw the prisoner brutally and indecently behaving toward the elder child, biting the child in her private parts. She pulled the child away, the prisoner still holding on with his teeth. She endeavoured to beat him off, until Mr. Peterson, who was ill in bed, arose from his bed on which the prisoner left hold of the child. He rose from the floor on which he was laid and walked away. Examined the child and found marks upon her. Witness called fore help. Evidence of Henry Greenfield: prisoner refused to give any account of himself and seldom answers any question put to him. His face is pale, his tongue white, his pulse full and quick---symptoms of derangement. Signed J. Mewburn. Evidence of Peter Middaugh, Stamford, farmer: he was at his mother's house near Peterson's. He heard screams and cries. He ran up and saw the prisoner run across the brook. He seized a club from the fence and struck the prisoner who had a small dirk in his hand. He clinched the prisoner and held him until Mr. Peterson came down and tied the prisoner with a [----

-----.] Evidence of **John Barnes**, son of **Cornelius Barnes**, of Stamford. He was driving a wagon about sunset, and saw Peter Middaugh take the prisoner who wanted to get into my wagon. Evidence of a child, **Henny Butcher**, an eight year old daughter of **Henry Butcher**, of Stamford, very timid and shy. Was not called upon to give testimony but was visited afterwards. An intimate examination produced so much agitation and alarm that it was judged unnecessary to proceed further. The father bound to appear. Recognizance taken: **James Oswald**, innkeeper, **Thomas Oswald**, **Peter Middaugh** £10 each. Defendant discharged by proclamation. Recognizance of prosecutor and witness estreats.

File 18-36.

Leonard Hicks, Niagara, labourer, a man of colour. Charged with keeping a disorderly house. Keeps a disorderly house on lot 284 in the town of Niagara and harbours women of ill fame, disturbs the peace of the neighbourhood and the public peace, October 23, 1834. Grand Jury presentment signed by **John Kidd**, **Swayze**, **Jesse Lacey**, **Matthew Thomas**, **James Ker**, **Robert Wilkerson**, **Jacob Vanderburgh**, **Dr. Walter Telfer**, **Samuel Hopkins**, **Hill**, **Joseph Bugar**, **John Radcliffe**. True bill: **Henry Griffin** (foreman.) Witness: **William Duff Miller**. Letter from **Thomas Butler**: due to the short notice of the prosecution, Hicks is unable to procure witnesses before tomorrow. One, William Lee, resides in the country and he cannot safely proceed without the witness. If allowed, we will subpoena the witness immediately for tomorrow. Verdict: "guilty." Recognizance: Hicks £50 and to find two sureties of £10 each for good behavior for one year. Sentenced to one month close confinement.

File 18-37.

William Riley, Niagara. Charged with larceny, stealing 2 pieces of silver coin, value 1/- and ½d, the property of **Josiah Brown**, on November 13, 1834. No bill: **Henry Griffin** (foreman.) Witnesses: Josiah Brown, **Joseph Pickard**. Discharged January 28, 1835.

File 18-38.

Charles Santee, Grantham, labourer (coloured man.) Charged with larceny, stealing 2 fowls (value 1/-) the property of **John Adams**, St. Catharines, tinman, on January 13, 1835. True bill: **Henry Griffin** (foreman.) Witnesses: John Adams. Evidence of John Adams taken before **E.S. Adams** on January 14: the fowls are secreted in the house of Charles Santee, in St. Catharines. Evidence of **James Henderson**, January 15: at midnight Santee came home with blood on his pantaloons. He and his family were picking fowls when deponent came home from work. He lodges at the house of Santee. Doesn't know if the fowls belonged to Adams. Evidence of **Mary Adams**, wife of John Adams: Went to the stable and found the heads of farm fowls, and one dead fowl, behind the stable door. The fowls produced here before the JP's and found in the house of Santee were the property of John Adams. Recognizance taken: James Henderson £10. Verdict: "not guilty," January 29, 1835.

File 18-39.

Henry Page Turner, Niagara, labourer. Charged with larceny, stealing one watch "plyers" (value 1/-), eye glasses (1/-), one knife (1/-), one graver (1/-), two lathe centers (1/-), the property of **Jacob Kenniff** (alias **Canniff**) of Niagara, jeweller, on December 21, 1834. Witnesses: Jacob Kenniff, **Jacob Dockstader**. Evidence of Kenniff taken before **Daniel McDougall**: the goods found when searched by Jacob Dockstader, and produced, are mine and were taken from my shop. Evidence of Henry Page Turner: my tool chest was in his shop and I lent him tools and I

used his tools. Has no knowledge of how his tools got in my box. Recognizance taken: Henry Page Turner £20, and recognizance of Jacob Kenniff filed. Defendant discharged "done with" January 12, 1835.

*Niagara District Quarter Sessions, March 1835.***File 19-1.** Accounts.

Account of Rations Due to the Gaoler (Peter Wheeler) January 28-March 24, 1835. £75.2.4. (includes cost of candles, washing, "sallary," scrubbing the court house, straw for the prisoner's cells.) Names of prisoners and dates of commitment:

Patrick Donley, January 28-March 24, 1835.

James Barniston, January 28-March 24

Aron Ray, January 28-March 24

Rufus Westover, January 28-March 24

James D. Liscomb, January 28-March 24

James Ensign, January 28-March 24

Andrew Wilson, January 28-March 24

William Armstrong, January 28-March 24

Thomas B. Lewis, January 28-March 24

A. Hochkins, January 28-March 24

Hannah Wright, January 28-March 24

Daniel Boyer, January 28-March 13

Nathaniel Stephenson, January 28-March 24

Charles Santee, January 28-January 29

John Cole, January 28-February 9

Joseph Hochkiss, January 28-February 3

David Wright, January 28-February 3

Mark Bishopbrick, January 28-January 30

Sylvester Greenfield, January 28-January 29

Fanny Smith, February 3-March 24

Francis Harvey, February 20-March 24

Phillip Kelly, March 3-March 24

James Hines, March 10-March 19

Michael Burnes, March 17-March 24

Leonard Hicks, [February 28-March 6?]

John P. Hennet, constable account, £2.5.0 and 19/6-.

Henry Brown, inquest on the body of *George Roper* (died in gaol) February 18, 1835, 5/-. Signed *William Duff Miller*.

Joseph Archer, constable account, £2.7.0.

Francis Proctor, constable account, £1.16.0.

Gilbert Anderson, constable account, £0.5.8.

Walter Elliott, constable account, £0.15.0.

John F. O'Coner, charge for firewood used by the *Commissariat*, 12/4-

John Ball, charge for 50 cords of wood for the gaol, £30.16.8. Signed *Ephraim Wheeler*.

Robert Caswell, constable account, £0.7.3.

William Murray, constable account, £1.11.6.

William H. Nelles, constable account, 19/-

Patrick Bateson, constable account, £3.5.0.

George A. Ball, fees as Survey of Highways, £4.

Erastus Moses, constable account, £0.12.3.

C.G. Petton, charge for apprehending *William Peters* (coloured boy) for theft £1, plus constable account 14/-.

Charles L. Hall, charge for engrossing a petition to His Excellency regarding the Assizes, 10/-

James Hall, constable account, £3.1.8.

Thomas Hero, charge for chimney sweeping £0.15.0.

Leonard Hicks, charge to clean the stove pipes in the hall, 5/-

Ephraim Wheeler, charge for services as turnkey £12.7.6. plus charge for 8 cords of firewood £5.

Peter Wheeler, charge for boarding *Robert Alward*, *Alexander Logan*, *Augustus Jones* and *Erastus Warner* £2.15.0. plus 7 children for 56 days £4.18.0.

S.E. Secord, constable account (accompanying prisoner to the penitentiary) £2.5.0.

John C. Clement, charge to supply socks, coat, pantaloons and shoes by order of the gaol committee, £7.8.1½.

Jacob Dockstader, High Constable account £3.2.6.

Dr. Converse, charge for attending a Coroner's Inquest held at the *Black Horse Tavern*, February 3, 1835 £1.3.4. Signed *Samuel Wood*.

William Duff Miller (coroner), charge for holding an inquest on the body of *Francis Chitley* (January 26), *George Roper* (died in the gaol, February 18) £4.18.0.

Samuel Wood (coroner), charge for holding an inquest on the body of *William Dennis*, February 4, £3.8.10.

George Munro, charge for shirts, trowsers, blankets and foolscap, £6.1.3.

Henry Mittleberger, Report of the Committee on Accounts, *J. Clark* (chairman.) Treasurer's report "the District is more involved than should be expected." Balance found in favour of the Street Surveyor. Charge for gaoler for maintenance of 7 children and four destitute debtors in gaol. Loan ordered to liquidate the District debt; ordered that cheques are to have what object they are drawn for to be endorsed thereon.

File 19-2. Clerk of the Peace Accounts.

Accounts of **Charles Richardson**, Clerk of the Peace, January 1835, £53.0.10.

File 19-3. Other Accounts.

Amos Bradshaw, Thorold. Charge for repairs on the bridge at **Big Creek**, west side of the Welland River, £13.2.6. November 4, 1834.

File 19-4. Accounts Rejected.

John F. Stewart, constable account £1.17.8.

Loan from Messrs. **Truscott Green & Co.** advance of money for the use of the District, secured by the bond of the chairman and magistrates, signed **William Clarke** January 29, 1835 (deferred.)

File 19-5. Street Surveyor Accounts.

Town of Niagara Street Surveyor's Accounts, (**Richard Howard**.) Examined, total £144.0.6. includes salary. An over plus of £20.17.0 found. Signed **Henry Mittleberger**.

File 19-6. Assessment Records.

General Statement of April 1834 to March 24, 1835. Signed **William Clarke** and **Robert Melville**. Assessment found to be incomplete and incorrect. Ordered to be returned to the assessors for completion. Signed **William Smith** and **John C. Ball** (committee.)

File 19-7. Convictions (**Ogden Creighton**, JP, Stamford.)

Patrick McCourt, Stamford, labourer. Charged with a misdemeanour at Clifton, March 24, 1835. Fined £1 paid to treasurer plus costs 7/6-.

Robert Wood, Clifton, labourer. At home on January 31 he seized his wife **Sarah Wood** by the hair and dragged her, kicked her, struck her blows with his fist. Convicted February 11, fined £2.10.0. plus 8/9- costs. March 23, 1835.

File 19-8. Convictions (**Jacob Keefer**, JP, Thorold.)

James Aines, Thorold, labourer. On March 9 he was at the home of **William Davidson**, Thorold, labourer, challenged him to fight and struck him. Fined 10/- plus costs 21/3-, paid to treasurer **William Clarke**, or 10 days in gaol if not paid.

File 19-9. Convictions (**William Mylne**, JP, Moulton.)

Eric B. Wells, charged with assault and battery against **George Darby** (1834.) Fined 10/-.

William Deavaugh, charged with assault against **James Moss** (innkeeper) at Grand River (1835) Fined 15/-.

James Cole, charged with assault at Grand River (1835) fined 5/-.

The above fines (total £1.10.0.) paid to **James Montague** (pathmaster), March 24, 1835.

Anthony Lapoint (17/6-), **William Blashaw** (10/-), **Michael Cunningham** (10/-) and **John Muncey** (2/6-) fined for fighting and causing a disturbance at **Dunnville**, December 14, 1834. Paid fines (total £2) to **Andrew Thomson** (pathmaster) December 15, 1834.

Michael Larkins (5/-), **Michael Maher** (10/-) and **James Dunn** (2/6-) fined for fighting and causing a disturbance at **Dunnville**, December 14, 1834. Paid fines (total £0.17.6) to **Andrew Thomson** (pathmaster) December 16, 1834.

File 19-10. Convictions (**Daniel McDougall**, JP, Niagara.)

Michael Burns, Niagara, labourer. Charged with assault and battery against **Darrick Trish**, Niagara, labourer, on March 14, 1835. Fined £2.10.0. plus costs 12/6- paid to **William Clarke** (treasurer) March 17.

Henry Brown, Niagara, innkeeper. Charged with assault and battery against **Edmund McDonald**, labourer, on March 1, 1835. Fined 1/- plus costs 10/- paid to **William Clarke** (treasurer.) March 3.

Henry Brown, Niagara, innkeeper. Charged with assault and battery against **Michael [Griffin?]**, Niagara, labourer, on March 1, 1835. Fined 1/- plus 10/- costs paid to **William Clarke** (treasurer) March 3.

File 19-11. List of Constables.

List of Constables for the District of Niagara, April 1835.

Town of Niagara: **Henry Brown, Patrick Harvey, J.P. Hannet, Lewis Donnelly, George Clarke, David Smith, Joseph Archer, Francis Proctor, Walter Elliott** and **David Armstrong** (“at the beach”), **John Shriver**.

Township of Niagara: **Elijah Armstrong, Joseph Pickard, Gilbert Anderson, Chester Wadsworth, William Wadsworth, Luke Lawrence, Lewis Clement**. Signed **J. Clarke**.

Grantham: **Henry Chapman, John Gilleland, Erastus Campbell, John Stewart, Alexander Boles, John Fagan, Patrick McMahan, Robert York, David McDonell, John Vandeburg, William Read, Peter Young, John Tinline, George May, William Jenkins, William Roe** and **Johnston Orr** (for **Port Dalhousie**.) Signed **J. Clarke**.

Stamford: **Joseph Oldfield, John M. Loughlin, Robert Caswell, Adam Freleigh, John Smith, David Denton [Dunton?], John Prouse, George Dalby, James Fido**. Signed **John Mewburn** (Stamford village), **J. Clarke** and **Ogden Creighton**.

Louth: **Peter Price, Israel Burch, Jabez Johnson**. Signed **J. Clarke**.

Thorold: **Daniel Brown, Nicholas Smith, Isaac Lacy, Dilly Coleman, William Vanderburgh, Samuel Smith**. Signed **Jacob Keefer** and **George Keefer**.

Pelham: **Abraham Renner, Zephiniah Horton, Peter Jennings, David Davis**. Signed **J. Clarke**.

Wainfleet: **Asa Moulton, George Lawrence, John Akins**.

Bertie: **William Dunn, John Anger, Walter Bowen, Frederick Rose, William Rainsford, Henry Singleton, Zemori Oliver**. Signed **W. Smith**.

Willoughby: **Erastus Moses, Avery Gould, William Forsyth Jr, George Smith, Ezekiel Forsyth**. Signed **J. Clarke**.

Grimsby: **Amos Farewell, John Moore**. Note attached from **H. Nelles**, forwards list of constables, March 31, 1835.

Clinton: **Erastus Derby, Jesse Wickersham**. Note attached from **H. Nelles**, forwards list of constables, March 31, 1835.

Caistor: **Robert Lymburner, John Merritt**. Signed **J. Clarke**.

Crowland: **William Wilkins, George Young, Thomas Burgar**. Signed **Crowell Willson**.

Moulton: **Henry McKeever**. Signed **B. Tench** and **William Mylne**.

Gainsborough: **John F. Stewart**, **John Page**, **Hiram Brooks**, **Joel Snider**, **James Harris**, **Peter R. Winne**. Signed **J. Clarke**.

Humberstone: **William Steel**, **Luther Boardman**, **Emanuel Hoover**, **James F. Skinner**, **David T. Carey**. Signed **B. Tench**.

Haldimand: **William Orderly** and **Joseph Montague** (for **Dunnville**), **Bartholomew Farr** (Grand River), **Thomas Rymer** and **John McKeever** (for the County of Haldimand), Chipaway near **Indiana**. Signed **William Mylne** and **J. Clarke**.

Rainham: **Benjamin Stewart**, **Joseph Evans**. List enclosed with letter from **Edward Evans** (Rainham) to **John Clarke** (St. Catharines) March 18, 1835. Evans will not attend court due to the long trip and the bad state of the roads.

Walpole: **Frederick Row**, **John Evans**.

File 19-12. Correspondence.

Letter from **Charles Richardson** to **Colonel Rowan**, February 12, 1835. Encloses copy of an order regarding estreats.

J. Clarke, January 29, 1835. The Clerk of the Peace made a representation regarding the delay and evasion of justice in consequence of the forfeiture of recognizance when ordered.

A map of the Canadas by **L. Bouchette** will be pasted on canvas covers with rollers to make them useful or durable.

James Clarke, St. Catharines, March 3, 1835: encloses a copy of the last Grand Jury presentation regarding the gaol and appropriation of the District money.

File 19-13. Criminal Calendar.

Calendar of Criminal Prisoners in Niagara Gaol (Peter Wheeler), March 24, 1835.

Debtors:

Enoch Sills, committed January 5, 1835. Writ of *capias* £160.12.10.

Alexander Logan, January 28. Writ of *capias*

Joseph O'Conely, January 30. Writ of *capias*.

Joseph St. German, February 13. Writ of *capias*

Augustus Jones, February 25. Writ of *capias*.

Peter Scott. March 2. Writ of *capias*.

Patrick Donley, September 6, 1832. Assizes. Murder.

James Burniston, September 9, 1834. Assizes. Under sentence.

Aron Roy, September 9, 1834. Assizes. Under sentence.

Rufus Westover, October 2, 1834. Orders of **G. Rykert** and **E. Adams**. Stealing a horse from **Oliver Phelps**.

James D. Liscomb, October 29. Orders of **William Smith**. Theft of £2.10.0.

James Ensigh, November 8. Orders of **Samuel Birdsall**. Stealing 110 sheep.

Andrew Wilson, November 14. Orders of **John Alma**. Enticing a soldier to desert.

William Armstrong, November 24. Orders of **Daniel McDougall**. Theft of £2.10.0.

Thomas B. Lewis, December 6. Orders of **John Alma**. Forgery.

Axy Hochkiss, December 6. Orders of **John Alma**. Passing counterfeit money.

Hannah Wright, December 10. Orders of **William Duff**. Passing counterfeit money.

Nathaniel Stephenson, December 18. Orders of **Smith Griffin**. Forging a note of hand.

Fanny Smith, February 3. Orders of **Henry Mittleberger**. Stealing clothing.

Philip Kelly, March 2. Orders of **Daniel McDougall**. Stealing six wagon boxes from **John Davids**.

Michael Burns, March 17. Orders of **Daniel McDougall**. Under sentence.

File 19-14. Filings.

John Mewburn to the constables of Stamford, Warrant to apprehend dated February 15, 1834. **Adam Crysler** with two others did steal and take away the wagon, horse and harness of **Thomas Clark**.

Presentment: That **John McDonald** and **Thomas McConell** of **Allanburg** keep disorderly and improper houses as taverns. Signed **John Russell** (foreman) and **John Clark**. Witnesses **J.G. Stockby** and **Matthew Caldwell**.

File 19-15. Fire Company Records.

File includes an eight page printed copy, **Rules and Regulations of Niagara Fire Company Number One** (Niagara: **Samuel Heron**), January 1, 1834. This pamphlet contains Rules, Statutes, and List of Members:

John Barker, John Harris, John Rogers, Andrew Boylan, John Clement, Ralfe Clement, John Davidson, Andrew Heron, Richard Howard, Michael Morley, James Rogers, John Shriver, Thomas Whitten, John McBride, Thomas Richardson, John Kay, George Varey, William Cassady, C. Heron, James Mahoney, Robert Miller, F. Wilson, Joseph Fathers, John Andrews, Hugh McNally, Robert Cole, Matthew Dobie, Absalom Dix, Patrick Kenny, John Leaper, D. Lockhart, John Pill, Samuel Bogardus, John Graham, John Blake, John Green, C. Smith, P. Bateson, H. Brown, H. Sherwood, James Harvey Jr, James Meneilly, John Whitten, John Milton, James Miller, William Kay, John Balfour, James Dunbar, Joseph Poncett, Robert Kay, James Blain, John Dunn, John Peters, Thomas Sewell, Sidney Schobill, John Campbell, James Munro, Robert McBride, Martin Carnes, William Davidson.

File 19-16. Presentments.

David Robins, has the care of **Sally**, an idiot child of **Daniel** and **Mary Rissinbarrack**. **David Bonesteel** has resolved to take care of her no longer, she is totally destitute. Petitioner has taken care of her at his own expense between March 20, 1834 and March 20, 1835. Cannot support her without assistance. Signed: **Amos Bradshaw, David Thompson, David P. Brown, James Brown, John D. Bradshaw, Enoch Shrigley, Aaron Price, Joseph C. Price, D.W. Stone, Alexander Brown, Joseph Durham**. Recommended 8/9- weekly for the past year and 10/- weekly for the next. Signed **John Russel** (foreman) March 25, 1835. Robins ordered to be paid £22.15.0. Signed **J. Clark**.

Thomas Angleman, Thorold. Has supported a dumb orphan boy. Petitioner cannot support the boy in justice of himself and his family. The boy is the son of his sister. Allowed 3/9- weekly, signed **John Russel** (foreman.)

John Smith, Caistor. Supports two helpless females, **Margaret Harris** and **Jane Harris**. One is blind, the other is an idiot. He is unable to support them without assistance as he has a large family. Allowed 5/- weekly for each female, signed **John Russel** (foreman.)

Dr. T. Raymond. Petitions for board, washing and clothing for the support of **Elizabeth M. Wilson**, an insane woman, from July 10, 1834 to March 27, 1835. Prays for £15.2.10, recommended for £13.7.10. Signed **John Russel** (foreman.)

Report on the Gaol. Debtors, room 1: the females are comfortable, but the stove pipe leaks. A pan is required for the stove. Room 2: a pan required for the stove, and the floor is dirty. Criminal cells are in tolerable condition. Signed **John Russel**, March 25, 1835.

File 19-17. Jail Records.

Quarterly report of the Sick in Gaol at Niagara, January 24-March 25, 1835 (signed **Dr. Telfer**.)

Mrs. Hochkiss: hysteria, cured. 6 days.

Fanny Hill: inflam[mation] in brain, cured. 10 days.

George Roper: enteritis, died. 5 days.

James [Atham?]: syphilis, cured. 14 days.

[Thomas B.] Lewis: asthma. 6 days.¹⁸

Samuel Armstrong: palmonitis, cured. 2 days.

Francis Harvey: rheumatism, cured. 2 days.

M. Barns: febris con, cured. 4 days.

David Boyd: febris con, cured. 15 days.

Charge for medicine, attendance &c, £6.5.2.

File 19-18. Orders.

Clerk of the Peace ordered to receive tenders for printing, March 24, 1835. Signed **J. Clark**.

Clerk of the Peace ordered to make known to the Executive Government that the court doesn't approve of the granting of the prayer of the petition of the **Niagara Harbour and Dock Company** regarding the **ferry** at Niagara, March 24.

Committee of Accounts: **Henry Midelburger** [sic], **Jacob Keefer**, **Elias Adams**, **Nathan Pawling**, **Daniel McDougall**, **B. Tench**.

Committee on Assessment Rolls: **Thomas Butler**, **William Smith**, **John Alma**. Signed **J. Clark**.

Revenue from **innkeeper's licences** authorized to be appropriated for road and bridge improvements, March 24, 1835. Signed **J. Clark**.

Richard Forrest ordered to be paid 7/6- weekly for the support of an orphan child, signed **John Russel** (foreman, Grand Jury.)

Ordered that no monies be paid from the **District treasury** for excess disbursements of the magistrates without special authority. March 25, 1835.

Ordered that **Jacob Dockstader** continue as **High Constable**.

¹⁸The prisoner's given name was not recorded by Dr. Telfer, but the "Calendar" of prisoners contains the name of Thomas B. Lewis.

Ordered that the clerk communicate with the *Lunatic Hospital of Lower Canada*, on what terms they will take *Patrick Donnelly* now in gaol, March 25.

Richard Howard, ordered to give bail before the *Clerk of the Peace* as *Surveyor of Streets*, March 25.

Ordered £6.5.0. to aid in building a bridge over *Muddy Run*. *Captain Creighton* and *Mr. Street* to superintend the same, March 25.

The *Clerk of the Peace* ordered to appoint an efficient person to complete the *Assessment Rolls* for 1835. To be paid £12.10.0. Then issue the *Collector's Rolls* and deliver them, £8.10.0. March 26, 1835.

Charles Fell unable to attend the Sessions from lameness. Is willing to stay in office. No pathmaster appointed in Haldimand for *Talbot's Road* east of the Grand River at *Indiana* up to *John Young's*. An important road, appoint *William Fell* or some other. Signed *David Thompson*, March 27, 1835.

Ordered to collect 1d in £1, signed *J. Clark*, March 27.

The *Clerk of the Peace* ordered to issue notices for the appointment of constables, March 27.

Ordered that the chairman of the Sessions may sign cheques.

Ordered that no further *money for roads and bridges* be expended until the *District debt* is paid.

Ordered that 300 copies of the "*Table of Fees*" for constables and coroners be printed.

Ordered that the "*Table of Fees*" for the Clerk of the Peace be allowed to stand over for consideration.

The *Clerk of the Peace* ordered to provide two copies of the *Revised Statutes* of the province for the Court.

The *Clerk of the Peace* ordered to provide three copies of the Acts passed since the revision of the Statutes for the Court.

The *District Accounts* submitted and approved are ordered to be printed.

Andrew Wilson ordered to stand committed and taken to trial at the next Assizes.

File 19-19. Petitions.

Petition to *Sir John Colborne*. The inhabitants are under inconvenience from the distance needed to travel to the *Court of Requests* at the extreme end of Grimsby, within three miles of the *Gore District* line. We beg *John McLean* and *Timothy Hixon* be appointed magistrates and commissioners, for the vacancy left by the death of *Dr. Sumner*. Pray that the court be held alternately at *Grimsby* and *Beamsville*, or that a division of the 7th Division be made "so that the rising and flourishing village of Beamsville, a more central location, may have its' proper rights." Endorsed Government House, February 24, 1835: Referred to the Justices in Quarter Sessions. The Court does not consider that they have the legal authority to form a new division. Signed *J. Clarke*, March 25, 1835.

Court of Requests to be held at Grimsby and Beamsville (copy.) Signed *Thomas Walker, Joseph Henry, Edward Tailor, John Smith, Samuel Smith, David Adair, Benjamin Wilcox, John Wilcox, Benjamin Wilcox Jr, Nicholas Hare, Charles Moore, Ervin Overholt, John Rowls, Lewis Cornwell, Peter B. Springstead, Robert Hewn, James Gay, Hiram Swayze, John Terryberry, Samuel McCurdy, Peter Snyder, James B. House, W.R. Nelles, Jacob B. Moyer, A. Hackett, John Field, William Hare, Uriah Corwin, James Patterson, Jacob Lodge, Henry Taylor, Rufus Durkee, John Grimes, Henry Smith, George A. Ball, Peter A. Ball, Hezekiah Vansicle, Lewis Bougher, Alexander Milmine, Charles Nicklos, Richard Hinton, Samuel Kitchen, John Markle, Henry Rott, Richard Meredith, Luther Dike, Peter Mc[Qeth?], William P. Snyder, William Bridgman, John P. Bridgman, Joseph Merritt, Eli White, William Merritt, Henry Merritt, Robert Merritt, William Shaw, Daniel Merritt, Joseph Parker, Daniel Lyons, Joseph Merritt Sr, Elijah Merritt, Merritt Traverse, Isaac Roszell, Elijah Halstead, Epaphus Ismond, Amos Adkins, Charles Roy, Jesse Baldwin, Wilson Roy, H.A. Hinton, James Gillmore, Jesse Wickersham, John H. Kilborn, Joseph Moore, Daniel H. House, J.E. Jennings, Allen Warren, Peter B. Springstead, Archibald McCurdy, John Singer, Dewy Gilmore, Daniel P. House, Samuel Roadhouse, Thomas Taylor, Robert Kelley, Patrick McGaw, Adam Adair, John H. Comfort, Daniel Roberts, John Hipple, Peter Kolp, Isaac Kolp, Elijah Urquhart, Joseph House, James VanAuly, Harmon G. House, George House Jr, ~~Joseph Moore~~, Benjamin Pickard, Isaac House, Solomon S. McCan, John Roads, Josiah Rider, Frederick Bowman, George House, Samuel Bingham, David Darty, David Adair, William [Eigh?], Abraham Grobb, F.W. Stricker, George C. Morse, Leonard Tufford, Joseph Snyder, John Henry, Nelson Boughner, Adam Mingle, William Cornwell.*

Petition for a good *fire engine and hook ladders*, to be purchased by general subscription, to secure the town of Niagara against fire. Request approbation for between 36-66 firemen, at present the numbers are “inadequate to draw the engine with hook ladders and “other aperaturus.” Outfitting each new fireman costs about £3, and they do not feel inclined to the expense until they receive the sanction of the magistrates. Niagara, March 24, 1835. Signed: *John Barker, John Harris, John Rogers.*

George A. Ball: will serve the District to the best of his ability if appointed *Surveyor of Highways*, March 24, 1835.

Richard Howard: Performed the duties of Surveyor of Highways last year, did good work; the townsmen desire that he continue. Has teams for the required work. Prays to be re-appointed, March 24, 1835. Signed: *Sherwood & Mahoney, John Kay, Thomas Courtney, Samuel Hawe, Blake and Rogers, Francis Baby, R.M. Crysler, Charles Smith, Charles [Field?], Walter Willson, James Lockhart, R.M. Long, [-----], G. McFarland, W.G. Price, Donald McLean, William Fisher, H. McNally, John Andrews, Thomas Whitten, Martin [-----], James Meneilley, Henry Sewell, Chester Culver, Charles Roune, F.A.B. Clench, C. Heron, J. Brown, Lewis Donnelly, John Harris, Matthew Dobie, G. McMullen, John Lyons, Robert Melville, John Young, John Niven, John [-----], John McBride, Samuel Heron, John McEwen, Alexander Stewart, Edward Campbell, A. Heron, Moliner, Richard Dockstader, John Balfour, James P. Ralston, Robert Miller, Charles Richardson, Robert Cole, John Dunn, William Barr, John Russel, Jared Stocking, James Mahoney, Peter [Cain?], Henry Browne, James Miller, John Graham, Thomas McCormick, William Clarke, Robert Dickson, James Harvey Jr.*

A road was ordered to be opened in Stamford between the Falls and the *whirlpool*, between lots 93 and 94. The road was cut in part by one *Curtis* 9 or 10 years ago. Not knowing exactly where the line was, he took timber and wood off a distance of 12 or 15 chains and little more in width

than the road. Petitioner requests the rest of the wood remaining for what was taken off his lot, signed **John Cooper**, March 23, 1835. [Petition cannot be entertained.]

A communication was inserted in the *Niagara Reporter* regarding a trial not in the least degree reflecting on the judgement passed by the court. Petitioner begs to [intimate?] the same, can substantiate facts by oath before the court if necessary. Prays relief from such imputation, signed **Thomas Sewell**, March 26, 1835. [The Court does not consider it all necessary that this application be entertained.]

File 19-20. Precept.

List of Grand and Petit Jurors, compiled by Ralph M. Crysler and John Alma on February 23, for Sessions, March 24, 1835.

Grand Jury: **Joseph Clark, Walter Dittrick, James Cudney, Benjamin Harrington, John Russel, Chester Culver, Rhodman Starkweather, James McFarland, James Oswald, William Henry, William McMicking, Joseph Woodruff, James Thompson, Benjamin Thompson, Alves [sic] Dittrick, John Bassett, Joseph Smith, William Smith, E.W. Stephenson, John F. Mittleberger, Jacob Davis, Stoughton Moore, John B. Clement, Richard Clement, Warren Nelles, William H. Sanderson.**

Petit Jury: **Kenneth Reach, Alexander Bowles, Ralph Truax, Robert Campbell, ~~Moses C. Jones~~, Elias Wilkins, Charles Gisso, Erastus Campbell, Thomas Kelly, John Wright, John E. Clyde, William Henry Smith, Reuben Pew, Alfred Allen, Isaac Durham, Avery Gould, Thadeus Conkling, Joseph Day, Peter Morse, James Macklin, William Macklin, Sayer Beach, John Marsh, Thomas Kendrick, Moses Harrington, Calvin Wilson, John De Sharmine, Vert [Near?] VenVyke, Adam Fralick, Robert Fralick, Jacob Hoover, Philip Bender, George Bender, William Gardner, James M. Cowan, Jacob Finney, Patrick McMahan, Robert Haines, John C. Hainer, Jacob Hainer, Samuel Dolson, Robert Williams, James Jones, James Humphrey, John Press, John [Horm?], William Ray, George Jackson, Sol. Secord, Adam Killman.**

File 19-21. Road and Bridge Petitions.

Petition from the Inhabitants of Grimsby. The bridge over the 20 Mile Creek at **Smithville** is in a dangerous state. Statute labour is insufficient to rebuild the bridge. Pray for assistance to repair or rebuild the same, signed: **Robert Waddel, John McCollum, Thomas Murgatroyd, Elijah A. Warren, Thomas Finley, Israel W. Cook, John Upper, John Wrong, Myron G. Durkee, Jacob Lodge, Henry Taylor, John Grimes, Philip McCollum, Smith Griffin Jr, Edward Griffin, Daniel McCollum.** £12.10.0. ordered to be paid upon completion. Certificate of completion signed by **Joseph McCollum, William Cook** and **Smith Griffin.**

Petition from the Inhabitants of Caistor and Wainfleet. Inhabitants suffer from the want of a bridge over the **Welland River** on the **Township line road.** This would make easier access to the **Canboro' Road** and **Dunnville** via **Robertson Road.** No bridge exists for several miles. Pray for £25 to assist in the building of said bridge. Signed **William Robertson, James Tisdale, Jonathan Fulsom, Joseph Phelps, Adam Jones, William Cochran, Joseph Dockstader, John Lymburner, James Lymburner, Samuel Darrah, Emanuel Jones, Edmund Hodges, David Merritt, Christian** [-----] £12.10.0 ordered to be paid upon completion. Certificate to be provided by **James Tisdale, Joseph Dockstader** and **William Fulsom.**

An application for repairs to **Brown's Bridge** over the Welland River was made in March 1834 and referred to the July sessions. £12.10.0. was expended. The petition was mislaid. Inhabitants pray for a larger sum to put the bridge in a safer state. Wainfleet, March 20, 1835. Signed **David Thompson, Amos Bradshaw, S.M. Farer, David P. Brown, Alexander Brown, Richard Brown, John Brown, James Brown, Solomon Kemp**. £12.10.0. ordered upon completion, **David Thompson, Alexander Brown** and **Stetson Farer** authorized to expend the same.

Petition from the inhabitants of Louth. The bridge over the 20 Mile Creek at **Ball's Mill** is in a dangerous state due to the decayed plank covering which is worn out. Statute labour is insufficient to repair the bridge, pray for £6.5.0. to assist in the purchase of plank timber to cover it, January 19, 1835. Signed: **Samuel Fretz, Daniel Wismer, Philip Wismer, Moses Tufford, John High, John Sammons, Peter Hochstrasser, Baltes Hochstrasser, Henry Wills, Philip Wills, Jacob Fry, Isaac Hunsberger, William Bradt, John Bullock, Jacob Fry Sr, Jacob High, Daniel High, Jacob Overholt, Joseph Beam, Henry Beam, Isaac Honsberger, J.W. Carpenter**. Granted, **Jacob Overholt, Jacob Snure** and **James W.O. Clark** to superintend repairs and expend the money.

Petition of **Adam Brown** and others, near the Mountain at **Queenston**. The east side of the road up the mountain at Queenston is dangerous, from the want of a stone wall or other protection. Pray for a grant to improve the same. Signed: **Adam Brown, James Humphrey, S.W. Allen, John Hamet, James [MacNilem?], Isaac Durham, Robert Williams, James Jones, George Jackson, John Prest, William Garner, T. Conklin, V. VanWyck, H.F. Young, Thomas Thompson, P. Lowrey**. £25 ordered on condition that the inhabitants raise £25 to make a permanent stone wall. **R. Grant, Adam Brown** and the sheriff to supervise the work and expend the money.

Letter from **Isaac H. Culp** to **Charles L. Hall**, Deputy Clerk of the Peace, **Drummondville**, March 25, 1835: Enclosed a petition from the inhabitants of Drummondville. Culp with **Joseph Woodruff** and **John Barker** were appointed to memorialize the Quarter Sessions and report at the next meeting on the 28th. If possible inform us of the result by then. We were appointed a committee on March 20. Petition returned to Culp March 26.

File 19-22. Tavern and Shop Licences.

William Robinson, St. Catharines, barber and **James Dittrick**, St. Catharines, yeoman. Pray for a licence to keep a house known by the sign of "**Spruce and Ginger Beer**." Will have no games, drunkenness &c. Fee £10, before **Henry Mittleberger** and **Elias S. Adams**, January 21.

William Murray, St. Catharines, baker and **Robert Murray**, St. Catharines, yeoman. Pray for a licence under the sign of "**Grocery and Provisions**." Fee £10, before **Henry Mittleberger** and **Elias S. Adams**, January 21.

Jane McGill, St. Catharines, widow, **John Smith**, St. Catharines, cooper and **Patrick Fitzpatrick**, St. Catharines, labourer. Fee £10 and surety £5. Before **Henry Mittleberger** and **Elias S. Adams**, January 1.

Mary Butler [Butter?], St. Catharines, widow and **James Fitzgerald**, St. Catharines, merchant. Pray for a licence under the sign of "**Grocery**." Fee £10. Before **Henry Mittleberger** and **Elias S. Adams**, February 1.

Alexander Boles, St. Catharines, grocer and *James Boles*, St. Catharines, yeoman. Pray for a licence under the sign of "**Grocery**." Fee £10. Before *Henry Mittleberger* and *Elias S. Adams*, January 21.

Mr. Lee's licence for an inn, village of Chippawa, withheld due to a complaint against the house by *William Duff* for gambling. Subscribers have known Lee for many years, his business was most correct and upright. Signed *James Macklem, John Smith, William Hepburne, John C. Davis, Peter Morse, A.H. Emmons, Joseph Moore, Alexander Kirkpatrick, Isaac Denham, J. Hockingberry, Alexander Dougan, James Ballentine, T. Brundage, John Mewburn, Reubin Pew*.

File 19-23. Township Officers.

Crowland: *Francis Benedict* (Town Clerk), *James B. Hilton* and *Leonard Matthews* (assessors). Sworn before *Amos Bradshaw*, Thorold, March 30, 1835.

Humberstone: *Jeremiah Fick* (Town Clerk), *Thaddeus Smith* (collector and assessor), *Jacob Strom* (assessor.) Sworn before *B. Tench*, February 20, 1835.

Wainfleet: *Edward Lee* (Town Clerk), *Leonard Misener* and *Abraham Chapman* (assessors). Sworn before *Duncan McFarland, Port Robinson*, February 12, 1835.

Stamford: at a meeting held at *Fralick's Hotel*, January 5, 1835. *David Lynch* (Town Clerk), *David Lynch* and *Jacob Garner* (assessors), *John Lemmon* (collector), *J.H. Culp* and *R.H. Lee* (wardens), *Edward Durham* and *George Garner* (pound keepers.) Pathmasters: *James Thompson, Lanty Shannon, William Hepburne, William Peterson, John Lemmon, Elijah Johnston, George Bender, J.J. Lefferty, Thomas Oswald, John Corwin, Thomas Garner, David Clow, George Rowe, William [Perdow?], William Biggars, James Lundy, John Smoke, John Johnston, Isaac Howie, Philip Garner, Joseph Moor, Ira Howie, Archibald Thompson, James Oswald, Alexander Cooper*. Sworn before *Ogden Creighton*.

File 19-24.

Biddy Bryant, wife of *Michael Bryant*, Niagara. Charged with larceny, stealing silk hose and three table cloths (value 5/-), the property of *Theresa Nichol*, Niagara, widow, on December 25, 1834. True bill: *John Russel* (foreman.) Witnesses: Theresa Nichol, *Joseph Archer*. Recognizance Michael Bryant and Joseph Archer £5 each; recognizance taken before *Daniel McDougall*, February 16: Theresa Nichol, Joseph Archer and *Edwin Peters* £10 each. Evidence of Theresa Nichol: a gold buckle, silk hose, satin dresses, three table cloths and "diaper towells" stolen. Upon search, 1 smoothing iron and other goods found in possession of accused, February 14. Evidence of Joseph Archer: goods were found at Biddy Bryant's house worth more than 5 shillings. Evidence of Edwin Peters, a labourer in the jewellers shop of *John Turner Peters*, Niagara: Biddy Bryant sold a gold buckle in the shop for 2/6- on January 20, and he sold it to *Charles McCormick* for 10/-. Evidence of Biddy Bryant: she never saw the buckle until now. Some of the other items were brought from the old country, others were given to her by Mrs. Nichol. Verdict: not guilty.

File 19-25. Presentment.

Robert Comfort, Gainsborough, yeoman. Charged with obstructing the highway, May 1, 1834. True bill: *John Russel*. At Clinton on the side line between lots 19 and 20 Concession 8 to lots 19

and 20 in Concession 9 (Gore) between Concessions 8 and 9 from Concession 7, a fence 1485 feet and ten feet in breadth. The incumbrance and obstruction continues, horse carts and carriages cannot pass. Signed **John Russel, Smith, John F. Mittleberger, Clement, James Oswald, Benjamin Thompson, Warren Nelles, Joseph Clarke, James Mcfarland, James Thompson, Stoughton Moore, Jacob Davis, William McMicking**. Witnesses: **Robert Huntman, James Simmerman, James Dawdy, Thomas Chadwick, Isaac Teeter, William Havens, Adam Simmerman, Michael Teeter**. Affidavit before **Charles Richardson**, March 27, 1835: **Robert Huntsman** of Clinton, yeoman. Has travelled 30 miles to serve subpoenas upon the following who will attend the Sessions as witnesses against Robert Comfort on an indictment as a nuisance. They reside between 28 and 30 miles from Niagara. **James Dody, Michael Teeter, Adam Simmerman, Isaac Teeter, Thomas Chadwick, William Havens, James Simmerman**. Cost to swear witnesses, serve subpoenas &c £13; court costs £2.12.6.

File 19-26.

James Cudney, Niagara, yeoman. Charged with a misdemeanor: fraudulently and deceitfully delivered for his own lucre a diseased hog to **Joseph W. Haines**, on December 1, 1834. Cudney claimed the hog was wholesome and good, but was putrid and not fit food for man. True bill: **John Russel** (foreman.) Witnesses: Joseph W. Haines, **Matthew Rose, John Cushman**. Grand Jury presentment: the hog was sold in a state of putrefaction, signed John Russel. New trial ordered July 17, 1835. Verdict: guilty. Costs £3.8.6. (attorney **W.B. Winterbottom**.)

File 19-27.

John Doyle, Grantham, labourer. Charged with assault and battery against **Mary Doyle**, on November 28, 1834. True bill: **Henry Griffin** (foreman.) Witnesses: **Kenneth Reach, Cornelius Merry**. Recognizance taken before **Henry Mittleberger** November 28: Kenneth Reach, St. Catharines, yeoman, Cornelius Merry, St. Catharines, yeoman, £10 each. Evidence of Cornelius Merry (alias "**Merrick**.") John Doyle was in the field at 9 am., about 20 rods distant, and was holding a woman by the hand and urging her along. They crossed a fence. He struck her with a club or stick with nails. **James Scott** came to the house and **Kenneth Reach**. They went to the house to assist the woman, who was crying out as if being beaten. There was no other man in the house but Doyle. He had a broad axe in his hand which they drew from him. Doyle said "he'd be the death of the woman." When they went to the house she didn't appear to have a wound on her forehead, but was bleeding profusely when they entered the house. To prevent an effusion of blood and arrest the fracas, they sent for constable **Moses E. Jones**. Evidence of Kenneth Reach: he was in the fields at 9 am on November 28th. About 15 rods away, saw Doyle beat his wife with a club on the shoulders and hips. He struck her with his fist, and dragged her to James Scott's house. They entered the house and shut the door. Reach and Scott followed to rescue her. They wrestled a broad axe away from Reach, who threatened to use it. His wife was bleeding profusely about the head. He said he'd "be the death of the woman." Exhibited a stick with nails-Doyle struck her with it. Witnesses discharged from recognizance March 25, 1835.

File 19-28.

Philip Kelly, Niagara, labourer. Charged with larceny, the theft of four wagon boxes (value 5/-) the property of **John Davids**, on March 2, 1835. True bill: **John Russel** (foreman.) Witnesses: John Davids, **John Godfrey, John Graham**. Recognizance: John Davids, John Godfrey and John Graham £5 each. Evidence of John Davids taken before **Daniel McDougall**: eight wagon boxes (value 5/-) stolen from his blacksmith shop in Niagara within two days. Evidence of John Godfrey: is a blacksmith in the shop of John Davids. The four boxes produced are the property of

Davids. Evidence of John Graham: the four boxes in the custody of Philip Kelly were offered for sale to the deponent. Evidence of Philip Kelly: the boxes were brought from *Palmira* in New York State. He told Davids that sooner than have any [trouble?] I would give them to him. Plea: guilty. Sentenced to 10 days in prison and then to be discharged.

File 19-29.

Philip Murray, Haldimand, labourer. Charged with assault and battery against *Bartholomew Tench* on March 5, 1835. Witnesses: Bartholomew Tench, *H.H. Smith* and *William Chisholm*. No bill: *John Russel* (foreman.) Recognizance taken before *William Mylne*, at *Lothian Cottage*, March 13: Philip Murray (£100), sureties *Elam Powers* and *Horatio Nelson Camp* (£50 each) all of Dunnville.

File 19-30.

William Pitcher, Bertie, labourer. Charged with assault and battery against *John Thomas Henson*, on March 7, 1835. True bill: *John Russel* (foreman.) Witnesses: John Thomas Henson. Evidence of Henson before *W. Smith*: deponent was on horseback to deliver a message for his employer, *Edmund Riselay*. Pitcher came up with a stick and struck his horse over the head, and himself on the arm and side. Recognizance before W. Smith, Bertie, March 9: William Pitcher £20, surety *Alexander Wintermute* £10 (refused.) Warrant issued by W. Smith, March 9, to constable *William Clarke* or to any constable to apprehend Pitcher. Verdict: not guilty, costs paid by the District.

File 19-31.

Thomas Sewell, Niagara, printer. Charged with assault and battery against *Dr. Francis William Porter*, Niagara, surgeon, on August 29, 1834. True bill: *Henry Griffin* (foreman.) Witnesses: Dr. Porter. Recognizance taken before *Daniel McDougall* August 29: Thomas Sewell and *Henry Sewell* £20 each, Dr. Porter £20. Evidence of Dr. Porter taken before Daniel McDougall. Sewell arraigned, plea "not guilty." Traversed. Verdict: "guilty." Fine £5 plus costs and to give surety to keep the peace. To remain in custody until paid. Bill of costs: £6.10.0. *Richard Howard* and *John Harris* charge 1/- each as witnesses. *Alexander Hamilton*- received statement of costs and fines from *Charles Richardson* May 5, 1835.

File 19-32.

Philip Henry Weishuhn, Stamford, labourer. Charged with assault and battery against *William Leach*, Stamford, labourer, on January 15, 1835. True bill: *Henry Griffin* (foreman.) Witnesses: William Leach. Evidence of William Leach taken before *William Duff* on January 15: deponent went to *R.H. Lees* to see about a log chain, spoke with *Samuel Hicks* when Weishuhn came up and began to abuse him, struck him with his fist in the face and twice thereafter. He turned to go out the door and Weishuhn clinched him and threw him down, tried to gouge him, caught him by the hair. Weishuhn denies the charge. Evidence of *John Thomas*: lives in Yarmouth. Talked with Weishuhn when Leach came up and struck at Weishuhn three times. Weishuhn did not strike Leach. Saw them clinched. A blacksmith came up to fight Weishuhn and he left the room. Question: "did you see him spit at him?" Answer "no." Evidence of *John H. Dewit*: was at dinner in the barroom at Lees. Weishuhn said to Leach that he did not have anything to say to him. Leach said to Weishuhn that "he [Weishuhn] was a damb old reprobate but he [Leach] was a gentleman" and that he never passed counterfeit money nor stole horses. Weishuhn said to Leach "get up and explain" and that "he could take his hide off." They came to blows, clothing was

torn, Leach went out the door and came back with two or more men, one was his brother **Amos Leach**, and said "that was the man" and pointed at Weishuhn. They struck him, Weishuhn retreated to the fire, desired the company in the room to take notice. Amos Leach said to Weishuhn "not to meddle with the boy for if he did, he was the man that was able to whip him." William Leach came up and struck three times, the men clinched. Amos Leach and others parted them. Evidence of **Stephen Poppel**, lives in New York State: corroborates testimony. Evidence of **Alfred Talbot**: Leach called his brother from the shop (he was on the stoop.) Recognizance: William Leach £20; Philip Henry Weishuhn £20, surety **John Clark Davis** £10 and witness John H. Dewit £5. Traversed, verdict "not guilty." Costs paid by the District.

Niagara District Quarter Sessions, July 1835.

File 20-1. Accounts (1-20.)

List of Accounts Passed July 1835.

Lewis Donnelly and *Joseph Archer*, constable account, £1.12.0.

Dr. Porter, charge for medicine for *Mrs. P. O'Rourke*, £10.

Josiah Brown, charge for board, lodging and nursing *Mrs. O'Rourke* in illness £10 (certified by *Dr. Porter*.)

J & R. Wagstaff, charge for lead work and conductors on the court house roof, £5.11.9.

J.H. Lacey, constable account £4.10.6.

George Monro, charge for shoes, cotton, fustian jackets, sheeting, thread, paper and quills £5.11.5½.

John Doran, charge for roofing the court house £50.

Peter Wheeler, charge to board 7 children for 43 days £7.10.0. Also charge to board *Peter Scott*, *James Siders*, *James Duffy*, *Richard Abbott* and *Joseph Clark* £4.0.6.

Ephraim Wheeler, charge for services as turnkey £12.18.9.

David Dunton, constable account, £5.13.3.

Joseph Brooks, constable account, £4.18.9. Letter from *Samuel Birdsall*, Canborough, July 13. Certifies that *James Ensign* was arrested by Brooks on November 8, 1834.

Jesse Wickersham, constable account, 12/-.

Cyrenius Hall, charge for digging a grave and furnishing a coffin for one *Curtis*, £3.3.10, April 29, 1835.

John Fegan, constable account, 12/6-

Dr. Telfer, charge for medical attendance at the gaol, £6.5.0.

Charles L. Hall, charge to correct and extent the assessment rolls, £12.10.0.

Certificate from *Gilbert McMicking* to *John Webster*, charge \$4.00 for use of horse and wagon used to fetch a corps, the body of an unknown boy (drowned), and for the coffin and grave, August 1834.

Certificate from *Gilbert McMicking* to *John Webster*, June 4, 1835. \$4.00 for use of horse and wagon for taking the coffin and body of an unknown man to the grave.

Samuel Wood (coroner.) Charge for holding an inquest on the body of **John Hurst**, drowned at **Port Dalhousie**, June 24, 1835. Charge for holding an inquest on the body of **Julius C. Yale**, drowned while bathing at St. Catharines June 27, 1835. £4.16.2.

Gilbert McMicking (coroner.) Charge for holding an inquest on the body of **Philip Roat** (a German) in October 1833; charge for holding an inquest on the body of **Frances House (St. Davids)** November 12, 1833; charge for holding an inquest on the body of **John Reid (Gravelly Bay)** November 15, 1833; charge for holding an inquest and funeral on the body of an unknown boy under the Falls, August 1834; charge for holding an inquest on the body of **Charles Brundage** May 12, 1835; charge for holding an inquest and funeral on the body of an unknown man under the Falls, **Dr. Lefferty** attending, June 4, 1835. £16.18.0.

Francis Proctor, charge for services as crier and constable account, £2.17.6.

Rations Due the Gaoler of the Niagara District (Peter Wheeler) July 14, 1835, £60.3.1.[Charge includes cost of candles, washing and brooms.]

Patrick Donley, March 25-July 14, 1835.

James Burniston, March 25-May 17.

Aron Roy, March 25-May 17.

Rufus Westover, March 25-July 14.

James D. Liscomb, March 25-July 14.

James Ensign, March 25-July 14.

Andrew Wilson, March 25-May 2.

William Armstrong, March 25-July 14.

Thomas B. Lewis, March 25-June 12.

Achsa Hochkiss, March 25-May 6.

Hannah Wright, March 25-May 6.

Nathaniel Stephenson, March 25-July 14.

Fanny Hill, March 25-July 14.

Francis Harvey, March 25-July 14.

Philip Kelly, March 25-April 13.

Michael Burnes, March 25-April 13.

MaryMcFarland, April 11- June 25.

Sarah Carter, April 12-July 14.

Eliza Page, April 12-July 14.

Ellen Dennis, April 12-July 14.

James Mann, April 12-April 14.

Thomas S. Barber, April 16-May 5.

Chester Kinsley, April 19-July 14.

William Riley, April 29-July 14.

Sylvester Terry, May 1-June 24.

Norris Terry, May 1-May 5.

William Everingham, May 10-July 14.

Stephen Cutler, May 14-July 14.

James McDonald, May 16-May 26.

Eli Moffitt, May 17-July 14.

Jacob Dutcher, June 16-July 14.

John Clark, June 29-July 14.

William Corby, July 1-July 14.

Thomas Dugan, July 3-July 14.

A.B. Fleming, July 3-July 14.

Johnson Fuller, July 4-July 14.

John Yeo, July 6-July 14.

Isaac Hall, July 7-July 14.

James Country, July 7-July 14.

Hugh McKenny, July 9-July 14.

Peter Leaden, July 9-July 14.

Cornelius Donavy, July 9-July 14.

Michael Campbell, July 9-July 14.

Thomas Berry, July 12-July 14.

File 20-2. Accounts (21-46.)

John P. Hannitt, constable account, £3.9.6.

Mahlon Palmer, constable 1st Lincolns \$6 (or £1.10.0.)

Bernard Roddy, constable account £2.19.6.

E.H. Campbell, constable account £5.14.3.

John Clement, charge for two dozen combs, 12/6-

Alexander Hamilton, sheriff's account, £22.7.11.

D.S. Brown, constable account, £1.13.9.

David Thorburn, charge for salary as member for the 3rd Riding of Lincoln, 92 days, £51.
Signed by **Marshall Spring Bidwell**, April 16, 1835.

Dennis Woolverton, charge for salary as member for the 1st Riding of Lincoln, 92 days, £50.
Signed by **Marshall Spring Bidwell**, April 16, 1835.

George Rykert, charge for salary as member for the 2nd Riding of Lincoln, 92 days, £51. Signed
by **Marshall Spring Bidwell**, April 16, 1835.

William Hamilton Merritt, charge for salary as member for Haldimand, 92 days, £51. Signed by
Marshall Spring Bidwell, April 16, 1835.

Charles Richardson, charge for salary as member for the Town of Niagara, 92 days, £51. Signed
by **Marshall Spring Bidwell**, April 16, 1835.

Francis Webster, charge £9.2.6. as returning officer for Haldimand. Pay amount to the **Bank of
Upper Canada** at Niagara, remitted to **Mr. Stevens** at the branch at Hamilton. Grand River,
March 14, 1835.

Robert Stanton, charge for lettering two volumes of *Provincial Statutes* and paper, £1.5.3.
Charge for foolscap, census and assessment returns £9.14.0.

Jacob Dockstader, High Constable account and charge for subpoena for **John Grayson**, £3.7.6.

Charles Fell, charge for services as Surveyor of Highways, £4.10.0.

Clerk of the Peace, charge for paper and quills from *R & J Crysler*, £1.8.9.

John [Tinnadine?] Lawe, Saltfleet. Charge of £7.2.6. survey fees &c.

Christopher Young, constable account £17.14.11½.

William Smith, charge for services on the *Board of Health* £9.

John Colter, constable account, £3.1.1.

Benjamin P. Hall, charge for services on the *Board of Health*, licences &c. £24.

Joseph Johnson, constable account £1.1.6.

Mr. Schofield, for pension paid to *George Patrick Kinsley*.

Robert Henderson, constable account £1.10.0.

File 20-3. Accounts Rejected.

George A. Ball, £50.13.1. Charge for damages in being prosecuted by *John Harris* to open a road between Concessions 8 and 9 in Grimsby (appeal to Sessions.)

Joseph Rinker, Pelham, before *John McGlashan*, JP. Rinker saw *Isaac Nunn* kill six wolves not over one mile from a settlement, May 15, 1824. Certified February 15, 1835.

Isaac Nunn, six wolf scalps presented to *Eli Bradshaw*, who gave me a certificate and cast the scalps into a fire before giving me the certificate. Signed by Bradshaw on the rear, dated June 5, 1824. Certified by *J. McGlashan* February 17, 1835.

Certified by *Smith Griffin*, December 6, 1833: *Philip Book* of Gainsborough killed six wolves with a club last May [1833.] *Adam* and *Jacob Simmerman* attest to the above. Jacob Simmerman saw Book throw away six wolf scalps in June 1833 which were destroyed by moths. Claim not allowed, destruction of scalps must be done by a magistrate.

Peter Lampman, killed two wolves in Niagara Township January 1, 1820. Certificate signed by *Thomas Racy* February 25, 1820. Received £2 for the scalps February 20, 1835. Claim not admitted, certificate doesn't state if the scalps were destroyed.

James Robinson, coroner in the absence of *Gilbert McMicking*. Charge for holding an inquest on the body of an infant child at the house of *J. Hagerty*, Stamford, April 9, 1834, £3.13.10. Dated at Niagara Falls, July 12, 1835.

File 20-4. Assessment Records.

A Return of Service of Collector's Rolls, signed *Benjamin Clench*, July 13, 1835.

John Lemon (Stamford), *Samuel Swayze* (Thorold), *John Scofield* (Pelham), *Frederick McPherson* (Gainsborough), *James Tisdale* (Caistor), *Matthew Misener* (Crowland), *John Lemon* (Willoughby), *Edmund Riselay* (Bertie), *John Graybill* (Wainfleet), *Henry Miller* (Rainham), *Frederick L. Gibbs* (Walpole), *Robert Bruce* (Cayuga), *John Croker* (Dunn), *Peter*

Swick (Canborough), **Daniel Palmer** (Grimsby), **John L. Patterson** (Clinton), **Jacob Snure** (Louth), **John Gibson** (Grantham.)

File 20-5. Convictions (**George** and **Jacob Keefer** and **James Black**, JP's, Thorold.)

John McDonald, Allanburg. Charged by **John G. Stockley**, Allanburg, gentleman, with keeping a house of public entertainment but selling liquor without a licence. Evidence of **David Combs**, taken April 4: deponent saw McDonald sell liquor without a licence between January 5 and March 25. Evidence of **John Closson**, Allanburg, labourer: boarded at McDonald's for a fortnight in February and he bought spirits while there. Verdict: McDonald fined £20, March 30, 1835.

File 20-6. Convictions (**Robert Grant**, JP, Queenston.)

George Jackson, St. Davids, blacksmith. Charged with assault and battery against **Richard Clement**, St. Davids, on June 15, 1835. Fined £1.5.0. paid to the District Treasurer and 12/9-costs, June 17, 1835.

File 20-7. Convictions (**Jacob Keefer**, JP, Thorold.)

Hiram Adams and **Edward Cooper** at **Allanburg**, May 5 asked **Hiram R. Merrill** to accompany them on **Beaverdams Road** to find employment. They bet on a game of balls and thimbles, and won from him \$2.00 (all his money.) Merrill was cheated out of it by fraud and collusion. Verdict: Cooper to restore 10/- to Merrill, plus pay a fine of 10/- and costs £1.2.11. Adams fined 5/- and costs £1.2.11. In default of payment, sentenced to 10 days and 5 days in gaol respectively, May 8, 1835.

Matthew Thomas, Thorold. Charged with beating **Robert George Hagar** with a stick, kicked, threatened and abused him, June 15, 1835. Fined £2 plus costs £1.7.3. June 18, 1835.

William Shore, Thorold. Went to the house of **John McDonald** and abused and quarreled with the boarders. He was requested by **Mary**, wife of John McDonald to leave. He struck her with his fist in the face and upon her breast. Fined 10/- plus costs £1.4.3. April 13, 1835.

File 20-8. Convictions (**James Kerby**, **Samuel Street**, **James Robinson**, **James Cummings**, JP's, Chippawa.)

Gilbert McMicking, village of Chippawa, merchant. Charged on the complaint of **Joseph Danner** and **Peter Snyder**, Willoughby, yeomen, with taking away oak staves from a glebe lot in Willoughby. Sent copy to Gilbert McMicking by **Constable Moses**. Fined £5 plus costs £4.16.6, November 10, 1834.

File 20-9. Convictions (**Mewburn**, JP, Stamford)

David Noonay, St. Davids, miller at **Oswald's Mill**. Kicked **Joseph Hewitt**, Stamford, on the [beach?] on June 9, Hewitt was saucy. Fined \$1.00 costs only, paid to the constable, June 10, 1835.

Thomas Keldy, St. Davids, blacksmith. Charged with assault and battery against **John McKay**, Stamford, on April 17, 1835. He was intoxicated, used violent and threatening language and drew a knife. Fined 10/- costs only, April 20, 1835.

Lanty McGillis, of the Ferry, Falls. Charged with assault against **Charles Walsh**, proprietor of the **Pavilion Hotel**, on July 7, 1835. Fined \$3 (15/-) costs only, July 8, 1835.

Catherine Harmel, Stamford or St. Davids, charged with assault and battery against **Margaret Moore** (coloured woman) on May 31, 1835. Moore used provocation while on the property of defendant. Harmel fined 15/- costs only, June 2, 1835.

Adam Kilman and **David Dentor**, Stamford, charged with assault against **Elizabeth Clarke**, Stamford, on April 14, 1835. Parties were at the meeting house in Stamford, where Clarke used improper language. Fined \$2.00 costs on April 25, 1835.

Thomas Newton, Stamford, butcher, charged with assault against **George Green Carpenter**, Stamford, on April 2, 1835. Fined \$2 and \$2 costs, \$2 paid to the pathmaster, April 22, 1835.

Charles Nugent and **John Butler** were at the **Pavilion Hotel**, Falls, on June 29, 1835. Charged with assault and battery against one another, used violent language. Each fined \$1.00 and a severe reprimand given to both (each party being to blame), June 30, 1835.

Benjamin Otley, Stamford. Charged with assault and battery against **John Jackson** on his premises, being drunk, March 18, 1835. Fined £1 (or \$4) paid to pathmaster plus \$1 costs, March 19, 1835. Penalty and costs not yet paid, **James Oswald** bound as surety.

John Henderson, St. Davids, (coloured man.) Charged with assault and battery against **Sarah Dobson**, St. Davids, near **Lundy's Lane** on May 4, 1835. Fined \$3 (paid to pathmaster) plus \$2 costs, May 5, 1835. The above John Henderson ran away, leaving the penalty unpaid.

File 20-10. Correspondence.

Letter from **James Kerby** to **Charles Richardson**, **Fort Erie Mills**, July 14, 1835. Kerby apologized, had intended to be at the Sessions but was ill and **Mrs. Kerby** is in a very weak state. It is unsafe to leave her a moment. Will attend the October sessions.

Letter from **John Coulter** to **Charles Richardson**, Queenston, July 26, 1835. You will oblige me by ascertaining from the sheriff who is liable for the payment of the offer of a reward for the arrest of a man named **Emery**. He broke gaol and was retaken by me. Enclose a bill of expense. Address me at the Thorold post office.

Letter from **W.H. Nelles** to **Charles Richardson**, Grantham, July 14, 1835. Overseer of roads has inspected the road and found it too narrow between **Jenkins** and **Pawling**. Jenkin refuses to move his fence. Prays for the court to send a survey of highways that I may know how to proceed.

Letter from the **sheriff** July 14, 1835. Reports *again* to the magistrates on books and maps of the Canadas sent for the use of the District. Wishes to know the pleasure of the magistrates concerning them.

Letter from **Charles L. Hall** to **George H. Markland**, May 29, 1835. Encloses a statement of fines and forfeitures, January 31-March 31, 1835.

Letter from **Charles L. Hall** to **George H. Markland**, May 19, 1835. Encloses a return of certificates issued to innkeepers to May 15th.

Letter from **Charles L. Hall** to **George H. Markland**, May 21, 1835. Encloses statement of fines and forfeitures from July 22, 1834 to January 31, 1835.

Letter from **William Clarke** to **Charles Richardson**, March 26, 1835. Claims £587.9.10 (cheques in the office for **B. Corwine**, **William Ball** and **John Willson**.) Take measures to liquidate debt.

File 20-11. Criminal Calendar.

Prisoners in Niagara Gaol (Peter Wheeler), July 14, 1835.

Debtors:

Joseph O'Conley, committed January 30, 1835. Writ of *capias*.

James Sidey, May 9. *Capias*.

Joseph St. German, June 11. *Capias*.

James Duffy, June 11. *Capias*.

Richard Abbott, June 30. *Capias*.

Joseph Clark. July 5. *Capias*.

Prisoners:

Patrick Donley, September 6, 1832. Assizes. Murder.

Rufus Westover, October 2, 1834. Orders of **Adams** and **Rykert**. Stealing a horse of **Oliver Phelps**.

James D. Liscombe, October 29. Orders of **William Smith**. Stealing £2.10.0. note.

James Ensign, November 8. Orders of **S. Birdsall**. Stealing 110 sheep of **Andrew Hunter**.

William Armstrong, November 14. Orders of **Daniel McDougall**. Stealing £2.10.0. note.

Catherine Stephenson, December 18. Orders of **Smith Griffin**. Forging a note.

Fanny Hill, February 3, 1835. Orders of **Henry Mittleberger**. Stealing.

Francis Harvey, February 20. Orders of **Daniel McDougall**. Stealing.

Elizabeth Page, April 11. Orders of **John Alma**. Vagrant.

Chester Kinsley, April 19. Orders of **Daniel McDougall**. Stealing 110 sheep of **Andrew Hunter**.

William Riley, April 29. Orders of **J. Robinson**. Stealing.

William Everingham, May 10. Orders of **D. McFarland**. Forgery, gaol break.

Stephen Cutter, May 14. Orders of **J. Robinson**. Stealing a pocket book (3/3-) of **H. Cook**.

Eli Moffitt, May 17. Orders of **W. Adams**. Forging a note.

Jacob Dutcher, June 16. Orders of **Smith Griffin**. Stealing.

John Clark, June 29. Orders of **J. Mewburn**. Coin money of **William Jackson**.

William Corby, July 1. Orders of **Daniel McDougall**. Under sentence.

Thomas Duggan, July 3. Orders of **Daniel McDougall**. Under sentence.

A.B. Fleming, July 3. Orders of **William Mylne**. Stealing 3/9-

Johnson Fuller, July 4. Orders of **Daniel McDougall**. Under sentence.

John Yeo, July 6. Orders of **Daniel McDougall**. Want of bail.

Isaac Hall, July 7. Orders of **Robert Grant**. Stealing a scythe and sneath.

James Country, July 7. Orders of **Robert Grant**. Stealing a scythe and sneath.

Hugh McKenny, July 9. Orders of **W. Nelles**. Assault and battery.

Peter Leaden, July 9. Orders of **W. Nelles**. Assault and battery.

Cornelius Donavan, July 9. Orders of **W. Nelles**. Assault and battery.

Michael Campbell, July 9. Orders of **W. Nelles**. Assault and battery.

Thomas Berry, July 12. Orders of **Daniel McDougall**. Under sentence.

John Henderson, July 13. Orders of **Adams**, **Clark** and **Tench**. Assault and battery.

Henry Craig, July 13. Orders of **Adams**, **Clark** and **Tench**. Assault and battery.

Ellen Dennis, April 11. Orders of **John Alma**. Vagrant.

Sarah McCarter, April 11. Orders of **John Alma**. Vagrant.

File 20-12. Filings.

Joseph Archer, constable and **Corporal Hugh Byrne**, of the **15th Regiment of Foot** maketh oath before **John Alma**: that four females, **Sarah Carter**, **Mary McFarlane**, **Mrs. Eliza Page** and **Ellen Dennis** have acted in the most indecent and profligate manner in the neighbourhood of the **barracks** at **Fort George**. Conceives the women to be of the most abandoned character and in every manner calculated to not only destroy the morals of His Majesty's soldiers but also to individuals. Pray to have them taken into custody, May 12, 1835.

Evidence taken before **James Robinson** on May 16, 1835: [-----] **Lewis** on May 15 did aid and abet the escape of **James McMann** [**McMain?**] from the Niagara Gaol. Committed to gaol to take trial. Constable not paid. Costs £1.3.9. Prosecution charged to the District. Evidence of **Peter B. Darby** of [**Craydon?**] **Lewis** of **Lundy's Lane** in this District did aid and abet James McMann to escape. **Lewis** arrested and bailed, sureties **Vert Vanwick** of Stamford £10 and **Charles Anderson**, £10.

Evidence taken before **James Kerby**, June 15, 1835: **Robert F. Jones**, Humberstone, farmer. Was employed by **George Rykert** in June 1830 as a chain bearer in order to ascertain the line between Humberstone and Bertie, 1 chain in width. Order issued in the Quarter Sessions. Was read to **George Zavitz**, a farmer in Bertie near the line. He obstructed the line by placing a fence in the centre line of the road at the **Garrison** corner. It encroaches to 9 feet at the **Swamp Bridge**, turns the course of the road into **James Kennedy's** land 14 or 15 feet, and was digging a ditch on his land. **Zavitz's** barn also stands in the highway, prays that it be removed and the road opened on its' proper allowance. Recognizance taken before James Kerby and **Alexander Douglas**: **George Zavitz** £20, sureties **Frederick Rose** and **Richard Graham** each £10. Affidavit of **Thomas Burns**, St. Catharines, gentleman: **Rykert** is absent, has been for several days and hasn't yet returned home, July 16, 1835. Affidavit of James Kennedy, Bertie, yeoman: **George Rykert** is a necessary witness in the matter of **Zavitz**, trial cannot proceed safely without him. Do not wish to delay the trial. Mr. Kerby has received a serious injury, July 16, 1835. Endorsed by **Charles Richardson**, July 16: in the case of **Zavitz** obstructing the highway between Humberstone and Bertie, trial is put off to the next Sessions.

Recognizance taken before **Henry Mittleberger**, April 7, 1835: **John Flannaghan**, St. Catharines, labourer, £30, sureties **Patrick Flannaghan** and **John Mills** £15 each; **Patrick Flannaghan** £10, sureties **John O'Donnell**, St. Catharines and **James Fitzgerald**, St. Catharines, merchant, £5 each. Evidence of **John O'Donnell**: on April 6 at 8 pm, deponent missed the key to the cellar under the shop of his employer **James Fitzgerald**, merchant. He fastened the inner door with nails. He heard a noise, found **John Flannaghan** in the act of unlocking the door, the key was in his pocket, with a view of stealing from the cellar.

Evidence taken before **E.S. Adams** on March 19, 1835, of **Charles W. Gesso**, St. Catharines, saddler. On March 17 near the sign post of **Walter Dittrick**, two persons unknown did strike **Charles McCartney** and knock him down. **Oliver Wadsworth** struck him two or three times with a stick and his fist. He prevented him from striking, said **Wadsworth** went to **Luther Dyers**.

Evidence taken before **John Mewburn**, June 23, 1835: **Ezra Durham**, Stamford, brewer. Deponent and **George Jeffers** were in partnership as brewers but have separated for various causes. On May 25 at 2 pm **Jeffers** assaulted the deponent, called him a cheat and liar and struck him with his fist on the side of his face, caught him by the arm and threatened if he caught him he'd whip him. Deponent heard **Jeffers** rise from his bed in the night and swear he would "by his maker burn the building down before he left it." Deponent is in fear of his life. Has a certificate of

good character, but believes it to be a forgery. Evidence of **Lewis Richards** (a man of colour): he was grinding malt on May 25. Jeffers demanded who gave him the authority to grind malt and forbid him to grind further. Durham came in and bid him quit the premises, and forbid him to come into the brewery. He went to go out and Jeffers seized him and tried to put him out of doors. He was in a violent rage and would have done Durham injury if he could. Jeffers threatened to shoot Durham if he did not leave. Didn't think he was intoxicated. Letter from **John Mewburn, Darby House**, Stamford, to **Charles Richardson**, June 24: forwards deposition of Jeffers assault on Durham, plus a charge of forgery on a certificate (which induced Durham to take Jeffers into partnership.) They are bound over to appear. Have subpoenaed **Abraham Ward, Richard Woodruff** and **William Woodruff**. Letter of character from Abraham Ward, St. Davids, August 24, 1833: Jeffers lived with me as brewer and maltster for 9 months, is a sober and honest man, attentive in business. A good brewer and maltster, and left me at his request. The wages due to him were paid. Witnesses: William and Richard Woodruff. Recognizance taken before John Mewburn, June 24: George Jeffers, brewer at Muddy Run, £25; sureties **John McLaughlin** and **Dominick McHugh**, tavernkeeper at the Falls, £12.10.0. each. Evidence of George Jeffers: in December 1834 Durham agreed to put in \$200 and a team of horses and a wagon into a brewery concern. He didn't do this, but hired a team from **Ira Cook** for \$54, paid from the profits of the brewery, plus \$35 which he owed him before. Paid \$100 to **Marcone Cook** and other money to **Thomas Pugh** for a team, also to **Adam Frelack** at the Lane. Deponent called upon grocers and tavern keepers for money due, and they declared they paid him. Jeffers rented a brewery and two rooms in his own name from **Mr. Bulax**, owes \$100 in rent. Durham took the locks, gave no account, collected money and kept it. He acknowledges the charge of pushing Durham out, but denies the threat to shoot him "shooting is too good for such a robber." He denies the threat to burn the house, he dreamed two nights of a hole over the door and fire which he put out by a pail of water. Durham stole a thermometer from his room, but brought it back on being threatened with a warrant. He acknowledges ordering him out, but didn't strike him. Durham took barley from **Colonel DeLatre** and put it in his father's barn and sold it again. Sworn evidence of **Mr. Bulock** [alias **Bulax** or **Bulck**.] He is the owner of **Muddy Run Brewery**. He rented it to Jeffers. He spoke to Durham about the rent. "Have witness drawn to avoid dispute." Jeffers bound to keep the peace, and to pay costs. Prosecution discharged from recognizance.

Recognizance taken before **W. Mylne**, July 17, 1835: **William Orderly** bound £80. **Patrick Bray** to appear. Defendant discharged from recognizance, cost charged to District.

Presentment, true bill. **John Duggan** and **Thomas Duggan**, guilty of keeping a disorderly house in the Town of Niagara. Evidence presented by **Francis Proctor, Bernard Roddy** and **W.B. Winterbottom**. Signed by **George Keefer** (foreman), **Cornelius Read, Gershom Wright, Elim Powers, John Welstead, James Butler, Frederick Huddleston, William McCredie, Richard Havens, Abraham Secord** and **Benjamin W. Pawling**.

Henry Seger, Crowland, yeoman. A patent deed for a lot in Crowland is in Toronto. He can't safely proceed to the investigation of opposition to the opening of a new road in Crowland along **Lyon's Creek** unless the patent is procured. It is in the possession of the **Surveyor General** for information in another matter. Prays to have the same procured for the Quarter Sessions. Doesn't apply for postponing the matter, only to have it firmly inquired into, July 17, 1835.

Evidence taken before **E.S. Adams** and **B. Tench**, June 25, 1835: **George Vallance**, St. Catharines, labourer. Was in the employ of **Henry N. Bates**, brewer. On June 24 at 6 pm, he was directed to purchase some boards, given a \$50 bill, and instructed to bring back the change. Paid to **John M. Runnels** [alias **Reynolds**], St. Catharines, sawyer. No order for payment made yet, he believes Mr. Runnels has the note and fraudulently detains the same. Evidence of Henry N. Bates:

the \$50 *Bank of Upper Canada* note was the only one in his possession. He gave it to George Vallance to buy 200 feet of lathing and bring back the change, would have used the change to pay a debt now due. He didn't get back the note, believes that Runnels has it. Evidence of **Truman Pollack**: saw Vallance give Runnels a note, a \$1.00 bill. Went home, Bates came to the house and demanded the change. Runnels denied receiving more than \$1.00 from Vallance and another from a shoemaker. He pulled out his pocket book, and had \$1.00 and another note in his book.

Recognizance taken: George Vallance £12.10.0; John M. Runnels £25; sureties **Anson Smith** and **B.F. Reynolds** £12.10.0 each; Henry N. Bates, £12.10.0. [Endorsed "ordered cause not proceeded in."]

Recognizance taken before **W. Anthony**, June 28, 1835: **William C. Clark** of Bertie £20, sureties **Benjamin P. Hall** and **Harry Singleton** £10 each, Bench warrant and bail bond dated July 17. Defendant William Clark discharged from recognizance July 17, costs charged to the District.

File 20-13. Assize Filings.

Stephen Cutler, Stamford, servant/labourer. Charged with larceny, stealing a pocket book the property of **Haggai Cook**, Stamford, farmer, on May 13, 1835. Evidence taken before **James Robinson** on May 14: Cook missed his pocket book on April 27, 1835. Contained 9/3½-, and valuable papers. On May 13 he heard that the prisoner broke into **Mr. Marsten's** store. He was suspected and on examination admitted taking the pocket book and its contents. Cutler remanded to gaol to stand trial. Constable is unpaid. Costs £1.3.9. To stand over to the assizes.

Letter from **James Buchanan Macaulay** to the **Sheriff**, May 14, 1835: **James** and **Joseph Burniston** were convicted of Grand Larceny, and sentenced to five years in the **Penitentiary**. Their sentences to be remitted if they quit Upper Canada for 14 years, on or before May 24, 1835. They are to be discharged from custody, and suffer them to go at large provided they be detained in gaol by reason of said conviction only. Letter from **Alexander Hamilton**: Joseph Burniston escaped from the steam boat on passage from **Kingston**, and James Burniston was put across the Niagara River. (Certified by **A. McLeod**.)

Letter from **James Buchanan Macaulay** to the **Sheriff**: **Aaron Roy**, convicted of horse stealing, was sentenced to five years in the **Penitentiary**. His sentence to be remitted provided he vacates the province for 14 years on or before May 24, 1835. He is to be discharged from custody, and suffer him to go at large provided he be detained in gaol by reason of said conviction only. Letter from **Alexander Hamilton**: prisoner was transported across on the Niagara ferry. (Certified by **A. McLeod**.)

File 20-14. Presentments.

Richard Forest, St. Catharines. Has supported **Frances Linch**, insane and destitute, from March 26 to July 16, 1835. Allowed 7/6- for 12 weeks (total £6.) Bill from Richard Forest submitted for £4.17.6. Certified by **George Keefer Jr.** July 15, 1835.

Margaret Harris and **Jane Harris**, insane and helpless women in Caistor. Pray for £6.5.0. for support and maintenance for 3 months. Certified by **Henry Griffin**, January 29, 1835. Petition for pension from Margaret Harris, unable to attend, authorizes **John Smith** to draw it, January 19. Deferred until next Sessions.

John Smith, Caistor, labourer. Has supported **Jane Harris** (insane and destitute) aged 40 years, and **Margaret Harris** (blind and unable to support herself) aged 45 years. Smith has a wife and family. Prays to be allowed 3/9- each from last sessions to the present and the same for the next. £4.17.6. for 13 weeks, signed **George Keefer** July 17, 1835.

Gaol examined and found to be in good order for comfort and security. Every attention is paid by the gaoler for the comfortable situation of the prisoners, cleanliness of apartments and the

quantity and quality of food. Cells to be whitewashed due to the approach of the sickly season, signed **George Keefer**, July 17, 1835.

Thomas Angleman, Niagara, labourer. Has supported **John Follick**, an insane and destitute child, aged 9 years. Petitioner has a family and aged and infirm parents. Prays to be allowed 5/- for 13 weeks (£3.5.0.) and the same for next Sessions, July 17, 1835. Signed **George Keefer, J.H. Ball, Robert Hay Bruce, Cornelius Read, Jerome Clarke, William McCredie, Andrew Thompson, John Wallis, Peter Keefer, Gershom Wright, Elim Power, Ozias Buchner, Richard Havens**.

Petition of **Thomas Angleman**, Thorold, shoemaker. Has aged and feeble parents and has taken care of a son of their daughter, an idiot, for several years past. The mother is dead and the father's whereabouts are not known. He is willing to support his parents, but as a mechanic depends upon daily labour and has his own family to support. Is therefore unwilling to accept the burden of all three, prays for assistance. Signed **Philip Young, William McClellan, John DeCew Sr, John DeCew Jr, Caleb Swayze, Kenny Shepard, Robert King, Henry Maguire, Peter Davis, Samuel Street, Adam Brown and Jofb] McCaul**.

File 20-15. Jail Records.

Report of the Surgeon, Dr. Telfer, July 14, 1835.

Nathan Stevenson, *rheumatismus*.

James Burniston, constipation.

Aaron Roy, *aphthalusia*.

Chester Kinsley, *epilepsia*.

Sylvester Terry, *delirium tremens*.

Jacob Dutcher, *psora*.

Ellen Dennis, syphilis.

Daniel Lewis, bronchitis.

Samuel Armstrong, *dyspepsia*.

Eli Moffatt, *odontalgia*.

All confined as criminals and all cured except Ellen Dennis who still labours under disease.

File 20-16. Orders.

John Wray, clerk of the market, under **Daniel McDougall** and **Lewis Clement**. Appointment ordered to be confirmed. Approved, July 14, 1835.

Dr. Telfer, surgeon to the gaol, has changed his residence from the Town. **Francis William Porter** prays for appointment as new surgeon. Approved, July 14, 1835, £20.

William Duff Miller, willing to act as collector for the Town and Township of Niagara and is willing to enter into security. Approved, July 14, 1835.

Alexander McKie, ordered to be re-instated as *crier*, July 14, 1835.

Committee of Accounts: Daniel McDougall, Thomas Butler, J. Keefer, Dr. Mewburn and Lewis Clement. **Mr. Tench** moves for adoption of committee, July 14, 1835.

Licence for an inn ordered for **Fitzgerald**, July 14, 1835.

William M. Ball allowed to perform statute labour on the **West Line** between **Four Mile Creek** and the **Swamp Road** instead of on the Swamp Road, July 14, 1835.

Jacob Dockstader ordered to be removed as **High Constable**, July 15, 1835.

William Vanalstine ordered to be constable for Crowland, July 15, 1835.

3/9- ordered to witnesses in the case of **McGuire** and others (riot and assault) July 15, 1835.

Clerk of the Peace ordered to furnish the court with stationery and charge it to the District, July 16, 1835.

Payment of £12.10.0. to the **High Constable** ordered to be rescinded, July 16, 1835.

Allowance of 10/- per 20 land miles travelled ordered for Members going to and from the Legislative Assembly, July 17, 1835.

The **Treasurer** ordered to keep a separate account for each riding, county or town of monies collected for the payment of wages for members of the Legislative Assembly. Any surplus after payment is to be credited to said riding, county or town, and the **Clerk of the Peace** to diminish the assessment in proportion to the surplus. Apply the collected money to the members wages, July 17, 1835.

Thomas Dorrity ordered to be appointed as constable, July 17, 1835. (signed by **John Alma**.)

Clerk of the Peace ordered to procure a copy of the "**Provincial Justice**" for the use of the Chairman of the Sessions, July 17, 1835.

Lewis Donally ordered to be appointed as **High Constable**. No salary attaches to the office, July 18, 1835.

Clerk of the Peace ordered to communicate to the **Treasurer** regarding the non restoration of £50 for the **Gaol Committee**, July 18, 1835.

The **Treasurer** ordered to refund £3.13.5. to the **Welland Canal Company** for taxes improperly collected on 400 acres covered with water, and a shop and dwelling house in Grantham, July 18, 1835.

File 20-17. Petitions.

Ellen Fitzgerald (alias **Eleanor Fitzgerald**) the wife of **John Fitzgerald**, Niagara. Her husband returned from Toronto, imprisoned for a supposed murder. He beats and abuses me in a shameful way. Have not had one day's peace of him, seven days last he beat and abused me out of all character as a wife. He beat and kicked me, held one of my hands in the fire until severely burned, choked me and undertook to cut my throat with a razor taken out of his hat. He took compassion on the prayers of a little son of mine and desisted from his horrid purpose. I have applied to the magistrates to bind him to keep the peace (fruitless) and he threatened to take my life if he gets the opportunity. Petitioner prays for **Sir Peregrine Maitland** to command the magistrates to attend to this subject and save my life. Since living here 14 [or 17?] years until acquainted with him I was always happy and contented. May 24, 1835. Signed **Dr. Telfer, Dr. Porter, Francis Proctor, Ann Grayson, Mary Ann Cudney, Mary Hughs, Ellen Powers,**

Elizabeth T. Carly, Con and **Ellen Hagerty, John Ryan, Bernard Roddy. Jacob Dockstader** was called by Mrs. Fitzgerald to apply for the magistrates to come and take her affidavit, she not being able to leave her bed. **Thomas Butler** took the affidavit, **R.M. Crysler** being too busy and **Daniel McDougall** and **John Alma** wouldn't interfere. Alma later said he'd attend, but has done nothing yet, May 28, 1835. Information sent to **Colonel Rowan**, Toronto. Government House, June 3: referred to the magistrates for observations for the information of the Lieutenant-Governor.

Thomas Butler, is willing to act as collector for the Town and Township of Niagara and give security, July 8, 1835.

Truman Raymond, has lived in town for 11 years. Has never been given an appointment of trust or emolument. The post of *gaol surgeon* is vacant, prays for the appointment. It was conferred on senior medical practitioners except in the last appointment. Petitioner was a volunteer in the late war, served as garrison physician and surgeon. Has a large family and limited pecuniary supplies, July 14, 1835. [Endorsed: cannot be entertained, **Dr. Porter** has been appointed.]

Richard Abbot, John Doyle and **Robert Grame**, prisoners for debt have no means of support. Pray for relief, July 17, 1835.

Lewis Donnelly, has acted as constable for three years, faithful and active discharge of his duties. The *High Constable* has been removed, no £10 salary. Willing to perform the office with no remuneration. [Appointed.]

John Duggan, the sentence for which I have been incarcerated in a dungeon is unjust, I have been condemned unheard. If given timely notice I could have procured witnesses, to prove that I sold without a licence was under an idea from his (*Fitzgerald's*) own statement that the licence was not taken out. I have been wronged three fold: 1) by rendering my house useless 2) I have been deprived of my licence 3) I have been imprisoned without a hearing. Prays for a hearing, [Referred to the Lieutenant-Governor.]

John Y. Law, of the *Gore District*. Was pathmaster on the *East and West Line*, ordered to open the road allowance whenever a reservation was found. Complied with orders, but three prosecutions were put against me. I have had considerable expense and trouble to defend myself at *King's Bench*. Pray to take my case into consideration and remunerate me from the District funds, July 17, 1835. [Approved.]

File 20-18. Precept.

List of Grand and Petit Jurors, compiled by **R.M. Crysler** and **John Alma** May 28, for Sessions on July 14, 1835.

Grand Jury: **Robert Bruce, Jerome Clarke, Andrew Thompson, William Ford, Elim Power, Edgeworth Ussher, Peter Keefer, George Keefer, John Willstead, John Wallis, Jacob H. Ball, Chester Culver, John McMicking, Richard Havens, Cornelius Read, Abraham Secord, Benjamin W. Pawling, Gershom Wright, James Butler, Frederick Huddlestone, William McCredie, Ozias Buckner.** (Certified by **Alexander Hamilton**, sheriff and **Alexander McLeod**, deputy.)

Petit Jury: *Robert* [-----]¹⁹, *Joel Phelps, Jacob Everingham, Hiram Wilson, Hiram Marsh, Barney Bassdill, Darius Williams, James White, Alexander Cristy, William Nellis, Thomas McMahon, George Wilson, John Turney, John Grass, Henry Ball, Abraham Moyer, Robert Heron, James Turney, Thomas McArthur, Daniel Sturges Brown, Benjamin Lawrence, John Cox, Hugh Freel, Alexander Gibson, Bernard Roddy, William Telfer, James Whitten, James Watts, Richard Smith, John Baker, Job Chibbock, Francis Scott, John Pine, Daniel Baker, William Offord, Jacob Vroman, James Mann, Lewis Lambert, John Bradt, Aaron Havens, Joseph Codington, Joseph Havens.*

File 20-19. Road and Bridge Petitions.

Inhabitants of Canborough, pray that *Charles Fell* survey a road commencing at the *Canboro' Stage Road*, near *Joseph Trudoes*, then south to *Oswego Creek* near *Edward C. Beckets*, then south to the *Robertson Road*, April 10, 1835. Signed *Smith Hill, Edward C. Beckett, Joseph Trudo, Abram Balm, Norman Jones, William Robertson, William [Felik?], Samuel Birdsall, Benjamin Canby, Aron Melick, Ferrand Smith, Ozra Smith, Joseph Melick, William Stringer.*

Inhabitants of Bertie and Humberstone: pray that *George Augustus Ball* survey and lay out a road on the line between Bertie and Humberstone in the most fit and proper place, June 23, 1835. Signed: *Henry Zavitz, Jacob Fretz, John Macklem, Conrad Shisler, Nathan Cook, Peter Sherk, H. Johnson, Daniel Cline, Jacob Sherk, Jacob* [-----], [-----] *Winegart, Daniel Johnston, E. Darmur?, Daniel Fretz.*

Residents of Dunn on the Grand River pray *Charles Fell* for the survey of a road from *Jonas Furry's* ferrying place on the west bank south to the line between *George Sheehen's* and the said *Furry's* land. Then south to the road leading to the Lake, and to report thereon, July 2, 1835. Signed: *Henry Furry, James McDonald, George A. Sheehan, Robert Goldie, George Dealy, James Huggan, Henry Sheehan, George H. Sheehan, Walter B. Sheehan, Samuel Furry, William Sheehan, Jonas Furry Sr, Jonas Furry Jr.*

File 20-20. Road and Bridge Reports.

Charles Fell, Indiana, July 10, 1835. Has reviewed the *Canboro' Road* near *Joseph Trudoes*. Then south between lots 8 and 9 across *Oswego Creek* near *Edward Beckets*, 4 miles and 12 chains. A practicable and very much required road, and of public utility. Width 66 feet. [Sketch attached, shows Canboro' Road, *Robinson Road*, Oswego Creek, owners *B. Canby, J. Trudo, E. Becket, S. Hill, A. Moot, W. Stringer, S. Birdsall, J. Miller, N. Camp*. Scale 40 chains: 1 inch.]

George A. Ball, July 4, 1835. A requisition by the freeholders of Bertie and Humberstone for a road. He has laid the road on a line from the north boundary of the township to Lake Erie, 33 feet on each side of the centre line. The allowance was pointed out by respectable men, a stake was found 50 links east of the townline by a small white ash tree cut down, the butt end in possession of *James Kennedy* of Bertie. It appears to be marked as the corner. Difficult to ascertain the lines, in some instances none were left.

Charles Fell, Pelham Square, July 11, 1835. The freeholders of Dunn petitioned for a road near *Jonas Furry's*. Route 1 mile and 24 chains opened on good ground, 66 feet wide. [Sketch attached, shows the Grand River, old and proposed road, lot owners named *Croaker, H.*

¹⁹The page is torn and this is surname missing.

Sheehan, Rymer, W. Sheehan, Widow Gooden, J. Sheehan, Widow Conrade, G. Sheehan, J. Furry, house and ferry.]

File 20-21. Tavern and Shop Licences.

Matthew Donahue, Chippawa, August 29, 1835. Signed **James Cummings, William Duff, Samuel Street**. Paid £3 fee, licence granted.

Thomas Wright, York, on the Grand River Indian Reserve. Is a man of good fame, sober life and conversation, is fit to keep a tavern. Signed **John Y. Nelles, Warner Nelles, Charles Bain, Andrew Stewart, J.H. Mackenzie** (JP), **Richard Martin, Francis Webster**. Paid £3 fee, licence granted.

William Anderton, City of the Falls, to **Charles Richardson**. prays to take out a licence. Signed **Mr. Robinson**.

Daniel S. Grenville, Thorold, yeoman. Prays for licence to sell liquor, before **George Keefer** and **J. Black**. Surety **William Carter**, Thorold, mason. Fee £10.

Ralph DeCou, [DeCocy?] Thorold, alehouse keeper. Prays for licence to sell liquor before **George Keefer** and **J. Black**. Surety **Peter Keefer**, Thorold, merchant, March 28, 1835. Fee £10.

Isaac Lacy, Thorold, wheelwright and **Thomas Donaldson**, Thorold, yeoman. Pray for licence before **George Keefer** and **J. Black**, March 26, 1835. Fee £10.

Richard Delany, St. Catharines, carpenter and **William Delany**, St. Catharines. Pray for a licence under the sign "grocery" before **H. Mittleberger** and **E.S.Adams**. Surety **Michael Ryan**, February 1, 1835. Fee £10.

File 20-22. Tenders.

The proprietor of the **Niagara Gleaner** proposes to do the District printing. Encloses sample of a square, sent to **Charles Richardson, Daniel McDougall** and **Lewis Clement**, dated May 7, 1835.

Thomas Sewell, Niagara Reporter. Tender for District printing sent to **Charles Richardson, Daniel McDougall** and **Lewis Clement**, dated May 7, 1835.

File 20-23.

John Clark, Stamford. Charged with larceny, stealing two silver pieces (1/3-) and three others (1/10½-) the property of **William Jackson**, Stamford, tavern-keeper, on June 28, 1835. True bill: **George Keefer**. Witnesses: William Jackson, **Hiram Forsyth, Thomas Coulson**. Letter from **John Mewburn** to **Charles Richardson**, Stamford, **Danby House**, June 29: has enclosed the depositions. "I will attend, God willing, to be your *interpreter*, for I am ashamed to say, they will require one." Do you try cases of shooting with intent to kill at the sessions or must they go to the assizes? Evidence of William Jackson taken before John Mewburn: on June 28 a young man, a stranger, came into my house asking for lodging. He laid long, and it being rainy remained in, was in the bar room alone. I left the money, was out of doors for two or three minutes. There was \$1-2 change in the till. I returned for change for a person at the door, and saw only 6d and coppers left. I asked if my wife took it? She said yes, before dinner but returned it. I asked the prisoner if anyone had been there, but he didn't know. **Thomas Holland** came in and I asked

what was to be done? The prisoner denied the charge and called him a liar. He was challenged by Holland to show the money. He showed 1d in silver but also had quarter dollars in his hand which he attempted to put in his purse. They were dropped on the floor in the presence of **Mr. Forsyth**, one shilling piece with a small hole on the edge. Evidence of **Hiram Forsyth**: saw the prisoner pull his hand out his pocket and dropped three shilling pieces over the end of the bench on the floor. Saw **Mr. Carter** pick up the pieces. Evidence of **John Clark**: is from Hampshire, England and is newly out. He had 50¢ in silver, had sold a pair of boots for a half dollar. Knew nothing further of the 1/6 York and three coppers. Evidence of **William Jackson**: followed the prisoner out the door. Stopped at the back of the stable for a necessary purpose. Returned and passed by the edge of a hole or shallow pit, near the house and fence. Deponent bought boots and paid a half dollar. There was no money on him when he came except for 6d (York currency) which he used to pay for cyder. The silver was his, beat out thin with an irregular edge and cropped on both sides. It remained nearly a month in his till, not offering it to anyone. Evidence of **Thomas Coulson**, Stamford, joiner: saw the prisoner come past the hole or pit. Went to examine it this morning and found a piece of silver coin of remarkable shape, beat out irregular with the edges cropped. Called Jackson and Forsyth to come and take it up. Evidence of **Hiram Forsyth**: was called by Coulson to come and see the money he found in the hole. Picked it up, gave it to Mr. Jackson. Found another 8d (York currency) near the fence. Prisoner knows nothing of the money. Recognizance: William Jackson £10, Thomas Coulson and Hiram Forsyth £5 each. [Prisoner pleads "guilty," sentenced to one month in gaol.]

File 20-24.

John Cleveland, St. Catharines, carpenter/constable. On the warrant of **E.S. Adams**, charged with neglect of duty having let **Oliver Wadsworth** escape on March 19, 1835. Presentment: signed by **J. Russel** (foreman.) Witnesses: E.S. Adams, **Charles Gesso**, labourer. Wadsworth was charged with assault by Gesso, Adams made out the warrant for arrest. Recognizance taken: John Cleveland £25, sureties **Jacob Finny**, St. Catharines, painter and **John M. Muir**, Grantham, yeoman, £12.10.0. each. *Nolle prosequi*, prisoner left the province.

File 20-25.

Jeremiah Collins, Haldimand, labourer, **Michael Campbell**, Haldimand, labourer, **Hugh McKenna**, Haldimand, labourer, **Peter Leaden**, Haldimand, labourer, **Cornelius Donovan**, Haldimand, labourer, **Richard McGuire**, Indiana, Haldimand, innkeeper, **Bridget Leaden**, Haldimand, *femme covert* and **Mary Keally**, Haldimand, *femme covert*. Charged with riot and assault against **Edward Armstrong**, York, labourer, on July 5, 1835. True bill: **George Keefer** (foreman.) Witnesses: **Edward Armstrong**, **Henry Hainer**, **James Blaney**, **Jesse G. Warden**, **John Brown**, **William Jacob**, **Henry Vanevery**, **William Cook**, **Ezekiel Young**, **John Murphy**, **Bridget Miller**, **Alvin Draper**, **Reuben Sperling**, **Charles Martin**. Affidavit of Richard McGuire, Indiana, innkeeper. Is in fear of his life from the threats and conduct of Armstrong, Sparling and is required to keep the peace, July 16, 1835. Signed **Charles Richardson**. Letter from **A.W. McLeod** to Charles Richardson and **Alexander Hamilton**, send the costs and also the assessment roll. Subpoenas issued by Charles Richardson, July 9: Blaney (carpenter), Warden, Murphy and Young near the Grand River. Subpoenas issued by Charles Richardson at the request of **Charles L. Hall**, July 9: **John Beaver** (Indian), **William Jacob** (Indian), **Henry VanEvery** (Indian), **Charles Martin** of the Grand River. Subpoenas issued by Charles Richardson at the request of Charles L. Hall, July 9: **Benjamin Miller**, Alvin Draper, Reuben Sparling and **John Swan** (surgeon) of the Grand River. Letter from **Warner Nelles** to Charles Richardson, **Nelles Settlement**, Grand River, July 7, 1835. Evidence is enclosed. This is a brutal and cold blooded attack from an old quarrel. There were many others, but we could only get to six. If I can assist,

please say so. "Assaults are of every day occurrence in this part of the country, and unless some severe examples are made we shall find it difficult to have the peace kept at all here." See that the constable is paid. I hope I won't have to attend the Sessions being not in good health. The evidence is taken down in confusion by the people, not so correct, but it was impossible to do better. Keep in view that McGuire is a tavern keeper. Affidavit of Richard McGuire before Charles Richardson, July 16: Daniel McCannon, Jacob Nerely, William Smith and Michael Campbell are necessary and material witnesses. All are at the Grand River and impossible to procure their attendance at so great a distance. This only happened a few days ago, there is not time to procure their attendance. Evidence of **John Swan** taken before Warner Nelles, July 7: on the 5th was called to attend to Edward Armstrong at Indiana, who was wounded in a scuffle. Wounds included his left parietal bone; a wound nearly parallel to the sagittal suture, 2-3 inches and penetrated to the skull; a 2nd wound behind it in a transverse direction, 1½" and penetrated to the skull; a 3rd on the head across the frontal bone 1" long. A long but not deep wound across the scapula; two small wounds on each arm, on the right arm above the elbow joint and on the left arm below the elbow joint, inflicted by a sharp, pointed instrument. There were marks of external violence on several parts of the body. His pulse was regular and respiration free. Evidence of **James Blaney**: he was at the home of **John [Mc-----?]**, called by **[Steel?]** to see the row at McGuire's tavern. Saw Collins and Armstrong who were quarreling. After he saw McGuire take a towel at the bar and wipe Armstrong's face. Didn't see McGuire take part. Evidence of **Jesse Warden**: was near McGuire's, heard a holler as if there was a quarrel. Persons arrived with axe helms, and started beating Armstrong. McGuire called out to "quit" that Armstrong "got enough." Evidence of **John Beaver**, Indian. Was at the tavern. Armstrong came in, followed by 5 or 6 men with axe helms and they began to beat Armstrong with them. Armstrong was lifted up, McGuire wiped his face. Armstrong came in and said if the men came out one by one, 'he'd show them he means the law.' McGuire took an axe helve and gave it to one of the party and said to help himself or go out, then fell upon Armstrong. Evidence of **William Jacob**, Indian: saw a quarrel at McGuire's with axe helms. Armstrong was beat until he could hardly walk and blood flowing freely. Evidence of **Henry Hainer**, Indian. Was present at McGuire's. Evidence of **Henry VanEvery**, Indian: was present at McGuire's, saw McGuire hand out six axe helms to the men beating Armstrong. They fell upon Armstrong until the blood flowed. Evidence of **Charles Martin**. Evidence of **Jessie Warden**: heard a holler, saw men strike Armstrong (one was Leaden.) Armstrong was against a log. He got up and asked for water, went into the bar. He said he was a man. He was struck by several, and tried to get away his face "all over with blood." Evidence of **James Blaney**, Indiana: Collins and Armstrong were wiping themselves, said they'd fought, and went into the bar. Armstrong offered to fight Collins, who said to "keep back, he didn't want to fight" and held up his hands. Armstrong struck him twice in the face. Deponent took hold of the parties. Leaden struck Armstrong with an axe helve. Donovan and Campbell struck at Armstrong, who got up and walked away. Evidence of **John Beaver**: saw Collins, Leaden and Campbell armed with helms, struck and kicked Armstrong. Leaden was the most vicious of the three. The blood was flowing from Armstrong, who defended himself with his fists and got away. Interrupted by William Cook. Evidence of **William Jacob**: Campbell and Leaden were beating Armstrong with an axe helve on the head twenty times, the blood flowing. McKenna took a helve and gave it to Collins who beat Armstrong with it. Armstrong washed his face. Evidence of **Henry VanEvery**: corroborates the testimony of the other witnesses, said they were interrupted by Cook. Evidence of **John Murphy**, labourer: was in the room when he saw the quarrel. Saw the men run after and beat Armstrong with sticks until he was knocked down. Was beat unmercifully by the men who struck frequently at Armstrong. Evidence of **Zekiel Young**: had some liquor at McGuire's. Was given a helve. McKenna had a piece of plank. Evidence of **Benjamin Miller**: saw men beat Armstrong &c. Evidence of **Alvin Draper**: saw five or six strike Armstrong. Corroborates the testimony of the others. Evidence of **Thomas McFadden**: he came to the tavern with Armstrong and **Reuben Sparling**. They called for a pint of whiskey, then left and went to the

shanty. Went back to the tavern and saw two men fighting, deponent interfered. McKenna said deponent struck the combatant, and Leaden and Collins struck the witness. Sparling ran for Armstrong and said "no man should beat him while he was to the fore." Collins seized Armstrong, and the men ran at him with helms and sticks and crushed him to the door. They had him down and were beating him. Armstrong called to deponent "where are you?" Armstrong fled for his life. Evidence of **Reuben Sparling**: did not hear Armstrong give offence. He was severely wounded and bled. Went to the tavern and Armstrong followed. They were attacked again. Were furnished with helms at the tavern. Verdict: Michael Campbell, Hugh McKenna, Peter Leaden and Cornelius Donovan "guilty" and fined £5 each. To remain in custody until paid, but not longer than three months. Costs £42.2.5½. Richard McGuire discharged from recognizance, and recognizance of prosecution estreats July 15, 1835.

File 20-26.

James County, Niagara, labourer. Charged with larceny, stealing one scythe and snath (value 5/-) the property of **Adam Brown**, Queenston, farmer, on July 6, 1835. True bill: **George Keefer** (foreman.) Witnesses: **Adam Brown**, **William Defield**. Evidence taken before **Robert Grant** on July 7: two grass scythes and snaths (value 17/-) were stolen from the waggon house by two coloured men, **Isaac Hall** and **James County**, who were discharged from his (Brown's) service. William Defield set off towards **Fort Erie** to apprehend them, July 7, 1835. Evidence of William Defield: went in the direction of **Waterloo**, but found no information. Went back to **Black Creek**, found two coloured men with scythes on the road up the creek, I followed them and overtook them six or seven miles above in the rear of Fort Erie with the scythes. Evidence of Isaac Hall and James County: took the scythes and snath on July 5. Plea: "guilty," sentenced to one month in gaol.

File 20-27.

John G. Dickenson, Stamford, labourer. Charged with larceny, stealing two halters (value 2/-), two horse blankets (value 2/-) the property of **John Maglaughlin**, Niagara Falls, tavern keeper, on January 5, 1835. No bill: **George Keefer**. Witnesses: John Maglaughlin, **Patrick Macourt** and **John Caughill**. Letter from **James Robinson**, May 7: **William S. Dickinson** of **Williamsville**, USA, convicted of taking the halters and blankets from the barn of John Maglaughlin. Have committed him to gaol pending trial. Constable's costs unpaid. Evidence of John M. Cahill, **City of the Falls**, taken before J. Robinson: he and John Maglaughlin bought the horses harness, halters and carriage from **Martin Smith** on January 5, and saw Smith and Dickinson take away the halters and blankets and two [-----] value £1. Evidence of John Maglaughlin: Dickinson is now at the Falls, May 6. Evidence of Patrick McCourt, Niagara Falls: was present at the time of the purchase, saw the goods stolen. Recognizance taken: **Adam Crysler** and **Nelson** of Niagara Falls £10.

File 20-28.

Alexander Batee Fleming, Haldimand, labourer. Charged with larceny, stealing a United States half dollar (value 2/6-), one Spanish quarter dollar (value 1/3-) the property of **Francis Lameau**, **Dunnville**, innkeeper, on July 3, 1835. True bill: **George Keefer** (foreman.) Witnesses: Francis Lameau, **Thomas Brown**, **John McDonald**, **John P. Hyack**, **William Mylne**. The evidence of Francis Lameau taken before W. Mylne: Alexander B. Fleming took the money from a drawer. Evidence of Thomas Brown: He had the key to the barroom. Fleming came in and asked for a glass of bitters. He paid for it with a half dollar and I gave him change except for 6d. I then went to the kitchen and locked the door to the bar, but left the prisoner in the room. I missed the key to

the drawer of the bar, left it in, and the money was gone. There was no one in the room except the prisoner. I went in pursuit and found him concealed behind some shingles. I charged him and he gave up the half-dollar. He denied taking any more, but then gave up the quarter dollar. Evidence of John McDonald: found prisoner behind the shingles. John P. Hyack and **Ronald McDonald** also present. Prisoner ordered to be conveyed to gaol and take trial, July 3. Recognizance taken July 8: Francis Lameau £20. Witnesses summoned: Thomas Brown, John McDonald, John P. Hyack. Verdict: "guilty," sentenced to one month in gaol.

File 20-29.

Isaac Hall, Niagara, labourer. Charged with larceny, stealing a scythe and snath (value 5/-) the property of **Adam Brown** on July 6, 1835. True bill: **George Keefer** (foreman.) Witnesses: Adam Brown, **William Defield**. Plea: "guilty," sentenced to one month in gaol.

File 20-30.

Isaac [Isaiah] Starkie, Stamford, Niagara Falls, innkeeper. Charged with assault and battery against **James Hanley**, Moulton, on June 24, 1835. Witnesses: James Hanley, **Henry Robinson**. Evidence taken before **J. Robinson**: Starkie turned Hanly out of his house and kicked him. Evidence of Henry Robinson, is a waiter for Mr. Starkie of **Drummondville**. Was at the **Spiral Stairs House** and saw Hanley in the act of tying his horse to a tree, appeared to be in much liquor. He did not hear what passed, did not see Starkie strike him. Evidence of Isaac Starkie: requested Hanley who was intoxicated to make no noise in the house since there was respectable company in the room. Said he hadn't seen the Falls, wanted to see them in perfection. I desired him to walk to the spiral stairs where he might see the Falls. On his return he wished to go to an inner room, but I would not allow it. On resisting, I put him out and gave him a kick. Evidence of James Hanley: came to see the Falls, and went to the Spiral Stairs House. I was ordered out by Starkie. Recognizance: Isaac Starkie and **William Keating** of the Falls, £10 each. Committed to gaol for trial; defendant discharged from recognizance, recognizance of prosecutor estreats, July 17, 1835. Costs £1.8.0.

File 20-31.

John Henderson, Grantham, labourer, **Henry Craig**, Grantham, labourer. Charged with kidnaping and assault against **Elizabeth Stanford**, the infant daughter of **William** and **Dorcas Stanford**, on July 12, 1835. True bill: **George Keefer** (foreman.) Witnesses: William and Dorcas Stanford, **B. Tench**, **Sarah Robison**, **Theophilus Brundage**, **Edward Walker**, **Isaac Leach**, **Peter Middaugh**, **John Phipps**. Subpoena issued by **Charles Richardson** for Brundage, Walker, Leech and **Joseph Quincy**. Letter from Tench to Charles Richardson, July 14: I don't wish to frame an indictment against Henry Craig until tomorrow, I anticipate additional information, inculcate one Meddoch at St. Davids. Sent **Donnelly** after him with a warrant. After examination, he will need to be added to the indictment. Verdict: John Henderson "not guilty," Henry Craig "guilty." Sentenced to 12 months in gaol and to stand four times in the pillory for one hour at each of the first days of the Quarter Sessions.

File 20-32.

Chester Kinsley, Bertie, labourer. Charged with larceny, stealing one mill iron (value 1/-) the property of **Robert Alexander** on March 21, 1835. True bill: **George Keefer** (foreman.) Witnesses: Robert Alexander, **William Smith**, **John Prothoras**. Evidence of Robert Alexander taken before William Smith on March 21: bands and gudgeons of mill iron stolen from chopping

mill. Deponent suspects that John Prothoras, blacksmith, has them. Search warrant issued March 21. Recognizance taken before William Smith April 18: John Prothoras, Bertie, £10; recognizance taken July 14: Robert Alexander £20. Verdict: "guilty" sentenced to stand in the pillory 1 hour.

File 20-33.

William Riley, coloured man, Niagara, labourer. Charged with obstructing a constable, **George Dalby**, labourer, on April 29, 1835. True bill: **George Keefer** (foreman.) Witnesses: George Dalby. Evidence taken before **John Alma**: Dalby conveyed a coloured man named William Riley to the gaol. He was beaten, believes with intent to murder, has severe cuts across his head from a stick picked up in the road. Would have been murdered by Riley had he not made his escape. Verdict: "guilty," sentenced to three months in gaol.

Niagara District Quarter Sessions, October 1835.

File 21-1. Accounts.

List of Accounts Passed October 1835.

Joseph Archer, constable account to “summon jury and attending inquest on the murder of **Sheels**,”²⁰ £8.7.0.

Thomas B. Mount, constable account £2.

Henry Brown, constable account £3.

Gilbert Anderson, constable account, £3.

Lewis Donnelly, constable account, £3.

Luke Lawrence, constable account, £3.

Francis Proctor, constable account, £2.15.0.

William Duff Miller (coroner), charge for holding an inquest on the body of **James Shields**, October 12, 1835, £6.12.0.

Joseph Pickard, constable account £3.

Erastus Darby, constable for Clinton. Charge to summon a jury to an inquest held on the body of **Hiram Darrow**, murdered by **Thomas Butler Bartlett** on July 24, 1835, £1.12.6. **Samuel Wood** (coroner)- the death was caused by a blow from Thomas Butler Bartlett.

Frederick Rose, constable account, 11/-.

E.H. Campbell, constable account, £4.12.6.

Samuel Smith, constable account, £1.0.6.

David Davies, constable account, £2.2.6.

Abraham Fisher, charge for a coffin for **James Shields** (murdered) 7/6-. Certified by **William Duff Miller** (coroner) October 8, 1835.

David Smith, constable account, £5.

Emanuel Hoover, constable account, charge for summoning a coroner’s jury to an inquest held on the body of **David T. Carry** (drowned) September 17, 1835; inquest on the body of **Hugh McCallagh** (drowned) October 5. 10/- . Certified by coroner **Edward Lee**.

²⁰ The name intended must have been that of James Shields.

Edward Lee (coroner). Charge for holding inquests on the bodies of **David T. Curry**, drowned September 17; **Hugh McCallagh**, drowned October 5. £5.2.0.

Lewis Donnelly, constable account 7/6-

Henry Chapman, constable account £3.

E.S. Wheeler, constable account 10/-.

Dr. F.W. Porter, charge for gaol attendance; attending an inquest on the body of **Sheehan**, £7.8.4.

J & R Wagstaff, charge for tin cups, stove pipes and elbows, £4.12.8½.

Henry Chapman, constable account, £1.

Thomas Dority, constable account, £3.17.6.

John Hawn, sexton, charge to dig grave for **James Shields**, 5/- (certified by **William Duff Miller**.)

Dr. William Dickinson, charge for attending an inquest on the body of **Hiram Darrow** (Clinton) July 21, 1835 £1.5.9.

Dr. F.L. Converse, charge for attending an inquest on the body of **Daniel Donovan** on October 10, 1835 £1.3.4. (certified by **Samuel Wood**, coroner.)

Letter from **Edmund Riselay** to **Charles Richardson**: sends the account of **C. Hall** (coroner), late of Niagara, now of Westminster, London District. Charge for holding an inquest on the body of **Captain [Ingalls?]** plus furnishing coffin and digging grave, £3.15.6. Includes an old account of £3.3.10.

Samuel Wood (coroner) charge for holding an inquest on the body of **Hiram Darrow** on July 21, 1835; on **Daniel Donovan** (murdered) October 10, £5.18.6. Plus charge for warrant to apprehend **William Grogan**.

Daniel Cudney, charge for four barrels of lime for gaol, 10/-

Leonard Hicks, charge for whitewashing the gaol, £1.

Peter Wheeler, charge for boarding **Robert Graham**, **John Douglas**, **George Hall** and **L.H. Bradley**, £4.15.0.

Charles Fell, survey account £7.5.0.

Sheriffs Account, £63.9.9.

Account of Rations Due the Gaoler of the Niagara District, from the 15 July to the 13 Octr. 1835 both Days included. (**Peter Wheeler**.) £96.14.0, cost includes "half years sallery," 40 lbs. of candles @ 10 d. for the gaol, 8 lbs. of candles for the assizes, charge for washing, and 4 lbs. of candles for the Coroner's Inquest.

Patrick Donley, July 15-October 13.
Rufus Westover, July 15-September 19.
James D. Liscomb, July 15-September 4.
James Ensign, July 15-September 19.
William Armstrong, July 15-September 19.
Nathaniel Stephenson, July 15-September 14.
Fanny Hill, July 15-October 13.
Francis Harvey, July 15-September 19.
Sarah McCarlin, [*Carter?*] July 15-July 17.
Elizabeth Page, July 15-July 17.
Ellen Dennis, July 15-July 17.
Mary Miles [or *Milie?*] July 15-July 17.
Chester H. Kinsley, July 15-September 19.
William Riley, July 15-September 19.
William Everingham, July 15-September 14.
Stephen Cutler, July 15-September 14.
Eli Moffit, July 15-September 4.
Jacob Dutcher, July 15-September 19.
John Clark, July 15-August 18.
William Corby, July 15-July 29.
Thomas Duggan, July 15-July 18.
A.B. Fleeman [*Fleming*] July 15-August 18.
Johnson Fuller, July 15-July 17.
Isaac Hall, July 15-August 18.
James County, July 15-August 18.
Hugh McKenny, July 15-September 18.
Peter Laden, July 15-September 18.
Cornelius Donovan, July 15-September 18.
Michael Campbell, July 15-July 26.
Thomas Barry, July 15-July 27.
John Duggan, July 15-August 14.
Henry Craig, July 15-October 13.
Nathaniel Cooper, July 18-August 6.
John Fry, July 20-September 2.
Joel Eaton, September 18-October 13.
Thomas Roberts, July 24-July 24.
Thomas B. Bartlett, July 22-October 13.
David Bates, August 14-September 10.
Margaret Bates, August 14-September 10.
John Henderson, August 17-October 13.
Thomas Charters, August 17-September 16.
James Nicholds, August 21-September 4.
Duglass Evens, September 3-October 13.
Mary McFarland, September 5-September 9.
Mrs. Buggans, September 6-September 9.
Mary Miles [or *Milie?*] September 6-September 9.
David Springstead, September 11-October 13.
William Griffis, October 10-October 13.
William Grogan, October 11-October 13.
Con McGarrity, October 7-October 13.
Mrs. McGarrity, October 7-October 13.

Mrs. O'Brian, October 7-October 13.

William Dickenson, October 7-October 13.

Mrs. Dickenson, October 7-October 13.

[*Aaron*] *Selie*, October 7-October 13.

File 21-2. Accounts/Cheques Issued.

George A. Ball, surveyor of highways, £18.5.0.

George Clark, court constable, £3.

Charles Richardson, charge to procure copies of the *Provincial Statutes* and the "*Provincial Justice*" £7.5.0.

Alexander McLeod, £10 to *Huff* in the case of *Rex vs. Westover*.

Alexander McKee, charge for services as crier £5.5.0.

George P. Kinsley, constable accounts 15/- and £3.15.0.

Isaac Levell, constable account £9.10.0. "for the security of prisoners."

John Ryan, constable account £3 "for security of prisoners."

Henry Chapman, constable account 8/-

John Shriber, charge for the burial of a murdered man, plus wagon to carry the corpse &c. 15/-, October 13, 1835.

Erastus Darby, constable account, £1.10.0.

James Ashfield, charge for six pairs of handcuffs, £3.

Ephraim Wheeler, charge for services as turnkey, £13.7.6.

John Doran, charge for gaol repairs, £8.9.0.

T. Raymond, charge to maintain *Eliza M. Wilson* (destitute and insane) £6.10.2. Includes a list of clothing supplied. Grand Jury presentment attached, October 15, 1835.

John Smith (Caistor) charge to maintain *Margaret Harris* and *Jane Harris* (blind and insane) £7.10.0. Grand Jury presentment attached, October 15, 1835.

Thomas Angleman (Thorold) charge to maintain an insane orphan child, £4.1.3. Grand Jury presentment attached, October 15, 1835.

Richard Forrest (St. Catharines) charge to maintain *Francis Lynch*, an insane child, £4.1.3. Grand Jury presentment attached, October 15, 1835.

Christopher C. Campbell, charge for sitting up one night and helping to bury two deceased persons, 7/6-, October 7, 1835.

File 21-3. Clerk of the Peace Accounts.

Clerk of the Peace Accounts, £48.18.4. Signed by **Charles Richardson**, July 1835.

File 21-4. Accounts Rejected.

Expenses in bringing **Thomas B. Bartlett** to gaol: **Joseph Henry, John Marcle, Jonah Moorhouse, Samuel Cressey, James Watson, John Rhodes**. August 24, 1835, £10.4.6. (certified by **Samuel Wood**.) "Rejected, want of proof."

Joseph Cox, labourer, was rolling a cask of sugar on June 27, 1835. He had his hand crushed between the cask and the door, the whole palm was torn away and the little finger nearly severed. Feared lock jaw. He was able to take a little fluid, and when better he went with a letter to the Hospital in Toronto in a convalescent state. He is now well. Left for England with severe misfortune, needed cash (£12.) The poor man would have perished without assistance. I did not know an order was needed with two magistrate's signatures. Signed **Dr. Matthews**, October 12, 1835. (Rejected.)

File 21-5. Convictions (**George and Jacob Keefer**, Thorold, and **James Black**, JP's.)

Michael Green, Thorold, tailor. Default of 3 days statute labour. Fined 15/- plus 5/6- costs, August 15, 1835.

George Adams, Thorold, labourer. Default of 3 days statute labour. Fined 15/- plus 5/6- costs. **Jacob Upper** witness. August 15, 1835.

Nehemiah Smith, Thorold, mason. Default of 2 days statute labour. Fined 10/- plus 5/6- costs, August 15, 1835.

Daniel S. Brown, Thorold, shoemaker. Default of 3 days statute labour. July 18, 1835. Fined 15/- plus 4/6- costs. Certified by **Elam McArthur**, pathmaster.

David Combs, Thorold, labourer. Default of 2 days statute labour. Fined 10/- plus 5/6- costs, August 15, 1835. **Jacob Upper** witness.

File 21-6.

James House, Stamford. Charged with keeping a house of tippling and drunkenness, August 13, 1835. Fined 2/-. Before magistrates **Malcolm Laing** and **Ogden Creighton**.

File 21-7.

Thomas Loft, William Lacy and **Henry Orchard**, Stamford, labourers. Charged with barricading and obstructing the highway with lumber/timber and sleighs. Complaint of [-----] **Cole**, Stamford, September 17, 1835. Fined £2 each plus £1 costs. Before **Philip Delatre, James Robinson** and **Malcolm Laing**, JP, September 21, 1835.

File 21-8. Convictions (**Robert Grant**, JP.)

Isaac Lewis, Queenston, labourer. Charged with assault and battery against **William DeField**, on October 26, 1835. Fined 5/- (paid to pathmaster) plus 1 1/3- costs.

William DeField, Queenston, charged with assault and battery against **Thomas Humphries** on July 14, 1835. Fined 5/- (paid to the Treasurer) and 8/9- costs on July 21, 1835.

File 21-9. Convictions (**Jacob Keefer**, JP)

Nathaniel Cooper, Thorold. Charged with assault and battery against his wife, **Eliza Cooper**, at **Beaver Dams** on July 16, 1835. He thrust her into the fire place, used violent and abusive/ threatening language, struck her with a broom. Fined £2.10.0. and £1.7.6. costs, July 17, 1835.

Samuel Quaintance, Thorold, labourer. Rescued and took a box of clothing from **David Clark Black**, bailiff. Box was taken by a writ of execution by the **Court of Requests**, division 5. Fined 20/- plus £1.1.9. costs, October 9, 1835.

Hiram Marlatt and **Israel Marlatt**. Made noise and used indecent and profane language near a tent or cabin where **George Wright** and others held a prayer meeting at a Wesleyan Methodist Camp Meeting near **Peter Warner's** at Niagara, August 29, 1835. Hiram Marlatt fined 10/- and Israel Marlatt fined 5/-, plus 19/4½- costs each, August 31, 1835.

File 21-10.

William Thorn, Stamford, miller. Charged with shooting 11 pigs, the property of **James Oswald**, Stamford, distiller, on September 8 and 9, 1835. Fined £3.1.10½ plus £1.6.0. costs by **Malcolm Laing**, JP, on September 12, 1835.

File 21-11.

Benjamin Thompson, Stamford, yeoman. Charged with assault and battery against **John McNeil Connell**, Stamford, gentleman on September 9, 1835. Fined £5 (paid to treasurer **William Clarke**) plus 16/9- costs. Before magistrates **Malcolm Laing** and **Dr. J. Mewburn**, September 10, 1835.

File 21-12.

Abraham Clark, Pelham. Charged with disturbing and interrupting a Presbyterian Church meeting on June 28, 1835. Fined £1.5.0. (paid to the Treasurer) and £1.18.0. costs. Before magistrate **John McGlashan**, JP, July 13, 1835.

File 21-13.

Freel Mashaw, Captain of the schooner "**Novelty**." Charged with assault and battery against **Thomas McChesney** at **Port Colborne** on October 3, 1835 and destroying his property. Fined £3.10.0. plus £2.5.0. costs, of which £1 is to be paid to the Treasurer. Before magistrate **David Thompson** at Wainfleet, October 5, 1835.

Joseph Belliel, Captain of the schooner "**Victor**" at **Port Colborne**. Charged with assault and battery against **Thomas McChesney**, and destroying his property on October 3, 1835. Fined £3.10.0. and £2.5.0. costs. £1 paid to the Treasurer. Before magistrate **David Thompson**, October 5, 1835.

Guy I. Atkins, Port Colborne. Disturbed people who met for religious worship at Port Colborne on September 22, 1835. Fined 5/- (paid to the Treasurer) plus £1.5.9. costs (paid to the **Reverend Richard Phelps**.) Before magistrate **David Thompson**, October 2, 1835.

Archibald C. Morse, of the schooner "**Madora**" of **Oswego**, New York. Cut to pieces a raft of saw logs at the **Deep Cut** on the **Welland Canal**, the property of **David A. Bayham** of Thorold, on June 13, 1835. Fined £5 plus costs £3.1.0. Before magistrate **David Thompson**, June 25, 1835.

File 21-14.

William H. Harris, Rainham. Charged with assault and battery against **George Watson Black**, Rainham, on August 22, 1835. Fined £2 plus £2.5.9. costs. Before magistrate **Edward Evans**, Rainham, August 29, 1835. Rex vs. William H. Harris. Verdict appealed, ordered not to be entered on the records of the court. George W. Black, prosecution. Order signed **J.C. Ball**, October 15, 1835. Acquitted October 14, 1835 (certified **Charles Richardson**.)

File 21-15. Correspondence.

Charles Hall, Clerk of the Peace, to **Lieutenant Colonel Rowan**, August 10, 1835. Encloses the petition of **Peter Leaden** and **Cornelius Donevan** with observations of the Chairman of the Quarter Sessions for the information of the Lieutenant Governor.

Letter from the **Clerk of the Peace** to **Lieutenant Colonel Rowan**, encloses a list of magistrates and coroners, September 28, 1835.

List of Coroners, District of Niagara, March 16, 1835.

Cyrenius Hall (Fort Erie), **Gilbert McMicking** (Chippawa), **Samuel Wood** (Grantham), **William Duff Miller** (Niagara), **Edward Lee** (Marshville), **Alpheus S. St. John** (Dunnville), **James W. Perkins** (Rainham), **George Nelles** (Grimsby), **Zenas Fell** (Grand River) and **Joseph Wynn** (Queenston.)

Petition from the Inhabitants of Niagara to **Sir John Colborne**, September 1835. We disapprove of the proposal to withdraw troops from Niagara, one of the oldest and most exposed towns, and disposal of the **Military Reserve**, which has proved beneficial to the poor. The troops must be kept here, it diffuses a martial spirit in the District and inspires a love of British valour and devotedness to British interests. It reminds us that we are well protected subjects of the most powerful empire on earth. We dread fear of the invader. The inhabitants are ready to defend the province with the troops. The gaol (near a foreign country) is "annually filled with a host of criminals" and requires defending. Guards for the gaol are necessary, otherwise offenders might have made their escape and been a nuisance to the community. If this is out of your power, please transmit it to the Home Government.

Letter from **Henry Nelles** to **Charles Richardson**, Grimsby, October 12, 1835: I have sent you information and the recognizance on **Jesse**, a man committed for theft at **Beamsville**. I request that you return the information and recognizance on **Henry Ryan**, who assaulted and beat his wife, and **Susan Vanatta's** information on **John Curran** of Clinton. The parties have made it up and settled. Do not lay the papers before the court.

Letter to **Sir John Colborne**, October 14, 1835: There have been two murders in Niagara since the last assize. One in the town, four men were committed by the coroner and two witnesses for want of bail. The second murder was in St. Catharines, two men were committed by the coroner,

plus one man for grand larceny. One prisoner returned from banishment before the end of his term. It is an enormous expense to the District to keep them until next year, the funds of the District being inadequate to bear it. There is necessity to again assemble the court of Oyer and Terminer, since the commission hasn't expired for six months from the date June 28. We would not perform duty to the public if we did not call this matter to the attention to Your Excellency.

File 21-16. Filings.

Grand Jury presentment, October 13, 1835. Testimony of *John McGill*, a hired man of *Harmonious Crysler*. True bill against *Captain Charles Walsh* of the *Pavilion*, Niagara Falls, for the forcible detention of Crysler's horse and wasgon on the 10th instant. This matter is not within the jurisdiction of the Sessions, *John C. Davis*, October 15, 1835.

Grand Jury presentment, October 14, 1835. Testimony of *John Rhodes*, who made it appear that *Peter Winney* and *Peter Urquhart* broke into the house and took property for execution against Rhodes. This matter is not within the jurisdiction of the Sessions, *John C. Davis*, October 15, 1835.

Grand Jury presentment, October 14, 1835. *Samuel Soper*, Grantham, pathmaster. The highway is obstructed on Concessions 3 and 4, wishes for the opinion of the court. Referred to the magistrates, *John C. Davis*, October 15, 1835.

Grand Jury presentment, October 15, 1835. Evidence of *Archibald Craig*, *Jonas Gilkison*, *Fanny Braily* and *James Akins*: the road allowance between lots 20 and 21 Concession 7 Crowland are obstructed by *John* and *Beriah Hodgkinson*, who have raised a dam and inundated and prevented the use of the road through *Daniel Robins* property.

Evidence of *Parmer Buckbee*, [alias *Palmer Buckbee*] Pelham, yeoman, taken before *B. Tench* and *John McGlashan* on January 5, 1836: deponent saw *Charley Thomas*, and aged man of Pelham, stand at his fence with no hat or mittens on a very cold night on March 1, 1835, his hands frozen. He was drinking at the tavern of *Jacob Hendershot* in Pelham. The tavern is not decent or orderly, to the annoyance and disturbance of the neighbourhood. Recognizance taken August 5, 1835: £10.

File 21-17. Presentment.

Grand Jurors have examined the gaol. The cells and apartments are clean and orderly, the prisoners without exception are "thankful to their keeper for his kind behaviour and treatment to them." A hardship is no fuel provision for the winter. *Mr. Wheeler* keeps a partial and gratuitous supply of fuel, but some must be ordered for the benefit of indigent debtors. *John Henderson* (a coloured man) was locked up until he could find bail for his future good behaviour, and so may remain for 12 months at great expense to the district. Has been incarcerated now for 7 weeks. Pray to have the matter investigated, to limit his time or release him immediately. October 15, 1835.

Grand Jury presentment. *Truman Raymond* has supported an insane woman, *Elizabeth M. Wilson*, plus supplied her board, clothing, lodging and washing, £6. Includes a list of clothing. Endorsed: allowed board but not the clothing.

File 21-18. Jail Records.

Dr. F.W. Porter, Report of Sickness in Niagara Gaol, October 13, 1835.

Thomas Macqueen, gonorrhoea; **Chester Kinsley**, constipation; **Eliza Page**, syphilis; **Ellen Dennis**, syphilis; **Sarah McCarthy**, pleuritis; woman (unknown), constipation; **Isaac Hall**, constipation; **James Ensign**, psora; **John Clarke**, psora; **A.B. Fleming**, psora; **William Armstrong**, pleuritis; **Secord**, constipation; **Jacob Dutcher**, odontalgia; **James Country**, gonorrhoea; **Margaret Bates**, constipation; **Hugh McKenny**, diarrhea; **Henry Craig**, psora; **Duglass Evans**, ulcers; **Douglas**, psora; **David Springstead**, psora; **Thomas B. Bartlett**, psora; **Bradley**, ophthalmia; **John Clarke**, odontalgia; **Secord**, psora. 26 in number, all cured or discharged except Evans, Craig, Bartlett, Bradley. The gaol is clean despite the number of prisoners. An additional allowance should be made for washing in order that the bedding be kept purified.

File 21-19. Orders.

Clerk of the Peace ordered to transmit a presentment regarding the **Court of Oyer and Terminer** to the Lieutenant Governor, October 16, 1835.

Prisoners allowed 2 lbs. of bread per day. Former orders rescinded.

Additional jurors ordered for the Quarter Sessions in order to further the business.

Ordered that **James Kerby**, **Daniel McDougall** and **Robert Grant** be a Committee for the **Rules and Regulations of a Table of Fees for Ferries**, October 16, 1835.

Clerk of the Peace ordered to give notice that no further *licences* will be granted to those applicants rejected in the January Sessions.

Gaol Committee to be comprised of **Robert Melville**, **Thomas Butler**, **Ball**, **Clement**, **Cryslar**, **John Mewburn**, **John Ball** and **Daniel McDougall**, or any three to form a quorum.

Joseph Middaugh, Thorold, pathmaster. Ordered to open a side road obstructed by **James Nevils** (lots 146-147) if the nuisance is not removed in 15 days. October 15, 1835.

Committee on Accounts: **Daniel McDougall**, **William Ball**, **Clement**, **George Keefer**, **E.S. Adams**, or any three to form a quorum. October 14, 1835. Signed **John C. Davis**.

Gaol surgeons salary to be increased to £25. Signed **John C. Davis**.

File 21-20. Precept.

List of Grand and Petit Jurors, compiled by **John Alma** and **Robert Melville** on September 25, 1835 for Sessions on October 13.

Grand Jury: **John Oill**, **Joseph Disher**, **Moses Brady**, **William Snyder**, **Adam Simmerman**, **John Forrester**, **Isaac [Moyer?]**, **James Fell**, **John B. Henry**, **Daniel Robins**, **John C. Davis**, **John Beauman**, **John Snure**, **George Oill**, **John Rason**, **John Crosby**, **George Crosby**, **John Thompson**, **Archibald Thompson**, **R.M. Long**, **William Barr**, **Eleazer W. Stephenson**, **James Fitzgerald**, **Laughlan Currie**, **Richard Savage**. (Certified by **Alexander Hamilton** and **Alex McLeod**.)

Petit Jury: *Parmer Buckbee, Henry Rees, David Disher, Johnson Swayze, Henry Snure, Samuel Simmerman, Cyrus House, Jacob Moyer, William Weir* (excused), *John Walker, Nathaniel Beckon, Eber Rice, Henry Disher, Jacob Wills, William Gillman, Isaae Hollaek, Lewis Willson, John B. Comfort, Daniel Metler, George Metler, John Beckon, Jacob A. Moyer, Philip Metler, George Rees, Frederick Schram, Conrad Miller, Elijah Birch, William Sweezie, James Smith, John Moyer, William Haggerman, Joseph Mitchener, George Shaver, Andrew Ostrander, Peter DeWitt, Moses Cousfel, Daniel Smith, William C. Hay.*

File 21-21. Road and Bridge Petitions.

Petition for a road through the land of *Seger* and *Widow Braley*. Told that it would not injure the parties. Seger and Braley deprived of water as a result, August 10, 1835. Signed *John Stoner, David Ramey, Abraham Augustine, John Tiedy, B. Tench, John Kenely, Edward Greaton, Joseph Durke, David Price, Aaron Doan*. Sketch attached of a New Road, Lyons Creek, Concessions 5-7 (Crowland.) Drawn by *Jacob Misener*. Shows property owners *Slaughmick* [*Slaughmilk*], *Cyrus Benedick, Crague, Welland Canal*; lot 20 Concession 7 shows *Yokum, Widow Braley*; lot 21 *Henry Seger*; lot 22 *John Braley*; lot 23, *Southwold*; lot 24 *Charles Harroh?* (written in pencil.)

Charles Fell, Petition of the inhabitants of Crowland and Humberstone, February 9, 1835. Pray to have laid out a continuation of *Lyon's Creek Road*, lots 20-21 Concession 7 in Crowland, on the north-west side of Lyon's Creek through Humberstone to the *Welland Canal*. Signed *Francis Benedict, Joseph Durke, Samuel Doan, Dillen Doan, Abraham Augustine, David Romey, Abraham Schooley, Robert White, Edward Greacey, Robert Shepperd, John Stoner, Luther Boardman, David Price, William Martin, Jacob Luse, Jacob Foresythe.*

Charles Fell, Petition of the inhabitants of Humberstone. Pray for a new road laid out in Concession 1 from *Port Colborne* to *Fort Erie*. [no date.] Signed *B. Tench, James Black, I. Merritt, Isaac H. Culp, Owen Farr, Simon Hoover, David Price, Thaddeus Smith, Abraham Schooley, Abraham Neff, John Steab, Trevor Murray, James Hall, Guy J. Atkins, David Cramer, David Smalts, James Stinson, Peter McCoy, John Kenely, Emanuel Winters, Daniel Neff, Emanuel Hoover, Thomas McChesney, Robert White.*

George A. Ball. Petition from the inhabitants of Louth, Clinton and Gainsborough request the survey of a highway on the line between Louth and Pelham, at the southwest corner of lot 23 to the highway leading from *Henry Dishers'* to Gainsborough near *Robert Runchea*. Louth, June 3, 1835. Signed *Henry Fry, Jacob Fry, Benjamin Martin, John Moot, Barnabas Hanes, Richard Dawdy, Zach. Fisher, John Bowman, Henry Johnson, Charles Thomas, William Wier, Daniel Moore.*

George A. Ball. Inhabitants of Clinton request the survey of a new road from the top of the Mountain across lots 7, 8 and 9 Concession 5, in width 40 feet. March 28, 1835. Signed *John Ensley, William Hipple, Lawrence Hipple, [-----]²¹, [John?] Grobb, Abraham Grobb, Michael Rittenhouse, [-----] Maijued,²² Jacob Bush, Jacob Strycker, John Strycker, Samuel Housser, Jacob B. Moyer.*

George A. Ball. The inhabitants of Grimsby and Caistor request the survey of a road from lot 16 Concession 7 to the road on the north side of Chippawa Creek or Welland River, then along to the

²¹ This name is in old Germanic script and difficult to decipher.

²² This name is difficult to decipher.

20 Mile Creek, over Concessions 8 and 9 in Grimsby to the Saltfleet Line, November 25, 1834. Signed *Hiram Lymburner, John Coon, Henry Johnson, John Lymburner, James Lymburner, John Merritt, William H. May, John Clendenin, Isaac Merritt, Peter Buckbee, Ashman Bridgeman, Stephen St. John.*

George A. Ball. The inhabitants of Caistor request the survey of a new road on the south side of the 20 Mile Creek, May 13, 1834. Signed *Peter Bugby, Thomas Halsted, Caleb Nelson, Jacob Ker, Thomas Stocking, James Tidey, Horace Greenman, John Merritt, Lewis Campbell, Abraham Giffin, Aaron Allen, Joseph Coon.*

George A. Ball. The inhabitants of Clinton request the survey of a new road between lots 6 and 7 Concession 5 to the 4th Concession Road below the Mountain to the bank south of the Main Road to Niagara, March 16, 1835. Signed *Benjamin Michener, Jacob B. Moyer, Samuel Housser, John Moyer, Samuel S. Moyer, Michael Trunk, Conrad Miller, Horace [Dean?, Abraham Hunsberger, Heinrich Orth, Abraham Moyer, [-----] Moyer.*²³

George A. Ball. The inhabitants of Grimsby request the survey of a new road on the line between *John Servos* and *George Miller* and *George A. Ball* in Concession 8, to the line between lots 16 and 17 in Concession 7, May 16, 1835. Signed: *Isaac Roszel, Moses Travers, Eli White, Jesse Baldwin, Joseph Merritt, Elijah Merritt, Daniel Lion, Amos Adkins, Peter C. Ball, George Miller, Jeremiah [Gaylor?], John Merritt.*

George A. Ball. The inhabitants of Grantham request the survey of a new road from near *John Christie's saw mill* to the bank on lot 20 Concession 1 and the bridge foundation erected by John Christie, then to the Main Road between St. Catharines and Niagara (the "*Lake Road*"), December 3, 1834. Signed: *Luther Dyer, Henry Pawling, Robert Brown, Peter Hare, William May, John R. TenBroeck, Robert E. Burns, Walter Dittrick, Edward Hepburne, Edward Emery, Samuel Wood, William C. Chace, John Martindale, J. Pawling, T. Read, Robert Erving, Christian May, S.E. Secord, John [-----], James Fitzgerald, James Dittrick, John F. Mittleberger.*

George A. Ball. The inhabitants of Clinton request the survey of a new road from the *Main Road* to the *Mountain Road*, between lots 12 and 13 in Concessions 4 and 5. The line of the allowance will not admit of it, so the road to be laid out on the best route, May 22, 1834. Signed: *John Ensley, Lewis House, Henry House, J. House, Daniel Smith, Jacob Gross, John Wier, John B. Henry, Harmond Kilborn, James B. House, Michael Rittenhouse, Joseph Sutton, Jacob Hunsberger, Andrew House, Samuel McCurdy, William Hagerman, Christopher Boughner, Abraham Wismer, John Wismer, Daniel P. House, William Smith.*

George A. Ball. The inhabitants of Grimsby and vicinity request the survey of a new road from the north side of *Hamly's line* on the old road past *John Harris* east to Clinton. The road will be of public utility and removes inconvenience. September 4, 1835. Signed: *Nathaniel Hill, Philip Dean, John Kennedy, Philip Gregory, Daniel Tallman, John Hoover, Eliza Urquhart, William Snyder, Robert Waddel, Peter Erquehart, Daniel Camp, John M. Camp, Thomas Adams, George Adams, Jesse Baldwin, Adam Huff.*

George A. Ball. A road was laid out on the north side of *Hambly's line* from *John Harris* to the line between Clinton and Grimsby. The road will be expensive to make due to extensive and bad swamps, and low ground. The road would only accommodate a few-- three settled farms on the

²³ Some of the names in this petition were written in Old Germanic script and were difficult to decipher.

line at its west end—and is well accommodated by other roads. Signed: **Smith Griffin, William Bridgeman, John F. Stewart, John P. Bridgeman, Ashman Bridgeman, Daniel Lyon, Joseph Lyon, Myron G. Durkee, Richard Taylor, William H. Taylor, John McCollom, James McCollom, Allen [Sellior?], John Osborn, William Hare, Abraham Hill, Richard Meredith, William Farmer, Thomas Hamley, William Eastman, J.W. Goodell, Joseph Snyder, Daniel Nelson, David Gee, John Kennedy, John Mingle, Joseph Book, John Ransier, John Fisher, Peter Snyder, Adam Mingle, John McDonald, Adam Snyder, William Snyder, William Mingle, William Taylor, John N. Sprague, Reuben Durkee, Daniel McCollum, Richard C. Griffin, John Page, Smith Griffin Jr, James Patterson, Daniel Willcox, John Bush, John S. Bush, James Lymburner, Joseph Tremblay, Albee Drake, Thomas Shadwick, John Shadwick, Thomas S. Shadwick, Isaac Teeter, Adam Mingle, Jacob Lindebury, Peter Freas, Joseph Linabery, James Page, Nathaniel Page, David [Slingling?], Richard Griffin, Reuben Garrett, Henry Smith, Alexander Lane.**

File 21-22. Road Reports.

George A. Ball, Clinton, March 27, 1835. *Two new roads opened in Clinton.* The first on the south side of the Main Road to the 40 Mile Creek, between lots 6 and 7 in Concessions 4 and 5, width 60 feet. The second at the brow of the Mountain, lot 7 Concession 5 and lots 8 and 9 Concession 5, width 40 feet. No opposition, these roads being very necessary. There is no other convenient place nearby to ascend or descend the Mountain. [Sketch attached, shows road, **John B. Henry** on the north side of the road, the escarpment and “deep valley.”]

Charles Fell, Pelham, July 13, 1835. Surveyed a road between Crowland and Humberstone on the north west side of **Lyon’s Creek** between lots 20 and 21 Concession 7, along the creek and bank of the **Welland Canal**. Length 2 miles and 30 chains, 66 feet wide. Built on good ground. A great obstacle is the marsh (2 chains.) **Mr. Craig** agreed to bridge this at his own expense, rather than fail having a road. [Sketch attached, shows the Welland Canal, marsh, Lyons Creek, **G. Slawmilk** and **C. Benedict** on lot 19 Concession 5, **A. Craig** on lot 21, “Gore” lot claimed by **James Eakins. J. Case** on lot 20 Concession 7; **H. Sagljer** on lot 22; **J. Braley** on lot 23; **Southworth**; Lyon’s Creek Road.] Ordered to lie over until next Sessions, July 18. Verso: roads opened, report confirmed, October 15. Ordered: opening rescinded. Verdict in favour of **Henry Segler** £75, January 13, 1836.

Charles Fell, Pelham Square, October 12, 1835. Surveyed a road in Humberstone from **Port Colborne** to **Fort Erie**, east side of **Fort Erie Street** to the road allowance between Concessions 1 and 2 in Humberstone. Extends through the marsh (impossible to avoid it) 66 feet wide, will be of great utility “if opened.” [Sketch attached, shows Concession 1 in Humberstone including Port Colborne, “**Sand Banks**,” **Cassady’s Bay**, Fort Erie Street, **Yates Road, Welland Canal**; lot 20 **Jonathan Knisley**, lots 21, 25 and 26 **David Thompson**, lots 22 and 23 **Samuel Street**, lot 24 **Welch** and lot 27 **Yates**. Road bearing recorded as N25°E.]

File 21-23. Tavern and Shop Licences.

Letter from **John Jordan** to **Charles Richardson**, October 5, 1835. Encloses a List of Licences Issued between July 5 and October 4, 1835, total fees collected £80.

List of Shop and Tavern Licences:

Biggar Powers, Beamsville, shop licence, £5, July 18.
John L. Burns, St. Catharines, shop, £5, August 1.
William Anderton, Stamford, tavern, £3, August 4.

William Moffatt, Niagara, tavern, £6, August 4.
John Graham, Niagara, tavern, £6, August 5.
William Mudie, Walpole, shop, £5, August 14.
Daniel Robertson, Chippawa, shop, £5, August 19.
Thomas Wright, York (Haldimand), tavern, £3, August 19.
Francis Proctor, Niagara, tavern, £6, August 27.
Nelson Forsyth, Fort Erie, shop, £5, August 31.
John Balfour, Niagara, shop, £5, August 31.
John Milton, Niagara, tavern, £4, September 4.
John Hart, St. Catharines, tavern, £3, September 12.
John Bradt, St. Catharines, tavern, £4, September 19.
Elijah Armstrong, St. Catharines, tavern, £4, September 21.
Patrick McMahon, St. Catharines, tavern, £5, September 22.
Walter Dittrick, St. Catharines, tavern, £6, September 29.

Christopher Campbell. Is a British born subject, resided in Niagara. Went to the United States but "not being fond of Republicanism" returned to Niagara last summer and wishes to reside here. He married the **Widow Taylor**, who owns the house which is occupied as a tavern by **Moses Goodfellow**. Prays for a tavern licence, October 12, 1835. Signed **Daniel McDougall, Peter Cain, M. Willson, C. Hawn, Thomas Dority, Ralfe Clench, L. Kearney, John E. Clyde, Lewis Donnelly, David Thompson, William Telfer, Joseph Archer, William Moffatt, R.M. Clement**. Granted, fee £3. October 14, 1835. (certified by **John Clement Ball**.)

File 21-24.

Joel Eaton, Clinton. Charged with larceny, stealing one jacket (value 5/-) the property of **Bartimeus Colburn, Beamsville**, innkeeper, on September 28, 1835. True bill: **James Fitzgerald** (foreman.) Witnesses: Bartimeus Colburn, **E. Derby**. Plea: "guilty," sentenced to stand for one hour in the pillory.

File 21-25.

Joel Eaton, Clinton, labourer. Charged with larceny, stealing one coat (value 15/-) the property of **Daniel Wiers, Beamsville**, merchant, on September 18, 1835. True bill: **James Fitzgerald** (foreman.) Witnesses: Daniel Wiers, **E. Derby, Stafford Dean**. Recognizance taken before **H. Nelles**: Daniel Wiers, E. Derby and **Bartimeus Colburn** £10 each, to appear and exhibit the "great coat" or "round about jacket." Recognizance of Stafford Dean taken before H. Nelles on September 19, £10. Letter from H. Nelles to **Charles Richardson**, Grimsby, September 23, 1835: encloses the information of Wiers and Colburn. In the case of assault and battery against **John Curran** of Clinton or Beamsville. The parties will settle, it will save the District heavy expense. Return the papers, and I will release their bail for appearance. Evidence of Daniel Wiers and Bartimeus Colburn taken before H. Nelles on September 18: Wiers lost his coat and found it at Stafford Dean's. He bought it from Joel Eaton of Clinton, cooper, for \$5. Evidence of Joel Eaton: he sold the coat but said it was his property. Evidence of Bartimeus Colburn: was in the barroom on the 17th. When Eaton left, the jacket was gone. Deponent followed him and overtook him this morning, he had on the deponent's jacket. Plea: "guilty," confined in gaol 15 days and to stand in the pillory for one hour, October 15, 1835. (Certified **John Clement Ball**.)

File 21-26.

Spencer Daniel, Pelham, carpenter. Charged with larceny, stealing one plane (carpenter's jointer) value 5/-, the property of **Eber Rice**, Pelham, innkeeper, on August 15, 1835. True bill: **James Fitzgerald** (foreman.) Witnesses: Eber Rice. Verdict: "not guilty," October 15, 1835. Evidence of Eber Rice taken before **James Cummings**, September 18: the plane was taken from my grist mill in Pelham. Letter from **David Thompson** to **Charles Richardson**, Wainfleet, October 6, 1835: encloses four convictions which must be transmitted to you by the **Summary Punishment Act** (section 19.) with bail bonds and recognizances. Recognizance taken September 19: Spencer Daniel £5, sureties **Lewis Willson**, Thorold, yeoman and **Dilly Coleman**, Thorold, innkeeper, £2.10.0. each. Eber Rice £5, surety **Thomas Smith** £2.10.0. Daniels brought a warrant of James Cummings before David Thompson. Verdict: "not guilty," October 15, 1835.

File 21-27.

James Martin, Stamford, labourer. Charged with assault and battery against **Frederick Brackenridge** [alias **Brackbridge**], **Lundy's Lane**, shoemaker, on June 13, 1835. Witnesses: Frederick Brackenridge. Evidence of Frederick Brackenridge taken before **James Robinson**, June 13: He was followed on the way home by James Martin, was struck, knocked down and kicked. Evidence of **Alexander Douglas**: saw Brackenridge run away from Martin, he was afraid of being beaten. Evidence of **Martha Brown**: saw Brackenridge run away on Lundy's Lane between 4 and 5 pm. Saw Martin kick Brackenridge. Recognizance taken: James Martin £10, sureties **Samuel Ackindale** and **William [Pin?]**, both of Lundy's Lane, £10 each. *Nolle prosequi*, October 16, 1835. (Certified **John Clement Ball**.) Costs £1.5.6. Letter from James Robinson to **Charles Richardson**, Falls, July 14: settled by the parties, "you will therefore please not to enter it."

File 21-28.

James Nevils, Thorold, yeoman. Charged with obstructing the highway, July 14, 1835. True bill: **George Keefer** (foreman.) Witnesses: **James Meddaugh**, **Harmonius Vanalstine**. Evidence: Nevils obstructed the side line, he put a rail fence across it for more than 12 hours, which obstructed His Majesty's liege subjects, horses and carriages. Grand Jury presentment attached, statute labour has been performed on the road for more than 20 years, July 14, 1835. Affidavit of James Nevils taken before **Charles Richardson**, July 17: **Peter Misener**, **John Silverthorn** and **William Vanderburgh** are necessary and material witnesses. Cannot safely proceed without them, but do not wish to delay the case. Can procure them for the next Sessions. Case traversed to next Sessions. Verdict: "guilty," October 14, 1835. Fined 1/- plus costs. (Certified by **John Clement Ball**.)

File 21-29.

William Rielly, Niagara Falls, employee of **Thomas Wheaton**. [indictment left blank.] Witnesses: Thomas Wheaton. Evidence of Thomas Wheaton, taken before **James Robinson** on April 29: Rielly stole wearing apparel and shaving apparatus from the house of Wheaton in Stamford on April 28. Prays that he be committed to gaol. Evidence of **Catherine Wheaton**, **City of the Falls**: on April 28 deponent heard a noise in the bedchamber. She found Rielly lying on the bed with two bundles of wearing apparel. She asked what he did with them, and he said "They're mine." He said he would allow them to examine them. When the broken trunk of **Henry Thomas** was found and examined he gave up the bundles. Also a bundle of clothes of **John Hampshore** and William Rielly's pantaloons. Deponent sent for **Edward Walker** to arrest Rielly, and detain him until the constable was sent for. Evidence of **John Caragon**: is in the employ of **John [Maglan?]**, of Niagara Falls, innkeeper. Rielly offered to sell me the pantaloons. I had no money, and said to

keep them until my employer pays me, but he declined doing so. *Nolle prosequi* ordered, October 16, 1835. Costs £1.5.0. (certified by **John Clement Ball**.)

File 21-30.

Thomas Roberts, Grantham, labourer. Charged with larceny, stealing silk socks (value 1/-), two linen shirts (5/-), white silk handkerchief (2/-), shirt collar and cravat (5/-) the property of **John Elliot**, St. Catharines, coloured man, on July 15, 1835. Witnesses: John Elliot, **John Hart**, **Catherine Hart**. Evidence taken before **E.S. Adams** on July 21: John Elliot came from **Buffalo** on the 15th with **John May**. Arrived at **Walter Dittrick's inn** at 9 pm. Roberts took charge of the horses. Deponent left his clothing tied up in a handkerchief in the wagon, and Roberts took them. Evidence of John Hart, St. Catharines, innkeeper: Roberts came and sold some pantaloons for 3/9-. I paid 2/6- cash, the remainder of the sum was owed. Evidence of Catherine Hart: she purchased some silk half hose for 1/3-. Evidence of **Jane McGill**: she was offered the silk half hose by Roberts, but she did not wish to purchase them. Recognizance taken before E.S. Adams, July 22: John Elliot, £12.10.0., sureties Walter Dittrick, St. Catharines, innkeeper and **Robert Gray**, St. Catharines, tailor, £12.10.0. each. Recognizance of John and Catherine Hart, £7.10.0. each. Roberts discharged from recognizance, and recognizance of prosecution estreats, October 16, 1835. "Witnesses discharged from recognizance" October 16. (Certified by **John Clement Ball**.)

Niagara District Quarter Sessions, January 1836.

File 22-1. Accounts (1-44.)

List of Accounts Passed by Committee, January 13, 1836.

Samuel H. Smith, constable account, £4.15.0. Certificate annexed signed by **Jacob Keefer**, January 6, 1836. Attests to the arrest of two **Burnistons** by Smith (charge of felony) sent in the worst weather “on account of the greater probability of finding them about their houses.” He succeeded “but in an affray that arose one of them was rescued by a person of the name of **Hanaghan** who then fled.” One was committed to gaol, and Hanaghan was caught and arrested in the **Black Swamp** near Niagara. Smith’s services required “judgement and energy and was faithfully performed in the midst of stormy and disagreeable weather.”

John Bird, charge for keeping a “coulerd man” in custody, 5/-, September 3, 1835.

Alexander Stewart, Returning Officer, 4th Riding of Lincoln. Certifies that **Jacob Strom** attended polls as constable, £3. **Cooks Mills**, October 11, 1834.

Thomas Compston, charge for making a coffin for **Mrs. Heley Clause**, 7/6-. Deceased was a pauper. Signed **Daniel McDougall**.

Crier, charge for services £1.5.0.

Sheriff, charge for summoning jurors, £11.

Peter Wheeler, charge for boarding **Samuel H. Brady**, **George Wanwright** and **Valentine Ward** £1.10.4.

John Hawn, charge for digging a grave for **William Carroll**, 5/-, December 18, 1835 (certified by **William Duff Miller**, coroner.)

Peter Wheeler, charge for extra washing of bedding, £1.10.0.

Robert Cole, charge for painters work, glazing &c, £11.14.6.

John F. Stewart, constable account, £1.10.0.

F.W.Porter, charge for attendance at gaol, £6.5.0.

Asa Moulton, constable accounts, £1.10.0., £1.16.0. and 9/4-.

Edward Lee, charge for holding an inquest on an unknown man found dead, October 29, 1835; to **Peter Price** for a coffin and digging a grave; inquest on the body of **John Malay Kidd**, died by a fall from a loaded wagon, December 29, 1835. £6.15.0.

Zimri Oliver, constable account, 17/3-.

E.S. Wheeler, charge for services as turnkey, £12.7.6.

A. Heron, charge for boards and scantling for gaol, 17/9-.

John Berggreen Matthews (surgeon) attendance at an inquest on the body of **William Carroll**, 17/9-, December 18, 1835. Certified by **William Duff Miller** (coroner.)

William Duff Miller, charge for 8 Bibles for the gaol (**Glasgow Society**) £2.

John Gilleland, charge for summoning a jury to an inquest held on the body of **Daniel Donover**, October 10, 1835; charge for summoning a jury to an inquest held on the body of **Edwin** (or **Erwin**) **Colman**, December 21, 1835. £7.8.0. Certified by **Samuel Wood** (coroner.)

George Monro, charge for shoes, cotton, jackets, thread, sheeting, paper, quills, buttons, stockings &c for gaol, £9.2.5½. Additional charge for shirts, trowsers, paper, blankets &c £6.1.3.

John W. Ball, charge for 25 cords of firewood, £14.1.3.

Walter Davidson, charge for making a coffin for **Theodore Wood**, August 1, 1834. 10/-, certified by **William Duff Miller** (coroner.)

Luke Lawrence, constable account, £1.5.0.

David Smith, constable account, £1.10.0.

Chester Wadsworth, constable account, £3.5.0.

John E. Clyde, charge for plastering, fixing rail and jury boxes &c. £72.12.6.

William Dunn, constable account, £1.6.6.

Samuel Heron, printing costs for election bills and assize notices in the **Gleaner**, £5.10.3.

Samuel Heron, printing costs £11.17.0½.

Thomas Sewell, printing costs, **Niagara Reporter**, £19.1.9.

George A. Ball, charge to survey a road between Louth and Pelham, £1.15.0.

R.M. Clement, charge for combs, pad locks, files and nails for the gaol, £3.1.3.

John Fagan, services as constable at the inquest held on the body of **Erwin Coleman**, 14/-. Certified by **Samuel Wood** (coroner.)

John Fagan, constable account, £2.9.6.

Robert York and **Erastus H. Campbell**, constable account, 6/-, for the arrest of **Thomas Butler Bartlett**.

Account of Rations due the Niagara District Gaoler (Peter Wheeler) October 14, 1835-January 13, 1836. £29.15.9. [amount includes cost of brooms for the cells, candles for the court and gaol, and washing.]

Patrick Donley, October 14-January 13.

Fanny Hill, October 14-January 13.
Henry Craig, October 14-January 13.
Joel Eaton, October 14-October 20.
Thomas B. Bartlett, October 14-January 12.
John Henderson, October 14-October 28.
David Springstead, October 14-January 13.
William Brogan, October 14-January 13.
William Griffin, October 14-January 13.
Con McGarrity, October 14-January 13.
Mary O'Brian, October 14-January 13.
William Dickenson, October 14-January 13.
Aaron Seely, October 14-January 13.
John Shore, October 14-November 3.
Thomas Brogan, October 14-October 30.
James Burniston, October 20-January 13.
James Hanaghan, October 23-January 5.
Norman Miles, October 29-January 13.
J.C. Clark, November 5-November 29.
Elizabeth Cope, November 18-November 21.
John Fitzgerald, November 21-December 8.
Peter Winne, December 2-December 28.
Thomas Clarke, December 22-January 13.
John Hart, December 23-January 13.
Jacob Carrier, January 1-January 13.
Elizabeth Campbell, January 2-January 13.
James Lawenson, January 9-January 13.

File 22-2. Accounts/Cheques Issued.

Thomas Angleman (#54) £3 for keeping **John Follick** an insane child.

James Garret (#51) £1 for Clinton assessment 1835 (certified **John Patterson**, assessor.)

William Cockle (#50) £6 for polls.

David Robins, Pelham (#55.) Charge for keeping **Sally Rissenbarick**; **Dr. Creighton's** charge for attendance; cost of grave clothes, coffin and grave. £6, January 7, 1836. Rissenbarrick died on May 11 last, as per petition annexed.

Dr. Raymond (#4.) Charge for keeping **Eliza M. Wilson**, insane and destitute, in clothes, board and washing, £6.19.0.

Chauncey Beadle: certifies that **Harriet Hague** continues in ill health and imbecility of mind, January 13, 1836.

Pheby Goodel (#3), charge for keeping **Harriet Hague**, £19.10.0.

Richard Forrest (#2), charge for keeping **Francis Lynch** (insane) £3.5.0.

John Smith (#1), charge for keeping **Margaret Harris** and **Jane Harris**, 10/- per week, total £6.

File 22-3. Accounts Rejected.

Slade Robinson, attendance at the inquest held on the body of **Owen Whitherby**, deceased, held on April 9, 1834 at **Hugh Haggerty's**, Stamford. Certified by **James Robinson**, JP. (Rejected.)

File 22-4.

Niagara District in account with William Clarke, treasurer, January 12, 1836. £1799.10.6¾.

Statement of Road Tax Arising from Wild or Unoccupied Land in the Niagara District, £181.3.7½. [6 folio pages.]

File 22-5. Assessment Records.

Daniel Palmer (collector, Grimby) received £4.12.4. taxes from **Abraham Nelles**, December 17, 1835.

R.H. Bruce (clerk, Cayuga) and **Abner DeCow** certify the assessment rolls correct, March 14, 1836.

File 22-6. Convictions (**James Black, Jacob Keefer**, JP's, Thorold.)

Philander Bump, Thorold, shoemaker, sold a gill of brandy without a licence on November 27, 1835. On complaint of **Anthony Upper**, yeoman. Defendant confessed, fined £20, December 5, 1835.

File 22-7. Convictions (**Mewburn**, JP, Stamford.)

John Jackson, Stamford, farmer. Trespassed on the field of **Col. Benjamin Wyman** (occupied by **Benjamin Ottley**) and turned out his cattle on August 29, 1835. Fined 10/- (to repair the **Queenston Road**) plus 15/- costs, Stamford, September 3.

Emma Jackson, wife of **John Jackson**. Charged with assault and battery against **John Ottley**, Stamford, on August 29, 1835. Defendant forced Ottley out of his father's field with violent threats. Fined 15/-, Stamford, August 29.

James House, Falls. Trespassed and took away the wagon of **Samuel Street** and [-----], trustees of the will of **Mr. Micklebone**. Fined 10/- costs, Stamford, December 22, 1835.

James M. Dyke, agent to **Mr. Crysler**. Charged with assault and battery against **James Edward Luck**, groom of **Robert Gillespie** of the **Ontario House**. Dyke was at **Harrington's Hotel**, Niagara, on July 16, 1835. Fined £2.10.0. plus \$8.50 costs. (\$3 constable fees, and \$1.50 to **Robert Boyle**, Niagara, labourer, as witness.) Ontario House, Falls, July 20, 1836.

George Ness, farmer's labourer. Charged with disturbing a congregation in Stamford at the **Church of St. Johns** by talking aloud and whistling during divine service, on October 12, 1835. Fined 15/- (paid to the pathmaster of Stamford) plus 5/- costs, Stamford, October 13, 1835.

John Henderson, coloured man, **St. Davids**. Charged with assault and battery against **William McIntyre** on August 15, 1835. Henderson threatened to do bodily injury, McIntyre fears for his

life. Henderson refused to find bail for his good behaviour, although tendered by **John B. Clement**, and is committed to gaol until security is given. Stamford, August 16, 1835.

John Connell, Esquire, Stamford. Charged with trespass at **St. Davids** on the premises of **William Thorne**, miller, on October 14, 1835. Connell trespassed with a gun to shoot at snipes. Defendant was reprimanded and discharged, Stamford, October 17, 1835.

William Bradfield, Clifton, farmer and **Charles Norris**, charged with trespass at **Lundy's Lane**, and carried away the horse of **Richard Savage** of the Falls. Defendants used the horse for three days. Fined £1 (paid to Savage) and 15/- costs each, Stamford, December 22, 1835.

Adam Crysler, Falls. Charged with assault and battery against **George Hutchins** at the **Pavilion Hotel** on October 8, 1835. Crysler threatened to do Hutchins harm. Crysler refused to obey his warrant. Fined £2.10.0. (paid to the pathmaster) and £1.9.0. costs. Plus 17/6- to the sheriff for a warrant. Ordered to find bail and two sureties, \$1000 each for good behaviour, Stamford, October 15, 1835.

File 22-8. Convictions (**McFarland**, JP, Port Robinson.)

Joseph Upper, Thorold. Put a hog into his pen the property of **Thomas Ellenwood** on September 25, 1835. Fined £1.7.9½ and 17/9- costs at **Port Robinson**, November 21, 1835.

File 22-9. Correspondence.

Letter from **James Gordon** to **Charles Richardson**, **Mount Dorchester**, November 9, 1835: encloses commissions for the **Court of Requests** (2nd division.) Court bailiff **John Prouse** has information about executions.

Letter from **Francis Webster** to **Charles Richardson**, **Nelles Settlement**, Grand River, November 17, 1835: Has my account for £9.2.6. for duties as Returning Officer for Haldimand been laid before the Court yet? Please remit it to **Mr. Stevens** at the **Bank of Upper Canada in Hamilton**.

Letter from **J. Robinson** to **Charles Richardson**, **Niagara Falls**, January 12, 1836: Pay to the bearer any fee allowed to a medical man for an inquest. "£1 can't be objected to as a charge for my time and opinion."

Letter from **John Jordan** to **Charles Richardson**, Niagara, January 13, 1836. **John Rhodes** of **Smithville** was tried on October 5, 1835 for selling liquor without a licence. Fined £20. **McDougall** gave constable **Peter Winne** a warrant to levy on the goods and chattels of Rhodes. He made away with £25 money, was put in gaol and liberated to my astonishment. He was employed as a constable in the court house! I think something should be done with such a character.

Annual Return of the Office of the Clerk of the Peace, District of Niagara, to December 31, 1835. Signed **Charles Richardson**.

File 22-10. Criminal Calendar.

Calendar of Prisoners Confined in Niagara Gaol (Peter Wheeler), January 13, 1836.

Debtors:

Joseph O'Conley, January 30, 1835.

Samuel H. Bradley, August 7.

Enoch Sills, September 5.

Charles Watch, October 29.

William Holland, October 30.

Valentine Ward, November 23.

Samuel Hicks, December 5.

George Wanwright, December 28.

James H. Sears, December 31.

Prisoners:

Patrick Donley, September 6, 1832. Assizes. Murder.

Fanny Hill, February 3, 1835. Orders of **Henry Mittleberger**. Under sentence.

Henry Craig, July 13. Under sentence 12 months, to stand 1 hour in the pillory at each Quarter Session.

Thomas B. Bartlett, July 22. Orders of **Samuel Wood**. Sentenced to one year in gaol.

David Springstead, September 11. Assizes. Returned from banishment.

William Brogan, October 11. Orders of **George Rykert**. Murder.

Con McGarrity, October 12. Orders of **William Duff Miller**. Murder.

William Dickerson, October 12. Orders of William Duff Miller. Murder.

Aron Seely, October 12. Orders of William Duff Miller. Murder.

Mary O'Brian, October 12. Orders of William Duff Miller. Murder.

James Burniston, October 20. Orders of **J. Keefer**. Returned from banishment.

William Griffin, October 12. Orders of **Daniel McDougall**. Larceny, stealing cloth and fur cap (value £14.8.9) the property of **J & P Buchanan**.

Norman Miles, October 29. Orders of **Duncan McFarland**. Counterfeit money.

Thomas Clark, December 22. Orders of **J. Mewburn**. Stealing the horse and cattle of **Richard Savage**.

John Hart, December 23. Orders of Samuel Wood. Murder.

Jacob Cornier, January 1, 1836. Orders of **Crowell Willson**. Larceny, stealing an axe the property of **John Current**. (Discharged.)

Elizabeth Campbell, January 2. Orders of **David Thompson**. Larceny, stealing a cloak (value £1) the property of **J. Cook**.

James Lawenson, January 9. Orders of **Alexander Douglass**. Breaking from the **Toronto gaol**.

File 22-11. Filings.

Letter from **B. Tench** to **Charles Richardson**, Pelham, January 7, 1836. Enclosed are examinations and complaints for you for indictments. Case of **Eber Rice**: reluctance on the part of witnesses to disclose information, especially **James Conger**. There is enough evidence to convict. **George E. Phelps**, testimony that he brought a prostitute from Buffalo and harboured them in his inn. Is indicted for gambling and keeping a bawdy house, which is a breach of tavern regulations. Attend to this, he escaped once already. Was tried one or two sessions ago. The whole settlement of respectable farmers complain. In the case of **Hendershot vs. McGlashan**, I don't know much of it, parties bound to prosecute. You can scarcely make out this attempt at writing, I have been confined to bed nearly one month. Evidence of **James Conger**, Pelham, carpenter and joiner, January 5, 1836: he knows **Eber Rice**, innkeeper, Pelham. More than once he raffles for bridles, whips, money and liquor. He is generally peaceable. Kept an alley for playing at skittles or 9 pins. Females of bad fame from Buffalo were at his house, and Rice knew them to be improper. Recognizance to appear £10, taken January 6, 1836. Evidence of **David McAlpin**, Pelham, yeoman, January 5, 1836: there is improper noise and quarrelling at Rice's. He plays at raffling, dice and coppers, playing cards at the mill near his tavern. Bets for money, bridles, whips, one lost worth \$5.00. Has an alley for 9 pins. Three girls brought from Buffalo, they are not decent

and run about by day and night. Recognizance to appear £25. Evidence of **George E. Phelps**, Pelham, yeoman, January 6, 1836: there is raffling for money, knives and handkerchiefs. Rice played himself. Young women were brought there by Rice knowing they were prostitutes. Recognizance to appear £10. Grand Jury finds cause for complaint, January 13, 1836.

Jacob Hendershot, Pelham, innkeeper. Charged with keeping a disorderly house. Evidence of **Charles Thomas**, Pelham, yeoman, taken before **Tench** and **McGlashan**, January 5, 1836: There is drunkenness at Hendershot's. He once got a sheep as payment for liquor, and allowed the person to drink out the amount of the sheep. On January 1, 1836 he saw raffling for coppers. Recognizance to appear £10. Warrant issued to constables to arrest Jacob Hendershot, January 5, 1836. Petition attached: We are acquainted with Jacob Hendershot. His house is well kept, there is no improper conduct. Public houses are necessary for travelers, January 8, 1836. Signed: **William Wiers, George Cosby, John Cosby, John L. Clouse, Joseph Fretz, John Moore, Abraham Hall, Peter Snyder, [-----] Snyder, [-----] Cline, Henry Johnson, Henry Disher, Freeman Brady, Robert Waddel, Abraham Hendershot, William Lampman, John Moote, Daniel Moore, Patrick Mury, Peter Bradt, Lewis Collins, [Lorin?] Anger, John McCarthy, John Smith.**

Warrant issued by **John Mewburn** to **David Dunton** to apprehend **James Howe**, charge of larceny. **John Higsbee** of **Lundy's Lane** had his wagon and lines stolen, December 21, 1835.

File 22-12. Presentment.

Grand Jury have examined the gaol, find the apartments in good condition. The prisoners are well satisfied. The division between the debtors and criminals should be boarded up about 6 feet, as very disagreeable conduct is done by the criminals to their very great annoyance. [No date.]

File 22-13. Jail Records.

Dr. Porter. The gaol is unusually healthy. One case of rheumatism, two cases of psora, one case of syphilis. Three criminals were committed with severe wounds but have all recovered. The gaoler is commended for the cleanliness. There is a deficiency of straw for bedding.

Gaol Committee: charge for shoes, socks, shirts, jackets and bed ticks 10/-. Signed **Daniel McDougall, William M. Ball, Lewis Clement.**

George Wainwright, Niagara, yeoman. Is a close prisoner up on *mesne* process. Cannot procure bail. He is not worth the sum of £5. January 8, 1836.

Thomas Burns, St. Catharines, gentleman, attorney for the cause. Served a summons on **Mrs. Rolland Macdonald**, January 21, 1836. Before **Edward Clarke Campbell. Joseph Alley Clarke** and **Richard Atkinson Clarke** vs. **James H. Sears**. To show why the defendant should not be discharged from the custody of the sheriff for non-payment of weekly allowance. (**Thomas Butler.**)

File 22-14.

J.J. Lefferty, moves for a committee to examine the accounts and expenditures of the District from April 1829 to April 1836, dated January 12, 1836.

Robert Dickson certifies that **Charlotte Street** from **Butler's Barracks** to the road leading from the **West Line** past the **Court House**, and **William Street** from Charlotte Street to the Court House on my farm may be considered a public highway. Dickson relinquishes all claim to the right of the soil. (Signed **Charles Richardson**.)

List of those to perform Statute Labour on **Charlotte Street**: **Robert Dickson, Walter H. Dickson, John Kidd, Robert Mullighan, Edward Courtney, Edmund Wall, E.W. Edwards, William C. Stoneman, Steven Morris, William Morgan, John Joseph Henry Nevin, Edward Molloy, John Mandifield, Mary Stevenson, John** [-----], **John Franklin, James K.** [-----.] The Street Surveyor to allow the above to apply their labour to the work as aforesaid or commute the same.

The **Clerk of the Peace** ordered to communicate to the Lieutenant Governor regarding **William Forsyth's** application for an additional **ferry at Bertie**, plus the remonstrances of **James Kerby**. The court approves of the ferry as beneficial to the public. Licences for ferries ordered to be sold at Public Auction, January 12, 1836.

Committee of Accounts: **J. Keefer, John C. Ball, H. Nelles, John Alma, William M. Ball**.

£25 ordered to the **Clerk of the Peace** on account.

Jacob Henderson ordered discharged from recognizance, January 13.

The appeal of **Lieutenant General Murray** and **Job Chibbock** to be put off to the next court, January 13.

1½ lbs. of good beef to be added to the gaol allowance per prisoner per week.

Prosecution against **Adam Fralick** ordered to be put off to the next sessions, January 14.

Clerk of the Peace ordered to take joint and [-----] of **Johnson** and **Ralfe Clench** in eight quarterly payments with interest for £18 each payable to the treasurer. Bail of Johnson Clench as collector for the Town of Niagara in 1834 ordered released.

File 22-15. Petitions.

William Dickson. Is confined in gaol on a capital offence. Have been taken from my family and left destitute. Have one child and a wife who is ill due to an accident. The child has been brought to gaol and I have kept it for three or four weeks. If not for the charity of **Mr. Wheeler**, I must have suffered. One ration is insufficient. Pray for provisions for the child, January 11, 1836.

Prisoner's daily allowance is two pounds of bread and cold water. If not for the benevolence of the gaoler, the privation would be appalling. The prison is crowded, and we cannot expect the continuation of the kindness of the gaoler who is on limited income. Petitioners hope that their case "will meet advocates in the breasts of your worships which will plead more powerfully than any language they can offer." Pray for an inquiry into the insufficiency and increase our nourishment. Signed **Thomas B. Bartlett, Con Magerty, Patrick Donnelly, Thomas Clark, Henry Cragg, L. Lawrenson, William Dickinson, William Grogan, David Springstead, James Burniston, Aron Seely, John Hart, N. Miles, William Griffin**, January 12.

John Wray, market clerk. His salary is greatly inadequate to the expenses incident to his support however economical. Prays for an increase in salary, January 13.

Town of Niagara has purchased and settled on part of the lands of **Robert Dickson**. Inhabitants pay assessment rates and perform Statute Labour, but it is not equitably apportioned. The streets were only recently made public highways. The Statute Labour is applied exclusively to **Charlotte Street** and the adjacent streets. Signed **Mary Stevenson, John Kidd, Robert Milligan, Edward Courtney, Edmond Hall, C.W. Edwards, William** [-----], **Steven Morris, William Morgan, John Yoe, Henry Nevin, Edward Molloy, John Mandafield, John Finnister, John Franklin, James** [Krins?]

Petition of **William Forsyth**, Bertie, yeoman, to **Sir John Colborne**. Petitioner solicited for the **ferry** in front of his premises on the Niagara River opposite the flourishing village of **Lower Black Rock** on the American side. There is an extensive trade there at mills and manufacturing establishments due to water power which we are deprived of. The inhabitants must cross over to have their grinding, carding and fulling done. **Peter B. Porter** of **Black Rock** is about to establish a ferry which will land here, and is desirous to be met by someone on the Canadian side. It is of small pecuniary advantage but of great public benefit to intercourse “now so amicably carried on between the two countries.” September 27, 1835. Endorsed: **Government House**, November 11, 1835 referred to the Executive Council, signed **William Rowan**. Referred to the magistrates to report on, signed **Peter Robinson** and **John Beikie**, December 8, 1835. Petition signed by inhabitants: **Edmund Riselay, James Johnston, James Cummings, Philip Nigh, Jacob** [Nehur?], **Jacob Fullmer, Jacob Huffman, Nathan Beach, John Silverthorn, John Anger, Jacob Hughfansey, George M. Huffman, Peter Drummond, Walter Bowen, Philip Buck, Philip Walterhouse, Jacob Danner, Jacob Foreman, Peter Sherk, George Smith, Jacob J.**[Herimer?], **Christian Cider, Martin Climinhager, John Winger, John Troup, Jacob Davenport, Richard** [Gorsenk?], **William Buck, Michael Baker, Frederick Brennimen, Benjamin Beam, Willson Hawn, John Vanwyck, Benjamin Learn, Henry Zavitz, Christian Zavitz, Asa Schooley, Levi Schooley, George Benner, Daniel Anger, Michael Sherk, William Bowen, Henry Bowen, John Laur, Henry Laur, Charles Hibbard, Jacob Miller, John L. Palmer, Martin Everitt, Jacob Everitt, Calvin Goodenough, Abraham Wintermute, Levi Hodge, George Lutes, Reuben Wait, Robert Ingram, Abraham Beam, David Waggoner, Martin Shank, Jacob Morningstar, Andrew Miller, John Snider, Samuel McAfee, Peter Wintermute, Silas Carter, James Macklem.**

Petition of the freeholders of Clinton. Experience considerable inconvenience from traveling five miles to Grimsby for administration in judiciary exigency. Pray for the **Court of Requests** for Grimsby and Clinton to be disunited, and hold one at Beamsville. Signed: **Nelson Boughner, Timothy Hixson, James Freed, Daniel Wiers, Julius P. Hall, Erastus Darby, William Skelley, Patrick McGaw, John M. Marlatt, David** [Adorin?], **John Boughner, Daniel Smith, Jacob Beam, John M.** [Bastedo?], **Abraham Grobb, Rowley Kilborn, S. Walker, J.P. Walker, Samuel Corwin, Jonas Culp, Philip Gregory, J.B. House, D.W. Smith, John Beam, Jacob Rott, Marcus Dimon,** [-----] **Culp, Jacob B. Moyer, Solomon Hill, John McLean, Henry Rott, Robert Skelley, Jeremiah Simmerman, John Tufford,** [-----], **Nathan Gillmore, John H. Comfort, Leonard Tufford, Francis Comfort, Harmon Kilborn, W.G. Dickinson, Adam** [-----], **David Moyer, Samuel B. Moyer, Harmon Henry, Isaac Moyer, Henry Moyer, Samuel Houser, Jacob A. Moyer, Isaac Teeter, Joseph Simmerman, Samuel Houser, David Grobb, Joel Tallman, Isaiah Wardell, Jacob Culp, Jacob L. Moyer, Johan** [-----], **John Grobb, Russell Bush, Moses L. Couse, John Claus, Benjamin Woodruff, Robert** [-----], **Alonzo Grobb, John** [-----], **Ashley Hacket, Philip High, William Simmerman.** [Referred to the Court of Request.]

File 22-16. Precept.

Grand Jury: *James R. Henry, Harmon G. House, Cyrus Sumner, Jacob Beam, Nelson Boughner, John McLean, William Nickson, Robert Nickson, Ralfe Walker, John H. Kilbourn, Samuel Kitchen, Smith Griffin, John Hoover, Andrew Dean, Joel Snyder, Peter Snyder, Jacob Miller, Alfred McCarty, Angus McAffie, Henry Hudson, George King, George Hardison, William Buck, Jacob Wilson*, January 12, 1836.

Petit Jury: *John A. Smith, Philip Beamer, Henry Disher, John Sammons, Philip Wells, Peter Hostrasser, Cornelius Ryckman, David Crow, Joseph Henry, ~~Jaacob Kitchen~~, Abraham Meredith, James Paterson (sick), Israel W. Cook, Jacob Lodge, Ezra Smith, Joseph Merritt, Matthew Smith, Farrand Smith, Peter Lymburner, Aaron Melick, Joseph Melick, Henry Johnston, Jacob Hendershot, Jacob Crow, Daniel Wills, Philip Wills, George Secord, Nathan Hill, John Mingle, Adam Mingle, William Taylor, John McGregor, Adam Snyder, August House, Jacob Everett, Martin Everett, Andrew Miller, Abraham Hershey, Adam Dockstader, Henry Dockstader, ~~Gay Lymburner~~, Christopher Lymburner, Barton Farr, Frederick Windecker, James Thompson, Alexander G. Thompson, George Upper, Heron Thompson, Daniel Field, William Castleman, William Gillam, Thomas Lockhart, Arthur Philips, Joseph Thorn, Adam Brown*.

File 22-17. Road and Bridge Petitions.

Sheubel Park, Bertie, lot 5 Concession 16. Whole contains 75 acres, 13½ acres [for road?] February 28, 1817.

Petition to *Charles Fell* from the inhabitants of Cayuga. A road is needed from the *Talbot Road* on the south-west side of the Grand River to the *Rainham Road* near *Dunnville*, December 14, 1835. Signed: *Hiram Ferris, John Byrnes, [-----] DeCou, John DeCow, Philip Wilson, Rober DeCow, Hiram Gifford, Cas. Vanderberg, Peter Cater, Abraham Cater, Charles Edie, James Grainger, Henry Grainger, John Alair, Peter Alair, Caleb Turner, William Arderly, Charles Bloomfield, William Hodgkins, John Farr*.

Petition from the inhabitants of Cayuga. Benefit to His Majesty's subjects if a road is laid out on the southwest side of the Grand River from the *Talbot Road* at Cayuga and on or near the river bank to the *Dunnville or Dover Road*. The surveyor to lay out the same, January 4, 1836. Signed *Robert DeCow, William Hodgkins, David [Reid?]*

Petition to *George Augustus Ball*. Inhabitants pray for a survey of a new road in Grimsby on *Hambly's line* between Concessions 8 and 9 on the east side of a road past *John Harris'* to the line between Concessions 7 and 8. Signed *A. Adkins, Moses Travis, Thomas Adams, Elijah Urquhart, Cornelius Hill, Ralph Field, Matthew Tallman, Nathaniel Wardell, Peter Urquhart, [Absalom?] Urquhart,*²⁴ *William Snyder, Robert Wardell, Abishai Morse, Robert Adams, Jesse Baldwin*, November 10, 1835.

Petition from the inhabitants of Humberstone. A new road to be opened through the marsh from *Port Colborne* to *Fort Erie*. This would save travel distance from the *Sugar Loaf* settlement to *Waterloo*, and farmers taking grist to *Humberstone Mill* at Port Colborne. The road was surveyed and confirmed in Quarter Sessions, from lot 27 Broken Front (Port Colborne) to lot 20 Concession 1. To be 4 rods wide and partly ditched, has exhausted our funds. Pray for a sum of money to complete the road. Signed: *J. Black, David Morgan, Thomas Scott, J. Furry, Abraham Neff, Abner [-----], Owen [Fares?], Hiram Slate, J. Merritt, Emanuel Winter,*

²⁴ Or Abraham Urquhart?

George Storm, Jacob Neff, John Neff, William [Hobb?], William Huffman, Thaddeus Smith, James Stinson, Guy J. Atkins, John Robbins, John M. Wilson, [Francis Misener?], Robert Watson, H.B. [Ostrom?]

File 22-18. Road and Bridge Reports.

George A. Ball. A road on the line between Pelham and Louth from the west side of the township east to **Mountain Road** was laid over, opposition made to it. It was laid out from the west side of Pelham to the line between lots 16, 178 and 18 Concession 1. Surveyed June 15, 1835. The road across lots 19-23 in Concession 8 Louth is 33 feet wide. January 11, 1836. [Sketch attached.]

George A. Ball. A road in Grimsby on **Hambly's line**, between Concessions 8 and 9 on the east side of a road past **John Harris'** to the line between Concessions 7 and 8 is of the greatest public utility. No opposition over the road to date. Requisition received November 10, 1835. Notices posted December 11th. Report dated January 11, 1836. [Sketch attached, showing old road, new road, road to 30 Mile Creek, **Smithville**, 20 Mile Creek, spring, lands of **Mr. Hutt** and **Mr. Harris.**]

George Augustus Ball. Requisition for a road 60 feet wide dated September 4, 1835, notices posted October 10th, no opposition to October 13, 1835. [Sketch attached.] **Mr. Harris** objects, claims pay for land taken. Signed **John Bush, Henry Smith, Daniel Wilcox, Joseph Tremblay.**

Charles Fell, Pelham Square, January 9, 1836. Opened a road 66 feet wide in Cayuga, from the **Talbot Road** on the southwest side of the Grand River, then along the river to **Rainham Road** near **Dunnville**. Is on good ground, had to bridge a few ravines where water flows since construction of the **Dunnville dam.**

File 22-19.

Report of a District Common School established in the Township of Canborough on the Grand River County of Haldermand in the District of Niagara and Province of Upper Canada the 20th day of May 1835 under the tuition of **John Williams** a British Subject and kept until the 20th day of November 1835.

State of Learning.

| Pupils Names | Age | Spelling | Reading | E. Grammar | Writing | Arithmetic | Book Used |
|---------------------------|-----|----------|---------|------------|---------|------------|------------------------|
| Ann Connor | 17 | | X | X | X | | E.Reader ²⁵ |
| Millec. Lymburner | 12 | | X | X | X | | E. Reader |
| Alexandr Lymburner | 10 | | X | | X | | Testament |
| Peter Lymburner | 8 | X | | | | | Mavor |
| William Q[u]jider | 15 | | X | X | X | X | E. Reader |
| Burton Q[u]jider | 10 | X | | | | | Mavor |
| Avary Farr | 10 | | X | | | | E. Reader |
| Lucia Farr | 8 | | X | | X | | Testament |

²⁵ "English Reader."

| | | | | | | |
|----------------------------|----|---|---|--|---|----------------------|
| <i>Harley Farr</i> | 6 | | | | | Murr[a]y (Primer) |
| <i>Margaret Dockstader</i> | 10 | | X | | X | Testament |
| <i>Hanah Dockstader</i> | 8 | X | | | | Mavor |
| <i>Eliza Burnham</i> | 11 | | X | | X | E. Reader |
| <i>Abigail Burnham</i> | 9 | | X | | X | Testament |
| <i>Lucy Burnham</i> | 7 | | X | | X | Testament |
| <i>Jane Burnham</i> | 6 | X | | | | Murry |
| <i>Sandford Briggs</i> | 12 | | X | | X | Testament |
| <i>Clark Briggs</i> | 10 | | X | | X | Testament |
| <i>Elijah Hubbord</i> | 6 | X | | | | Murry |
| <i>Elizabeth Sanger</i> | 8 | | X | | | Testament |
| <i>Sarah Sanger</i> | 6 | X | | | | Murry |
| <i>Susan Ward</i> | 12 | | X | | X | Testament |
| <i>Elizabeth Ward</i> | 10 | | X | | X | Testament |
| <i>Easter Mathers</i> | 12 | | X | | X | E. Reader |
| <i>Robert Mathers</i> | 10 | | X | | X | E. Reader |
| <i>Elizabeth Dick</i> | 12 | X | | | | Murry |
| <i>Sarah Dick</i> | 10 | X | | | | Murry |
| <i>Margaret Farr</i> | 11 | | X | | X | E. Reader |
| <i>John Martijn</i> | 10 | X | | | | Mavor |
| <i>William Martin</i> | 8 | X | | | | Mavor |

Certificate. We the trustess of a District Common School established in the Township of Canborough on the Grand River in the County of Haldermand in the District of Niagara and Province of Upper Canada, Do certify that John Williams a British Subject has taught the aforesaid District Common School for the Space of six Months past commencing on the 20th day of May 1835 and ending on the 20th day of November 1835 having not had less than twenty scholars and hath well demeaned himself as a teacher and much to our Satisfaction. Given under our hands at aforesaid, the 21st day of November 1835. Signed *C. Lymburner* and *N. C. Briggs*, trustees.

File 22-20. Tavern and Shop Licences.

Patrick Nugent, St. Catharines. Has rented a house, wishes for a licence. Is honest and sober, industrious and well qualified. Is in the center of St. Catharines on the main street, has every requisite of sheds and stabling, January 14, 1836. Letter from *A. Macdonell* to *Thomas Butler*: applicant has a bakery in St. Catharines in *R. Campbell's* old stand. Use your influence, since the magistrates request that no further taverns be licenced. Petition from the inhabitants, sufficient licenced taverns in town. Signed *Samuel Dolson*, *John Smith*, *Luther Dyer*, *Walter Dittrick*, *Patrick McMahon*, *John Wright*, *John McDade*. The house lately occupied by *John Hart* as an inn ought not to be re-licenced to any person, signed *John Clark*, *William Hamilton Merritt*, *George Rykert*, *E.S. Adams* and *Henry Mittleberger*.

Letter from **Samuel Street** to **Charles Richardson**, Chippawa, Niagara Falls, January 4, 1836. Cannot attend the Sessions. The **Spiral Stairs** were taken in my name last year, the licence may be taken again in my name. The **Falls Ferry** licence issued for several years, **John Shelterburgh** is the tenant. No licence to issue.

Letter from **James Johnston** to **Charles Richardson**, Bertie, **Fort Erie**, January 4, 1834. Have received a complaint from **Cilas Carter**, one of the first settlers and a very respectable farmer, about **Joseph Oliver**. Oliver keeps an inn or public house about 7 miles above the fort on the Lake shore close to **Carter's Windmill**. Drunkards frequent there who are disorderly, the families suffer, and are an annoyance to His Majesty's subjects.

Letter from **Robert Grant** to the Chairman, Queenston, January 5, 1836. Is unable to attend the Sessions. A licence should not issue to **James Humphries** and **John Payne**. Their houses are unsuitable. Humphries got a licence improperly last year, and has made bad use of it by encouraging tippling and gambling.

File 22-21. List of Township Officers.

Return of Town Clerks 1836.

John Haun transmits list of officers to **Charles Richardson**, Bertie, 18 Jan. 1836. Meeting held Jan. 4th. Filed Jan 23rd. Held at **Jacob Willson's**. Chairman: **Dr. B.P. Hall**; clerk, **John Haun**; assessor **Jacob Dunclee**; collector **Jacob Willson**; pound keepers **Wm. Buck**, **Jacob Huffman Jr**, **George Hardeson**, **John Risely**, **Silas Carter**, **George Benner**, **John McMurry**, **Wm Barter? Baxter?** Commissioners: **Arthur Johnston**, **Edmund Risely**, **Richard Graham**. Overseers: **George Hardeson**, **Jacob Miller**, **Wm Buck**, **John Johnston**, **Wm Anger**, **Jacob Willson**, **Isaa S. Haun**, **Henry Teel**, **Lewis Palmer**, **Johoidah Schooley**, **Michael Bake**, **Philip Nigh**, **Willson Haun**, **Christian Herst/Heist**, **Geo Zavitz**, **Jacob Fretz**, **Jacob Burger**, **Peter Miller**, **Christian Cider**, **Rev J. Handerson**, **Geo Stevens**, **James Baxter**, **David Baxter**, **James Wintemute**, **David Creig**, **Isaac Morningstar**, **Samuel McAfee**, **Samuel Lap**, **Peter Shishler**, **Wm McMurray**, **Zachariah Teel**. Resolved: horses and rams not to run at large; bulls, sheep and hogs may run at large; fences to be five feet high; next town meeting held at Jacob Willsons.

Caistor, at inn of late **Solomon Soper?** **James Lymburner** in the chair. Clerk: **Jas Tisdale**, commissioners **John Merritt**, **John Lymburner**, **James Lymburner**; assessor & collector **James Tisdale**; Overseers of highways: **Abram Balm**, **Michael Lymburner**, **John Coon**, **Geo A. Bowman**, **David Sanford**, **John Fluellen**, **Caleb Travis Sr**, **John A. Stevenson**; pound keepers: **Merritt Johnson**, **Anthony Slingerland**. Resolutions: fences 5½ feet, space not exceeding 4" between four bottom rails; horses only to be restrained from running at large; next meeting to be holden at this place.

Canborough, 4 Jan. 1836: Chairman, **Joseph Brooks**; **Ezra Smith**, clerk; commissioners **Ferrand Smith**, **Jay J. Lymburner**, **Joseph Brooks**; assessor **Seth K. Smith**; collector **Samuel Birdsall**; overseers of highways: **Geo Johnson**, **Jacob Lutes**, **Jonathan Lounsberry**, **Aaron Mellick**, **Ross Birdsall**, **Jacob Follick**, **Francis Lambier**, **Joseph Merritt**, **Wm Birk**, **Christopher Lymburner**, **Barton Farr**; Pound keepers **Jay J. Lymburner**, **Joseph Brooks**, **Joseph Truto**; fence viewers **Christopher Lymburner**, **Barton Farr**, **Wm Fitch**, **Matthew Smith**, **Jonathan Lounsberry**, **Coonrad Titsingar**.

Dunn, Jan. 4, 1836 at **Mrs. Sarah Philpots**. Chairman **Frederick Hyde**; **Henry F. Sheehan**, clerk; commissioners **Walter B. Sheehan**, **A.P. Ferril**, **John Huggan**; assessor **Richard [Lattiman?]**;

collector *John Croker*; pathmasters: *James Blot, Frederick Hyde, Thomas Rymer, Abraham Moyer, Jeremiah Cronk, Jonas Furry*, poundkeeper at *Sheehan's settlement, John Low* poundkeeper from *Sucker Creek* to the Cayuga line; *Peter Hall* town warden; constable *John Steel*; Fences to be 5½ feet high, rails 4" apart up to the fence being 3 feet in height; horses to be free commoners except stone horses; pigs under 30 lbs not to run at large. Copy sent to "*William Richardson*, Clerk of the Peace," Jan. 23, 1836.

Gainsborough, Jan 4, 1836. *Daniel McCollom*, chairman; *Frederick McPherson* clerk; commissioners *Stephen Roy, John Moore, Leonard Haslep*; assessor *Gilbert Lane*; collector *Brainard Emmons*; overseers of highways: *Henry Gilmore, George Rosle, Thomas Hardy, Jacob Fisher, John Hover, John Robins, Nathias Haslep, Adam Dilse, Benjamin Brown, Levi Beamer, Jacob [Jarves], Joseph Lane, Abram Crow, Jacob Pattison, Rosiah Beamer, Charles Disher, Lewis Smith, Geo Yeocum, Joel Snyder, Adam Jones, Samuel Swawzey, Paul Horten, Lanslot Boosefield, Peter Cochel, Jacob Simmerman, Adam Snyder, Barney McCafrey, Daniel Foss, Calep Dawddy, Henry Beamer, Mikel Slow*. Pound Keepers: *Robert Comfort, Moses Gilmore, Peter Dilse, John Hover*. Fences to be not less than 5 feet, rails well fitted staked or locked; no horses to run at large; £1.5.0 paid for every *wolf scalp* destroyed.

York, Grand River, Jan. 9, 1836. Meeting held at *Thomas Helmer's*. *James H. Mackenzie*, chairman; *Joseph Young*, clerk; commissioners *Warner Nelles, Charles Bain, Robert Anderson*; assessor & collector *Wm. W. Nellis*; overseers of roads on the east side of Grand River: *Gustavus Bingham, James Smith, John A. Nellis, Wm. Truman, Richard Martan, Wm Till/Fell*; overseers of roads on the west side of the Grand River: *Thomas Taylor, John Nelles Sr & Nathaniel Dennis*; fences to be 5 feet, rails 4" for the first two feet; no stud horses to run at large from Sept. 1-Nov. 1; sworn before J.H. Mackenzie, Jan. 11/36. Received Jan. 12th, signed *Charles Richardson*.

Grimsby, house of *John Kimble*, Jan. 4/36. Chairman, *Dennis Woolverton*; clerk *Dennis Palmer*; commissioners *John H. Kilbourn, John Harris, Hiram Swayze*; assessor *John M. Camp*; collector *Daniel Palmer*; Overseers of highways *John S. Pettit, Alfred Buss, Henry Griffin, Dennis Woolverton, Wm Fisher, Ezekiel Russ, John F. Stewart, Wm Lawrence, Geo Althouse, John M. Camp, Robert Nelson, John Willcox, Moses Travis, Eli White, Wm Beemer, Merritt Travis, Ralph Fields, Abraham Urquart, Daniel Eastman, George Adams, Richard C. Griffin, George Muir, Wm Walker, Joseph Tremly*; pound keepers *Jacob Tufford, Henry Smith, John S. Pettit, Nathaniel Griffin, John S. Bush, Christopher Swackhammer*; fence viewers: *Wm Beemer, Ezekiel Smith, Robert Nixon, John P. Bridgman, Henry Smith, Elijah Harris, John M. Camp*. [List filed Jan. 23, 1836.]

Letter dated *Dunnville*, Feb. 1, 1833. *Alpheus St. John* (town clerk) to *Charles Richardson*. Town meeting was held for the lower part of Haldimand at *Widow Lawson's* on 7 Jan. Assessors appointed were *Wm. Mylne* and *Orson Phelps*. Sworn before *Edward Evans*, Feb. 2, 1833, filed Feb. 5, 1833.

Humberstone, meeting held at *Robert White's* inn, Jan. 1836. *James Black*, chairman; *Isaac H. Johnson*, clerk; commissioners *Benjamin Cutter, John Steel, Guy Spafford*; assessor & collector *Thadeus Smith*; overseers of highways: *Simon Hoover, Guy J. Atkins, Christian Knisely, David Ramy, Edward Greeson, Jonah Howey, Archibald Craig, Jacob Shield, Daniel McKay, Robert Cook, Christian Sherk, John Macklem, John House, Timothy Doan, Peter Troup, Jacob Cline, Abraham Schisler*; pound keepers *Nicholas Michael, Guy J. Atkins, Jonathan Steel, Jacob Stroam*; next township meeting to be held at the *schoolhouse* in lot 21

Con 2; horses and rams not to run at large; all other animals to be free commoners; fine for horses found at large 1/3- for every 24 hours; fences to be 5 feet, staked & ridged or locked and well railed. Jan. 14, 1836. Sent to **Charles Richardson**, Clerk of the Peace, Niagara. Filed Jan 23rd.

Clinton, held January 4, 1836. **Timothy Hixson**, chairman; **John Kilborn** clerk; **John Mc. Bastedo**, **Daniel Smith** and **Adam Simmerman**, township commissioners; **John J. Patterson**, collector and assessor; **John Lane**, **Harmon Henry**, **Henry Moyer**, **Thomas Walker**, **Isaiah Wardle**, **William Walker**, **Andrew Moore**, **Michael Funk**, **William Tallman**, **Robert Huntsman**, **Henry Book**, **Josiah Martin**, **Peter Simmerman**, **John Tufford**, **John Skelley**, **Francis Comfort**, **Nathan Gilmor**, **William Hagerman**, **Jacob L. Moyer**, **Isaac Tufford**, **Samuel Moyer**, **Benjamin Mitchner**, **Moses Grobb**, **Michael Rittenhouse**, **David Moyer**, **John Hipple**, **John Rittenhouse**, **Jacob Swartz**, **Tillman Moyer**, **Richard Doddy**, **James House**, overseers of highways; **George Book**, **Christopher Boughner**, **Adam Simmerman**, **Jonas Culp**, **James Henry**, pound keepers. Town laws: horses not free commoners; rams restrained from September 1 to December 1. Next meeting at John Mc Bastedo's inn, first Monday in January at 10 am.

Crowland, held at **Robert Doan's inn** on January 4, 1836. **Crowel Wilson**, chairman; **Peter Benedict**, clerk; **David Brown**, assessor; **Matthias Misner**, collector; **Crowel Willson**, **Henry Seger** and **William Kent**, township commissioners; overseers of highways: **James Rock**, **Alonzo Ewers**, **John Braly**, **Benajah Doan**, **Mark Current**, **Ira Bass**, **John Ramsden**, **Matthew Hudson**, **George Young**, **John J. Parker**, **Stephen Skinner**, **Captain Henry Buchner**, **Jesse Yokom**, **William Wilkins**, **Charles [Elias?] M. Bennet**, **Jacob Strawn**, **Andrew Elliot**, **Jacob E. Terry**, **Donald Sharp**, **Thomas Brackbill**, **John Stewart**, **George Hill**; Pound Keepers: **Isaac Dean**, **Jeremiah Misner**, **Andrew Vanalstine**. Fence Viewers: **Donald Sharp**, **Andrew Vanalstine**, **Leonard Matthews**, **Andrew Misner**, **William Current**, **John B. Buchner**, **Jesse Yokom**, **John Misner**, **Thomas Burger**, **Crowel Wilson**. Town laws: Bulls to be free commoners. Rams restrained between August 1 and November 20th, fine of 10/-. Rest of the town laws of 1835 to remain in force.

Grantham, held at **John Wright's tavern** on January 4, 1836. **William Hamilton Merritt**, chairman; **Charles Rolls**, clerk; **Cornelius Read**, **Walter Dittrick**, **Adam Stull**, township commissioners; **James Robertson**, assessor; **John Gilleland**, collector; overseers of highways: **John Haynes**, **John Wright**, **John F. Mittleberger**, **Horatio Nelson Perry**, **Aaron Havens**, **Samuel Pew**, **Isaac Cook**, **Walter Caver**, **David Besse**, **John Shaver**, **John Vanderburgh**, **John Lampman**, **William Price**, **John C. Hainer**, **Zalman Theal**, **Matthias Sutton**, **John Jenkins**, **Thomas Gilleland**, **David Cooper**, **James McKowan**, **Warner Jones**, **Daniel Cudney**, **Hiram Lambert**, **William May**, **Abraham Hosteter**, **Nelson Clendenham**, **Robert Townsend**, **Stephen Parnell**, **John Slingerland**, **Clement Dixon**, **James Bowls**, **Jacob Dittrick**, **Matthew Hunter**, **Joseph Webb**, **Solomon Simons**, **Jonathan Clenderham**, **Dr. Converse**, **Jacob Parks**; pound keepers: **David Cooper**, **Dr. Converse**, **Jeremiah Durham**, **George Besse**; fence viewers: **Jacob Hansell**, **Thomas Darling**, **William Seacord**, **William May**. Town laws: Horned cattle to run except in St. Catharines, to be shut up there between December 1 and April 1. Hogs may run at large except in St. Catharines, where they are to be penned up all year, fine of 5/-. Horses to be kept up in the entire township, 5/- fine; thistles and weeds to be cut down in the highway, and in fields before they come to seed except where it might injure the grain, fine 20/-.

File 22-22, Township officers (2) Louth-Walpole.

Louth, meeting held at **Frederick Sanderson's inn**. **Barnabas Gregory**, chairman; **James Secord**, clerk; commissioners **Daniel Gregory**, **Alvah Foster**, **John Plumerfelt**; assessor **Daniel Burch**;

collector *Jacob Snure*; pound keepers *John Seaborn, Peter Smith, Henry Disher, Wm Benner?*; overseers of roads: *John McCarthy, GH Kerr, Isaac Wismer Jr, Henry Pawling, Solomon Beebe, John Martindale, Adam Haines, James Johnson, John Sammons, D. Fritz, Barnabas Haines, James Smith, Reuben Runchy, Wm Benner, Daniel Smith, Jacob Overholt, Benjamin Pickard, Peter Cole, Moses Tufford, Peter Price, Daniel Bradt, Garet Schram, John [Grass?], Peter Bowman, Samuel Campbell, John Spence, Jesse Jones, Edward Keating*. Fences to be 5½ feet, well staked and ridered or locked at the corners; horses, unruly cattle, boars, rams and swine under 6 months of age not to be free commoners. Feb. 5/36.

Moulton and Sherbrook, Jan 4/36 meeting held at *Dunnville*. *Andrew Thompson*, chairman; *Alpheus St. John* clerk; commissioners, *Andrew Thompson, Aeneas J. McMillan, Wm Eyeress*; assessors *Richard Clarke*; collector *Cyrus Rose*; overseers of roads: *Robert Goldie, Joseph Montague, James Darrough, Eli Bristol, Wm Furry, Jacob Minor, Thomas Benson, Squire King, Wm James*; Poundkeepers: *Salmon Minor* (upper Moulton), *Jacob Niece* (lower Moulton & Sherbrooke); fence viewers: *Hiram Humphrey, Wm Orderly, Geo Dealy* (upper); *Jacob Niece, Henry Furry and Wm Chalmers* (lower); fences to be 5½ feet & staked and double ridered or cross locked; no stone horses over 1 year of age to run at large; all neat cattle to be free commoners; no hogs to run at large in Dunnville, and all hogs under 30 lbs not to run in the townships; hogs over 30 lbs to be free commoners except in Dunnville; all dogs to be confined until ordered to be freed by the commissioners, fine 5/- for the first offence, 7/6- for the second offence and so in like proportion for every subsequent offence, Jan. 20, 1836.

Town of Niagara, meeting held at *Peter Cain's*, Jan. 4/36. *Walter Willson* clerk; commissioners *Wm Woodruff, Lewis Clement, Wm Servos*; assessor *Ralph M. Clement*; collector *Wm D. Miller*; overseers of highways: *Loghlin Curry, Joseph Brown, John J. Brown, Chester Wadsworth, Nicholas Stephens, Joseph Wynn, Stouten Moore, Robert McKinley, Abram Ward, Joseph Collard, Geo Cain, Geo Upper, John P. Clement, Benjamin Marricle, Gilbert Anderson Jr, James Eskit, Wm M. Ball, John A Colby, John D Servos, John Whitmore, PM Ball, Philip Fisher, David Peterson, John Cain Jr, Bernard Shulters, Daniel Sturge, James Cushman Jr*, division #25-blank, *Henry Brown, Richard Eskit*. Pound keepers, *Matthew Dobie, Adam Brown, Abram Ward, James Cudney*. Horned cattle to run at large all season, hogs to run in the township but not in the town, sheep to run but rams not to run between July 1-Oct 1; goats not to run; horses over 2 years old not to run, fine between 1/- and £5, jackasses the same as horses; fence to be 5 feet staked and ridered; post and rail fence 4½ feet, stone fence 4 feet; Canada or Scotch thistle and other noxious weeds to be destroyed; pathmasters to keep a good railway or fenders over precipices; next meeting at *Gilbert Anderson Jr, Cross Roads, 4 Mile Creek*.

Pelham, meeting held at *Riceville*, Jan. 4/36. Chairman *John Davis*; *John Scholfield*, clerk; commissioners *Thomas Lockhart, Leonard Haney, John Snure*; assessor *Stephen Beckett, Joseph Wilson* collector; pound keeper *Peter Becket* (N½), *Isaac Wilson* (S½); fenceviewers: *George Oil, Joe Disher, Henry Snure* (N½), *Henry Disher, Samuel Tailor, Thomas Shaw* (S½); overseers of roads: *Wm Disher, David Martin, Joseph Disher, Daniel Wills, John Haney, Richard Ward, Jacob Osman, Henry Snure, Henry Johnstone, Jacob Slow, David Robins, George Slow Jr, David Bowman, Michael Thomas, George E. Phelpe* (N½); *John Culver, Philip Bowman, Ebenezer Haney, Joseph King, Simcoe Chapman, Wm F Swayze, Aron Lambert, Joseph Thorne, Jacob Tice, John Patterson, Nathan Wilson, George Oil, David Hendershot, Christian Brown, William Kelley* (S½); fence to be 5 feet staked or locked; all hogs to be free commoners except boars; horses not run at large; horned cattle to be free commoners except bulls; next meeting to be held at *John Culver's* shop near *James Dawdy's* tavern. Jan 7/36, filed Jan. 20th.

Rainham, meeting held at *James Stewarts*, Jan. 4/36, at 10 am. Adjourned to the *schoolhouse* "lately erected a few rods over from Stewart's house." *Wm H Harris*, chairman; clerk *James W. Perkins*; commissioners *Jacob Hoover, Peter Culver, John Bell*; assessor *Benjamin Hoover*; collector *Henry Miller*; overseers of roads: *Isaac Hoover, Henry Zimmerman, John Franklin, Joseph DeGoursey, Solomon Wardell, Francis Eberle, George Emerick, Isaac Camp, James Johnston, Henry Hoover*. Poundkeeper: *James Stewart*; fenceviewers: *Jacob Troup, Benjamin Hoover, Solomon Wardell*. Horses to be kept enclosed, horned cattle to be free commoners except when cross, unruly or dangerous; cross or unruly bulls, after notice, to be taken by the pound keeper, fine 5/- for first offence, 10/- for the second, 15/- for the third. Fence to be 6 rails high, staked & double ridged. A true copy, Jan. 11th, transmitted to *Charles Richardson*. Filed Jan. 23rd. Postage from *Dunnville* 4½ d, mailed Jan. 21st.

Stamford, meeting held at *Adam Fralicks, Drummondville*, Jan. 4. *David Lynch*, clerk; commissioners *George Rowe, Andrew Rorback, Archibald Thompson*; assessor *Wm McMicking*; *Jacob Garner*, collector; overseers of roads: *Benjamin Thompson, Lanty Shannon, RH Lee, Philip Millar Sr, John Thomas, Ogden Miller, James Biggar, James Lundy, John McClive, Wm Peterson, Robert Fralick, James Hardy, Wm Campbell, John Thompson, Benjamin Draper, James Thompson, Mathias Lampman, Thomas Garner, Henry Hoshal, Wm Pew Sr, Wm Biggar, Reuben Green, George Wright, Barnabas Fralick, Philip Garner, Joseph Day, Philip Bender, Hagia Skinner*. Poundkeepers: *Edward Durham, Isaac Chambers, Benjamin Corwin*; no horses to run at large, no hogs under 60 lbs to run at large, fences to be 5 feet. Filed Jan. 20th.

Wainfleet, meeting held Jan 4/36 at [Milton?] at *John Aiken's* inn. Chairman *George Bradshaw*; *Edward Lee*, clerk; commissioners *Leonard Misener, John Graybiel, Jacob Misner*; assessor *George Bradshaw*; collector *Jeremiah Forrester*; overseers of roads: *John B. Riley, Peleg T. Farr, Jesse Henry, Robert Miller, Abraham Angle, John Henderson, John Pettet, Joseph Priestman, Anthony Wills, David Moore, Francis [Sharram?], John Aikins, James Stone, Jacob Barrick, James Logan, Abraham Minor Jr, Stephen M. Farr*; fenceviewers: *Amos Bradshaw, Jacob Misner, John B. Riley, Stephen Willson, James Patterson, Hiram Willson, James Stone, John Graybiel, David Morgan*; poundkeepers: *Edward Lee, Henry Dell, David Furgison, William [Haris?]* Fences to be 5 feet, staked and ridged, well filled in with rails; horses to be free commoners; pigs passing thro' a 4 inch crack not to be free commoners. Jan 20th.

Walpole meeting: *David Long*, chairman; *David McFall*, clerk; commissioners *John Long, John M. Gow, Dorman Cooper*; assessor *Adam Harder*; collector *Frederick L. Gibbs*; overseers of roads: *George Loucks, David McF Field, John Vaughn, David Wood, Robert Long, Robert Howey, Josier Dennis, Josier Edsel, Hiram McDowl, Gasper Underhill, John Clark, Samuel Hoover, James Gillmore, Abraham Doan, Olevar Hodgeskinds*; poundkeepers: *George Waggner, David Wood, Nathaniel McCombs*. Copy transmitted to *Charles Richardson*.

Thorold, held at *Philander Bump's* tavern on January 4, 1836. *William McClelland*, clerk; *Robert Hobson, Benjamin Fralick* and *Henry C. Ball*, township commissioners; *Josiah Page*, assessor; *George Marlatt*, collector; overseers of highways: *John McGuire, Oren Theale, Isaac Head, Samuel Smith, Thomas Russell, John Couke, James Hagar, Abraham Brown, James Ker, John Radcliff, Robert Wilkerson, Jonas Fortner, Thomas Ellison, Peter Upper, Jacob Upper, David Damude, Jacob Lutz, Elisha Howell, Isaac Lacey, George Hill, Aaron Price, Richard Willson, Alam Marr, Benjamin Hill, Francis Forrester, John Jackson, John Hoover Jr, Joseph Meddaugh, Jacob Garner, William Orr, Jacob Vanderburgh*; Poundkeepers: *Jacob Upper Sr, Joseph Upper, John Terraberry, Isaac Lacey, Robert Spencer, Matthew Seburn*. Fence viewers: *Nicholas Smith, George Marlatt, Isaac Kelly, John Williams, Benjamin*

Fortner, Matthias Emerick Sr, James H. Smith, Josiah Page, Joseph Goodwille, John Hill, Robert Willson, George Hill, James Hagar, James Ker, Matthew Seburn. Town laws: Fences to be 4½ feet high, well filled with rails and staked or locked. . Cattle, sheep and hogs to be free commoners except horses, oxen, bulls, boars, rams and pigs under 30 lbs. Copy sent to **Charles Richardson.**

File 22-23, Township officers (3) Cayuga.

Meeting held at **Frederick Windecker's** inn, Jan 4/36. **Robert Freeman Cook**, chairman; **Robert Hay Bruce**, clerk; commissioners **Wm Hodgkins, Robert DeCow, David Reid**; assessor **Robert Griffith**; collector **Marcus Blair**; overseers of highways: **Henry Yocom, John Frey, John Allair, Harvey Gifford, Helmus Fredenburgh, Philip Wilson, Patrick Sullivan, Edm. DeCow, James Thorburn, RH Bruce, Oliver Burnham, Joseph Anthony, H.? Seaich, David McClung, Wm Bell, Wm Harvey, David Tail?**; poundkeepers: Frederick Windecker, **Hiram Gifford, George Campbell, T? Seaich, David Reid, David Huntsberger, Abner DeCow.** Lawful fence to be 6 rails high, staked and ridered, 5" between the lower rails and 5 ½ feet high. River to be considered a fence, to the extent of a rail where the water is 6 feet deep. Where the depth is less, the water fence to extend 40 feet into river. [Geese] not to be free commoners, Jan. 4th.

List of Cayuga householders: **Robert Freeman Cooke, Abner DeCow, Nicholas Lockie?, Peter Straten?, Thomas Gifford, Thomas Collins, Joshua Cater?, John Sinclair, Hiram Ferris, Wm Fradenburgh, Philip Wilson, Charles Edie, Henry Yocom, John Gray?, James Carney, Pattrick Sullivan, Caleb J. Turner?, Bosel Delair, John T. DeCow, Malachi Cater?, Jabish Smith, Harvey Gifford, John Crysler, John Norton, Benjamin [-----], Robt DeCeU, John Curly, David [Mitchell?], John [Byrnes?], Joseph Anthony, Olifer Burnham, Patrick Sulivan, James Karny, Wm Hodgkins, John Gifford, David Tole, Fred Windecker, David Reid, [----] Kay, [-----] Vanderburgh, Robert Hay Bruce.**

Cayuga, 11 Feb. 36. At a meeting of the Commissioners held 16 January, **Arthur Battersby** was appointed assessor and **Zechariah Bell** collector in stead of **DeCow** and **Windecker** who neglected to take the oath of office. **Mr. McDonnell** of **Hamilton** has given his opinion on the legality of the meeting. 4-5 men assembled on Jan. 4, 1834 for a meeting, to elect officers but they had no authority to appoint officers, had not been called by warrant or the magistrates, and no proper notice was given. The meeting held last Jan 4th must be viewed as the first in the township, **Allan MacDonell.** Letter signed by **Edward M. Stewart**, township clerk. Mailed from Hamilton, postage 4½ d.

Letter, Cayuga, March 12, 1836 re: the meeting held at **Frederick Windeckers.** From **Robert Hay Bruce** to **Charles Richardson.** **Robert Cook** was appointed assessor and **Abner DeCow** as collector.

Letter from **Robert Hay Bruce, Robert DeCeU, David Reid** and **Wm Hodgkins** to the Magistrates, The petitioners were elected at a town meeting, which was convened by order of the clerk. Several individuals were fined for not taking the oaths; petitioners are thereby prosecuted for trespass, allege the clerk had not sufficient authority to call the town meeting.

Meeting held 4 Jan 1836. **Zachariah Bell** chairman; **Edward M. Stewart**, clerk; **Marcus Blair, Robert Bruce** and **Leslie Battersby**, Commissioners; **Edward DeCow** collector; **Frederick Windecker** assessor; **George T. Campbell, Alexander Murphy, Thomas Hinds, Thomas Seaich, Mr. Reed** overseers of roads; Thomas Seaich poundkeeper; fence to be 7 rails high, staked and ridered if a common snake fence, and 5 feet; other fences to be 5 feet. 5 Jan. 1836.

Robert Hay Bruce to Clerk of the Peace, Cayuga, 4 Jan 36. Was appointed clerk at a meeting at **Frederick Windeckers** Inn, I now transmit to you a copy of the proceedings of the meeting.

File 22-24.

Elizabeth Campbell, Wainfleet. Charged with larceny, stealing one cloak (value 10/-) the property of **Jacob Cook**. True bill: **John McLean**, (foreman.) Witnesses: Jacob Cook, **David Thompson**. Verdict: "guilty," sentenced to two weeks in gaol, January 13, 1836.

File 22-25.

Jacob Carriher, Humberstone, labourer. Charged with larceny, stealing one axe (value 2/-) the property of **John Currant**, Crowland, yeoman, on November 18, 1835. True bill: **John McLean** (foreman.) Witnesses: John Currant, **Crowell Willson**. Evidence of John Currant taken before Crowell Willson on January 1, 1836: the axe was taken from the wood house or wood yard of deponent. Constable **William Vanalstine** searched. Through an interpreter he told deponent of the search. He (Carriher) bought 3 or 4 axes from behind a barrel and said he had no more. The witness saw an axe handle behind the fireplace which was his axe. The bed chamber was searched where J. Carriher's son was seated on a pile of clothes. They found the axe there. Another handle was put on his axe. Evidence of **William Gay**, Crowland, labourer: the axe belongs to Currant. Recognizance taken January 1, 1836: John Currant, William Gay and surety **David Miller**, £10 each. Plea: "not guilty." Verdict, "not guilty," January 13, 1836.

File 22-26.

Margaret Cochrane, Niagara. Charged with larceny, stealing 1 silver teaspoon (value 5/-) the property of **James Miller**, Niagara, innkeeper, on May 14, 1835. True bill: **George Keefer** (foreman.) Witnesses: James Miller, **Francis Proctor**. Warrant to apprehend Margaret Cochrane issued by **Charles Richardson**, July 17, 1835. Evidence of James Miller taken before **Daniel McDougall** on May 14: three silver teaspoons were taken. Concealed in the chest of his servant Margaret Cochrane at the old guard house on the beach. Search warrant and warrant for the arrest of Margaret Cochrane issued May 14. Evidence of James Miller taken before **John Alma**: deponent went with Francis Proctor and searched the house of **Patrick Harvey** on the fishing ground where the trunk of Margaret Cochrane was searched. One silver teaspoon was found which she took while she was deponent's servant, worth 5/-. Recognizance taken before Daniel McDougall on May 17: James Miller £20, Margaret Cochrane and Francis Proctor £3 each. Bench warrant issues, costs to the District.

File 22-27.

Elizabeth Cope, Stamford, *femme covert*. Charged with stealing promissory notes (5/-, 5/- and 10/-) the property of **Andrew Murphy**, on November 16, 1835. True bill: **John McLean** (foreman.) Witnesses: **Thomas Murphy**, **Dr. Mewburn**. Grand Jury presentment: there is sufficient evidence to indict Elizabeth Cope. Proved by **Jane Murphy** and **David Dunton** that Cope stole £1 from Andrew Murphy. Recognizance taken before **Daniel McDougall** on November 21: John Cope, Stamford, labourer, £20, sureties **David Smith**, Niagara, yeoman and **George Patrick Kinsley**, Niagara, labourer, £10 each. Recognizance of Cope estreated January 14, 1836.

Niagara District Quarter Sessions, April 1836.

File 23-1. Accounts.

Report of the Committee on Accounts.

Dr. Porter, quarterly salary for gaol attendance, £6.5.0.

Thomas Butler, 300 lbs. of beef for the gaol, £4.7.6.

Charles Freeman, charge to clean the stove pipes, sweep chimney and whitewashing, £1.7.6.

Isaac Levell, charge for attendance £3.

E.S. Wheeler, charge for services as turnkey, £14.12.6.

F.W. Gibbs, charge for beef for gaol, £2.14.7.

William Duff Miller, charge for an inquest on *Mary Cudney* and three children, February 12, 1836, £2.12.0.

J. Webster (carpenter) charge for making a coffin for *William Carroll*, December 18, 1835, 7/6-. (Certified by *William Duff Miller*, coroner.)

John Fagan, constable account, £3.19.11.

E.S. Wheeler, charge for straw for the gaol, £2.7.11.

J & R Wagstaff, tin kettles, tea pot, stove pipe and elbows for gaol, £2.13.1.

Bernard Roddy, constable account, £3.7.6.

William McKinney, constable account, 17/6-.

John W. Ball, charge for 15 cords of firewood and 12 bushels of potatoes, £10.10.0.

Charles Donalsen, charge for 15 cords of firewood, £9.7.6.

Luke Lawrence, constable account, 15/-.

David Smith, constable account, 15/-.

Sheriff's Account, £11.

Peter Wheeler, charge for boarding *George Burger* and *Samuel Hick*, £2.15.0.

Francis Proctor, constable account, £4.3.9.

Walter Willson, charge for socks, shoes, flannel, moleskin jacket, pantaloons and shirts for prisoners, £7.3.6.

Matthew Dobie, charge for handcuffs, repairs to hand irons &c, £2.2.6.

A. McKee, charge for services as crier, £1.2.6.

Lewis Donnelly, High Constable account £1.2.6, constable account, £2.17.6.

Lewis Donnelly, has served as High Constable with no remuneration. Prays for something for his trouble in attending, 7/6- per day, January 14, 1836.

George Clark, constable account, £1.0.6.

List of Constables at Court: **David Smith, Luke Lawrence, Joseph Pickard, James Harris, Emmanuel Hoover, Bernard Roddy, Henry Brown, Patrick Fynn**, £5.

William Roe, constable account 16/6-.

George Smith, constable account £1.2.6.

David Dunton, constable account £1.14.0.

Zephaniah Horton, constable account £3.12.0.

Robert Grant, Queenston: Paid **William Defield** 17/- to go to **Lockport** in pursuit of **Bartlett**, the murderer of **Darrow** in Clinton on July 20. He was an Englishman between 40 and 50, answering to the description, but was not Bartlett.

Warner Nelles, Nelles Settlement, Grand River, March 30, 1836. Costs to convey and commit an Indian to gaol on the charge of murder, £6.4.2. [Endorsed on verso "OUTLAWED!!!"]

Account of Rations Due the Gaoler of the Niagara District (Peter Wheeler) January 14-April 12, 1836. £79.3.11 [includes salary, candles for the gaol, washing, brooms for the cells, scrubbing the court, Candles for the court. Names of prisoners and date of commitment:]

Patrick Donley, January 14-April 12.

Fanny Hill, January 14-January 14.

Henry Craig, January 14-January 15.

Thomas Bartlett, January 14-April 12.

David Springstead, January 14-February 13.

William Grogan, January 14-April 12.

Con McGarrity, January 14-April 12.

William Dickerson, January 14-April 12.

Aron Seely, January 14-April 12.

Mary O'Brian, January 14-April 12.

William Griffin, January 14-April 5.

James Burniston, January 14-April 12.

Norman Mills, January 14-April 12.

Thomas Clark, January 14-April 12.

John Hart, January 14-April 12.

Elizabeth Campbell, January 14-January 27.

James Lawrenson, January 14-March 30.

Patrick Dowlin, January 31-February 18.

James D. Liscomb, February 3-April 12.

Edward Monagan, February 9-April 12.
Walter Manley, February 13-April 12.
Michael Marshall, February 17-April 12.
John Black, February 24-April 12.
Jacob Spansback, March 1-March 9.
Thomas Tobin, March 1-March 14.
John Murry, March 12-April 12.
John Cumpson, April 2-April 12.

File 23-2. Accounts/Cheques Issued.

Thomas Angleman (#35) 5/- per week to keep an insane person, total £3. April 14, 1836.

John Smith, Caistor. (#36) 10/- per week to keep an insane person, April 13, 1836.

T. Raymond (#37) 5/- per week to keep *Eliza M. Willson*, total £4.17.6.

Phebe Godell (#38) 10/- per week to keep a lunatic, April 13, 1836.

File 23-3. Assessment Records.

Willoughby Removals, 1835. April 5, 1836, *John* [*Lemon*, collector.] *Peter Colerick?*, *Anthony Coon*, *Edward Inman*, *Claude Miller*, *John McKerrall*, *Thomas Shotwell*, *Benjamin Colerick*, *Lewis Graham*, *Alexander Rollo*, *Ransom Hooper*, *Thomas Brooks*, *Silas Parks*, *Henry Rhal?* *Rhue?*, *James Simpson*, *Andrew Elliott*, £4.6.6. Sworn before *James Cummings*, 5 March, 1836.

Stamford Removals, 1836. *William Neville?*, *Jno Stotenbury*, *Alex Ogden*, *Dan Snively*, *John Smith*, *David* [Bright??], *Wilkison Bryan?*, *Dominick? Febra*, *Henry S. Abbing?*, *Rich. R----*, *Ira Cook?*, *Nathan Rudder?*, *Ira Thompson?*, *Thomas Pinter??*, ----*Foster*, *Charles D.* [*Powell??*] *John Lemon*, collector, before *R.M. Crysler*, 1 March 1833. £2.19.11.

Pelham Removals, by *John Schofield*, 28 Dec. 1835 before *John McGlashan*. *Noah Davis*, *Fred Gee*, *George Bush*, *Andrew Culburtson*, *Orine Beamis* [paid], *Spencer Daniels* [paid], *Wm. Grant*, *Benjamin Moulton*, *Asee Durham*, *Thomas Hunt*, *Samuel Clark* [paid], *Isaac Carns*, *John Franklin*. 12/-

Town of Niagara Removals, by *Wm. D. Miller*, 31 March 1836 before *R.M. Crysler*. £2.16.9. *Richard Ross* (to the US), *John Sherwood* (*Windmill*, *Martindale*, removed property), *John Beemis?*, on military land, taken possession by Govt, *Samuel Kilham?* (gone to US), *Richard Lewis Taylor* (removed from limits), *George Gallaway* (formerly occupied by *Mr. Fish*, gone to US); Township removals: *James Richmond* (removed from limits); *Thomas Trayer* (to Stamford), *Matthew Moore* (removed from limits), *James McClintie* (to Stamford), *James McClintie Jr* (to Stamford), *Hawley Williams*, to the Head of the Lake.

Louth Removals, *Jacob Snure*, March 1836 before *E.S. Adams*. *John Carpenter*, *Frederick Stein*, *John Bennet*, *Lacassale*, *Nadal Eastman*. [very faint, heavy water stains.]

Humberstone Removals, 12 Jan. 1836 by *Thaddeus Smith* before *D. McDougall*: *Wm. Roberts*, *H. [Brust?]*, *T. [Avery?]*, *J. Winslow*, *Ab. Seabrooks?*, *Joseph Simpson*, 10/3-.

Grimsby Removals, 7 Jan. 1836 by *Daniel Palmer* before *H. Nelles*: *Alexander Nelson, Alexander Rigs, Joseph Merritt, Gerard Sandford, James Burns, John S. Atwood, Charles Williams, Amos Thatcher, James Snowcroft?, John Donally, Alfred Harris, Charles Vickles, John Collins, John Vandun?, Daniel Bissell*, £3.19.4.

Gainsboro' removals, 12 Jan. 1836 by *Frederick McPherson* before *Jacob Keefer*: *Cooper Brooks, Thomas W. Adams, John Willson, Abitha Dike, John Brown, Nathaniel Robinson*, £1.13.10.

Crowland removals, 11 Jan. 1836 by *Matthias Misener* before *R.M. Cryslar*: *John Dean, Chambers Rutledge?, Noah Bellknapp, Thomas Atkins, Alfred Ellridge*, £1.12.8¾.

Clinton removals, 8 Jan 1836 by *John J. Patterson* before *H. Nelles*: *David Palmer, Abraham Moyer, Jacob Shinck?, John Huntsbury, Henry Weston, Josiah [Rider?]* £1.4.11.

Canboro Removals, 12 Jan. 1836 by *Peter Swick* before *John Alma*: *John Dent, Michael G[---]t, John Burger, Silas Hopkins, [Wm. Gracy?]* 16/3-.

Printed blank, Upper Canada, District of Niagara, Assessment for the Township of ---- for the year 18--. [verso: endorsed April sessions 1836.]

General Statement from April 1835 to April 1836. [lists aggregate assessments for the district townships, signed by *Wm. Clarke*, treasurer. Filed April 12, 1836.]

Statement of Taxes received for unoccupied lands from April 1835 to April 1836. Louth, Grimsby, Clinton, Crowland, Bertie, Pelham, Thorold, Stamford, Rainham, Canboro, Town of Niagara, Walpole, Gainsborough, Humberstone, Wainfleet, Cayuga, Caistor. Signed *Wm. Clarke*, 12 April 1836. [8 pp.]

Blank form (printed): Upper Canada—District of Niagara—Assessment for the Township of _____, for the year 18__.

File 23-4. List of Constables.

Stamford: *James Fido, Charles William Woodman, John Prouse, David Dunton*. (Recommended by *Ogden Creighton*.)

Gravelly Bay: *Emmanuel Hoover, Luther Boardman, Joel Skinner* (Recommended by *B. Tench*.)

St. Davids: *Luke Lawrence, Gilbert Anderson, George Clarke, Joseph Pickard, John P. [Hannett?]* (Recommended by *Hall* and *Butler*.)

Queenston: *Chester Wadsworth, William Wadsworth, John Haun*. (Recommended by *Mr. Keefer*.)

Caistor: *Emerson Bristol, John Clendenning*.

Gainsborough: *John Page, Hiram Brooks, Robert Smith*.

Smithville: *James Harris, Israel Durham, Albert Drake*. (Recommended by *Smith Griffin*.)

Lundy's Lane and Chippawa: *Alexander [----?----], Richard Russ, Adam Fralick, Walter Sparksman, Thaddeus Conklin*.

Clinton: *Erastus Darby, David B. Smith, Julius P. Hall*.

Grimsby: *Amos Farewell, Adam Duff, Smith Jackson*.

Thorold: **David C. Black**, **Thomas Mc[----?----]**, **Henry Hoover**, **George Shaw**, **Matthew Carroll**. (Recommended by **J. Keefer**.)

Pelham: **Zephaniah Horton**, **Thomas Smith**. (Recommended by **John McGlashan**.)

Fort Erie: **Robert F. Jones**, **Thomas Pearn**. (Recommended by **James Kerby**.)

Niagara: **Lewis Donnelly**, **David Smith**, **Joseph Pickard**, **Joseph Archer**, **Martin Kearns**, **Bernard Roddy**, **T. Dorrotty**, **Patrick Fynn**, **Donald McDonald**, **Henry Brown**. (Recommended by **Thomas Butler**.)

Grantham: **Henry Chapman**, **John Gilleland**, **Thomas Hannaghan**, **Patrick Nugent**. (Recommended by **Thomas Merritt**.) **Thomas Gilleland**, **Peter Young**, **Andrew Boyle**, **William Jenkins**.

St. Catharines: **Nelson Sanderson**, **Richard Forrest**, **Robert Campbell**, **John Messmore**.

Port Dalhousie: **Johnson Orr**, **George Flanders**.

Louth: **John Smith**, son of **Philip Smith**.

Letter of **P. Delatre** to **Captain Melville**, c/o **Mr. Lockhart**, Stamford, April 5, 1836: recommends **Charles William Woodman** of **Drummondville**, tailor. Appointed by **Ogden Creighton** for four months, favoured by **Rev. Leeming**.

Letter of **James Kerby** to **Charles Richardson**, **Fort Erie**, January 15, 1836: We are very much in want of a few good constables at this place. Please include **Robert F. Jones** and **Thomas Pearn** on the list, both good subjects of the Country.

Letter of **Henry Nelles** to **Charles Richardson**, Grimsby, April 12, 1836: Cannot attend the Sessions. Have enclosed names of constables. If **Smith Griffin** cannot attend, add the following on the list: **John F. Stewart** and **James Harris** (Smithville), **John Hedding** and **John Page** (Gainsborough) and **Robert Lymburner** and **Daniel Lewis** (Caistor.)

File 23-5. Convictions (**Jacob Keefer**, JP, Thorold.)

George Lodge, **Port Robinson**, mason. Charged with assault and battery against **Robert McGrath**, Thorold, labourer, on April 4, 1836. Lodge tore the clothes of the plaintiff, struck him with his fist on the face. Fined 5/- plus 15/9- costs, April 4, 1836.

Augustus Babcock, Pelham, blacksmith. On March 23, 1836 he forcibly and violently rescued and took from **David Clark Black**, bailiff of the **Court of Requests** (division 5), an axe, the property of **Luther Dyke** (taken by writ.) Fined 1/- plus 16/6- costs, March 28, 1836.

Henry Clement Fralick, Thorold, labourer/yeoman. Charged with assault and battery against **John Armstrong**, Thorold, innkeeper, at the **Beaver Dam** on February 16, 1836. Fralick seized plaintiff by the collar, threw him to the floor, and struck him. He forced his thumbs into plaintiff's eyes, and bit the flesh off his left hand. Fined £2 and £1.3.3. costs. Recognizance: Henry Clement Fralick £10, sureties **Street Chace**, Thorold, wheelwright and **Valentine Ward**, Thorold, millwright, £5 each. To keep the peace against John Armstrong for one year.

File 23-6. Convictions (**Mewburn**, JP, Stamford.)

John Murray, Falls, labourer. Charged with assault and battery against **John Higsbee**, farmer, at **Lundy's Lane** on December 1, 1835. Fined 10/- plus 10/- costs, December 12, 1835.

[**Ezra**] **Durham**, **Drummondville**, innkeeper. Charged with assault and battery and ill use against **William Pointer**, on February 15, 1836. Fined \$2 costs only, February 20, 1836.

Francis Dickson, St. Davids. Charged with assault and battery against **Thomas Bentley** at St. Davids on January 20, 1836. Defendant wasn't sober, and used violent and abusive language. Fined 5/- costs only, January 21, 1836.

William McGarvey, Chippawa, cooper. Charged with assault and battery against **Thomas Aikins, St. Davids,** tailor. Aikins was struck in the house of **John Gamble.** Fined £2.10.0. plus £1.0.6. costs, March 21, 1836.

File 23-7. Appeals.

Job Chibbock, Queenston, labourer, **Adam Brown,** Queenston, yeoman and **Thomas Thompson,** Queenston, gentleman. Charged with assault and battery against **John Murray** on September 5, 1835. Defendants threatened him with clenched fists, abusive language, seized him by the collar and forced him to quit the ferry boat where he was seated. Fined £2 and 19/6- costs before **James Robinson** and **Malcolm Laing,** October 5, 1835. Recognizance to appeal of Job Chibbock £10, and Adam Brown and Thomas Thompson £5 each. Conviction heard before **Robert Grant.** Lieutenant General John Murray called. Prosecution not forthcoming, the case was dismissed, April 12, 1836. Evidence of John Murray taken on October 4 before James Robinson: On September 8, 1835 he heard the bell of the steam boat "**United States**" and ran down at **Queenston Heights.** He supposed his family had embarked for **Rochester.** He was at the ferry at dusk but couldn't find the ferryman. There was a horse in a horseboat and a small boat made very fast. It was very warm and he took off his coat and threw it into the small boat. He went up to two houses and found the ferrymen at tea/supper. They said they would ferry me across when they had their tea. The first man came up and said I had insulted him. He abused me, called me a "scoundrel" and laid hold of me, dragged me out of the boat. I denied the insult but could not pacify him. The others in the boat said they were staying at a hotel in **Lewiston.** I said I would not trust myself on the river with him. I succeeded to join my party just before the steamboat left the wharf. No grounds for the insult, he said he was as good a man as me, and said "By God, I should get out of his boat!" The other ferryman says I had threatened to take the boat- I have no authority to do so.

Letter from **Robert Grant** to **Charles Richardson,** Queenston, December 18, 1835: List of convictions enclosed. **William Defield** for assault and battery against **Thomas Humphries,** July 21, 1835; **Isaac Lewis** for assault and battery against **William Defield,** October 26, 1835. Lewis to appeal his conviction. Recognizance of **Chibbock, Brown** and **Thompson** enclosed.

Richard Clement, St. Davids. Charged with assault and battery against **Joseph Thackray,** St. Davids, blacksmith, on February 18, 1836. Fined £1.5.0. (to be used on the highway) and 15/10½ costs before **J. Mewburn** and **Robert Grant** at Queenston on February 23. Recognizance taken February 23: Richard Clement and surety **Richard Woodruff,** yeoman, £10 each. Defendant discharge, recognizance of prosecutor estreats.

Joseph Middaugh, Thorold. Charged with assault and battery against **Joseph Thackray,** St. Davids, blacksmith, on February 18, 1836. Fined £1.5.0. (to be used on the highways) and 19/10½ costs, before **J. Mewburn** and **Robert Grant,** Queenston, February 23, 1836. Recognizance to appeal: Joseph Middaugh £10, sureties **Benjamin Middaugh** of St. Davids, yeoman, £10. Defendant discharged, recognizance of prosecutor and sureties estreat, April 14, 1836

Charles Freeman, Niagara, labourer. Charged with assault and choking **Mary Jupiter**, alias **Mary Fountain**, on March 31, 1836. Fined £1.5.0. plus 11/3- costs at Niagara, April 1, 1836. Recognizance taken before **Daniel McDougall** on April 2: Charles Freeman £10, sureties **Jared Stocking** and **Chester Culver** £5.

Isaac Hicks, Chippawa. Charged with malicious injury and spoiling the valuable dog of **Oliver T. Macklem**, on March 9, 1836. Hicks knocked out the eye of the dog with a stone. Fined £2.10.0. plus 15/- costs before **William Duff**, Chippawa, March 14, 1836. **George Smith** made a search and found no goods or chattels belonging to Hicks in the District. Recognizance to appeal made before **Daniel McDougall** on March 15: Isaac Hicks £10, sureties **Thomas Sharp**, Chippawa, labourer and **George Smith**, Chippawa, yeoman, £5 each. Evidence of **William Hepburne**: damage to the dog was £5. Evidence of Isaac Hicks: Macklem has an old drudge of a dog. He went to play with the dog one year ago, I put my hand on him and he bit me. If left alone, he would not have the better of me, I would shoot him if I had a gun. Case dismissed, April 13, 1836.

Sumner Stafford, Chippawa, carpenter. Charged with shooting the dog of **George W. Padden**, Chippawa, labourer, on February 29, 1836. Stafford find 25/- plus 27/3- costs before **William Duff**, Chippawa, on March 16, 1836. Evidence of George W. Padden, taken March 14: his dog was shot near the **Methodist Chapel** at Chippawa. Recognizance to appeal taken March 16: Sumner Stafford £10, sureties **Avery Gould**, Chippawa, blacksmith and **Thaddeus Conklin**, Chippawa, carpenter, £5 each.

File 23-8. Criminal Calendar.

Return of Prisoners Confined in Niagara Gaol (Peter Wheeler) April 12, 1836.

Debtors:

Samuel H. Brady, August 7, 1835.

Enoch Sills, September 5.

Charles Walsh, October 29.

William Holland, October 30.

Samuel Hick, December 5.

George H. Burgar, January 19, 1836.

Daniel Brown, March 26.

Prisoners:

Patrick Donley, September 6, 1832. Assizes. Murder.

Thomas B. Bartlett, orders of Samuel Wood. Under sentence.

William Grogan, October 11, 1835. Orders of **George Rykert**. Murder.

Con McGarrity, October 12. Orders of **William Duff Miller**. Murder.

William Dickinson, October 12. Orders of William Duff Miller. Murder.

Aron Seely, October 12. Orders of William Duff Miller. Murder.

Mary O'Brien, October 12. Orders of William Duff Miller. Murder.

James Burniston, October 20. Orders of **J. Keefer**. Returned from banishment.

Norman Miles, October 29. Orders of **D. McFarland**. Counterfeit money.

Thomas Clark, December 22. Orders of **J. Mewburn**. Stealing the horse of **Richard Savage**.

John Hart, December 23. Orders of **Samuel Wood**. Murder.

James D. Liscomb, February 3, 1836. Orders of **Daniel McDougall**. Larceny, stealing the boots of **John Milton**. (Sentenced to stand in the pillory.)

Edgar Monagan, February 9. Orders of Daniel McDougall. Larceny, stealing the boots of **Mr. Ferguson**. (Discharged.)

Walter Manley, February 13. Orders of **N. Pawling**. Want of bail.

Michael Marshall, February 17. Orders of Daniel McDougall. Larceny, stealing a pocket book containing £26.5.0. the property of **Jesse Candells**.

John Black, February 24. Orders of **Henry Mittleberger**. Stealing the horse of **Peter M. Fulkinson** of **Geneva**.

John Murray, March 12. Orders of J. Mewburn. Under sentence.

File 23-9. Filings.

David William Smith (attorney), February 12, 1836. **Mary Manly**, wife of **William Manly**, Grantham, labourer. He has taken security to keep the peace. They were married 20 years ago. Often in the course of their marriage he has in a barbarous and inhuman manner abused and ill treated her, and threatened to take her life. On February 10th he threatened to kill her, tore her clothes, threw her out of doors and dragged her by the hair. She is afraid of murder if she returns home.

Letter of **J.H. Mackenzie** to **Charles Richardson**, York, April 12, 1836: Letter was delivered by **James Fearman**, the principal witness in the larceny charge against **Thomas Tobin**. I could not get to Niagara today, but will be there Thursday. Evidence of **Murdo John Mackenzie** son of J. Mackenzie, merchant, taken before **Warner Nelles**, at York, Grand River, February 25, 1836: on February 24th pine lumber was stolen out of a partly finished dwelling house in the village. Search warrant issued for Thomas Tobin, carpenter, York. Evidence of **James Fearman**, York, Grand River, carpenter: Deponent is employed by **James H. Mackenzie** to make a bean for keeping flour in a partly completely dwelling of Mr. Mackenzie. He cut up the boards and left them in the house on February 24th, five or six boards were six feet long. They were gone on February 25th except for three. Can identify the two pieces. Evidence of Thomas Tobin taken February 25: has nothing to say. Recognizance taken of James Fearman, £20, Murdo John Mackenzie £25. Letter from J. Mackenzie to Charles Richardson, York, Grand River, February 29, 1836: Evidence is sent per **Thomas Helmer**, constable. Petty larceny is extensive here, something decisive should be done. The evidence is clear here. In the case of [**Frederick?**] **Wyndecker** vs. **Johnstone Kerr** for taking \$50 from Wyndecker's bar. The day he was to have gone to Niagara, although in the custody of the constable, he cleared off and hasn't been heard of. He was on horseback when taken at [**William?**] **Orderly's Tavern** at **Dunnville**. Have since sent for the horse while the decision of the court is awaited, but Orderly refuses to give it up. What force can be used to compel him to give up the horse? Does Kerr's flight constitute him a felon? Recognizance taken before **Daniel McDougall**: Thomas Tobin £20, sureties **Lewis Clement** and **Daniel McDougall**, Niagara, £10 each. *Nolle prosequi* ordered, recognizance of prosecutor estreats April 14, 1836. Defendant discharged.

File 23-10. Assize Filings.

Recognizance taken before **John Cleveland Green** on April 8, 1836: **James Gordon**, Stamford, gentleman, £20 and **John McMicking**, Stamford, gentleman, £10. Bound to appear at the court of *Oyer and Terminer* against **John Moore**, Stamford, charged with felony.

File 23-11. Presentment.

Grand Jury visited the gaol. Found expressions of satisfaction by the prisoners regarding the personal deportment of the gaoler, supply of rations and cleanliness except by **Aaron Seely** and **Thomas B. Bartlett**. These prisoners are confined under the undue rigor of close confinement. Five or six quarts of spirituous liquor taken to the gaol daily, consumed by prisoners and inebriety is produced. Those who won't drink are ill-treated by their fellow prisoners. Disquietude and

disruption ensues and conspiracies are formed that have resulted in placing the complainants in close confinement. The complaints are a fair subject for enquiry. The *Gaol Committee* should be enlisted on their behalf with a view to a strict eye for the security of inmates, April 14, 1836.

Richard Forrest, to be allowed 5/- per week for *Francis Lynch* (insane.) April 12, 1836.

File 23-12. Jail Records.

Dr. Porter, surgeon. There are several cases of illness in the gaol, none serious except one debtor, ill since March 1st. He required daily care but is now recovering. Cleanliness: there should be an additional allowance for bedding, washing should be continued. There is an annoyance from the criminal side of the prison caused by noise, which is especially annoying to the sick. This is "an evident intention to annoy." Should take measures to suppress such a cruel annoyance. April 12, 1836.

File 23-13. Non-Conformist Applications.

Credentials of John Oakly's ordination as a Minister of the Everlasting Gospel of Jesus Christ. Regular Baptist Church in Clinton, February 11, 1836. *John Harris* (moderator) and *David Currey* (clerk.) [File contains the minutes of ordination.] Signed by Townsend 1st Elder John Harris, and brothers *Henry Beemer*, *John Olmsted* and *Ziba William Canfield*; Townsend 3rd Elder *Jacob Cole*; Rainham, *Isaac Root*, *Isaac Overholt* and *James Soper*; Grantham, David Currey, *George Havens*, *George Wilson*; State of New York, *Reuben Winchell*; Lockport, *Orville White*, *Philo Smith*; Lewiston, *James R. Eldridge*, *Elijah Eldridge*, *Arthur Gray*.

File 23-14. Orders.

Clerk of the Peace ordered to make the precept, April 14, 1836.

The *Gaol Committee* ordered to make alterations in the Court on the west side similar to the Petty Jury on the east side.

Clerk of the Peace ordered to examine the assessment rolls, make out duplicates and deliver them to the collectors. 1d in every £1 ordered to be levied.

Ordered that charges against *Warner Nelles* in the Grand Jury presentment be transmitted to the Lieutenant Governor.

The same allowance of beef ordered for the prisoners.

A presentment regarding a *judge of the District Court* residing without this District to be concurred in and transmitted to the Lieutenant Governor.

Constables ordered to give notice that all *dogs* are to kept up for one month. Any found running at large are to be destroyed by the constables with no prosecution. The present notice in the paper withdrawn, and 200 handbills be printed concerning the same.

£5 ordered to the *Sheriff* for stationery.

A lunatic woman kept by **John McGaw** is a foreigner. Ordered that she be sent back to her native United States instead of provisioning for her here. April 14, 1836. Copy of order transmitted to **Edward Evans** and carried into effect.

John Gibson, collector for Grantham. List of those delinquent in the assessment of 1834: **William Butler, John Ryan, E. Porter, Mr. Killman, George Brown, Spencer Townsley, Mr. Delater, Henry Doran, Thomas Livers, William Howell, James Kirby, Daniel Bissel, John Voorhies, Edward Condon, Samuel Kerr, Thomas Martin, William Maccium, Peter Warren, David Lyons, Charles Donaldson, E.B. Perkins, Lorenzo Wilkins, James Evans, Alexander Rodney**. Total £5.13.11½. Order: credit the collector of Grantham for the within amount for 1834. Before **E.S. Adams**, February 23, 1835.

Committee of Accounts have had insufficient time to report, ordered that they be reported in the next Sessions.

Clerk of the Peace ordered to communicate to the Lieutenant Governor regarding a proper officer to give an opinion to the court on notices served in cases of appeal under summary punishment.

The petition of **Cyrus Smith** referred to **George Adams, Nathan Pawling** and **Thomas Merritt** for examination and referred.

Elijah Harris, Grimsby, April 12, 1836: **George A. Ball, surveyor of Highways**, declined to survey in that capacity and left the western part of the District destitute of a surveyor. Petitioner will accept the position. Approved, Harris appointed Land Surveyor at his expense.

Clerk of the Peace ordered to communicate with the Lieutenant Governor concerning **James Burniston** and ascertain his pleasure.

7/6- ordered *per diem* to the **crier**.

Committee ordered to examine the **Township Officers Act** and law respecting applicants. To report thereon tomorrow morning. **Daniel McDougall, Lewis Clement, John Alma, Ralph M. Crysler**.

Ordered £25 reward for information on the robbery of **Daniel McDougall's** office, on April 1st or 2nd, 1836.

Committee to Examine and Correct the Assessment Rolls: **Thomas Butler, Daniel McDougall, John Alma, Lewis Clement, George Rykert, Robert Melville**. Ordered to employ a competent person to correct the same.

Ordered that a Committee of three investigate and report upon the amount of expenditures and monies collected &c, between April 1829 and April 1836. (Signed **John J. Lefferty**.)

File 23-15. Petitions.

Dr. Francis Benedict, Crowland. Prior to the late War with the United States, he did practice physic, also during and since the War. Signed **John Hellems, Jacob Current, Jonas Yokom, Stephen Skinner**, April 3, 1836. Certificate of **Thomas Dickson**: Dr. Francis Benedict of Crowland took the oath of allegiance April 29, 1812.

Peter Wheeler, Keeper of the Gaol, January 14, 1836: Due to the clemency bestowed on prisoners for capital offences, by an addition to their food, an extra duty devolves on me in cooking and distributing it. I have engaged an extra servant, therefore prays for an annual amount equal to an extra servant. [Petition ordered to lie over, referred to the *Gaol Committee*.]

Hiram Vinica has been 5 weeks and 5 days at the home of **John McGaw**, Walpole. He is insane and unable and incapable of taking care of himself to the great inconvenience of McGaw and his family. Petitioners pray for remuneration for McGaw, April 9, 1836. Signed: **Daniel Hoover, Calvin Gates, Jeremiah Martin, Edmund Pugsley, Robert Smith, John Vaughan, George Waggoner, Frederick Gibbs, John [Histont?], Joseph Doan, Silas McCaully, John Long, Jesse Owen, Abraham [-----], Leonard Yager, William Gilmore, James Ross, Joshua Dougall, James Smith, Joseph Stiel, Jacob Swarts, Edward Evans, Abraham Doan, Ellis Buckley, John Evans, John Cooper**. Recommended by Grand Jury, April 12th, signed **R.M. Long** (foreman.) Remuneration 10/- per week, Vinica ordered to gaol.

Charles B. Secord has been put into serious inconvenience and great expense due to an order from **Sir John Colborne** to establish an office for the *registrar of the Surrogate Court* at the town of Niagara. He is obliged to rent office space. The small emoluments from the office are further diminished by rent. Prays for an allowance for rent, April 1836. Order from **William Rowan, Government House**, Toronto, November 27, 1835. To Charles B. Secord, Queenston, office of the Surrogate Court Registrar to be established at Niagara. [verso endorsed "rejected."]

Petition from the inhabitants of Crowland, Humberstone, Wainfleet, Thorold and Pelham. Petitioners are located between 12 and 25 miles from a licensed physician. The newness of roads and the lowness of the country are almost impassible in the wet season. Pray that **Dr. Francis Benedict** be licensed to practice. He has been a successful practitioner here for 20 years "and a blessing to the poor people who are unable to pay the great charges of physicians from Niagara or Stamford." He is nearly 60 years old. Local prejudices and circumstances have hitherto excluded him from practice in his own name. March 8, 1836. Signed: **J.A. Wilford, Thomas Rock, Samuel Rock, Henry Buchner, David Buchner, Frederick Buchner, John Lemon, William Current, Alexander McKinney, Jonas Yokum, Henry Seger, John Hellems, Smith Shotwell, Joseph Burgar, Jacob [Yainer?], Peter Weaver, David [Kinser?], John Taylor, John Stoner, Elias McKearns, Jacob Lunn, Nathan Buchner, Martin Buchner, James Ekins, Lewis Willson, Willson Doan, Eli Doan, Solomon [Drew?], John Vannatter, George Bradshaw, John Weaver, George Augustine, Jonas Michener**. (Certificate issued April 1836.)

File 23-16. Precept.

List of Grand Jurors compiled by **Daniel McDougall** and **John Alma**, February 17, 1836 for sessions on April 12th.

Grand Jury: **John C. Davis, John McCarthy, Samuel Darling, John Darling, John Davis, John Cayler, John F. Mittleberger, Thomas Kelley, John Bassett, John Mittleberger, Samuel Dolson, Hiram Slate, Barnabas Gregory, Daniel Gregory, Jacob Johnson, John Wright, Cyrus Smith, Jacob Hainer, John L. Burns, David Price, Ralph M. Long, James Ralston, Andrew Heron Jr, John Wagstaff**. (Certified by **Alexander Hamilton** and **A. McLeod**.)

File 23-17. Road and Bridge Petitions.

To **Charles Fell**. Petitioners around the *Nelles Settlement*, Haldimand, pray for the survey of an alteration in the road from **Dam #4 to Brantford**, from **McComer's** house to **Crawford's**, then up

hill to Brantford, in order to straighten the same. April 6, 1836. Signed: **Warner Nelles, Robert Anderson, Thomas Helmer, William Fearman, Thomas R. Felton, William Dockstader, Charles Bain, William Dennis, Joseph [Zavitz?], [Ithamer Shum?], John Nelles, Richard Martin, J.H. Mackenzie.**

Petition from JP's and inhabitants: **Lyon's Creek Road** was confirmed and established as a public road in November 1835. Pray that the grant of one **Seger** be done away with, who in January 1836 claimed damages for water privileges under a deed which he never had. He enjoys the road from Concession 7 in Crowland to **Chippawa**, 12 miles, and never paid any damages. April 11, 1836. Signed: **J. Black, Thomas Merritt, Thomas McChesney, James Ekins, William Waud, John Waud, Thomas Scott, Trevor Murray, Eber [Hilliard?], Michael Disney, Henry McCormick, G. [Bradning?], John Conklin, [Stollman B. Nims?], John Merritt, John Ewing, Daniel G. Waterhouse, James Stinson, John Lewis, William Martin, John Hoover, John Wingston, Benjamin Sheppard, John Thompson, Thomas Martin, Benjamin Schooley, Mahalon Strawn, Thomas Todd, James Wilson, William McCaw, John McCaw, James [-----], Henry [McKeever?], William Bell.** [Rejected.]

File 23-18. Shop and Tavern Licences.

Letter from **John Jordan** to **Charles Richardson**, Niagara, April 5, 1836. Enclosed is a statement of shop, tavern, and still licences issued since January 5th.

Statement of Tavern Licences Issued by Jno. Jordan, Inspector, from 5th January to 18 Jany. 1836.

Tavern Licences.

Date: January 5th.

Name: **Ths. Search**²⁶, Haldimand, fee £3.10; **Delly Coleman**, Thorold, £6; **Wm. Bell**, Thorold, £6; **Syl. Clevaland**, Thorold, £6; **Lawrence Furry**, Haldimand, £3; **Rt. White**, Humberstone, £4; **Jno. Eaikins**, Wainfleet, £3.10.0; **Rt. Slater**, Stamford, £6; **Richd. McGuire**, Haldimand, £4; **Eber Rice**, Pelham, £4; **Jno. McDade**, Grantham, £4; **A. Upper**, Thorold, £4; **David Humsberger**, Haldimand, £3.10.0; **Jno Smith**, Grantham, £6; **Ths. McChesney**, Humberstone, £5; **Jno. Wright**, Grantham, £6; **Jno Mc Bastedo**, Clinton, £5; **H.G. House**, Clinton, £5; **Jno Huntly**, Thorold, £6; **Jas Hurst**, Thorold, £4; **M. Dorshimer**, Stamford, £4; **Jas Farman**, Bertie, £4; **Lewis House**, Willoughby, £4; **P.D. Buchman**, Chippawa, £6; **Jas. Dowdy**, Pelham, £4; **Jac. Bowman**, Gainsboro', £3.10.0; **Rt. Patteson**, Haldimand, £3.10.0; **Benjm. Woodruff**, Clinton, £4; **Ths. Read**, Grantham, £4. Total £131.10.0.

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Brot Forwd £131.10.0.

Joseph Brooks, Canboro', £3; **Rt. Wier**, Haldimand, £3; **Luther Dyer**, Grantham, £6; **Jno. Null**, Rainham, £3; **Aaron Doan**, Humberstone, £4; **John Evans**, Walpole, £3; **Saml. Steel**, Haldimand, £3; **Bartemus Faro**, Haldimand, £3.10.0; **Saml. Russ**, Grimsby, £4; **Peter Cain**, Niagara, £6; **Saml. S. Moore**, Grimsby, £5; **Jno. Marlatt**, Grimsby, £4; **Jno Kimble**, Grimsby, £5; **Pat. Kenny**, Niagara, £6; **Ed. Dyer**, Niagara, £6; **Sarah Clement**, Township of Niagara, £4; **Jno McCarthey**, Louth, £4; **Wm. Dittrick**, Grantham, £6; **Geo. H. Kear**, Louth, £4; **Murray Hall**, Humberstone, £5; **Jas. Lennox**, Niagara, £6; **Jas. Oswald**, Stamford, £5; **G. Anderson**, Township of Niagara, £4; **C. Wadsworth**, Queenston, £5; **Ths. Humphries**, Queenston, £5; **Joseph Wynn**, Queenston, £5; **Jas. Goslin**, Niagara, £6; **Jno. Graham**, Niagara, £6. Total £261.0.0.

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Brot Forwd £261.0.0.

²⁶ The name appears to be "Seach" in the original document.

Henry Disher, Louth, £4; **Crouch & Press**, Niagara, £6; **Fred Gibbs**, Wapole, £3; **Josiah Starkie**, Stamford, £3; **Mrs. Sophia Cooper**, Caistor, £3.10.0; **Jas. Gay**, Grimsby, £4.10.0; **Jas. Moss**, Haldimand, £3; **Richd Wood**, Grantham, £4; **Saml. Thorold**, Township of Niagara, £4; **Jno. Graybiel**, Wainfleet, £3.10.0; **Richd. Hannah**, Crowland, £3.10.0; **F.W. Sanderson**, Louth, £4; **Ths. Bryant**, Haldimand, £3.10.0; **C. Young**, Haldimand, £3.10.0; **Jno. F. Stewart**, Grimsby, £5; **Geo. Kitson**, Stamford, £4.10.0; **Adam Brown**, Louth, £4; **Jac. Wilson**, Bertie, £4; **Hy. Hudson**, Willoughby, £4.10.0; **Jac. Hendershot**, Pelham, £3; **Martha Cook**, Thorold, £4; **Jno [Buss?]**, Clinton, £4; **Pat McMahon**, Grantham, £6; **Mrs. P. Farr**, Haldimand, £3; **Fred Windecar**, Canboro', £3.10.0; **Aron Melick**, Canboro', £3.10.0; **C. Sensibaugh**, Wainfleet, £3.10.0; **C. Lymburner**, Haldimand, £3.10.0; **Barnard Roddy**, Niagara, £6. Total £376.0.0.

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Brot Forwd £376.0.0.

Shop Licences [all shop licences on this page cost £5.]

Jno. Hoover, Grimsby; **Davd. Thorburn**, Queenston; **Richd. Woodruff**, St. Davids; **Wm. Woodruff**, St. Davids; **Jas. Kerr**, Grimsby; **Jno. L. Burns**, St. Catharines; **Jno. Durward**, Niagara; **Jas. Moss**, Haldimand; **Jas. Osborne**, Clinton; **Wm. Offord**, Stamford; **Jno Mc Hoggan**, Haldimand; **Wm. C. Chase**, St. Catharines; **Wm. Hepburne**, Chippawa; **Jno. Robertson**, Chippawa; **Peter Drummond**, Niagara; **Jesse H. Lacey**, Port Robinson; **Alexr. Douglas**, Fort Erie; **Gilbert McMickin**, Chippawa; **Woodruff & Lowell**, Drummondville; **Bain & Stewart**, Haldimand; **Rikert & Compy.**, Grantham. Total £481.0.0. Signed **Jno. Jordan**, Inspector, Niagara District, 5th Apr. 1836.

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Statement of Tavern Licences Issued by Jno. Jordan, Inspector, from 18th January to 4th April 1836.

Tavern Licences.

January 19th.

Jno. P. Hannett, Niagara, £4; **Jno. Milton**, Niagara, £4; **Elijah Armstrong**, Township of Niagara, £4; **Martin Cairns**, Niagara, £6; **David Cooper**, Township of Niagara, £4; **Mrs. McArdle**, Niagara, £6; **Joseph Archer**, Niagara, £6; **Jabez Johnson**, Township of Louth, £4; **Robert Miller**, Niagara, £6; **Jas. Miller**, Niagara, £6; **Walter Elliot**, Niagara, £6; **Jno. Webster**, Niagara, £6; **Josiah Brown**, Niagara, £6; **Geo. Cook**, Niagara, £6; **Ths. McMahon**, £6; **Obediah Vanderburg**, Thorold, £6; **Paul Horton**, Gainsboro', £3.10.0; **Peter Muisner**, Willoughby, £4; **Jno W. Lewis**, Bertie, £4; **Kenneth Maxwell**, Bertie, £4; **Wm. Fitch**, Canboro', £3.10.0; **Jno. McGarvey**, Stamford, £4; **Benjm. Tomlinson**, Township of Niagara, £4; **Matthew Seburn**, Thorold, £4; **Heny. Sloan**, Dunnville, £3.10.0; **David Price**, Humberstone, £4; **Peter Buckbee**, Township of Grimsby, £4; **Johnson Orr**, Grantham, £4. Total £145.10.0.

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Brot. Forward £145.10.0.

March 26: **William Moffatt**, Niagara, tavern, £6; **William Anderton**, Township of Stamford, tavern, £6.

March 28th: **Jno. McLaughlin**, Township of Stamford, tavern, £6; **Jas. Humphries**, Queenston, tavern, £5; **Hoover and Ramsay**, Thorold, shop, £5; **Saml. Falconbridge**, Drummondville, shop, £5; **Jno. G. Stockly**, Allanburg, shop, £5; **Benjm. Chadwick**, Drummondville, shop, £5; **Nelson Forsyth**, Bertie, shop, £5; **Nicholas Mattingberg**, Bertie, shop, £5; **Jno. Fleet**, Stamford, shop, £5; **Wm. Duff**, Chippawa, shop, £5; **J. Dittrick & [Chisom?]**, Dunnville, shop, £5; **Andw. Thompson**, Dunnville, shop, £5; **Duncan McFarland**, Port Robinson, shop, £5; **Hy.**

Mittleberger, St. Catharines, shop, £5; **Jno. Vanhosen**, Dunnville, tavern, £5; **Lewis Donnelly**, Niagara, tavern, £6; **Jno. Kirkpatrick**, Chippawa, still, £12.10.0; **Jacob Lodge**, Grimsby, tavern, £4; **Hy Adley**, Thorold, tavern, £3.10.0; Last years licences incd. after my return, **Wm Offord**, Stamford, £2.10.0. Total £262.0.0. Signed **Jno. Jordan**, Inspector, Niagara District, 5th Apr. 1836.

James Foley, St. Catharines, labourer. Prays for a licence to keep a house to sell ale, beer, cider etc. Sign of ale and beer. Recognizance of Foley and surety **Benjamin Draper**, Stamford, £10 each. Before **Henry Mittleberger** and **E.S. Adams**, January 30, 1836.

Elias Braley. Possesses a commodious house in Crowland at the junction of the **Welland Canal**. Is well adapted for the use of travelers, an inn is much needed here. Petitioner lives in the house. Certificate of good character signed by **B. Tench**, **David Price**, **John Kenely**, **Charles Brayley**, **Robert White**, **James Hall**, **John Thompson**, **Edward** [-----.] Fee paid £3, licence granted.

Robert Murdie, Dunnville, recommended as a fit and proper person to keep a tavern, January 12, 1836. Signed: **William Mylne**, **B. Tench**, **Mr. McMillen**, **A. McDonell**, **Hezekiah Davis**. Fee paid £3.10.0., licence granted.

Adam Duff, Grimsby, prays for tavern licence. Recommended by **H. Nelles** and **Robert Nelles**, April 9, 1836. Fee paid £3.10.0., licence granted. Letter from **E.W. Stephenson** to **John Clark**, St. Catharines, April 12, 1836. Adam Duff wishes to have a licence at the 40 Mile Creek. From long residence and good character, give him every assistance.

Thomas McDonald, Niagara. Keeps an inn at the dock in a new house lately built. Prays for licence, April 11, 1836. Signed: **Ralfe Clench**, **Jared Stocking**, **Andrew Heron**, **John Harris**, **Hugh McNally**, **James Miller**, **Matthew Dobie**, **Robert Miller**. Fee paid £4.10.0, licence granted.

Abraham Brown, Thorold. Prays for licence, April 12, 1836. Granted.

Dilly Coleman, **Port Robinson**. Has a large and splendid house at Port Robinson, fit for a hotel. Cost a great deal of money. Prays for a licence, April 11, 1836. Letter from **David Thompson**, Wainfleet, April 11: knows no reason why the licence should be withheld. Signed **Jacob Darby**, **William Bell**, **John Stewart**. Fee paid £4.10.0, licence granted.

George Cate, Stamford. Is a British subject, wishes for a licence for an inn at the former stand of **William Jackson**, at the junction of the concession from **Portage Road** to the Falls. A new house has been on the premises since the last application, with many improvements, fit for travelers. Signed **P. Delatre**, **William Leeming**, **Erastus Clark**, **Zerah Mead (Falls Factory)**, **George Vaughan** (H.P, 57th Regiment), **John Mewburn**, **Malcolm Laing**. Fee paid £3, licence granted.

James Thompson, has a commodious house at the **Whirlpool**. Petitioner resides therein, it is well adapted for travelers. An inn is much wanted at this place. Certificate of good character attached, is sober and respectful. Signed by **Robert Grant**, **Malcolm Laing**, **H. Tench**. Fee paid £3, licence granted.

File 23-19.

James Bunton or [**Burton?**] Niagara, labourer. Charged with larceny, stealing a leather purse (value 1/-) the property of **William Bradshaw**, Niagara, on March 7, 1836. Witnesses: William Bradshaw. Evidence of William Bradshaw: was drinking at Roddy's Inn yesterday with James Bunton. I had a small purse with £1 and 7½d in silver. Evidence of **Mary Roddy**, Niagara, *femme covert*: Bradshaw came in with a small leather purse, taken by Bunton. When asked if he "had the old man's money," he denied it. On search it was found on him, \$4, a York shilling and 5 coppers. Evidence of **William Hinsdale**: saw the purse on the 7th. Evidence of **John Bunton**: he was so drunk he doesn't know how he got the purse. Recognizance taken before Daniel

McDougall, March 8: John Bunton £20, sureties Thomas Compston, Niagara, joiner and Francis Proctor, Niagara, innkeeper, £10 each. William Bradshaw and William Hinsdale £10 each. Discharged by proclamation.

File 23-20.

Samuel DeCocy, Niagara, labourer. Charged with larceny, stealing 3/- from *James Goslin* on April 12, 1836. True bill: *R.M. Long* (foreman.) Verdict: "not guilty," April 14, 1836.

File 23-21.

James Devalcot Liscomb, Niagara, labourer. Charged with larceny, stealing one pair of shoes (value 5/-) the property of *John Milton*, on February 3, 1836. True bill: *R.M. Long* (foreman.) Evidence of *William Smith*, Bertie, January 15: *Albert Raymond* was appointed a Special Constable to apprehend James D. Liscomb on suspicion of stealing money. Evidence of John Milton: Liscomb stole shoes (value 10/-) on February 3rd. Evidence of James D. Liscomb: confesses that he took the shoes, "was the first things I ever stole." Evidence of *Francis Proctor*: Liscomb stole the shoes to get into gaol, if not put in for this he'd steal more. Recognizance taken before *Daniel McDougall*: John Milton £10. Plea of Liscomb: "guilty," sentenced to stand 15 minutes in the pillory.

File 23-22.

Edward Monaghan, Niagara, labourer. Charged with larceny, stealing one pair of half boots (value 5/-) the property of *Mr. Ferguson* in the possession of *Martin Cairns*, Niagara, innkeeper, on February 6, 1838. True bill: *R.M. Long*. Witnesses: Martin Cairns. Evidence of Martin Cairns taken before *Daniel McDougall* on February 9: the boots of Mr. Ferguson, Niagara, labourer, (value 16/3-) were stolen from deponents house. Evidence of *Francis Wilson*, Niagara, innkeeper: Monaghan came to my house and had the same boots as those now produced. He sold the boots to *Francis Chesley*, Niagara, blacksmith. Evidence of Edward Monaghan: he bought the boots of another man since gone away. He cannot procure bail. Recognizance: Martin Cairns [alias Kearins] and Francis Wilson £10 each to appear. Verdict: "not guilty," April 12, 1836.

File 23-23. Orders.

Assessment of 1836 ordered to be settled (correcting the rolls) by *Charles L. Hall* on the same terms and conditions as for 1835, £12.10.0. Signed by *Thomas Butler*, *Daniel McDougall* and *Lewis Clement*.

Niagara District Quarter Sessions, July 1836.

File 24-1. Accounts (1-40.)

Approved Bills, (draft copy) July 14, 1836.

Schedule of Accounts ordered upon which cheques have been issued, July 1836.

Peter Wheeler, woman's hire for making shirts £3.17.6.

Thomas Henegan, constable at elections, 2nd Riding for Lincoln, £3. (Certified by *Robert E. Burns*, returning officer.)

John Gilleland, constable at elections, 2nd Riding for Lincoln, £3. (Certified by *Robert E. Burns*, returning officer.)

Hiram Brooks, constable account, £2.4.3.

Adam Duff, constable account, £1.15.0.

Joseph Archer, constable at Niagara Town elections, £3.

Donald McDonald, constable account, 18/6-

Charles Fell, survey account, £6.10.0.

E.H. Campbell, constable account, £1.15.0.

John Gilleland, constable account £2.11.0.

Emanuel Hoover, constable account, £2.5.6.

John O'Neil, constable at Haldimand elections, £3. (Certified by *Francis Webster*, returning officer.)

William Dennis, constable at Haldimand (*Dunnville*) elections, £3. (Certified by *Francis Webster*, returning officer.)

Edward Adams, poll clerk at Haldimand elections, £6. (Certified by *Francis Webster*, returning officer.)

Smith Jackson, constable at elections, 1st Riding for Lincoln, £3. (Certified by *Henry Nelles*, returning officer.)

Adolphus Nelles, poll clerk at elections, 1st Riding for Lincoln, £6. (Certified by *Henry Nelles*, returning officer.)

John J. Lefferty, charge for conducting a *post mortem* on *John Johnson*, May 22, 1836, £1.13.4.

William Cockle, poll clerk at elections, 2nd Riding for Lincoln, £6. (Certified by *Robert E. Burns*, returning officer.)

Joseph Pickard, constable account, £0.15.9.

Henry Chapman, constable account £2.1.6. Charge for summoning a jury to an inquest held on the body of **John Hopkins**, drowned at **Lock 24** on the **Welland Canal** near **George Keefer's**, June 11, 1836.

Warren Claus, charge for services as Returning Officer for Niagara, £12.10.0.

Sheriff's Account £18.4.6.

R.M. Clement, charge for files and nails, £0.7.6.

Erastus Derby, constable at elections, 1st Riding for Lincoln, £3. (Certified by **Henry Nelles**, returning officer.)

Henry Nelles, charge for services as returning officer, 1st Riding for Lincoln, £12.10.0.

Samuel Wood (coroner), charge for holding an inquest upon the body of **John Hopkins** (June 11, 1836); an unknown man at **Port Dalhousie** (July 1), **Joseph Hewston** (Caistor, July 2) £7.14.6.

John Hawn, constable at elections, 3rd Riding for Lincoln, £3.

Dr. Porter, charge for attendance at gaol, £6.5.0.

David Clark Black, constable account £1.2.3.

David Thorburn, salary for 98 days as Member of the Legislative Assembly, £54. Certified by **Marshall Spring Bidwell**, April 20, 1836.

Dennis Wolverton, salary for 98 days as Member of the Legislative Assembly, £53. Certified by **Marshall Spring Bidwell**, April 20, 1836.

Charles Richardson, salary for 95 days as Member of the Legislative Assembly, £52.10.0. Certified by **Marshall Spring Bidwell**, April 20, 1836.

Robert E. Burns, charge for services as returning officer, 2nd Riding for Lincoln, £18.10.0.

Letter from **John McGaw** to **Edward Evans**, Walpole, July 9, 1836. **Jacob Nunn** has maintained **Hiram Vinica** between March 17 and May 15, 1836. Prays for an allowance of £0.3.1½ *per diem*.

Letter from **Edward Evans** to **Joseph Evans**, constable, Rainham, May 15, 1836. Order to apprehend **Hiram Vinica**, a lunatic, and convey him to **Buffalo**, New York and thence to send him back to **South Brimfield**, Massachusetts, in the United States. Endorsed July 15: Vinica was taken to Buffalo and left with the authorities.

Edward Evans, Rainham, July 9, 1836. Encloses bill of expense for **Hiram Vinica**, £5.13.6.

Charles L. Hall, charge to correct and settle the assessment rolls, £12.10.0.

Malcolm Laing, charge to correct the Treasurer's Account. Balance £44.0.2½.

Grand Jury recommends that **John Smith** be allowed £6.10.0. for keeping two insane persons. Signed **James Thompson, Henry Charles, J.P. Peters, Daniel Beamer, Solomon Vrooman, John J. Brown, Loyal Davis, Robert Garner, John Garner, Philip Garner, Samuel Hill, John Lewis, William Moore, John Prest.**

File 24-2. Accounts (41-79.)

E.H. Campbell, constable account, £4.8.3.

Gilbert McMicking, salary for 98 days as Member of the Legislative Assembly, £54. Certified by **Marshall Spring Bidwell**, April 20, 1836.

F.W. Gibbs, constable account, £5.13.2½.

Alexander Hamilton, charge for services as returning officer, 3rd Riding for Lincoln, £12.10.0.

Horace Lathrop, charge for work at gaol, repairs to the wall where the prisoners escaped, £3.18.6. (7/6- and \$1.50.)

Luke Lawrence, constable at elections, £3.

E.S. Wheeler, charge for services as turnkey, £12.7.6.

Edward Lee, Wainfleet. Charge for summoning a jury to a coroner's inquest held on the body of **William Pawling**, May 7, 1836; **John Johnston**, May 22, died from excessive drinking. Charge to dig grave. £6.13.0.

Francis Lynch, Grand Jury prays for £3.5.0. for the support of this insane child, July 14, 1836. Signed **James Thompson, John Prest, John J. Brown, William Moore, Robert Garner, John Garner, Philip Garner, Solomon Vrooman, Samuel Hill, J.P. Peters, Loyal Davis, Daniel Beamer, John Lewis.**

Chester Wadsworth, constable at elections, 3rd Riding for Lincoln, £3.

T. Raymond has supported **Eliza M. Wilson** (insane and destitute) Pray for an allowance of £5.11.6½. Signed **Daniel Beamer, Robert Garner, John Garner, Philip Garner, John J. Brown, James Thompson, J.P. Peters, Henry Charles, John Prest, Solomon Vrooman, Loyal Davis.**

David Thompson, charge for services as poll clerk, Town of Niagara elections, £6.

John E. Clyde, charge to repair the floor and take up the old jury boxes £8.15.0. Signed **Daniel McDougall, William Ball, Thomas Butler, Lewis Clement.**

Samuel Wood, charge for an inquest held upon the body of an unknown man died at **Port Dalhousie**. **John Bruce** (carpenter) made the coffin, July 1, 1836.

Patrick Finn, constable account 15/-

George Rykert, salary for 98 days as Member of the Legislative Assembly, £54. Certified by **Marshall Spring Bidwell**, April 20, 1836.

William Hamilton Merritt, salary for 98 days as Member of the Legislative Assembly, £54. Certified by **Marshall Spring Bidwell**, April 20, 1836.

Patrick Nugent and **Thomas Hanagan**, constable account £1.14.5. Certified by **George Rykert**.

Mr. Usher, charge for services as poll clerk, elections for 4th Riding for Lincoln, £6.

Erastus Moses, constable at elections, 4th Riding for Lincoln, £3.

John Usher, charge for services as returning officer, elections for 4th Riding for Lincoln, £12.10.0.

Avery Gould, constable account, £2.

Letter from **Alexander Brown** to **William Clark**, £6.8.8. for the “redemption of lot 1 Concession 14 in Pelham. I have waited long for this money but in vain.” Send it by bearers. Endorsed £5.10.0. approved.

John Bower Lewis, charge for services as poll clerk, elections for 3rd Riding for Lincoln, £6. (Certified by **John J. Lefferty**.)

Alexander McKie, charge for services as crier, £1.10.0.

Clerk of the Peace account, £25. Accounts to be submitted at next Sessions, July 15, 1836.

Bernard Roddy, constable at the court of King’s Bench, £2.15.0. Certified by **A. McLeod**.

Lewis High, constable account £1.15.0.

Joseph Archer, constable account 15/-

Constables at the Quarter Sessions: **Joseph Archer**, **Bernard Roddy**, **Luke Lawrence**, **John Hawn**, **Donell McDonell**, **Martin Herrins**, **Patrick Fynn**, £7. Certified by **Lewis Donnelly**, **A. McLeod**.

Account of Rations Due the Gaoler of the Niagara District (Peter Wheeler) April 13-July 13, 1836. £29.9.6. [Charge includes candles for the gaol, eight brooms for the cells, washing.] Names of prisoners and dates of confinement:

Patrick Donley, April 13-July 13.

Thomas A. Bartlett, April 13-July 13.

William Grogan, April 13-July 13.

Con McGarrity, April 13-July 13.

William Dickerson, April 13-July 13.

Aron Seiley, April 13-July 13.

Mary O’Brien, April 13-July 13.

James Burniston, April 13-July 13.

Norman Miles, April 13-July 13.

Thomas Clark, April 13-April 14.

John Hart, April 13-July 13.

Samuel Decovie, April 13-April 14.

Walter Manley, April 13-April 14.
Michael Marshall, April 13-July 13.
John Black, April 13-May 6.
John Cumpson, April 13-April 14.
Mary Lewiston, April 19-May 7.
Benjamin Ottley, April 30-May 28.
Amos Horton, May 1-May 8.
James Finley, May 3-May 8.
Mrs. Buggans, May 7-July 13.
Mary Leviston, May 7-July 13.
Thomas B. Wreakley, May 17-July 13.
William Burns, June 22-July 13.
Benjamin Abbott, June 23-July 13.
James H. Smith, June 23-July 13.
John McCalvey, July 4-July 13.
Daniel Clendennan, July 8-July 13.
 Charge for boarding **John Campbell** (insane), **William Abbott** and **William Holland** for 65 days.

File 24-3. Accounts Rejected.

Letter from **James Thompson** to **Charles Richardson**. Have Thomson sworn to give evidence before the Grand Jury.

George A. Ball. £50.13.1. damages from prosecution by **John Harris** for opening a road between Concessions 8 and 9 in Grimsby. Account referred and rejected, July 13, 1836.

George A. Ball, promissory note £11.10.0. paid to **Robert Dickson** or bearer in six months, dated October 29, 1831.

Jacob Misener, £3.5.0. from **George A. Ball** fees to appear as a witness, January 4, 1832.

Joseph C. Taylor, £1.15.0. from **George A. Ball** fees to appear as a witness, December 24, 1831.

Jacob Lodge, 11/6- constable fee from **George A. Ball**, January 5, 1832.

John Kidd, £20 from **George A. Ball** to serve executions, December 14, 1831; £11.11.7. balance of half the executions, certified by **Smith Griffin** December 14, 1831.

Robert Dickson, from **George A. Ball**, £11.5.0. Defence against the suit of **John Harris** (**Baldwin and Griffin**, \$10 for **Mr. Sullivan** as counsel.)

Isaac Griffin, £35.11.7. damages by the prosecution of **John Harris**, for opening the road allowance between Concessions 8 and 9 in Grimsby. Certified by **George A. Ball**, **Charles K. Fell**, **John Camp**, **Solomon Teeter**. Account referred and rejected.

John Kidd, £10.16.7. from **Isaac Griffin**, December 14, 1831, and £20.15.0. for executions November 23, 1831.

Charles L. Hall, charge for foolscap and paper from **R & J Crysler**, £2.2.6.

Oliver Burnham, constable account £4.11.3. (rejected, no certificate.)

John E. Clyde, £0.8.3¼ for blacksmith work, trim and screws.

Robert Patterson, York (Grand River) constable account, £4.16.3.

David Lynds, charge for summoning a coroner's jury to an inquest held on the body of **David T. Casely** (drowned) September 17, 1835; **McCollough** (drowned) October 5; **William Pawling** (drowned) May 7; £3.10.0. Certified by **Edward Lee**. (Rejected, not a licenced practitioner.)

John H. Blackwell, charge for a *post mortem* on the body of **John Johnston** (excessive drink) £1.13.4. Certified by **Edward Lee**. (rejected, **Dr. Lafferty's** account passed on the same inquest.)

Edward Evans (acting coroner), Rainham, July 9, 1836: charge for holding an inquest on the body of **Richard Ledgit**, died at **Gifford's Ferry, Grand River**, November 4, 1835. £2.12.0.

File 24-4. List of Constables.

Port Robinson (Thorold): **Michael Hunt, Obediah Vanderburgh.**

Walpole: **George Wagginer, William Moudey.**

Rainham: **Joseph Evans, James Adams.** Certified by **Edward Evans**, July 14, 1836.

Dunnville: George Dealy, Robert Campbell, Cyrus Benedict.

Canborough: **Adoram Everinham.** Certified by **Daniel McDougall.**

File 24-5. Convictions (**J. Mewburn**, JP, Stamford.)

Dorothy Williams, wife of **Robert Williams**, Queenston, charged with assault and battery against **Humphrey John Tench**, Queenston, and retaining a small pig (value 2/6-) belonging to Tench on July 4, 1836. Evidence taken before **John Mewburn**: plaintiff had a small pig on the land of Robert Williams, my next neighbour. I sent a man for the pig and he was refused to take it away unless 1/3- was paid for its' keep. Plaintiff went for the pig and was assaulted, struck with a stick, pelted with stones and seized by the shirt, defendant used violent language and drove me off. Refused to give me the pig unless I paid 1/3-. Evidence of **Edmund Tench**, son of the plaintiff: went with his father to the barn. The Williams boy threw stones at the pigs. When we asked for the pig, they threw stones at us. Evidence of **Arthur Cooper**: Witness lives with Tench. He went for the pig, knew it by its' marks. Defendant refused to deliver the pig unless 1/3- was paid for its' keep. This morning, the pig was dying in the road. She said they would kill the pig. Evidence of **George Clark**: went with a summons to the house of Robert Williams. Wife was in bed and refused to be seen, wouldn't come out. Gave the summons to her son, he took it in to her. Dorothy Williams not appearing and conviction of £1.6.3 demanded by plaintiff. Verdict: Williams fined 2/6- for the value of the pig and 13/9- costs, total fines 16/3- with the constables and paid to Tench. Stamford, July 5, 1836.

Stamford, February 20, 1836. **Ezra Durham** charged with assault and battery against **William Porter**, at **Drummondville**, on February 15th. Fine 5/- costs only.

File 24-6. Convictions (**David Thompson**, JP, Wainfleet.)

Peter Burger, Crowland. Charged with trespass on **James Firster**, Crowland, on March 2, 1836. Fined 1/- damages and £1.2.11 costs, total fine £1.3.11, March 4, 1836. Fine to be paid in fourteen days or sentenced to six days in gaol, April 4.

William Cook, Lock #1, Grand River, Haldimand. Charged with trespass on **Thomas Martindale** and **Thomas Peart** on May 6, 1836. Cook threw down their fences and destroyed their timber at Lock 1, near **Indiana**. Fined £3.16.0. and £2.2.5 costs, total fine £5.18.5. [Copies of convictions sent to **Charles Richardson** May 23.]

File 24-7.

Dorothy Williams, same conviction. Has certificate and letter of **Robert Williams**, dated at **St. Davids**, July 7, 1836. Plans to appeal verdict at the next Quarter Sessions on the following grounds: 1) there was not a personal service of the summons or warrant 2) there was no assault committed 3) **Tench** committed the trespass. He came into William's house and "used coarse, irritating and ungentlemanly language" and "menacing and threatening language." Action heard before **Dr. Mewburn**.

File 24-8. Correspondence.

Letter from **Glenelg, Downing Street**, to **Sir Francis Bond Head**, March 2, 1836: A petition from the inhabitants of Niagara and the **Western District**, contained in a dispatch from **Sir John Colborne**, requested that the troops at Niagara and **Amherstburg** not be withdrawn. These are frontier positions, there is necessity for a force to defend them. **Lord Hill**- no purposes of an exclusively military nature are required to maintain the posts. The enforcement of laws and the maintenance of public peace is not in the hands of the military but civil authorities. This ought to be found in an efficient local police.

Letter from **J. Joseph** to **John Clark, Government House**, Toronto, April 29, 1836: The presentment of the Grand Jury on the residence of a Judge of the Niagara District court to be referred for observation, a report enclosed and **Ridout's** report. An associate Judge to be resident in the Town.

Report of **George Ridout** to **J. Joseph**, Toronto, April 23, 1836. Regarding his non-residence as a judge. He was appointed judge by **Sir Peregrine Maitland** nine years ago, knew the situation. Policy was to select a barrister not practicing in such District and unconnected with legal transactions in the District, therefore was thought to be more impartial. Example, **Jonas Jones** of Midland and Bathurst Districts, but is a barrister in **Johnstown**. **David Jones** is in Johnstown (serves as judge for the Eastern District) and **George Jarvis** in the Eastern District serves as judge for Ottawa. **Donald Bethune** (in Newcastle) is a judge in Prince Edward. When the **Absconding Debtors Act** was passed, it was necessary to have an associate judge, **Thomas Butler** (a retired barrister.) Ignorance of the Grand Jury does not equal the trouble to appeal to His Excellency. Will acquiesce if the system is changed.

Letter from **J. Joseph**, Government House, Toronto, to the Niagara District Quarter Sessions, April 29, 1836. Magistrates may solemnize marriages under 33 Geo. III ch. 5 but are prohibited to do so when five Church of England ministers are resident in the District. There are now five in the Niagara District. This is for the information and guidance of the magistrates.

Letter from **J. Joseph** to **Charles Richardson, Government House**, Toronto, July 9, 1836: a memorial from the inhabitants, in November last, to the late Lieutenant Governor with a request that the troops at Niagara not be withdrawn. Reply enclosed.

Return of the Several Clergymen of the Church of England, Incumbent and Doing Duty within the Niagara District, Together with Their Respective Places of Residence, February 1836.

Signed by *Charles Richardson*, February 23, 1836. [Document names the *Rev. Thomas Creen*, *Rev. William Leeming*, *Rev. John Anderson*, *Rev. James Clarke*, *Rev. George T. Grout*.]

File 24-9. Criminal Calendar.

Calendar of Prisoners Confined in Niagara Gaol (Peter Wheeler), July 12, 1836. [Names of prisoners and dates of confinement:]

[Debtors:]

Charles Walsh, October 29, 1835. Writ of *capias*.

William Holland, October 30. *Capias*.

Freeborn Straight, April 18, 1836. *Capias*.

Jerome Cannan. *Capias*.

[Prisoners:]

Patrick Donely, September 6, 1832. Assizes. Murder.

Thomas Bartlet, July 22, 1835. Orders of *Samuel Wood*. Under sentence.

William Grogan, October 11, 1835. Orders of *George Rykert*. Murder.

James Burniston, October 20, 1835. Orders of *J. Keefer*. Returned from banishment.

Con McGarrity, October 12, 1835. Orders of *William D. Miller*. Murder.

William Dickerson, October 12, 1835. Orders of *William D. Miller*. Murder.

Aaron Seely, October 12, 1835. Orders of *William D. Miller*. Murder.

Mary O'Brien, October 12, 1835. Orders of *William D. Miller*. Murder.

Norman Mills, October 29, 1835. Orders of *Daniel McDougall*. Counterfeit money.

John Hart, December 23, 1835. Orders of *Samuel Wood*. Murder.

Mrs. Buggans, May 19, 1836. Orders of *Daniel McDougall*. Vagrant.

Mary Leviston, May 19, 1836. Orders of *Daniel McDougall*. Vagrant.

William Burnes, June 22, 1836. Orders of *William Duff*. Under sentence.

Benjamin Abbott, June 22, 1836. Orders of *H. Nelles*. Stealing an ax (value 10/-) and shirt (value 5/-) the property of *Adam Aker*.

James H. Smith, June 23, 1836. Orders of *H. Nelles*. Stealing an ax and shirt of *Adam Aker*.

John McCauley, July 4, 1836. Orders of *J. Keefer*. Stealing an auger, butcher knife, black bottle, two framing chisels, shoeing hammer and chopping axe the property of *Charles Henderson*.

John Campbell, July 5, 1836. Orders of *Daniel McDougall*. Insane.

Daniel Clendennan, July 8, 1836. Orders of *Smith Griffin*. Stealing.

William Abbott, July 10, 1836. Orders of *R. Grant*. Stealing a book (value 3/6-) the property of *John Hawn*.

File 24-10. Filings.

William Ferris, St. Catharines, July 12, 1836. Certifies that *Mrs. Lee*, wife of *Richard Lee*, is in my care for the medical treatment of *anasasea* [*anasarca?*] and another more dangerous disease and cannot travel any distance.

Letter from *William Ferris* to *Charles Richardson*, St. Catharines, July 12, 1836. *Samuel Dolson* is confined in bed from sickness and so is unable to attend court as a juror.

Letter from *James Thompson* to *Charles Richardson*. Swear *David Thomson*, *Richard Howard* and *James Frazer* (Sr. and Jr.) to give evidence.

Evidence taken before *James Hector Mackenzie*, J.P., *Nelles Settlement*, Grand River, Haldimand, January 29, 1836. *Frederick Wyndicker*, *Cayuga*, tavernkeeper. *Johnston Kerr* of the Grand River Tract came into the bar-room. Deponent took the pocket book of *James Phillips*

(containing \$50 and papers) into safe keeping, Phillips being intoxicated. The money was reckoned by deponent and deposited in the bar. Deponent left room and entered the bar on his return and found the money robbed. Kerr left in a hurried manner and didn't pay his bill of fare, or for the keep and feed of his horse. He and Phillips were the only ones in the bar. Warrant issued to constable **Thomas Helmer** to apprehend Kerr and search for the missing property. Evidence of Frederick Wyndicker, taken February 1, 1836: Phillips was drunk, Kerr gave him a push and he fell. He said "Why do you keep such a man lying around?" A book fell from his pocket which was deposited in the till. Kerr left, papers were scattered. The book was there but money (**Bank of Upper Canada**) was taken. Found a shawl in the bar belonging to the felon. **Caleb Turner** and others came in, saw the book and said "why do you keep your pocket book in such a state?" and picked it up. Kerr was pursued, we heard he stopped at [**Swick's?**] **tavern at Cayuga**, and then at **Helmer's at Indiana**. He treated **William Nelles** and **Christopher Young** to liquor. The deponent then went to the magistrates. Kerr's house was searched, his wife said he left at 4 o'clock for the 40 Mile Creek. Went home to prepare for the search, witnesses said he was at **Port Dover** and another said he was at **Neell's Tavern** at Rainham. Decided to go to **Dunnville**, and we overtook him on the bridge there. He was searched, found two matches, three dice, one 5 franc piece, two half-dollars, two quarter-dollars, two counterfeit pieces, one English shilling, two York shillings, 6d (English) and 6d (York.) Kerr was cross-examined: Was anything lost found on me? No. I didn't call for anything to drink, except what I was treated to. Had three glasses of liquor and the horse was given hay. Evidence of **Sherwood Avery**: Wyndicker and Kerr counted the money in the bar, there was more than \$40. Kerr walked out with the wallet in his pocket. Chatted with Wyndicker for 20 minutes about racing. A child came in and called Wyndicker to dinner. He left Kerr, deponent and Phillips in the bar. Deponent went out to harness the horse and met Caleb Turner going to the tavern. About 10 minutes had elapsed. He said to Kerr that Wyndicker was foolish regarding horses. Witness was cross-examined: did you see the pocket book before you saw it in the possession of Wyndicker? No. Evidence of **Jacob Simms**: the prisoner came to his house between 7 and 8 pm, stayed until between 10 and 11 pm, said he was going to the 40 Mile Creek for pork. Evidence of **Joseph Young**: knows nothing of the shawl. Evidence of **George Frederick Windaker**, son of Frederick: Avery, his father's teamster, went down to the river after dinner. Kerr brought his horse to the door and desired the deponent to hold the door. Witness cross-examined: Did you help mend the fire? Yes. Got dry fuel for the fire and left Kerr in the bar. Evidence of **Caleb Turner**: Came into the bar and went to drink. He stooped down, and said something was lost.

File 24-11. Presentments.

Martin Buchman, prays for £25 to support a helpless individual. Signed **James Thompson, Henry Charles, Daniel Beamer, William Moore, John P. Peters, Robert Garner, John Garner, Philip Garner, John J. Brown, John Prest, Loyal Davis, Solomon Vrooman, John Lewis**.

Commissioners of Gainsborough, July 12, 1836. Pray for assistance for a poor unfortunate girl, born 1807 who "lives yet without the use of her limbs and entirely without any knowledge." Has been taken care of by her mother or others. Her father, **Ferdinand Boughman**, died 1829 and left a poor widow and large family with little to support and raise them. The mother is a daughter of **John Smith**, a British subject and credible character. Signed **Leonard Heaslip, Stephen Roy and John Moore**.

Captain Charles Walsh, a debtor in the Niagara gaol. Evidence of **Dr. Telfer** and **Dr. Porter**: he is in an exceedingly destitute and suffering condition. His life is despaired of, cannot long survive without assistance. Signed **James Thompson, Henry Charles, John Prest, John P. Peters**,

Robert Garner, John Garner, Philip Garner, John J. Brown, Solomon Vrooman, Mahlon Swayze, Samuel Hill.

Isabel Evans. Prays to be allowed 5/- per week to support an insane child. Signed **James Thompson, John Prest, Henry Charles, Solomon Vrooman, John P. Peters, Samuel Hill, Robert Garner, John Garner, Philip Garner, Daniel Beamer, John Lewis, Loyal Davis.** The petition of Isabel Evans, Thorold, July 12, 1836. Petitioner is the widow of **Robert Evans**, a private in the **82nd Regiment**. Petitioner was left with seven children, one simple. They have no house or home, and no means of support. Prays for relief, if withheld she has no course to protect her fatherless children. Signed **Robert Hobson, Josiah Page, Thomas Spencer, Robert Spencer, James H. Smith, Benjamin Hill, Jacob Ostrander, Jacob [-----]man, Caleb Swayze, John Damude, Silas Hopkins.** [Endorsed: cheque to issue.]

~~Rejected, no funds at the disposal of magistrates for paupers.~~

Phoebe Goodale, £6.10.0. for keeping an insane person to July 14, 1836, plus an order for remuneration £26 but not honoured by the Treasurer. To be paid out without delay. Signed **William Moore, John J. Brown, James Thompson, Robert Garner, John Garner, Philip Garner, Henry Charles, John Prest, John P. Peters, Samuel Hill, John Lewis, Solomon Vrooman, Loyal Davis.**

Thomas Angleman, £3.5.0. for the support of an insane child, July 14, 1836. Signed **James Thompson, Henry Charles, Robert Garner, John Garner, Philip Garner, Daniel Beamer, Solomon Vrooman, Samuel Hill, William Moore, Mahlon Swayze, John Lewis, John P. Peters.** [Endorsed: cheque ordered.]

State of the gaol. The gaol is in a consistent degree of cleanliness and in good order. Complaints of the privy stench in the rear of the gaol. Steps: common roach or unslaked lime to be thrown in several times per week. Two females are confined for loose conduct, who suffer from close confinement and want of sufficient clothes (unable to change their linen for 8 weeks) should be set at liberty. Signed **James Thompson, Henry Charles, Robert Garner, John Garner, Philip Garner, Daniel Beamer, Solomon Vrooman, Samuel Hill, William Moore, Mahlon Swayze, John Lewis, John P. Peters.** [Endorsed: complied with, females discharged July 14, 1836.]

Names of Grand Jurors summoned but have not attended April 12, 1836: **Samuel Darling, John Darling** (fine 40/-), **Samuel Dolson** (40/-). Grand Jury presentment to magistrates for non-attendance of Darling and Dolson, signed **R.M. Long**, April 14, 1836. [Endorsed: excuse of Samuel Dolson received, July 13, 1836.]

File 24-12. Jail Records.

Report of the Surgeon to July 12, 1836.

Ten prisoners sick. **Mary O'Brien** (*pleuritis*), **Mrs. Buggins** (*psora*), **Mary Livingston** (*psora*), **John Hart** (*cholica bilious*), **Con MacGarety** (*rheumatismus*), **George W. Burger** ("D.T's"), **Lemon H. Bradley** (*ophthalmia*), **Thomas H. Bartlett** (*dyspepsia*), **Aaron Seeley** (*dyspepsia*.) All have recovered except Buggins and Livingston. **Captain Walsh** remains in the same condition as before. **Patrick Donnelly** under sentence for murder is in the same state of madness. **John Campbell** is in an insane state, a great annoyance to the others from his "almost incessant noise which he makes. The unfortunate man is now in a state of perfect nudity. If such individuals be committed, means of coercion should be provided." The gaol is in the usual state of cleanliness.

File 24-13.

James Rea Benson, St. Catharines, merchant, £500, **James Beamer Clendenan**, St. Catharines, gentleman, £250 and **Elias Smith Adams**, St. Catharines, treasurer, £250, appointed Directors of the *Niagara District Mutual Fire Insurance Company*. Witness: **Bomer**, July 8, 1836.

File 24-14. Non-Conformist Records.

Elder **Salem Griswold**, Clinton, an elder of the *Regular Baptist Church*, certified to be duly ordained. Sworn before **John C. Ball**, July 14, 1836. (Certified **Charles Richardson**, **Thomas Butler**.)

File 24-15. Orders.

Treasurer ordered to keep £50 for the support of the gaol.

The *Magistrate's bench* to be extended at each end, railings made and two steps or stairs added to the gallery in the court.

Thorold constables: **Charles N. Henderson**, **Thomas H. Bridgeman** and **James McIntie**, July 13, 1836.

The fees of the *Clerk of the Peace* ordered to be rescinded unless provisions have been made.

Grand Jury finds that an insane person in the gaol is a great annoyance from "his throwing whatever may come within his reach at them." Pray for his removal elsewhere. A committee ordered to do what they conceive necessary at the cost of the District. Signed **James Thompson**, **John J. Brown**, **Mahlon Swayze**, **Solomon Vrooman**, **Henry Charles**, **John Prest**, **John P. Peters**, **Samuel Hill**, **Philip Garner**, **Robert Garner**, **John Garner**, **John Lewis**, **William Moore**, July 15, 1836.

Gaol allowance ordered for **Charles Walsh**, July 13, 1836.

Charles Walsh, Niagara, gentleman. Is in custody at the suit of **Russell Searle Brown** and **Rodman Starkweather**. 5/- allowance unpaid at the suit of the plaintiffs. After obtaining said allowance, the interrogatories were served on Walsh. **Peter Wheeler**- allowance is unpaid. May 10, 1836.

Three commissioners ordered to investigate the District accounts from the date of the commission of the present *Clerk of the Peace* to the close of the investigation and present a report. Will be allowed ample compensation for it, April 14, 1836. **R.M. Long**, **John McCarthy**, **Hiram Slate**, **John Kalar**, **John Mittleberger**, **John Davis**, **Jacob Johnson**, **Barnabas Gregory**, **James Darling**, **Daniel Gregory**, **Jacob Hainer**, **John C. Davis**, **Cyrius Smith**, **John L. Burns**, **Thomas Kelly**, **John F. Mittleberger**.

Accounts of **Charles L. Hall** to be investigated, **William Clarke** ordered to learn the amount settled for debts and costs. Notes already given to be returned by Clarke.

Charles Lethim Hall, costs and disbursements on the suit of **William Cassady** vs. **John McBride**, £43.9.7. Certified by William Clarke. Judgement and interest £150.17.6, Hall's claim for costs and disbursements £43.9.7, total £194.7.

[Copy of an Order.] Road allowance between Concessions 8 and 9 in Grimsby ordered to be opened from lots 7 to 15, and a side line road between lots 9 to 16 in Concessions 8 and 9. Signed **James Muirhead**, January 14, 1830.

File 24-16. Precept.

List of Grand and Petit Jurors compiled by **Daniel McDougall** and **Lewis Clement** on June 6, 1836 for Sessions on July 12, 1836.

Grand Jury: **Henry Charles** (Niagara), **John P. Peters** (Niagara), **Daniel Beamer** (Louth), **John Gregory** (Louth), **William Purdy** (Louth), **Samuel Hill** (Grantham), **John Lewis** (Grantham), **John Mills** (Grantham), **Jesse Hyatt** (Pelham), **Benjamin Thompson** (Stamford), **James Thompson** (Stamford), **James Carr** (Stamford), **William Moore** (Stamford), **John J. Brown** (Niagara), **Joseph Wynn** (Niagara), **Solomon Vrooman** (Niagara), **John Chubbuck** (Niagara), **John Prest** (Niagara), **Philip Garner** (Stamford), **Robert Garner** (Stamford), **John Garner** (Stamford), **Loyal Davis** (Louth), **Samuel Beckett** (Pelham), **Mahlon Swayze** (Thorold.)

Petit Jury: **John Beamer** (Pelham), **John Disher** (Louth), **Daniel Smith** (Louth), **Nelson Smith** (Louth), **William Parnell** (Grantham), **Daniel Clendenning** (Louth), **Benjamin Pickard** (Louth), **John McCombs** (Grantham), **Lewis Traver** (Grantham), **Israel Burtch** (Louth), **John Turney** (Grantham), **John Honsinger** (Louth), **John May** (Grantham), **Christian May** (Grantham), ~~**Cornelius Johnson**~~ (Louth), **Alva Foster** (Louth), **James McIntee** (Louth), **John Patridge** (Grantham), **William May** (Grantham), **Elias Wilkins** (Grantham), **Hiel Fletcher** (Grantham), **Isaac Wismer** (Louth), **David Bradt** (Louth), **George Carle** (Louth), **Barnabas Dell** (Louth), **Peter Haines** (Louth), **Adam Haines** (Louth), **Andrew Gregory** (Louth), **Frederick A. Schram** (Louth), **Peter Bowman** (Louth), **Solomon Smith** (Louth), **William Harrison** (Louth), **Jacob Goole** (Louth), **James Hare** (Louth), **Benjamin Goole** (Louth), **John Patterson** (Louth), **Jacob Flanders** (Louth), **Thomas Bradt** (Louth), **Martin Kearins** (Niagara), **Edmund Dwyer** (Niagara), **George Watts** (Niagara), ~~**Harley Sherwood**~~ (Niagara), **Thomas McDonald** (Niagara), **John Whitten** (Niagara), **Richard Ross** (Niagara), **James Goslin** (Niagara), **Walter Elliot** (Niagara), **James Lennox** (Niagara), **William Evans** (Niagara), **William Fisher** (Niagara), **Dennis Handlin** (Niagara), **James Humphrey** (Niagara), **George Kirkland** (Niagara), **John Hawn** (Niagara), **Hugh Rose** (Niagara), **Thomas Humphreys** (Niagara), **Leonard Laukes** (Pelham), **William Purdy**.

File 24-17. Road and Bridge Petitions.

The **Garrison Line Road** in Bertie is in an unsettled state, wanting a proper patent description, absence of a proven line, and corner boundaries have been lost or destroyed. The line is in confusion and dispute, no settled or permanent site. Pray for the **District Surveyor** to lay out the line between **Waterloo** and Humberstone, and to report on the final settlement of the road survey of **George A. Ball**. Signed **Arthur Johnston**, **Edward Riselay** and **Richard Graham**, July 1, 1836.

George Augustus Ball was ordered to survey the **Garrison Road** in Bertie in 1835. His report found the road unsettled and unconfirmed, and more seriously obstructed. Undersigned pray for a report and remedy, June 23, 1836: **Adam Woolner**, **Jacob Baxter**, **Henry Troup**, **James Baxter**, **James Johnston**, **Silas Carter**, **Asa Oliver**, **William Baxter**, **James Wintermute**, **William Harris**, **George Hardison**, **Archibald Thompson**, **Benjamin Hall**, **Lewis Palmer**, **John Bowen**, **Jacob**

Benner, Henry Hershey, John Creiger, Johannes [Tingling?], Thomas C. Fitzgerald, Henry Putman, Casper Shipple [Shifle?], B.F. [Domid?], John W. Sellis.

George A. Ball examined the **Garrison Line** in Bertie between the west side of lot 24 Concession 3 and west on **Hambly's Line**. There is a deficiency of 9 acres. Some lots are full on the north side of the last line, Ball's line embraces two trees marked as corners, proved by **Levi Scholey**, an old inhabitant, which was always considered the Garrison Line. Pray to have Ball's line confirmed, signed: **Arthur Johnston, George Benner, Asa Schooley, Levi Schooley, Andrew Learn, Joseph Cutler, Jacob Benner, John Hershey, Daniel Fulmer, Jacob Near, Jacob Fulmer, John Huffman, Daniel Anger, John Anger, Michael Sherk, Jacob Huffman.**

The undersigned are in distress for want of a road from the Niagara River to the rear of lots 2 and 3 Concession 1 in Bertie. The boundaries of this road have been in dispute for several years. Signed **Kenneth Read, H.N. Warren, Benjamin Hardison, Daniel B. Tremblay, John Harris, Z[imri] Oliver, N. Forsyth, William Smith, Timothy P. Hart, George Rainsford, John Rainsford, Thomas Hardison, James Stanton, John W. Lewis.** Filed April 12, 1837.

File 24-18. Road and Bridge Reports.

Haldimand, **Nelles Settlement**: An alteration in the road from **Dam #4** on the Grand River to **Brantford**, 66 feet wide. Commencing at **Corner's House**, then to **Crawford's House**, to the hill near **Bryant's Tavern**, then to the **Grand River Navigation Company** lands, then to intersect the road to Brantford. The ground is good, on a direct line, and easier to ascend. Signed by **Charles Fell, St. Johns**, July 11, 1836. [Sketch of proposed road attached.]

File 24-19. Tavern and Shop Licences.

John Jordan (Inspector, Niagara District) to **Charles Richardson**, July 5, 1836. Encloses statement of licences issued. [Tavern licences priced variously at £3, £3.10.0, £4, £5 and £6 depending upon the community where the tavern was located. Still licences priced at £3.15.0 and £6.5.0]

Statement of Shop, Tavern and Still Licences Issued by John Jordan, Inspector, April 5-July 24, 1836. Fees collected total £123.10.0.

Taverns: **Richard Howard** (Niagara), **Emanuel Hoover** (Humberstone), **Matthew Donahoo** (Chippawa), **John Grier** (Cayuga), **William Leeper** (Stamford), **Thomas McDonald** (Niagara Township), **Charles Rosell** (Stamford), **George Cate** (Stamford), **Ezra Durham** (Stamford), **Francis Wilson** (Niagara), **Alonzo Webber** (St. Johns), **C. Campbell** (Niagara), **John C. Davis** (Chippawa), **Charles Edwards** (Niagara), **Theodore Brundage** (Chippawa), **Robert Fralic** (Stamford), **William Orderly** (Haldimand), **Robert Mudie** (Dunnville), **Jacob Osman** (Pelham), **E[leanor] Keefer** (Dunnville), **Robert Doan** (Crowland). Shops: **Jacob Keefer** (Thorold), **J & L Clarke** (St. Catharines), **William Fell** (Wainfleet), Stills: **Eber Rice** (Pelham), **Martin Udell** (Grimsby.)

Thomas Hardison, Bertie, July 13, 1836. Prays to keep a house at **Fort Erie**, where a tavern is much wanted. Hardison is respectable, fit and proper. Signed **Alexander Douglas, William Smith, James Kerby**, May 15, 1836. Paid 5/-, signed James Kerby.

Cornelius Murry, recommended as a fit man to keep a tavern. Bertie, July 11, 1836. Signed: **Archibald Thompson, Silas Carter, Cor. Davison, John Cowles, Absalom Cowles, Timothy S.**

Hoyt, Samuel L. Hall, N. Forsyth, John Fellows, John W. Lewis, W. Anthony, Edmund Riselay. [Application rejected.]

William Dochstader, prays to keep a house on the south side of **Dam #1** on the **Grand River Navigation** in the **Nelles Settlement**. House is well adapted for travelers. An inn is much wanted here. Petitioner is an upright, sober man and respectable, fit and proper. Signed **Warner Nelles** and **J.H. Mackenzie**, June 18, 1836. [Recommended, fee £3 paid.]

William Swick, Gainsborough. Is upright, sober, fit and proper to keep a tavern. An inn is necessary here, June 27, 1836. Signed **John Lacy, Paul Horton, George Humphrey, Hiram Brooks, Cortland Culp, Hiram Cronk, William Heaslip**. A licence to Swick would be a benefit to travelers, signed **Samuel Birdsall**. [Recommended.]

Jacob Bowman, at **the Narrows**, Gainsborough, innkeeper. Petitioner has sold his farm to purchase a stand since he is unable to work. Thinks one tavern sufficient here, he always performs anything required, July 11, 1836. Recommended by **William Ross, George Clark, William A. Haight, Adam Dils, Thomas Collins, Henry Cashew, Andrew Frank, James Jones, Henry Smith, John Smith**.

Harmonus Crysler, Stamford. Has gone to great expense to fit up a large and commodious stone house at Clifton, at the head of the road to the ferry below Niagara Falls for travelers and visitors to the Falls, to be called the **Clifton House**. Recommended by **Ogden Creighton** and **James Cummings**, July 10, 1836. [Recommended, fee £7.10.0. paid.]

Jacob Turner, Seneca, Grand River. Letter from **J.H. Mackenzie** to **Charles Richardson** enclosed, dated Grand River, July 5, 1836: Turner called on me, but I hadn't the form for licences. He is capable of keeping a respectable establishment and has ample accommodation. [Recommended if he states the oath of allegiance.]

Thomas Henry Bridgman, Thorold, yeoman (surety **Nicholas Smith**, Thorold, wheelwright.) Paid £10 for licence to sell ale, beer and cider for one year. Before **G.** and **J. Keefer**.

Horace Street Olmsted, Thorold, yeoman (surety **William Ker Emery**, Thorold, gentleman.) Paid £10 for licence to sell ale, beer and cider for one year. Before **G.** and **J. Keefer**.

File 24-20.

William Abbott, Niagara, labourer. Charged with larceny, stealing three testaments, a spelling book, an English reader, and two *School Master's Assistants*, (value 3/6-) the property of **John Hawn, Queenston**, constable and shoemaker, on July 10, 1836. True bill: **James Thompson** (foreman.) Witnesses: John Hawn, **Solomon Vrooman, Asa P. Carpenter**. Evidence of John Hawn taken before **R. Grant**, Queenston, July 11: Defendant entered the **Grove Schoolhouse** in Niagara near Mr. **James Cooper's** and stole sundry books, the property of the scholars whose names are written in them. They were found in the possession of defendant, who tried to escape. **Mrs. Rykert** purchased a reader from him yesterday for 14¢. Evidence of William Abbott: says he purchased the books from **James Stuart** for 9/- York Cy. on the road near the grocery between **W. Carroll's** and **Mr. McFarland's** on July 10. Recognizance taken to appear: Solomon Vrooman and Asa P. Carpenter 5/- each. Verdict: *nolle prosequi*, new indictment, jury discharged.

File 24-21.

William Abbott, Niagara, labourer. Charged with larceny, stealing the books of **Asa Philophilus Carpenter**. True bill: **James Thompson** (foreman.) Witnesses: Asa P. Carpenter, **John Hawn**. Defendant stole one testament (value 1/3-) and an elementary speller (value 6d.) Verdict: "guilty," sentenced to twenty lashes.

File 24-22.

Affa Brooks, Humberstone, *femme covert*. Charged with larceny, stealing one watch (value 20/-) the property of **Michael Beach**, Humberstone, yeoman, on June 13, 1836. True bill: **James Thompson** (foreman.) Witnesses: Michael Beach. Presentment attached signed by **James Thompson, John Prest, Henry Charles, John J. Brown, William Moore, Philip Garner, Robert Garner, John Garner, John Lewis, Mahlon Swayze, Solomon Vrooman, Daniel Beamer, John P. Peter**. Evidence of Michael Beach taken before **J. Black**, July 11: Deponent was at the house of Emanuel Hoover where Affee Brooks stole his silver watch. Examination of Affee Brooks: Did you take the watch? Knows nothing of it. Did you see Beach at Hoovers? Yes. Did you see the safety chain on the watch? No. Did Beach call for drinks? Beach said he had no money, but wanted to eat and drink. Did Hoover give him any? No. Did Beach ask Hoover if he could lie down? No. Did you see Beach on the bed? Yes. Was there any conversation between you? No. Examination of Beach by prosecution: I came down and left my hat on the table with a handkerchief inside. I washed myself and looked for the handkerchief which was gone. I asked where it was. Brooks said "you must have left it upstairs." I found it in the hat. I asked if she was mistress of the house or where she was? She said she (**Mrs. Hoover**) was sick in bed. Examination of Brooks by Magistrates: Did he ask for liquor? Yes. His reply? Told him that Mr. Hoover did not trust him. Did he get any liquor? Yes, after **Mr. Simon** came in, who gave him two glasses. Mr. Simon paid for it, and I gave him two on his own account. Did you go out with Mr. Simon? Yes. Did you snatch his watch from his pocket? No. Evidence of Emanuel Hoover: Beach came to the house between 10 and 11 for a drink but had no money nor credit. He said he always got something. I said "you must do as you did before." He said "I must have one." I gave him a drink. He took his watch out to compare his time with mine. He asked to lie down and went up. He came back down at 5 pm. A girl was sent to come in. Beach and Brooks quarreled over the watch. I asked her, she said she didn't take it and he must prove it. Two men searched him and couldn't find the watch. He hadn't left the house before. Deponent's wife is confined to bed with young children. She and Brooks were the only other people in the house. I offered to let him search the house, but declined. He pointed at Brooks and said "that is the woman who has got my watch." Recognizance taken at **Port Colborne** July 11: Emanuel Hoover and Michael Beach £20 each. Defendant discharged by proclamation, July 15, 1836.

File 24-23.

Daniel Clendennan, Grimsby, yeoman. Charged with larceny, stealing one silk handkerchief (value 4/-) the property of **Nathaniel Griffin**, Grimsby, on July 3, 1836. True bill: **James Thompson** (foreman.) Witnesses: Nathaniel Griffin. Letter from **Smith Griffin** to **Charles Richardson, Smithville**, July 9: encloses the information of Daniel Clendennan. Evidence of Nathaniel Griffin taken before Smith Griffin on July 8: Clendennan took the handkerchief and wouldn't give it up. Verdict: "guilty," sentenced to one week in gaol.

File 24-24.

Caleb Ingols, Thorold, carpenter, **Phillip Potter**, Thorold, labourer and **Ansel Ward**, Thorold, carpenter. Charged with riot, assault and battery against **Thomas McMahan**, Thorold, innkeeper and **Joanah Donovan**, alias **Judy Donovan**, widow, housekeeper, on July 3, 1836. True bill: **James Thompson** (foreman.) Witnesses: Thomas McMahan, Joanah Donovan. Evidence of Thomas McMahan taken before **J. Keefer**, July 4: defendants came to the tavern at dark, and asked for liquor. They were whispering, suspicious behavior, I suspected mischief. I told the housekeeper Judy Donovan not to let them have more liquor. Deponent was unwell, fatigued from a trip, and went to bed. Defendants and **Patrick Garrahan**, shoemaker, became turbulent and demanded liquor. When refused, they broke into the bar and took bottles of brandy and spilled part of it on the floor. Donovan was alarmed and retreated to my room, and endeavoured to fasten the door. It was forced by the men, who abused the deponent. Potter threatened to take my life. Ingols and the others tried to use indecent freedoms with Donovan, and declared she "should be at their service." They used indecent and obscene language. Ingols, Potter and Ward denied the charges. Evidence of Judy Donovan: She requested that they leave and they went out. She turned the key of the front door and retired into the room where McMahan was. They rapped at the door and she refused them admittance. They raised the window sash and came in and made for the room where the deponent was. She tried to keep the door latch down, but Patrick Garrahan forced the door off its' hinges. They came in the room and demanded more liquor which she refused. They insisted they'd break the bar, and McMahan said they might as well do that as to break down the door. They climbed over and into the bar, and then went to drink in the street. The deponent came down with a candle, they came in through the window again, and commenced a loud noise in the bar, cried "hurrah for Jackson and damn the King of England." McMahan got out of bed to search for assistance. Deponent was at the door looking for McMahan, when Potter pushed her into the street. She tried to come in but Ingols took one hand and foot and pushed and kicked her out the door and dragged her to the middle of the street. He threw her violently to the ground. Deponent shouted to a person on the street but they went away mocking her cries. McMahan returned after 12 pm. The men came in again and Ingols asked if she could get two Irishmen to stand before him in her place, that he was a double-breasted Yankee and would give \$5 to spill a drop of Irish papist blood. Potter said to McMahan "you once raised a club to me and put me out of your house, and by the Holy Jesus I will take your life." He went to the bar to drink and McMahan got out. The deponent fled. They returned with help between 2 and 3 am and put the defendants out. Cross examination by Ansel Ward: he came to McMahan first and asked for lodging which was consented to. Deponent did not see Ward go into the bar, Ward was altogether the most reasonable and moderate of the four men. Recognizance taken July 4: Thomas McMahan £10 and Judy Donovan £5; Ansel Ward £10 and Charles N. Henderson £5; recognizance taken July 6: Caleb Ingols £20, surety **John Huntley**, Thorold, innkeeper, £20. Verdict: Caleb Ingols and Ansel Ward "guilty," Ingols fined £5 plus costs and sentenced to three months in gaol, Ward fined £2 plus costs.

File 24-25.

John McCalvey, Thorold, blacksmith/labourer. Charged with larceny, stealing a $\frac{5}{8}$ " augur (value 6d), butcher knife (6d), black bottle (3d), shoe hammer (3d) and chopping ax/knife (6d) the property of **Charles N. Henderson**, Thorold, blacksmith, on July 3, 1836. True bill: **James Thompson**, (foreman.) Witnesses: Charles N. Henderson. Evidence of plaintiff taken before J. Keefer: the goods plus two framing chisels were taken from his (Henderson's) blacksmith shop. Defendant was lately in my employ. The goods were concealed on the **Saratoga**, deponent saw the goods on the ship. Evidence of McCalvey, July 4: he ought to be punished, if sober he wouldn't have done it. Evidence of **David Clark Black**: under search warrant he found the chisels and augur on the schooner **Saratoga** near Thorold, the hammer and butcher knife were produced to the deponent by Henderson. Recognizance taken before J. Keefer: Charles N. Henderson £10,

David Clark Black, Thorold, bailiff, £5. Plea: "guilty," sentenced to stand in the pillory for one hour.

File 24-26.

Joseph McCrerie, Dunnville, labourer. Charged with larceny, stealing a hog (value 5/-) the property of **William Orderly**, on May 31, 1836. True bill: **James Thompson** (foreman.) Witnesses: William Orderly. Letter from **William Mylne, Lothian Cottage**, June 1, 1836. **Mr. Minor** or **Mr. A.S. St. John** to go to **McCreray's** house and examine the head of the hog killed and to report any peculiar appearance. Letter from A.S. St. John, June 1, 1836: Head of the hog examined, the ear on the left side has scars, from the bite of a dog or from hogs fighting. There is no difference in size, the one on the left droops a little more than the one on the right. No other marks present. Evidence of William Orderly, taken before William Mylne on May 31: McCrerie and Foster stole my hog off the street and killed it. McCrerie apprehended by warrant. Evidence of **Robert Goldie**, Dunnville, storekeeper: Last fall a bitch and two other dogs attacked Orderly's hogs, the dogs had hold of one by the ear. The one ear hung down on it's eye and the other stood up. It passed his store yesterday toward's **Watt's** house with other hogs, they repassed in the evening but one hog was missing. Evidence of **James Symes**: Orderly said he lost a hog with a droopy ear. I went to McCrerie's and examined the head. Evidence of **Charles Anger**: same evidence. Evidence of **Peter Walker**: McCrerie had the hog, but I didn't see it killed. Evidence of **Hiram Watt**: Sold McCrerie a hog in the fall, would know it alive but not when dead, had no peculiar mark on it. Evidence of **Stephen Brown**: McCrerie's hog had an ear hang down a small piece more than the other. Did not see the one in question until it was dead. Recognizance taken before William Mylne June 3: William Orderly £50, sureties **George Dealy** and James Symes £25 each; recognizance taken June 6: Joseph McCrerie £50, sureties **Richard Clarke** and **Mr. McMillan** £25 each. Endorsed: Issue to be decided by the Quarter Sessions. Orderly and McCrerie to be bound, evidence and bonds delivered to the **Charles Richardson**. Verdict: "not guilty."

File 24-27.

John Murray, Stamford, labourer and **Joel Smith**, Stamford, labourer. Charged with assault and battery against **Richard Swayze**, May 24, 1836. Witnesses: Richard Swayze, **John S.** [-----] **burgh, Duncan Brown**. Clerk of the Peace authorized to [-----] **Dr. Mewburn** for papers connected with the case, signed **Duncan McDougall**, July 14, 1836.

File 24-28.

James Harmon Smith, Clinton, labourer, **Benjamin Abbott**, Clinton, labourer. Charged with larceny, stealing one axe (value 4/-) and one shirt (1/-), the property of **Adam Aker**, Clinton, yeoman, on June 23, 1836. True bill: **James Thompson** (foreman.) Witnesses: Adam Aker, **Samuel McCurdie, John Terribery**. Evidence of Adam Aker taken before **Henry Nelles** on June 24: both men are "trancients." Recognizance taken: Adam Aker £10; Samuel McCurdie, Clinton, yeoman and John Terribery, Grimsby, yeoman, £5 each. Verdict: "guilty," ordered to stand in the pillory for one hour, July 15, 1836.

File 24-29.

Humphrey John Tench, Niagara. Charged with assault and battery against **Dorothy Williams**, on July 4, 1836. True bill: **James Thompson** (foreman.) Witnesses: Dorothy Williams. Presentment attached signed by **James Thompson, John P. Peters, Henry Charles, John Prest, Daniel**

Beamer, Garner, Solomon Vrooman, William Moore, John J. Brown, Loyal Davis, John Lewis, Mahlon Swayze, Samuel Hill. “The case of Dorothy Williams against Captain Tench is entitled to the consideration of the court. The court is of the opinion that the case can’t be taken into consideration, no specific charge being contained in the presentment.” Verdict: “not guilty,” July 15, 1836.

Niagara District Quarter Sessions, October 1836.

File 25-1, Accounts 1-49.

Alexander Hamilton, charge £11.12.6. for messages sent to Messrs. *Tench* and *Mewburn*, October 12, 1836.

Alexander McLeod, charge £5 for stationery.

Order of *John Alma*, Special Constables at gaol paid £2: *William Fulton*, *Francis Nugent*, *Henry Cribbins*, *James McGill*.

Samuel Wood (coroner), charge for *Thomas Gregory* to summon a jury for an inquest held on the body of *Samuel Grading*, drowned in the *15 Mile Creek*, October 3, 1836.

Alpheus St. John, *Adam Laraway* £6.5.0.

Luke Lawrence, constable account, 5/-

Alpheus St. John, charge to summon *Dr. John Javron*, surgeon, to an inquest held on the body of *Daniel Hicks*, May 12, 1836 £1.4.10.

Alpheus St. John, charge for attendance at an inquest held on the body of *Joseph Dougherty*, September 5, 1836 £2.9.0.

Alpheus St. John, charge for attendance at an inquest held on the body of *John Poss*, £3.9.0.

Patrick Nugent, constable, charge to arrest a coloured man for stealing a yoke of oxen, £1.14.9.

John Hawn, constable account 8/6-

Charles Freeman, charge to whitewash the gaol (orders of *Peter Wheeler*) £2.16.3.

Patrick Finn, constable account 15/-, for attendance at the execution of *Aaron Seely*.

Samuel Wood (coroner), to *Dr. L. Cross*, July 31, 1836. Charge for an inquest held on the body of *Mary Ann Livingston*, discharged from the Niagara gaol and died at St. Catharines, £1.3.4.

Samuel Wood (coroner) to *Dr. Ferris*, December 21, 1835. Charge for an inquest held on the body of *Mr. Coalman*, found dead in the house of *John Heart* of St. Catharines £1.3.4.

Samuel Wood (coroner) charge for holding an inquest on the body of *Mary Ann Livingston*, July 31, 1836; a man unknown (a *Mr. Lloyd*, of *Youngstown*) August 29; on *Henry Mint*[-----] September 5; a man unknown, found at 8 Mile Creek, September 6; *Edward Keating*, 20 Mile Creek, September 18; *Samuel Grading*, 15 Mile Creek, October 3. Total £14.13.6.

Peter Wheeler, charge for a woman's hire, £3.

Alexander Hamilton, sheriff's account, £42.7.6.

Ephraim Wheeler, charge for services as turnkey &c. Also charge for potatoes, sawdust, wine, straw, shirts, wood £21.8.9.

Thomas J. Wiggins, charge for summoning a jury for an inquest held on the body of **Daniel Hicks** (Moulton) May 12, 1836, £0.15.0.

Alpheus St. John, charge for an inquest on the body of **Daniel Hicks** £3.5.6.

Alexander Al[-----], Dunnville, June 21, 1836. Received 5/- from **Alpheus St. John** to dig a grave for **Alexander Moffatt**.

Thomas Chapin, received 7/6- from **Alpheus St. John** for a coffin for **Alexander Moffatt**, August 4, 1836.

Thomas J. Wiggins, charge for summoning a jury for an inquest held on the body of **Alexander Moffatt**, 18/-, June 20, 1836.

Alpheus St. John, sum expended for a coffin and grave for **Alexander Moffatt**, £3.18.6.

William Duff Miller (coroner), charge for holding an inquest on the body of **Patrick Roe**, August 18, 1836, £2.9.0.

F.W. Porter, charge for quarterly salary as gaol physician, £6.5.0. October 11, 1836.

Lewis Donnelly, charge to summon a jury for an inquest to be held on the body of **William Carroll**, December 18, 1834, 5/-. Certified by **William Duff Miller** (coroner).

Stephen Conklin, charge for the arrest of **William Washington** £1.10.6. Certified by **William Duff**.

George Miller, charge for barrels of lime 18/9-

Charles Fell, charge for road surveys and reports, £3.17.6.

Lewis Donnelly, High Constable account, £8.8.0.

Joseph Archer, constable account, £3.10.0.

James W. Perkins, coroner. Charge for an inquest held on a body found on the beach in Walpole, plus furnishing coffin and digging grave, April 4, 1836 £3.11.6.

Henry Browne, constable account £1.10.0.

Stocking & Given, charge for pantaloons, jacket, shoes and socks £5.6.6.

Constables at the *Court of King's Bench*: **Luke Lawrence**, **Joseph Archer**, **Bernard Roddy**, **Thomas Dorrity**, **John Hawn**, **Chester Wadsworth**, **Patrick Fynn**, **Henry Brown**, **Patrick Nugent**, **Henry Chapman**, **Martin Kerrins**, **Emanuel Hoover**, **James Harris**, **David Smith**, **Luke Boardman**, **Michael Hunt**, **Erastus Derby**. Certified by **Lewis Donnelly**.

File 25-2, Accounts 50-73.

Donald McDonald, constable account, £3.13.9. Charge for services for **Aaron Seely**, under sentence of death and execution, £3.5.0.

Luke Lawrence, constable account, £1.5.0.

Walter Willson, charge to procure a jacket, calico, cotton, shoes, soap, pantaloons, scotch cap &c. £5.13.0. (Signed **Ephraim Wheeler**.)

Richard Forrest, £3.5.0. for maintenance, paid to **E.S. Adams**, (signed **Charles Richardson**, **William Clark**) September 28, 1836.

Thomas Helmer, constable account, £4.17.6.

Robert Campbell, constable account, £4.

Peter Wheeler, charge for boarding **William Holland**, **John [Gyer?]** and **Captain Watch**, £3.8.0½.

John Bruce, charge for a coffin and the expense to bury a man drowned in the Lake at Port Dalhousie, £1. July 1, 1836. (Certified by **Samuel Wood**, coroner.)

Patrick Finn, charge to summon a jury to an inquest held on the body of **Patrick Rowe**, October 1, 1836, 5/-. (Certified by **William Duff Miller**, coroner.)

George P. Kinsley, constable account (for an execution) September 29, 10/-.

J. & R. Wagstaff, charge for stove pipes and tin kettles for the cells, cups &c. £ 2.6.9.

Henry Chapman, charge to summon a jury to an inquest held on the body of **Henry Mintrine**, September 5, 1836; **Joseph Dougherty (Port Dalhousie)** and **Mr. St. John**, 15/-. Certified by **Samuel Wood**, coroner.

Robert Miller, charge for buckets and tubs for the gaol, £1.18.9. Certified by **Ephraim Wheeler**.

Isaac Levell, constable account, £1.17.6.

F.W. Gibbs, butcher. Meat bill for gaol, £6.11.9.

Joseph Cooper, prisoner. Charge to procure pantaloons, socks and jacket, October 1, 1836. Signed by **Daniel McDougall**, **William Ball** and **Lewis Clement**.

Charge for 22 yards of green basic for the court house, signed **Daniel McDougall**, **Robert Melville** and **Thomas Butler**.

William Clarke, charge for green basic, binding, socks, shoes, cotton, trowsers and jackets, October 12, 1836, £5.6.5½.

Ephraim Wheeler, charge for locks from **R.M. Clement**, 11/6-

Alexander McKie, charge for services as crier, £5.5.0.

Martin Kernes (alias **Kearns**), charge for services while **Seely** was under sentence of death, 15/-

Bernard Roddy, charge for services while **Seely** was under sentence of death, 10/-

Donald McDonald, constable account, £3.10.0. for attendance at the *court of King's Bench* (certified by **Lewis Donnelly**.)

Account of Rations Due the Gaoler of Niagara District (Peter Wheeler) July 14-October 12, 1836. £75.13.9. [Charge includes salary, candles for court and gaol, brooms for the cells, washing.] Names of prisoners and dates of confinement:

Patrick Donley, July 14-October 12, 1836.

Thomas Bartlett, July 14-October 12.

William Grogan, July 14-September 17.

John Hart, July 14-September 16.

Con. McGarrity, July 14-September 21.

William Dickinson, July 14-September 21.

Aron Seely, July 14-September 29.

Mary O'Brien, July 14-September 23.

James Burniston, July 14-October 8.

Norman Miles, July 14-October 12.

Michael Marshall, July 14-September 13.

William Burnes, July 14-July 21.

Benjamin Abbott, July 14-July 15.

James H. Smith, July 14-July 15.

Daniel Clendennan, July 14-July 22.

Caleb Engles, July 15-October 12.²⁷

Robert Woods, July 17-September 23.

William Lore, July 25-September 13.

Robert Sharp, July 26-July 28.

John Kenny, July 26-August 1.

Peter McCrimmins, August 11-August 21.

William Stub, August 25-September 24.

Hannah Chitley, August 31-September 22.

Joseph Cooper, September 10-October 3.

Catherine Alexander, September 14-September 24.

John Rider, September 14-October 12.

Joseph Lyons, September 19-October 3.

Charles Demure, September 24-September 28.

Joseph Barker, September 27-October 5.

William Washington, September 29-October 12.

Robert Sharp, October 3-October 12.

Matthew Dobie, October 7-October 8.

File 25-3. Constable's Accounts.

Joel Skinner, claim for £2.(Before magistrate **Amos Bradshaw**.)

File 25-4. Coroner's Inquests.

²⁷ This name is spelled "Ingols" in the indictment.

Dr. Converse, inquest held on **Elizabeth Halstead**, March 4, 1832; on **Daniel Dunivan**, October 10, 1835; on **Erwin Coleman**, December 20, 1835; on **Henry Mintrum**, August 6, 1836. Claim for fees of £4.13.4 sworn before **Samuel Wood**. (Rejected for information dated 1832.)

File 25-5. *Aggregate Account of Assessments for the Niagara District, 1836.*

File 25-6. Convictions of **Jacob Keefer**, magistrate, Thorold.

Conrad Wills, Thorold, trespass(defendant.) Threw down the fences of **Luke Carroll** and turned his cattle into the common. Fine 15/- and 17/- costs, September 26, 1836.

Silvanus Cleveland, Thorold, innkeeper. Took the hat, silk handkerchief, two pairs of socks and refused to restore them to **Peter McCrinnion**. Fine 21/9- costs paid by McCrinnion, case dismissed, August 11, 1836.

File 25-7, Convictions of **J. Mewburn**, **J. Lafferty** and **J. Cummings**, magistrates, Stamford.

Adam Crysler(defendant)charged with assault and battery against **Thomas Dyke**, at the **Pavilion Hotel** August 28, 1836. Fined 16/- costs, September 1836.

Charles Nugent and **Peter [Hacted? or Hucted?]** (defendants) charged with trespass against **Colin Skinner**, October 5, 1836, and took away pieces of the end of [-----]. Fined £1.5.0. costs, October 6, 1836.

John Jackson(defendant) charged with assault and battery against **Frances Dixon**, Stamford, on May 6, 1836. All expenses May 7, 1836.

Dorothy Williams, wife of **Robert Williams** (defendant) charged with assault and battery against **Humphrey John Tench** at Queenston on July 4, 1836, for a pig belonging to **Edmunds**. Fined 2/6- for the pig and 13/9- costs, July 5, 1836.

R. Gallway(defendant) charged with assault and battery against **Elizabeth Graham** at St. Davids, on May 20, 1836. Fined £1.5.0. and £1.9.0 costs, May 21, 1836.

James Mullighan(defendant) charged with abuse, threatened to turn his wife **Phebe Mullighan** out of doors. Fined 12/6- costs, May 20, 1836.

Charles Nugent, tavernkeeper, Niagara Falls (defendant) charged with selling drink and tipling on the Sabbath, gave cider to and intoxicated one **George Verell**, servant to **Dr. Robinson**. Ordered to pay 10/- to **Matthew Ottley**, churchwarden of **St. John's Church**, Stamford, and 11/- costs, September 29, 1836.

Chester Wadsworth, constable (defendant.) Charged with assault and battery against **Francis Scott**, shoemaker of Queenston, in the barroom of **Rykert's Tavern**. Conviction certificate. Fined £1.5.0. plus 17/6- costs, August 15, 1836.

Warren Hall, carpenter, Stamford(defendant.) Damaged and injured three logs of timber on the road opposite his house, the property of **James Manly** of Stamford. Fined £2.10.0. plus 12/6- costs, May 6, 1836.

Thomas Powell, (defendant.) Took possession of a house in Stamford on May 19th, the property of [-----] Fined 15/- costs, May 20, 1836.

Robert Williams, Queenston (defendant) Charged with trespass against **Captain Tench** of Queenston. Cut through a dam or embankment and turned a water course on lands of said Tench, May 20, 1836. Fined £2.10.0. damages to Tench and 15/- costs, July 20, 1836.

Lewis Richard (coloured man) and his wife (defendants.) Conspired to beat **Mary Johnson** (coloured woman) of Stamford. Fined £3 plus 13/6- costs. Ordered to find sureties for the peace.

File 25-8, Judgements of **Edmund Riseley**, Bertie.

Thomas Carne, Bertie. Charged with assault and battery, tried to ride over **El. Hopkins** of Bertie, on August 15, 1836. Fined 10/- and 11/3- costs, August 18, 1836.

File 25-9, Correspondence.

Letter from **J. Joseph, Government House**, to **Charles Richardson**, October 19, 1836. The presentment of the Grand Jury was laid before the Lieutenant Governor regarding the Township of Clinton and the **Court of Requests**. When a new commission is issued he will take the presentment into consideration and will take the recommendations of trustworthy persons regarding the seventh division of the District.

File 25-10, Calendar of Prisoners.

Calendar of Persons Confined in Niagara Gaol, (Peter Wheeler) October 11, 1836. **John Gyer**, *capias*. Debt.

Patrick Donley, September 6, 1832. Assize, murder (insane.) Committed by **Alexander Hamilton** on orders of **A. McLeod**.

Norman Miles, October 29, 1835. Passing counterfeit money. **Daniel McFarlane**.

Caleb Engles, July 15, 1836. Court, under sentence.

John Rider, September 14, 1836. Committed by **Daniel McDougall**, under sentence. **William Washington**, September 29, 1836. Stealing the boots of **George Coventry**. Committed by **William Duff**.

Robert Sharp, October 3, 1836. Want of bail. Committed by **Daniel McDougall**.

File 25-11, Notices.

Niagara, October 11, 1836. **Ferry boats** on the Niagara River shall be large and convenient to carry six grown persons safely in all weather, with no more than eight per boat. An able bodied waterman is to attend at each ferry to manage the boat with two oars, no sails, nor be permitted to exchange passengers with boats from the opposite shore. Schedule of rates. No persons detained half hour when ice is running. Rates to be affixed in conspicuous place. Any transgressors to be fined 20/- plus costs. Signed **Daniel McDougall**.

File 25-12, Filings.

Thomas D. McCormick, Niagara (defendant), not having the fear of God before his eyes but seduced by the temptations of the Devil, conspired with **John Botham et. al.** on May 1, 1836 at 12 o' clock p.m. to destroy the life and property of **Robert Kay**, Niagara (plaintiff.) Defendants attacked plaintiff's house with malice aforethought, broke the glass and woodwork of three

windows with clubs, 24 panes in each window, and seriously damaged the house. Witnesses: Robert Kay, **John Campbell**, **Mrs. Nancy Elliot**, **George Brown**, **Joseph Elliott**, **Joseph Archer**. Presentment. No bill, **T. Hixon** (foreman.) Signed **Charles Richardson**, October 13, 1836.

File 25-13, Presentments.

Orders for relief of poor and destitute.

Frederick Bouckman, Gainsborough, in charge of an insane female aged 21 years. 5/- per week, October 12.

Phebe Goodle, St. Catharines, in charge of an insane female aged 28 years. 10/- per week (same date)

Sibble Evans, Niagara, in charge of insane female aged 14 years. 5/- per week (same date)

Richard Forrest, St. Catharines, in charge of insane male aged 5 years. 5/- per week (same date)

Thomas Angelman, Thorold, in charge of insane male aged 11 years. 5/- per week (same date)

Dr. T. Raymond, Niagara, in charge of **Eliza M. Wilson** (insane) £5.5.0 per quarter (October 13)

Charles Freeman, Niagara, in charge of an insane person. 10/- per week (same date)

John Smith, Caistor, in charge of two females, aged 53 years (blind) and 50 years (insane) 10/- per week. (same date)

C. Beadle, St. Catharines, in charge of **Harriet Hague**, in feeble health and imbecility. (October 11.)

December 1, 1837. Move to amend the County of Lincoln, each township to equal division for the **Court of Requests**. In Haldimand each part is a division on either side of the Grand River and the rest equals a third division. Vote: 5 yes, 6 no. Motion lost.

The Township of Clinton is destitute of Magisterial Jurisdiction, and the inhabitants in serious inconvenience from the same. The **Court of Requests** is held in Grimsby, and the inhabitants of Clinton must travel 16-18 miles to attend. Praying for the appointment of magistrates and commissioners for Clinton, so they will not have the inconvenience of much travel. October 12, 1836. (Presentment to be sent to the Lieutenant Governor.)

File 25-14, Accounts.

Peter Wheeler, November 7, 1835: cotton wanted for shirts as well as some to make a shift for **Mrs. O'Brien**; also boards to make a fence around the windows and nails; shoes wanted for **A. Seely**, and stocking and trousers for **Bartlett**. Signed **Daniel McDougall**, **William Ball**. Shoes and stockings wanted for Mary O'Brien and stockings for **Patrick Donally**, September 3, 1836. Signed Daniel McDougall, **Lewis Clement**, **Thomas Butler**, **Robert Melville**.

Letter from **Robert Melville** stating that **Mr. Boulton** called upon me as Magistrate. Had an order from the Governor for judges to admit **Springstead** to bail. Came to gaol and had bond executed and he was discharged. **E. Wheeler** can prove the facts.

File 25-15, Non-Conformist Appointments.

Rev. Angus Mackintosh, Thorold, a clergyman of the Church of Scotland, ordained. October 13, 1836. Signed **William Hamilton Merritt**, **Charles Richardson**, **Daniel McDougall**.

File 25-16, Orders. [Note: all orders signed by Daniel McDougall alone except the Table of Fees.]

Table of Fees for Coroner, signed by **Thomas Butler** and **Daniel McDougall**, October 13, 1836.

Benjamin Clench, paid £8.10 for delivery of the rolls to collectors. October 13.

Clerk of the Peace, £50. Accounts audited. October 15.

Allowance to Prisoners, order rescinded as gaol committee has discretionary powers for extra allowance. October 12.

Chairman of the Quarter Sessions, memorandum of his appointment on the first day of the sessions at 11 am. October 15.

Committee of Accounts composed of Messrs. **Thomas Butler, John C. Ball, John Mewburn, William Ball, Lewis Clement**. October 11.

Table of Fees for Constables and Coroners (Revised) October 13.

Dr. Blackwell, to be issued a cheque £1.13.4. for an inquest held at **Gravelly Bay**. October 13.

Nathan Pawling and **Thomas Merritt** appointed to be a committee to inspect a bridge near **John Christie** in Grantham. October 15.

Nathan Pawling and **George Adams** examined the work of **Cyrus Smith** on a bridge near **John Christie**, work badly done and not worth £7.10. (£5 considered ample.) October 14.

File 25-17, Petitions.

Elenor Evans, lost her husband who was drowned at **Buffalo** six weeks ago. Left destitute, aged 70 years, and unable to provide the necessaries of life. Prays for assistance, September 10, 1836 (Rejected.)

Alexander Grant, a Scotch lad, accidentally fell from the cliff of the Niagara River below the falls on August 5th. Discovered on the succeeding day and removed. Suffered compound fracture of both legs, complicated fracture of left elbow, and ragged lacerated wounds on his body. Destitute of all means, made a charity of the public. The subscription allowed a comfortable attendance until a few days past. Thigh is still disunited, from a profuse discharge by the mangled and lacerated state of his muscles. Request to make appropriation for his relief of \$30-40, **Rev. William Leeming** and **John H. Blackwell** entrusted with the same. Without it we fear the poor sufferer will be left to endure much for want of proper nourishment, perhaps even forfeit his life? **Drummondville**, October 3, 1835. Signed **Isaac H. Culp, Cornelius Forsyth, Benjamin Corwin, Samuel Falconbridge**.

File 25-18, Precept.

Grand Jury: **Robert Bennett, Stafford Dean, Isaac Marlatt, Timothy Hixon, James Osborne, Daniel Weirs, David B. Smith, George Morris, Patrick McGaw, Robert Morrow, John Marlatt, Daniel Smith, Thomas Chadwick, Benjamin Woodruff, Jacob Lynaberry** (Clinton); **Samuel F. Moore, Alfred Bass, John Terryberry, Isaac Merritt, Robert Merritt, Jesse Baldwin, Abisha Morse, John P. Bridgeman** (Grimsby); **Stephen Drake** (Gainsborough); **John Alma, George Rykert**, October 11, 1836. Signed **A. McLeod**

Petit Jury: *Samuel Russ, James Gay, Moses Travers, Lot Paterson, Paul Marlatt, Christopher Boughner, Abraham Grubb, Samuel McCurdy, Andrew House, Philip Gregory, Jeremiah Johnson, Charles Dennis, Adam Hutt, Joel Dennis, John Hipple, John Book, Conrad Book, Joel Lindaberry, Israel Book, John Johnson, William B. Wade, Philip McCollum, John Wrong, John Halsted, Merrit Travers, Robert Nelson, Josiah Nelson, Daniel Nelson, George Miller, James Page, Henry Merritt, William Merritt, Richard Meredith, Rufus Durkee, Samuel Wightman, Merritt Johnson, Peter Phelker,*²⁸ *John Nelson, Philip Phelker, Henry Smith, Jeremiah Winslow, Abraham McCollum, Davis Keeley, David Grubb, John Lyburner, Enos Dean, William Burke, Cornelius Bertrand, Peter Hare, David Price, Joel Talman, Joseph Tufford, Philip Chevelier, Jeremiah Chevelier, Henry Conkle, Isaiah Wardle, Cyrus Culp, Timothy Culp, Epaphus Ismonde.*

File 25-19, Road and bridge petitions.

Townships of Caistor, Gainsborough, Wainfleet and Canboro. Inconveniences with no bridge across the Welland River on the township line between the townships, would provide easier communication with the 1st Concession Road in Caistor to the *Canboro Road* and *Robertson Road to Dunnville*. March 26, 1833. Signed by *James Tisdale, John Kiely, Mark Adams, Ezra Smith, David Merritt, George Dockstader, John Lyburner, Jonathan Lyburner, James Lyburner, James Clendenin, Elliot Crosby, William [Sharmon?], Eldon Jones, Christian [-----], James Jones, Samuel Darraugh, Samuel Cudney, Jacob Vaughan, William Swick, Lewis Smith, Jonathan Fulsom, William Collins, Joseph Phelps, John Merritt, John Sensebough, Joseph Dockstader.* (Petition to lay over for further information.)

Township of Bertie. The road allowance from lot 31 to Lake Erie is enclosed, an inconvenience for adjoining lands. Prevents people desirous of work (independent of statute labour) on part of the concession. Pray for an order to have the road opened. October 8, 1836. Signed *Joseph Sherk, Benjamin Sherk, Zach. Schooley.*

Letter from *James Kerby* to *Thomas Butler, Fort Erie*, October 10, 1836. My intent was to be at the Quarter Sessions, but learned of the death of my brother, *William* as announced in the *Niagara Reporter*, my excuse for non-attendance. I present a petition for money for bridge repairs. I recovered a fine of £5 from *George Huffman* for willingly disturbing an assembly of people met for religious worship, paid to the path master for the division. *James Kennedy* and *Henry Zavitz* attend and will hand in a counter-petition to *George A. Ball*, for a survey of the *Garrison line*. *Richard Graham*'s name was not on the petition of January 26, 1835, but now takes an active part by the testimony of *John Bowen* and Henry Zavitz. The Garrison Line, a straight line, is a very important boundary to be ascertained. Hitherto it involved a great deal of vexation, trouble and law suits from inaccurate surveys and conflicting interests. Unable to determine the line accurately on the original surveys. Commission to decide the position of the north side of the line.

Township of Bertie. A bridge on the Concession line between Concessions 10 and 11, crossing a large branch of *Black Creek* below the Lime Stone Ridge is impassible. It was never a finished bridge, as Statute Labour was inadequate to keep both road and bridge in repair. The road is a direct and shorter way to the principal market village of Chippawa without it requires a circuitous route to *Waterloo Ferry*. October 4, 1836. Signed *Richard Graham, Robert Stevenson, Jacob Barnhart, William Buck, Michael Sherk, Hugh Scott, Alexander Smith, William McMurray,*

²⁸ Undoubtedly a variant spelling of the surname "*Felker*."

Peter Shisler, Richard [-----], **James Adair, William Buck, Jacob Wilson, Charles Hibbard, Leonard Griffith, John Adair.** (Rejected for want of funds.)

Township of Bertie. On January 26, 1835 a petition concerning the **Garrison Road** on the south side of the line was presented in error, should refer to the north side. **James Kerby** opened the same from **Waterloo Rapids** about one mile on the north side. The surveyor of roads to open the rest. **Richard Graham** now takes active part to open the road on the south side. **Mr. Ball's** survey is erroneous. The proof is on the north side. Petition the legislature for an act to appoint commissioners to decide the matter. September 29, 1836. Signed **Lewis Fulmer, Adam Woolever, Henry Hershey, William Clark, Henry Putman, Peter Woolever, Drayton Halcomb, Jacob Jansen, John Jansen, Conrad Jansen, Henry Anger, Henry Zavitz.**

File 25-20, Tavern licences.

James W. Perkins. Operates a commodious house at the four corners at or near **Stoney Creek** in **Williamsville**, Walpole Township (Haldimand) He resides there. House is well adapted for travellers. An inn is much needed, wants a licence. Certificate of good character, is an upright, sober and respectful, fit person. October 8, 1836. Signed **Aaron Overholt, David Hunsberger, John Hunsberger, Benjamin Hoover, Henry Miller, Samuel Strickler, David Hoover, Jacob Hoover, John Curry, John Miller, James Drinkwater.** Fee £3. Granted, signed **Daniel McDougall.**

George Barber of Niagara. Has the house formerly occupied by **Mr. Hughes.** Reopened as an inn, Has the necessary bedding and furniture, stabling for horses &c. March 28, 1833. Signed **Walter Elliot, D.W. Smith, George W. Smith, John Davidson, Matthew Dobie, John** [-----] (Rejected.)

File 25-21, Convictions of **E.S. Adams** and **Thomas Merritt**, magistrates.

Maria Cornish of Grantham, charge of larceny against the goods of **Cornelia A. Reach.** Witness: **Cornelia A. Reach.** Defendant bound to appear. Discharged by proclamation. Recognizance of prosecution estreats October 12, 1836. Signed **Daniel McDougall** Taken before **E.S. Adams** the evidence of **Cornelia A. Reach** of St. Catharines, milliner, lost parts of two lag horn bonnets worth 8/-, June 10, 1836. Recognizance of **Maria Cornish** £20, sureties **Richard Lee** and **Jacob Parks** (both labourers) £10 each, June 11, 1836. Recognizances of **Jane Turney, Ann Lee,** **Richard Lee, Catharine Van Riper, Sophia Swick, Ann Dexter, Jane Mead** and **Elizabeth Dexter** £5 each; **Mary A. Dexter** of St. Catharines, milliner, **W.H. Nelles** (yeoman) and **Jerome Clark** of Dunnville (merchant) £5 each; **Cornelia A. Reach** £10 (June 11.) Evidence: **Jane Turney**, June 10, 1836: **Maria Cornish** said to **Miss Reach** she'd bring back the bonnets. **Ann Lee**: **Miss Reach** said **Maria Cornish** worked for her and took the bonnets. The crown of one was fine and the other coarse. Did **Maria Cornish** bring back the bonnets? Witness said no. **Miss Reach** told witness to go to **Miss Dexter's** and ask if a bonnet was brought to her shop? **Miss Dexter** said a mulatto girl brought one to be done up. **Richard Lee**: Went to **Miss Dexter's.** **James Cornish**, the husband of **Maria**, asked if his wife **Maria** brought a bonnet to the shop? She said yes, **Maria Cornish** said no. Asked witness to see a bonnet and take it to **Miss Reach** and return it **Miss Dexter** said tell **Miss Reach** to come tomorrow and she should see it. **Miss Dexter**: Says a coloured woman brought a bonnet to be fixed between 10 and 11 am, but it was not the prisoner. **Catharine Van Riper**: No reason to believe a bonnet was taken from **Miss Reach.** **Sophia Swick**: Took bonnet to **Miss Dexter** to be chased. **Ann Dexter**: is positive the bonnet is the same one brought by **Mrs. Swick.** **Jane Mead**: Bonnet is the same one as at **Miss Dexters.** **Eliza Dexter**: nipped up the bonnet in my sister's shop, is the same one now produced.

File 25-22.

Rex vs. Samuel Hathaway Farnsworth. Samuel Hathaway Farnsworth of Grantham, yeoman (defendant), charge: assault with intent to carnally know a child, August 25, 1836. Recognizance taken before *E.S. Adams* and *Henry Mittleberger*: Samuel H. Farnsworth, of St. Catharines, £200; *Hiram Moore* (yeoman) and *John Bassett* (gentleman) of St. Catharines, £100 each, September 19, 1836. True bill: *Timothy Hixon* (foreman.) Witnesses: *James Sears* and *Harriet Dougherty Sears*. *John H. Sears*, painter, St. Catharines, recognizance £100, taken before E.S. Adams and Henry Mittleberger, September 19, 1836. List of witnesses, October 15, 1836: James H. Sears, Harriet D. Sears, *Ann Sears*, *Elizabeth [Talieux?]*, *Alanson Hott*, *Dr. William Ferris*, *Dr. F.P. Converse*, *William Bate*, *James Foley*, *William G. Mosely*, *Nelson Sanderson*, *Orvin Potter*, *Dr. C. Beadle*, *John Sheldon*. Signed *William H. Merritt*. Grand Jury presentment: verdict "guilty." Fined £25 plus costs and 3 months in gaol. Costs £53.14.0. Evidence of Dr. Converse: On the 14th Dr. Ferris and I examined Harriet D. Sears (8 years old). An unusual enlargement of the parts, I did not before examine a living female of her age. Unusual to have the membrane stretched and discharge present. Unsure what it was. She went with defendant to his premises. He put her on a board, stood up, and was as high as his head. He pulled up her clothes and wet her. Also in the kitchen, he put down his breeches and pulled up her clothes and wet her. Impossible to have any intercourse without hurting her considerably. Natural to infer from the removal of the hymen that irritation might occasion a discharge, violence used. Instances of females born without a hymen are but rare. Discharge of any gleet, or evidence of "ciphalis or gonnerea?" Girl answered questions but not on her own accord, was bashful on the subject. September 19, 1836. James H. Sears of St. Catharines: Was surprised that Harriet was home on the 15th or 16th of August, as she lived with defendant for one year. Called at defendant's to ask the cause? No one was there. Deponent knocked. Harriet was 7 years old in July. Naturally diffident. Related the same story several times. Defendant had access to her, placed her in different positions to accomplish his purpose. Nothing to do with others. Brought home her clothes except a few articles. State of her shift when pulled off, something unnatural appeared to her mother. Applied to Dr. Beadle and Converse to examine her. Magistrates ordered them to examine her, information given to *George Rykert* and Henry Mittleberger. September 15, 1836 Samuel H. Farnsworth: attempted to violate his daughter four weeks ago. Directed her to turn away the cow in the barn and while there came in, shut the door, put her on a board, lifted her clothes up and attempted to violate her. Did so as far as he could, then and there did ravish and carnally know her. September 16, 1836. Ann Sears: Harriet is a child by Farnsworth's former wife. Came home with clean clothes. Threw them in the cradle. He pulled up her clothes, pulled down his breeches &c. Did it once on the barn floor, her standing and defendant knelt on his knees to accomplish the same purpose. Mrs. Farnsworth questioned her on coming from the barn why she was so long and threatened to whip her and hang her with rope if she didn't tell the cause. Mrs. F. ordered her to go to *Mrs. Higgins*, get breakfast. Then came home. Last winter he promised her candy. When asked why she didn't inform, she said she dared not. Nothing to do with other persons. No complaints against the child.. Harriet Sears: Defendant put her on a board in manger where horses eat hay. Spit on his fingers and put spit between her legs, and other times in the barn and kitchen. Put her near the window and sat in chair, pulled down his breeches and spit on his hand and rubbed it between her legs. Mrs. Farnsworth asked what took so long. After breakfast was called for by *Mrs. Kemble* to get her clothes. Went home, told the affair to her stepmother. September 19, 1836. *Sarah Higgins*: Went by the Sears home. Asked if she knew why the child was home? Various reasons, she is a lying child and stubborn. Mary Ann Kemble at home, told Harriet to get her clothes between 10 and 11 am. When questioned, she persisted in her stories. September 17, 1836. Dr. C. Beadle. Evidence concerning Mr. Farnsworth's health, says he hasn't had cephalus. He is in bad health, and there was a discharge of gleet. Gonorrhoea and cephalus are different from

gleet. Farnsworth's physician hasn't examined his parts but took Farnsworth's word for the state of his parts. If he has gonorrhoea or cephilis, he would have apprized witness as his physician. Cephilis is communicated by contact. Samuel H. Farnsworth: Several necessary witnesses and unnecessary ones. Have demanded a day beyond the time he attended except Dr. Ferris. Some not called or examined. To swell expenses against him. Signed **Lewis Clement**, January 14, 1837. Statement objected to as overcharged. C. Beadle: Dr Converse, **L. Cross**, William Ferris and myself examined Harriet Sears. Discharge from irritation of her parts, hymen wanting, unusual discharge at her age. Violence used. September 19. Dr Ferris: No laceration to her parts. Did not appear a healthy state due to the discharge. Parts swollen. Occasioned by gonorrhoea by communication. September 17. **Eliza Yates**, of St. Catharines. Knew Harriet Sears more than a year. She is a storyteller. Boards at the defendants. She told that she was to wash in basin, found it was not so, it was frozen over. Came to Higgins at 7 or 8 am for breakfast, at 10 or 11 am Miss Kemble called to get her shift and go to her father's. Sears said some wretch ruined his child. She wouldn't place confidence in the child because she'd lie, and wouldn't own up even if whipped. Advised to often send child home since child is in the habit of lying. September 17. **Sarah (Sally) Cleveland**, wife of **John Cleveland**. Some boys were back of **Belnap's** fence with Harriet (or so says her son **William**.) She went there and saw **James Foley** in an act of carnal knowledge with Harriet. There were several boys. **Mr. Bate's** boys saw her, asked son **Charles** if he saw anything, **James McGill** was once with her 3 or 4 weeks ago. She spoke with defendant once in the spring about some honey, but nothing until now when **Mrs. Vandecar** spoke of the affair. September 17. **Maria Townsend**. Spent two or three days at **John Lewis's** house. **Mrs. Godfrey Waud** and witness had a talk, a word about the case. She asked her, she wondered what little girl it was whom report had attracted this case to. Harriet hung down her head on a chair while this conversation occurred, and from circumstances she was induced to ask the girl if she knew who it was and she replied it was her. She related the circumstances. Clothes were stained a good deal. Was sore, her back pains her, couldn't sit at all. Nelson Sanderson of St. Catharines, shoemaker: statement of services performed. Brought defendant to examination before His Majesty, and at Niagara on trial. Fee £4.6.0. Costs £26.8.0. October 26, 1836. Signed George Rykert.

File 25-23.

Robert Henderson, labourer, of Bertie. Charged with assault and battery, August 13, 1836 against **Abner Ransom**, of Bertie, yeoman. Witness: Abner Ransom, **Isaac Haun**, **B. Tench**. Evidence taken before **William Smith**: Ransom was struck in the face, ribs and other parts, was in danger of his life. August 15. Recognizance of Ransom £20, September 17. Recognizance of Robert Henderson £20, sureties Isaac Haun and **John Anger** (yeomen) £10 each. Verdict: "not guilty," October 13, 1836.

File 25-24.

Rex vs. Washington. **William Washington**, of Stamford, labourer, coloured man. Charged with larceny, stealing a pair of boots belonging to **George Coventry** of Chippawa, value 5/, September 26. Witnesses: George Coventry, **Samuel Cooper**, **Joseph Wright**, **Jesse Hickman**. True bill: **T. Hixson** (foreman.) Verdict: "guilty," October 12. Sentenced to 39 lashes on the bare back, at 12 pm on October 13, 1836. Signed **Daniel McDougall**. Witnesses: **William Duff**: boots taken on September 28 from the shop of Jesse Hickman, barber, Chippawa, and concealed at the house of William Washington. He was lurking about the shop. Committed to gaol for felony September 29th. **Joseph Wright**: Doesn't recollect boots or slippers. Did see the prisoner. Came past Hickman's and put up a sign and picture in the window. Hickman said the boots were stolen in the night from the shop through the window. William Washington appeared before William Duff on the complaint of **Thaddeus Conklin**, constable, re: theft from the shop of Jesse Hickman,

barber, on September 29. He says the boots were bought, paid \$1.00 and cleaned his shop for them. Hickman got them from a man and wanted to soften them. He bought them at sunset and had them on when he went to supper at **Brundage's**. Altered the boots because they hurt his feet. George Coventry: the boots are the same as those taken from Hickman's. **Samuel Cooper**, cook at Brundage's: Washington came in and asked for supper. Bartender told him to get supper. When he came in he had on a very light pair of shoes much worn. Went to Hickman's at 8 pm. Saw the same boots there. Hickman came to me next morning and asked if he'd seen George Coventry's boots which were stolen.

Niagara District Quarter Sessions, January 1837.

File 26-1. Accounts (1-30.)

List of Accounts Passed in January Sessions 1837. [file includes a draft copy, dated January 10, 1837.]

Edward Lee, constable account for summoning a coroner's jury to an inquest held on the body of *John Fisher* (drowned at *Marshville*) on October 14, 1836, £3.

John E. Clyde, charge for making a coffin for *Margaret Jane Hall*, November 27, 1836 7/6- (certified by *William Duff Miller*.)

Cyrus Rose, constable account £1.1.0. December 24, 1836.

Joseph Montague, constable account £1.4.0. December 24, 1836.

Frederick L. Gibbs, constable account £1.4.6. (rejected.)

Luther Boardman, constable account £3.5.0.

Emmanuel Hoover, constable account £5.3.6.

John Hawn (sexton), charge for digging a grave for *Margaret J. Hall*, November 27, 1836. 5/- (certified by *William Duff Miller*.)

Charles Freeman, charge for keeping an insane man named *Campbell*, £8.2.6.

William Caswell, constable account £1.5.3.

William Vanalstine, constable account £1.5.0.

Charles N. Henderson, constable account, £1.16.3.

Daniel McDougall, constable account, £1.16.3.

Thomas Dorrity, constable account (per *Daniel McDougall*) £0.13.9.

Thomas Hanaghan, constable account 17/-

Leonard Hicks, charge for nursing a prisoner named *Cooper* £1.10.0.

F.W. Porter, charge for attendance as gaol surgeon; charge for attending an inquest held on the body of *Mary Jane Hall*, £7.8.4.

Alexander McKee, charge for services as crier of the court, £2.5.0.

Donald McDonald, charge for services in the death of *Aron Seely*, £3.5.0.

L.C. Kearney (*Niagara Telegraph*), printing charges £5.10.0.

Luther Boardman, constable account £5.7.6. Charge for supplying a coffin and shroud for **John Johnson**, May 14, 1836 £5.11.3.

John Milton, charge for supplying a meal to the special constable, on the morning of **Seely's** execution, 10/-

John Page, constable account "Gentleman magistrates, I wish your worships to send me the cost that is coming to me for takeing **Peter R. Meany** to gaol last November the 30 1835 as I have not the time to come down this court and I think you will be good anuf to attend to it for me the same as if I was thare. Mr. Squire McDugal can tell all about the case I have laid out of my money some time and Mr. Jordan sais that I must look to your oners as he will not pay me the amount is £1.5.0. shillings and if you will send it by **James Page** you will oblidge me vary much. Gainesborough October 10, 1836. Your most obegent servent, John Page, constable."

Daniel McDougall, warrant to **John Page** to apprehend **Peter R. Winns**, constable (embezzlement £10) on the oath of **John Jordan**, November 27, 1835. (plus statement of costs.)

Francis Proctor, constable account 12/-

Michael Hunt, constable account 15/-

Zenas Fell, charge for holding an inquest on the body of **John Kingsmill** at Thorold on September 20, 1836, £2.14.0.

Patrick Finn, charge for summoning a coroner's jury to an inquest held on the body of **Daniel Fields' son**, **Queenston Road**, November 20, 1836 £0.5.0. (certified by **William Duff Miller**.)

File 26-2. Accounts (31-68.)

Andrew Heron, printing costs £12.14.9.

Albert Raymond, special constable fee 15/-

Thomas Shaw, constable account £5.15.0.

Joseph Wynn (coroner), charge for holding an inquest on the body of **George Lathingier**, March 7, 1836 £2.18.0.

Charles N. Henderson, constable account for taking a coloured man, **Jesse Brown** (alias **Joseph Lyon**) £10.19.0.

William Caswell, constable account £4.15.3.

Luther Boardman, constable account, £2.

Robert Cole, charge for painter's work, varnishing &c, £4.16.1.

Joseph Robinson, wolf scalp certificate, killed three wolves in Wainfleet November 28, 1836, £3. (before **Edward Lee**, **D. Thompson**.)

John E. Clyde, charge for a hand rail in the lower Court, glazing, repair of the sash and lights &c. £6.16.6.

John Anger, constable account £1.

Jonathan Davis, wolf scalp certificate, Wainfleet, January 19, 1835. (Signed by **David Thompson**.)

John McEwen [alias **McEown**], wolf scalp certificate, Wainfleet, March 12, 1835. (Signed by **David Thompson**.)

R.F. Jones, constable account, £2.14.3.

Peter Wheeler, charge to board **Campbell's child**, 14/7-

E.S. Wheeler, charge for services as turnkey and for supplying wood for the gaol, £27.7.6.

John Lyons, Registrar: charge for the purchase of books and indices, £7.14.6.

J.B. Forsyth, **Crouch's Hotel**, Niagara, May 10, 1837: the late **Mr. Richardson** was taxed £2.13.4 in error, on lot 12 Concession 5 (Gainsborough) instead of Glanford. (certified by **William Clarke**.)

William Hepburne, assessment for the "**Blue House**" in Chippawa, has overpaid 12/-. April 1, 1837.

H. Browne, constable account, £1.10.0.

Asa Moulton, constable account, £2.17.6.

Robert Campbell, constable account, 17/-.

Thomas Hanaghan, constable account, £1.2.0.

Edmund Riselay, charge for holding an inquest on the body of **Patsy Henderson** on December 20, 1836 £1.15.0. (absence of the coroner.)

Cyrenius Hall, charge for holding an inquest on the body of a deceased child, **Fort Erie Rapids**, December 20, 1836 £1. (Certified by **Edmund Riselay**.)

Warner Nelles, charge for holding an inquest on **Dr. Ronayne**, June 12, 1836, £1.9.4.

William Duff Miller, charge for holding an inquest on the body of **Margaret Jane Hall**, November 27, 1836; charge for an inquest held on the body of **John McKenna**, January 2, 1837, £5.1.0.

Charles Fell, £2 error in his account.

Andrew Heron, charge for boards, oakum, rosin and tar £5.13.4.

Charles Woodman, constable account, £1.2.6.

John Andrews, six chains for the court £1.5.0.

Sheriff's Account, £17.17.6.

Michael Hunt, constable account, £3.17.5.

Robert Holditch, constable account, £1.6.0.

Francis Webster, York, Grand River, December 17, 1836 to **William Clarke**: charge for services as Returning Officer in the Haldimand elections, £12.10.0. **Edward Adams** (poll clerk), **John O'Neill** and **William Dennis** (constables.)

Amount Due the Gaoler of the Niagara District (Peter Wheeler) October 13, 1836-January 11, 1837. £17.17.6. (amount includes charges for washing, sweeping the chimney, cleaning the pipes, straw for the cells, candles for the court and gaol, plus making two shirts for **Donley**.) Names of prisoners and date of commitment:

Patrick Donley, October 13, 1836-January 11, 1837.

Norman Miles, October 13-October 18.

Calib Engals, October 13-October 16.

John Rider, October 13-November 4.

William Washington, October 13-October 14.

Joseph Legget, October 13-November 20.

Samuel H. Farnsworth, October 15-January 11.

Robert Sharp, October 13-October 16.

Mary Buggans, October 19-November 22.

"**Moses**," October 27-November 5.

Richard Abbott, November 25-January 11.

Benjamin Abbott, November 30-January 11.

Joseph Leggett, November 30-January 11.

Street Chace, December 5-January 11.

Sarah Ann Campbell, December 8-January 11.

Nelson Horton, December 9-December 12.

Francis J. O'Conner, December 15-January 11.

Daniel Brown, December 22-January 11.

Mary Bowman, December 30-January 11.

File 26-3. Accounts (69-90.)

Truman Raymond, charge for keeping **Elizabeth Mitchell Wilson** (insane and destitute) £5.13.9.

Mrs. Goodle, charge for keeping an insane woman £6.10.0.

Eliza Evens, charge for keeping an insane girl (aged 11 years) £3.5.0.

Martin Boukman, charge for keeping an insane woman £3.5.0.

Robert Richardson, charge for keeping a woman £6.10.0.

Richard Forrest, charge for keeping **Francis Lynch** (insane) £4.17.6.

Lewis Donnelly, High Constable account £4.4.0.

Mrs. Campbell, charge for keeping her insane husband, **John Campbell**, 12/6- weekly.

The bridge over the Welland River on the east township line (Caistor) was completed in October 1835. Signed **Joseph Phelps**, **Martin Vosburgh**, **Paul Brown**, **Charles Tisdale**, **Jonathan Fulsom**, **Joseph Dockstader**, January 6, 1837.

David Bradt, laboured on the **15 Mile Creek Bridge** approach on the **Main Road**, July 11, 1835. £5.

Nathan Pawling and **George Adams**, certified that £15 was spent on a bridge across the ravine near **John Christie** in Grantham. Work performed by **George Flanders** of **Port Dalhousie**.

List of Constables at January sessions 1837: **Henry Brown**, **Donnell McDonnell**, **Thomas Dorrity**, **Johnston Orr**, **Michael Hunt**, **Martin Kerrins** (certified by **Lewis Donnelly**.)

List of Constables at October sessions 1836: **Joseph Archer**, **Donnell McDonnell**, **Martin Kerrins**, **Patrick Fynn**, **Henry Brown**, **David Smith** (certified by **Lewis Donnelly**.)

File 26-4.

Benjamin Corwin, Stamford, October 18, 1836. Has a bond held against the District. The back is filled up with endorsements, and of so long standing, that I wish to have it paid. [Referred account.]

File 26-5.

Bertie Constables: **Robert Jones**, **William Rainsford**, **John J. Harris**, **John Anger**, **Walter Bowen**, [-----] **Burtram**. (Certified by **William Smith** and **Edmund Riselay**, January 12, 1837.)

Crowland Constables: **Donald Shoup**, **Robert Doan**.

Willoughby Constables: **James Dell**.

Thorold Constables: **Robert Holditch**.

File 26-6. Convictions (**J.Mewburn** and **Robert Grant**, JP's.)

William Wadsworth, Queenston. Charged with assault and battery against **Philip Malkin**, Queenston, labourer, on November 15, 1836. Fined £1.5.0. (paid to the Clerk) and 14/3- costs (paid to the pathmaster). Queenston, November 19, 1836.

File 26-7. Convictions (**George** and **Jacob Keefer**, JP's.)

Thomas Dunn and **John Walden**, Thorold, labourers. Charged with selling liquor without a licence on December 17, 1835. Evidence of **Elim McArthur**, Thorold, yeoman. Fined £5 and 17/9- costs, Thorold, December 8, 1836.

File 26-8. Convictions (**Jacob Keefer**, JP)

Eliza McMahon, charged with assault and battery against **Joanna Donovan**, Thorold, widow, on December 3, 1836. Evidence of Joanna Donovan, taken December 4: McMahon threatened to take her life by running a dirk through her. McMahon ordered to keep the peace for one year, sureties **William Ker Emery** and **Elam McArthur**, Thorold, yeomen, £10 each.

Adam Blue, Thorold, labourer, charged with selling liquor without a licence. Evidence of **William Hadwell**, Thorold, labourer. Fined £2 plus costs 15/9-. December 27, 1836.

William Langley and **Michael Knight**, Thorold, labourers. Were at the **Thorold House Tavern** on January 8, 1837. There was an affray/assault in the barroom, **Charles N. Henderson**, constable, was struck in the face by a fist. Langley fined £1.10.0. and Knight fined 10/- plus 15/3- costs each, January 9, 1837.

James Dennis and **John Dennis**, Thorold, yeomen. Charged with assault and battery against **Charles N. Henderson** on October 23, 1836. Fined 10/- each plus 16/- costs each, October 26, 1836.

Angus McEwen and **Henry Clement Fralick**, Thorold, labourers. Were at **Cleveland's Inn** where they took the fur cap off **Lemuel Holms** (value £4.) Fined £4 damages plus 21/3- costs, December 17, 1836.

Henry S. Sheppard, Grantham, mason. Recognizance £10 to keep the peace towards **Lewis Collins** for one year. Sureties **Nicholas Smith**, Thorold, wheelwright and **William Ker Emery**, Thorold, gentleman, £5 each, August 16, 1836.

File 26-9. Convictions (**John Mewburn**, JP)

Alfred Tillot (Tilbet?), coloured man. Charged with assault and battery against **William Hugill**, coloured man, on October 17, 1836. Fined £1 costs only, October 19, 1836.

Chester Wadsworth and **William Wadsworth**, charged with assault and battery on November 26, 1836 against **James Grey** in the house of **John Payne**, who keeps a disorderly house. Fined £1.13.3. costs only, November 29, 1836.

John McGill, charged with assault and battery against **William Crysler** of the **Falls** on October 14, 1836. McGill was intoxicated. Fined £1 for the highway, and 5/- to **Strong**, a blind man at **Clifton**, plus 16/3- costs, October 15, 1836.

William Gardner, Drummondville. Charged with assault and battery against **Samuel Old**[----?]. Fined 12/6- costs only, December 31, 1836.

File 26-10. Appeals.

Before **Henry Mittleberger**, St. Catharines, February 8, 1836. **Matthew McMullen** of Grantham was at **John Wright's inn** on February 5 where he did tear and damage a green [sateen?] coat the property of **Solomon Soper**, Grantham, labourer. Fined £3 damages plus 10/- costs. Evidence of **James Hill**, Grantham, February 8: went to John Wright's on February 5 to take McMullen home. McMullen got out of **George Read's** sleigh, slipped on the steps and caught Soper's bottle green coat with his fists and tore it badly down the back. Soper said nothing, doesn't know the value of the coat. McMullen was intoxicated. Words passed later, Soper requested damages. McMullen

said nothing. Evidence of **Samuel Gregg**, Grantham, February 8: Soper was at John Wrights and left, McMullen tore his green coat, value \$12. Soper told McMullen "let go, you'll tear my coat." McMullen was intoxicated, and persisted to do damage to it. Evidence of **Samuel Soper**, February 6: was at Wright's at 7 pm, McMullen was there, tore my coat (value £3.) Fined damages and costs £3.10.0. Laid over to April Sessions.

Letter from **B. Tench** to **Luther Boardman**: **Thomas McChesney** of **Port Colborne** (Humberstone) tavern keeper, on December 23, 1836 assisted and abetted to spoil, burn and destroy the great coat of **Henry Douthill**, Humberstone, clothier (value £4.) Recognizance taken before **John Alma** on December 28: Thomas McChesney £10, sureties **Abraham Schooley** and **Benjamin Cutler** £5 each. Fined £4.10.0. plus £2.11.3. costs, arrested and put into gaol until paid. [Confirmed that defendant paid 5/- plus costs, January 12, 1837.]

File 26-11. Correspondence.

Letter from **Charles Hall** to **Charles Richardson**, December 19, 1836: Encloses a return of mines as requested by the Government office. "Sleighing makes it rather more brisk than lately- that is as far as sleigh riding goes. I am in hopes it will improve business a little, there is certainly plenty of room for it."

William Morris: I am anxious to serve the people in question.

Letter from **Charles Richardson** to **George H. Markland**, December 31, 1836: Encloses a return of **Innkeeper's licences** for Niagara.

Letter from **Daniel McDougall** to **William Morris**, Toronto, December 22, 1836. At the Grand River, the people at the **Nelles Settlement** complain of the **Court of Requests** being held at **Dunnville**, 30 miles distant. Can a new division be established? Mentioned this to **Mr. Rykert**. Bring up the matter at the Sessions. Area from the Indian Reservation to **Cayuga** and the first Range of lots below the **Talbot Road**, for the width of the Reserve, about 12 or 14 miles.

Letter from **William Morris** to **Daniel McDougall**, Toronto, December 23, 1836: I talked with the Chief Justice over the **Court of Requests Act**. Mr. Macaulay said the Magistrates in the Midland District referred to the Attorney General, who said that a division may be made any time by the Magistrates at Quarter Sessions.

File 26-12. Criminal Calendar.

Calendar of Prisoners Confined in the Niagara Gaol (Peter Wheeler) January 10, 1837.

(Certified by A. McLeod.)

Debtors:

Thomas C. Kendrick, December 13, 1836. Writ of *capias*.

F.W. Straight, December 21, 1836. *Capias*.

Peter M. Ball, January 6, 1837. *Capias*. Discharged.

Criminals:

Patrick Donley, September 6, 1832. Order of the court. Murder.

Richard Abbott, November 26, 1836. Orders of **William Smith** and **A. Douglas**. Stealing two horses, the property of **Thomas Graham**.

Benjamin Abbott, November 30, 1836. Orders of **William Smith** and **A. Douglas**. Stealing two horses, the property of **Thomas Graham**.

Joseph Legget, November 30, 1836. Orders of **David Thompson**, **Samuel Birdsall** and **A. Brady**. Stealing the horse of **Barnard Duffy**.

Street Chace, December 5, 1836. Orders of David Thompson and **A. Bradshaw**. Stealing six pieces of broad cloth, silk &c, the property of **Joseph Wilson**.

Sarah Ann Campbell, December 8, 1836. Orders of **Daniel McDougall** and **Thomas Butler**. Keeping a disorderly house.

Francis J. C. Conner, December 15, 1836. Orders of **Duncan McFarland** and **B. Tench**. Stealing a "counterpain" (value 5/-), coak (£2.10.0.), blue coat (£1.5.0.), rug (2/6-), rug (5/-), shirt (2/-), tins, knives and forks (1/-) and cwt of flour (£1) the property of **A. Nivens**.

Daniel Brown, December 22, 1836. Orders of Duncan McFarland. Stealing goods from **Joseph Wilson**.

Mary Bowman, December 30, 1836. Orders of **E.S. Adams**. Keeping a disorderly house.

Samuel H. Farnsworth, under sentence.

John Besham, stealing a vest and some pantaloons.

File 26-13. Filings.

Mary Ann Drain, wife of **John Drain**, Niagara, *femme covert*. Evidence taken before **Daniel McDougall**, December 6, 1836. Her house in town was set on fire and burned on December 5, suspects **Charles Melony**. December 7: the house was let to Charles Melony from March 15 until two months ago. He refused to pay the rent, my husband distrained his goods for a writ by **Warren Claus**. The prisoner kept the key, and was angry with my husband. Evidence of **Susan Roberts**: saw some man walk away, low in stature, with light coloured clothes and cap. Evidence of **Alexander Anderson**: the prisoner said Drain treated him like a rascal, and that he would have his revenge. Evidence of **Alexander Scointon**: heard the prisoner say he would have his revenge. Evidence of Charles Melony: he didn't give up the key since his wife lost it. He was at home when the Drain house was burned, was not outside the house until people gathered to put out the fire. He doesn't recall saying what Alexander Anderson said that he said. Warrant issued, arrested by **Lewis Donnally** but allowed to escape. Recognizance taken before Daniel McDougall, **Thomas Butler** and **Lewis Clement**: Mary Ann Drain, Alexander Anderson and Alexander Scointon, £20 each.

Warrant issued by **George Keefer** to **Charles Henderson** on September 12, 1836 to apprehend **Jesse Brown**, on the complaint/oath of **Miner Stillwell**: blue pantaloons were stolen at **Cleveland's Inn** on September 11, believes Jesse Brown (a coloured man) left the house and stole them. **John Harper** allowed to execute the warrant in Toronto, September 17, 1836.

Recognizance taken before **Samuel Street** of **Drayton Halcombe**, Crowland, yeoman £50, sureties **R. Hooker Lee**, Chippawa, gentleman and **John McLaughlin**, Humberstone, farmer, £25 each. To answer to a misdemeanor, November 7, 1836.

Evidence taken before **James Cummings**, December 6, 1836. **Edward Bryant**, Chippawa, labourer, was summoned to attend court at **Drummondville** by the **Commissioner of Highways** on October 15 for neglect of duty. **Henry Clark**, mason, asked if he would order on **Adam Fralick** for money. He said yes, he had a note to pay \$22.50 or \$22.75 to bearer. He met Fralick on the highway near **Mr. Slater's Inn** at Drummondville. He gave him the order, Fralick put it in his pocket, and said he had no cash but would come down the next week and pay it. Henry Clark brought suit against Fralick for \$22 and costs. A judge ruled in favour of Fralick, Clark ordered to pay costs. Bryant never got paid for the order, and Henry Clark was defrauded of it. Evidence of **Adam Fralick** of Stamford before **William Duff** and **James Cummings**: the said order was

presented in the barroom of *Ezra Durham*, and paid it to *Edward Bryant* in bank notes. Among others \$1, Bryant returned the change in odd cents. He gave Bryant \$23, Bryant gave back 25 cents. Evidence of *Alfred Talbot*: He said that Clark was angry over the order, and Fralick said "I don't reckon Clark is mad, we will settle that matter" and laughed and walked away. Recognizance taken: Edward Bryant and Henry Clark £10 each, *Patrick Cavanah* £7.10.0. and Adam Fralick £25. *Riverius Hooker Lee* and *James Secord (Collector of Customs)* £15 each.

File 26-14. Presentments.

John Smith: keeps *Margaret Harris* and *Jane Harris* (Caistor.) Prays for £8.2.6. remuneration. January 13, 1837.

Nelly Evans (destitute) Niagara. Allowed 5/- weekly, paid to *Lewis Clement*, January 13, 1837.

Ozias Bughner, keeps *Margaret Newberry* (insane) prays for 5/- weekly. January 13, 1837.

James Humphreys, Queenston, innkeeper. Has a license by false representation, his house is unfit as an inn and is a nuisance, as he allows gambling and excess drinking. Evil examples set on the Sabbath. Grand Jury presentment, dated January 12, 1837.

John Mewburn fined *Robert T. Gilcrist* 5/- plus costs in May last and filed recognizance; Mewburn told him he might go about his business contrary to law. Grand Jury presentment, dated January 13, 1837.

John Mewburn fined *Charles Nugent*, innkeeper at the Falls, for costs and filed recognizance in October last. Nugent was told to go about his business whithersoever he would. Mewburn had nothing against Nugent, which we consider illegal. Grand Jury presentment, dated January 13, 1837.

File 26-15. Non-Conformist Records.

Reuben H. Close, Pastor of the Presbyterian Church at St. Catharines. Granted a licence to perform marriages, January 13, 1837. Affidavit certifies that he was ordained by *Edward Marsh*, moderator of the *Niagara Presbytery*, January 11, 1837.

File 26-16. Orders.

William Ball, *John Mewburn* and *John Clark*, ordered to be a *Committee to investigate the escape of persons sent to the Penitentiary* last fall. Signed *Daniel McDougall*, January 11, 1837.

James McGarry, Stamford. Licence fee ordered reduced to £5, and fee of *Robert Fralick* of Drummondville ordered raised to £7.10.0. January 11, 1837.

Ordered that 1/3- be paid to constables conveying prisoners to gaol, including wagon hire and other charges, no greater sum allowed without special order, January 13, 1837.

File 26-17.

William Morgan, Niagara, January 10, 1837. Has a large and impoverished family. Has taken care of *John Osborne*, a sick pauper, who came to my house during the inclement weather on

December 12, 1836, and who would have perished for want of care. Prays for assistance. [Petition rejected.]

File 26-18. Precept.

List of Grand Jurors prepared by *Daniel McDougall* and *R.M. Crysler* on December 8, 1836 for Sessions on January 10, 1837.

Grand Jury: *John Thomas Taylor, Silas Vandecar, Archibald Thompson, Harmonus Crysler, Adam Crysler, James Oswald, William Macklem, John Lemon, Stoughton Moore, Joseph Meriam, John F. Mittleberger, William Chase, William Sanderson, James R. [Benson?], Thomas Adams, Lyman Parsons, Jacob Finny, William McMicking, Joseph Moore, Henry Bond, George Rowe, John Bastido, John Thompson, William Fitch, William L. Peterson.* (Certified by *Alexander Hamilton* and *A. McLeod.*)

File 26-19. Tavern and Shop Licences.

Thomas Helmer, York, Grand River. License not granted, he not being a fit and proper person. Signed *J.H. Mackenzie* and *Warner Nelles*, January 2, 1837. Letter from *Alex Scobie* to *Daniel McDougall*, January 2, encloses recommendation: Helmer keeps a house and also opens it for divine service. He is upright, sober and respectable. If there are any complaints, it comes from private, malicious motives, January 1, 1837. Signed: *George Bryant, William Young, Joseph Young, Robert Anderson, William H. Nelles, Christopher Young, Edward Shipway, John Y. Nelles, William Dockstader, Alexander Winram, Andrew Winram, George Miller.* Verso endorsed by *Charles Richardson*, January 1837: license refused. Daniel McDougall: wrote to the post master at York on December 5 to send affidavits. Letter from Alex Scobie to Daniel McDougall, York, December 30, 1836: affidavit of Helmer's conduct given to the post office courier. Evidence taken before *Warner Nelles* on December 30: *Allan Stewart Macdonald*, courier, Hamilton to *Dunnville*. On November 24 my horse was detained by Helmer as security for the tavern bill. The sum owed was small, not as much as he charged, 10/3-. Unable to proceed. The horse was released when paid by the Assistant Deputy Postmaster. Helmer used abusive language, partly intoxicated. He is rough and disrespectful to people in the house, and people "are in a beastly state of intoxication" at his bar. Evidence of Alexander Scobie, Assistant Postmaster at York: Macdonald wrote to me about his horse. Helmer continued to keep the horse. He called Macdonald a "drunken puppy" and "not fit to carry the mail." Letter to *Charles Berczy*, Toronto, from Scobie at York (Grand River,) November 25: Helmer is without hay and oats, and is often unable to supply victuals. There are frequent annoyances of this sort &c. Letter from Charles Berczy, Toronto, to Helmer, November 29, 1836: You are subject to some punishment. I don't wish to appear as complainant, I consider it my duty to forward this letter to you.

Alexander McKay, paid £1.17.6. fees at the Sessions.

Thomas Smith: has a new and commodious house at Pelham. The residence is well suited for travelers. An inn is much wanted here. It is near where *Eber Rice* kept his house for 14 years, and is an improvement on the former establishment. Certificate of good character, signed: *Amos Bradshaw, Robert Brooks, Samuel White, William A. Watson, Alvin Draper, Samuel Darling, Elijah F. Warren, John Price, Matthew Seburn.* [Rejected.]

John Priest, Thorold, carpenter, bond £10. Sureties *Peter Keefer*, Thorold, merchant and *Nicholas Smith*, Thorold, wheelwright, £5 each. Prays for licence to keep a house at the stand lately occupied by *Daniel S. Brown*, Thorold, January 2, 1837.

Adam Blue, Thorold, labourer, bond £10. Sureties **Daniel Chambers**, Thorold, tailor and **Obediah Vanderburgh**, Thorold, yeoman, £5 each. Prays for a licence to keep a house by the sign of the "**Barber's Pole**" in Thorold, December 21, 1836.

Johnson Clench, Niagara, December 31, 1836. Called at **Lewis Donally's** for oysters. On his way home, there was a wagon and crowd outside **Mr. Moffatt's**. I supposed there was an accident and went up. **William Moffatt** asked "why did you take a sledge hammer from my shop?" I replied, "It is my own, I have the right. Moffatt said "You are no better than a damned thief." His wife used similar expressions and worse. I turned and went out, and a sailor made a blow at my face but missed. I closed the door and met two more with their hats off, who made blows. To save my life I ran to Mr. Donally's, the two men close at my heels. I slipt, and the two men fell on me and beat me. I believe their intent was to kill, which they would have done except for the appearance of Lewis Donally. William Moffatt was the instigator of the whole affair. I loaned the hammer to a poor person working on his premises who ran away. On hearing this, I went to his shop to get the hammer back. Is Moffatt worthy of a licence? January 5, 1837.

File 26-20. List of Township Officers.

Thorold (**Allanburgh**) January 4, 1837. **Josiah Page** (clerk); **Robert Hobson**, **Matthew Seburn** and **Peter Keefer** (Township Commissioners); **Samuel Swayze** (Assessor); **Anthony Upper** (Collector); **Andrew Upper**, **Joseph Upper**, **John Terriberry**, **Sidney R. Squires**, **Robert Spencer** and **Matthew Seburn** (Pound Keepers); **Alonzo Sweet**, **Henry C. Ball**, **Sidney R. Squires**, **Benjamin Fortener**, **Jonathan Doan**, **Matthias Emerick**, **Jacob Gainer Sr**, **James H. Smith**, **Thomas Spencer**, **Robert Willson**, **William Hill**, **George McLane**, **Abram Brown**, **William McLellan**, **William More** (Fence Viewers); **Henry C. Ball**, **Francis Wood**, **Jacob Keefer**, **Hiram Swayze**, **Philip Young**, **Robert Wilkerson**, **Malum Swayze**, **Samuel Morehouse**, **William McLellan**, **John Radcliff**, **Jacob Upper Sr**, **Samuel Swayze**, **Matthew Thomas**, **Thomas Ellison**, **Peter Upper**, **William Upper**, **John Deamude**, **John Williams**, **Robert Hobson**, **Sidney R. Squires**, **Robert Willson**, **John McCoppen**, **Amos Bradshaw**, **Thomas Graham**, **William Bell**, **Adam Spencer**, **Joseph C. Price**, **George Bouke**, **Jacob Carl**, **William Orr**, **James Nevills**, **Jacob Gainer Jr**, **George McLane** (Overseers of Highways.) Fences to be 4½ feet high, well filled with rails and staked or locked; horses, oxen, bulls, boars, rams and pigs under 30 lbs. not to be free commoners; all other cattle, sheep and hogs free commoners. Next meeting to take place at Allanburgh.

Clinton (**Beamsville**) January 2, 1837. **John McBastedo** (clerk); **Daniel Smith**, **John Albright** and **Adam Simmerman** (Township Commissioners); **John J. Paterson** (Assessor and Collector); **Christopher Boughner**, **Abraham Grubb**, **Rolley Kilborn**, **Adam Konkle**, **Thomas Shadwick**, **Benjamin Martin**, **John Moot**, [**Israel?**] **Teeter**, (Pound Keepers); Francis Comfort, Rolley Kilborn, Robert Huntsman (Fence Viewers); **Adam Simmerman**, **Robert Henry**, **Philip Clouse**, **James Durham**, **Jonas Culp**, **John Albright**, **Jacob Overholt**, **Benjamin Martin**, **John Moot**, **Jacob Comfort**, **Peter Snider**, **Benjamin Woodruff**, **Nelson Simmerman**, **Moses Clouse**, **Samuel B. Moyer**, **Abraham Grubb**, **David Adear**, **Jacob Root**, **John Singer**, **Joel Talman**, **Christopher Boughner**, **Joseph Tufford**, **Jacob [Stricker?]**, **John Grubb**, **Benjamin Michener**, **Joseph Michener**, **John [Orth?]**, **Lawrence Hipple**, **Abraham T. Moyer**, **William Smith**, **Abraham Wismer**, **Thomas Shadwick** (Overseers of Highways.) Fences to be 5 feet high, first four rails put 4 inches apart; horses not to be free commoners; hogs are free commoners; sheep the same; rams not to run from September 1st to December 1st; boars not free commoners; bulls are free commoners. Next meeting at the inn of **Gage Miller** (Beamsville.)

Canborough, January 2, 1837. *William Fitch* (chairman); *Ezra Smith* (clerk); *William Fitch*, *Ferrand Smith* and *Joseph Brooks* (Commissioners); *Hiram Brooks* (Assessor); *William Fitch* (Collector); *Thomas Sage*, *Barton Farr*, *Joseph [Truto?]* (Pound Keepers); *Jay J. Lymburner*, *Nathaniel C. Briggs*, *James Smith*, *Philip Done*, *Caleb Sweasey*, *James [Biets?]* (Fence Viewers); *William Robertson*, *William Stringer*, *Caleb Sweasey*, *Aaron Melick*, *Peter Swick*, *Adraham Everingham*, *James Smith*, *Sereneious*²⁹ *Lymburner*, *Cyrus Benadick*, *Jay J. Lymburner*, *Francis Lambier* (Roadmasters.)

Cayuga (*Frederick Windecker's Tavern*) January 2, 1837. *Abner DeCow* (chairman); *Robert Hay Bruce* (clerk); *Robert DeCow*, *Abner DeCow*, *Henry Yocom* (Commissioners); *Charles Edie* (Assessor); *Frederick Windecker* (Collector); *Edmund DeCow*, *Alex Winram*, *Peter Limburner*, *Thomas Haynes*, *Duncan Buchanan*, *William Hodgkins*, *Luke W. Gibson*, *Thomas Collins*, *John Curley*, *George J. Campbell*, *John Crysler*, *Charles Bloomfield*, *H. Fredenburgh*, *Jacob Wade*, *Patrick Craven*, *Harvey Gifford*, *Boswell Allair*, *Joseph Nash*, *Robert F. Cook*, *Peter Drake*, *Marcus Blair*, *Hiram Ferris*, *John Gifford*, *John Allair*, *David Huntsberger*, *David Reid*, *Oliver Burnham*, *John Gibson*, *Robert Griffith*, *Ezekiel Bell* (Overseers of Highways.) Horses to be free commoners; fences have six rails with double riders, 5½ feet high; any other description of fence that the fence viewers may consider equal to the above shall be considered lawful; Grand River shall not be considered a fence; "any person throwing a dead carcass or other noxious substance into the Grand River" liable to fine of 10/-.

List of Voters, January 2, 1837³⁰, at the house of *F. Windecker* (Cayuga) for the purpose of electing Township Officers: *Abner DeCow*, *Philip Wilson*, *F. Windecker*, *Edmund DeCow*, *Charles Bloomfield*, *[J.W. Gillson?]*, *[Wilhelmus?]* *Fredenburgh*, *Nicolas [Leekie?]*, *A[-----]* *Smith*, *Isaac Smith*, *William Kennada*, *John DeCow*, *Benjamin [Stinson?]*, *Thomas Collins*, *[Duncan McNaughton?]*, *John Crysler*, *Malachi [Cuter?]*, *John [Bunday?]*, *Joseph Anthony*, *Peter [Allair?]*, *James [Grainger?]*, *Henry [Grainger?]*, *Daniel [Davison?]*, *John Gifford*, *Oliver Burnham*, *Henry [Hamilton?]*, *Charles Edie*, *William Fisher*, *David [Read?]*, *John Yocum*, *Joseph Nash*, *John [Hines?]*, *David Huntsbury?*, *Henry Bush*, *John Wills?*, *Henry Yocum*, *Robert H. Bruce*, *Edmund DeCow*, *Charles Williams*, *John Norton*, *William Hodgkiss*, *James Pendergast*, *Robert F. Cook*, *Patrick [Curry?]*, *John [Everitts?]*, *Peter [Deeke?]*, *Benjamin Allair*, *Matthew Cudney*, *John [Gibson.]* *Thomas [Gibson?]*, *Harvey Gifford*, *John Cudney*, *David C. Tale*, *Davis Davidson*, *Bozzle Alair*, *John Alair*, *Thomas Peacock*, *Hiram [Ferris?]*, *John [Saiteclear?]*, *Robert DeCow*.

Crowland (*Robert Doan's Inn*) January 2, 1837. *Peter Benedict* (Clerk); *Solomon Doan*, *Alonzo Ewers*, *Leonard Matthews* (Township Commissioners); *Mahlon Brookfield* (Assessor and Collector); *Jacob Brookfield*, *Isaac Doan*, *Andrew Vanalstine*, *Jeremiah Misner* (Pound Keepers); *William Current*, *Donald Sharp*, *Andrew Vanalstine*, *Leonard Matthews*, *Andrew Misner*, *John B. Buchner*, *Jesse Yokom*, *John Misner*, *Thomas Burgar*, *Crowel Willson* (Fence Viewers); *Ozias Buchner*, *William Vanalstine*, *Peter Benedict*, *Henry Seger*, *William Yokum*, *James Morris*, *Joseph Doan*, *George Young*, *David Brown*, *Jeremiah Misner*, *Henry [Feere?]*, *Luis Buchner*, *James Cook*, *Croel Willson*, *Hiram Doan*, *Leonard Matthews*, *Jacob [Tidey?]*, *John Misner*, *Thomas Brackbill*, *Philip Carl*, *Jacob Darby* (Road Masters); The horse law of 1807 continued, hogs over one year of age under the same restrictions as horses; laws of 1805 continued respecting hogs under one year of age; fence to be 5 feet high, the four lowest rails must not exceed five inches, the whole to be laid substantially from bottom to top.

²⁹ Undoubtedly this was a corrupt spelling of "Cyrenius" Lymburner.

³⁰ The writing in this document is very poor, several of the names are nearly illegible.

Moulton and Sherbrooke January 2, 1837, at *William Orderly's* inn, *Dunnville*. *William Mylne* (chairman); *Alpheus S. St. John* (clerk); *Andrew Thompson, John McMurdo* and *Hezekiah Davis* (Township Commissioners); *William Eyres* (Assessor and Collector); *Salmon Minor, William Furry* and *Eli Bristol*, for half the distance on the *Robinson Road* between *Dunnville* and *Oswego Creek* (Pound Keepers); *Joseph Montague, Salmon Minor, Hiram Humphrey* (Fence Viewers); *Thomas J. Wiggins, Alanson Dibbell, John Reynolds, John Kirk, Peter Hinman, Jacob Teter, Henry Minor, Henry Furry, Clayton Baily, William Chalmers, Thomas Dickout* (Road Masters.) Fences to be 5½ feet high, staked and double ridged or corners cross locked; stone horses one year old not free commoners; all neat cattle to be free commoners; hogs free commoners throughout the townships and in the town of *Dunnville*.

Gainsborough, 1837. *Thomas Hardy* (chairman); *Frederick McPherson* (clerk, assessor and collector); *Stephen Roy, Leonard Heaslip* and *John Moore* (Township Commissioners); *Phillip McCollom, John , Peter Dilce*³¹, *Jonathan Gee* (Pound Keepers); *James Page, Abram Kelly, Lewis Felker, Thomas Robens, John Robens, Joseph Felker, Samuel Horton, Francis Robertson, James Dilce, Gideon Kemble, Jacob Sarves*³², *Peter Tice, Deries [Stringer?], Daniel Awrey Sr, Alexander Garner, John B. Bennett, George Yeocume, John Fisher, Judson Garret, James Swayzey, Paul Horton, Lanslot Boosefield, Peter [Cockel?], Jacob Simmerman, Daniel Awrey Jr, William McCafrey, George Patterson, Caleb Dawddy, Joseph Springsteen, Mikel Slow, John Johnson, Robert Lambert, George Bowman, William Swick, Jacob Schram, John Kennedy* (Path Masters.) [verso endorsed: Frederick McPherson maketh oath that he was appointed Town Clerk & assessor & collector for Gainsborough & that he has done the duty of that office as the law directs, 11 January 1837,] certified by *R.M. Crysler*.

Grantham at *Daniel Belnap's Tavern*, St. Catharines, January 2, 1837. *Lewis Traver*, (chairman); *Charles Rolls* (clerk); *Walter Dittrick, John Lampman, Thomas Gilleland* (Township Commissioners); *James Robertson* (Assessor); *John Gilleland* (Collector); *Jacob Hostet*³³, *Daniel Belnap, Jeremiah Durham, George Besse* (Pound Keepers); *John Hainer, Anson Smith, Charles Wingrove, David Emmit, Elias Durham, Isaac Cook, John Grass, Richard Seacord, John Vanderburgh, Samuel McCombs, Jacob Acre, John Kerr, John McCombs, Jacob H. Ball, William Wily, William Jones, Richard Havens, John Wright, John [Blagborne?], Richard Mann, Ezekiel Cudney, Coonrad Shook, Thomas Darling, Samuel Wood, Esq, Thomas Tenbrook, Johnson Orr, Rheuben Lambert, William Facer, Patrick McClenchy, Phillip Zeller, Francis Wilson, William H. Sanderson, Samuel Haight, Lyman Parsons, George Smith* (a coloured man) (Overseers of Highways.) Horned cattle shall run at large except in St. Catharines where they shall be kept up between December 1st and April 1st, fine 2/6- each; hogs shall run at large except those under six months, fine 1/3-; horses kept up, fine 2/6- each; thistles and noxious weeds in the highway shall be cut down, and those growing in fields before they come to seed except in cases where it may injure grain, fine 5/-; fences to be 5 feet high.

Louth, January 1837. *James Secord* (clerk); *Daniel Gregory, Alvah Foster* and *John Flumerfelt* (Township Commissioners); *Garret Schram, Isaac Overholt, John McCarthy, Henry Wills* (Pound Keepers); *Phelix Havens, Jacob Johnson, James W.O. Clark, Henry Pawling, George E. Read, William [Purdy?], Adam Hains, James Johnson, Peter Ostraser, Jacob High, Joseph Fretz, John N. Smith, Jabez Johnson, John Hunsberry, John Flumerfelt, John [Harris?]* ,

³¹ Undoubtedly a variant spelling of "Dilts."

³² A variant spelling of "Servos."

³³ Possibly this was Jacob "Hosteter"

Jacob [Hainer?], Cornelius Crumb, James Burch, Jacob High, Cornelius Ryckman, James Hare, George Grass, James Tinlin, Jacob Fry, Henry Fry, Samuel Campbell, James Secord, Jesse Jones, Joseph Overholt (Overseers of Highways). Lawful fences (see 1836); horses of every description not free commoners; horned cattle, sheep and swine the same as 1836.

Rainham (meeting at *James Stewarts*, adjourned from the school house) January 2, 1837. *Edward Evans* (chairman); *John T. Cooper*, (clerk); *Joseph Gee, Peter Culver* and *Solomon Wardle* (Township Commissioners); *James Stewart* (Pound Keeper); *Daniel Hoover, Isaac Root* and *James Drinkwater* (Viewers of Fences & Watercourses); *Benjamin Hoover, Aaron Overholt, John W. Evans, George Emerick, James C. Johnson, John Huntsberger, Jacob Yager, Francis Eberly, Joseph Evans, William Homes, John [Kramp?]* (Overseers of Highways, Woods & Bridges.) Same bylaws as for 1836. Thanks of this meeting rendered to Edward Evans for his able management as chairman.

Letter from *John T. Cooper* to *Charles Richardson*, Rainham, February 10, 1837: copy of the proceedings of the Township meeting enclosed. Are the *exempt monies* to be collected by the collector of rates and put into the hands of the Commissioners to be expended on the roads? I allude to the exempts of last year which have not as yet been collected. Our township is in debt for a bridge over *Stoney Creek*, they will be very acceptable now to discharge the said debt and others likewise.

File 26-21.

John Besham, Grantham, labourer. Charged with larceny, stealing the pantaloons (value 2/6-) and vest (2/6-) the property of *John H. Bassett*, St. Catharines, gentleman, on January 4, 1837. True bill: *John Lemon* (foreman.) Evidence taken before *E.S. Adams* on January 10: property was stolen from a room at *Luther Dyer's* (value £12.10.0.) Plea: "guilty." Sentenced to solitary confinement for one month.

File 26-22.

Mary Bowman, wife of the late *John Bowman*, St. Catharines. Charged with keeping a disorderly house. On the evidence of *Charles Ward*, St. Catharines, saddler and *James Hobson*, St. Catharines, grocer, taken before *E.S. Adams* on December 8, 1836. Men and women of ill fame resort at her house, which is a common nuisance. Witnesses: *Henry Chapman*, Charles Ward, James Hobson. True bill: *John Lemon* (foreman.) Verdict: "not guilty."

File 26-23.

Sarah Ann Campbell, Niagara, *femme covert*. Charged with keeping a disorderly house, December 5, 1836. Witnesses: *Courtland Secord*, Niagara, yeoman, *Thomas Hainan* [or *Hienan*] Niagara, yeoman, and *Samuel Thorold*, Niagara, yeoman. Subpoena issued for *Ralfe Clynych, George Read, John Gleeson, John Ryan, Thomas Bissell, John Robbins, Eli Jones* (coloured man, fiddler) and *Levi Hicks*. Indictment: whoring, drunkenness, gambling, fiddling and dancing engaged in at her house. Secord, Hienan and Thorold bound £30 to appear, signed *Daniel McDougall*. Verdict: "guilty." Sentenced to two weeks in gaol, January 14, 1837.

File 26-24.

Lewis Donnelly, Niagara, High Constable, *Johnson Clench*, Niagara, gentleman, *Francis Nugent*, Niagara, labourer, *William Fulton*, Niagara, shoemaker, *William Lawe*, Niagara, printer.

Charged with riot and assault against **Henry Hendershot**, October 28, 1836. True bill: **John Lemon** (foreman). Witnesses: **Peter Cain**, **Mr. H. Langden**. Evidence of Peter Cain, taken before **Daniel McDougall** on October 29: he saw the defendants with **Holcroft Clench** and **Thomas Nugent** at 11 pm armed with clubs, demand entrance to the inn to beat Henderson and **John C. Hainer**. Deponent desired them to go away, they swore not, that they had come prepared to beat Henderson and Hainer. Lewis Donnelly drew his club to strike Henderson. Evidence of H. Langden: the statement of Cain is true except he didn't see Donnelly draw his club, having left before this happened. Recognizance: H. Langden £20; recognizances taken before Daniel McDougall, November 2: Halcroft Clench £20, sureties **Ralph Clench** and Johnson Clench £10 each; William Lawe £20, sureties Ralfe Clench and Lewis Donnelly £10 each; William Fulton £20, sureties Lewis Donnelly and **John Milton** £10 each; Lewis Donnelly £20, surety **Bernard Roddy** £20; Johnson Clench £20, surety Ralfe Clench £20; recognizance taken December 4: Thomas and Francis Nugent £20, surety R. Clench (post master) £10. Verdict: "not guilty," January 14, 1837.

File 26-25.

William Harrison, Louth, labourer and **Margaret Harrison**, his wife. Charged with larceny, stealing one broad axe (value 1/-), one adze (1/-), one saw (1/-), one framing square (1/-), one 2" chisel (1/-) and compasses (1/-) the property of **Thomas Patterson**, Louth, on December 16, 1836. True bill: **John Lemon** (foreman.) Witnesses: Thomas Patterson. Letter from **Nathan Pawling** to **Charles Richardson**, **Port Dalhousie**, December 19, 1836: encloses deposition (unable to produce evidence as yet in their favour.) Evidence of Thomas Patterson taken before Nathan Pawling, December 19: Came home from **Thomas Read's** at Port Dalhousie in October 1832. Carried his tools on his back, had business on another road. He went off the road, and put his tools by the side of a log, being safe there. The next day he searched and his tools were gone. He observed the tools in possession of **George E. Read**, December 16, 1836. Read said he bought the adze from William Harrison. Said he would go and borrow the saw, to see if belonged to the deponent. Evidence of George E. Read of Louth: in the summer of 1834 Margaret Harrison sold him the adze and broad axe. He took the adze, and came back for the axe and she said she sold it to a man named **Bush** for \$2. Read paid \$2 for the adze. He was at work on a building at Port Dalhousie on December 16, when Patterson claimed the adze as his own. He went to the house of William Harrison on December 17 and borrowed a saw. Evidence of **Peter Bowman**, Louth, December 19: the adze was that of Thomas Patterson. The chisel was made by the same man with the same mark. Recognizance taken before **E.S. Adams**, December 20: William and Margaret Harrison of Louth £100, sureties **Johnson Orr** (Port Dalhousie) and **Henry Chapman** (St. Catharines, constable) £50 each. Verdict: "not guilty."

File 26-26.

Christian Hurst [alias **Christal Hurst**] Bertie, yeoman. Charged with larceny, stealing one iron screw wrench (value 5/-) the property of **Thomas Micklejohn** on January 5, 1837. True bill: **John Lemon** (foreman.) Witnesses: Thomas Micklejohn, **William [Gray?]** and **Daniel Sullivan**. Evidence of **Thomas Micklejohn** taken before **William Duff** at Chippawa on January 6: a screw wrench (value 12/6-) was taken from the **engine house** of **John Kirkpatrick** at Chippawa. It was concealed in an out house or mill of the defendant. He was at the premises before the wrench was missed. He had articles of iron in a bag in the steam mill attached to the engine house, and he refused to shift them to another bag when requested to do so by the miller. He said he had other bags and would go and get one. He went to a dark corner and shifted the irons. The wrench produced is his property. Evidence of **Christian Hurst**, January 7: he went to the mill at Chippawa on the 5th with a black man. He stopped in his house at night and left grist there. He

doesn't know if he slept in the house that night. He made a fire in the kitchen the next morning. He lives on the premises, is hired by the year. Has a wife and two children. Didn't see the wrench, doesn't know how it came to be there. Perhaps the black man took it. Recognizance: Christian Hurst £20, sureties **James Cummings** and **Avery Gould** £10 each; Thomas Micklejohn £10. Verdict: "guilty," sentenced to one month in gaol, January 12, 1837.

File 26-27.

William Kirk [alias **Richard "Dick" Kirk**], Chippawa/Willoughby, labourer. Charged with larceny, stealing copper coins or "cents" (value 5/-) the property of **Roswell Ailsworth Barney**, Chippawa, grocer, on December 7, 1836. True bill: **John Lemon** (foreman.) Witnesses: Roswell A. Barney. Evidence taken before **William Duff** on December 8: the shop at Chippawa was broken into and United States copper coins were stolen. (some in a box, some loose.) Deponent suspects Kirk since he spent a quantity of copper coin at **Mr. Davis'**. Deponent went to look, he was secreted at his father's house. Evidence of **Richard Diosy Kirck** taken before **James Cummings** and William Duff: he broke a window and stole the coins. He doesn't know why he did it, being intoxicated. Recognizance taken: Roswell A. Barney £10; before James Cummings, December 8: Kirk £20, sureties **Stephen Conklin** and **Leonard Mason Harper** £10 each. Plea: "guilty." Sentenced to solitary confinement for one month.

File 26-28.

Matthew W. Rose, Niagara, labourer. Charged with larceny, stealing one iron wedge (value 3/9-) the property of **John Hilliard**, Niagara, labourer, on January 1, 1837. Witnesses: John Hilliard. Evidence of John Hilliard taken before **Robert Grant** on December 3: the wedge was stolen from the woods at the rear of George Field's lot sometime between February and May 1836. It was in the house of the defendant, saw it lying on the ground in front of his house. Deponent claimed it. Rose was not home, and his wife snatched it from my hand and said it was not my property. Deponent saw Rose and asked for the wedge. Rose refused, said he had it made at Niagara. Deponent prays for a search warrant. **Chester Wadsworth**, Queenston, constable. Searched the premises on December 3 and found the wedge. Defendant must account to the justices how he got it. Evidence of **Matthew W. Rose**: the wedge was made at Niagara in May. Doesn't recall his name, but he went to New York with **Mr. Wood**. Recognizance taken before Robert Grant, December 5, 1836: John Hilliard £10; Matthew W. Rose and surety **Jacob N. Vrooman**, Queenston, wheelwright, £10 each. Discharged by proclamation, January 13, 1837.

Niagara District Quarter Sessions, April (1) 1837.

File 27-1. Accounts (1-34.)

Schedule of Accounts Passed April Sessions.

Adoram Everingham, constable account, £5.18.6.

Thomas Henagan, constable account, £2.0.3.

Dr. C. Beadle, charge for attending a coroner's inquest on the body of *J. Grading* at the 15 Mile Creek near *Gregory's*, £1.5.0. October 5, 1836. (Certified by *Samuel Wood*, coroner.)

John Steele, constable account, £1.7.0.

John E. Clyde, charge for a coffin; work fixing stoves &c, £28.1.8.

David Dunton, constable account, 18/-

William Clarke, charge for blankets, cotton, spools, pantaloons, shoes, beef, soap, jacket, linen bagging £16.13.4½.

Thomas Henagan, constable account, 17/-

Nelson Sanderson, constable account, 14/6-

James Butler, charge for 50 cords of firewood, £25.

Henry Chapman, constable account, £1.

J & R Wagstaff, charge for tin cups, plates, kettles, stove pipes £1.17.1.

Robert Holditch, constable account, £1.18.6.

Dr. Blackwell, charge for attending a coroner's inquest at *Osborne's Tavern* in Pelham, April 6, 1837, £1.5.6.

John J. Harris, constable account, to apprehend *Asa Peck* (coloured man) £2.6.3.

Thomas Gilleland, constable. Charge to summon a coroner's jury to an inquest held on the body of *Asa Peck* at St. Catharines, August 16, 1831; for an inquest on a body found on the beach near 8 Mile Creek, September 6, 1836, grave dug and body buried, body in a very putrid state, head and feet missing from the body. £3.1.6. (Certified by coroner *Samuel Wood*.)

Dr. Mewburn, charge for attending a coroner's inquest at *Osborne's Tavern*, Pelham, under subpoena of coroner *Mr. Fell*, £1.7.6. April 6, 1837.

Dr. Lefferty, charge for attending a coroner's inquest at *Osborne's Tavern*, Pelham, under subpoena of coroner *Mr. Fell*, £1.5.6. April 6, 1837.

Zenas Fell, St. Johns. Charge for holding an inquest on the body of **Thomas Gardner** at **Port Robinson**, February 10, 1837; charge for holding an inquest on the body of **Robert Watson** at Thorold, February 20, 1837; charge for holding an inquest on the body of **Anna M. Robins** at Thorold, April 6, 1837. £11.9.6.

Charles Fell, survey account, £3.12.6.

Robert Holditch, constable account, £1.5.0.

Dr. Porter, charge for gaol attendance, £6.5.0.

Robert Paterson, constable account, £3.17.6.

Lewis Donnelly, constable account, £4.

G.S. Miller, charge for 2 barrels of lime, 7/6-.

Isaac Levell, constable account, £1.5.0.

Zephaniah Horton, constable account, 18/9-

Richard Ward, constable account, £2.7.0.

Charles Pain, constable account, £10.0.4½.

Isaac Lacey, constable account, £1.5.7½.

Robert Miller, charge for well bucket, 6/3-.

Richard Woodruff, salary for 117 days as Member for the 1st Riding of Lincoln, £63.10.0. Certified by **Andrew McLean**, March 4, 1837.

David Thorburn, salary for 117 days as Member for the 3rd Riding of Lincoln, £63.10.0. Certified by **Andrew McLean**, March 4, 1837.

File 27-2. Accounts (35-71.)

Richard Forrest, allowed £4.17.6. for keeping **Francis Lynch**. Certificate plus Grand Jury presentment attached, April 12, 1837.

William Campbell, in an insane state, was allowed 12/6- per week. Lost both feet from amputation (frozen), has no means of support. April 11, 1837.

Elizabeth Evans, Thorold, widow. Allowed 5/- weekly for keeping an insane child, April 12, 1837.

Phoebe Goodell, St. Catharines, widow. Allowed 10/- weekly for keeping an insane woman, April 12, 1837.

Truman Raymond, Niagara. Allowed £5.7.6. for keeping an insane female, April 12, 1837.

Thomas Angleman, allowed £4.17.6. for keeping an insane child, April 12, 1837.

Robert Richardson, allowed £6 for keeping his insane wife, April 12, 1837.

John Smith, Caistor. Allowed £6.10.0. for keeping an insane and blind person, April 12, 1837.

Bernard Roddy, constable account, £1.5.0.

Martin Karrins, constable account, £1.5.0.

Henry Brown, constable account, £1.5.0.

Alexander McKee, charge for services as crier, £1.5.0.

Patrick Finn, constable account, 5/-.

Robert Wood, witness *Rex* vs. *Charles Niquet*, £1.

John Steele, constable account, £1.5.0.

Robert Holditch, constable account, £1.5.0.

Bernard Roddy, charge for the arrest of two women prostitutes on warrant &c, £5.8.3, £2.6.3, August 31, 1836.

William Barr, charge for pantaloons for *Campbell* (insane man) 15/-

Erastus Derby, constable account, 10/-

Peter Wheeler, charge for boarding *F.W. Straight*, *James Elkier*, and *Campbell's child*, £3.7.6.

Ephraim Wheeler, charge for services as turnkey, £15.

Thomas Sewell, *Niagara Reporter*, charge for printing "Mad Dogs" regulation, £6.7.5.

Matthew Dobie, charge for stays, shackles, bolts, spikes, bucket handles &c, £1.15.5.

Donald McDonald, constable account, £2.10.0.

Thomas Donelson, charge for 10 cords of firewood, £5.

Leonard Hicks, charge to sweep chimney and pipes, £1.

Stocking and Grier, charge for 1½ yards kersey, 15/1-.

Thomas Henegan, constable account, 8/6-.

Patrick Nugent, constable accounts, £1.5.9. and £1.7.6.

Robert Campbell, constable account, £3.17.6.

Cyrus Benedict, constable account, £4.13.9.

Lewis Donnelly, constable account, £1.14.9.

David B. Smith, constable account, £6.2.6.

Joseph Brooks, constable account, 11/-.

Thomas Hennegan, constable account, £2.1.6.

Account of Rations Due the Gaoler of the Niagara District (Peter Wheeler) January 12-April 12, 1837. £106.10.7½. [Amount includes half year's salary, 49 lbs. of candles for gaol, washing, scrubbing court house, 6 lbs. of candles for court, making 16 shirts for prisoners, six brooms for the cells, moving stove pipes and 20 bundles of straw for the cells.] Certified by *Barth. Tench*. Passed April 14, 1837, signed *H. Mittleberger* (chairman.) Names of prisoners and dates committed:

Patrick Donley, January 12-April 12, 1837.
Richard Abbott, January 12-April 12.
Benjamin Abbott, January 12-April 12.
Joseph Leggett, January 12-April 12.
Street Chace, January 12-April 12.
Sarah Campbell, January 12-January 28.
Francis O'Conner, January 12-April 12.
Daniel Brown, January 12-April 12.
Mary Bowman, January 12-January 18.
John Beshie, January 12-February 13.
Christian Hurst, January 12-February 13.
William Kirk, January 12-February 13.
James Stephenson, January 28-February 20.
Samuel Brown, January 16-April 12.
James Hains, January 23-April 12.
Aron Smith, February 8-April 12.
William Wakely, February 9-April 12.
Francis Shorephone, February 9-April 12.
Samuel Besson, February 10-April 12.
Johnson Fuller, February 16-February 22.
John Fuller, February 20-April 12.
James Lownsbury, February 22-April 12.
John O'Brian, February 23-April 12.
Nelson Campbell, March 1-April 12.
Albert Monro, March 1-April 12.
James Finley, March 6-April 12.
William Wintermute, March 7-April 12.
George Boice, March 20-April 12.
William Davidson, March 30-April 3.
Samuel Harnsworth, January 12-January 15.
John McCombes, April 6-April 12.
William Cliff, April 8-April 12.
Robert Kay, April 8-April 10.

File 27-3. Treasurer's Accounts.

Treasurer's Accounts (12 pages), April 1836-April 11, 1837, £2243.10.5. Signed *William Clarke*, sworn before *Thomas Butler*.

File 27-4. Vouchers (1-49.)³⁴

James Hobkirk, or bearer, £2.10.0. Exemption money of *John Hoover*, *Henry Hoover*, *Daniel Hoover*, *Christian Rhora* and *Henry Simmerman*. Signed by *Martin [Fite?]* pathmaster, division 3 in Rainham.

File includes printed vouchers signed by *William Clarke* and *John Clarke* plus receipts.

File 27-5. Vouchers(50-119.)

James W. Perkins, £1. Exemption money of *James Stewart* and *Adam Shank*. Signed by *James Drinkwater*, pathmaster, division 2 in Rainham. October 10, 1835.

File 27-6. Vouchers (120-199.)

R.F. Jones, constable account, £2.14.3. January 12, 1837. Paid to *William Smith* by *William Clarke*.

John Morgan, Wainfleet. Paid £2 for two wolf scalps, destroyed by *B. Tench*, March 21, 1835.

Letter of *James Secord* to *William Clarke*, January 14, 1837. Pay the collector *Jacob Snure* (collector for 1836) whatever money the township may be entitled to receive. Received £14.10.0. exempt money from Jacob Snure for Louth for 1835.

Names of Those who Paid Exemption Money, Louth, £13.10.0 (10/- each): *Jacob Snure*, *Valentine Kratz*, *Samuel Huntsberger*, *Abraham Kratz*, *Henry Stoner*, *Jacob High Sr*, *Jacob High Jr*, *David Fretz*, *Jacob Fry*, *Joseph Fretz*, *Philip Wismer*, *Daniel Wismer*, *Henry Fry*, *Abraham H. High*, *Samuel Tufford*, *Philip Tufford*, *Jacob Overholt*, *Moses Overholt*, *John Huntsberger*, *Christian Huntsberger*, *Henry Huntsberger*, *Abraham High*, *Isaac High*, *Jacob High*, *Isaac Wismer*, *John Wismer*, *John High*, *Daniel Clendenen*.

L.C. Kearney, printing charge £5.10.0.

Charles Richardson, £34.10.0. for duplicate copy of the Assessment Rolls.

Henry Miner, Wainfleet. Wolf scalp destroyed by *David Thompson* January 9, 1836.

Henry Linsley, Wainfleet. Wolf scalp destroyed by *David Thompson*, February 11, 1836.

³⁴ The vouchers have not all been transcribed since they reflect the amounts paid on the "Accounts." The vouchers which contain different information from the accounts have been transcribed. The vouchers are pre-printed forms with a space left for the date and voucher number to be inserted. They were signed by the Chairman of the Sessions and addressed to William Clarke, Treasurer. They read "Sir, When in cash please pay _____ or Order, the sum of £ _____, being the amount of an account this day passed in Session for _____. Which place to the Public Account of the District. I am, Sir, your obedient Servant." The form was sometimes altered to read "being the amount of an account, as this day Ordered in Session."

James Chambers, Wainfleet. Wolf scalp destroyed by **David Thompson**, January 14, 1836.

Edward Adams, £6 for services as poll clerk at Haldimand elections, July 4, 1836. **William Dennis** and **John O'Neill**, constables, £3 each at the election at Dunnville. (Certified by **Francis Webster**.)

Voucher #193, **William Clarke**, April 11, 1837: This amount was paid by the collector **John J. Patterson** to the Town Clerk of Clinton, whose [-----] to me has fallen aside, but shall be forthcoming soon. Otherwise I shall send it and get another.

Letter from **William Clarke** to **J & M. McKenzie**, Hamilton, February 1, 183[6?] Acknowledges your letter of the 29th ult. Lot 20 Concession 9 in Walpole was sold last February for taxes. The amount to redeem it: taxes up to 1833 £6.7.6. damages £1.5.6. total £7.13.0. Taxes for 1834-1835 10/10-, and postage of this letter 4½d. Total £8.4.2½. I have had no letter on this subject except the above. [Verso contains part of a draft letter: the years for which you claim these taxes. One of us has come here purposely to see you on this subject but find you have gone to Toronto.] Received January 12, 1837 of Mr. Clarke £8.4.2½ being the within named taxes.

File 27-7. Vouchers (200-259.)

Abraham Groat, **Nicholas Smith** and **Henry Smith**, Wainfleet. 7 wolf scalps destroyed by **David Thompson**, June 14. **Samuel Wiggins** received the certificate from Groat and Smith having purchased it. Certified by **John Becker**.

Joseph Hill, Grimsby. Wolf scalp destroyed by **Smith Griffin**, September 13, 1836. Certified at **Smithville**, November 5, 1836.

David Merritt, Caistor. Wolf scalp destroyed by **Smith Griffin**, December 1, 1836. Certified December 20, 1836.

Andrew Misener, Crowland. Wolf's head destroyed by **Crowell Willson** December 31, 1835.

Josiah Edsell, Walpole. Wolf scalp destroyed by **Edward Evans**, October 14, 1836.

John Montrue [alias **Montrure?**], **Canboro' Settlement**. Wolf scalp destroyed by **Samuel Birdsall**, January 10, 1835. (Voucher #224.)

James W. Perkins (pathmaster between Walpole and Rainham), 12/6- exemption money of **Christian Knicely** collected from **David Knicely**.

Henry Nelles. £1.11.0¾ overpayment of **Abraham Nelles**, January 13, 1836.

File 27-8. Vouchers (260-296.)

A. Chapman, pay my money as Wainfleet assessor for 1835 to **Leonard Misener**.

Frederick Gibb, collector for Walpole, 12/6- received from **Christian Knisley**, November 7, 1835.

C. Hall, pay £1 awarded to me by the Sessions to **Richard Graham**.

Albert Raymond, pay my money as Special Constable to *E. Riselay*.

William McCaffery, Gainsborough. Wolf scalp destroyed by *Smith Griffin*, October 1836. Certified January 20, 1837.

Caleb Lambert, wolf scalp destroyed by *Smith Griffin* January 1832. Certified December 21, 1834.

John Clark, St. Catharines, January 20, 1836: £3.3.1. paid to *John Gibson*, refund on taxes for 1834.

List of Those who Left Canboro' Before the Assessor's and Collector's Rolls were completed: *John St. Clair, Mark Adams, Thomas Brooks*. Certified by *Ferrand Smith*, October 30, 1836.

List of Unpaid Taxes for Bertie in 1834: Baldwin Merrill, John Beamer, Silas Metcalf, Michael [Edsell?], Henry Hopkins, Allen Smith, Philip Anger, Benjamin Roach. Certified by *James Johnson*, collector. Letter attached from James Johnson to *William Clark, Fort Erie Rapids*, April 6, 1835: has enclosed a list of removals. Also *Mr. Anderson's* [draft?] for poll clerk's fees at the last election. Deduct the amount of *William Baxter's* tax.

File 27-9. List of Constables.

Constables 1837.

Niagara: *Gilbert Anderson Jr.* (recommended by *William Ball*), *Donald McDonald, Walter Elliott, Henry [Brown?], Martin Cairns, John Riley, Francis Proctor, Andrew Boylan, William H. Smith, Patrick Finn*. (recommended by *Thomas Butler* and *John Alma*, JP's.)

Queenston: *Chester Wadsworth, John Hawn, Thomas Humphries (R. Grant, JP.)*

Pelham: *Zeph. Horton, Henry Smith (John McGlashan, JP.)*

Louth: *Christian Price, William Runchea (W. Adams and J.W.O. Clark, JP's.)*

Thorold: *Henry Hoover, Thomas H. Bridgman, Samuel Quaintance, Henry Sweet, Silvanus Cleveland* (by *Jacob Keefer, JP*), *Robert Holditch, Michael Hunt, William Bell, Robert Stewart, John Tereberry* (by *D.McFarland, JP.*)

Rainham: *Thomas Martin, Joseph Evans*. Letter from *Edward Evans* to *Charles Richardson*, April 8: the roads are too bad and it is out of my power to get to Niagara. I enclose *Abner DeCow's* recognizance for appeal, and list of constables. Enclose me the tickets thereof.

Humberstone: *Luther Boardman (Barth. Tench, JP.)*

Crowland: *Jacob Strome* [alias *Strohm*], *Samuel VanAlstine, Benago Doan, Daniel Sharp (D.McFarland, JP.)*

Caistor: *Robert Lymburner* (by *Smith Griffin, JP.*)

Gainsborough: *Cooper Brooks* at "the Narrows", *Joel Snyder* at "Sodom." (by *Smith Griffin, JP.*)

Smithville: *John Page, James Harris* (by *Smith Griffin, JP.*)

Clinton: *Jacob Lyndeberry* (Mud Creek, recommended by *Smith Griffin, JP*), *Harmon G. House, Erastus Darby, Cyrus Smith, William Snyder*.

Bertie: *Lewis Palmer, John J. Harris, Frederick Rose, George Benner* (*James Johnston, JP.*)

Grimsby: *Adam Duff, Samuel Russ, Smith Jackson*

Walpole: *Henry Loucks, James Gilmore*. (Edward Evans, JP.)

Stamford: *James McGeary, William Steele* (Falls,) *John Prouce* and *David Dunton* (Stamford.) (*John Mewburn, JP.*)

Grantham: **Richard Boyle, David Cooper, Robert Hodgkinson, Samuel McCoomb; David Bessey** and **John Steele** (Ten Mile Creek); **Johnson Orr** and **George Flanders** (Port Dalhousie); **Richard Jones, Thomas Hannegan, Richard Forrest, Patrick Nugent, Henry Chapman, Nelson Sanderson, John Hobson** (St. Catharines.)

Willoughby-none listed

Wainfleet-none listed

Haldimand-none listed

File 27-10. Convictions (**J.W.O. Clark**, JP.)

Elisha Newton, Louth. On September 4 or 5 he turned five horses into the field. The stacks of wheat of **Andrew Gregory**, (unfenced), were on the farm of **Deborah Beebe**. She gave Gregory liberty to stack his wheat there. The horses of Newton injured the wheat. Newton fined £1 plus 10/- costs, Louth, November 9, 1836.

File 27-11.

Hugh Lenon, Thorold. Charged with assault and battery against **Robert Mitchell** on February 22, 1837. Fined 1/- plus 12/3- costs before **J. Keefer** at Thorold, March 20, 1837.

File 27-12. Convictions (**James Kerby, Edmund Riselay, A.Douglas**, JP's.)

William Anger, Bertie, yeoman and **Abraham Schissler**, Humberstone, yeoman. Charged with assault against **Robert Henderson** and **Andrew Henderson**, March 18, 1837. Defendants were at **Jacob Willson's inn** at the crossroads in Bertie, where they struck and abused plaintiffs. Fined £3 and £5 respectively and £1.11.9 costs at Bertie, on April 7, 1837.

File 27-13. Convictions (**Mewburn**, JP.)

Charles Niquet, Falls and **Peter [Hunted?]**, Falls. Charged with trespass against **Collin Skinner**. Defendants took away wood for fuel from Skinner on October 4, 1836. Fined £1.5.0. costs, October 5, 1836.

Adam Fralick, Lundy's Lane, charged with assault and battery against **John N. Kelly, Drummondville**, on July 20, 1836. Fralick was intoxicated. Fined £1 plus 14/6- to the constable, July 23, 1836.

John Connell. He entered the premises of **William Thorn**, miller, at **St. Davids**, and shot at birds and wild game with a gun. He was admonished against this. No fines or costs levied, October 14, 1836.

John A. Snyder, Clifton Cottage. Was at the tavern on January 14, 1837, an illegally kept certain cloths of **John MacNeel Connel**. Fined 13/3- costs, January 17, 1837.

On the oath of **James McKeefer: John Milton Shaw** and **Stephen Warren** committed trespass on the property of **Adam Crysler**, stage proprietor, Falls, by injuring his carriage. Ordered to pay costs, October 10, 1837. Crysler declined to accept a sum for injury, and applied it to the use of the poor. (**Pavillion Hotel**.)

On the oath of **Adam Fralick: Daniel Lundy**, of **Lundy's Lane**, gentleman. Was at the **Pavillion Hotel** on January 25, 1837. Defendant engaged in a fight with said Fralick, Customs House

officer, while he searched for smuggled goods. Lundy carried away Fralick's pistol and whip. Prays for Lundy to return his goods or pay a fine, February 18, 1837.

Chester Wadsworth, Queenston. Charged with assault and battery against **Francis Scott**, Queenston, on August 14, 1836. Fined £1 plus 7/6- costs, August 15, 1836.

Adam Crysler, Falls, before **John Mewburn** and **Dr. Lefferty**. Charged with assault and battery against Thomas Dyke. Evidence of Dyke on oath: Crysler struck deponent. Fined 10/- costs and 5/- paid to the constable, September 14, 1836.

John McGill, charged with assault and battery against **William Crysler**, of the Falls. Fined 5/- plus 16/3- costs, October 15, 1836.

Hiram Peterson, St. Davids. Took a sleigh and wagon of **William McIntyre** (coloured man) of St. Davids, and also burned a note of hand the property of McIntyre. Fined 10/- for the use of the sleigh, plus 11/- costs, March 16, 1837.

Hiram Peterson, St. Davids. Charged with assault and battery against **George Anderson**, St. Davids, (coloured man,) on March 16, 1837. Peterson assaulted Anderson after leaving the office as a witness in the case of **McIntyre** vs. **Peterson**. Fined 10/- for the use of the highway and 10/- costs plus 5/- to the constable for his services, March 18, 1837.

James Manly, Stamford. Charged with assault and battery against **Mary Offerd** on January 27, 1837. Offerd was assaulted at the house of **John Knox**. Defendant fined 10/- plus 16/9- costs, January 30, 1837.

John Oldfield and **William Gillens**, Stamford. Charged with assault and battery against **John Price** on February 15, 1837. Price was assaulted on the highway at Clifton. Fined £1 plus £2.19.0. costs, April 4, 1837.

File 27-14.

James Cornish, charged with selling liquor without a licence in February 1837. Fined £5 and £1.13.6 costs before **B. Tench** and **John Clark** at St. Catharines, March 6, 1837.

File 27-15. Appeals.

Peter Cain, Niagara, innkeeper, beaten by **Lewis Donnelly** on April 15. Fined £1.5.0. before **Daniel McDougall**, April 17, 1837. Recognizance taken of Lewis Donnelly and **Robert Hay**, £10 each, appeal filed April 21, 1837.

James A.O. Freel, Niagara, yeoman. On March 20, 1837 **Alexander McPherson**, Niagara, yeoman, took 250 nails from him on the road allowance. Witness **Levi Johnson**. Fine £1 before **Daniel McDougall** on April 19, 1837. Recognizance taken of Alexander McPherson £10, sureties **Lachlan Currie** and **Neil Black** £5 each, appeal filed April 24, 1837.

Abner DeCow, "Cahuga," yeoman. DeCow kept the horse of **James [Lacem ?]**, Indian, on February 9, 1837. Convicted on February 13, 1837 before magistrate **Warner Nelles**. Recognizance taken of **Luke W. Gibson**, yeoman and **John Elliot, Dunnville**, carpenter, £100. Notice to appeal given before magistrate **Edward Evans**.

File 27-16.

David Bradt to **Charles Richardson**, Louth, April 1, 1837: send me £5, the amount due for road work.

David Thorburn, Queenston, April 11, 1837: encloses two warrants from the Speaker of the House for **Richard Woodruff** and myself. Allowed £5 traveling expenses.

David Thompson to **Charles Richardson**, Niagara, April 10, 1837: encloses the accounts of constables **Horton** and **Ward**, plus a petition for assistance on **Norton's Bridge**. Do not present the petition until next Thursday when I will be in court.

Charles Richardson to **John Joseph**, April 17, 1837: two court orders are enclosed for the *Court of Requests*.

J. Joseph to **Charles Richardson**, *Government House*, April 26, 1837: your communication was given to the Lieutenant-Governor, he will lose no time in appointing commissioners.

File 27-17. Criminal Calendar.

Calendar of Prisoners at Niagara Gaol (Peter Wheeler) March 21, 1837. [Names of prisoners and dates committed:]

Debtors:

F.W. Straight, September 21, 1836.

Francis Stephenson, February 10, 1837.

Prisoners:

Patrick Donley, September 6, 1832. Assizes. Murder.

Richard Abbott, May 25, 1836. Orders of **William Smith** and **A. Douglas**. Horse stealing.

Benjamin Abbott, May 30, 1836. Orders of William Smith and A. Douglas. Horse stealing.

Joseph Leggat, May 30, 1836. Orders of **David Thompson**, **A. Bradshaw** and **S. Birdsall**. Horse stealing.

Street Chace, December 5, 1836. Orders of David Thompson and A. Bradshaw. Stealing six pieces of broad cloth and six pieces of silk cloth, the property of **Joseph Wilson**.

Francis O'Conner, December 15, 1836. Orders of **D. McFarland** and **B. Tench**. Stealing a counterpane, cloak and blue jacket, the property of **A. Nivins**.

Daniel J. Brown, December 22, 1836. Orders of Duncan McFarland. Stealing the goods of **Joseph Wilson**.

Samuel Brown, January 16, 1837. Orders of **E. Adams**. Stealing beef, the property of **James Monaghan**.

James Hains, January 23. Orders of **Grant** and **Keefer**. Counterfeiting half dollars.

Aron Smith, February 8. Orders of William Smith. Stealing fowls, the property of **James Farmer**.

William Wakely, February 9. Orders of Tench and **J. Johnson**. Passing spurious money of the **Brockville Bank**.

Francis Shorephone, February 9. Orders of Adams. Stealing coats, the property of **Barker and Belnap**.

Samuel Besson, February 10. Orders of **J. Keefer**. Stealing wheat, the property of **D. McFarland**.

John Fuller, February 20. Orders of **Daniel McDougall**. Stealing three sticks of wood, the property of **Otis Ensign**.

James Lownsbury, February 22. Orders of **Mylne**. Stealing potatoes, the property of **Charles Lyburner**.

John O'Brian, February 23. Orders of Mylne. Stealing silk cloth, the property of **A.J. McMillen**.
Nelson Campbell, March 1. Orders of Adams. Stealing fowls, the property of **B. Meredith**.
Albert Munro, March 1. Orders of Adams. Stealing fowls, the property of **B. Meredith**.
James Finley, March 6. Orders of **H. Mittleberger**. Want of bail.
William Wintermute, March 7. Orders of **H. Nelles**. Stealing 20 bushels of wheat, the property of **J. Lindaberry**.
William Cliff, April 8. Orders of **Mewburn**. Stealing a watch, two \$5 pieces and pantaloons.

File 27-18. Filings.

Evidence of **Fox Holden**, St. Catharines, merchant, taken before **Henry Mittleberger** on March 6, 1837: **James Finlay** (coloured man) St. Catharines, was in his shop at 8:30 am, and asked for 15 lbs. of flour. When asked to pay, Finlay took the flour and said he could burst another barrel of flour and scatter it on the floor and destroy more goods in 5 minutes than the deponent could think of. Deponent fears further mischief, since Finlay said he'd have the flour by force or otherwise. Deponent asked him out of the shop, defendant refused and took up an axe to strike the deponent. Finlay called **Edward Emery** to assist him.

Letter from **Warner Nelles** and **J.H. Mackenzie** to **Charles Richardson**, York, April 8, 1837: will send the convictions of **Latham vs. Hicks**. Will be brought to the Sessions. Evidence of **James Latham**, Indian, Grand River, taken January 16, 1837: in December 1836 he missed a sorrel mare with a white face, white mark on its' back, 4 years old. On January 16 he saw the mare in the possession of **John Hicks** of Cayuga. He requested the return of the mare which was refused. It was feloniously taken. Evidence of John Hicks taken on January 17: he says he is not guilty. Examined several witnesses but further investigation is necessary. More witnesses called in February. The mare did belong to the informant, and adjudge it to Laitham. Parties dismissed by order of the court, April 12, 1837.

File 27-19. Presentment.

Gaol examined. Considering its crowded state, which is almost without precedent, the wards and cells reflect a credit on the sheriff, keeper and subalterns. Better attention is paid to the health of the prisoners. It is an inconvenience to the gaoler to furnish straw for the beds, there being no outhouse to keep a quantity of it. Recommended that a temporary building be erected in the yard for straw. April 13, 1837.

Petition of **Larkin Farrish**, Niagara, aged 87 years. Is infirm and unable to contribute towards his support. He has no property and is without friends. He served His Majesty in the American Revolution as a soldier in the **Prince of Wales Regiment of Foot**, and in the late war in the **1st Regiment of Lincoln Militia**. Prays for support for his few remaining days, April 11, 1837. Certificate attached states that Farrish is "an old, worn out soldier, Served in two wars with the United States, is destitute, aged 87 years." **Elen** [-----], an old infirm widow, lives with **Charlotte Neveaux** in Niagara, is kept on private charity. Prays to arrange for her maintenance, April 11, 1837. [Petitions filed.]

File 27-20. Non-Conformist Records.

Rev. James Johnston, Scotch Baptist church, Stamford. Was ordained in Aberdeen. Evidence presented before **Robert Grant** and **John Clement Ball**. Certificate granted, signed **Thomas Butler** and **Charles Richardson**, April 14, 1837. Affidavit attached: **Thomas Fyfe**, JP, Esquensing,

certifies that Johnston was ordained at Broad Street, Aberdeen, in 1817 or 1818. He is now of *Waverly Farm, Drummondville*, in the Niagara District, March 15, 1837.

File 27-21. Orders.

The Gaol Committee ordered to employ assistance for the safe keeping of prisoners, April 15, 1837. [Verso contains a fragment of a magistrates presentment.]

Ordered that *tolls and customs are to be collected on all property that may be sold on the site of the Fair Ground, in the Village of St. Catharines*, held semi-annually, on the last Thursday in May and the first Thursday in November. *Alexander Hamilton* named steward of the fair by *Sir Francis Bond Head*. Schedule of fees for tents, booths, huckster tables, sale of livestock and all other wares and merchandise, April 14, 1837.

Niagara, April 10, 1837. Ordered that application be made to the Lieutenant Governor for a fair to be held in the Town of Niagara, and townships of Stamford, Bertie, Grimsby and at *Port Robinson* and *Dunnville*. Signed by Committee: *Thomas Butler, Duncan McFarland, Henry Mittleberger, James Johnson, John C. Ball, Thomas Merritt, Henry Nelles*.

Ordered that the *Report of the Committee on Accounts* be adopted and inserted into two Niagara papers and the *St. Catharines Journal*, April 14, 1837.

Thomas McChesney, constable account, £6.9.5.

Ordered that the *Sheriff* levy a fine on *Thomas McChesney* plus costs (misdemeanor), and laid before the justices on appeal.

Gaol Regulations, section 9: hours of visitation ordered to be from 8 am to 6 pm, January 13, 1837.

Clerk of the Peace ordered to communicate to the Lieutenant Governor that the fine levied against *Thomas B. Bartlett* in September 1835 is to be remitted.

The *Divisions of the Court of Requests* as established in the *Assizes* are to be published in the *Niagara Reporter, Telegraph, Gleaner*, and *St. Catharines Journal*, and the *Clerk of the Peace* to communicate with the Lieutenant Governor to appoint commissioners, January 13, 1837.

Court of Requests Divisions: 1) Town and Town of Niagara; 2) Grantham; 3) Louth; 4) Clinton; 5) Grimsby; 6) Gainsborough; 7) Caistor; 8) Pelham; 9) Thorold; 10) Stamford; 11) Willoughby; 12) Bertie; 13) Humberstone; 14) Crowland; 15) Wainfleet; 16) Moulton, Sherbrooke Forest ; 17) Rainham; 18) Walpole; 19) the rest of Haldimand; 20) Dunn; 21) Cayuga; 22) Canborough. April 12, 1837.

Part of the *Indian Reserve* between Cayuga and the *Gore District* and Dunn and Cayuga is to be added to the division of the Township of Moulton, including Sherbrooke Forest, to be known as Canboro' Dunn and Cayuga. April 13, 1837. (Order rescinded.)

William Adams: The committee to examine the assessments, "in many instances incorrect," suggest the *Clerk of the Peace* appoint a competent person to examine and correct them, April 12, 1837.

Hiram Leavenworth: printing costs \$5.00 for 200 copies of a "**Stop Thief!**" handbill. Taken up at **Beamsville** and also printed in the **Journal**. March 9, 1837.

Charles Fell ordered to continue as **Highway Surveyor**.

Ordered that the Gore between Crowland and Humberstone be assessed in Humberstone, April 12, 1837.

David Thompson: will send **William Henry Smith**, **Charles Fields**, **Thomas Shaw** and **Johnson Stewart** to give evidence before the Grand Jury, April 12, 1837.

No **applications for tavern licences** rejected in the January Sessions will be subsequently entertained.

Ordered that 1d. in every £1 be levied in 1837. The **Clerk of the Peace** to levy the sum to pay members wages and collectors and treasurers percentages, April 12, 1837.

Committee on Assessments: **Adams**, **Clark**, **William M. Ball**.

Committee on Accounts: **J.C. Ball**, **John McGlashan**, **E. Adams**, **Mewburn** and **Mittleberger**.

File 27-22. Petitions.

Lewis Clement, prays for appointment as **Street Surveyor** for the Town of Niagara for 1837. Accounts are made up for 1836, shows a balance of £30.17.4½ in favour of the Statute Labour for the town. If appointed, I will be able to expend the same. Attached is a **Statement of the Number of Days of Statute Labour of the Inhabitants of the Town of Niagara**. [This document lists the names and amounts of those performing statute labour, 1618 days or £202.5.0.]

Court of Requests for Moulton, Sherbrooke Forest, Canborough, Dunn and Cayuga: from the extent and position of division 9, the inhabitants of the Indian Reserve between Cayuga and the Gore District must go to the trouble and attend this court, 30 miles from an extreme point; also the inhabitants of Dunn and Cayuga must travel 20 miles, even though they are one mile from our court. Pray to set off part of the Indian Reserve, and add part of Dunn and Cayuga. April 5, 1837. Signed: **William Miles**, **William George Spratt**, **H.N. Camp**, **John [Jarron?]**, **A.S. St. John**, **A. Thompson**, **Robert Hay Bruce**, **William McLean**, **Nelson Boughner**, **Peter Inman**, **Hiram Ferris**, **Philip Wilson**, **Charles D. [Parnell?]**, **H. Davis**, **John [-----]**, **Thomas Wiggins**, **Henry Charles**, **James Stephenson**, **Joshua Thompson**, **Thomas Chapin**, **William Scott**, **James Sims**, **John Brown**, **L. Weatherby**, **John Minor**, **William Chisholm**, **Barton Farr**, **John Johnson**, **James Granger**, **Daniel Davison**, **Robert F. Cooke**, **David Tale**, **Benjamin Delair**, **David Hunsberger**, **John Bowen**, **Robert Cooke**, **Henry Yocum**, **John A. Johnson**, **Frederick Hyde**, **Richard Letterman**, **Mack Richard Jukes**, **Agnew Farrell**, **William T. [Burk?]**, **John Stringer**, **Elijah Hubbard**. [Petition granted.]

File 27-23. Precept.

List of Grand and Petit Jurors, compiled by **Daniel McDougall** and **John Alma**, March 8, 1837 for Sessions on April 11.

Grand Jury: **William W. Nellis**, **Joseph Young**, **John F. Law**, **John A. Nelles**, **Jacob Turner**, **Thomas Bryant**, **Peter B. Nelles**, **Benjamin Wait**, **James Davis**, **Thomas Felton**, **Robert**

Anderson (all of Haldimand.) *Daniel P. Haines* and *Horatio Perry* (both of Grantham.) *John Currant* (Crowland.) *Alexander Lane* and *Robert Comfort* (both of Gainsborough.) *John Thompson* (Humberstone.) *Austin Morse* and *Frederick Hutt* (both of Stamford.) *Peter Warner*, *John Jordan*, *Robert Laidlaw*, *David Thompson*, *John Grier* and *Peter M. Ball* (all of Niagara.)

Petit Jury: *Jacob Kennedy*, *Benjamin Rozell*, *George Rozell*, *Joseph Felker*, *Lewis Felker*, *John Fisher*, *William Taylor*, *Adam Mingle*, *Smith Griffin*, *William Tanner* and *John Ran*[----] (all of Gainsborough.) *John S. Bush*, *John Field*, *James B. House*, *Henry Ryan* (all of Grimsby.) *Thomas Helmer* (Haldimand.) *Matthew Talman* [no residence given.] *Jonathan Lymburner*, *Cyrenius Lymburner*, *Caleb Swayze*, *Fellows Gates*, *James Everingham*, *Christopher Lymburner*, *Cyrus Benedict*, *Nathaniel Briggs*, *Jay J. Lymburner* and *John Melick* (all of Canboro'.) *William Dennis*, *Andrew Vanevery*, *Richard Martin*, *Robert Weirs* and *Aaron Helmer* (all of Haldimand.) *John Norton* (Cayuga.) *John Gilleland*, *Cyrus Smith* (both of Grantham.) *Peter Doan*, *John Bitner* and *George Burgar* (all of Crowland.) *Reuben Reid* and *Joseph Gabriel* (absent with leave) of Stamford. *Joseph Middaugh* (Thorold.) *Benjamin Willcox*, *Isaac Willcox*, *John Willcox*, *Daniel Willcox* (all of Grimsby.) *Solomon Teeter*, *Peter Frieze*, *Peter Snyder*, *Philip Lindeberry* and *Joseph Lindeberry* (all of Clinton.) *William Clow*, *Job Stevens*, *Thomas Heenan*, *Joseph Ponsett*, *James Meneilly*, *James Watts*, *Elijah Secord* (sick) and *John Stewart* (all of Niagara.)

File 27-24.

Inhabitants of Cayuga on the *Grand River* suffer from the want of a bridge over *Norton's Creek*. The *Welland Canal Company* was to build a bridge, but it was so insufficient as to be impassable. There are so few inhabitants that we cannot build a new bridge, will cost £50. March 21, 1837. Signed: *David Thompson*, *John Norton*, *Oliver Burnham*, *Joseph McCreary*, [-----], *Edward Henderson*, *John Bymer*, *George Mottely*, *John Young*, *Joseph B. Day*, *Joseph [Cablone?]*, *Richard McGuire*, *William Chisholm*, *William Orderly*, *William H. Haler*, *Jasper Segar*, *Elam Powers*, *William Butler*, *Robert Goldie*, *C. Perry*, *John B.* [-----], *Abner DeCow*, *H.N. Camp*, *William Murray*, *H. Davis*, *D. Price*, *Joseph Montague*, *William Sweet*, *James Berry*, *William* [-----], *Andrew Thompson*, *George Mylne*, *A.S. St. John*, *John Elliott*, *William McMurray*, *Cyrus Rose*, *Gilbert Coffin*, [-----], *William Mylne*, *Timothy Page*, *Robert Hay Bruce*, *James Hobkins*, *W.B. [Lott?]*, *George H. Dockstader*, *R.B. Campbell*, *Barton Farr*, *Christopher Lymburner*, *David Reid*, *Frederick Windecker*, *Thomas [Seaich?]*, *Philip Murray*, *Sherwood Avery*, *Peter Lymburner*, *Moses Peck*, *Samuel Rodgers*, *James Clo*[---], *Robert Griffith*, *Robert H.* [Winnam?], *Robert Patterson*.

Inhabitants of Haldimand. A road has been opened between *Dunnville* and Lake Erie, the side line between lots 18 and 19 in Concession 5, width 2 rods. Has been used in the last frosts but it passes over very wet places. Will not be available for use until the summer unless it drains out and log bridges are erected. It is of importance to complete the road, will cost £100. March 30, 1837. Signed: *J. Wemour*, *R. Mudge*, *Cyrus Rose*, *Thomas Wiggins*, *W. Butler Sheehan*, *John Macdonald Lockhart*, *John Johnson*, *Frederick Hyde*, *Richard Letterman*, *Mack Richard Jukes*, *William Miles*, *Catherine Imlach*, *Agnew P. Farrell*, [-----] *Bayly*, *J.M. Hoggan*, *James Hoggan*, *William George Spratt*, *Alanson Dibbell*, *Henry Sloan*, *Joseph Montague*, *William Orderly*, *Timothy Page*, *A.S. St. John*. [Referred.]

File 27-25. Tavern and Shop Licences.

Robert Doan, near *Cook's Mills*. His licence should be discontinued as he keeps a bad house. Tippling, drunkenness on the Sabbath. Families suffer from this, as they remain days and nights

at a time. January 3, 1837. Signed: *Francis Benedict, John Hellems, Jonas Yokom, Thomas Todd, James Willson, Martin Buchner, John Lemon, Joel Lemon, Henry Buchner, Ambrose Patterson, Lewis Buchner, Christopher Stringer, Amasa Lewis, Joseph Durk.*

Due to an increase in travel and trade another tavern in Bertie besides the one at Fort Erie is needed. *Benjamin M. Hardison* is recommended as a fit person. He is a British born subject, a resident, and fully prepared for a respectable tavern. Signed: *Alexander Douglas, William Smith, Edmund Riselay, James Johnston.* Fee £4 paid, April 10 or 11, 1837. [Granted.]

Horace Olmsted. Has a commodious house on the road between Canboro' and *Dunnville.* Resides in Canboro'. An inn is required here. The house is well adapted to the needs of travelers. April 3, 1837. He is upright and sober, respectful to all. April 8, 1837. Signed *Matthew Smith, Seth Smith, Ezra Smith, Ferrand Smith, Samuel Birdsall.* Fee £3.10.0. paid April 11, 1837. [Granted.]

Sarah Hirst, Thorold, widow. Wishes to keep a house to sell ale, beer, cider &c. in a log building where she lives, lately occupied by *John Wallace.* Recognizance taken March 21, 1837 before *George Keefer:* Sarah Hirst £10, *James Keefer,* Thorold, merchant and *Matthew Carroll,* Thorold, merchant, £5 each.

Jonathan Wilde. Has a commodious house at *Port Colborne* where he resides. It is well adapted for travelers. He is an upright, sober and respectful man, April 10, 1837. Signed: *B. Tench, John Steel, H.B. [-----], George Murray, [-----] Merritt, James Johnston, Hiram Slate, Thaddeus Smith, David Combs, Henry Douthitt, J.W. Wheaton, Thomas Scott, John Campbell, John Kenely, John G. Seger, Robert White, Israel Brown, James Login, William Matthews, Edward Gleason, Robert Watson, John Wynn.* Fee £3 paid, April 13, 1837. [Granted.]

File 27-26. List of Township Officers.

List of Township Offices transmitted to *Charles Richardson,* March 6, 1837. Bertie Township meeting held at *Jacob Willson's,* January 2, 1837. *Edmund Riselay* (chairman); *John Haun* (clerk); *William Buck Jr, Samuel Mackafee, Richard Graham* (township commissioners); Pound Keepers: *Michael Baker, Michael Sherk, J.W. Lewis, Abraham B. Hershey, Frederick Rose, John Hershey, Richard Johnson, Benjamin Sherk;* Fence Viewers: *William Powell, Samuel Mackafee, John Riselay, Jacob Baxter, Henry Hershey, Benjamin Troup, Henry Teel, John Lawr, William Buck, Michael Baker, William Buck Jr, Willson Haun, Charles Hill, Isaac S. Haun, John Moore;* Highway Overseers: *Edmund Riselay, A.A. Hershey, Maj. Ruth, Jacob Duncklee, Asa Schooley, Jacob Willson, James Haun, Luke Lee, Benjamin Troup, Ben. Sherck, James Johnston, James Kenady, John Winger, John Kenady, John Fretz, Daniel Johnston, William Carter, Jacob Heximer, Jacob [Donner?], John Spadding, C. Hershey, David Baxter, Buch. Baxter, John Spelling, Isaac Morningstar, Abraham Hershey, Samuel Lap, Richard [Gorsuch?], Peter Barnhart, Zach. Teel, D. Powlas, Ben. Zavitz, Azaliah Herrott, Nelson Haun, Abraham Penrod, James O. Dayet, Peter Pickard.*

List of Township Officers transmitted to *Charles Richardson, Port Colborne,* January 21, 1837. Humberstone Township, meeting held at *Robert White's,* January 2, 1837. *Jacob Strohm* (chairman); *John Thompson* (clerk); *John Steel, David Ramey, Nicholas Michael* (township commissioners); *Thaddeus Smith* (assessor and collector); Pound Keepers: *Henry Near, Guy J. Atkins, Jonathan Steel, Jacob Strohm;* Fence Viewers: *Nicholas Michael, Jacob Strohm, James Ekins, Daniel Pound, David Steel, Guy J. Atkins;* Highway Overseers: *Owen Fares, Guy*

*J. Atkins, Jacob Niceley*³⁵, *James Ekins, Jacob [Ones?], John McLaughlin, Edward Greason, Daniel McKay, Michael Naughton, Daniel Alward, John Alward, William Cutler, Peter Near, Jacob Sherk, George Learn, Charles Mitchner, Michael [Beach?], Josiah Bears, David Steel.* Fine for all stallions (1 year or older) running at large £5, fines for rams running at large 10/-. Certified by the clerk, January 19, 1837.

List of Township Officers transmitted to *Charles Richardson*, February 20, 1837. *Marshville* [Wainfleet] meeting held at *John Aikin's* inn, January 2, 1837. *George Bradshaw* (chairman); *Edward Lee* (clerk); *George Bradshaw, Jeremiah Forrester, Samuel Graybiel* (township commissioners); *Jacob Misener* (assessor); *Leonard Misener* (collector); Pound Keepers: *John Aikens, Arch. Farr, David Furquinson, Michael Graybiel*; Fence Viewers: *Amos Bradshaw, Jacob Misener, John B. Riley, Stephen Willson, Hiram Willson, John Williams, James Stone, James Logan, Chester Kinnard*; Highway Overseers: *Asa H. Molton, William Misener, Jacob Schwoob, David [Dills?], Andrew Robinson, John McEown, Hiram Willson, Caspert Thomas, Robert Rawley, William Bell, John Graybiel, Henry Zavitts, Adam [Vroman?], William Fares, Sela Kinnard, Andrew Radcliff*. Fences to be 5 feet high and stacked, ridged or locked at every corner. Horses are not to be free commoners; pigs passing through a 4 inch crack not to run at large.

Smithville, meeting held January 2, 1837. Officers elected: *Henry Smith* (clerk); *Dennis Woolverton, George A. Ball* and *Ezekiel Russ* (township commissioners); *John M. Camp* (assessor); *Daniel Palmer* (collector); Pound keepers: *Zenas Beach, James Randal, Samuel Kitchen, Joseph Trembly, Henry Smith, Orlow Smith*; Fence Viewers: *John D. Beamer, Ezekiel Smith, Dennis Palmer, George Adams, Richard C. Griffin, William Bridgman Jr, Ralph Field*; Highway Overseers: *Ezekiel Smith, Joseph More, Joseph Grout, Dennis Woolverton, Daniel Palmer, Robert Walker, John D. Beamer, Jacob Terryberry, Jacob Bowslaugh, George Muir, Morris Terryberry, John Willcox, Joseph Trembly, Charles Roy, John F. Stewart, James Harris, William Bridgman Jr, Daniel Merritt, Daniel Lyons, Peter Buckbee, Matthew Tallman, Adam Hutt, Cornelius Hill, John Halstead, Thomas Murgatroyd*.

List of Township Officers for Walpole, transmitted to *Charles Richardson* February 18, 1837, filed February 27, 1837. *James Perkins* (chairman); *David McF. Field* (clerk); *David Wood, Joseph Steele* and *Robert Duncomb* (township commissioners); *James Perkins* (assessor); *Frederick L. Gibbs* (collector); Pathmasters: *Calvin Gates, John Miller, William Winchester, John Banfield, John Shirk, Christopher Smith, David Walt, Lues Denis, John McCormick, John Underhill, Amos Clark, Frederick [Brigman?], Abraham Vanloon, James Gillmore, David Long, Benjamin Nunn, Edmund Hodge, Samuel Gambel*; Pound Keepers: *John Hill, Joseph Abrahams, John Runolds*; Fence Viewers: *William Row, Edmund Prigsley, Robert Howey*.

³⁵ This is undoubtedly a variant spelling for "*Knisely*."

Niagara District Quarter Sessions, April (2) 1837
(January and March adjourned.)

File 28-1.

William Anthony, Bertie, Esquire. Charged with assault and battery against **William F. Collins**, on July 29, 1836. Witnesses: William F. Collins. Evidence taken before **William Smith**: defendant gave me a severe blow on the stomach. Recognizance: William F. Collins and William Anthony £20 each. No further proceedings, not having attended to prosecute.

File 28-2.

Samuel Besson, Thorold, labourer. Charged with larceny, stealing a bag of wheat (value 5/-) the property of **Duncan McFarland**, on February 8, 1837. True bill: **David Thompson** (foreman.) Witnesses: Duncan McFarland, **Alexander Hogg**, **Michael Hunt**, **Lucy Rogers**. Evidence of Alexander Hogg, Thorold, labourer, taken before **Jacob Keefer** on February 9: deponent manages the farm of Duncan McFarland at **Port Robinson**. A bag of wheat (2 bushels) was concealed under straw in the barn. It was taken from the granary. The bag was marked with coal and I saw it on the back of Samuel Besson. Went to the mill at Allanburg and found the bag in the sleigh of **Calvin Cooke**, who said the wheat was from a barrel belonging to Samuel Besson. Evidence of Calvin Cooke, February 10: has nothing to say. Evidence of Samuel Besson: has nothing to say. Evidence of Michael Hunt, constable, Port Robinson: found a marked bag of wheat at the Allanburg mill. Evidence of Alexander Hogg: identified the same bag of wheat. Evidence of Lucy Rogers, Port Robinson, widow: she borrowed a horse, went to get wheat (lent to her) between 7 and 8 pm. She brought the bag of wheat and added about a peck from her own barrel, then sent her son Calvin Cooke to the mill with it. Recognizance taken: Michael Hunt, Alexander Hogg and Lucy Rogers £5 each. Verdict: "not guilty," April 13, 1837.

File 28-3.

Samuel Brown, Grantham, labourer, coloured man. Charged with larceny, stealing 80 lbs. of beef (value 25/-) the property of **James Monaghan**, St. Catharines, cooper, on January 16, 1837. True bill: **David Thompson** (foreman.) Witnesses: James Monaghan, **Hannah Conn**. Evidence of James Monaghan: Brown went to the cellar and took the beef, value £1.5.0. Evidence of Hannah Conn, St. Catharines: she caught Brown with the beef about dark. She told him to stop, he dropped the beef and ran. Recognizance taken before **E.S. Adams**, January 16: James Monaghan and Hannah Conn £12.10.0. each. Verdict: "guilty," April 12, 1837.

File 28-4.

Nelson Campbell, Grantham, labourer, **Albert Monro**, Grantham, labourer and **Ralph Decoray**, Grantham, labourer. Charged with larceny, stealing 12 fowls (value 20/-) the property of **Bridgewater Meredith**, on March 1, 1837. Witnesses: Bridgewater Meredith, **Cadwallader G. Pelton**, **Louisa Stanley**. Evidence of Meredith taken before **E.S. Adams** on March 1: on February 28 some fowls or poultry (value 20/-) was taken from his barn, were in the house of Ralph Decoray. Deponent went with Chapman and found the fowls. Evidence of Louisa Stanley, wife of **Henry Stanley**: Campbell bought seven fowls from a man in the country, and five were at his house. Evidence of Cadwallader G. Pelton, St. Catharines, gentleman: was out late, 12 or 1 o'clock on February 28. Came out the hall door, and Campbell threw down a bundle of substance- appeared soft- he considered it something come by dishonestly at that time of night.

Recognizance taken before E.S. Adams on March 1: Ralph Decoray, £12.10.0, sureties **Thomas Henegan** and **John Hinnan**, St. Catharines, yeomen, £6.5.0. each. Verdict: "guilty," April 12, 1837.

File 28-5.

William Cliff, Grantham, tailor. Charged with larceny, stealing a watch (value 40/-), two bank bills (50/-), drawers (2/-) and pantaloons (10/-) the property of **John Hanay** (alias **Heaney**), Grantham, yeoman, on April 11, 1837. True bill: **David Thompson** (foreman.) Witnesses: John Hanay, **Dr. Mewburn**, **David Palmer**, **Patrick McMahon** (tavernkeeper at the Falls.) Evidence taken before **J. Mewburn**: William Cliff, a stranger, came to stop with him. Had no means except \$5. He went to Thorold at the 10 Mile Creek and was loaned \$10 by **Charley Mann**. (Two \$5 bills, Queenston and Montreal.) Cliff was left in the house mending his clothes which were torn and soiled with mud. Hanay went to the neighbours and his wife went to the barn to milk. Cliff left the house suddenly, and the goods were found taken. The watch was under a pillow, a key and three pieces of money attached and two bills. Followed him to Queenston, Lewiston and the Falls. Then went with McMahon to Manchester in the United States where he was found. Obtained a magistrates warrant. The watch and trousers were found at **Biggars**, a tailor at **Lundy's Lane**. Went there and the goods were given up immediately. Had exchanged a watch and other things with Biggar. Evidence of Patrick McMahon: advised the prisoner to give up the rest of the money, \$2, to Hanay. Evidence of William Cliff: refused to answer questions. Evidence of David Palmer, Drummondville, tailor: the prisoner came into his shop with cloth, and wished it made into pantaloons. He was in a hurry, but I made them. A man on the other side of the river was to give him £100. The pantaloons were large, big enough for two. Said he got these items from a man at 10 Mile Creek. I saw a watch, asked if he would trade it, he said yes. Also traded for some vests. He came to my house at noon, his clothes muddy, but he didn't seem fatigued. Recognizance taken before Dr. Mewburn, April 8: John Hanay, Patrick McMahon and David Palmer, Drummondville, tailor, £20 each. Plea: "guilty."

File 28-6.

William Davidson, Thorold, labourer. Charged with obstructing an assaulting a constable, **Robert Holditch**, on March 30, 1837. True bill: **David Thompson** (foreman.) Witnesses: Robert Holditch, **John Callaghan**, **Michael Hunt**, **William Hill**, **William Bell**, **Claudius Arnold**, **George Jordan**, **Duncan McFarland**. Plea: "not guilty," changed to "guilty." Fined 10/- plus costs, April 14, 1837.

File 28-7.

William Davidson, Thorold, labourer. Charged with assault and obstructing a magistrate, **Duncan McFarland**. True bill: **David Thompson** (foreman.) Witnesses: **Robert Holditch** [alias **Hallyday**], **John Callaghan**, **Michael Hunt**, **William Hill**, **William Bell**, **Claudius Arnold**, **George Jordan**, **Duncan McFarland**. Presentment attached dated April 12. Verdict: "guilty," fined 30/- plus costs £7.13.9. April 14, 1837. [Statement of costs refer to one **Isaac Spinks**.]

File 28-8.

John Fuller, Niagara, labourer. Charged with larceny, stealing two pieces of wood (value 1/-) the property of **William Ensign**, Niagara, labourer, on February 18, 1837. No bill: **David Thompson** (foreman.) Witnesses: William Ensign, **Francis Drake**. Evidence taken before **Daniel McDougall** on February 20: William Ensign saw Fuller take one large and three small pieces of

fire wood. Evidence of **Otis Ensign**, Niagara, innkeeper: saw the fire wood stolen. Evidence of Francis Drake: saw prisoner take the wood. Evidence of John Fuller: deponent took the wood, his mother said that **Walter Elliott** said I might take it. Recognizance taken: Otis Ensign, William Ensign and Francis Drake £10 each.

File 28-9.

John Gordon, Thorold, labourer. Charged with assaulting a constable, **Michael Hunt**, on November 3, 1836. True bill: **John F. Law** (foreman.) Witnesses: Michael Hunt, Richard Campbell, John Callaghan. Evidence taken before **Duncan McFarland** on November 4: Hunt was in the house of Gordon, who concealed and procured the escape of **Joseph Boyd at Port Robinson**. Evidence of John Gordon: said he is not guilty. Boyd boarded at his house but left on the 3rd. His wife was away, and said not to let anyone go up with a light and was afraid of the house taking fire. He told them to go up without a light. Removed a barrel from under the window as it was in his way. "I know nothing of Joseph Boyd the dirty blackguard." Evidence of Richard Campbell: went with Hunt to arrest Boyd. Gordon said "no constable or authority would interfere to take Boyd in his house." He aided in the escape by putting a barrel under the window &c. Evidence of **Obediah Vanderburgh**: Gordon would not allow anyone upstairs, they would get into a squabble with Boyd, feared setting the house on fire. Recognizance taken: John Gordon £10, sureties William Hill and **Peter Law** of Thorold £5 each.

File 28-10.

Henry Hager, Clinton, labourer and **Lot Sherry** (alias **Shelly**), Clinton, labourer. Charged with larceny, stealing pork (value 5/-) the property of **John Bastedo** on November 28, 1836. True bill: **John F. Law** (foreman.) Witnesses: John Bastedo. Evidence taken before **Robert Nelles** on November 30: Bastedo entered the cellar and discovered pork being carried off by his servant and women. One blew out the candle, the other made off with himself. Recognizance taken before R. & **H. Nelles**: Lot Sherry, Henry Hager and **Ezra Harkness** £20 each.

File 28-11.

James Haines, Niagara, labourer. Charged with passing counterfeit money on January 23, 1837. Letter from **Charles Richardson**: **Jacob Keefer** will have the counterfeit money produced at trial, United States silver coins (half dollars) which were tendered to **Robert Crawford**. True bill: **David Thompson** (foreman.) Witnesses: Robert Crawford, **William Crawford**, **Chester Wadsworth**, **William Pritchard**, **John Hawn**, **John Wannymaker**. Evidence taken before **R. Grant** and **Jacob Keefer**, January 23: James Haines of Queenston, labourer, had 15 counterfeits. "They have sworn to a good many lies, that he never told the boy he would bet one dollar or five, and says that there has been enough said." Evidence of John Wannimaker, Queenston, carpenter: was at **Rykert's Tavern**, Haines paid Robert Crawford with a half dollar and to take out 6d (York currency) which he lost tossing coppers. Saw it was counterfeit, and Haines had others in his trousers pockets. Saw him searched by Chester Wadsworth and saw them taken out. Evidence of John Hawn: picked up 14 pieces off the floor near Haines between the bench and chest. Evidence of William Pritchard, Niagara, yeoman: confirms this testimony. Evidence of Chester Wadsworth: found 14 counterfeit pieces on him in Rykert's barroom. Evidence of John Hawn: he was to take charge of Haines when Wadsworth went for a warrant. They were in Rykert's barroom, he seemed uneasy and wanted to go away. He sat on a bench, leaned on a chest. Shortly after 14 pieces were found and a small crucible. Evidence of Robert Crawford, minor son of William Crawford, stone mason: was at **Conrad Rykert's** tavern in Queenston tossing coppers. Haines came in and offered \$6 for \$6 and to toss for it. I couldn't take so large a bet, but would

toss for \$2. Tossed for 6d (York cy) and won it. Was paid 6 coppers by Haines. He then took a handful of silver half dollars out of his pocket. Deponent won a second 6d, and was given a United States half dollar. Believes it was false from his actions and behaviour. Recognizance: John Wannimaker, William Pritchard, Chester Wadsworth, John Hawn, William Crawford for his son Robert Crawford £10 each. Verdict: "guilty." Sentenced to stand in the pillory for one hour, April 15, 1837.

File 28-12.

Christian Hurst, Willoughby, yeoman. Charged with larceny, stealing one harness (value 40/-), bridle (5/-), traces, collar and back band, the property of **Henry Miller**, Willoughby, yeoman, a Menonist, in July 1836. True bill: **David Thompson** (foreman.) Witnesses: Henry Miller, **Erastus Moses**, **Jacob Miller**. Evidence taken before **James Cummings**: goods were taken from Miller's stable. Letter of Cummings dated February 2, 1837: has heard of many petty larcenies of Christian Hurst. He and Erastus Moses searched under warrant on February 1, for the property of **Avery Gould** and **Amos Leech**. Found the goods in the stable, smoke house, loft and on horses drawing wood. Recognizance taken before **William Duff** and James Cummings on February 15: Christian Hurst £10, sureties **Ezra Bailey** and **Francis Sawyer Leech** £5 each.

File 28-13.

Christian Hurst, Willoughby, yeoman. Charged with larceny, stealing one harness (value 25/-), double lines and spring clasps (5/-), the property of **Jacob Miller, Jr.**, Willoughby, yeoman, on February 1, 1837. True bill: **David Thompson** (foreman.) Witnesses: **Henry Miller**, **Erastus Moses**, **Jacob Miller**. Evidence of Jacob Miller taken before **James Cummings** on February 2: the goods were taken from the stable, were found when searching with the constable. **Mrs. Hurst** said "I understand you lost some harness," and told deponent where it was. I didn't recognize it at first, it had been altered. The clasps were cut off, and another set had been sewed on. Recognizance taken before **William Duff** and James Cummings on February 15: Christian Hurst £10, sureties **Ezra Bailey** and **Francis Sawyer Leech** £5 each.

File 28-14.

Christian Hurst, Willoughby, yeoman. Charged with larceny, stealing irons, the property of **Amos Leech and Avery Gould**, Chippawa, blacksmiths, on September 25, 1836. True bill: **David Thompson** (foreman.) Witnesses: Amos Leech, Avery Gould, and **Erastus Moses**. Evidence of Leech and Gould taken February 1: a large bar of iron for a wagon tire was taken in September, and 11 new horse shoes and a bar of iron, a screw plate, tap and dyes were taken in October. Evidence of Christian Hurst: the iron in the outhouse was bought from **James Burfet** (alias **Barfet**) a coloured man at **John C. Davis'** in Chippawa last fall. He paid 3/- (York Cy) for a whip which he had given in the charge of Burfet and not returned. The harness: last September or October he was returning in a wagon with **Samuel Bierson**, a coloured man, about dark when they overtook a man carrying a harness. They asked him to ride in the wagon. Asked him where he got the harness, he said he sold his horses at **Lundy's Lane** but the purchaser wouldn't give him anything worth the harness so he carried them. Deponent asked him what he wanted for the harness and he said \$7 or \$8. I offered him \$6¾, and paid for the harness with the exception of the lines. The clasps were put on another set. Evidence of James Barfet, coloured man: Witness is a hostler for J.C. Davis. Prisoner left his whip with me. Paid Davis 3/- (York Cy) but never paid Hurst. Did not give him the iron. The iron was bent on one end, was ordered to take it from the bar to the granary. Couldn't be found later, was stolen. Evidence of **James Macklem**: borrowed an iron from Leech, was turned in a peculiar way for drawing a [box?] out of a pump. It is the

same one he returned to Leech. Recognizance taken before *William Duff* and James Cummings on February 15: Christian Hurst £10, sureties *Ezra Bailey* and *Francis Sawyer Leech* £5 each.

File 28-15.

Harriet Hyte, Niagara. Charged with larceny, stealing a bead reticule and tin box (value £1) the property of *Frances Lewis*, on February 15, 1837. True bill: *John F. Law* (foreman.) Witnesses: Frances Lewis, *Eliza Davis*. Verdict: "not guilty," April 11, 1837.

File 28-16.

Robert Kay, Niagara, shoemaker. Charged with obstructing bailiff *John Clark* on April 8, 1837. True bill: *David Thompson* (foreman.) Witnesses: *Alex McLeod*, John Clark, *Duncan McNab*. Subpoenas issued for *Thomas Whitten*, *J.H. Ma*[-----], *William H. Smith*. Recognizance of Alex McLeod taken before *Charles Richardson* on April 14, 1837 £100. Evidence of Alex McLeod taken before *Daniel McDougall* and *Thomas Butler*, April 10: an execution (writ of *capias*) was issued against Kay by *Jared Stocking* and *John Grier* for a debt of £52.10.2. (dated February 18, 1837) and costs of £2.9.10½. Went to Kay on April 8th to levy against his goods and chattels. The debt was now only £10, he had given one inventory and wouldn't allow another. He said he'd shoot anyone who tried to take his goods. He went to another room, brought out a blunderbuss, loaded with powder and shot. He pointed it at Clark, opened the pan, the priming dropped out; he drew the trigger and snapped, but it didn't go off. I tried to arrest him, and Kay took a large knife and said he'd stab, rushed at the deponents and made several attempts to stab. Evidence of John Clark: went to have Kay sign a bond, the goods were forthcoming to satisfy the bond. Prisoner said he'd shoot &c. Tried to stab us with a large knife. Evidence of Duncan McNab: confirms testimony. Evidence of Thomas Whitten: was present at Kay's regarding the bond. Evidence of *Henry Long*: saw prisoner with a large knife. Evidence of Robert Kay: Clark behaved rudely to my family on April 7th. I resisted because they were going to take our beds. There is property enough to pay the debt and not take the beds.

File 28-17.

Peter Lawrence, Niagara, labourer. Charged with larceny, stealing 17 horse shoes (value £1.1.3) the property of *Matthew Dobie* on February 9, 1837. No bill: *David Thompson* (foreman.) Witnesses: Matthew Dobie, *John McCullough*, *Lawry Kemp*, *Robert Miller*, *Jacob Cushman*. Evidence of John McCullough, Niagara, blacksmith: the shoes belonged to Dobie. Evidence of Matthew Dobie: the shoes are now in the shop of Robert Miller and J. Cushman at the *Four Mile Creek*. Prays for a search warrant. Evidence of Lawry Kemp: he was in *Swarts' shop*, saw Lawrence there and a dumb man, Mr. Dobie's journeyman, with two shoes in his hand. He gave them to Lawrence, but didn't see Lawrence give anything for them. Evidence of Robert Miller and J. Cushman: Lawrence acknowledges he sold them 17 shoes. Evidence of Peter Lawrence: he sold 14 horse shoes to Miller and Cushman for 7/6- and three more, for a total of 17 shoes. He bought the shoes from *David Carr*, who works for Matthew Dobie. Recognizance taken before *Daniel McDougall* February 10: Peter Lawrence £20, sureties *Peter H. Swarts*, Niagara, hatter, and *John Burn*, Niagara, shoemaker, £10 each. Defendant discharged, acknowledges he sold the horse shoes.

File 28-18.

James Lounsberry, labourer. Charged with larceny, stealing 13 bushels of potatoes (value 40/-) the property of *Christopher Lymburner*, on February 22, 1837. No bill: *David Thompson*

(foreman.) Witnesses: Christopher Lymburner, *William* [-----], *John Mellick*, *Jay John Lymburner*, *Cyrus Benedict*. Recognizance taken: Christopher Lymburner £25, Cyrus Benedict, Jay John Lymburner, John Mellick £10 each. Evidence taken before *William Mylne*, *Lothian Cottage*, February 22: James Lounsberry and John Mellick broke open the potato hole of deponent and stole all 13 bushels. Evidence of Cyrus Benedict: he asked defendant if he had potatoes for sale, he said no, had sold a parcel to Lymburner and had not received pay for them. Said he talked with Lounsberry last November, had not enough potatoes to stand all the winter. Defendant said he didn't give a damn, had sold them to Christopher Lymburner. Evidence of John Mellick: had a bargain, bought all the potatoes in the hole, 13 bushels.

File 28-19.

John McCombs, Grantham, labourer. Charged with larceny, stealing two pieces of silver (value 2/6-) the property of *Patrick Nugent*, St. Catharines, innkeeper, on April 5, 1837. True bill: *David Thompson* (foreman.) Witnesses: *Daniel Hopkins*, St. Catharines, peddler, and Patrick Nugent. Evidence of Hopkins taken before *E.S. Adams*, April 6: deponent saw £12.10.0. in silver at Nugent's bar. Went into the barroom, caught McCombs coming out of the bar/bar table, but the door was locked. He went to the kitchen and told Mrs. Nugent "you have a new bar tender." Evidence of John McCombs: he was drunk when he took the silver from the till. Verdict: "guilty."

File 28-20.

Charles Nicquet, Drummondville/Stamford, innkeeper. Charged with keeping a disorderly house, October 12, 1836. No bill: *David Thompson* (foreman.) Witnesses: *Dr. Mewburn*, *Robert Wood*, *George Hamilton*, *Mary Hamilton*. Presentment: on the complaint of Dr. Mewburn, gambling, drunkenness and stealing go on at Nicquet's house. Evidence of Robert Wood, Falls/Clifton, taken before Dr. Mewburn September 29, 1836: He came from the Niagara gaol, had been detained on a charge, and went to Nicquet's house to lodge. Was intoxicated. He had money in his pocket. Was followed in by *Thomas Picket* [alias *Pickens*], labourer, who tried to pick his pocket. He struck him and knocked him down. There was card playing there the next night, *Miller*, *Starkie*, *Henry Brown* and *John Douglas*. Deponent lost \$5½. Had a quarrel over the cards, said "damn your soul, I will wrench your neck if you don't deliver those cards." Fought. Evidence of *George Verrell*: was at Nicquet's, confirms Wood's testimony. Evidence of *Marcus [Beeler?]*: saw card playing in the house. Evidence of *Charles Woodman*: a woman left her trunks at Nicquet's, they were opened and a suit of clothes was taken. Evidence of *Mary Ann Robinson*: she left her boxes at Nicquet's, which were opened and articles were taken. Evidence of *George Hamilton*: articles were taken from the trunk. Evidence of *Slade Robinson*, MD. Left home to go to the Chippawa Church, the man George Verral was sober, but drunk when he came home. Asked him where he was, he said over the road at Nugents [*sic*] drinking &c. Recognizance taken: Robert Woods £20; Marcus Beeler, Thomas Pickens £10; surety Charles Nicquet £5. Robert Wood's bail bond taken before Dr. Mewburn, £10 (\$40) March 1837. Recognizance taken before *J. Black*, February 3, 1837: *Mary Hamilton*, wife of *William Hamilton* and George Hamilton of Humberstone, labourer, £5 each; recognizance taken before *Malcolm Laing*, November 5, 1836: Charles Nicquet £20, surety *Theo. Brundage*, Stamford, innkeeper, £10. Recognizance taken January 13, 1837: Charles Nicquet £20, surety *John [Stark?]* £10.

File 28-21.

John O'Brien, Haldimand, labourer. Charged with larceny, stealing vesting (value 20/-), handkerchiefs (50/-), handkerchief (20/-) and shoes (10/-), stockings and cotton handkerchiefs (£5.8.9. in all) the property of **Aeneas John McMillen, Dunnville**, merchant, on February 20, 1837. True bill: **David Thompson** (foreman.) Witnesses: **George Meyer**. Presentment attached. Plea: "guilty," April 12, 1837.

File 28-22.

Francis Shorephone, Grantham, labourer. Charged with larceny, stealing one coat (value 60/-) the property of **Francis Burnap**, on February 4, 1837. True bill: **David Thompson** (foreman.) Witnesses: **Alexander Bunker**, Francis Burnap. Verdict: "guilty," April 13, 1837.

File 28-23.

Francis Shorephone, Grantham, labourer. Charged with larceny, stealing one coat, the property of **Alexander Bunker**. True bill: **David Thompson** (foreman.) Witnesses: **Francis Burnap**, Alexander Bunker. Evidence taken before **E.S. Adams**, February 9, 1837: Shorephone, a Polander, came to the house of **Luther Dyer** in St. Catharines on February 4 and took my coat and one belonging to Francis Burnap, in all £1.5.0. Recognizance taken before E.S. Adams: Alexander Bunker £12.10.0. Plea: "guilty," April 13, 1837.

File 28-24.

Aaron Smith, Bertie, labourer, coloured man. Charged with larceny, stealing six fowls (value 5/-) the property of **James Farman**, Bertie, innkeeper, on February 8, 1837. True bill: **David Thompson** (foreman.) Witnesses: James Farman, **Mary Ann Farman**, **John W. Lewis**. Evidence of James Farman taken before **William Smith**, February 8: Aaron Smith, a negro, stole the fowls from an outhouse, two were identified. Evidence of Mary Ann Farman: fowls were stolen, two were found with Aaron Smith, a negro. Recognizance taken: James Farman £20. Verdict: "not guilty," April 12, 1837.

File 28-25.

William Wintermute, Clinton, labourer. Charged with larceny, stealing 10 bushels of wheat, the property of **Joseph Lindaberry**, Clinton, yeoman, on March 1, 1837. True bill: **David Thompson** (foreman.) Witnesses: Joseph Lindaberry, **Alfred Buss**, Grimsby, merchant, **James Dickinson**, **Peter Buckbe** [alias **Buckbee**], Grimsby, innkeeper, **Philip Sp**[-----], **George Tailor**, **William Gage**, **William Gillem**, **Archibald Thompson**. Evidence taken before **Henry Nelles**, March 7: wheat was stolen from deponent's barn. Letter from Henry Nelles, **Ancaster**, March 29: George Taylor and William Gage were examined, men were with defendant. Had 5 or 6 bags, marked with "JL" in ink or paint. Letter from Henry Nelles to **Charles Richardson**, March 24: The advertisement and other papers are enclosed in this case. Wintermute is now in gaol. **Benjamin Wright** made his escape from the David B. Smith, constable (by Smith's affidavit.) William Gillam, Pelham, blacksmith, **Edmund Ricelay**, Bertie, and **David Smith** bound £20 to give evidence, taken before **Archibald Thompson** (JP, Stamford.) Evidence of David Smith: had everything in his charge except two horses, sleigh and neck yoke, proven and given up for safe keeping. To be lodged at the court house on or before the April sessions. Letter from Henry Nelles to Charles Richardson, April 3, 1837: please appoint some constables for Grimsby and Clinton. Letter from **P[eter] Spawn**, Ancaster: it is time that he, Tailor and Gage appear at the Quarter Sessions. Can prove and identify Wintermute and Smith. Wheat traced to three different barns in the vicinity, from marks on the bags. Send a subpoena in care of **Erastus Derby**,

constable at **Beamsville**. Cannot attend the Sessions, since he must go to Toronto to receive my war losses. Recognizance taken: Alfred Buss and Peter Buckbee £15 each, surety **James T. Simmerman**, Clinton, farmer, £15; Verdict: "guilty," April 12, 1837.

File 28-26.

Benjamin Wright, Stamford, labourer. Charged with larceny, stealing a sleigh (value 50/-) and neck yoke (5/-) the property of **Matthias Lampman** on March 1, 1837. Witnesses: Matthias Lampman, **David B. Smith**, ~~**George H. Wright**~~. Broadside, David B. Smith, Beamsville, U.C, March 8, 1837. "Stop Thief!" Wheat was stolen at Beamsville and sold to a merchant at **Forty Mile Creek**. Wright lives at **Fort Erie** near **Forsyth**, harnessmaker, is slim, 5'8" or 5'9". Has a long hunting overcoat, fine fur skull cap, Canada grey pantaloons. The property can be had by proving the claim and paying charges, or it will be sold at auction to defray the expense. Two horses, a sleigh, with harness, bells and buffalo skin, flannel sheet and petticoat, horse blanket and quilt and a common bag marked "**A. Thompson #9**" and "E.W.S." (**Ezekiel Hoag**, Clarendon, New York.) Evidence of **Edmund Riselay**, Bertie taken before **W.** and **H. Nelles**, March 23: A sorrel horse at **Ralph Walkers**, Grimsby, innkeeper, is his property, was lent to Benjamin Wright. [Received but shall be forthcoming if called for.] Evidence of George H. Wright, Stamford, yeoman: the sleigh and neck yoke was left at the door of H. Nelles by Wright when he made his escape from the constable on the 6th. It is the property of Matthias Lampman. One cream coloured horse belongs to Wright. Affidavit of Matthias Lampman: he received the sleigh and neck yoke and cream horse. Paid 3/1½ for keeping the horse, will return to the district when called for.

Niagara District Quarter Sessions, July 1837.

File 29-1. Accounts (1-25.)

E.S. Wheeler, charge for services as turnkey, £18.17.6.

Peter Wheeler, charge for boarding *F.W. Straight*, *F. Stephenson*, *David Baham*, *C.G. Petton*, *Rufus Durkee*, *Joseph McCollum* and *Benjamin Wait*, £8.16.3.

Luther Boardman, constable account, £2.17.3.

Dr. Porter, charge for gaol attendance, £6.5.0.

Daniel McDonell, constable account £1.1.9, charge for attendance at sessions £1.5.0.

James Dell, constable account £1.10.0.

John Reilly, constable account, 6/-.

Zephaniah Horton, constable account 12/-. Charge for bringing in *David Bayham* to *J. Keefer* on the warrant of *Duncan McFarland* for felony. Nothing to sustain charges and so prisoner was discharged, July 10, 1837.

Zephaniah Horton, constable account £3.13.0. Charge for taking *John Campbell* (insane) to gaol.

Richard Jones, constable account, 10/6-.

Henry Chapman, constable account, £5.16.6.

Thomas Henegan, constable accounts £7.7.0; 13/-; 10/-; 5/-; 12/-; 17/-; £1; total £11.4.0.

John Steele, constable account. Charge for summoning a jury for an inquest held on the body of *Luke W. Clenchy*, a child drowned in bathing at *Merritt's Mill Race*, June 3, 1837. (certified by *Samuel Wood*, coroner.)

John Andrews, charge for coffin and shroud for *Thomas Hews*, 7/6-, January 30, 1837.

Isaac Levill, assist in gaol tending, £7.10.0.

Charles Freeman, charge for whitewashing gaol, 15/-.

Monro and Black, charge for repair of six leg straps, handcuffs, bolts &c, £2.8.6.

Con Magarty, blacksmith work, spikes &c, 8/-.

John Hawn, constable account 12/- plus £1.5.0.

Francis Proctor, constable account, £1.16.0.

L.C. Keaney, charge for publishing accounts plus notices for the *Court of Requests* in the *Niagara Reporter*, £2.19.10.

H. Leavenworth, charge for publishing accounts plus notices for the *Court of Requests* in the *St. Catharines Journal*, £2.19.10.

List of Accounts Audited and Approved, July sessions 1837.

Account of Rations Due the Gaoler of the Niagara District (Peter Wheeler) April 13-July 11, 1837. £54.17.1½ [charge includes the cost of washing, candles, and brooms.]

Patrick Donley, April 13-July 11.

F.J. O'Conner, April 13-July 11.

Daniel Brown, April 13-July 11.

Street Chace, April 13-July 11.

Joseph Leggett, April 13-July 11.

Richard Abbott, April 13-July 11.

Benjamin Abbott, April 13-July 11.

James Harris, April 13-July 11.

Aron Smith, April 13-May 15.

William Wakely, April 13-June 8.

Francis Sherephene, April 13-May 2.

Samuel Besson, April 13-April 13.

Samuel Brown, April 13-May 2.

James Lownsbury, April 13-April 13.

John O'Brian, April 13-May 2.

Nelson Campbell, April 13-May 2.

Albert Monro, April 13-May 2.

James Finley, April 13-April 13.

William Wintermute, April 13-May 2.

George Boice, April 13-April 18.

John Camblis, April 13-May 15.

William Cliff, April 13-May 2.

Robert Hughson, April 13-April 17.

Ralph Decorsie, April 13-May 2.

John Black, April 14-June 10.

James Ritchie, April 15-July 11.

Michael Teaboe, April 17-May 11.

Paul Cassada, May 11-May 19.

Patrick McMann, May 11-May 19.

Charles Bell, May 11-July 11.

Henry Hainer, May 20-July 11.

Matthew Uttley, May 20-July 11.

Alvie Hill, June 6-July 11.

John Jackson, June 9-July 11.

Robert Donald, June 21-July 11.

Andrew Finley, June 2-July 11.

William McIntyre, June 21-July 11.

James McGinnis, June 27-July 5.

Stephen W. Hopkins, June 29-July 11.

Amhurst Parkes, June 29-July 11.

Timothy Mudtussle, July 3-July 11.

William Ogden, July 8-July 11.

Michael Teaboe, July 10-July 11.

File 29-2. Accounts (26-47.)

Lewis Donnelly, constable account, £2.2.6.

Sheriff, charges for service, summoning jurors, conducting prisoners to penitentiary &c, £49.15.1.

Richard McGuire, constable, charge for arresting **Henry Hainer** (Indian) £4.12.6.

Windsor Chase, charge for a team to take prisoners to gaol, 15/-.

William Duff Miller (coroner), charge for holding an inquest on the body of **Mary Marsh Hearle**, £2.10.0. May 3, 1837.

Samuel Wood (coroner), charge for holding an inquest on the body of **Luke McClenchy**, £2.8.0., June 3, 1837.

Gilbert McMicking (coroner), charge for holding an inquest on the body of **Charles Brundage**, May 12, 1835; an unknown man, below the Falls plus funeral, June 4, 1835; **John Morrison**, September 12, 1836, £7.16.6.

Con Magarty, charge for blacksmith work, 54 dozen spikes, £6.15.0.

G. McMicking, salary for 80 days as a Member of the Assembly, 4th Riding of Lincoln, £45. Signed **Archibald McLean**, March 4, 1837.

David Thorburn, salary for 23 days as a Member of the Assembly, 3rd Riding of Lincoln, £45. Signed **Archibald McLean**, July 11, 1837.

Charles Richardson, salary as **Clerk of the Peace**, £62.10.0.

Nelson Sanderson, constable accounts, 17/-, 11/-, 12/-, total £2.

John Smith, 7/6- allowance for keeping a helpless, insane and blind person.

Eliza Evans [alias Eowens], 5/- allowance for keeping her insane daughter (total £3.)

T. Raymond, 5/- allowance for keeping a destitute female named **Wilson** (total £3.)

Mrs. Goodel, Grantham, £6 for keeping **Harriet Hague**.

Nelson Sanderson, charge for summoning a jury to an inquest held on the body of **Mary Ann Livingston**, July 31, 1836, plus cost of coffin and digging a grave; on **Henry Mintrum**, September 5, 1836, plus cost of coffin and digging a grave; 12/6- (paid.)

L.C. Kearney, charge for publishing presentment concerning the **gaol** and the **House of Industry** in the **Niagara Telegraph**, £2.12.0.

Peter Wheeler, six months baker's bill plus interest, £60.

Isaac Thomas (coloured man), 12/6- allowance per week for **John Campbell** (coloured man), a helpless cripple, total £7.10.0., July 14, 1837.

Martin Baukman, Gainsborough. £3.15.0. for keeping a helpless, insane female.

Alexander Stewart, charge as **Returning Officer** for the 4th Riding of Lincoln, £7.10.0.

File 29-3. Constables Accounts.

John Steel £1; **John Reilly**, **John Hawn**, **Martin Kearns** [alias **Kearins**], **Henry Brown** and **Francis Proctor** £1.5.0. each.

File 29-4. Other Accounts.

Amount of Statute Labour in the Town of Niagara and it's distribution therein and cash paid in lieu of Statute Labour and how expended. Signed by **Richard Howard**, April 14, 1837. Laid over, vouchers required and none produced. Passed July 12, 1837.

Hiram Brooks, constable account, £3.

File 29-5. Accounts Referred.³⁶

John Wilson. Land was taken from him for the **West Line Road** in 1828, his fences were removed and 34 apple trees lost. Cost paid to surveyors **A. Jones** and **R. Cusack**, plus **Mr. Redenhurst** as witness. £170.2.5. (Ordered to lie over for report.) Receipt from John Wilson to **Robert Dickson**, February 26, 1828. \$15 fee for **William McAulay** (re: **Wilson, Bale and Slingerland**.) Map drawn by R. Cusack May 19, 1828 of the estate of John Wilson, thrown waste by opening the West Line. (shows meadow, wheat and plough lands, 9 acres 1 rod and 8 perches.) **A. Jones**, charge for court attendance, £7.10.0. and £1.7.6, September 29, 1828. **Mr. Pickard**, charge for court attendance 10/-, October 22, 1828. **Peter T. Pawling**, receipt for £40.11.6. from John Wilson. **Robert Dickson**, receipt for £3 in full for claims from John Wilson, January 19, 1836.

Action against **John T. Lawe**, April 12, 1837.

File 29-6. Accounts Rejected.

James Secord. In mid-March a female traveling from **Toronto** to **Chippawa** for a place to hire took ill and lodged at my house. \$10 in expenses, Chippawa, April 10, 1837. [Rejected.]

Zephaniah Horton, constable. £1.0.6. (re: **Eber Rice**.) Certified by **J. Keefer**, June 17, 1837. [Reserved for decision of bench; rejected.]

H. Brown, constable account, 15/- [Rejected.]

Scott Tyre & Co, charge for foolscap, quills &c, £1.18.1. [Rejected.]

³⁶ These documents are all badly water stained and therefore difficult to read.

Dr. J.B. Matthews. Charge for attending an inquest held on the body of *Mary Marsh Hearle*, £1.5.4. [Rejected.]

File 29-7. List of Constables.

Township of Niagara: **George Cain** (recommended by *William M. Ball*.)
 Willoughby and Stamford: **Peter Wilkins, Burnet Conchlin**, [-----] (recommended by *James Cummings*.)
 Humberstone: **Emmanuel Hoover, George Murray** (recommended by *B. Tench*.)
 Crowland: **Samuel Dell**.
 Indiana: **Edward M. Shipway, Richard McGuire** (recommended by *David Thompson*)
 Cayuga: **Moses J.O**[-----] (recommended by *David Thompson*.)

File 29-8. Convictions (*Jacob Keefer*, JP, Thorold.)

John Bran, Thorold, millwright and his wife **Charlotte Bran**. On July 1, 1837 they treated boys and disorderly persons with whiskey. They formed a *Charivari party* at the house of **David Black**. They fired guns, rang bells, blew horns &c. On July 3 and July 4 Charlotte Bran beat **Mary Black**, daughter of David Black, with a well pole. Recognizance: John Bran and sureties **Hezekiah Whitmore**, Thorold, labourer and **Silvanus Cleveland**, Thorold, innkeeper, £10 each to keep the peace. John Bran and Charlotte Bran fined 20/- and 10/- plus 15/1½ costs, July 7, 1837.

Patrick Cullin charged with assault and battery against **Thomas McBride**. Fined 5/- plus 7/6- costs, June 17, 1837.

Joshua Cleveland, charged with trespass against **Sidney R. Squier**, Thorold. Cleveland broke the window of plaintiff's clothing shop on April 22, 1837. Fined 10/- plus 12/6- costs, April 24, 1837.

File 29-9. Convictions (*Daniel McDougall*, JP, Niagara.)

Bernard Roddy, charged with trespass against **William Moffatt**, Niagara, innkeeper. Roddy trespassed by hawling a [-----] ashore. The land is leased by **James Crooks** to Moffatt. Roddy confessed he fished off the lands. Witnesses: **Thomas Butler**. Roddy fined 10/-. Appealed, conviction annulled, costs £1.8.9. paid by prosecutor, May 20, 1837.

Peter Cain, charged with assault and battery against **Johnson Stewart**, Niagara, gentleman. Cain fined 10/-, July 5, 1837.

File 29-10. Appeals.

Thomas Bryant, convicted by **David Thompson** at *Indiana*, May 12, 1837. On May 8th defendant entered the enclosure of **James Curtis** [alias *Courtis*], and threw down his fence at the Grand River. Fined £2.2.0. costs and damages. Recognizance to appeal taken June 13, 1837: James Curtis £10, sureties **John Walton** and **Ephraim Curry**, yeomen, £5 each.

File 29-11. Correspondence.³⁷

³⁷ These documents are badly water stained and therefore difficult to read.

Letter from **Government House** to **Charles Richardson**, May 5, 1837. Requests a return of the population for the Niagara District in triplicate.

Letter from **John Joseph** to **Charles Richardson**, May 18, 1837: acknowledges a memorial about the Military Reserve sent to the Lieutenant Governor.

Letter from **Charles Richardson** to **John Joseph**, July 29, 1837. Encloses a return of the population of the Niagara District in triplicate.

Letter from **Charles Richardson** to **John Joseph**, July 20, 1837. Encloses a presentment against **Robert E. Burns** for the Lieutenant Governor.

Grand Jury presentment against **Robert Easton Burns**, St. Catharines. **John Davids**, Niagara, £75 in a trespass action for *mesne profits*, plaintiffs **Robert Campbell** of Niagara, tailor and **John Grier**, merchant. Burns recovered judgement against Davids who absconded into the United States. Burns did not attempt to enforce the judgement, although there was a long time between the verdict and the absconding. After Davids had absconded, Burns issued a writ of *capias*. Burns maliciously and falsely uttered a writ after being returned by the Sheriff. He altered the writ so as to agree with the application. Affidavit of Sheriff, Davids is not to be found within the District, action commenced. July 7, 1837.

File 29-12. Criminal Calendar.

Calendar of Criminal Prisoners Confined in Niagara Gaol (Peter Wheeler) July 11, 1837.

Certified by **Alexander Hamilton** and **Alex McLeod**.

Patrick Donley, September 6, 1832. Assizes. Murder.

Richard Abbott, November 25, 1836. Orders of **W. Smith**, **A. Douglass**. Stealing a horse.

Benjamin Abbott, November 30. Orders of **W. Smith**, **A. Douglass**. Stealing a horse.

Joseph Leggett, November 30. Orders of **David Thompson** and **Samuel Birdsall**. Stealing a horse.

Street Chace, December 5. Orders of **David Thompson** and **H. Bradshaw**. Stealing broad cloth and silk, the property of **J. Wilson**.

Francis O'Connor, December 15. Orders of **Duncan McFarland** and **B. Tench**. Stealing a counter pane, blue coat, rugs &c, the property of **A. Nivins**.

Daniel S. Brown, December 22. Orders of **Duncan McFarland**. Stealing the goods of **J. Wilson**.

James Hains, January 23, 1837. Orders of **R. Grant** and **J. Keefer**. Under sentence.

James Richie, April 15. Orders of **S. Birdsall**. Stealing £38.17.9. of **E. Broughton**.

Charles Bell, May 13. Orders of **J. Mewburn**. Stealing a gold watch the property of **Mary Laws**.

Henry Hainer, May 20. Orders of **D. Thompson**. Stealing the horse of **Caty George**.

Matthew Uttley, May 31. Orders of **B. Tench** and **Adams**. False pretences, stealing the pantaloons and shirt collars of **John Lawe** (from **Edward Stephenson**.)

Alvie Hill, June 6. Orders of **J. Cummings**. Stealing flax, butter, salt, potatoes and a basket, the property of **Thomas Dell**.

John Jackson, June 9. Orders of **R. Grant**. Broke open the trunk and stole the vest of **B. Dorris**.

Robert Donald, June 21. Orders of **W. Mylne**. Stealing pork, the property of **Patrick Farrel**.

William McIntyre, June 21. Orders of **Adams** and **Tench**. Want of bail.

Stephen Hopkins, June 29. Orders of **S. Birdsall**. Stealing leather and calf skins, the property of **Peter Benedict**.

Amherst Parkes, June 29. Orders of **S. Birdsall**. Stealing leather and calf skins, the property of **Peter Benedict**.

William Ogden, July 8. Orders of **Daniel McDougall**. Under sentence.

Michael Teaboe, July 10. Orders of Daniel McDougall. Insane.

Joseph Enos, July 11. Orders of **H. Nelles**. Stealing the dress coat and kid gloves of **Silas Cryster**, value £3.3.9.

File 29-13. Filings.

John Jefferson Kimball and **David L. Dexter**, St. Catharines. Charged with horse racing on the highway, April 25, 1837. Complaint of **Albert Goodenow** before magistrates **Henry Mittleberger**, **George Rykert** and **E.S. Adams**. Evidence of Goodenow taken April 26th: Horse racing was held on the highway at **John Dolson's inn**. There was a large number of people, much noise, and gambling at the inn and pitching quirts. Kimball said "by God any man that complains of me for running today may make his peace, he may settle his business to leave this country for by God I will skin him." Many disorderly people gathered at Dolson's and gambled, having no other means to make a living. Evidence of **Lucius Winchester**, Grantham, yeoman: saw men racing on April 22nd and April 25th and gambling at Dolson's. Evidence of **Jacob A. Kipp**, Grantham, yeoman. A race was held on the road between St. Catharines and Queenston on April 22nd between 2 and 4 pm. between Dexter's horse "**Limber Jeremy**" and a brown horse of Kimball's. Another race was held on April 25th at 2 pm between Dolson's and **John Sopers**. He saw a "rollette" table "a species of gaming machine" at Dolson's and saw **Milton Reynolds** playing on it in the bar room. It is owned by **Cornelius Johnson**. He saw **Levi Gilles**, John Dolson and Cornelius Johnson playing quirts in the garden last Sunday. Bad characters assembled at the inn. He heard Kimball threaten to "skin" any man who complained. Recognizance taken: David L. Dexter, St. Catharines, baker, £50, sureties **James Boles**, St. Catharines, yeoman and **William McCandlish**, St. Catharines, [foreman?], £25 each. John Jefferson Kimball £50, sureties **W.H. Sanderson**, St. Catharines, blacksmith and **William May**, Grantham, yeoman, £25 each.

Evidence taken before **J. Mewburn**, April 13, 1837. **John Carter**, a boy in the employ of **John Murray**, of the Falls, feloniously carried away two coats, a vest, hat and trousers on April 10th. **Colonel Delatre** made the committal, but constable **Charles Nugent** allowed the prisoner to escape.

Evidence taken before **H. Nelles** on June 10, 1837. **Adam Conkle Jr**, Clinton, yeoman, altered a receipt of **Thomas Walker**. Recognizance taken: Adam Conkle Jr. and surety **John Hawn**, Clinton, yeoman, £50 each. Defendant discharged from recognizance, July 14, 1837. Signed **Charles Richardson**.

Recognizance taken before **Tench** and **H. Mittleberger**, July 6, 1837: **Patrick Nugent**, St. Catharines, innkeeper and **William Henry Sanderson**, St. Catharines, blacksmith, £50 each.

Warrant issued by **Humphrey John Tench** to constable **John Steele** of Niagara, to apprehend [--- -----] on the complaint of **John [Birtruk?]** July 9, 1837.

A **Pharo Table** (a gambling table) was kept in a licenced tavern called the **Pavilion House** by **William Stewart**. The house is kept by Messrs. **William Dickson** and **William Chamberlain**, gaming goes on with their cognizance. Evidence taken before **Tench** and **Mewburn** July 14, 1837: **Joseph Morrison**, late Lieutenant in the service of **Her Majesty the Queen of Spain**, but now of Stamford, is a stranger here. Was on his way to Quebec on June 11th and boarded at the Pavilion Hotel for a fortnight. Saw the Pharo Table there. Several people lost money there. He lost \$300 to Stewart. True bill of presentment, signed by **Dennis Woolverton** (foreman.) Bench warrant to issue July 14, 1837.

Writ of *feri facias* to the Sheriff. To levy against the goods and chattels of the parties. If they have no goods, chattels or tenements, then take them and confine them in gaol "to abide the judgement of the Court of Quarter Sessions." To remain there until the debt is satisfied unless they give sufficient security for their appearance.

File 29-14. Presentment.

Gaol was examined, the privy has no door, has a very nauseous, disagreeable, unhealthy smell. Must be remedied. The prisoner's food is insufficient, recommended to add half a pound of bread to the daily allowance. A large corner room on the debtor's side could be made safe for the reception of prisoners, July 14, 1837.

Dr. Porter, prays for the support of a helpless crippled coloured man named **George Martin**, 10/- per week. Also £8 for his account for disbursements for support. [Rejected, no power to order payment.]

File 29-15. Jail Records.

Letter from **Dr. Porter** to the **Gaol Committee**, July 13, 1837. A letter was given to me yesterday. I have frequently alluded to complaint. The complaints of the debtors are not groundless. July 12th in the gaol you will observe stench arising and flooding the whole building from the privy. This is prejudicial to the health of all the debtors.

William Telfer, Dunnville, carpenter. Is a prisoner in gaol, upon a writ of *capias ad respondendum*. **James Moss**, plaintiff. Telfer arrested by **Henry Campbell**, Dunnville, yeoman. He is not a legally appointed constable. Order issued by **Richard A. Clarke**, commissioner in **King's Bench**. **Oneas John McMillan** said to Campbell that he had no authority to arrest Telfer, not being a constable. Has since been confined. Taken before **Lorenzo D. Raymond**, July 15, 1837. Upon hearing the attornies, the order for arrest set aside. Telfer discharged out of custody on the motion of **Alexander Stewart**. Signed **Thomas Butler**, July 19, 1837.

File 29-16. Non-Conformist Applications.

Rev. Samuel Rose, Stamford, ordained as a Wesleyan Methodist preacher. Evidence presented before **William Adams**, July 12, 1837. Certificate granted and oath of allegiance ordered to be taken, signed **Charles Richardson** and **Thomas Butler**.

File 29-17. Orders.

The presentment against **Robert E. Burns** ordered to be communicated by the Clerk of the Peace to the Lieutenant Governor.

Clerk of the Peace ordered that the property seized under the warrant of **James H. McKenzie** on the complaint of **Thomas Bryant** against **Curtis** under a petty trespass case be given up to Curtis. The case was appealed, Bryant not having appeared. July 14, 1837.

Recognizance and bail of **Sarah Cleveland** ordered to be respited until the next Sessions.

Donald McDonald ordered to be **High Constable** until next April at the usual fees, July 11, 1837.

Treasurer ordered to borrow £100 on the credit of the Niagara District for the maintenance of the gaol prisoners, July 11, 1837.

The **Gaol Committee** ordered to take the necessary steps to obtain £100 for the maintenance of prisoners.

File 29-18.

Peter Wheeler, was placed on the assessment roll of the Town and Township of Niagara. Was charged Statute Labour for a lot in town. Wheeler doesn't own the lot, is not liable for the assessment and desires to be relieved therefrom, July 12, 1837.

File 29-19. Precept.

List of Grand and Petit Jurors compiled by **John Alma** and **Daniel McDougall**, June 15, 1837 for Sessions on July 11. Certified by **Alexander Hamilton** and **Alex McLeod**.

Grand Jury: **Jacob Kitchen, John Moore, Charles Anderson, William Hixon, Dennis Palmer, Samuel Kitchen, Morris Udle, Dennis Woolverton, William Nixon, Andrew Hunter, Joseph Moore, John P. Bridgman, Abishai Morse, Ashman Bridgman, William Crooks** (Grimsby); **William Henderson** (Pelham); **D.F. Ducat, Peter H. Swartz** (Niagara); **Lachlan Bell, Hope McNiven** (Grantham); ~~**Archibald Thompson**~~, **Jesse Baxter, Lewis Palmer, Samuel Usher** (Bertie.)

Petit Jury: **Peter Buckbee, Joseph Coon, Caleb Whitmore, Caleb Nelson, Thomas Halstead, Joshua Nelson, Rodolphus Lounsbury, Morris Terryberry, Ezekiel Russ, ~~William Fisher~~, Alexander Milmine, James Milmine, Richard Mure, John Mure, Joseph Walker, Robert Walker, James Beam, Jacob Bouslaught, William Beamer, ~~Daniel Palmer~~, Asa Pettit, Joseph Henry, Andrew Pettit, John W. Smith, John Cline, Ezekiel Smith, Moses Merritt, Joseph Tremblay, Isaac Overholt** (Grimsby); **Thomas Donaldson, Jesse Medaugh, Reverius H. Lee** (Niagara); **Peter Bradt, ~~Jacob High~~** (Clinton); **George Crosby, Jacob Hendershot, Joseph Hill** (Pelham); **Frederick Rose, Benjamin Miller, Andrew Miller, Collingwood Forsyth, Abraham Hershey** (Bertie); **Augustus House, John Marsh** (Willoughby); **William Read, Isaac Lacey, James B. Clendenen** (Grantham); **Moses Peck** (Cayuga.)

File 29-20. Road and Bridge Petitions.

Petition from the inhabitants of Caistor: There is want of a new bridge over the Welland River at **Johnson's Mills** on the road between Concessions 1 and 2. The old bridge is decayed. Another bridge is required on the same road across **Wolf Creek**. Cost £20. Signed: **James Tisdale, Joseph Phelps, Andrew Neville, John Lymburner, Hiram Lymburner, James Park, Demetrius Chambers, John Tice, Oliver Fulsom, Jonathan Fulsom, Abraham Balm, Abraham Nevills, Jacob Tice, Henry Smith, James Lymburner**. [Rejected.]

Petition to **Elijah Harris**, surveyor of highways. A new road is needed between Caistor and Wainfleet and Gainsborough. Commencing at the **Indian Line**, then north to the road between Concessions 1 and 2 in Caistor, 60 feet wide (ie, 30 feet on either side of the township line.) May 15, 1837. Signed **James Tisdale, Henry Miller, Jonathan Fulsom, Abraham Balm, Emerson Bristol, Joseph Dockstader, Reuben Lester, Michael Lymburner, James Lymburner, Oliver Fulsom, Joseph Phelps, Peter Teeft, John Page, Henry Smith, Martin Vosburgh**.

Petition to **Elijah Harris**, surveyor of highways. A new road in Caistor is needed from the end of the road on the south side of the Welland River near **Johnson's Mill** between lots 11 and 12 Concession 1 to lot 16 Concession 1, 60 feet wide. April 25, 1837. Signed **Jonathan Lymburner, G.H. Stoner, William G. Johnson, Philip Doan, James Lymburner, John Tice, Jacob Tice, James Parr, John Johnson, Romain Johnson, Henry Smith, Merritt Johnson, Reuben Lestor, John Lymburner, Andrew Nevills, William Nevills**.

File 29-21. Road and Bridge Reports.

Report of **Elijah Harris**, Caistor, regarding the opening of a new road in Caistor from the end of the road on the south side of the Welland River near **Johnson's Mill** between lots 11 and 12 Concession 1 to lot 16 Concession 1, 60 feet wide. No objections made to the road, July 11, 1837. [map attached.]

Report of **Elijah Harris**, Caistor, regarding a new road between Caistor and Wainfleet and Gainsborough. Commencing at the **Indian Line**, then north to the road between Concessions 1 and 2 in Caistor, 60 feet wide (ie, 30 feet on either side of the township line.) No objections made to the road, July 1, 1837. [map attached.]

File 29-22. Tavern and Shop Licences.

The house occupied by **Theodore Brundage**, Chippawa, the "**Mansion House**," has been licenced for 18 or 20 years. It is well fitted up. He procured papers at the January sessions for "**The King's Arms**" at Chippawa which was consumed by fire. Brundage has moved back to the Mansion House, and prays for a licence of that stand. Signed **James Cummings**, July 10, 1837. Printed copy of the petition attached, dated July 12th. Licence granted July 15, 1837.

Patrick Kavanah. Has an improved house in Chippawa, where an inn is needed. Produces certificate of good character, is an upright and sober man. Prays for a licence, June 20, 1837. Signed **Samuel Street, James Cummings, William Hepburne, Henry [Bone?], Isaac Durham, James Macklem, Joseph Miriam, James Secord**. Fee paid £7.10.0, licence granted July 11, 1837.

Petition from **Samuel Street, P. Delatre** and **John Alma** to **Captain John Jordan**, Niagara Falls, April 28, 1837: **George McLaughlin** has rented a house at the Falls for an inn. Taken the house kept by **Dominique McEwe** at the City of the Falls. Since there is no authority for Sessions until July, he wants approbation until then. Fee paid £7.10.0, licence granted.

Robert Tune, Thorold, baker. Prays for licence to sell ale, beer and cider. House and sign "R. Tune's bakery." Recognizance taken before **George Keefer** and **Jacob Keefer**, May 24, 1837: Robert Tune and **William Carter**, Canborough, yeoman, £10 each.

File 29-23.

Charles Bell, Stamford, labourer. Charged with larceny, stealing one gold watch (value 250/-) the property of **Mary Law**, on May 13, 1837. True bill: **Dennis Woolverton** (foreman.) Witnesses: **Mary Law, Nicholas Furey, David Dunton**. Evidence of Nicholas Furey taken before **J. Mewburn** on May 13: Deponent went on horseback after Bell, overtook him on a stone fence on the **Queenston Road**. Charged with the theft, he denied it. He was taken to **Mr. Grant**, then to Stamford to Dr. Mewburn. The prisoner said to turn back, the watch was hidden in the stone wall. The deponent promised the prisoner if he confessed where it was, he should be forgiven.

The watch was found in the wall. Evidence of Charles Bell: acknowledges that he took the watch. Evidence of Mary Law, wife of **James Law**, Stamford. Nicholas Fury hired a man conditionally for one month. Went with the family to **Queenston**. Deponent left her watch on a nail near the window, pulled the blind down. She spoke to Bell in the garden. The watch was not there on her return. The parlour and kitchen were shut, but the bedroom door was open. The watch was not found. She gave the alarm. Value of the watch £20. Recognizance taken: Nicholas Furey and Mary Law £20, surety **James Gordon** £20. Plea: "guilty," sentenced to two years hard labour in the penitentiary, July 13, 1837.

File 29-24.

George Boice and **Johnson Fuller**, Niagara, labourers. Charged with larceny, stealing 18 bank notes of 5/- each, and one note (10/-) the property of **John Armstrong**, Niagara, yeoman, on September 20, 1836. True bill: **Dennis Woolverton** (foreman.) Witnesses: John Armstrong, **Thomas Humphrey**, **Samuel Proctor**, **Anna Humphries**. Evidence of John Armstrong taken before **Daniel McDougall** on February 16, 1837: deponent was at the inn of Thomas Humphrey, had seven \$1.00 bills and \$13 (a \$2 bill and eleven \$1 notes) all of the **Bank of Upper Canada**. Deponent was intoxicated and was carried me to bed. When I woke up, the money was missing. Evidence of Anna Humphries, wife of Thomas: Armstrong was taken to bed. Fuller returned first and then Boice. Boice got up again and was seen trying one of Armstrong's boots on. She said to leave Armstrong to himself and go downstairs. They left and Armstrong and Boice came back again, was accused of taking his pocket book. Dropped some quarter dollars and a bank note. She didn't observe the others go upstairs. Evidence of Samuel Proctor, labourer: Boice and Proctor came to his father's inn. When asked by his mother how he stole the old man's money, he said he didn't but Fuller did. He gave me \$5.00 of it. Said he was present when the plan was conceived and could go to the stable and put his hand on the pocket book. Boyce declared if prosecuted he'd swear against Fuller. Evidence of Boice and Fuller: they were drunk all day, and know nothing of the robbery. Assisted Armstrong to bed. Evidence of Johnson Fuller: he saw the pocket book in Boyce's possession but doesn't know how much money was in it. Before they parted Boice purchased a pipe for the deponent, paid 1/3- for it. Recognizance taken April 15, 1837: Johnson Fuller, sureties **Otis Enign**, Niagara, innkeeper and **John P. Hannett**, Niagara, innkeeper, £10 each. Recognizance taken March 20, 1837: Thomas Humphries, Queenston, innkeeper, Samuel Proctor, Niagara, labourer and John Armstrong £20 each. Verdict: "not guilty," July 14, 1837.

File 29-25.

Adam Conkle and **Alexander Tufford**, Clinton, labourers. Charged with larceny, stealing 400 bushels of wheat (value £150) the property of **Thomas Walker**, on April 29, 1837. No bill: **Dennis Woolverton** (foreman.) Witnesses: **John S. Walker**, **Isaac Wismer**, **John Bestedo**, **John H. Kilborne**, **John Hamilton**, **Harmon House**, **Thomas Walker**, **Timothy Hixon**. Evidence of John S. Walker taken before **R. Nelles**: the wheat was stolen from his father's storehouse on the lakeshore. Recognizance taken before **H. Nelles**, May 3, 1837: Thomas Walker and John S. Walker, Clinton, yeomen, £50 each. Recognizance taken before Robert and **William Nelles**: Adam Conkle and Alex Tufford £50 each.

File 29-26.

John F. Diffenbacher, Thorold, grocer and **Robert T. Hughson**, Thorold, pedlar. Charged with conspiracy to cheat and defraud **Martin Overholt**, Pelham, of £40 on April 3, 1837. True bill: **David Thompson** (foreman.) Witnesses: Martin Overholt, **George Hill**, **John Hill**, **John Lyons**. Diffenbacher sold a deed of Bargain and Sale for lot 10 in the Cross Range of Willoughby to

Hughson for £200 but had no title to it. Evidence of Martin Overholt, taken before **Daniel McDougall** on April 8th. On November 10th past and April 3rd defendants conspired to defraud, sold part lot 10 Cross Range Willoughby, value £35. Evidence of Robert Thompson Hughson of Allanburgh, taken before **Duncan McFarland** on April 10th: he is not guilty, he bought land from Diffenbacher. He took the deed and lent him \$150. He sold his house in **Allanburgh to John G. Stockley** and let him a horse wagon. He didn't know Overholt had the land until one month ago, George Hill said he had the deed. Sent **Ira Stinson** with the deed down to the **Register Office**. When Diffenbacher made the deed he'd been paid by Overholt. Has no claim. Did a great deal of business for Diffenbacher and took the land as part settlement. Didn't know he was going to leave the province. Evidence of George Hill: Diffenbacher and Hughson came to my house. They asked if Overholt was there, deponent said no. They wished for me to draw a deed in favour of Overholt as they wanted to get money from him. Deponent met the prisoner in February, he wished me to examine the Register at Niagara and see if any part was sold off. Wanted a deed for property. Couldn't do it until Overholt's land was taken up since it would lay Diffenbacher indicted for a criminal offence. Acknowledged that Overholt had a claim. Diffenbacher was to pay the amount due to Overholt before the deed was executed. Recognizance taken: George Hill £20. Recognizance taken before **Charles Richardson** on April 14th: Martin Overholt £20, sureties **Zephaniah Horton**, Thorold, yeoman, **Henry Ryan**, Gainsborough, yeoman and **John Hill**. Recognizance taken before Charles Richardson on April 14th: Robert T. Hughson £100, sureties Zephaniah Horton and Henry Ryan £50 each. Warrant issued by **Duncan McFarland** to constable **Michael Hunt** to apprehend Diffenbacher and Hughson, April 10, 1837. Affidavit sworn before Charles Richardson, April 14th: Hughson, of Pelham, peddler, is unable to procure witnesses to defend himself, and cannot safely proceed. Verdict: Hughson "not guilty."³⁸

File 29-27.

Lewis Donally, Niagara, innkeeper. Charged with assault and battery against **John Russell** on June 15, 1837. True bill: **Dennis Woolveton** (foreman.) Witnesses: John Russell, **William Clarke**, **John Alma**, **Alex McLeod**, **A. Gilkinson**. Verdict: "guilty," fined 5/- plus costs.

File 29-28.

Joseph Enos, Saltfleet and Grimsby, labourer and transient. Charged with larceny, stealing one coat and kid gloves (value 60/-) the property of **Silas Crysler**, Grimsby, carpenter, on July 9, 1837. No bill: **Dennis Woolveton** (foreman.) Witnesses: Silas Crysler, **Diana Crysler**. Recognizance taken before **R. Nelles** and **H. Nelles**, July 10: Silas Crysler £20, surety **Samuel S. Moore**, £20. Warrant of **Hugh Wilson**, **Saltfleet** to **James Glover** or other constables in Saltfleet to apprehend Joseph Enos. Search warrant, believes the goods are concealed in the house of [**Laten?**] **Sweet** of Saltfleet. Letter of High Willson to R. Nelles, Saltfleet, July 10: I send you

³⁸ Willoughby Township Abstract Index, volume "A" folio 168. Lot 10 Cross Range patented to Samuel Street on July 23, 1798. 100 acres sold by Jonathan Fulmer to John F. Diffenbacher on September 24, 1836 for £100 (Memorial 11207, registered November 10, 1836.) 100 acres sold by Diffenbacher to Martin Overholt on November 10, 1836 for £25 (Memorial 11482, registered May 12, 1837.) 100 acres sold by Diffenbacher to Robert T. Hughson for £200 on April 3, 1837 (Memorial 11469, registered May 12, 1837.) 100 acres sold by Robert and Anna Maria Hughson to James Cummings on March 24, 1842 for £50 (Memorial 783, registered June 16, 1842.) Quit-claim for 100 acres by David Beacham to Martin Overholt for £25, November 9, 1842 (deed 1183 registered February 10, 1843.) 100 acres willed by Martin Overholt to Henry Overholt, will dated January 12, 1858, registered as instrument 12138 on February 9, 1864. Executors John Damude and Jacob Gainer. Land to be leased during the life of his daughter Ann and the proceeds paid to her. Title to transfer to her son when he attains the age of 21 years.

Joseph Enos. No goods were found here, he is not guilty of any offence in the **Gore District**. He is a resident of the Niagara District, deal with him as you see fit.

File 29-29.

Henry Hainer, Haldimand, labourer. Charged with horse stealing, one mare and colt (value £7.10.0.) the property of **Caty George**, on May 16, 1837. True bill: **Dennis Woolverton** (foreman.) Witnesses: **Caty George**, **Wilson Fish**, **Moses J. Peck**, **William Cook** (interpreter.) Evidence taken before **David Thompson** on May 20, on the oath of **Caty George** and **Wilson Fish**, Cayugas: Hainer was drunk and didn't know what he was doing. Deponents had disposed of the mare and colt to **Moses J. Peck**, Cayuga, innkeeper. Evidence of **Moses J. Peck**: he purchased the mare and colt for a gun and some money. Recognizance: **Caty George** £10, **Wilson Fish** and **Moses J. Peck** £5 each to appear. Prisoner committed to gaol for July sessions. Verdict: "not guilty," July 12, 1837.

File 29-30.

John Charles Hainer, Grantham, yeoman. Charged with false pretences on June 15, 1837. True bill: **Dennis Woolverton** (foreman.) Witnesses: **Mary McDade**, **Lucius Kimball**, **B. Buchan**, **George Draper**, **Cyrus Smith**. Hainer pretended to procure a note of £1.10.0. for saw logs sold to **Cyrus Smith**, but defrauded him of £350. Evidence of **Mary McDade**, Grantham, innkeeper, taken before **E.S. Adams** and **Henry Mittleberger**, June 28th: Hainer came to the inn and asked **Cyrus Smith** for a note for 15 saw logs at 3/-, or £1.8.1½. It was during the *races at Niagara*. The note was signed at the bar, she looked at it but didn't recall the amount. Hainer told **Smith** the note was signed and written by **Mr. Kimball**. Evidence of **George Draper**, distiller, Grantham: saw Hainer with a note for £350. Had a \$5 note before, and said if **Smith** didn't pay he'd sue or make him pay. Evidence of **Lucius C. Kimball**, St. Catharines, grocer, taken June 27th: Hainer came to the shop of **Robert Gray** and asked him to draw a note of £350. He said **Smith** would sign it. Said it was an uncommon note, and was making trade with **Smith**. Evidence of **Beacher Benham**, Grantham, distiller, taken June 28th: Hainer was in the distillery and asked if deponent had seen **Smith**? He came soon after. He asked what to do with the £350 note which was wrong, he hadn't read it before signing it. Note intended to cover saw logs for \$5. Advised Hainer that he was better to give up the note or "you'll find yourself in trouble." Hainer refused unless **Smith** paid for it. Doesn't recall the date. **Smith** said he gave no note to Hainer lately. Hainer said "that was the way he got out of paying his notes." Evidence of **Cyrus Smith**, Grantham, carpenter: he agreed with Hainer for logs, to be sawn at the mill at **Lock 4** on the **Welland Canal**. Rate of 1/10½- per log. On June 14th Hainer was at **McDade's** inn and asked for a note for 15 logs. On June 15th he signed a note for £350, believed it to be for saw logs £1.10.0. Hainer fraudulently got the note. They have had no other dealings except for the saw logs. Verdict: "not guilty," July 14, 1837.

File 29-31.

Alvin Hill, Crowland, labourer. Charged with larceny, stealing butter, salt, two bushels of potatoes, two shirts, and a basket with 12 lbs. of flax (value 8/-) from the mill house of **Thomas Dell** on May 27, 1837. True bill: **Dennis Woolverton** (foreman.) Witnesses: **Thomas Dell**, **James Dell**, **James Cummings**, **E.B. Wells**. Search warrant issued by **James Cummings** to constable **James Dell**, June 5, 1837, goods believed secreted to the house of **Mrs. Chambers** on **Navy Island**. Warrant to apprehend **Hill**. Evidence of **Henry Miller**, Willoughby, taken on June 6th: on May 29 deponent had wool, fleece and sheets stolen, value 40/-. He got a basket of flax &c from **Wells** who owed him money, \$14½. Deponent took the items and they squared off. They were later sold at 1/- York. Evidence of **Wells Leonard**: deponent resides on **Navy Island**. The prisoner

came to his house with wool shirts and sheets and asked if he might leave them. Sold copper ware, tubs and a churn also some flax. He said he couldn't get money for work and had to take such things. Evidence of **Erie Bennett Wells**: deponent met the prisoner at **Dunnville**. Decided to move to Chippawa for labouring and coopering. He worked for **Mr. Secord** and dressed staves for the prisoner. He brought goods- potatoes &c- said they were from Wells Leonard on the island and other goods from a widow woman. Came home one night with a basket, his wife exclaimed that she wondered "in the name of God where he got it?" He had a felt bag and a square basket which contained flax. He brought home pork and a beef tongue, had been smuggling at **Tonawanda**. Suspected him, and came to lodge information. **Barney Dell** said he'd been tracking him, and would have him taken care of. Evidence of **Mary Ann Wells**: corroborates the testimony of her husband. Evidence of James Dell: a basket with flax was found on Navy Island. Evidence of Thomas Dell, June 28th: the basket and flax were his property. Evidence of Henry Miller, Willoughby, yeoman, a Menonist: wool was stolen from his barn, also flannel and sheets. He heard of the larceny and went to James Dell to search for his goods and found it on Navy Island. Evidence of **Vanransler Hill**, son of the prisoner: he traveled with his father on the line of the **Feeder Canal** at Dunnville to the clay banks at the lakeshore. Had tubs, pails and a churn there, also cloth taken from a peddler at Canborough. They broke the lock on his chest and took the cloth. Concealed goods in a hollow tree west of Dunnville. Also some linen cloth, 60-100 yards, taken from **Mr. St. John** (merchant at Dunnville) and hidden in the woods at **Mr. Davis'**. They went to **Port Robinson** and then to **Chippawa**. He was with his father when he took the flax, potatoes and butter. Was beaten and kicked for refusing to go with him. He was with his father when they took the bundle at Miller's barn. Brought goods to a canoe and then took them to Navy Island. Recognizance taken June 28th: Thomas Dell and Henry Miller £5 each. Verdict: "guilty," sentenced to 6 months in the penitentiary, July 13, 1837.

File 29-32.

Alvin Hill, Willoughby. Charge of larceny, stealing 30 lbs. of wool and flannel sheets (value 5/-) the property of **Henry Miller** on May 30, 1837. True bill: **Dennis Woolverton** (foreman.) Witnesses: Henry Miller, **Wells Leonard**, **Thomas Dell**, **James Dell**, **James Cummings**. Verdict: "guilty," sentenced to six months in the penitentiary.

File 29-33.

Stephen W. Hopkins, Crowland, labourer. Charged with larceny, stealing leather calf skins the property of **Peter Benedict**, Crowland, tanner on May 29, 1837. True bill: **Dennis Woolverton** (foreman.) Witnesses: Peter Benedict, **Amos Bradshaw**, **Dr. Francis Benedict**, **Henry Churchill**, **Joseph Clark**, **Richard Yokum**, **Jesse Yokum**. Recognizance taken before Amos Bradshaw on June 27: Peter Benedict £20. Warrant to arrest issued to the constables of Crowland; warrant to the gaoler to accept Hopkins to be dealt with in due course of law, June 28, 1837. Hopkins and Amherst T. Park, prosecution for theft. Verdict "guilty," sentenced to imprisonment in gaol for 48 hours.

File 29-34.

John Jackson, Queenston, labourer, coloured man. Charged with larceny, stealing a checked cotton vest (value 5/-) the property of **Bernard Dorris**, Queenston, blacksmith on June 9, 1837. True bill: **Dennis Woolverton** (foreman.) Witnesses: Bernard Dorris, **Robert Grant**, **John Hawn**. Evidence taken before Robert Grant: Bernard Dorris was at the house of **Francis Dorris** [alias **Douris**] where his trunk was broken and vest stolen. Jackson slept in the room where the trunk was. It was found in his possession by Hawn. Evidence of John Hawn, Queenston, constable:

found Jackson at *Mr. Wynn's* in *Queenston*. He was searched and the vest was found under his hat. Evidence of John Jackson: he took the vest but didn't break open the trunk. Recognizance taken on June 9: Bernard Dorris £20. Plea: "guilty," sentenced to one month in gaol.

File 29-35.

[*Ediel?*] *C. Merriman*, Gainsborough, labourer, *Robert Merriman*, Gainsborough, labourer, *Alonzo Merriman*, Gainsborough, clerk, *Gordon Merriman*, Gainsborough, labourer, *Hiram Cronkhite*, Gainsborough, labourer, *Abraham Becker*, Gainsborough, labourer, and *James Gallan* [alias *Gillem*], Gainsborough, labourer. Charged with riot and assault and battery against *Phoebe Sarah Culp*, wife of *William Culp*, Gainsborough, on July 2, 1837. True bill: *Dennis Woolverton* (foreman.) Witnesses: William and Sarah Culp. Evidence of William Culp: defendants broke open the house in a riotous manner under the pretext of arresting my son. Evidence of *Courtland Culp*: is unaware of a warrant for his arrest. Evidence of Sarah Culp: *John Beck* and "*Hoel*" *Merriman* put a ladder to the window, Alonzo Merriman struck Mrs. Culp Sr. with a club. Deponent did not see who broke the door being upstairs. Evidence of William Culp taken July 4th: The men came around 10 pm, the house was closed up. Becker was the 1st one in the house, he said he came to arrest my son. My wife fastened the door to keep the men out, had been drinking heavily in the street. Becker broke the door. He made noise and threatened. Gillam, Alonzo Merriman both had clubs. Beck and Merriman put a ladder to the windows and broke the windows with a club. They struck my wife on the arm with a club. They tried to pull her out of the window, and tore her clothes. Merriman came in and threatened us and abused my wife. None of them struck me but used abusive language. My wife was hurt in her arm and hands, the window was broken. The party continued about the house until 4am. I ordered them to depart, Becker is a constable. Directed to keep the peace. Liquor was brought from the tavern in a tin kettle. They made noise and rioted the entire time. Recognizance taken before *Elias S. Adams* and *Henry Mittleberger* July 6, 1837: William and Sarah Culp, £50; recognizance taken before E.S. Adams: Alonzo Merriman, surety *Henry Tice*, Gainsborough, yeoman, £50 each; James Gillam, surety *Isaac Nunn*, Pelham, yeoman, £50 each; Hiram Cronkhite, surety *Peter Tice*, Gainsborough, yeoman, £50 each; Abraham Becker, *William Robbins*, Gainsborough, yeoman, £50 each. *William Heaslip* £75 for Merriman and Becker. Prosecutions recognizance estreats, defendants discharged July 15, 1837.

File 29-36.

Matthew Ottley, Grantham, labourer. Charged with obtaining goods by false pretence on May 31, 1837. True bill: *Dennis Woolverton* (foreman.) Witnesses: Edward Stephenson, *John Lane*. Evidence taken before *B. Tench* and *E.S. Adams*: *Edward Stephenson*, St. Catharines, coloured man, said Matthew Ottley sent for clothing of *John Lane*, Grantham, labourer, and would pay for washing 2/6-. Took two pairs of pantaloons and three shirt collars (value 20/-.) Lane was known to Stephenson, is a customer of his. Intent to cheat and defraud John Lane of the same. Evidence of Matthew Uttley: he paid Stephenson 3/- for the clothes. He got the clothes as a security for money Lane owed the deponent. Has been in St. Catharines for two months, from *Lockport*. Never rendered the amount to Lane, nor demanded payment from him. He put them on because it was necessitated, as he left for work in the morning and intended to get another job. Recognizance of Edward Stephenson and John Lane £12.10.0. each. Plea of "not guilty" changed to "guilty." Verdict: "guilty," sentenced to one month in gaol, July 15, 1837.

File 29-37.

Amherst T. Parkes, Crowland, labourer. Charged with larceny, stealing the skins of **Peter Benedict**, on May 20, 1837. No bill: **Dennis Woolverton** (foreman.) Witnesses: Peter Benedict, **Amos Bradshaw**, **Dr. Francis Benedict**, **Henry Churchill**, **Joseph Clark**, **Richard Yokum**, **Jesse Yokum**. Warrant to the gaoler and constables to arrest Parkes, issued by **Amos Bradshaw**, June 28, 1837.

File 29-38.

James Ritchie, Walpole, labourer. Charged with larceny, stealing the coats, pantaloons, linen shirts, vests, silk pocket handkerchiefs, black silk neck cloths, flannel dresses, worsted jackets, gloves, socks and pistols, the property of **Edward Broughton**, Walpole, on April 13, 1837. True bill: **Dennis Woolverton** (foreman.) Witnesses: Edward Broughton, **Samuel Birdsall**. [File contains a list of items stolen by Ritchie from the residence of Broughton at **Brook's Inn**, Canboro', worth £38.17.9.] Recognizance taken before Samuel Birdsall on April 15th: Edward Broughton £50, sureties **Hiram Brooks**, Canboro', innkeeper, and **David Long**, Walpole, yeoman, £20 each. Warrant issued by Samuel Birdsall to Hiram Brooks, constable and the gaoler to apprehend and commit Ritchie, April 15, 1837. Plea: "guilty," sentenced to one year hard labour in the penitentiary, July 15, 1837.

*Niagara District Quarter Sessions, October and November 1837.***File 30-1.** Orders.

Court ordered adjourned until November 7, 1838. (11 votes for, 9 against.)

File 30-2. Accounts (1-29.)

Accounts passed by Committee, November 1837.

Samuel Wood (coroner) Charge for holding an inquest on the body *Robert Webster*, drowned at *Port Dalhousie*, July 30, 1837; on *Philip Murphy*, drowned at Port Dalhousie, August 29, 1837. £4.17.0.

Thomas Henegan, constable accounts £1, £2, plus £1 for attendance at *King's Bench*.

Walter Elliott, constable account, £6.5.0.

John Reilly, constable accounts, £5.5.0. and 5/-.

David Armstrong, constable account, £3.

Elijah Harris, charge for *road survey* between Canboro' and Grimsby, £2.12.6.

George Cain, constable at King's Bench, £3.5.0.

Chester Wadsworth, constable at King's Bench, £2, plus constable account £1.19.0.

John Meneilly, charge for making a coffin for *James Holland*, 7/6-, August 18, 1837. (Certified by *William Duff Miller*, coroner.)

John Steele, constable at King's Bench, £2.15.0.

John Hawn, charge for digging a grave for *James Holland*, 5/-, August 18, 1837. (Certified by *William Duff Miller*, coroner.)

William Duff Miller (coroner) Charge for holding an inquest on the bodies of *Herbert Holmes* and *Jacob Green* (coloured men) September 16, 1837, £2.5.0.

Dr. Porter, charge for gaol attendance; charge to attend a coroner's inquest on *James Holland* on August 18, 1837; *Charles Mount*, August 25, 1837; *Herbert Holmes* and *Jacob Green*, September 16, 1837, £10.18.4.

Francis Proctor, constable account £12 plus constable at King's Bench £3.2.6.

John Hawn, constable account 13/9- plus constable at King's Bench £3.15.0.

Henry Chapman, constable. Charge for the arrest of *William McLintock* and his wife, and *Mrs. John Cudney* and her son at the *15 Mile Creek*; *William Rogers* (innkeeper), and search of the premises of William Rogers for burying a body supposed to have been murdered, £5.9.0.

Richard McGuire, constable. Charge for the arrest of **Henry Vanevery**, Indian, for felony, September 28, 1837, £4.17.6. [receipt attached.]

David Dunton, constable account £5.6.3.

L.C. Kearney, charge to correct assessment rolls, £12.10.0.

Dr. Mewburn (coroner.) Charge to hold an inquest on the body of **Henry W. Jenks**, found in the river below the Falls at the **Ferry House**, August 5, 1837; charge paid to **Birkett Benson** for a coffin and digging grave for Jenks, £2.14.6.

Donald McDonald, constable account £11.2.6. plus constable at King's Bench £1.17.6. Charge for summoning a jury to a coroner's inquest held on the body of **James Holland**, August 18; on **John McDonald**, August 22 (certified by **William Duff Miller**, coroner.) Constable account 7/6- for the arrest of **Solomon Mosby** [alias **Mosley**] for horse theft, November 7, 1837.

J & R Wagstaff, charge for kettles and wash basins, £1.4.0.

Jonathan Levin, charge for potatoes for prisoners.

F.W. Gibbs, charge for meat for prisoners, £9.14.7½.

File 30-3. Accounts (30-69.)

Leonard Hicks, charge for whitewashing the gaol, £1.2.6.

E.S. Wheeler, charge for services as turnkey, £22.13.1½.

Alexander Hamilton, sheriff's account, £26.17.6.

John Swinton, carpenter. Charge for laying floors in cells, spikes, bars on windows &c, £8.0.6.

Dr. Lafferty, charge to attend an inquest held by **Gilbert McMicking** (coroner) £1.2.0.

Robert Cole, charge for painting, varnishing, mending windows £4.15.3.

Robert Hodgkinson, constable at **King's Bench**, £1.5.0.

Chester Wadsworth, constable at King's Bench, 15/-.

Isaac Levill, attendance at gaol, £10.

John Waters, charge for straw and cord wood £4.2.0.

William Clarke, charge for pantaloons, shirt, shoes, jacket and lime, £5.2.10½.

Peter Wheeler, charge to board **Daniel B[rown?]**, **Joseph McCollum**, **Benjamin Wait**, **Rufus Durker**, 10/-.

Henry Campbell, constable account, £4.16.10½.

Johnston Orr, constable account, £1.2.6.

William Duff Miller (coroner.) Charge for holding an inquest on the body of **James Holland**, August 18, 1837; **John McDonald**, August 22; **Charles Mount**, August 25; **Herbert Holmes** and **Jacob Green**, September 24, £11.8.3.

Thomas Dorrity, charge for bread for the gaol, £21.12.8½.

John Mewburn. Search warrant issued to **Peter Wilkins** and other constables to apprehend **Peter McNamara**, **John Brownlee**, **Archibald McAllister** or **Thompson** (assault and battery), **Samuel Garside**, **William Dickson** and **William Chamberlain** of the Falls, now secreted on board the steamer **Hamilton** at Queenston, July 19, 1837.

John Mewburn, warrant for assault issued to **Peter Wilkins**. **Samuel Garside**, bar tender or keeper on the steamboat **Coburg**, by stabbing with a sharp instrument in the back; **Chamberlain** and **Dickson** served blows with a bludgeon or stick. Arrest and bring the accused to the **Pavilion Hotel** for examination. Evidence of **Dickson** and **Robert Brennan**, steward on the **Coburg**. Queenston, July 17, 1837.

Dr. Mewburn and **R. Grant**: Warrant to the constables at Queenston, take into your possession a boat (**Comet**) and oars and small bucket in the possession of **Richard Kennedy (Black Horse Tavern** at Niagara) claimed to be the property of **Henry Thompson** of Queenston, August 18, 1837. £40.7.2.

John Steele, constable account, £6.10.9. in the above case.

Thomas Shaw, per **W.B. Gatehill**. Received from **Mary Garner** 11/5- taxes, from the hands of **P. Kelhalin**, October 7, 1837.

Matthew Dobie, charge for hooks and eyes, screwbolts, hasps, staples &c, £2.18.11.

S. Heron, charge for 5 cords of wood, £2.10.0.

A. McKee, charge for services as crier, £5.5.0.

James Waters, constable account, £4.15.0.

John Riley, constable account, 15/-.

Charles Fell, charge for surveying near **Smithville**, £3.10.0.

Joseph Wynn (coroner), charge for summoning a jury for an inquest on the body of **John Walter** at **William Cryslers** near 4 Mile Creek, Niagara Township, September 25, 1837. **John** [-----] constable.

Dr. Converse. Charge for attending an inquest on the body of **Daniel Donevan**, October 10, 1835; **Erwin Coleman**, December 20, 1835; **Henry** [**Mintrume?**], June 9, 1836. £4.6.8. (Certified by coroner **Samuel Wood**.)

D. McDonald, High Constable account, £1.2.6.

Johnson Fuller, constable account, £1.17.6.

Francis Proctor, charge for services as crier, £1.2.6.

John Truefitt, constable account, 15/- plus £3.15.0.

John Taylor, constable account, £3.

Jacob Hawn, constable at **King's Bench**, £5.5.0.

William Ryan, constable account, 15/-.

Joseph O'Connely, constable account, £3.10.0.

Samuel Proctor, constable at **King's Bench**, £6.10.0.

James Carlile, charge for work at the gaol (bricks, lime, mortar, hair, sand, nails, lath board) £10.6.11.

Walter Ryan, constable account, £1.5.0.

John Mills, carpenter. Charge for grating in the hall, double doors, planking in the debtor's room, repairing stairs, windows &c, £61.19.6.

John J. Harris, constable account, £3.14.3.

Account of Rations Due to the Gaoler of the Niagara District (Peter Wheeler) July 12-August 31, 1837. £80.17.0. (Amount includes charge for half year salary, candles for jail, washing, scrubbing the court, cell brooms, candles for the Assizes.) [Names of prisoners and date of commitment:]

Patrick Donley, July 12-August 31.

Francis O'Conner, July 12-August 31.

Daniel Brown, July 12-August 31.

Street Chace, July 12-August 31.

Joseph Leggett, July 12-August 31.

Richard Abbott, July 12-August 31.

Benjamin Abbott, July 12-August 31.

James Hains, July 12-August 31.

Charles Bell, July 12-August 2.

James Ritchie, July 12-August 2.

Henry Hainer, July 12-August 31.

Alvie Hill, July 12-August 2.

John Jackson, July 12-August 15.

Robert Donald, July 12-August 15.

Stephen Hopkins, July 12-July 17.

Amherst Parkes, July 12-July 13.

William Ogden, July 12-July 28.

Michael Teaboe, July 12-August 2.

Joseph Enos, July 12-July 13.

John Harp, July 26-August 16.

Peter Anger, July 26-August 3.

Daniel Anger, July 26-August 3.
Sigh Green, August 3-August 31.
William Sanders, August 6-August 31.
Andrew [Gitty?], August 7-August 31.
James Maghar, August 14-August 31.
Jacob Price, August 14-August 31.
Jane Woods, August 17-August 28.
Catherine Alexander, August 21-August 31.
Frederick Smith, August 23-August 28.
Alfred Talbert, August 23-August 28.
Orson Gier, August 27-August 28.
Leonard Hicks, August 30-August 31.
Ralph Springstead, August 31.
Solomon Moseby, September 1, 1837.

File 30-4.

Duncan McNabb. £12 charge as witness in the case of *Robert Kay* vs. *Patrick McMahon*, from Chatham to Niagara, September 7, 1837.

Dr. Matthews, charge to attend an inquest on *Mary Marsh Hearle*, May 3, 1837, £1.2.0. Certified by coroner *William Duff Miller*. (Rejected.)

A. Cryslar, to *Alex McLeod*. Charge for hack horses and driver, £2. (Rejected.)

Peter Wilkins, constable account 17/6-. Rejected. *William Hepburne*, chairman, *Court of Requests* division #10.

File 30-5. Treasurer's Accounts.

Statement of Accounts, District of Niagara, April-October 1837. Signed *William Clarke*. [Various accounts given, total £673.7.0½.

File 30-6.

Henry Campbell and *Cyrus Benedict*, appointed constables for *Dunnville*. Signed by *B. Tench*, JP.

File 30-7.

Thomas McChesney, *Frederick Smith* and *John Wesley Weaton*, all of Humberstone. Convicted by *A. Bradshaw* on May 29, 1837 on the complaint of *David Thompson*, Wainfleet. McChesney and others had stolen timber in their possession, cut and taken from Thompson. Fined £2.³⁹

File 30-8.

Thomas Orchard. Defendant set his dogs on the sheep of *Henry Fitch*, Willoughby, on June 10, 1837. Two sheep were killed. Fined £1.10.0. plus 13/9- costs before *J. Cummings*, Chippawa, June 16, 1837.⁴⁰

³⁹ This document is badly water damaged.

File 30-9.

Charles Helms, Crowland. Charged with assault against **Peter Low** at **Port Robinson** on September 30, 1837. Fined 10/- (paid to treasurer **William Clarke**) plus £1.1.3. costs before **Edward Evans**, Port Robinson, October 3, 1837.

File 30-10.

John Early, Queenston, labourer. Charged with assault and battery against **Philip Malkin**, on June 26, 1837. Fined 25/- (paid to the town clerk) plus 18/3- costs before **R. Grant**, Queenston, June 27, 1837.

Chester Wadsworth, Queenston, constable. Charged with assault and battery against **John J. Brown**, Queenston, merchant. Fined £1.5.0. (paid to the town clerk) and 5/- costs, July 14, 1837.

John J. Brown. Charged with assault and battery against **Chester Wadsworth Jr**, son of **Chester Wadsworth**, Queenston, innkeeper. Fined £1.5.0. (paid to town clerk) and 5/- costs, July 14, 1837.

File 30-11.⁴¹

Recognizance of **Francis Dickson**, Stamford, yeoman, £25 and surety **David Clow**, Stamford, yeoman, £12.10.0. Dickson to keep the peace towards **Benjamin Ottley** for one year. Bail bond taken before **Malcolm Laing** at Stamford, June 9, 1837.

Recognizance of **John Dickson**, Stamford, yeoman, £25 and surety **George Kitson**, Stamford, innkeeper, £12.10.0. Dickson to keep the peace towards **Benjamin Ottley** for one year. Bail bond taken before **Malcolm Laing** at Stamford, June 14, 1837.

File 30-12.

Richard Woodruff, Jr. St. Davids. Used obscene and ungodly language, and by violent proceedings interrupted and disturbed a religious congregation in Niagara Township, September 2, 1836. Fined £2 plus £1.5.9. costs before magistrates **Laing** and **Lafferty**, Stamford, September 5, 1836. **Joseph Clement**, St. Davids, innkeeper.

File 30-13. Convictions (**J. Mewburn**, JP, Stamford.)⁴²

John Darling, St. Johns (Thorold), miller and **John Davis**, miller. Darling profaned the Lord's Day by working the mill and grinding wheat on October 8th. Fined 5/- plus £2.11.0. costs, October 15, 1837.

John [Gilison?], ostler, **Clifton House**. Assaulted **Peter Lee** of Clifton House with a pitch fork on May 24, 1837. Fined £1.5.0. plus £1.7.0. costs, May 25, 1837.

⁴⁰ This document is badly water damaged.

⁴¹ The documents in this file are water damaged.

⁴² The documents in this file are heavily water damaged. Mewburn's handwriting is difficult to decipher.

William Carsewell, Chippawa, tailor. Assaulted **M. Berryman**, porter, **Pavillion Hotel**, on July 4, 1837. Fined £1.5.0, July 5, 1837.

Richard King, St. Davids, **Samuel Partington** of the Falls and **John Dowdell**. Committed an indecency on **Thomas [Parker?]**, coloured man, at **Garner's Temperance House, Drummondville**, on January 20, 1837. Fined £1.5.0. plus £2.2.3. costs each, January 23, 1837. "Partington cleared out without paying his fine."

Leonard Green, son of **Reuben Green** of **Lundy's Lane**. Assaulted and threatened the **Rev. Richard Jones** at Lundy's Lane on July 12, 1837. Fined £2.10.0. plus £1 costs, July 15, 1837.

John Steele, Queenston, constable. Charges **Mr. Benson**, schoolmaster at **Lundy's Lane**, with obstructing him in his duty. Charges disproved, Steele to pay costs of the case, July 16, 1837.

Lanty McGillies, **William Martin** and **Robert Crawford** (in the employ of **Harmonius Crysler**.) Assaulted **William Garner**, Drummondville, on July 21, 1837. Defendants threw large stones at Garner, threatened him with violence if he didn't leave **Clifton House**. McGillies fined 15/- and £1.2.0. costs, Martin and Crawford each fined 10/- and £0.12.5½ costs, July 29, 1837.

Watkins and **Shaw**. On the oath of **Susannah Chadwell**, committed trespass, came through an open window at 11 pm. Each fined 10/- plus £1.5.0. costs, August 28, 1837.

Richard Savage, Falls. Stole the overcoat of **Frederick George Nash**, Falls. Sentenced to return the coat and pay £1.1.6. costs, September 15, 1837.

Stephen Nickerson, Chippawa. Charged with assault and battery against **Alfred Talbot** on August 19, 1837. Fined 10/- plus £1.14.9 costs, September 5, 1837.

Charles Scott and **Nathaniel Brew**, Chippawa. Charged with assault and battery and kicking **Alfred Talbot** (coloured man) on August 19, 1837. Each fined 10/- (for the use of the highway) plus £1.4.9. costs, September 4, 1837.

Henry Clark, Chippawa. Charged with assault and battery against **David Gellway**, Falls, coloured man, on July 20, 1837. Fined 10/- (for the use of the highway) plus £1.10.0. costs, September 4, 1837.

George Williams, **Lundy's Lane** (coloured man.) Charged with assault and battery against **William Lingle** (coloured man) on August 11, 1837. Defendant threw stones at Lingle. Fined 5/- (for the use of the highway) plus £1 costs, August 12, 1837.

Thomas Newton, of the **Brewery**. Shot the dog of **Alexander [Gaden?]** on October 5, 1837. Fined £5 plus 14/6- costs, October 6, 1837.

Richard Woodruff Jr. Committed mischief in September 1837 by breaking the tavern sign of **Robert Williams**. Witness: **Emery Williams**. Fined £2 for the sign plus £1 costs, October 21, 1837.

File 30-14.

Oliver Burnham Jr, Michael Anger and William Dimond, all of Haldimand. Defendants carried away hay from the enclosure of **John Macdonald** of Cayuga/Dunn on August 11, 1837. Fined £1 plus £2.1.6. costs before **Warner Nelles** at **York** (Haldimand), August 16, 1837.

File 30-15. Appeals.⁴³

John McDonald appeals his conviction of the 4th, verdict in favour of **Turner** and **Slaght**. Says he is not guilty of the offence, cut timber at Dunn. Appealed before **William Mylne**, September 6, 1837. Letter of **Warner Nelles** to **David Thompson, Nelles Settlement**, Indiana, September 5: John McDonald said he had no witnesses and therefore was not ready. I would not sit on the case when I heard that. **Mr. Mellen** tried the case, brought in costs, gave an execution which was levied on his horse. I did not stay for the trial. **Caleb Benedict** statement of court costs £1.9.0. Recognizance taken before David Thompson, September 6: John McDonald £10, sureties **John Young**, **Nelles Settlement**, yeoman and **Robert Patterson**, Indiana, £10 each. Decision: without entering into who has the right to clearance, Turner and Slaght were entitled to remove cut timber and clear up the land, but not to cut more until the question of right is decided.

Johnston Green, labourer, **Ira Green**, minor son of **Henry Green, Thomas Anderson**, minor son of **Charles Anderson**, and **William Biggar**, labourer. On October 20, 1837 the defendants broke open the door and entered and stormed the house of **John Higby** at **Lundy's Lane**. Fined 5/- each. Evidence of **Eunice Higsby**, Lundy's Lane and **Joshua Wright** taken October 23: Ira Green, Thomas Anderson and William Biggar broke the door of **Amos Wright** on October 20th and destroyed his buckwheat, strewing it about the fence and trees. Each fined 17/6- for the buckwheat and £2.17.0. costs, £1 each to the use of the highway. Verdict appealed before **J.J. Lefferty**, October 26, 1837.

Robert Casewell, Chippawa. Charged with assault and battery against **James Mumford**. Fined £1.5.0. plus £1.7.6. costs before **J. Mewburn**, August 11, 1837. Recognizance taken August 14: Robert Caswell £20, sureties **John C. Davis** and **Henry Clark** £10 each. Verdict appealed before **William Duff**.

File 30-16. Correspondence.⁴⁴

Letter from **J. Joseph** to **Charles Richardson, Government House**, October 31, 1837. Thanks to **Major [John] Richardson** from the Lieutenant Governor for the present of a 2nd edition of **The British Legion**. His Excellency anticipates much pleasure from a perusal of it.

Letter from **James Kerby** to **Charles Richardson, Fort Erie Mills**, November 6, 1837: He cannot attend the Sessions due to the continual indispositions in his family. On the Wednesday following he can meet **Richard Graham** and the party on the difference existing regarding the **Garrison Line Reservation**.

File 30-17. Criminal Calendar.

Calendar of Prisoners in Niagara Gaol (Peter Wheeler), November 7, 1837. Certified by **Alexander Hamilton** and **Alex McLeod**. [Names of prisoners and date of commitment:] **Patrick Donley**, September 6, 1832. Assizes. Murder.

⁴³ Some of the documents in this file were water damaged.

⁴⁴ The documents in this file are water damaged.

Daniel Brown, December 26, 1836. Orders of **Duncan McFarland**. Breaking into the shop and stealing the goods of **Joseph Wilson**.

James Hains, January 23, 1837. Orders of **R. Grant** and **J. Keefer**. Under sentence. Sentenced at *Assizes* and to be sent to the *Penitentiary*.

Jacob Price, August 14, 1837. Orders of **J.K.** Under sentence. Sentenced at *Assizes* and to be sent to the *Penitentiary*.

Henry VanEvery, September 11. Orders of **David Thompson**. Under sentence. Sentenced at *Assizes* and to be sent to the *Penitentiary*.

William Sims, October 14. Orders of **Daniel McDougall**. Under sentence. Sentenced at *Assizes* and to be sent to the *Penitentiary*.

John Currant, July 26. *Capias*. Debtor.

William Babbit, October 4. *Capias*. Debtor.

Captain Prescott, October 20. *Capias*. Debtor.

Joel King, October 30. *Capias*. Debtor.

File 30-18. Filings.⁴⁵

Christian Fite, Rainham, yeoman. In February **William B. Roberts**, Rainham, yeoman, passed a counterfeit \$10 note, of the **Commercial Bank of the Midland District**. Paid him one gallon of whiskey and the balance in good money, *specie* and notes of the Province of Upper Canada. The pretend **Commercial Bank of Brockville** doesn't exist. The note is #1228, dated November 3, 1836 and signed by **W. Colburn** (President) and **Luther R. Sims** (agent.) Evidence of **John Miller**: he saw Fite get the bill at **Widow Nelles**. Warrant issued to constable **Milligan** by **David Thompson**, Indiana, September 6, 1837. Recognizance taken: Christian Fite £10 to appear, and John Miller 100/- to appear. Recognizance to appear taken before David Thompson September 12: William Roberts £10, sureties Samuel Birdsall, Canboro', Esquire, and Hezekiah Davis, Dunnville, merchant, £5 each. [Spurious bank note for \$10 (or 50/-) referred to as an exhibit, but has been removed from the file.]

James Brown Jones, Grantham. By deceit and fraud obtained a £52 note from **Andrew Burns**, Grantham, on February 2, 1837. Burns is unable to read writing, Jones told him he was only signing a note for £3.15.0. Grand Jury presentment attached, July 12, 1837. Bench warrant issued, matter set over to the next *Assizes*.

William McIntyre, St. Davids, labourer. Charged with riot and obstructing a deputy. Evidence of **Henry Long**, Niagara, clerk to the Deputy Sheriff, before **Thomas Butler** and **Daniel McDougall**: On September 15, about 80 or 90 coloured people assembled in a riotous manner near the court house to obstruct the deputy in delivering **Solomon Moseby** to the Kentucky authorities, authorized to receive him by order of the Lieutenant Governor. When the **Riot Act** was read they did not leave for more than an hour. They were armed with clubs. Evidence of **Robert Waddell**: saw the prisoner between the Court House and **Hammitt's**, 15 minutes after Moseby made his escape. Evidence of **William McIntyre**, Niagara, labourer: He came to the Court House 1 or 2 days before the riot. He didn't hear the Riot Act. He was standing quiet when McLeod struck him with a dirk. He went to **Hammitt's Tavern** and got his cheek dressed. He came to town and did not return to the gaol until the next day. Ordered to be bailed September 27, 1837. Recognizance taken before Daniel McDougall, September 27: William McIntyre and surety **Ralph M. Crysler**, Esquire, £25 each.

⁴⁵ The filings for this Session are water damaged.

William Wilson, Toronto, labourer. Charged with riot and carrying arms. Recognizance to appear taken before **Daniel McDougall**, September 26, 1837: William Wilson and **Amos Norton**, Toronto, iron founder, £20 each.

Frederick Smith, Chippawa, grocer. Charged with assault and riot. Recognizance taken before **Daniel McDougall** on August 28, 1837: Frederick Smith £20, sureties **John Kirkpatrick**, Chippawa, gentleman and **Henry Taylor**, Chippawa, gentleman, £10 each. (Complaint of **Alexander McLeod**, Deputy Sheriff.)

File 30-19. Presentment.⁴⁶

Erection of a House of Industry. As a receptacle for the idle and worthless, cast upon our shores, refuse from the Poor Houses from the mother and other countries. They are induced to come here, where they would be more amply provided more. We cannot recommend a House of Industry here. 1) we doubt a policy of holding out inducements to idle and profligate of becoming paupers, all of whom are able to labour and can earn subsistence if they have the will to labour. This may be a necessity in a more densely populated country. 2) By adopting the act, it would entail lasting evil on the District, and increase taxes in proportion to the present liabilities and cause much dissatisfaction. May be doubled or trebled with the poor house. Not five tax paying persons would consent to be burdened with the expense of a poor house. It would be wiser to prevent the problem before rather than remedy it when it is in existence. We protest the industrious classes supporting the idle and worthless. We are not opposed to make provisions for the aged, infirm, orphans or lunatics. November 8, 1837.

T. Raymond, 6/8- for the support of **Elizabeth M. Wilson**, November 7, 1837.

R. Forrest, Grantham. £9.7.6. for the support of **Frances Lynch**, November 8, 1837.

Eliza Evans, Thorold, widow. 7/6- weekly for the support of **Hannah Evans**, her insane daughter, November 8, 1837.

Maria Richardson, widow, insane and destitute, lives in the house of **Peter Ochstroser** in Louth. Prays for 9/- weekly for her support (£5.17.0) November 8, 1837.

Phoebe Goodell, St. Catharines. 10/- weekly for the support of **Harriet Hague**, insane and infirm (£8.0.9.) November 8, 1837.

George Martin (coloured man) insane from the loss of his legs. Supported by **Sarah Pickard**. Prays for 7/6- weekly (£4.10.0.)

Isaac Thomas, Stamford. Keeps **John Campbell** (insane, deprived of the use of his legs.) Prays for £9.18.0. November 8, 1837.

William Duff Miller. The **Government Wharf** at **Navy Hall** is in a dilapidated state, a nuisance and dangerous to subjects. November 8, 1837.

Cells and debtors rooms in the gaol have been examined. The gaol is in a dirty state, bedding is filthy, want of good clean straw. Is discreditable to those in control of the gaol. Prisoners have a complaint for a want of fuel, but none against the gaoler or the turnkey.

⁴⁶ The documents in this file are water damaged.

File 30-20. Orders.

Committee of Accounts: Dr. Mewburn, Lewis Clement, William Ball, Robert Grant, Mr. Pawling and ~~John Alma~~, November 7, 1837.

Ogden Creighton, Clifton, Niagara Falls, June 10, 1835. To pay to **J.T. Cooper** or bearer £6.5.0. for work on the **Muddy Run Bridge**. Ordered that the cheque issue, November 9, 1837.

Chairman ordered to sign approved cheques, November 8, 1837.

Statement of Orders on the Treasury Remaining Unpaid, signed by **A. McLeod**, November 7, 1837. Amounts total £153.3.1. plus cash. Reference to "nine convicts to be conveyed to the penitentiary." Amounts ordered to be paid, cost to convey convicts to penitentiary £43.

£8.10.0. paid for delivery of rolls to the **Collectors**. Cheque ordered for the **Clerk of the Peace**, November 7, 1837.

6/8- ordered paid to **Peter Wheeler**, overcharged this amount on taxes in 1837.

Check ordered £43.5.0. for **John Mills**, carpenter, for building a shed and other work.

Francis Emerick, tax receipt for £1.19.0¾, assessment and highway taxes 1820-1829. Owns lot 19 Concession 3 Rainham, 100 acres. Since paying it was discovered that the lot is within the **Indian Line** and he has requested repayment, signed **William Clarke**. Payment to be made to **David Thorburn**, Queenston, agent. Witness **Robert Grant**, August 26, 1836. Receipt for same attached, dated November 7, 1837.

In the proceedings of **Fite** and **Roberts**, the Court is of the opinion that the offence is not indictable, both are released from recognizance November 8, 1837.

Sarah Cleveland, ordered discharged from recognizance as the charge is not indictable, November 11, 1837.

George Rykert, added to the **Committee of Accounts**, November 8, 1837.

Patrick Donally [prisoner], ordered to be allowed one pound of meat and two pounds of bread *per diem* until the next Sessions, November 7, 1837.

Clerk of the Peace allowed £62.10.0. November 8, 1837.

Order to the Observance and Preservation of Cleanliness in Gaol. Dresses provided for the criminals committed. When prisoner arrives, his clothes will be changed for those free of vermin. Prisoner to be washed with great care and hair cut at the discretion of the gaol physician prior to his final committal. It is not the duty of the physician to inspect every prisoner, but he will do it for the sake of preserving health and cleanliness in the gaol, before the prisoner being allowed to mingle with the other prisoners. An abundance of bedding must be made for frequent washing. Signed by **Dr. Porter**, October 7, 1837. Order: report to be adopted and carried out as far as the gaol committee deems necessary.

File 30-21. Precept.

List of Grand and Petit Jurors compiled by *John Alma* and *Daniel McDougall* on September 4, 1837 for Sessions on October 10th.

Grand Jury: *John L. Burns, Thomas Darling, John Lampman, William Smith* (all of Grantham.) *John Burns, Matthew Cataline, Job Chubbuck, Donald Chisholm, James M. Dyke, Charles Field, Robert Lambert, James Lennox, James Miller, Daniel McLean, Jared Stocking, John Swinton, James Wagstaff, Abraham Ward, William Wynne, Joseph Crouch* (all of Niagara.)

Petit Jury: *William H. Brown, Michael Boyle, Andrew Butler, David Bessey, Walter Cavers, Joseph Collard, Daniel Collard, William Duck, John Darby, Peter Davin, David Emmett, David Feathers, James Fletcher, Samuel Haight, Robert Hodgkins, Aaron Havens, Richard Havens, John Harvey, Ursen Harvey, John Hainey, Michael Kiff, Henry Kiff, Peter Lampman, Arthur Lambert, John McKinley, Arthur O'Neil, Stephen Parnall, Thomas Read, George Read, Stephen Read, John Read, Anson Smith, John Soper, Abraham Secord, John Simmons, William Simmons, William Stewart, Daniel Stewart, Thomas Tobin, John Tinline, Elias Wilkins, Richard Wood, Robert Waddell, Barnabas Woolnough, William Wiley, Christian Warner, Matthew Warner, Robert York.*

File 30-22. Road and Bridge Petitions.

Petition of *Ephraim Hopkins*, Thorold, *Beaver Dams*. The bridge over *Beaver Dams Creek* on the road to Hamilton is impassable and broken down last winter due to floods. An injury to the inhabitants, will cost £25 to build a new bridge. Signed *Robert Hobson, Matthew Seburn, Robert Wilkerson* (commissioners), *William Moore, Hiram Swayze, Philip Young, Elisha E. Smith, David Leonard, Thomas Robison, Thomas Russell, William Orr, John DeCow, Samuel Hopkins* (freeholders.)⁴⁷

File 30-23.

Orson Geer, Willoughby, labourer. Charged with obstructing and assaulting a bailiff, *Henry Long*, on August 27, 1837. No bill: *William Wynn* (foreman) November 7th. Witnesses: Henry Long, *Peter Grant* and [-----] Evidence of Long taken before *John Alma*, September 1: deponent is clerk and bailiff to the Sheriff. He was required by *Alex McLeod* to proceed to Chippawa and arrest Geer on a bench warrant. Long said that he (Geer) was his prisoner. Geer demanded to see his authority which was shewn. Deponent was seized by Geer and struck at, and prisoner resisted in every manner.⁴⁸

File 30-24.

Robert Kay, Niagara, shoemaker. Charged with assault and battery plus obstructing a bailiff, on April 8, 1837. Witnesses: *John Clark, Alex McLeod* and *Duncan McNab*. Defendant drew the trigger of his blunderbuss loaded with powder and shot, against bailiff John Clark, and attempted to discharge it with the intent to cause Clark bodily harm.

File 30-25.

⁴⁷ This petition is undated.

⁴⁸ This document is very badly water damaged.

Jane Wood, Walpole, *femme covert*. Charged with assault and battery against **David Wood** on July 30, 1837. True bill: **William Wynn** (foreman.) Witnesses: David Wood, **John Truefitt**. Recognizance taken before **Daniel McDougall** on August 25: **Mathias Emerick**, Thorold, yeoman and **Thomas Emerick**, Stamford, shoemaker, £20 each for Jane Wood to appear. Verdict: "guilty," fined 5/- plus surety to keep the peace towards her husband for 12 months.

Niagara District Quarter Sessions, March 1838.
(January Sessions adjourned.)

File 31-1. Tavern and Shop Licences.

All tavern keepers who had licences in 1837 are to be continued, except for the following: **James Olds** (Caledonia, Grand River), **Martin Kearns** (Niagara) and **Thomas McDonnell** (Dock at Niagara.) The house of Thomas McDonnell to be licenced in favour of **Alexander Lands**. The house of **Mrs. Kenny** at the dock to be licenced in favour of **John Fraser**. Signed by **John Alma**, **Thomas Butler** and **Daniel McDougall**, January 5, 1838.

File 31-2. Accounts (1-34.)

Joseph Evans, constable account, £4.

Thomas Sewell, charge to print advertisements for the price of bread, fire arms committee, £5.8.4. Charge of £3 for same services by **H. Leavenworth**.

A. Heron, charge for 11½ cords of firewood, £6.0.7½.

Philip Hostrosser, St. Catharines. Charge 9/- weekly for keeping an insane woman, March 15, 1838.

Richard Forrest, St. Catharines. 7/6- weekly for keeping an insane person, March 14, 1838.

Ephraim Wheeler, charge for services as turnkey, board &c. £24.2.6.

Peter Wheeler, charge for salary, scrubbing the court, brooms, washing, making shirts and bed ticks, collecting wood from the beach, £61.14.3.

Thomas Dority, charge for bread November 1837-March 1838, £39.6.11.

F.W. Gibbs, meat from November 1837-March 1838, £10.15.0.

John Waters, charge for straw and wood, March 1838, £28.1.3.

James J. Ralston, charge for blankets and red flannel, £9.16.8½.

Richard Woodruff, salary as Member for the 1st Riding of Lincoln £55. Signed by **Allan McNeil**, March 6, 1838.

David Thorburn, salary as Member for the 3rd Riding of Lincoln £55. Signed by **Allan McNeil**, March 6, 1838.

George Rykert, salary as Member for the 2nd Riding of Lincoln £55. Signed by **Allan McNeil**, March 6, 1838.

M. Laing, constable account, £1.10.4½.

Sheriff's Account, £130.1.6.

Isaac Thomas, charge for boarding *John Campbell* (insane man) £13.8.9.

Adoram Everingham, constable account, £5.10.0.

John Terryberry, constable account, 18/4-.

Samuel Proctor, constable account, £1 plus £2.3.0.

Dr. Mewburn (coroner) Charge for holding an inquest at *Queenston* on the body of *Janet Oliver* (post mortem) £1, January 20, 1838. *Joseph Wynn*. Charge for holding an inquest on the body of *Sergeant Robert McKay* (*Queen's Rangers*) at the *Bath House*, Falls, on January 16, 1838, £2. Cost for a coffin and digging a grave, 12/6-.

A.S. St. John (coroner.) Charge to *Hezekiah Hyatt* for making a coffin for *Samuel Downey* on September 7, 1837, 7/6-. 5/- to *Henry Campbell* for summoning a jury to the Downey inquest, September 4, 1837. 5/- for *Jasper* [*Jager?*] and *John* [*Tulls?*] for digging a grave for Downey, September 7, 1837. Total charge [including coroner's fee], £2.13.6.

F.W. Porter, charge for gaol attendance, £10.8.4.

Robert Baxter, charge for making a coffin for *Mr. Roberts*, March 12, 1838, 7/6-.

William Martin, charge for waiting on *Mr. Roberts* 22 days (sick with smallpox) £2.15.0. February 26, 1837.

F.W. Porter, charge for attendance and care of *Mr. Roberts* (smallpox) £7.10.0. March 13, 1838.

Abby Mandigo, charge for taking care of *Widow Roberts* 26 days, £3.5.0. February 26, 1838.

Chester Culver, charge for blankets, shirt, coat and pantaloons, £5.7.6.

Balfour and Drysdale, charge for sheeting, cotton, thread, spools &c, £1.4.4.

"*Inventor of Goods Belongin to the Wido Roberts and burnt by order of the Magestrats,*"
February 26, 1838, £9.14.2½.

Adam Duff, constable account, £2 plus £2.7.11.

Schedule of Accounts Audited and Passed Upon Which Checks Issued, March Sessions 1838.
[file also includes a draft copy of this document.]

Committee of Accounts Sitting This Day the 14th March 1838: William Smith, John C. Ball, R.M. Crysler, Nathan Pawling.

Committee of Accounts: George Rykert, John Ball, R.M. Crysler, ~~William Ball~~, Dr. Mewburn, George Smith, March 13, 1838.

File 31-3. Accounts/Cheques Issued.

Bernard Roddy, constable account, £1.10.0. Cheque #35.

Patrick Finn, constable account, £1.10.0. Cheque #36.

Emmeline Evans, Thorold. \$1.50 weekly for the support of an insane person, March 14, 1838. Cheque #43.

File 31-4.

Treasurer's Accounts, signed by **William Clarke**, March 14, 1838. Accounts total £1283.15.2. Letter from Clarke to **Thomas Butler**: encloses copy of the balance sheet. A small sum "ascribed to the disturbed state of the country." Will attend the court, but **Mr. Richardson** is quite unwell.

File 31-5. List of Constables.

Letter from **Samuel Birdsall** to **Charles Richardson**, Canboro', March 12, 1838: **James Smith** is a willing and proper person as constable. **Joseph Brooks** and **Hiram Brooks** are about to remove and are quite indifferent to do duty.

Letter from **John J. Lefferty**, **Lundy's Lane**, to **Charles Richardson**, April 20, 1838: has approved **Andrew Oliphant** (Lundy's Lane) and **John Slaight**, Stamford, blacksmith, as constables.

A List of Constables for the District of Niagara for 1838.

Louth: **William Purdy, Joseph Smith, Jonas Larroway, John Johnson, David Davis.**

Niagara Town: **Bernard Roddy** (High Crier), **Samuel Proctor, Walter Elliott, David Armstrong, William H. Smith, Richard Moffatt, Francis Proctor, Joseph Wallace.**

Grantham: **Thomas Hennegan, Richard Forrest, Patrick Nugent, James Gilleland, John Hobson, John Messmore, James Boles, George Waters, Edward Hutchison, Sampson Smiley, William Roe, William Read, Andrew Burns, Denny Leeper, Hiram Lambert, Solomon Soper.**

Pelham: **Zephaniah Horton, William Swayze, James Disher.**

Grimsby: **Amos Fairwell, James Harris, Adam Duff, John Walker, Samuel Russ, William Jackson.**

Clinton: **Erastus Darby, Harmon G. House, William Snyder, Isaac Marlatt, Robert Hany.**

Gainsborough: **John Page, Joel Snyder.**

Thorold: **Nicholas Smith, Thomas Bridgeman, Henry Hoover, John Kalar, John Street Jr, John DeCow, Dilly Coleman, Lewis Turney, John Keefer, Thomas Dunn.**

Willoughby: **Augustus House, John Dobbie, George Wood, Francis Leech, Stephen Conklin, Robert W. Blinn, Isaac Hicks.**

Crowland: **William VanAlstine, George Adam Darby, James Rock, Elijah Steanholt.**

Stamford: **Lanty McGirney, Colin Skinner, John Oldfield, William Garner, Andrew Oliphant, John Slaight.**

Bertie: **Frederick Sagar, John W. Lewis, Benjamin Rainsford, Jacob Fullmer, Thomas Hardison, William Clarke.**

Niagara Township: **George Cain, William N. Ball, Richard Kennaday, Abraham Rogers, Arthur Shaw.**

Rainham: **James Adams, Joseph Evans.**

Canborough: **James Smith.**

Walpole: **William Mc[Cog?], John Evans Jr.**

Dunnville: **George Daley, Robert Latimore.**

Notices for Canboro, Rainham, Walpole and Dunnville enclosed to **A.S. St. John**, and notices for Grimsby and Caistor to **Henry Nelles.**

File 31-6.

Frederick Tench, Queenston, **John Radcliffe**, Pelham and **Jasper Gilkinson**, Niagara, £5 each. Charge of trespass, decision of **Mewburn**. Before **John Alma**, October 10, 1837.

John Humphrey Tench, charged with assault and battery against **David Copeland**, Niagara, yeoman, on December 8, 1837. Fined 5/- and 6/3- costs before **Robert Grant**, Queenston. December 14, 1837.

Evidence taken before **James Cummings**, January 26, 1838: **Alexander Cameron**, seaman/mariner, was on board the schooner **Rose** at **Chippawa**. The crew was ordered not to let strangers on board. **William Corby** came on board January 25th. Deponent ordered him off, was vexed and went away. He came back with **William Moffatt**, took hold of deponent and struck him with their fists two or three times. They threw deponent overboard and tore his clothes to pieces. The crew came to his assistance and took Moffatt and Corby to the guard house. Evidence of **Andrew Wood**: corroborates the testimony. Saw Moffatt come on board twice, Corby said "Damn it, give it to him." Evidence of **Thomas Lapenotiere**: was placed in command by **Captain Drew**. Heard a noise in the forward hole, came on deck and asked what the noise was? He went below and found two men not of the vessel scuffling with Cameron. Corby said it was not his fault, that Cameron commenced it. Cameron said if he didn't leave, the sentry would put him off the wharf. On leaving, he said if Cameron came ashore "he would give him a damned good licking." Cameron wished to follow but the deponent prevented him. He went below, heard a noise and came back on deck. Cameron, Moffatt and Corby were fighting together. Deponent said "I thought I ordered you ashore, now go off the wharf immediately." Moffatt abused the deponent, called him "a damned young whelp," and "a young son of a bitch." Moffatt was tipsy. He said to Moffatt it was no business of his, and he must leave the wharf. Moffatt jumped on the schooner and went after Cameron. Deponent went to Captain Drew and on their return found the men in the guard house. Evidence of **William Light**, midshipman on board: corroborates the testimony. Said Moffatt struck the first blows. He assisted to take Cameron out of the creek. He and **Dr. Hawkins** helped to take the men to the guard house. Letter from **James Cummings** to **Charles Richardson**, Chippawa, February 5, 1838: appeal is enclosed, parties convicted under petty trespass act. Recognizance to appeal taken before **Henry Nelles**, January 27, 1838: William Moffatt, William Corby, Niagara, sureties **William Henry Smith**, Niagara, livery stable keeper and **Robert McBroom**, Niagara, mariner, £50 each. Moffatt and Corby appeal conviction of assault and battery and trespass case.

File 31-7. Criminal Calendar.

Calendar of Criminal Prisoners Confined in Niagara Gaol (Peter Wheeler) March 13, 1838. Certified by **Alexander Hamilton** and **Alex McLeod**.

Debtors:

Walter J. Prescott, October 20, 1837.

William D. [Swarty?], November 28.

John Nivens, February 2, 1838.

James Sloan, March 8, 1838.

Prisoners:

Patrick Donley, September 6, 1832. Assizes. Murder.

James Hains, January 23, 1837. Orders of **R. Grant** and **J. Keefer**. Under sentence.

Daniel S. Brown, December 22, 1836. Orders of **Duncan McFarland**. Broke into the store and stole the goods of **J. Wilson**.

Jacob Martin, November 15, 1837. Orders of **E.S. Adams**. Stealing the property of **Walter Dittrick**.

Peter Wilkins, November 10, 1837. Orders of **William Duff**. Stole two pieces of satinette, the property of **S. Street**.

Jacob Dutcher, December 26, 1837. Orders of **Samuel Birdsall**. Stole \$11.00 note and 25 cent piece.

John Farman, December 26, 1837. Orders of **Samuel Birdsall**. Stole \$11.00 note and 25 cent piece.

Robert Cram, January 14, 1838. Orders of **J. Black**. Disloyalty to the Queen.

George Martin, January 22, 1838. Orders of **William Ball**. Vagrant.

George Hamilton, January 24, 1838. Orders of **M. Laing**. Stole blankets, trousers, coat, jacket, telescope &c. of **A. Crysler**.

Bernard Riley, February 14, 1838. Orders of **Daniel McDougall**. Stole two earthen dishes the property of **J. Ussher**.

John Johnson, February 18, 1838. Orders of **John Alma**. Stole 12 fowls, the property of **George Lawrence**.

Solomon Kemp, March 6, 1838. Orders of **John McGlashan**. Assault.

John Richmond, March 14, 1838. Orders of **William Mylne**. Broke into the store of **J. Thompson**.

File 31-8. Filings.

Recognizance taken before **J. Keefer**, November 18: **David Beacham**, Thorold, labourer, £10, sureties **Joseph Middaugh**, Thorold, yeoman and **John Hoover**, Thorold, yeoman, £5. Bound to keep the peace toward **Isaac Ostrander**.

Evidence taken before **E.S. Adams**, November 25, 1837. On November 22nd **Jacob Martin** (coloured man) took the axe of **Walter Dittrick**, St. Catharines, innkeeper, value 10/-. Martin confessed, said he sold it to **Samuel Dolson** for 3/9-.

Letter from **David Thompson** to **Charles Richardson**, **Fort Erie Garrison**, January 6, 1837/8: Encloses some papers. Since I [examined?] the constable, have learned that he is of respectable parentage.

Dorman Cooper, Walpole, yeoman. On December 6, 1837 a two year old steer (value £6) was stolen from his barnyard by **William Clark** of Walpole. Warrant issued on December 8th to **William Dockstader** to apprehend Clark. Evidence of William Clark taken December 11th: confessed to the theft. He drove the steer home 4 or 5 miles, and killed it. His wife **Matilda** assisted in skinning it. His wife didn't know it was stolen. They took the hide to **Nathan McComb's** barn, and disposed of the beef to **Mr. Eastman**, **Mr. Duncan**, **Mr. Wilke**, his mother-in-law **Martha McComb**, **Mr. Adams** and **Mrs. Dean**. One month ago he stole and shot **Mr. Pott's** heifer. It was also hidden at McCombs. McCombs was absent, but his sons **Nathan**, **William** and **Chester** were at home. Chester helped in killing it, but didn't know it was stolen. The beef was eaten by us. He was induced to steal by **Charles Green**, who said I could easily support my family this way. William McCombs assisted in stealing from Coopers, and Chester assisted in stealing from Potts. The Potts farm is on **Nanticoke Creek** in Walpole. Prisoner was committed to gaol by Special Constable **John McGie**. Recognizance: Dorman Cooper £10. Warrant issued to McGie to apprehend William Clark dated December 12, 1837. Evidence of **Chester McCombs**: assisted **William Clark** take one steer from **Jacob Potts** on October 17, 1837. He helped to kill the steer, and hide it in the barn. He presumed Clark bought it. Recognizance of Chester McCombs and **Nathan McCombs Sr.**, Walpole, yeoman, £10 each. Nathan McCombs

and his wife **Martha McCombs** bound £5 each to present evidence. **William Dockstader** and **William McCombs** sick and unfit to be moved.

Evidence of **John McGee** of Indiana, taken December 15, 1837. Was to take a prisoner to Niagara. Put up at the inn of **Jacob Bowman** at Gainsborough. Three men entered at 10 pm on December 13th and ordered me to let the prisoner go. They went away, then 15 to 20 came to rescue the prisoner by force. I went to bed at 2am with two lads, and had 9/- in my pocket which was stolen. Warrant issued to arrest Jacob Bowman and his two boys, also **John Fergie** clerk to **Luke Cavers**. Evidence of **Catherine Bowman** wife of Jacob Bowman. McGee came into the inn on December 13th and called for two glasses of whiskey and supper for himself and his prisoner, also a mug of hot sling and hot stuff (half whiskey). **Jacob Depoty**, **George Bois** [alias **Boice**] and **John McPherson** came in and asked for the release of the prisoner. They came back, **Henry Groff**, **Abraham Baker**, **Robert Merriman** and **James Ross** were present. Evidence of **Anna Ecker**: was present and saw the above named men. Evidence of **John Peck**: was present and saw the men including Baker, Groff and **Joseph** [**Stratten?**] McGee had been drinking but was not drunk. Evidence of **Joseph Stratten**: was present. The constable said the prisoner was gone. Evidence of **James Ross**: was not present, came there the next day. Evidence of **Hiram Cronkhite**: he saw the constable and prisoner. The constable had been drinking but was not drunk. He saw **George Humphrey**, **William Smith** and others there. Doesn't know how the prisoner got off. Evidence of **Thomas Collins**: was present. Saw several men there, Jacob Depoty and others. Evidence of **John Fairgie** [alias **Fergie?**]: was present, saw the constable. Knows nothing of his character. Evidence of **Jacob Bowman**: says that Henry Groff and Abraham Becker [alias Baker] saw the prisoner run off the road. Recognizance taken: Abraham Becker £10, sureties **William Swick** and **John Lacey** £5 each; Jacob Bowman £10, sureties William Swick and John Lacey £5 each; Henry Groff, £10, sureties William Swick and John Lacey £5 each; John McPherson £10, sureties William Swick and Luke Cavers £5 each; Jacob Depoty £10, sureties **William Heaslip** and John Lacey £5 each; George Boice £10, sureties William Heaslip and John Lacey £5 each; Catherine Bowman (paid by Jacob Bowman) and Anna Ecker £5 each; McGee committed to gaol in the custody of William Swick for allowing a prisoner to escape.

Evidence of **John Ferguson**, Hamilton, peddler, taken before **David Thompson** on December 20, 1837. Was at Indiana on December 18th at the house of **William Orderly**. He was assaulted by **Dennis Keely**, snapped his pistol and ordered **John O'Neal** to shoot me. Evidence of **Francis Daly**, Hamilton, peddler: was present, Ferguson's testimony is true. Evidence of **William Burk**, Canborough: heard Keely say he wished the pistol had gone off and through Ferguson's head. Evidence of **Dennis Keely**: has a license to peddle. Evidence of **John Farr**: heard the statement made about the gun going off. Evidence of **Oliver Burnham** and **Ambrose Johnson**: corroborate the testimony. Evidence of **James Darrough**: was present part of the time. He was put in custody in the guard room. Evidence of **John Wood**. Evidence of **William Orderly**: knows the plaintiff, a "suspicious character." Knows nothing of abuse. Evidence of **John O'Neil**: he doesn't know how the plaintiff came to be taken in custody. Heard the defendant say to shoot him. Recognizance taken: Dennis Keely £20, sureties **David Price** and **George Mylnes** £10 each; John Ferguson £10, Francis Daly, William Burk and John Farr £2.10.0. each.

Letter from **B. Tench** to **Jacob Keefer**, Port Colborne, January 29, 1838. Sends evidence from four witnesses in a case of conspiracy, robbery, riot and aggravated assault. If guilty they should be severely punished, £5 for each assault. Evidence of **Obadiah Vanderburg** taken before B. Tench, Thorold, January 27th: at 2 o'clock he saw **Jacob Hendershot**, **Jacob Bowman**, **Philo Powers** and others beat **Winslow Beech**. Bowman told his (Vanderburg's) wife that if he did not come downstairs they'd burn the house and break her head with a pitcher. Vanderburg paid \$5 to Powers to save her life. Evidence of **Sarah Ann Vanderburg**: corroborates the testimony.

Evidence of **Winslow Beech**: on January 22nd he was hawling wood for Obadiah Vanderburg, innkeeper at Thorold. Hendershot and Bowman came up and demanded the team, showed a letter and pretended it was a warrant. They grasped the reins, Powers struck deponent with a club and knocked him off the sleigh. Vanderburg came out and said to leave him alone and went into the house. Hendershot and Bowman followed him and cried "let us pound him to death!" Vanderburg returned with a gun but didn't present it at anyone. He told them to let the deponent alone, who was on the ground being beaten, or he'd shoot. The men laid hold of Vanderburg, Hendershot had a butcher knife in his hand. The deponent and Vanderburg escaped into the house. Vanderburg went upstairs armed with an axe. He came down when he was compelled to pay \$5. Evidence of **Mary Bacon**: was present and confirmed everything. Evidence of Jacob Hendershot, Pelham, yeoman, charged with assault and conspiracy to gain money, taken before Jacob Keefer on January 29th: on the 22nd he met Vanderburg's team being driven by Beech. He bargained for a ride to **Drummond Hill**, but Beech refused. Powers said they had the right to press for the team. Beech assaulted Powers. He denies the assault in Vanderburg's house. Evidence of Philo Powers: he did not assault Beech. He saw Vanderburg with a gun, and sprang at him and said "shoot and be d[amn]d."⁴⁹ Vanderburg fell, changed hands and hit me with the butt end of his gun. Vanderburg went into the house, said he was sorry he'd hurt him, and wished to settle up for \$5.00. Evidence of **George A. Bowman**- went to Obadiah Vanderburg's to get Power's cap. He told the landlady if they didn't get the cap, they'd decant enough to pay for the cap. She gave them the cap. Deponent denies that he threatened Vanderburgh. Recognizance taken January 29, 1838: Jacob Hendershot of Pelham, yeoman, £10, sureties **John Bowman**, Pelham, yeoman and **Daniel Moore**, Gainsborough, yeoman, £5 each; Philo Powers, Pelham, yeoman, £10, sureties John Bowman and Daniel Moore £5 each; George A. Bowman, Pelham, yeoman, £10, sureties John Bowman and Daniel Moore £5 each; Obadiah Vanderburg and Winslow Beech, Thorold, labourer £10 each, sureties **Anthony Upper**, Thorold, yeoman, and **Peter Weaver**, Thorold, labourer, £10 each.

Letter from **Ogden Creighton**, Chippawa, to **Lt. Col. Nelles**, 4th **Lincoln Militia**, February 18, 1838: **Andrew Randall**, 40 Mile Creek, is under escort. Was taken up on desertion from your Regiment (**Captain Nixon's** company) in the late Rebellion. Whilst guarding at **Queenston**, he crossed the river to New York without a pass and remained a week away. I leave it in your hands as Commanding Officer and magistrate. Recognizance taken before **Henry Nelles**, February 22: Andrew Randall, Grimsby, yeoman, sureties **James Randall** and **Byard McCurdy** of Grimsby, yeoman, £40 each. Recognizance of **Captain Robert Nixon** (4th Lincolns) £40.

Evidence taken before **William Mylne**: **George Myres** and **John Richmond** forced open the store of **James Thomson**. Thomson was alarmed at 2 am by a knocking at the door, as if someone was breaking in. Deponent hallowed "whose there?" The more he called, the louder the noise. He got out of bed and tried to open the front door of the store but could not, as it was partly forced open. He looked through the opening and saw **Henry Montague** on the street, going to **Mr. St. John's** house. He called to him to open the door, and asked if he shoved at the door. Montague said no, but saw two men at the door and was certain they was around the house. He called to Mr. St. John and **Mr. Thomas**. They pressed the door open and saw something behind a barrel- it was the prisoner with an axe under him. Evidence of Henry Montague: was at the house of **Andrew Thomson** at 12:10 pm. Heard someone walking on the street, ie, stepped onto a platform in front of James Thomson's store door. Meant to force the door, heard it crash. Heard a cry out "whose there?" Saw the prisoners go around the store. Deponent said he had a gun and would go and try to find them. Asked if he would sleep with him, he said yes but call on Mr. St. John and Mr. Thomson. They saw movement behind a barrel. Mr. Thomson came out without his shoes, told

⁴⁹ The original minutes read "shoot and be d-----d."

him to put them on. Tied John Richmond up, took him to **Robert Campbell** who wouldn't take charge of him, then we took him to Thompson's store. H. Campbell was sent for who took charge. John Richmond was apprehended on March 10, 1838 stealing a cross-cut saw. He was drunk when brought in. Had concealed the saw under a hay stack. Recognizance taken: Henry Montague and George Myres £20 each. **W. Barr**, examined the witnesses in the case of John Richmond, now a prisoner in Niagara gaol. He finds nothing to warrant his detention, and recommends his discharge, March 15, 1838. John Richmond discharged March 16, 1838.

Simeon H. Goss, MD. Was at the house of **Barton Farr** to attend a man and his family who lie sick there. They ought not to leave the house, March 12, 1838. **Peter Swick**, Canboro', summoned to attend court. His child is badly burned and very ill, wishes to be excused.

Evidence taken before **James Cummings**, Chippawa, March 12, 1838. **Abraham Morell** was on guard on the 11th at the Square opposite the inn of Philo Smith. He went to the bar and bought four glasses. There were several intoxicated men, and saw some of his own company at Smith's who were not on duty. They got liquor at the bar, paid one-quarter dollar for his liquor, both whiskey and beer. Evidence of **William Young**: he purchased three glasses of beer, others got whiskey. Evidence of **Silas Jennings**. Was at Smiths. Was treated to three glasses of whiskey. Paid four coppers for one glass, the other two on trust. [Notation in pencil: **Alfred Cook**, no license.]

Philo S. Smith, Chippawa, innkeeper. Summons on March 13th to answer charges of a complaint that he keeps a tippling house and sells liquor on the Sabbath, and keeps Her Majesty's troops intoxicated that day. Bring witnesses March 12th. Discharge ordered March 14, 1838.

File 31-9. Presentment.

"An Act to Authorize the Erection and Provide for the Maintenance of Houses of Industry in the Several Districts" March 4, 1837. The site for such an institution is imperiously called for. There have been numerous applications in the Sessions, April 14, 1838.

Phoebe Goodell, St. Catharines. \$2.00 weekly to keep an insane person, March 13, 1838.

Dr. Raymond, Niagara. 7/5- weekly to keep an insane person, March 13, 1838.

Dr. Mewburn: the **bridge on Queenston Road** near **Sergeant Curry** is unsafe and dangerous. Prays for the immediate erection of a safe bridge, March 13, 1838.

There are a large number of **deaf and dumb and insane persons** in this district, more than in the other districts. Lincoln County has 20 deaf and 33 insane persons, and Haldimand has 7 who are deaf and dumb. They are supported out of the District funds. The expense to support a **lunatic asylum** would be little more than the sums paid by several Districts for support. The benefits of such an institution would counterbalance a little more expense. Under proper treatment, inmates might be restored to a degree of reason and allow them to "act their part in civilized society." An insane person has been in gaol for 7 years, "an amelioration of his calamity has taken place" but "under proper treatment he may have exercised reasonable faculties." Pray that a statement of the sums expended here annually on the insane be made and transmitted to the Lieutenant-Governor for his consideration. We hope that another session of the Legislature doesn't pass without provision being made for this humane object, March 14, 1838. [file also contains a draft copy of this document.]

Isaac Thomas, Drummondville. \$2.50 weekly to keep an insane person, £13.8.9. March 14, 1838.

Martin Buckman, Gainsborough. \$1.50 weekly to keep an insane woman, March 15, 1838.

Catherine Frank, Gainsborough. \$1.50 weekly to keep an insane child, March 14, 1838.

John Smith, Caistor. \$2.50 weekly to keep an insane and blind person, March 14, 1838.

Thomas Angleman, Thorold. \$1.50 weekly to keep an insane boy, March 15, 1838.

The unsatisfactory mode of business for the Quarter Sessions is felt by many who have miles to come to attend. After 2 days, they have not had sufficient business to occupy their attention for more than a half hour. March 14, 1838.

Have inspected the gaol. Found to be in good repair, no complaints from the prisoners. The strict confinement of the debtors is severe. Space is walled on the outside of the gaol to enable them to have the benefit of fresh air. March 15, 1838.

File 31-10. Minutes of Sessions [draft.]

Grand Jury, 13th March 1838: **Isaac Merritt, Samuel Whiteman, William Duck, John Simpson, Henry Charles, Jacob Kenniff, John Brayden, William Barr** (foreman), **John Cox, William Press, John Guernsey, Gilbert McMicking, Adam Brown, Henry Loyd, Merritt Johnson, John McFarland.**

Present: **John Mewburn, Wm. M. Ball, Peter C. Ball, Wm. Smith, George Rykert, John Claus, Tench, R.M. Crysler, T. Butler**, Esq, chairman.

Commission read in open court, **Samuel Proctor** appointed crier to court.

Marriage Licence granted to **Revd. Henry Gilmore**, fee paid 5/- for certificate 2/6- for oath of allegiance administered.

Patrick Finn appointed crier for the Sessions.

Committee of Accounts **George Rykert, John Ball, Morden Crysler, Dr. Mewburn, William Smith** Esqrs. and **Nathan Pawling.**

Phoebe Goodell, Dr. Raymond & Dr. Mewburn sworn to go before the G. Jury.

Petition of **Catharine Frank** referred to G. Jury.

Ordered that **John Mills** have an order for £12.13.5. on award of **John Barker** and **John Swinton** for work done on Court house.

Grand Jury came in with presentation in favour of **Phoebe Goodell** for support of an idiot child and of **Dr. Raymond**, also with presentment on state of **Bridge on Queenston Road** near **Sergt. Currie's.**

Petition of **Wm. H. Sanderson** for a licence to keep tavern read, granted, fee pd. 5/-.

Petition of **Armstrong Hutchinson** for a licence to keep an inn read & referred till tomorrow for information.

Thomas Butler Esq. appointed **Street Surveyor** for Town of Niagara for 1838, took oath in open court.

Armstrong Hutchinson has leave to keep an inn, fee pd. 5/-.

March 14th.

Court met pursuant to adjournment at 10 o'clock. Present: **Thomas Butler** (chairman), **Merritt, Evans, John Ball, Johnson, Rykert, John L. Alma**, Esquires, **H. Nelles, J. Cummings.**

Petition of **Frederick Thomas** for licence to keep an inn read-granted.

The recognizances of **Andrew Randall, James Randall, Bayard McCurdie & Robert Nixon** on complaint against **Andrew Randall** for desertion discharged.

James Adams & Dominic McDougherty sworn to go before G. Jury against **George W. Black** on charge of assault.

Merritt Johnson sworn on G. Jury.

Petition of **Daniel Quackenbush** for an inn read, granted. Fee pd. 5/-.

Petition of **Thomas Humphries** for licence to keep an inn read, granted. Fee pd. 5/-.

Court adjourned for an hour.

Kenneth Robertson, McDonald and **C. Cronkhite** sworn to go before G. Jury on complaint of **T. Smith** Esq. against **Peter Wilkins**, larceny.

Emmeline Evans sworn to go before G. Jury.

Isaac Thomas sworn to go before G. Jury.

Petition of **Stephen Conklin** read, licence to keep an inn granted, fee pd. 5/-.

Grand Jury came into Court & brought the following Indictments: The Queen against **George Watson Black**, assault, true bill; the Queen against **Peter Wilkins**, larceny, true bill.

Also with presentments in favour of **Emmeline Evans, John Smith** and **Isaac Thomas** for support of insane persons.

George Watson Black arraigned upon the indictment for assault pleads not guilty.

Peter Wilkins arraigned on indict. For larceny pleads not guilty. Trial put off till tomorrow.

Philo S. Smith & Henry Clark sworn to go before G. Jury information against **Ryan** & others for riot. Verdict drawn & sent to G. Jury.

George Lawrence sworn to go before G. Jury on charge against **John Johnson** for larceny.

The Queen vs. **George Watson Black**, assault. Jury: **Henry Smith, Caleb Swayze, Conrad Miller, Lyman Burnham, Joseph Mellick, David Merritt, Alexander Nelson, William Stringer, John More, Eleazer Hodgkins, Cyrenus Lymburner, Wm. Quider**. Jury sworn, indictment read.

Verdict: not guilty.

March 15th. Court opened pursuant to adjournment. Present: **Thomas Butler** (chairman), **John C. Ball, Elias Adams, Thomas Merritt, William Mylne, William Ball, William Smith, Nathan Pawling, George Rykart, Johnson, William Adams, Henry Nelles, Edward Evans**.

William Adams sworn to go before G. Jury.

Thomas Angleman sworn to go before G. Jury.

Orders 1, 2, 3 passed to be inserted here.

Grand Jury came in with indicts. The Queen against **John Johnson**, larceny, true bill; the Queen against **John Ryan, Richard Smith & John Taylor**, riot, true bill; presentment of G. Jury respecting insane persons provision for- recommendation in favour of **Richard Forrest** for support of insane person & in favour of **Catharine Frank** for same purpose.

John Johnson arraigned on indict. & plead not guilty.

No. 29 check issued in favour of **Richd. Forrest** for support of insane child.

Henry Montague sworn to go before G. Jury on charge against **John Richmond**.

Order of court that one penny in the pound be the rate of assessment.

Court adjourned half an hour.

Court opened. G. Jury came in & recommended payments to **Philip Hostrasser, Thomas Angleman, & Martin Buckman** for support of insane persons. Also representations respecting state of gaol- discharge of **John Richmond**, prisoner.

The Queen vs. **Peter Wilkins**, larceny. Jury sworn: **Philip Doan, Conrad Miller, Adam Dockstader, Adam Moot, Andrew Everingham, Jonathan Lounsberry, Joseph Mellick, Andrew Gregory, Henry Smith, David Merritt, Moses Merritt, William Stringer**. Witnesses sworn:

Kenneth Robertson, Malcolm McDonald and **Jacob Cronkhite**. Verdict: guilty, check issued for costs of witnesses in this suit from U.S. to **S. Street** Esq. for £2.

The Queen vs. **John Johnson**, larceny. Jury sworn: **Matthew Smith, Henry White, Lyman Burnham, John Balding, Seth K. Smith, Henry Sensebaugh, Alex Wilson, Oliver Fulton, Andrew Burns, John Moore, David Cooper, Eleazer Hodgkins**. Witnesses sworn: **George Lawrence, John Upper** and **George Cain**. Jury came in verdict: guilty.

Petition of **Allen** [**Conner**?] for licence to keep an inn, granted. Fee paid 5/-.

Petition of **John Evans** for licence to keep an inn, read and granted. Fee paid 5/-.

Petition of **Matthias Kearns** for licence to keep an inn, granted, fee paid 5/-.

Court adjourned till 9 o'clock tomorrow morning.

March 15th (Thursday.)

Court opened at 9 o'clock. Present: **Thomas Butler** (chairman), **William Ball**, **John Ball**, **John L. Alma**, **Edward Evans**, **Samuel Street**, **James Johnson**.

John Ryan and **Richard Smith** vs. **John Taylor**, riot. Arraigned upon indict. & plead not guilty.

Jury: **Matthew Smith**, **Henry White**, **Philip Doan**, **Caleb Swayze**, **Conrad Miller**, **Adam Dockstader**, **Andrew Everingham**, **Adam Moot**, **John Balding**, **Jonathan Lonsberry**, **Joseph Mellick**, **Seth K. Smith**. Witness sworn: **James Fitzgerald**. Jury came in verdict: not guilty.

Simon Welch sworn before G. Jury.

Patrick Finn sworn to go before G. Jury.

Order of court that **Clerk of Peace** get competent person to correct assessment rolls to be paid £12.

Petition of **Theo. Brundage** for licence to keep inn, read and granted. Fee paid 5/-.

The Queen vs. **John Richmond**. Prisoner discharged by order of Court on recommendation of G. Jury.

The Queen vs. **John Johnson**, larceny. Sentenced to 2 years hard labour & confinement in Provincial Penitentiary.

The Queen vs. **Peter Wilkins**, larceny. Sentenced to 2 years confinement & hard labour in the Provincial Penitentiary.

The Queen vs. **Mark Kennedy**, larceny. Jury sworn: **Matthew Smith**, **Henry White**, **Andrew Gregory**, **Henry Smith**, **Henry Sensebaugh**, **David Merritt**, **Moses Merritt**, **Alex Nelson**, **Oliver Fulton**, **William Stringer**, **Andrew Burns**, **John Moore**. Witnesses sworn: **Simon Welsh**, **Mark Kennedy**. Verdict: guilty.

John Moore-petition read for licence to keep an inn. Granted, fee paid 5/-.

Order of Court passed for £104.3.4. salary of **Clerk of the Peace**.

Check issued to **Joseph Evans** (constable) for £4.

The Queen vs. **Mark Kennedy**, larceny. Sentenced to 24 hours imprisonment in the Gaol of the District.

Court adjourned for an hour.

Court opened. **Elizabeth Campbell** discharged from her recognizance. The recognizances of **Charles W. Edwards** and **William C. Stoneman** estreated after being called 3 times.

The Queen vs. **Bernard Riley**, larceny. Discharged for want of evidence.

Jacob Martin discharged by proclamation.

Malcolm Laing, Esq, sworn to go before G. Jury. Grand Jury came in with true bill against **George Hamilton**-larceny. Prisoner arraigned on indictment. Pleads guilty, sentenced to 2 weeks solitary confinement in Niagara Gaol.

File 31-11. Orders.

Clerk of the Peace ordered to employ a competent person to correct the *assessment rolls*, £12.10.0.

Cheque ordered to the **Clerk of the Peace**, £104.3.4. salary.

Ordered to pay the gaol expenses and sheriff's account, then take preference to others, March 16, 1838.

William Clarke ordered to bond £1500 and find two sureties, for his duty as Treasurer.

The balance sheet of *William Clarke* is unsatisfactory, not in detail. No vouchers produced for disbursements. Treasurer ordered to make out a full and detailed account of receipts and disbursements.

Ordered to pay gaoler £5 for stationery.

Ordered that 1d in every £1 assessed levied for taxes.

£9.1.0½ interest due on cheques ordered paid to *Alex McLeod* by the Treasurer.

File 31-12. Precept.

List of Grand Jurors summoned for the Quarter Sessions at Niagara commencing 13 March 1838: *Alexander Gordon, Philip Delatre, Barton Farr* (excused), *Aaron Mellick, Isaac Merritt, Henry Johnston, Abraham Nevills, Samuel Whiteman, Merrit Johnson, William Duck, John Simpson, Henry Charles, Jacob Kenniff, John Braden, William Barr, John Cox, John McFarland Jr, Frederick Tench, John Guernsey, Adam Brown, Henry Lloyd, Gilbert McMicking, [William] Press.*

Petit Jurors: *Mathew Smith, Henry White, John Mellick, Philip Doan, Caleb Swayze, George Vollick, Storm Vollick, Conrad Miller, Fellow Gates, James Smith, Adam Dockstader, John Miller, Lyman Burnham, Andrew Everingham, Jay J. Lymburner, Peter Swick, Adam Moot, John Balding, Jonathan Lonsburry, George Johnston, John Rogers, John Leil, Joseph Mellick, Seth K. Smith, Andrew Gregory, Henry Smith, Henry Scencebaugh, David Merritt, Jeremiah Clendining, Moses Merritt, Alexander Nelson, John M. Baughman, John Lymburner, Oliver Fulton, William Stringer, Andrew Burns, John Moore, David Cooper, Eleazer Hodgskin, Cyrenus Limburner, William Quider.*

File 31-13.

Letter from *James Clarke* to *Captain McDougall*, 1st FL Infantry, Chippawa, March 12, 1838. Sorry he cannot call. A man of your company, Mathew, took an axe from the hospital, to be returned to Drummondville. *Matthew [Hawing?]* of Louth has applied for a tavern licence. Should be refused although he rents a house from me. He is unfit, a foreigner from Buffalo who came here last fall and is not entitled to much consideration.

Letter from *Edmund Riselay, Waterloo Ferry*, March 12, 1838. *C & I. Stanton* (shopkeepers) and *J.W. Lewis* (innkeeper) apply for a licence to continue to sell. In consequence of the unhappy disturbance they could not procure others. Grant them a licence for one year.

Letter from *Thomas Bryant* to *Daniel McDougall*, Caledonia, Grand River, January 15, 1838: I put my name on a petition two weeks ago to recommend *Samuel B. King* as a tavern keeper in Seneca. Since none are to be granted licences but subjects of undoubted Loyalty, but King is a foreigner not to be trusted. He has now taken the oath. It is not right to allow such men to have the opportunity of having the means put into their hands in any way to "indure" the prosperity of our province. *Jacob Turner*, same place, an American. Gives the best security for his good behaviour. A large party from the Lower Province and the United States were getting out oak lumber. They assembled at King's and not at the houses of Her Majesty's subjects. This doesn't look right. The foreman won't allow the men to go where they will. If they talk of going to

Bryant's Tavern, "the foreman tells them not to go to the damn'd Tory's house." I wish my licence be granted as usual. Excuse my hasty scrawl.

File 31-14.

George Watson Black, Rainham, yeoman. Charged with threatening *James Adams*, Rainham, on February 16, 1838. True bill: *William Barr* (foreman.) Witnesses: James Adams, *Domenic McDougherty*. Evidence taken before *Edward Evans* on February 20: Black threatened to rip Adams open and take his life, threatened him with an axe and said he'd put a ball through his forehead. Recognizance taken before *R.M. Crysler* March 6: George W. Black £20, sureties *George A. Ball* and *Peter Ball* £10 each. Verdict: "not guilty," March 14, 1838.

File 31-15.

Elizabeth Campbell, Niagara, *femme covert*, wife of *Alexander Campbell*. Charged with larceny, stealing 100 rails (value £1.10.0.) the property of *Daniel McDougall*, on January 12, 1838. Witnesses: *Arthur O'Neil*, *Charles W. Edwards*, *William Stoneman*, *Henry Strothers*, *Lena Strothers*. Evidence of Daniel McDougall taken before *R.M. Crysler* on January 15: Alexander Campbell, mason, *William Campbell*, labourer and Eliza Campbell stole the rails. Evidence of Lena Strothers: saw William Campbell attempt to pull up the fence rails of Daniel McDougall. She called out that he go away, or she would go and tell Mr. McDougall. He left the fence. Evidence of Arthur O'Neil: he went to Alexander Campbell's house, asked if they knew anything about the rails, since Campbell was in the habit of taking them. They said there were none there. Yet deponent saw some on the fire and others on the floor and under the bed. Recognizance taken before R.M. Crysler, January 19: Eliza Campbell £10, sureties Charles Edwards and William C. Stoneman £10 each. Defendants discharged March 16, 1838.

File 31-16.

George Hamilton, Stamford, labourer. Charged with larceny, stealing a blanket, coats, jacket, cloth coat, vest, telescope, linen shirt, red pocket book, \$10 note of the *Farmer's Joint Stock Bank Co.* (Toronto), \$2 note of the *Commercial Bank* (Kingston), two \$5 notes of the *Bank of Upper Canada*, counterpanes, carpets, linen sheet, tumbler, and trowsers (value £20) the property of *Adam Crysler*, on January 22, 1838. True bill: *William Barr* (foreman.) Witnesses: *Malcolm Laing*, Adam Crysler. Evidence taken before *Ogden Creighton*, January 15: *William Charles Gwynne*, Toronto: Cloak was taken while at Cryslers on January 8th. *John Hillyard Cameron*, Toronto: *John Hector's* telescope was taken, January 10th. *Isaac Buchanan*, Toronto: Coat was taken on January 8th. *John Hector*, Toronto: telescope was taken on January 10th. *Grant Powell*, Toronto: Jacket and pocket book were taken on January 10th. *William Billingham*, Toronto: Pantaloon were taken. *J.H. Cameron*, Toronto: a brace of pistols, value £10, taken. Evidence taken before Malcolm Laing, January 23: George and William Hamilton were in the employ of Adam Crysler until January 22nd. They were overtaken at Port Robinson, and are in the custody of Constable Coleman. Warrant issued by Mr. McFarland. They were brought back to the Falls, had a bundle with the goods of the Queen's Rangers. The bundle with the deponents goods is at Mr. Killmans. Evidence of Adam Crysler, January 23: George Hamilton, William Hamilton and Mary Ann Robinson Hamilton are accessories. The goods of Crysler and the Queen's Rangers were taken at Lundy's Lane. Receipt for property worth £8 given to Crysler by Malcolm Laing. Evidence of George Hamilton, Stamford, domestic servant, January 23: freely confessed to the theft. Witness: John Killman. Hamilton's father is not implicated in the theft. Information taken by Duncan McFarland, Port Robinson, January 22: the goods of Adam Crysler returned to him by constable Dilly Coleman. Information of Dilly Coleman, innkeeper, Port Robinson: goods were

stolen from Adam Crysler at the Pavilion House at the Falls. Suspects William Hamilton, alias W.H. Hughs, and George Hamilton, alias G.H. Hughs. Warrant issued to constables Dilly Coleman or William McCan to apprehend Hamilton. Recognizance: Adam Crysler, £100. Plea of George Hamilton: "guilty," sentenced to two weeks solitary confinement, March 16, 1838.

File 31-17.

John Johnson, Niagara, labourer (coloured man.) Charged with larceny, stealing 12 fowls (value 6/-) the property of **George Lawrence**, Niagara, farmer, on February 6, 1838. True bill: **William Barr** (foreman.) Witnesses: George Lawrence, **John Upper**, **George Cain**. Evidence of George Lawrence taken before **John Alma**, February 7: the fowls were taken from the barn between the swamp and the lake. Evidence of John Johnson: he didn't steal the fowls, his wife **Maria Johnson** bought some of them from a man in a sleigh, and two others he bought from a man in the street. Doesn't know the man's name. Verdict: "guilty," sentenced to two years hard labour in the penitentiary. Writ of *mittimus* issued March 16th for John Johnson and **Peter Wilkins**, addressed to the Keeper of the Penitentiary.

File 31-18.

Mark Kennedy, Niagara, labourer. Charged with larceny, stealing 40 rails (value 12/6-) the property of **Daniel McDougall** on January 25, 1838. True bill: **William Barr** (foreman.) Witnesses: Daniel McDougall, **Simon Welsh**, **Patrick Finn**. Evidence of Daniel McDougall taken before **Thomas Butler**: rails were stolen. Evidence of Simon Welsh, Niagara, labourer: saw Kennedy take the rails. Evidence of Mark Kennedy: denies the charge. Recognizance taken: Mark Kennedy £10; recognizance of Patrick Finn taken before **Ralph M. Crysler**, February 6: £5. Verdict: "guilty," Kennedy sentenced to 24 hours in gaol, March 16, 1838.

File 31-19.

Bernard Riley, Niagara, private soldier. Charged with larceny, stealing two earthen dishes (value 5/-) the property of **John Ussher**, on February 6, 1838. Witnesses: **Edgeworth Ussher**, **Margaret O'Hare**, **John Dobie** [alias **Dobbie**], **Eliza Smith** of Chippawa. Evidence of Eliza Smith taken before **Malcolm Laing** on February 12: the side dish on the table was sold to her by Riley for 1/3-. Evidence of John Dobie, yeoman. Two boys and one woman quarreled on the road above Chippawa regarding dishes. Riley was one. He saw two dishes which he took from them, breaking some others. Riley said he took them from John Ussher's barn. He took them to Edgeworth Ussher's house, then went up the river to John Ussher's followed by Riley. Called for help, 3 men and 1 woman came out to demand their property back. They threatened me, but I told them it was left at Edgeworth Ussher's. The dish is one in question. Evidence of Bernard Riley, taken before Malcolm Laing and **Daniel McDougall**: he was with **William Hewson** towards the island. They overtook **Mrs. Finley** and **Mrs. Watling**, and went to John Ussher's barn. They found **Edmund Dennet** and **John Watling** there. Four men came from the road to the barn. They told John Watling not to go to the house as "the old man was watching." The women said they'd go to the house if the men would watch. They went and returned with the crockery in their aprons. Evidence of Margaret O'Hare: she was at Edgeworth Ussher's house. **James Riley** and Bernard Riley came and demanded the dishes, said they were left by a man who took them from them. **Mrs. Ussher** refused, and was intimidated by violent language and behaviour by James Riley. They took hold of her roughly and told her to deliver up the dishes. Evidence of Edgeworth Ussher: he returned to his house on February 7th, had been absent. His wife said that property was taken on the 6th by Bernard and James Riley of Hamilton in the Gore District, now privates in the **1st Regiment of Frontier Light Infantry**. They took two dishes (value 5/-.) Recognizance:

Edgeworth Ussher, Margaret O'Hare and John Dobie £10 each. Verdict: defendants discharged for want of evidence.

File 31-20.

John Ryan, Chippawa, labourer, **Richard Smith**, Grantham, labourer and **John Taylor**, Niagara, yeoman. Charged with riot against **Philo S. Smith** at Chippawa on February 6, 1838. True bill: **William Barr** (foreman.) Witnesses: **Philo S. Smith**, **Henry Clark** and **James Fitzgerald**. Recognizance taken before **William M. Ball** and **R. Melville** on February 19: John Ryan, a private in the **1st Lincoln Light Infantry** £20, sureties **Peter Wheeler** (gaoler) and **Jonathan Lovell** (yeoman) £10 each. Notices given at the same time to the parties. Verdict: "not guilty," March 16, 1838.

File 31-21.

Peter Wilkins, **Bridgewater** (Stamford), labourer. Charged with larceny, stealing 12 yards of light gray factory woolen cloth (value £3.15.0.) and 40 yards of light gray satinette (value £12.10.0.) the property of **Samuel Street**, Stamford, on October 28, 1837. True bill: **William Barr** (foreman.) Witnesses: **Malcolm McDonald**, **Jacob Cronkhite**, **Kenneth Robertson** [alias **Robinson**.] Evidence of Samuel Street taken before **William Duff**, November 7: Cloth was stolen from deponent's shop at the **Falls Mills**. Prisoner's brother **Stephen Wilkins** aided and abetted in the theft. Evidence of Peter Wilkins, taken November 9: Had the light grey cloth over the river, bought it on the way to the ferry from a stranger in the presence of his brother. Paid \$6.00 for it. Said it had 20 yards, but it only had 12 yards. I didn't think it dear at \$6.00. Hoped for a bargain. The stranger was drunk and laid out all night. Heard from **Frederick** [**Goukin?**] that cloth was stolen from Mr. Street, but it was a different colour. Borrowed \$3.00 from my brother to pay the stranger, a \$1.00 **Bank of Upper Canada** note and \$2.00 **Bank of Michigan**. Mr. Robinson questioned the bills. **Ransford Knapp** was searching for cloth, prisoner sold part to Mr. Cronkhite for \$10. Evidence of Kenneth Robinson: he is a clerk at Mr. Streets. The cloth stolen was lying on the counter. The shop could be entered unperceived by those in the office. He was writing in the office between 7 and 8 and heard a noise. The door was open and a piece of cloth was on the floor, dropped by the thieves. He told Mr. Street and Knapp. He saw a stick near the door but the night was very dark and he couldn't see a man on the street. The prisoner was apprehensive Mr. Robinson would arrest him for debt and stayed out of his way. Evidence of **Mr. Gustavus Shepherd**, **Pekin**, Niagara County, New York: Jacob Cronkhite had gray cloth, sold to him by Peter Wilkins. He paid part in cash and the rest in chickens, and moving furniture from **Lewiston &c**. Wilkins asked Cronkhite to keep the cloth out of sight a few days, there may have been a mistake made on the duties on cloth. He would see the Custom House official at the Falls and put the duty to rights. He suspected something was wrong and didn't want any trouble. Wilkins also tried to sell cloth to **Malcolm McDonald** of Pekin, New York. Evidence of Jacob Cronkhite: He knows the prisoner, was in the village of Pekin and rented a house. He said he'd like some cloth, the prisoner said that he and his brother would go to Canada for cloth on October 28, in exchange for a horse he sold. The cloth was in a trunk, and would come in a railroad car from **Manchester**. He bought 9 yards for \$10, part in cash, the rest in barter (chickens) and teaming &c. The prisoner later came to the witness and said the collector was after the cloth. He thought it strange that a collector would be after cloth so late. Prisoner said his credit was good in Canada, but had signed notes that put him in difficulties. He wanted to get his family over to gain a residence. He told me to hold the cloth and he would have it righted. Evidence of **Kenneth Robinson**: he was told on November 5th by **Charles Carney** of Pekin that the prisoner had expected cloth from the Falls. Evidence of **John Sheldenburg**, ferryman below the Falls: Wilkins crossed the river with one **Latshaw** (a carpenter). Had a trunk and axe, appeared uneasy about the collector. He said he

wished he'd left the damn'd axe at home. He didn't walk to Manchester with Latshaw. Deponent asked what he did with an axe with so short a handle? Wilkins said "used it in his own business." The cloth was part of the same from S. Street's store. Evidence of **Malcolm McDonald**, Pekin, New York: He knows the prisoner. He came to sell him some cloth from Canada. Helped him with his trunk from the **Manchester Railroad**. If I wished to buy, I would give him credit on Mr. Shepherd's books. Deponent did not like the colour, it was too light, and prisoner said he could get some dark grey satinette. Evidence of **Sarah Conklin**, wife of **Jonathan Conklin**, at **Bridgewater**: the prisoner is her son-in-law. She had nothing to do with the prisoner, he came with his brother Stephen. Stephen slept in the shop with **Lanty Conklin**. The trunk was a small hair covered one with a lock. She doesn't know the contents of the trunk, but he said it had cloth in it. Evidence of **Mary Conklin**, daughter of Jonathan Conklin: she knows nothing of the cloth in the house, prisoner didn't have a walking stick. Recognizance taken November 10, 1837: Jacob Cronkhite and Malcolm McDonald £10 each, Kenneth Robinson and Samuel Street £20 each. Verdict: "guilty," sentenced to two years hard labour in the penitentiary, March 16, 1838.

Niagara District Quarter Sessions, June, July, August and September 1838.

File 32-1. Accounts (1-54.)

Accounts Passed June 1838.

January 22, 1838, charge for a coffin and grave for *Andrew Burns*, pauper, 7/6-. Signed *Daniel McDougall*, *William Ball*, *James Lockhart* and *Thomas Butler*. [Verso endorsed *Mary Doyle*, June 12, 1838.)

Patrick Finn, charge for services as crier, £1.17.6.

R & J. Cryslor, charge for foolscap, paper and quills, £4.8.6.

Clerk of the Peace, salary £62.10.0. Plus £12.10.0. to correct the assessment.

Dr. Porter, charge for gaol attendance, £6.5.0, June 12, 1838.

James Munro, blacksmith. Charge for repairs to irons, leg straps, rings, shackles &c, £1.16.6.

William Smith, constable account, 7/6-.

Phoebe Goodle, charge for keeping *Harriet Hague*, insane. Her infirmities increase, pray for 2/6-increase. Total £8.2.6.

Richard Forrest, charge for keeping Francis Lynch, 6/3-.

Alexander Hamilton, sheriff's account, £5.

T. Raymond, charge for keeping *Elizabeth Wilson* 7/6- per week. Prays for £5.9.6, allowed £4.17.6.

John Smith, charge for keeping *Jane Harris* 12/6- per week, total £8.2.6.

Emeline Evans, charge for keeping *Harriet Evans*, 7/6- per week, total £4.17.6.

Philip Hostrasser, charge for keeping *Mrs. Richardson*, 9/- per week, total £5.17.0.

John Steele, constable account, £1.

Samuel Proctor, constable account, £1.5.0.

William Cumpson, constable account, £1.5.0.

Bernard Roddy, constable account, £1.17.6.

Richard McGuire, constable account £11.15.6. One prisoner *William Cross* escaped when near Niagara. From the bad state of the roads a team was obtained with great difficulty.

Chester Wadsworth, constable account, £1.0.6.

Thomas Dorrity, charge for bread for the gaol, £29.11.6.

William Dockstader, constable account, £2.1.0.

John Swinton, constable account, 16/-.

Joseph Clement, charge for 7 cords of firewood, £4.11.0.

Thomas Henegan, constable accounts, £1, 11/6-, 15/6-, 5/-, £1.2.6, £1.14.0, 19/6-. Charge for taking **William Purdy** and **Henry Campbell** into custody at the **Guard House**, St. Catharines; a guard of 4 prisoners brought to St. Catharines by a detachment of the **Grimsby cavalry** January 1838; charge to apprehend **Benjamin Welch** for horse stealing; charge to apprehend **Richard Boyle**, alias "**Yankee Dick**" and **Hugh McKane**.

E.S. Wheeler, charge for services as turnkey, £13.1.6.

Zachariah Horton, constable account, £2.5.6.

F.W. Gibbs, charge for beef for gaol, £10.2.0.

Peter Wheeler, charge for candles, brooms, washing, making shirts, £6.5.3.

Bernard Roddy, constable account, £2.10.0.

Henry Chapman, constable account, 14/-.

John Hobson, constable account, £1.15.0. Signed by **Bernard Roddy**, High Constable.

Joseph Wallace, constable account, £2.

Samuel Proctor, constable account, £2.

Richard Moffat, constable account, £1.2.6.

Nelson Sanderson, constable account, 15/-.

David Armstrong, constable account, £2.

Bernard Roddy, charge for services as constable at assizes, £3.

William Henry Smith, constable account, £1.10.0.

John Milton, constable account, £1.15.0.

George P. Kinsley, constable account, £2.

Hiram Lambert, constable account, £1.15.0.

Francis Proctor, constable account, £1.5.0.

William Compston, constable account, £1.

John Steele, constable account, £1.10.0.

James Hobson, constable account, £1.15.0.

Patrick Finnes, charge for services as crier, £3.

File 32-2. Accounts Rejected.

Sarah Picket, charge for boarding *George Martin* plus cost of window broken by Martin, £5.5.0.

Zephaniah Horton, constable account, £1.2.0.

Elizabeth Davis, charge for keeping a foundling boy, June 11 to September 4, 1838, 5/- per week. Signed *Daniel McDougall*, *Thomas Creen*.

File 32-2A.

District of Niagara in account with William Clarke, £2372.17.7, June 12, 1838. [Printed broadside, published at the *St. Catharines Journal* office.]

File 32-3.

John Hart, appointed constable for Thorold, June 13, 1838.

File 32-4.

Letter from *A. Gordon* to *Alexander Hamilton* or *Alex McLeod*, *Mount Dorchester*, June 11, 1838. Encloses certificate of inability to attend Grand Jury. Was Justice of the Peace in December 1828 but didn't expect to be on the Grand Jury at the Quarter Sessions. Unluckily his health prevents him from making the journey.

Letter from *Charles Richardson* to *C.A. Hagerman*, June 13, 1838. Transmits papers regarding *Robert Cram* confined in Niagara gaol.

Letter of *William Clarke* June 12, 1838. Transmits annual accounts of the District by the Clerk of the Peace. Regrets that they were not tendered in the last Session. The security of £1500 is "unusually large." If enforced I will obtain security by next Sessions. Absent today, must travel to the Falls on business.

File 32-5. Criminal Calendar.

Calendar of Prisoners Confined in the Niagara District Gaol (Peter Wheeler), June 12, 1838.

Patrick Donley, September 6, 1832. Assizes. Murder.

Peter Wilkins, committed November 10, 1837. Orders of *William Duff*. Larceny. Sentenced to two years in penitentiary.

Robert Cram, January 14, 1838. Orders of *J. Black*. Disloyalty.

John Johnson, February 8. Orders of *John Alma*. Larceny. Sentenced to two years in penitentiary.

Elias Morse, April 9. Orders of *Delatre*. Larceny. Sentenced to two years in penitentiary.

John B. Briscoe, April 28. Orders of *William Duff*. Larceny. Sentenced to 1.5 years in penitentiary.

Alexander Stewart, May 22. Orders of John Alma. Larceny. Sentenced to one month solitary confinement.

John Dunaghan, May 25. Orders of **J. Cummings**. Larceny. Sentenced to 1.5 years in penitentiary.

Jacob Dutcher, January 3, 1838. Orders of **S. Birdsall**. Larceny. Sentenced to 5 years in penitentiary.

File 32-6. Filings.

Evidence taken before **Henry Mittleberger**, St. Catharines. “**Sally**” wife of **John Cleveland**, taken July 6, 1837: She let **Patrick Nugent** have the bills, got \$500 of them from her husband at Ohio, has the residue in her possession. Husband is making cradles and fixing a patent right for the railroad. Never heard that the bills were bad, never passed any in Ohio. Questions to witness: where did her husband get the notes, from a bank? She is aware that her husband was accused of passing counterfeit money at Niagara before he left the province. Evidence of **Patrick Nugent**, St. Catharines, innkeeper: on the 5th at 9 pm he got \$95 from **Sarah Cleveland** for payment of a debt, bail to the Sheriff for her husband. Gave her a receipt for \$95. Bills from the **Kirtland Safety Security Bank**.⁵⁰ Evidence of **William H. Sanderson**, St. Catharines, blacksmith. Received \$275 from Sarah Cleveland on the 5th on account of a debt. Notes from the Kirtland Safety Security Bank. Was to return 14/- change. Got the bills from one **Larnard**, a brother-in-law of her husband, in Ohio. Gave her a receipt in full. Evidence of **Michael Bradley**, peddler: he got \$20 from Sarah Cleveland today between 8 and 9 am, of the Kirtland Bank for a \$16 debt (4.4.0.) I gave her 4 yards of silk to make up the \$20. Deponent offered the bill to **Hope McNiven** and he refused it for goods. I called on her and got the 4 yards of silk back. Sarah Cleveland said the money was got from the bank by her husband’s brother-in-law. \$420, had \$80 in her possession. Recognizance taken July 7, 1837 before **Tench** and **E.S. Adams**: Sally Cleveland £50, sureties **Seth Keith** and **Beacher Benham** £25 each. Sarah Cleveland discharged from recognizance on November 7, 1837. [File includes \$20 Kirtland Safety Security Bank note as an exhibit.]

Evidence taken before **Daniel McDougall** on November 6, 1837: on the complaint of **Oliver [Busjan?]**, Niagara, labourer. He had his pocketbook taken on November 5th at Niagara, contained two \$5 notes and two \$3 notes, value 4. Taken by one [**Semose?**] defendant. On examination of the witness, the defendant was discharged. Constable **Bernard Roddy** entitled to a 5/- fee.

Letter from **John J. Lefferty**, **Lundy’s Lane**, June 12, 1838: **Benjamin Chadwick** is indisposed, it is imprudent for him to leave home and attend to Grand Jury duty.

Recognizance taken before **Malcolm Laing**, June 12, 1838: **John Oliver**, Queenston, £10, surety **Patrick Connors** (tailor) £10; **Sergeant Thomas Robinson**, **1st Frontier Light Infantry**, £10. Oliver to keep the peace towards Sergeant Robinson for 12 months.

John Fluelling, charged with assault and preventing **Erastus Derby**, bailiff of the **Court of Requests** (Division 7) from performing his duty on May 10, 1837. Derby was prevented from

⁵⁰ Articles to establish the short-lived Kirtland Safety Security Bank (or Kirtland Safety Society) were drawn up in Ohio by Mormon leader Joseph Smith in November 1836. The bank printed its’ own notes in 1837 but since it was never formally chartered it operated as a “joint stock company” only. Some of the notes were altered with the addition of the phrase “Anti-Bank.” This institution failed later in the year 1837.

taking a horse, levied upon by execution, and was deceived by taking an instrument of writing from Fluelling. Before **Henry Nelles**, Grimsby. [verso endorsed £10.10.10.]

File 32-7. Presentment.

Did not consider it proper to carry the statute regarding the **House of Industry** into effect. Have inspected the gaol, entire satisfaction for cleanliness, order and regularity. **Robert Cram** has been confined 5 months on charges and has not yet been brought to trial. We recommend his case to the consideration of the court, June 13, 1838.

File 32-8. Orders.

Leonard Misener, collector of rates in Wainfleet for 1837. Received payments but between then the **Agricultural Bank** failed. Left me with notes for £2.5.0. The treasurer refused to receive them. Due to the distance (32 miles) and such commotion as then existed, the province in a disaffected state, many thinking they'd get clear of paying their taxes until they could support a Republican government. Didn't receive any bills after notice of the bank failure, June 11, 1838. Evidence taken before **George Keefer**, June 12, 1838. Bills total \$9. Order that Misener be allowed to receive £2.5.0. and charge it to the District. [Bills attached to petition, \$4 (20/-), two \$2 (10/-) and \$1 (5/-).]

Money was appropriated for particular roads in the District by the Legislature, but not expended, ordered for the general use of roads, June 12, 1838.

The first money received into the Treasury ordered to be used to take up a £50 note by **Thomas Butler**, endorsed by **Thomas Merritt** and **Alexander Hamilton** for the **Commercial Bank of Niagara**, June 13, 1838.

Ordered that the **Sheriff** furnish an account of the expenses of prisoners taken from the court house to the **penitentiary**, June 13, 1838.

Ordered £10 to the gaoler for washing for the prisoners, June 13, 1838.

Clerk of the Peace ordered not to enter a charge for Menonists, Quakers or Tunkers in the rolls for 1838 for Militia Training exemptions. Requires an additional tax and different application of proceeds, June 12, 1838.

Several Sums of Money appropriated by an Act of the Provincial Legislature for Roads, March 4, 1837. Hill and flat of St. Catharines, **Welland Canal office**, on the road and bridge across the canal £10 (**Henry Mittleberger** and **Jacob Hainer**, commissioners); Lots 16 and 17 Grantham, **John Clendennan** to **Jacob Hansler** on the Mountain, £12.10.0. (**Converse** and **Hansler**); bridge over the **10 Mile Creek** on the **Queenston Road** £5 (**Jeremiah Durham** and **Seth Keith**); **Swamp Road** from **Stoney Ridge** to the townline between Grantham and Niagara £11.5.0 (**George Havens** and **Joseph Vanderlip**); the flat and bridge at 10 Mile Creek on the **Lake Road** £5 (**Abraham Secord** and **Thomas Gilleland**); Concessions 9 and 10 Grantham from **Thomas Ker** to the township line between Grantham and Niagara, £5 (**John Lampman** and **John Ker**); **Hainer's corner** to **Dickson's farm** on the **Mill Road** £7.10.0. (**Jacob Hainer** and **William C. Chace**); Amount expended before 15/10-.

Henry Ousterhout, discharged from Grand Jury (ignored the bill) June 14, 1838.

Money voted by the Legislature for roads in Stamford paid to Mr. [*Hugoe?*] and *James Thompson*, commissioners. Used on culverts and water courses on the lower concessions below Stamford, June 14, 1838.

The *Clerk of the Peace* to transmit papers regarding *Robert Cram* to the *Attorney General*, June 13, 1838.

Clerk of the Peace, names of those remaining uncollected by the collectors in 1837 ordered annexed to the rolls for 1838, dated June 12, 1838.

William Clarke, ordered to enter into security and find two sureties for £1000 each, June 14, 1838.

£25 ordered to be expended on the *Black Swamp Road*, and on the *Queenston Hill*. Commissioners *Adam Brown*, Queenston; *Lewis Clement*, *William Woodruff* and *William Servos* on the Swamp Road, June 14, 1838.

Andrew Thompson, *Benjamin Hoover* and *G.W. Black* appointed commissioners on the road from *Dunnville* to George W. Black's creek in Rainham. Received £250 on the road. Had work done for £91.19.2., received £62.10.0. from William Clarke, leaving a balance due of £29.2.2. The Treasurer has had the funds since last fall, pray that he pay over the amount to pay the contractors plus the balance of £250 and appoint commissioners to expend the same. June 11, 1838. Order paid June 14, 1838.

File 32-9. Petitions.

Felix Havens and *H.N. Perry* confined in the debtor's ward. Cannot attend to their ordinary business and cannot support themselves. Request a gaol allowance. [Referred to the Gaol Committee June 16, 1838.]

File 32-10. Precept.

List of Grand and Petit Jurors compiled by *Robert Melville* and *John Alma*, March 28, 1838 for Sessions on June 12th.

Grand Jury: ~~*Charles Robertson*~~, *Isaac Secord*, *Richard Man*, *John Hearle*, *Peter Griffin*, *Peter Clement*, *John Whitmore*, *David Field*, *Joseph D. Clement*, *Laughlin Currie*, *John McMicking* (absent), *Zenas Fell* (absent), *Timothy Hixon* (absent), *Jacob Johnson*, *Abraham High* (absent), ~~*John Wismer*~~ (absent), *Henry Thompson*, *Gilbert McMiking* (absent), ~~*Benjamin R. Ottley*~~, *Alexander Gordon* (absent), *Benjamin Chadwick* (absent), *James Gordon* (absent), *James Oswald* (absent), *Basnett Dell*.

Petit Jury: *William Simmons*, *George Brown*, *John Gregory*, *Stephen Beckett*, *St. George Metler*, *John McGlashan*, *Robert Killman*, *William Disher*, *John A. Culver*, *John Scofield*, *Samuel Fretz*, *Philip Wills*, *Philip Beamer*, *Peter Ostroller*, *Jabez Johnson*, *Stephen Collard*, *Daniel Collard*, *Robert Lambert*, *Loyal Davis*, *Reuben Runchey*, *Zachariah Fisher*, *Henry Fry*, *William Bradt*, *James Secord*, *Samuel Huntsberry*, *David Miles*, *Moses Tufford*, *Frederick Davis*, *George Kitson*, *John Bender*, *Joseph Collard*, *Robert Lambert*, *John Middaugh*, *William Garner*, *Thomas Orchard*, *Robert Fralick*, *James Skinner*, *Benjamin [Cherrier?]*, *William Russell*, *William Pinn*, *Lewis Smith*, ~~*William Smith*~~, *Christian Warner*, *Matthew Warner*, *Peter Lampman*, *William Stewart*, *Daniel Stewart*, *John Simmons*.

File 32-11. Road and Bridge Reports.

Account of Money Expended by **Daniel Hoover**, **David Kinsley** and **John T. Cooper**, commissioners for Walpole and Rainham. \$28 paid to **Leonard Yager** to plank the bridge over **Stoney Creek** and to build a stone wall to secure it from high water. \$13.32 paid to **Daniel Zimmerman** for brushing and ditching 40 rods. \$8.68 under contract to **Samuel Spears** for brushing and ditching.

File 32-12. Tavern and Shop Licences.

Eleanor Kenny, Niagara. Fee paid £7.10.0. April 5, 1838. Assigns the rest of the term to **John Fraser**, £1.2.6. for 50 days, November 11, 1837. Approved by **John Alma**. Signed by **Joseph Crysler** for Kenny. Approved by **George Markland** and **John Jordan**. Petition of John Fraser, Niagara, attached who prays to take over Kenny's stand. Is competent to keep an inn. Signed by **Robert Melville** and **James Lockhart**. Approved June 14, 1838.

John Byrnes, Indiana. Has gone to great expense to fit up a house on the Grand River, June 11, 1838. Recommended by **Thomas Winright**, **Richard McGuire**, **Martin Doyle**, **Daniel McCarrol**, **James McCarrol**, **James Martin**, **William [Kerratt?]**, **James Thorburn**, **Richard Brown**, **William [-----]**, **William Wallace**, **James [Keenan?]**, **Bernard McManus**, **James Pendergast**. Approved by **David Thompson**. Fee of 21/- paid. Licence granted June 13, 1838.

Thomas Brown, Moulton. Prays for licence. Recommended by **Joseph Montague**, **David [Price]**, **John [McWatty?]**, **John Graybiel**, **John Aiken**, **William Mylne**, **Macdonald Lockhart**, **Thomas Walker**, **George Jemison**, **William [Sidely?]**, **William [Munery?]**, **John Ames [or Amos?]**, **Robert Lattimore**, **Duncan McFarland**. Licence granted June 12, 1838.

John Wood, Humberstone. Has the house formerly kept by **Aaron Doan**, prays for a licence, May 15, 1838. Signed **J. Black**, **B. Tench**, **James Johnston**, **H. Johnson**, **J. Merritt**, [-----], **Thaddeus Smith**, **Hiram Slate**, **William Schooley**, **William Walker**, **James Haggan**, **Kenneth Reid**, **John M.F. Wilson**, **Henry G. Thompson**, **Gregory G. [Toof?]**, **George H. Sheehan**, **John Thompson**, [-----], **Aaron Doan**. Licence granted June 12, 1838.⁵¹

John Wright, moves from the **8 Mile Creek** to St. Catharines. He desires to continue his inn at the old stand in St. Catharines. Application approved to open the house before the next Sessions when he can obtain his licence, May 2, 1838. Signed by **E.S. Adams**, **George Rykert** and **Henry Mittleberger**, June 13, 1838.

Isaac Overholt, Grimsby. Has a house in **Smithville** for an inn, June 13, 1838. Is an honest and sober man, signed **J.H. Lacey** and **Francis Waddell**. Licence granted.

Thomas Moxey, **Lundy's Lane**. Came from England six years ago, had a licence in **Brockville**. Came here and obtained a transfer of licence from **James Fido**, left his stand and got a house at Lundy's Lane called the "**Temperance House**," June 5, 1838. Prays for a licence, June 5, 1838. Recommended by **P. Delatre**, **John J. Lefferty**, **Samuel Falcobridge** and **Joseph Woodruff**. Licence granted June 12, 1838.

⁵¹ One of the names in this petition is in old Germanic script and indecipherable, while some of the others are difficult to interpret.

Alexander Winslow, Thorold, prays for a licence, April 2, 1838. Recommended by **George Keefer** and **Jacob Keefer**. Licence granted June 12, 1838.

Richard Kennedy, Niagara. Kept an inn last year on the **Queenston Road**, prays for a licence, May 30, 1838. Signed **Charles Richardson**, **William Clarke**, **Jared Stocking**, **Andrew Heron**. Licence granted, June 13, 1838.

Ira Stimpson has a commodious house in Thorold at **Allanburgh**. Is well suited to an inn, an inn is much wanted here. Recommended by **John Galt Stockly**, **William Wright**, **Robert Hughson**, **Duncan McFarland**, **Ephraim Stennburgh**, **Jacob Upper**. Licence granted June 12, 1838.

Abraham Beam, Willoughby. Has the stand formerly occupied by **James Cassady**. Prays for a licence, May 1, 1838. Recommended by **James Cummings** and **Charles Fell**. Licence granted June 12, 1838.

File 32-13.

John Allen and **John Milton Reynolds**, Grantham, labourers. Charged with false pretences against **Henry Ranfuss** [alias **Rindfuss**] on November 15, 1837. True bill: **John McMicking** (foreman.) Witnesses: Henry Ranfuss. Defendants bought 50 lbs. of beef, paid with a \$2.00 "**St. Lawrence Bank and Lumber Company**" note, and a 5/- note. The \$2 note was of no value. Evidence of **Solomon Soper**: knows nothing. Evidence of the wife of **Benjamin Welsh**: two beef quarters were brought to the Reynolds house the night after the purchase. Evidence of **Solomon E. Secord**: Came with John Allen to St. Catharines. Agreed to take some beef to **Keith's** at **Ten Mile Creek**. Arrived at **Reynold's Inn**, men appeared to disagree. Allen offered to pledge a watch until he paid the money. Ranfuss handed it back and said he'd get money without going further and wouldn't go to Keiths. Sold the beef to another man who drove away in a wagon. Doesn't know if all the beef was put in the wagon. Allen offered to pay for the Dutchman's dinner, and might go later with his beef. **Daniel Secord** to get one quarter, saw Secord, Allen and the Dutchman weigh one quarter of the beef, calculation \$7. The Dutchman was in a great passion, threw a half dollar on the ground. A stranger asked Allen for his wagon to drive 2 or 3 miles. Allen consented and he drove off. Said Secord could have one quarter on the same terms. Saw the wagon at Keith's door. Doesn't know if the beef was in it, or who got the beef from the stranger. If Reynolds was a party to the bargain, he would have liked some but had no money. Evidence of John Allen: came to the village on business. Mr. Keith of 10 Mile Creek gave me \$1.00 to buy some beef. Met a Dutchman at **Dittrick's Inn**. He declined selling unless it was the whole beef. Allen offered \$24 for it and another \$1 if he'd carry it to Keith's, and pay when they got there. He got a person (**Suttle**) to translate, Ranfuss said to take it. They went in the wagon. Stopped at Reynold's for dinner. Ranfuss was in a passion, wouldn't go any further, said he'd not have the beef unless it was paid for *there*. He sold it to another man who took it away in a wagon. He, Allen and Secord came to St. Catharines in Clark's wagon, who had gone to **Hamilton** and left Allen in charge of his wagon. A stranger asked to use the wagon. Later found it at Keith's door. Secord was there. Had previously been to Allanburgh at **Eber Rice's**. **Cornelius Dolson** went along. They didn't buy any beef from Ranfuss. Paid \$1 and it was returned to him. Doesn't know who got the beef. **Seth Keith** advises him not to sign the examination. Evidence of **Eliza Dolson**: didn't see money paid. Allen, Secord and **Peter Bigford** stopped at Reynold's. Bigford drove off with the beef. Evidence of Henry Ranfuss, Canborough, farmer, November 17: sold the beef to John Allen and drove to John Dolson's. Got \$1 of the St. Lawrence Bank and \$2 of the **Kirtland Bank of Ohio**, \$1 of the **Bank of Montreal**, \$1 of the **Bank of Buffalo**. Passed the bills to me knowing them to be spurious. Sold 663 lbs. of beef at \$4 per cwt. to Allen at Dittrick's Inn. Secord was present. Deponent doesn't understand English well, went to **Mittleberger's Mill** and

told **Philip Gerold** a man wanted to buy the beef. Offered \$24 for 600 lbs. and \$1 for 63 lbs. Accepted \$25 and to take it to his house. Got to Reynold's and Allen pointed in the direction of some pine trees and said "that's my house." Secord wanted to buy some of the beef. He gave me money, I counted it and asked if the money was good. Allen said it was. I had no other paper money. Allen put the beef in his own wagon. I started home. At *the Narrows* on the Welland River, **Bowman** told me the money was bad. Witness cross-examined: there was no other bargain after Allen. Secord got a hind quarter for \$5.50. Another man counted the money with Allen. They counted the money twice. We cut off a piece, and dined there on it. Evidence of **Henry Suttle**: was at Dittrick's, translated the bargain. \$24 plus another \$1 to carry the beef to Keith's inn. Evidence of **Ellen Goodfellow**: was in the house of Milton Reynolds when the beef was brought into a back room by Bigford. Some was cooked at Reynold's. She went to her sister's room between 7 and 8 pm. Allen and Reynolds went to put the beef in Reynold's cellar. They said they went for "wood," she wondered what took them so long. A stranger there who had a blue jacket. Evidence of **Thomas E. Hoyt**, Grantham, November 21: lives 4 miles from St. Catharines. Knows nothing of the beef. The horse and wagon of Allen is in his barn. Allen lives on **Thomas Darling's** farm, has a family, came here last September. Is engaged with people in the United States about a threshing machine. Evidence of Daniel Secord: Reynolds, Allen and the stranger went into another room, remained there for some time "consulting." Came out with bills in their hands. Evidence of **Seth Keith**: bought 160 lbs. of beef at 22/-. Had more beef and paid \$5 for a quarter. The beef was put into his cellar. It was not Allen's team, driven by a stranger said to be a carpenter or joiner. Evidence of **Milton Reynolds**: Bigford weighed the beef. He has been employed repairing my barn. He was going to sell a horse in **Hamilton** or **Toronto**. Recognizance taken before **Daniel McDougall** on August 31st: John Allen £20, sureties **Theo. Brundage**, Grantham, yeoman and **Alexander Price**, Grantham, yeoman, £10 each. Recognizance taken before **E.S. Adams** on June 11: John Allen £25, sureties **John Milton Reynolds**, Grantham and **John Cleveland**, St. Catharines, yeoman, £12.10.0. each. Recognizance taken before **Tench** and Adams on November 21: Daniel Secord, Grantham, £25. Recognizance taken on November 21: John Allen £50, sureties **Copeland Stinson** and Seth Keith £25 each. Recognizance taken before Tench, Adams and **Rykert** on November 21: Henry Rindfuss £25. Recognizance taken on November 21: Milton Reynolds, Grantham, £50, sureties Seth Keith, Grantham, innkeeper and **Anson Smith**, St. Catharines, sash maker, £25 each. Verdict: "not guilty," defendants discharged June 16, 1838.

File 32-14.

James Carnes, Niagara, shoemaker and **Christian Carnes**, Niagara, *femme covert*. Charged with assault and battery against **John Yeo** on June 12, 1838. True bill: **John McMicking** (foreman.) Witnesses: John Yeo, **William Edwards**. Grand Jury presentment: Yeo was assaulted on the highway. Verdict: "guilty," fined 10/- plus ordered to find security for good behaviour for six months.

File 32-15.

Keyes Gleeson, Bertie, labourer. Charged with assault and battery against **John Collum**, Bertie, private in the **Queen's Niagara Fencibles**, on May 18, 1838. Witnesses: John Collum. Evidence taken before **Edmund Riselay**: Collum was in the barrack's room, **Captain Tench's Company**, **Fort Erie**. Gleeson began to quarrel with **James Black**, but deponent did not interfere and went up to bed. Gleeson was at the top of the stairs and gave me a blow to the forehead, rendered deponent insensible. Evidence of **John Walton**: was in the barracks room. **Stewart** came up, Gleeson and his wife were in bed. Stewart said "you're never in the way when wanted." Gleeson came downstairs and spoke to Black. **Private Wood** said "if you come down again to disturb us, if

you want to fight, you'll have plenty of it." Gleeson went upstairs and took deponent's gun, Stewart also had one. His object was to strike whoever came upstairs. He struck someone, and I heard **John Thompson** say "Collum is almost killed." Gleeson said if any other person came up he'd strike them. Evidence of **Isaac Finley**: an examination was ordered, the Captain of the Guard to assist. The prisoner was taken to Captain Tench's barracks at Fort Erie. Evidence of **Sergeant Thomas Hunter**, Sergeant of the Guard on the 18th: Collum was knocked insensible, apparently dead. Tench ordered the prisoner to surrender, he couldn't be answerable for his life as the men were so exasperated, they were loading their muskets and fixing their bayonets. Isaac Finley mounted the stairs and got a blow which cut him in the head. Tench ordered the women down lest they be shot. Gleeson surrendered but didn't regret it. Evidence of **Corporal William Cooper**: he was asleep when the quarrel started. Gleeson was at the top of the stairs. He saw Stewart and another ascend the stairs when a blow was struck and they fell. Gleeson said "There is one down, let them come on now." Two more blows were struck, one broke the gun. Heard the men prepare to fire through the floor. Gleeson tried to escape out the window. He was not afraid and cried to the guard "fire and be damned." Evidence of James Black: was at the barracks. The dispute was over a bed tick, Gleeson fought with Stewart. Stewart woke Gleeson who came down and was asked where Black is. He was accused of having more than he had a right to. Gleeson swore "by Holy Jesus he would take the witnesses life in a holy minute!" He took us by the throat, life of Woods and the deponent threatened by the prisoner. Did not see the blows given. Recognizance taken before **Thomas Butler** on June 9th: **John Fitz Stewart** and **George P. Kinsley** £10 each; **William Stewart** and Keys Gleeson £20 each. Defendants Stewart and Gleeson both discharged from recognizance, no prosecutor appearing, June 16, 1838.

File 32-16.

George Lucas, Niagara, yeoman, **Bernard Riley**, Niagara, labourer. Charged with larceny, stealing 20 gallons of wine (value 100/-) the property of **James Holmes** and **John Speirs** on May 28, 1838. No bill found against **Henry Osterhout**, true bill found against **Lucas** and **Riley**. Witnesses: **William Wynn**, **George Martin**, **Martin Hewson**, **Captain Palmer**, **Esther Eastham**, **Andrew Wedge**. Grand Jury presentment attached: William Wynn went to the store, found wine taken from the casks. Believes it was taken by defendants. Evidence of William Wynn taken before **Charles Richardson** on June 13th: Found the warehouse forcibly entered. The casks of **Macdonnell, Holmes & Co.** were taped or bored. 20 gallons of wine gone. Robbery committed by Lucas, Riley and Osterhout, **1st Frontier Light Infantry** on duty at **Queenston**. They were seen with the wine, gave it to other men on guard. The storehouse of **John Macdonell** (deceased) James Holmes and John Speirs was broken into on May 26th. Evidence of Bernard Reily: is a private in Captain Palmer's Company. Was advised not to incriminate himself. Between 10 and 11 on May 26th Lucas and Osterhout came into the guard room with two canteens with red wine. (Lucas was a prisoner in the guard house and Osterhout was on guard.) Wine was given to everyone including Sergeant George Martin. Evidence of George Lucas: he found the canteen with the wine in the guard room. He handed it around and went to bed. Evidence of Henry Osterhout: is in **Captain Gregory's Company**. Was on guard when the wine was offered in the guard room. Questions to the witness: by whom was the wine offered? Was it red or white? Who was the Sergeant? Were there other men present? Deponent was sober, all the men present were sober. Not a word was said about where the wine came from. He sipped some, and put the canteen on the bed. Evidence of **Alfred Gunn**: is a private in Captain Palmer's Company. He was on guard when the wine was handed around. All the men were sober. Doesn't know where the wine came from. Evidence of George Martin: is a private in Captain Palmer's Company. Sergeant of the Guard on the 26th at 9:30 saw Lucas with wine in his canteen. Was circulated among the men. The wine was in a bottle in Bernard Reily's jacket. Did not report it. Doesn't know where it came from. Did not note the absence of the men after dark. Thought the wine was purchased.

Lucas said he found the canteen. Was sober and didn't sleep. None of the men was absolutely drunk. Evidence of **Lieutenant Craig**: visited the guard room at 10 pm. All the guard was steady and alert at their posts. Evidence of Martin Hewson: is a private in Captain Palmer's Company. Was on guard and slightly intoxicated but not unfit for duty. Went to bed. He was awakened by acting Sergeant Martin when his turn came. He was stationed on the wharf. A tall and a short man and women wished to cross the river. He refused them without authority. They returned with Martin, and was told to allow them to cross. One was the ferryman. They crossed over and the tall man returned. When relieved he took a glass of grog and went to rest. Saw no wine. Evidence of **Moses Quick**: is a private in the 1st Frontier Light Infantry. Officer Mr. Craig visited at 10 pm. Later wine was offered and accepted in a canteen. Questions to witness, was it red or white, where did it come from? Was relieved at 10 pm, was sober. Evidence of Esther Eastham: Lucas came and asked for a **gimlet** for **Sergeant Argea**. He returned it in 2 or 3 days. Evidence of Sergeant Argea: was never commissioned to borrow a gimlet. The gimlet was produced, corresponded to the holes in the casks. Verdict: "not guilty," June 15, 1838.

File 32-17.

James McGlaughlan Jr, Canborough. Charged with assault and battery against **Jeremiah Gibbs Winslow** on May 13, 1838. True bill: **John McMicking** (foreman.) Witnesses: Jeremiah Gibbs Winslow. Grand Jury presentment: Winslow was assaulted on the highway.

File 32-18.

John Rosseau, Niagara, labourer, **Francis Rosseau**, Niagara, shoemaker, **Charles Matthew**, Niagara, tailor, **Alexander Wall**, Niagara, tailor, **Nicholas Wall**, Niagara, shoemaker, and **Hugh Reed**, Niagara, tailor. Charged with riot and assault against **William Ward**, **Andrew Canning**, **George Davidson** and **Patrick Carroll**, soldiers, on April 25, 1838. True bill: **John McMicking** (foreman.) Witnesses: William Ward, Andrew Canning, Patrick Carroll, George Davidson, **Hugh Brewster**, **James Fegan**, **Robert Thompson**, **Henry [Sherman?]**. Grand Jury presentment attached. Recognizance taken before **John Alma** on April 25th: Charles Matthew £25, surety **Edward Hutcheson**, St. Catharines, teamster, £25; Francis Rosseau £25, sureties Nicholas Wall, Niagara, shoemaker and **Dominic Ramon**, Niagara, tinsmith, £12.10.0. each; Hugh Reed £25, surety **James Goslin**, Niagara, £25; John Rosseau £25, sureties **Edward McMullen**, Niagara, butcher and Nicholas Wall £12.10.0. each; John Carroll, Niagara, tailor £25, surety **John Whitten**, Niagara, carpenter, £25; **James Mahoney**, Niagara, tailor £50, his apprentices **John Collins** and **Lawrence [Lavin?]**, surety **Charles Field**, Niagara, chairmaker, £50; James Mahoney, Niagara, tailor, £25, sureties **Francis Porter**, Niagara, physician and **William May**, Niagara, innkeeper, £12.10.0. each; Alex Wall £25, sureties **John Campbell**, Niagara, tailor and **John Kay**, Niagara, baker, £12.10.0. each; Nicholas Wall £25, sureties John Campbell and **George Winterbottom**, Niagara, hatter, £12.10.0. each. Verdict: "not guilty," June 15, 1838.

File 32-19. Rough Minutes of Sessions (July)

File 32-20. Rough Minutes of Sessions (August)

File 32-21. Accounts.

Tuttle Benjamin, charge to whitewash 12 rooms in the gaol, £3.

Alexander McLeod, charge for stationery, £2.10.0.

Alexander Hamilton, Sheriff's Account, £35.0.9.

Joseph Clement, charge for 10 cords of firewood, £6.10.0.

James P. Ralston, charge for blankets, cotton, flannel, moleskin and thread, £7.16.10.

Bernard Roddy, constable account for attendance at inquest £7.3.6. July 16, 1838.

R.M. Clement, charge for padlocks, chains, rope, nails, files &c, £3.16.10.

Andrew Heron, charge for cedar pickets and scantling, 10/-.

File 32-22. Convictions (*James W.O. Clarke*, JP, Louth)

Isaac Overholt, Louth, charged with assault against *Adam Renner* on July 26, 1838. Overholt assaulted Renner on the highway. Fined 10/- (for use on the highway) plus 12/6- costs, July 30, 1838.

William Campbell, Louth, charged with assault against *Rudolph Swartz* on July 21, 1838. Campbell assaulted Swartz at *Barnabas Gregory's*, struck him with a horse whip. Fined £1 (for use on the highway) plus 17/6- costs, July 24, 1838.

File 32-23. Convictions (*Col. Delatre, Mewburn*, JP's, Drummondville.)

Ezra Durham, Drummondville, tavern keeper. Charged with assault against *Joseph Martin*, a man in the employ of *William Russell, Drummondville*, carpenter. Durham also took a spade, the property of Russell. Fined 5/- (paid to Russell) and 16/- costs, and 5/- paid for highway uses, July 9, 1838.

File 32-24. Convictions (*Mewburn*, JP, Stamford.)

James Current, John Roberts, Henry Roberts, John McKinney, Aaron McKinney of Crowland. Charged with profaning the Sabbath on July 15, 1837. On the oath of *John Lemon*, Willoughby, yeoman, July 21, 1837. Defendants were mowing and cutting hay. Verdict: "guilty," fined 5/- each and 9/- costs. James Current fined 9/6- and McKinney 7/6-.

Isaiah Starkie, Falls. Charged with assault and battery against *Charles Brown*, Stamford, (coloured man), on August 4, 1837. Fined 10/9- plus 18/9- costs, August 6, 1837.

Isaac Leech, Chippawa, lumberer. Charged with trespass against *John Bender*, Stamford, brewer in August 1837. Leech cut Bender's trees in Gainsborough, ordered trees cut in error. Fined £5 plus 15/- costs, August 13, 1837.

Catherine Wheatman and [-----] *Brooker*, both coloured. Charged with assault and battery against *William Lingle*, Stamford, (coloured man), on September 8, 1837. Defendants wounded plaintiff in the face. Fined £1.10.0. costs, September 10, 1837.

Patrick O'Conner, St. Davids, labourer. Charged with trespass against *Bridget Cogan*, Queenston, on September 26, 1836. Witnesses: *James Henry*, Queenston, labourer. O'Conner broke the window and attempted to enter Cogan's house. O'Conner acknowledges trespass. Fined £1.10.6. costs, August 27, 1837.

William Cassewell, Chippawa. Charged with assault and battery against **David Gallaway** of **Allenburg** (coloured man), on July 26, 1837. Gallaway was at the Races, was assaulted by Cassewell at the **Pavilion House**. Cassewell fined 10/- plus £1.3.9. costs, August 4, 1837.

William Cassewell, Chippawa, sailor. Charged with assault and battery against **Marshall Berryman** of the **Pavilion Hotel** (coloured man) on July 4, 1837. Berryman was assaulted with a club. Witnesses: **George Ross**, Chippawa. Fined 10/- paid to Berryman, £1.5.0. penalty and £1.11.9. costs, total fine £3.6.9. July 4, 1837.

John Shannon, **Hugh Hodgkiss** and **Robert Wood**, Clifton, labourers. Charged with trespass against **Widow Clarke**, Stamford, on January 28, 1838. Defendants cut down and carried off firewood from Widow Clarke's land. Witnesses: **John Price**, Clifton. Fined 6/6- penalty and 15/6- costs, total fine £1.18.6. January 29, 1838.

Jesse Meadow. Charged with larceny, stealing cord wood the property of **George Cook**, St. Davids, (coloured man), in November 1837. Cook bought some cord wood from **John Smith** which Meadow hauled away. Fined 15/- penalty plus £1.6.3. costs, total fine £2.1.3, November 13, 1837. Defendant gave notice of appeal, gave sureties. Neither costs nor penalty paid, December 6, 1837.

Robert Clarke of the Militia (coloured man) and **Robert Weals**. Charged with larceny against **Cornelius Foster**, Clifton, on April 19, 1838. Defendants shot and carried away a hog the property of Cornelius Foster. Men agreed to pay the value of the hog and costs. Clarke also to pay £2.10.0. (\$10) to **Captain Runchey's Company** at the suggestion of **Col. Delatre** for the purpose of preventing many depredations committed by the coloured men of his Company. Was committed to the **Guard House**, released and cleared out without paying his fine, April 21, 1838.

Thomas Lewes, St. Davids. Charged with assault and battery against [-----] **Kael**, St. Davids, on February 14, 1838. The men quarreled and Kael was beaten in **John P. Hannett's** barroom in St. Davids. Lewes was justified on the conduct of Kael. Kael to pay 16/3- costs and committed to gaol for 10 days, March 19, 1838.⁵²

File 32-25. Criminal Calendar.

Calendar of Criminal Prisoners Confined in Niagara Gaol (Peter Wheeler) September 11, 1838.

Patrick Donley, born Ireland, age 46. Confined September 6, 1832. Assizes. Murder.

Benjamin Wait, Canada, 25. June 25, 1838. Orders of **Lafferty**, **Mewburn** and **Cummings**. Treason. Sentenced to death.

Edward Semore, Canada, 26. June 25. Orders of **H. Nelles**. Treason.

Alex McLeod, Canada, 24. June 28. Orders of Lafferty, **Delatre** and Mewburn. Treason. Sentenced to death.

Stephen Hart, England, 24. July 7. Orders of Cummings and Lafferty. Treason.

Erastus Warner, Canada, 22. July 7. Orders of Cummings and Lafferty. Treason.

James McMahan, Ireland, 31. July 7. Orders of **E. Adams**. Larceny.

James Doan, Canada, 37. July 17. Treason.

John W. Brown, Canada, 20. July 17. Treason. Sentenced to death.

Jacob Beamer, Canada, 29. July 28. Treason. Sentenced to death.

⁵² This document was very difficult to decipher.

Eliza Campbell, Canada, 28. August 26. Orders of **W. Adams**. Confined as a witness.
John Blair, Ireland, 22. September 5. Orders of **H.J. Tench**. Stabbing.
Gordon McCoy Wilson, USA, 39. August 30. Orders of **William Smith**. Larceny (convicted.)

File 32-26. Presentment.

Walter Thomas Prescott, Dunnville. Has been in gaol at the suit of **Cyrus Smith** and the late **Horatio Nelson Camp**, deceased. Has been confined 11 months, made a full statement to Camp in February 1837 and satisfied a debt of £18.15.0. in full for which he is confined. Prescott agreed to receive lumber (not paid.) Camp went to Niagara to relieve special bail. Prescott's occupation is Captain of the schooner "**Cordelia**." Camp neglected to relieve the bail. Was sent, proceeded and written up in Prescott's absence on the lake and a writ of *capias a satisfaciendum* was issued. Has since remained in gaol, with no hope except the interposition of the **King's Bench** or other authority. Direct that a presentment be transmitted to the proper officer and also forwarded to the Lieutenant Governor, September 13, 1838. Signed **Jacob I. Ball, Charles Richardson**. Affidavit of Walter Thomas Prescott, Niagara, yeoman. Is a close prisoner in gaol, on *capias*. He is unable to procure bail, is not worth £5. The demand of the plaintiff is unjust, case of **James Sheldon** vs. **Walter Thomas Prescott**. Refuses payment for that reason, August 11, 1838. Signed by **William Duff Miller**. [Draft copy included in file, signed by Richardson.]

File 32-27. Orders.

All boats in the vicinity of Niagara Town to be brought into the harbour of the **Niagara Harbour and Dock Company** at sunset, with a strong iron chain at the bow and padlocked to fasten the boat. They are in charge of a non-commissioned officer appointed by the Commanding Officer until sunrise. No boats are to land on the river below **Queenston** or on the Lakeshore below **2 Mile Creek** except at the **Navy Hall Ferry** or the Dock Company's wharf. No boat is to land except at the **Ferries at the Falls, Chippawa or Waterloo**. The Ferries here and at Queenston are subject to similar restrictions as at Niagara. Signed **Thomas Butler**, September 11, 1838. [file also contains a draft copy.]

File 32-28.

Memorandum of the appointment of a District Treasurer, September 11, 1838. Motion to suspend the current treasurer for 6 months. 15 votes in favour, 4 against. **Mr. Laing** appointed treasurer, **John Radcliffe** and **David Thorburn**, sureties.

File 32-29.

Ann Allan, Niagara, *femme covert*. Charged with larceny, stealing two bank notes (50/- each) and three notes (20/- each) and gold earrings (value 5/-) the property of **Francis Proctor** on August 19, 1838. True bill: **Jacob Ball** (foreman.) Witnesses: Francis Proctor, **Arabella Proctor, Samuel Proctor, Maria Johnson. John Allan**, Niagara, physician, received the goods knowing them to be stolen. Verdict: "not guilty," September 12, 1838.

File 32-30.

John Allen, Niagara, physician. Charged with assaulting constable **Samuel Proctor** on August 19, 1838. No bill: **J.I. Ball** (foreman.) Witnesses: **Francis Proctor, Arabella Proctor, Samuel Proctor, Maria Johnson. John Allan**. Evidence of Francis Proctor taken before **Thomas Butler** and **John Alma** on August 20th: Ann Allen came to my bedroom where money was locked in a

chest. The keys were on the table in a hat, she closed the door there for a half hour and went to the house of **Martin Kearns** afterwards. My sister-in-law **Maria Johnson** found the keys on the table under an iron chain which was suspicious, lost £10. We called Ann Allen and told her of a serious loss. She asked what money was lost? Two \$10 bills of the **Bank of Upper Canada**, two \$4 bills, seven Mexican dollars and some loose silver. Ann Allen said she had no silver, and refused to be searched. She endeavoured to hide her purse, and put it under her. It was seized and found to contain the money. While in a scuffle John Allen entered and took up the other bills which fell on the floor. He seized Samuel Proctor by the throat, took his pocket book and other bills, and tried to escape through the window. Evidence of Maria Johnson taken August 20th: searched for the keys with **Annabelle Proctor**, wife of Francis Proctor. They were found on the table under a dog chain. Annabelle counted the money in the chest and found some gone. Annabelle and **Mary Jane Proctor** searched, but Ann Allen refused and tried to hide her purse. We took her by the hand and exclaimed "here Frank, there is silver in this." Heard Ann Allen deny she had any silver. Evidence of Ann Allen taken August 21st: went to Francis Proctor's and returned to Martin Kearns. Two hours later Mrs. Proctor called me out and desired for me to go to her house, said she had lost some money. She required me to strip which I refused, I had no money or silver. Evidence of John Allen taken August 21st before **Thomas Butler, Daniel McDougall, James Lockhart, John Alma** and **Lewis Clement**: Was at Martin Kearns with his wife, waiting for a team. Mrs. Proctor called my wife out. Followed her to Mrs. Proctor's bedroom and found them stripping my wife. Wrested a pocket book from her hand which contained \$130 (my own money) which I recovered from Samuel Proctor when I seized him by the arm. Evidence of Samuel Proctor taken August 21st: was called upon by my father Francis Proctor on August 20th to act as a constable and arrest Ann Allen who stole £10. My father handed me notes and silver that he took from her. The pocket book he handed to me was taken from me by John Allen, who assaulted me in my duty as a constable. Evidence of **Alexander Allen** taken on August 21st: my father received £50 from the Bank of Upper Canada in June, less a discount of 90 days on the bills. He gave it to Ann Allen, \$59 in silver chiefly Mexican plus \$32 from **McCulloch in specie** and other small sums, plus a number of \$10 bills. Evidence of Annabelle Proctor taken on August 21st: Mr. and Mrs. Allen slept here. On leaving Mrs. Allen said she only had \$1.25 which she wished to keep to buy a frock for her child. She came on Sunday for a drink, didn't like what she got at Martin Kearns's. Wouldn't give her drink on account of remaining at Martin Kearns's. Ann Allen went into the dining room, and then into the bedroom where she fell in intoxication. I looked for the chest keys to put money in and take change out. I asked my husband for the keys, he said they were under a hat on the table but were found under a dog chain. The money was missing. We desired Ann Allen to strip as the money was lost. She refused. On Francis Proctor being about to leave deponent exclaimed "here Frank, she is hiding some silver under her." Samuel Proctor took her into custody. Dr. Allen followed and seized Samuel Proctor and threw him down. Some bills fell from her purse. Dr. Allen took it up and put it into his pocket book with other notes. He tried to go out the window. A cotton spool and gold earrings which were in the chest were found on the floor. Recognizance taken before **Daniel McDougall**: John Allen, St. Catharines, surgeon, £40, sureties **Patrick Nugent**, St. Catharines, innkeeper and **Copeland Stinson**, St. Catharines, innkeeper £20 each, for the appearance of Ann Allen.

File 32-31.

John Blair, Niagara, labourer. Charged with assault against **Jeremiah Sullivan** on September 5, 1838. Witnesses: Jeremiah Sullivan, **Thomas Woods, Dr. Mewburn, James Reid, Chester Wadsworth, Laughton MacKay**. Evidence taken before **H.J. Tench**, Queenston, September 5th: Blair took up a stone to strike Sullivan. Sullivan pushed him off and Blair stabbed him. Stabbed with intent to maim, with a knife in his right hand, in the left side of Sullivan's back. Deponent

was picked up by MacKay in the presence of Woods in a bloody state. Evidence of Thomas Woods: saw the scuffle, picked up the knife. Verdict: "not guilty," September 14, 1838.

File 32-32.

William Kirby, Niagara, labourer. Charged with assault and battery against **Andrew Finley**, Niagara, on September 10, 1838. True bill: **J.J. Ball** (foreman.) Witnesses: Andrew Finley. Grand Jury presentment attached. Verdict: "guilty," fined 5/- plus costs, September 13, 1838.

File 32-33.

Thomas Servos, Niagara, yeoman. Charged with assault and battery against **Richard Thompson** on July 9, 1838. True bill: **J.I. Ball** (foreman.) Witnesses: Richard Thompson, **William Woodruff**, **Eliza Thompson**, **Isaac Hoziel**, **David Moody**. Evidence of Richard Thompson of St. Davids, shoemaker: an effigy was hung up of a man with a wooden leg, hung up by a rope around its neck. People had gathered to see it. Fearing assault, I left and locked my door. On my return **John Hannett** came with a club and tried to break the door. Servos called "damn him he's here, I will shoot him!" He leveled his gun and cocked it in sight of me. John P. Hannett called out "Oh, don't shoot, Daddy!" and a man ran up and prevented him. Believes Servos would have shot him, fears for his life. **Cornelius Hurt** was the man who ran after Thompson. Recognizance taken before **J. Mewburn**, Stamford: Richard Thompson £10; William Woodruff £10; D. Moodie and William Woodruff £10 each; Isaac Hostiell [alias Hoziel] and William Woodruff £10 each; Elizabeth Thompson by **James Thompson** and William Woodruff £10; William Woodruff and Thomas Servos £10 each; Thomas Servos and William Woodruff £20 each. Evidence of **Andrew Carnochan**: was at St. Davids and saw Servos with a gun followed by John Hannett with a club. He said "damn you shoot" and coming up to **Jory's house** said "damn you come out, you are a set of damned rebels altogether." Evidence of Isaac Hoziel: Hannett said "shoot the first man you care to and I will back you out of it." Evidence of **James Field**, labourer and farmer: he saw the effigy and met with Hannett with a club. I asked if he knew of it, he swung his club and said he'd knock the brains out of any man who had anything to do with it and pointed at Richard Thompson. He said "yonder goes the damned rebel." Servos said he'd shoot "by God I'll shoot him." Hannett and another said not to shoot. Servos dropped the gun. Servos and his son-in-law backed off for the rebels to come out, but said he'd shoot the first to come out. He saw Hannett quaver the club over Thompson's head and use blackguard language. Twelve or fifteen men armed with clubs tried to force Thompson's door. Hannett said "I have a good mind to smash the windows." The men came out, the biggest part from Hannett's. Evidence of David Moody: Servos took out a butcher knife and gun. The men said "Damn you shoot we have plenty of powder and balls in the house." Servos cried "Turn out you damned rebels." Men came out of Hannett's and Servos said "come on boys" and followed him quick. Evidence of **Mary Dixon**: saw the effigy hung up and John Hannett go and take it down. He threw it in the mill race, but the boys got it out and played with it. Hannett quavered the wooden leg of the effigy and swore violently, accused **Luther Dunn** of making the leg. He went up after Thompson, with sticks in hand. He came up from below William Woodruff's house. Servos said "you live in Thompson's house" and would knock her on the head. She fears for her life. Evidence of Eliza Thompson: she lives in St. Davids. Saw men with clubs, sticks and a gun. Her brother Robert Thompson was on the road. She asked him to come in, he said he did nothing and would go home. She saw a gun pointed. James Field joined in. Other men were armed with clubs, others had large stones which they threw after Thompson who ran for his life. Hannett swore he'd kill any man, woman or child who took Thompson's part. Deponent begged Hannett to take the law. He took me by the shoulder and dashed the cap off my head, I was much alarmed. Evidence of **William Wintermute**: Lives in St. Davids. He lodged at **Mr. Clements** last evening. He was awakened by a noise in the

street. He saw 7 or 8 men in the street with sticks go to Hannett's from Thompsons. Hannett was swinging a club. Another swung a club and said "here's a sprig of shillala." Evidence of William Woodruff: he heard for a call to shoot. The "place full of rebels." He urged the men to go up to get his countrymen away. Servos was under excitement since July 2nd saying the "rebels were coming over" and he would be on the look-out. The men on the road were generally quiet and well-behaved. Verdict: "guilty," fined 10/- plus costs, September 13, 1838.

File 32-34.

Mary Thornton, Niagara, *femme covert*. Charged with assault and battery against **Mary Ann Neale** on June 14, 1838. True bill: **John McMicking** (foreman.) Witnesses: Mary Ann Neale. Grand Jury presentment attached. Verdict: "guilty," fined 5/- plus costs, September 12, 1838.

File 32-35.

Gordon McCoy Willson, Niagara, labourer. Charged with larceny, stealing one black cloth coat (value 60/-) the property of **George Graham**, Niagara, carpenter, on August 25, 1838. True bill: **J.J. Ball** (foreman.) Witnesses: George Graham, **Ed Ricely**, **James Cooley**. Evidence of Gordon McCoy Willson taken before E. Riselay on August 29: he took the coat out of the house of **John Graham**, innkeeper, cost £3, but denies the theft. Recognizance taken August 30 before Riselay and **William Smith**: George Graham £10. Verdict: "guilty," sentenced to one year at hard labour in the penitentiary, September 14, 1838.

*Niagara District Quarter Sessions, September, October and December 1838.***File 33-1.** Orders.

Special Sessions, September 29, 1838. The High Constable with three constables and the military to guard the town of Niagara. They are to take up persons armed between sunset and daylight, and keep them in custody until discharged. Signed **Thomas Butler**, **Daniel McDougall**, **Lewis Clement** and **James Lockhart**.

Petition of **Donald McDonald**. Turned out on December 21, 1837 under Militia General Orders and served seven months as Sergeant Major in the **1st F.L. Infantry**. Another was appointed in his place, is now out of employment. Requests to be restored as High Constable and Clerk of the Market, September 11, 1838. Ordered to lie over. Approved October 3, 1838.

File 33-2.

Clerk of the Peace ordered to procure a deed to the Market. Opinion concerning rent of stalls in the market, whether it is vested in the magistrates or trustees of the market. Ordered to print 150 copies of **Market and Police Regulations** and charge it to the District. Ordered in consequence of the infirm state and advanced age of **John Wray**.

Clerk of the Peace ordered to communicate with the late treasurer, **William Clarke**, to deliver all books and papers to his successor, **M. Laing**, and to pay him for the books. October 3, 1838.

Donald McDonald appointed **Clerk of the Market** in place of **John Wray**, October 3, 1838.

File 33-3. Accounts (1-24.)*Schedule of Accounts Audited and Ordered to be Paid, December 13, 1838.*

John E. Clyde, charge for gaol repairs and "fitting up the trap," July 29, 1838. £15.12.6.

Samuel Wood (coroner.) Charge for holding an inquest on the body of **James Adams** (locktender), drowned July 7, 1838; **Ellen Thompson**, at **T. Darlings**. Drowned by upsetting a boat at 20 Mile Creek, September 24, 1838; **Robert Robertson**, child, drowned in the mill race September 28, 1838; **Charles Johnson**, Louth, sudden death December 1, 1838. £7.11.6.

Joseph Wynn (coroner.) Charge for holding an inquest on an unknown body, August 2, 1838; on an unknown person, July 31, 1838; on **Thomas Sharp**, July 1, 1838; **Jannett Oliver**, January 20, 1838; **John Walter**, September 27, 1838. £9.5.0.

Richard Moffatt, constable account £2.

Abedinago Mathim, constable account, 10/-.

James Hughes, constable account, £3.5.0.

William Fulton, constable account, £1.

Richard McGuire, constable account, £1.1.0.

Sampson Smiley, constable account, 5/-. Charge to summon a jury to the coroner's inquest on the body of **Ellen Thompson**.

Thomas Henegan, constable account. Charge for burial of **James Adams** burial, 7/-. Certified by coroner **Samuel Wood**.

John Johnson, constable account, 10/-.

David Davies, constable account, £1.9.6.

John Steel, constable account. Charge to summon a jury to the coroner's inquest on the body of **James Jupiter**, drowned in the mill pond of **Mr. Servos**, 4 Mile Creek, November 26, 1838. 10/-. Certified by coroner **William Duff Miller**.

D. Dunton, constable account to summon a jury on **Alexander McCarlie** and **John Hemina**[--] December 11, 1838, £1.7.6.

J & R Wagstaff, charge for pipe elbows &c. £5.7.9.

R.M. Clement, charge for padlocks, files, pails &c. £1.0.9.

Peter B. Nelles (coroner.) Charge for holding an inquest on the body of **Thomas Peacock**, June 4, 1838; on **Isabella Vila**, July 6, 1838; on **Joseph Armstrong**, October 31, 1838. £6.15.0.

Dr. Porter. Charge for attending a coroner's inquest on the body of a female infant, August 4, 1838; on **Elizabeth Waddel**, September 6, 1838; and for gaol attendance. £8.6.6.

Peter Wheeler, charge for washing, candles, brooms, and a barrel of salt, £6.6.7½.

William Duff Miller (coroner.) Charge for holding an inquest on the body of **George McDavid**, September 19, 1838; on **Mary Godfrey**, October 12, 1838; on **James Jupiter**, November 26; on **John Carbury**, private, 3rd Batt. **Incorp. Militia**, November 28. £7.9.0.

Dr. Mewburn (coroner.) Charge for holding an inquest on the body of **James Lockwood**, private, 43rd Light Infantry at the Falls, November 4, 1838, £2. On **James Sher**[tell? loll?], private in the 43rd at the **Bath House**, Falls, October 4, 1838. £1.19.6. On **Edgeworth Ussher**, November 15, 1838, £2.2.0.

Ephraim Wheeler, charge for services as turnkey, £17.5.0.

Ephraim Wheeler, charge for hauling oak planks, £1.15.0.

James Butler, charge for 20 10 cords of firewood, £6.5.0.

File 33-4. Accounts (25-53.)

George P. Kinsley, constable account, 15/- plus £3.15.0.

Samuel Proctor, constable account, 5/-.

Joseph Wallace, constable account, 15/- plus £2.15.0.

Richard Moffatt, constable account, 10/-.

John Reiley, constable account, 15/- plus £3.5.0.

Bernard Roddy, constable account, £1.2.6.

Alexander Rose, constable account, 15/-.

Alexander Hamilton, Sheriff's Account, £101.7.3.

John Simpson, charge for printing and advertising, £6.10.4.

F.W. Gibbs, charge for meat for the gaol, £9.11.3.

T. Raymond, charge to attend the inquest on *Hugh O'Neil*, July 17, £1. (Certified by coroner *William Duff Miller*.)

Andrew Heron, charge for boards, 10/-.

Robert Miller, bucket repaired, 10/-.

Thomas Dorrity, charge for bread for the gaol, £23.12.8.

James Ralston, charge for a blank book, soap, scotch bonnet, £3.0.4½.

Alexander Morison, charge for an infant's coffin, burial in the graveyard at *D. Servos'*, 6/3-, August 4, 1838.

H.D. Platt, handcuffs £2.3.9.

Robert Campbell, constable account, £2.5.0.

Samuel Proctor, constable account, £1 and £3.

Henry Campbell, constable account, £3.15.6.

Thomas B. Wragg, spoons and nails, 16/0½.

Bernard Roddy, constable accounts, £2.10.0. and £4.17.6.

Patrick Flinn, constable account, £5.9.0.

Abedinago Mathim, constable account, £3.

File 33-5. Accounts/Cheques Issued (cheques 1-9 and 11.)

Patrick Finn, constable, £1.2.6.

Mary Ann Bougner, board for *John Campbell* (insane) £6.10.0. Certified by *Dr. Mewburn* and *P. Delatre*.

Mary Jupiter, £6 for an insane person, December 12, 1838. Grand Jury presentment, signed **James Fitzgerald**, foreman.

Isabel Evans, £3.5.0. for an insane person, December 12, 1838. Grand Jury presentment.

John Smith, £19.10.0. for two insane persons, December 13, 1838. Grand Jury presentment.

Thomas Angleman, £4.17.6. for an insane person, December 13, 1838. Grand Jury presentment.

Richard Forrest, £4.17.6. for an insane child. December 12, 1838. Grand Jury presentment.

Phoebe Goodell, £6.10.0. for an insane person. December 12, 1838. Grand Jury presentment.

T. Raymond, £5 for **Elizabeth Mitchell Willson**, (insane.) December 11, 1838. Grand Jury presentment.

Philip Ostrasser, £5.15.0. for **Maria Richardson** (insane.) December 11, 1838. Grand Jury presentment.

File 33-6. Treasurer's Account.

Niagara District In Account with M. Laing, Treasurer. [Records accounts amounting to £581.0.9¼.]

File 33-7.

Letter from **James Cummings** to **Charles Richardson**, Chippawa, September 29, 1838. £1 returned to **Reuben Wait**, Willoughby, yeoman. Assessed for a stud horse in 1837. Paid taxes, yet an execution was levied against him. He told **Martin Dell** (assessor) it was a common horse, not fit for hire, said horse died in July 1837.

File 33-8.

Circular from **John Macauley, Government House**, November 6, 1838. Calls on senior members of the Board of Education and Board of Trustees for the District School for a nominal list of their boards. To check the nominal record of appointments in the Government office and guard against inconveniences which might arise from omissions. Must state the date of appointment and put in order of precedence.

Letter from **Charles Richardson** to **John Macaulay**, November 19, 1838. Encloses returns of assessment in triplicate.

File 33-9. Convictions (**Mewburn**, JP, Stamford.)

James Morris, Crowland, yeoman and others, charged with desecration and profaning the Lord's Day on July 15, 1838. Complaint of **John Lemon**, Willoughby, yeoman. Evidence of **John Buchanan**, July 23: deponent saw three men working on the Sabbath, hawling, cutting and mowing hay. **Aaron McKinney** and **John McKinney** fined 5/- and 2/6- costs each, **John [Henry?] Roberts** fined 5/- plus 9/- costs, July 24, 1838. Evidence of Constable **Samuel Vanalstine**: swore he left a summons at the house within the window of J. Morris. There were

persons in the house, but he was denied admittance. Deponent says Morris ran into the house and shut the door after him, refused to obey the constable. Fined 5/- plus £1.0.6. costs, July 24, 1838.

Edmund Rock, Elijah Pettit and **Elihu [Cunat?]**, Crowland. Charged with trespass, and disturbance of the public in a Meeting House at Crowland, on August 24, 1838. On complaint of **John Lemon**, Willoughby, yeoman, on September 3, 1838. Witnesses: **George H. Wright** and **Jesse Patterson**. Warrants issued for previous misconduct. Edmund Rock fined £1.5.0. plus £1.7.6. costs; Elijah Pettit and Elihu Cunat fined £1.5.0. plus £1.5.9. costs each.

William Walker, (coloured man) Chippawa. Charged with assault against **John Creery**, Chippawa, on July 14, 1838. Witnesses: **Samuel Orr**, tailor. Fined 10/- plus 15/- costs, July 23, 1838.

Jesse Middaugh, Niagara, yeoman. Charged with assault and battery against **Daniel Werner**, Niagara, yeoman, on November 26, 1838. Witnesses: **Henry Brown**. Defendant was at **St. Davids** on the 26th, was drunk and encouraged the fight. Costs £1.3.0. No penalty, no damages, November 27, 1838.

Adam Fralick, Lundy's Lane, tavernkeeper. Charged with assault and battery and kicking **Michael Reed, Allanburg**, farmer, on November 10, 1838. Evidence taken: deponent heard cries of "murder," ran back, saw a man lying on his back bleeding, who stated that Fralick kicked him. Fined £2.10.3. plus £2.2.3. costs, total £4.12.3.

James Manly, Stamford. Charged with trespass against **Mary Offord**, on October 1, 1838. Evidence taken of Mary Offord, wife of **William Offord**, October 19: defendant committed trespass on October 1st at 10 pm, in an unoccupied and unfinished house belonging to her husband. Manly was chopping the corners and the door way with a hatchet or axe. Manly brought up by warrant on oath of **James [Carnochan?]**, Stamford, carpenter. Manly made no defence. Fined £5 damages and 12/3- costs.

File 33-10. Criminal Calendar.

Calendar of Prisoners Confined in Niagara Gaol (Peter Wheeler), December 11, 1838. Certified by **Alexander Hamilton** and **Alex McLeod**. [Names of prisoners, age, occupation, place of birth, by whom committed, crime, and date of commitment.]

Francis J. O'Conner, 57, shoemaker, Ireland. **Butler** and **Crysler**. Larceny, October 4, 1838.

Vanransler Hill, 15, labourer, States. **Cummings**. Under sentence, October 11.

John Kelso, 25, carpenter, Ireland. **Creighton**. Under sentence, October 19.

Alexander Morrison, 26, carpenter, Scotland. Assizes. Under sentence, October 27.

John L. Church, 60, pump maker, States. **Mewburn**. Under sentence, October 29.

John Whyte, 29, labourer, England. **Street**. Assault, November 23.

File 33-11.

Charles Richardson, warrant to apprehend **John Allen**, June 14, 1838. Performed August 31, 1838. Certified **Daniel McDougall**.

Daniel McDougall to constable **John Steele**, warrant to apprehend **Robert Thompson**, September 26, 1838. On the complaint of **Isaac Vanfleet**, Niagara, yeoman. His mare (£20) was stolen by Thompson on September 25th. Service performed October 2, 1838.

Evidence of **Orlo Smith**, Grimsby, yeoman, taken before **Henry Mittleberger** on October 2, 1838. Deponent settled an account for £1.5.3½ with **James B. Daniels**, Grimsby, labourer, on August 29th. He made me sign a note. On September 29th deponent saw the note in the hands of **John Sammons** of Louth, but the amount was £21.5.3½. Believes he was cheated. Ordered that the prosecutor be referred to the Grand Jury. Warrant to apprehend issued by Mittleberger to constable **Thomas Hennegan**, on complaint of Orlo Smith, to arrest James B. Daniels, October 2, 1838. Recognizance taken before **Henry Nelles** on October 5: Orlo Smith, Grimsby, yeoman, £100. Sureties **George Smith**, Grimsby, yeoman, £50; J.B. Daniels, £100, sureties **Isaac Rossel**, Grimsby, yeoman and **George Miller**, Grimsby, yeoman, £50 each.

Recognizance taken before **William Smith**, October 20, 1838: **Robert Williams** £20, sureties **George P. Kinsley** and **Thomas [Welsh?]** £10 each. Williams to keep the peace towards **Julia Ann Pearce** for one year.

File 33-12. Presentment.

Smith Middaw, prays for £7.10.0. for the support of an infant child to December 12, 1838. The court is not disposed to allow a presentment in the matter of **Smith Middaugh**, not under the statute. He deserves pecuniary remuneration and the gratitude of the public. Considerations in his behalf--- the infant in his charge is 9 months old. The mother died when the child was three days old. He thought he would have the child only during the [interment?], but the mother was destitute of any friends. Middaugh has a young family and an infant of the same age. He has the destitute orphan still. [Petition rejected, the court having no funds.]

Sarah Taylor, prays for £5 for the support of **George Martin** (coloured man) to December 12, 1838.

Letter from **James Nickalls**, Clerk of the Peace, **Kingston**, to **Charles Richardson** October 3, 1838. The necessity of erecting a **lunatic asylum** in the province is under the consideration of this District. Will petition the Legislative Assembly for its establishment, and communicate this to the Clerk of the Peace in each District.

Grand Jury have examined the gaol. It is in a proper state of cleanliness and is comfortable for the prisoners. Melancholy situation of insane persons. The wardens are the foremost applicants for a pittance for their support. The salutary and paramount duty of restoring them to health and to their calling is lost sight of. Should prepare an application to both houses for the necessity of a speedy erection of a **provincial asylum** in a central and healthy location, December 12, 1838.

File 33-13.

Mr. Street, seconded by **Dr. Mewburn**. The Court proceeded to the election of the chairman for the Sessions, December 1838. **Mr. Butler** elected.

File 33-14. Orders.

Treasurer authorized to allow interest for one year after a debt becomes due to **Thorburn** and **Woodruff** by the District, December 13, 1838.

Clerk of the Peace ordered to communicate with the late **Treasurer** to obtain his books and papers, December 13, 1838.

M. Laing, treasurer. To pay out of the funds received from 1838 the assessment demands as exist for claims by **David Thorburn** and **Richard Woodruff**, December 13, 1838.

Sheriff paid £9.4.10 interest on money disbursed by him for the District, December 13, 1838.

Clerk of the Peace paid £62.10.0. allowance (**Charles Richardson**.)

M. Laing, ordered to take £6 in taxes for 1837 from **Arthur Lambert** in "agricultural notes," December 12, 1838.

Ordered that eight **constables** be present at the Assizes and four constables at the Sessions, December 12, 1838.

100 cords of firewood be procured by the **Gaol Committee**, and the Treasurer to have a sufficient sum on hand to pay for 25 cords at all times, December 11, 1838.

Ordered: nine jurors instead of fifteen, the sheriff be allowed to [amend?] them, December 11, 1838.

Mr. Street, moved by **Dr. Mewburn**: The sheriff be added to the Grand Jury panel if there is not a sufficient number to proceed to business, December 11, 1838.

Petition of debtors to the **Gaol Committee**: We were allowed six feet of wood per week at the last Sessions, we hope you continue with the same allowance, December 11, 1838. Signed:

McArthur, Stephen Conklin, Felix Havens, Robert Waddel, James Somerville, John Wright, Silas Vandecar. [Recommended.]

1) No certificates for **tavern licences** to be issued by the **Clerk of the Peace** to any foreigner, claiming to be a subject, who does not produce good and sufficient proof of being a British subject. 2) Two or more JP's shall sit when required by the Clerk of the Peace to determine upon the evidence produced. 3) the evidence of persons rejected shall not be received hereafter by the Clerk of the Peace. 4) A list of all persons granted licences shall be published by the Clerk of the Peace and posted up in the licenced taverns of every township.

The Chairman ordered to communicate with the late treasurer, **William Clarke**, regarding the books. If he is unable to procure them, he is to apply to the Attorney General, January 5, 1839.

File 33-15. Precept.

List of Grand and Petit Jurors, compiled by **John Alma** and **R.M. Crysler** on November 5, 1838 for Sessions on December 11th. Certified by **Alexander Hamilton** and **Alex McLeod**.

Grand Jury: **Abraham Brown, Matthew Seburn, William Davis, John Bouck, William Vanderburg, Francis Forrester, Samuel Darling, Jesse H. Lacey, Andrew Vanderburg, Thomas Dunn, Dilly Coleman, James Hagar, Robert Hobson, William Ramsay, John Street, Walter Sparksman, Thomas Wilson, William Biggar, John Johnston, David Lynch, Crawley Launcelot Kirby, R. Waddel, Walter Wilson, Charles R. Loscombe, Ralph M. Clement, James Fitzgerald, John W. Ball**.

Petit Jury: ~~**Harmonius Van Alstine**~~, **Joseph Middaugh, Stephen Vanderburg, John Clark, Elisha Howell, William Seburn, John Terreberry, Robert Wilson, Joseph Preece, Adam Price**,

Jacob Silverthorn, ~~Thomas Graham~~ (Quaker), Jacob Carroll, ~~John Crafford~~ (Quaker), ~~Richard D. Wilson~~ (Quaker), ~~Caleb Swayze~~ (Quaker), ~~Edward Cohoe~~ (Quaker), ~~John Cohoe~~, ~~George Hill~~, Thomas Toppin, John Howell, William Hill, Jacob Shaver, John Smith, Abraham Carroll, Jacob Vanderburg, Abraham Overholt, Smith Middaugh, Nathaniel Wilson, David Clow, ~~Benjamin Sutton~~, James Slack, John Slack, Isaac Brooks, William Pew Jr, James Lundy, Colin Skinner, John Howie, John Killman, Richard Howie, George Lampman, Frederick Lampman, Peter Lampman, Lanty Conklin, Jonathan Conklin, Abraham Conklin.

File 33-16. Tavern and Shop Licences.

Petition of the inhabitants of *Grantham, 10 Mile Creek*, December 20, 1838. Petitioners are true and loyal to *Her Majesty Queen Victoria* and ready and willing at all times to defend with their lives Her Majesty, the Glorious Constitution under which they live and the law of the land. Numerous individuals have obtained *tavern licences* from your worships, “who are decidedly enemies and in many instances traitors to our country” and although possessed of property don’t take the oath of allegiance. We hope your worships will not lose sight of the interest your petitioners take in the welfare of their country, by granting licences to any such individuals hereafter unless he or they should take and subscribe the oath of allegiance. Your petitioners further beg leave to assure your worships that they are sensible of the mischief, treason and rebellion produced, resulting from nightly meetings at such houses and beg your worships will not ever licence such houses, the inmates of which are suspected of treasonable practice or any unlawful proceedings towards our Government. This petition has been presented to a number of the Loyalists in the vicinity, but one was all, are afraid to sign it, in consequence of fear the rebellious and traitors alluded to in the petition are so numerous, that should it come to their knowledge who really did sign it, revenge in the shape of arson or murder would follow. Your worships are thus made acquainted with the state in which Loyal Subjects are placed in this neighbourhood. Should your worships require any evidence to corroborate or testify to the contents herein, please to summon the heads of families in any direction from the *Stone Bridge* on 10 Mile Creek such as *Cavers, Price, Read, McIntosh, Barber, Macan, Stull, Goring* and sons, *Jones &c &c*.

File 33-17. Treasurer’s Bonds.

Malcolm Laing appointed treasurer on September 11, 1838 before *J. Keefer* and *B. Tench*. Recognizance taken before *Charles Richardson* and *James McMicking* on September 13, 1838: Malcolm Laing, Stamford, and surety *David Thorburn*, Queenston, £1,000 each. Recognizance of surety *John Radcliffe*, Thorold, £1000, taken on September 20, 1838.

File 33-18.

Julia Atkins, Niagara, *femme covert*, and *Hugh Brewster*, Niagara, labourer. Charged with larceny, stealing one coat (value 100 shillings), pantaloons (50/-) and vest (20/-) the property of *Henry Murray*, Niagara, gentleman, on December 4, 1838. Witnesses: Henry Murray, *Mary Ann Kinsley* and *G. Patrick Kinsley*. True bill: *James Fitzgerald* (foreman.) Evidence taken before *Thomas Butler*, December 12: property was stolen by Julia Atkins, wife of John George Atkins, and Hugh Brewster. Verdict: “not guilty,” December 12, 1838.

File 33-19.

George Watson Black, Rainham, gentleman. Charged with assault against *Sarah Webster*, wife of *George Webster*, on September 22, 1838. Grand Jury presentment attached. True bill: *James*

Fitzgerald (foreman.) Witnesses: Sarah Webster, **Charles Williams**, **James Adams**. Evidence taken before **Edward Evans**, October 6: Black beat **Margaret Adams** on the highway in Rainham on October 5th. Recognizance taken: George Watson Black and sureties **Peter A. Ball** and **Richard Killins** £20 each. Fined £2 and £1.4.3. costs in the case of Margaret Adams. Verdict “guilty” in the case of Webster, fined 5/- and £6.12.6. costs and to find sureties to keep the peace for one year, December 13, 1838.

File 33-20.

John Whyte, Stamford, labourer. Charged with assault and battery **Thomas Haydon**, private, **43rd Regiment**, on November 17, 1838. No bill: **James Fitzgerald** (foreman.) Witnesses: Thomas Haydon, **Thomas Clayton**. Letter from **Samuel Street** to **Charles Richardson**, Niagara Falls/Chippawa, November 28, 1838: Encloses information against Whyte for assault on a sentry of the **43rd Regiment** with attempt to wrest his firelock, also encloses his recognizance to appear. Evidence of Thomas Haydon taken before Samuel Street on November 19, 1838: Haydon is a private in **Captain William Egerton’s Company**, **43rd Regiment**, Niagara Falls. Was on sentry duty on the 17th at 7:30 pm, between the south gable end of the **Ontario House** and **Colin Skinners**. Prisoner was under military confinement on authority of the Commanding Officer. Heard his name since but doesn’t now recall it. Prisoner came up from the trees between two buildings and asked the way to the village- deponent supposes he meant **Drummondville**- where the post office is. Deponent gave him directions. The prisoner retired a little to the east, and asked deponent if his piece was loaded. Deponent answered yes. He grasped at the center of the barrel, deponent asked what he meant by that, but he made no reply. Deponent made him a prisoner, and called to the next sentry to send the Corporal of the Guard. Deponent related the circumstances to him. Corporal took him into custody to the guard room. The prisoner laid out so much strength to wrest the gun, and would have succeeded but for deponent’s strong grasp. Evidence of John Whyte. Deponent is an Englishman, born on the **Isle of Wight** in Hampshire, 30 years of age on May 1st. Came to America 2 years ago on May 16th. Landed at Quebec, is a labourer. Went to **Hamilton** and worked in the harvest for a Dutch farmer, **Mr. Fisher**, for one month. Then worked for a brickmaker, **Mr. Blackwill**. Then worked on the **Macadamized Road to Dundas**. At the time of the Rebellion he came to **Fort Erie** to enlist under **Captain Samuel Ussher**, and served in **Colonel Kirby’s Regiment** for 7 months and three days. Was discharged, then worked for 4 months quarrying stone for the **Macadamized Road at St. Davids**. Then went to **Queenston**, and stayed at a farmer’s house, south of the **Half Way Tavern** on the **River Road**. Came to Fralick’s after dark, then left Fralick’s but doesn’t recall molesting the sentry at the Ontario House. He doesn’t recall anything between Fralick’s and the time he was in the guard house, as he was in liquor. Evidence of Thomas Heydon: the prisoner was in liquor. Evidence of Thomas Clayton: is a Corporal in **Captain Tryon’s Company**, **43rd Regiment**. He was called to assist with the prisoner, who called himself **John Williams**, said he didn’t know there was any harm in what he’d done. The prisoner only used the name “Williams” while working in the stone quarry. Made up a complaint, and the prisoner said his correct name was Whyte. Sworn at the **Bath House**. Prisoner was escorted to the privy next morning, and asked for a glass of whiskey as his head was aching. Evidence of **Sergeant Edward Brady**, taken November 19: Is in Captain Egerton’s Company. Heard a guard tell the prisoner in jest that he’d be hung or shot. The prisoner answered that “the Queen would lose a good subject.” Letter from John White addressed to “Cornel” Samuel Street, “Niagra, November the 29th, 1838: Mr. Cornel Street I take this oportunit of wrioting these few lines concerning my confinement in Niagra goal about being so foolish as for to want for to loock at the sentrys firelock as I had no harm in my mind but being rather tipty I thought now harm for to make a litel freedom with my cuntrymen which I am sorry for now & ass fare as I can understand you are the only one that I can call on for Relieff. I served my queen last winter feathfully & if it pleses you Honer for to loock into my cace I would be for ever

oblidged to you & there is 2 hundred men awanting for this fort emedently & would be glad for to volenter my sirves in to those corps or any other that pleased your honer For if I was out this I might be of some servis but I am if none---so Curnel Street if you think you can do me any servis I hope you will send me a answer ass I do feel very unesy in mind. ~~Your honer~~ Sir iff it pleses your your honer if you can send me answer & get me now if [you] can do any thing for me or not. No more at present but remaines your fathful subject till Death." Endorsed on verso "answered same day." Recognizance taken November 28: Thomas Haydon £10, Thomas Clayton £10.

Niagara District Quarter Sessions, March 1839.

(January Sessions adjourned.)

File 33A-1. Correspondence.

Letter from **James Kerby** to **Thomas Butler, Fort Erie**, January 2, 1839. Has had numerous applications to sell liquor. This is ruinous to the men on duty. Houses are only for the comfort of travelers. Licences should be limited to two, to **Mr. J.W. Lewis** and **Mr. Campbell**. We were over run with grog shops last winter and "if permitted shall be equally annoyed this winter."

File 33A-2.

Licences granted to **James Oswald, Chester Wadsworth, Seth Keith** and **Theo. Brundage**. Sufficient proof of being fit and proper to keep inns, January 7, 1839. Before **Thomas Butler, John Alma, Robert Melville** and **Lewis Clement**.

File 33A-3. Tavern and Shop Licences.

Printed broadside *Rules and Regulations for Innkeepers 1839*. Signed **Thomas Butler**, January 5, 1839.

John Evans, paid £1.2.0. to **Charles Richardson** on January 5, 1839. **Mr. Gardner**, agent for **Captain Jordan**.

Thomas Brown, Moulton, innkeeper. Paid £3 on August 7, 1838. Signed **George H. Markland** and **John Jordan**, January 7, 1839.

John Joiner, paid £4 licence fee, January 5, 1839. Signed **John Jordan**.

List of Licences Received by Mr. Richardson: Adam Duff, John Weismer, George Kitson, Anthony Upper.

Luke Cavers, Gainsborough, January 5, 1839. Recommended by **Henry Smith, Paul Horton, Joel Snyder, Robert M. Lyburner**. Certificate of good character attached, signed by Joel Snyder and **Jacob Keefer**. Licence granted.

Elisha Harris, Pelham. Has the house formerly kept by **Eber Rice**. Harris kept a house on the Niagara River in a stand belonging to **Widow Palmer** at Willoughby in 1837. He was obliging to the troops and a good and loyal subject. Has taken a house in the **Short Hills**. Prays for a licence there, January 4, 1839. Recommended by **James Cummings, Samuel Street** and **James Kerby**. Paid fee £4, licence granted January 5, 1839.

Joel Snyder, Gainsborough. Has the stand formerly kept by **Jacob Bowman** at "the Narrows" on the Chippawa Creek. Recommended by **Luke Cavers, Isaac Marlatt** and **Paul Horton**. Produces certificate of good character. Signed by **William Quick, John Fairgrieve, Peter Sammons, James Gillum** and **E.C. Merriman**. Licence granted January 5, 1839.

Adam Franklin Deal, Niagara. Has the late stand of **Frederick Thomas** of Grantham. Recommended by **Robert Newall, Isaac Marlatt** and **George Teeter**, January 5, 1839.

Paul Marlatt, Clinton, innkeeper. Is on the **Mountain Road** running between Niagara Falls to the Head of the Lake and on the **Main Road** in **Beamsville**. Travel on the upper road is trifling compared to the lower road, and public houses are of less value on the upper road. Prays to modify his licence consistent with justice and equity, and be charged the same for each, January 3, 1839. Signed **John Patterson, William Marlatt, Abraham Peters, Isaac Marlatt, George C. House, Andrew House, James Kerr, Thomas McCurdy, Peter T. Simmerman, George Teeter, John Jones** [*Hamilton?*]

Letter from **Robert Campbell** to **Charles Richardson, Waterloo Ferry**, January 3, 1839. Encloses 15/- to pay for his licence, ferry and stage house "in Burty."

Letter from **Lewis House** to **Charles Richardson**, Willoughby, January 3, 1839. Wishes to continue his tavern licence. Witness: **William Smith**.

Martin Kearns, Niagara. Admonished refusing to take the oath of allegiance.

Richard Kennedy, Niagara. Admonished for deficiency.

James Oswald, Stamford. Admonished refusing to take the oath of allegiance.

File 33A-4. Accounts (1-30.)

Committee of Accounts appointed March 12, 1839. Have examined and approved the following Accounts.

Thomas Henegan, constable. Apprehended **Sarah Cleveland**, charge of arson, 13/-.

Charles Richardson, Niagara post office. Paid 7/6- postage for printed papers.

Gaol Committee, orders the purchase of a box of candles (molded candles) and an oil lamp suspended in the hall upstairs, June 27, 1838. £2.13.3. Signed **John Alma**.

James Tinline, charge for making a coffin for **Samuel Grading**, found dead in the **15 Mile Creek** near **Barnabas Gregory's**, October 3, 1836, 7/6-.

John Steele, constable account £1.13.6.

Samuel Proctor, constable account, 17/6-.

John Wilson, charge for attending an inquest at the Falls (**J. Mewburn**, coroner) 7/-.

Dr. Mewburn (coroner.) Charge for holding an inquest on the body of **Samuel Cooper** (coloured man) at **Mr. Davis's**, Chippawa, £2.0.6, January 6, 1839; on **Frederick Brag, 43rd Regiment, Lundy's Lane**, £2.1.6, February 1; **Susan Boyd, Drummondville**, £1.19.6, March 11th.

Dr. Robert Aberdein, surgeon, attended the inquest held on **Edgworth Usher**, £1.1.0., November 1838 (**Dr. Mewburn**.)

Dr. Francis Clarke Mewburn, surgeon. Attended the *post mortem* held on the body of **Samuel Cooper**, Chippawa, 6, 1839. £1.3.0.

John Waters, charge for 120 bundles of straw, £1.

Simpson & Menzies, printing charges £12.8.5.

Dr. Porter, salary for quarterly gaol attendance, £6.5.0.

Thomas Dorrity, charge for bread for the gaol, £37.17.6.

Peter Wheeler, charge for candles, washing, scrubbing the court room, brooms, salary £54.7.9.

William VanAlstine, constable account, £1.11.0 and £1.1.3. Charge for apprehending *James Everingham* (sedition and disloyalty) on the oath of *George Adam Darby*, February 23, 1838. Signed by *Samuel Street*, *James Cummings* and *J.J. Lefferty*.

Bernard Roddy, constable account, £1.2.6.

Leonard Hix, charge for sweeping and cleaning the gaol, £1.5.0.

Joseph Clement, charge for 15½ cords of wood, £10.1.6.

Jacob Fulmer, constable account, £2.10.1½.

R.M. Clement, charge for building stairs, framing timber, nails, repairs in the prison hall, timber purchased from *Andrew Heron*, £13.8.8.

John E. Clyde, charge for building stairs, framing timber, nails, repairs in the prison hall, timber purchased from *Andrew Heron*, £13.8.8. "Let the amount come out in *Mr. Clement's* name."

R.M. Clement, charge for ink stands and linen thread, 9/6-.

Samuel Dell, constable account, £2.5.0.

David Cutler, constable account, 10/-.

Sheriff's Account £18.3.9.

Ephraim Wheeler, charge for services as turnkey, £24.7.6.

James Ralston, charge for moleskin, buttons, thread, linen, combs, flannel and blankets £9.3.5.

F.W. Gibbs, charge for meat for the gaol, £7.14.9.

J. Levell, charge for 60 bundles of straw, 15/7½-.

File 33A-5. Cheques Issued. (all signed by *Bernard Roddy* as *High Constable*.)

Patrick Finn, crier, £1.17.6.

Richard Moffatt, court constable, £1.

George Folley, court constable, 15/-.

Samuel Proctor, court constable, £1.

Bernard Roddy, court constable, £1.10.0.

Jacob Fulmer, court constable, 10/-.

Francis Proctor, court constable, £1.

File 33A-6. Other Accounts.

James Butler, charge for 10 cords of wood delivered to the gaol, £6.5.0.

File 33A-7. Accounts Rejected.

Charles Fell, Chippawa, June 10, 1839. Charge for survey at **Fort Erie** plus court attendance £4.10.0. Referred December 12, 1839. Rejected March 11, 1840.

File 33A-8. Lists of Constables.

James W. Smith, Canboro' recommended as constable by **David Thompson** and **Samuel Birdsall**. He is qualified and a natural born subject, March 5, 1839.

Notices regarding constables issued by the **Clerk of the Peace** on April 1, 1839 and sent to **James Kerby** (Bertie), **Henry Nelles** (Grimsby), **Duncan McFarland** (Crowland), **W. Davis** (**St. Johns**).

Constables for Crowland: **William Wilkins**, **Charles Wilson**, **John Ramsden**, **Jacob Strawn**, **Christopher McAlpin**, **Jacob Griffis**, **William T. Wilkins**, March 13, 1839.

Constables for Bertie: **John Rainsford**, **William Clark**, **Powel Wilson**, **Israel Tuttle**, **George Nettles**, **Jacob Johnson**. Recommended by **William Smith** and **J. Johnston**, JP's, March 12, 1839.

Constables for Niagara Town: **Bernard Roddy** (High Constable), **Samuel Proctor**, **Francis Proctor**, **George Folly**, **Alexander Ross**, **Charles Fields**, **Jonathan Watts**, **Amos Perrin**.

Constables for Niagara Township: **George Cain**, **Absolom Leit**.

Constables for **St. Davids**: **George Clark**.

File 33A-9. Convictions (**Jacob Keefer**, JP, Thorold.)

Fila Whitmore, wife of **Hezekiah Whitmore**. Charged with assault and battery against **Mary Smith**, wife of **William D. Smith** on August 6, 1838. Whitmore struck Smith with her fist. Fined 5/- plus 13/9- costs, Thorold, August 9th.

Joseph Upper, charged with assault and battery against **Henry Hellems** on August 25, 1838. Upper pulled Hellems off his horse. Fined 1/- plus £1.13.6 costs, September 1, 1838.

Terrence McArdle, shoemaker. Charged with trespass against **Samuel VanSchuyver**, village of Thorold, on October 29, 1838. McArdle carried away firewood, staves and stave cullings. Fine 3d fine plus 12/6- costs, November 1, 1838.

File 33A-10. Convictions (*Mewburn*, JP, Stamford.)

Michael Beech, Allanburg, farmer. Charged with assault and battery against **Adam Fralick**, **Lundy's Lane**, innkeeper, on October 13, 1838. Witnesses: **Corporal John Norris**, **43rd Regiment**. Fined £4.12.3. November 4, 1838.

Hamilton Goring, Niagara, farmer. Charged with assault against **Harmon Goring**, Niagara, farmer, on December 25, 1838. Witnesses: **Jesse Meadows**, **Frederick Goring** his father summoned. Hamilton was intoxicated and assaulted, cut down and maimed Harmon with a sharp instrument. Fined £1.10.0. costs only, December 26, 1838. Hamilton was additionally fined 5/- for being drunk, paid to **Widow Gates**, coloured woman, for the use of a destitute coloured girl and child.

George Bender, Stamford, brewer. Charged with worrying the dog of **George Dalby**, Clifton, brewer on January 19, 1839. Bender attempted to worry and destroy Dalby's dog by setting on it four or five days. Witness: **Richard Wheatley**, Clifton. Fine of £2.10.0. if the dog recovers, £5 if the dog dies, plus costs. £6.4.6., January 23, 1839.

Thomas Moxey, Drummondville, innkeeper. Charged with assault and battery against **James Burns**, private, **43rd Regiment of Light Infantry**. Burns appeared under the custody of the Sergeant of the Guard before **J. Mewburn** and **Col. Delatre**. Witnesses: **Thomas [Law?]** Fined 15/- plus 18/6- costs, total £1.13.6. January 30, 1839.

Andrew Oliphant, constable, **Lundy's Lane**. On January 29, 1839, Oliphant levied and took away one plough (£1.10.0) and one double horse sleigh (£3.15.0), the property of **Joseph Smith**, Lundy's Lane (coloured man), to satisfy costs of 15/- without showing a warrant. Evidence of **Isaac Dean**, Lundy's Lane (coloured man) taken before **J. Mewburn** and **P. Delatre**: Oliphant refused to go to **Dr. Lefferty's** to receive his costs, acknowledged that he refused to show a warrant and overcharged Smith by adding 6/3- to the account not included in the warrant. £2.1.6, January 30, 1839.

File 33A-11. Correspondence.

Letter from **B. Tench** to **Thomas Butler**, **Hamilton Barracks**, December 28, 1838. The bearer, **Armstrong Hutchinson**, has a tavern licence for St. Catharines for 1838. He expects opposition to receiving it since he kept a rendezvous this winter for recruits. If this is the only objection it should have no effect with the bench. In all large towns such houses are tolerated and recruiting couldn't be carried out without them. No orderly house would harbour the class of persons that frequent a rendezvous. Hutchinson is most active in recruiting for several Regiments, and deserves much credit. He is loyal. It would be hard if he should suffer. Examine whether the opposition is from personal motives or not. Unfair if tavern keepers suffer from such a cause.

Letter from **William Duff** to **Thomas Butler**, **Fort Erie**, March 11, 1839. **Robert Gray** was confined for one month on contempt of court. He is not in his right mind. No objections to releasing him on paying the expense of transit. Act as you think fit. I believe he is well known in Niagara.

Letter from **Robert Berrie** to **Charles Richardson, Hamilton**, November 28, 1838. Please return a deed to me from **Thomas Butler** to **Johnson Butler** which I sent you last summer to get proved at the Quarter Sessions.

Letter from **Robert Berrie** to **Charles Richardson**, July 7, 1838. Have enclosed two deeds, which I require to be registered to complete title for my client in **East Flamborough**. One is from **Thomas Butler** to **Johnson Butler**, witnessed by Messrs. **Clark** and **Stewart** (both dead), then another from **Johnson Butler** to one **Donaldson**. Witnessed by your late father-in-law and another whose name I cannot make out. Pray to have them proved in Quarter Sessions as the witnesses are dead so I can have them registered. You will find proofs of the deeds at Niagara. When proved, return them to me with the certificates endorsed on them.

Deed from **Johnson Butler** to **John Donaldson**, Niagara, yeoman, June 10, 1805. 600 acres in East Flamborough, lots 7, 8 and 9 in Concession 8, £80.10.0.

Letter from **Andrew Thompson** to **Charles Richardson, Dunnville**, March 9, 1839. Have enclosed the **assessment roll** for Moulton. Found it satisfactory. Haven't yet made an abstract of unoccupied lands in the township. Expect to procure a township map and then will make out the correct return.

File 33A-12. Criminal Calendar.

Calendar of Criminal Prisoners Confined in Niagara Gaol (Peter Wheeler) March 12, 1839. Certified by **Alexander Hamilton** and **Alex McLeod**.

Patrick Donley, age 50 years, born Ireland. Murder, September 6, 1832. Orders of the Assizes.

Francis O'Conner, 57, Ireland. Larceny. October 4, 1838. **Thomas Butler** and **R.M. Cryslar**.

John Kelso, 25, Ireland. Under sentence. October 19. **Ogden Creighton**.

Alex Morrison, 26, Scotland. Under sentence. October 27. Assizes.

John L. Church, 60, United States. Under sentence. October 29. **J. Mewburn**.

Henry Croft, 13, Halifax. Larceny. October 25. Creighton.

Aaron Brooks, 40, United States. Larceny. January 20, 1839. **E. Evans**.

Peter Anger, 29, Canada. Larceny. February 2.

Robert Hansley, 21, England. Larceny. February 5. Creighton.

George [Hare?], 66, United States. Larceny. February 8. **S. Birdsall**.

Benjamin Hare, 21, Canada. Larceny. February 8. Birdsall.

Robert Gray, 39, Canada. Sentenced. March 7. **William Duff**. Discharged March 12.

Richard Bailey, 29, United States. "Inticed" soldiers to desert. March 8. Creighton for the Assizes.

William Graham, 29, United States. "Inticed" soldiers to desert. March 8. Creighton for the Assizes.

Allen W. Williams, 58, England. Forgery. March 8. **David Thompson**, S. Birdsall.

Patrick Dowling. "Inticed" soldiers to desert. March 10. Creighton for the Assizes.

File 33A-13. Filings.

Evidence of **Adam Fralick, Lundy's Lane**, tavernkeeper, taken before **J. Mewburn** on December 4, 1838: a coloured man called **Jones** called at my house at 5 pm on December 3rd. He was insolent, said he'd smack him. I refused him drink. He came back with two men on horseback, darkies. I bolted the door and went out the back way. Heard a noise and the door burst in. **Mr. Morrison** came, and said they were intending to "kick up." Jones stepped up and asked for a drink, I said he'd had enough. He said he'd had no more since, but would like something. I told

him he'd have nothing that night. Jones doubled up his fist, takes a dirk out from his breeches pocket. Deponent shoved him off and took up an axe in the corner, and said if he didn't leave he'd "hack his head." **Peter Husted**, working with me stood by the door, seized hold of one and ran them out the door. He was stabbed severely on the left arm by one or both, each had a dirk. I got Husted in and held the door, the men swearing they'd have his life. Swore he'd have the deponent's life before he died. The men knocked him down several times outside. Evidence of Peter Husted, labourer, taken before Mewburn and **Delatre** on December 6th: He was working with Fralick in the backyard at 5:30 pm. Heard a call: "For God's sake come in, here are 3 or 4 niggers drunk and they want to do me injury." There was awful swearing. I went in. **Sims** (Sergeant in the **Coloured Company**.) Was cleaning **W. Smyth's** well and was drying himself at the stove. I said "what do you want, what ails you?" and he said "Damn you, it's none of your business." I told him it was his duty to keep the peace. Sims said "By Jesus, we don't care for you [more] than we do for Fralick." I pushed him to the door, and was stabbed, cut in the arm. I took an axe helve from Fralick. One of Fralick's sons came up to help. One put his hand into his bosom and drew something out. **J. Husted** stooped to put his boots on and saw blood running down his brother Peter's arm. Evidence of **William Sims**: he went in for a drink and was refused. There was a fight, he was struck with axe helves. He had no knife. Evidence of **William Pilkington**: saw the men refused liquor and had a fight. Saw Husted's arm run with blood. Evidence of **Robert** [-----] saw the men refused liquor &c. Recognizance taken before J. Mewburn: **William Sims**, coloured man, Sergeant £50, sureties **Major Webber**, Coloured Corps at Chippawa and **Captain Mark Dyot**, Coloured Corps, £25 each. Adam Fralick and Peter Husted £25 to appear. Charge: assault with intent to kill.

James W. Smith, Canborough, constable. Behaved in a disorderly and improper manner on January 7, 1839. Shewing himself incapable and unworthy of holding the situation of an officer of the peace. Signed by the Grand Jury. Ordered: that James W. Smith be discontinued as a constable.

File 33A-14.

The farm house in Pelham of **Malcolm Laing** was fired by an **incendiary** on March 6th. We view the increase in crime with alarm. Offer a reward for the discovery, and exercise the utmost vigilance in investigating this matter, March 1839.

Gaol examined. A woman named **Chittely** is confined with no commitment or cause on the books. Is a breach of the laws. Wish to convey no imputation of evil intention, but the parties were situate by most humane motives. Such irregularities go against the peace of Our Lady the Queen her Crown and dignity.

There is the necessity for the erection of a **House of Industry**, March 15, 1839.

The situation of the **District Town** in a remote corner and under the cannons of a foreign power is inconvenient. Should be removed to a more central location, and on this account we cannot recommend the expenditure of more public money on a new **Register** and **record office**.

The **bridges between Niagara and Queenston** are in a bad state, and the hill at Queenston is in a dangerous state. The bridges in many parts of the District are in a bad state, March 15, 1839.

The **law of imprisonment for debt** is a disgrace, insufficient to protect the interests of the creditor, and is destructive and oppressive to the debtor. Injurious to the interest of the community. A

proper *bankrupt law* should be introduced, a more effectual securing and equitable distributing of the property of bankrupts.

The criminal prisoners are extremely well treated by *Peter* and *Ephraim Wheeler*. We are aware that we are indulged with all privileges that our keeper can grant us and make our circumstances comfortable. The undersigned voluntarily make this statement, it was not requested. Signed *L.L. Brooks, William H. Graham, Patrick Dowling, Benjamin Coker, George Ecker, Richard Bailey, Allen William Williams, John Kelso, Alexander Morrison, J.L. Church*.

Gaol has been examined. The cells are in good order and well kept. The prisoners are satisfied and their testimonial was given to us. The size of the gaol is inadequate to the number of people confined. There is no classification, petty criminals and first time offenders are confined with the most atrocious criminals. Accused with the convicted, all occupy a room separated from the debtors by only a rail. An outrage! A contaminating effect, the gaol is a nursery, not a preventative for crime. The raving are confined with the others, "their roarings and howlings adding to the other horrors endured by the prisoners." Many are found to be innocent or debtors. Four or seven are often in one close cell. There is a want of ventilation and necessaries, a most noxious and abominable effluvia is produced which is injurious to health. In warm weather it is impossible to contemplate their situation without shuddering. Astonishment that many presentments over the years have not been attended to. The state of the gaol is disgraceful to the District and to civilized people. Destructive to health and morals. The yard could be enclosed at small expense, for fresh air and exercise. The necessaries must be better ventilated. Gaol suits of clothes be provided and baths. The two necessaries to be made secure, to eliminate the need to lock up the debtor's cells at night. Admission to be between 10 am and noon, and 1 to 6 pm; give free access to all visitors to the debtors, and be in close and constant attendance (instead of all day visitation.)

The aforementioned having supported insane and helpless persons who are in destitute circumstances are entitled to the aftermentioned sums in compensation. Non-payment is an intolerable grievance, for the extremely poor and quite unable to lay out of their money the long time required to do so. Many are one year in arrears. Eg, *Phoebe Goodell*, St. Catharines, widow. Is considerably advanced in life and infirm, has a family to maintain. Is in arrears £30 for keeping an insane girl. She has experienced great privation, especially in winter. She was compelled to sell orders under value for necessaries at such price as may be asked. We are aware of the deficiency of District revenues and funds and regret that the Magistrates cannot remedy it. Take steps for an additional assessment to defray the arrears and meet the current expenses. Exercise strict surveillance over the treatment of "different insane persons in their respective neighbourhoods:"

1. *F.N. Henderson*, for *Mrs. Olney* (insane) and three children, £1 per week.
2. *Dr. Raymond*, for *Eliza Mitchell Wilson*, £5.10.0.
3. *Phoebe Goodell*, for an insane person, £8.15.0.
4. *Samuel Rock*, for *Margaret Newberry* (insane), £3.10.0.
5. *Mrs. Bugner*, for *William Campbell* (insane and helpless), £5.10.0.
6. *Andrew House*, for *Eliza Richards* (insane) £4.
7. *E. McArthur*, Thorold, for 2 insane children, £7.
8. *Isabella Evans*, Thorold, for *Hannah Evans* (insane) £5.5.0.
9. *Philip Hochstrasser*, Louth, for *Maria Richardson* (insane) £4.7.0.
10. *Mary Jupiter*, for *Eliza Jupiter* (insane) £6. [check #31.]
11. *Harmonious VanAlstine*, Thorold, for *Catherine Bradt*, £2.12.6.
12. *John Smith*, Caistor, for *Jane Harris* and *Margaret Smith* (insane) £10.10.0.
13. *Richard Forrest*, St. Catharines, for *Francis Lynch* (insane) £5.5.0.

14. **Thomas Angleman**, Thorold, for **John Folk** (insane) £5.5.0.
15. **Martin Baukman**, for **Mary Baukman** (insane) £3.10.0.
16. **John Alma** and **Lewis Clement**, for **Mrs. Chittley** (insane) £5.5.0.

File 33A-15.

James Butler, furnished the gaol with 80 cords of hardwood at 12/6- per cord, February 15, 1839. (No wood received, but said to be beech, maple, hickory and white oak.) Signed **Thomas Butler**, **Lewis Clement**, **William Ball**, **Daniel McDougall**.

File 33A-16.

Petition of **Robert Dickson**, **John Claus** and **Lewis Clement**, trustees of the **Market Reservation**. Pray for an Act to authorize them to borrow money on security of market lots to erect a more commodious and suitable edifice for a market house and other public purposes. Recommend the application to the favourable consideration of the assembly, March 14, 1839. Petition to the Lieutenant Governor for two acres of land adjoining the present Market Reserve. Recommend the application of the petitioners to His Excellency, aware of the advantages to the public by extending additional space for the contemplated improvements, March 14, 1839.

Notice: all persons having claims against the District for services as assessors, commissioners and Township Clerks prior to January 1, 1838 are required to present them before June 1, 1839. Signed **Charles Richardson**, March 13, 1839. To be printed in the **Niagara Reporter**, **Gleaner**, **Chronicle** and **St. Catharines' Journal**.

Commissioners **Nathan Pawling**, **Isaac Wismer** and **James W.O. Clarke** to expend £25 on the **Lake Road** through Louth ordered to be reappointed to expend 25% of the monies, March 13, 1839.

Treasurer ordered to pay one-quarter the amount of cheques for the insane and destitute, March 13, 1839.

Frederick Goring ordered to open an allowance for a road between his lot and **William Secord** in Grantham within the month, March 13, 1839.

Abraham High ordered to open an allowance between lots 18 and 19 Concession 4 in Louth within one month, March 13, 1839.

Lewis Clement, to be **Surveyor of Streets** (Town of Niagara) appointed in place of **Richard Howard** (resigned) March 13, 1839.

Cheque issued to the **Clerk of the Peace** for £12.10.0. to correct the assessment rolls for 1839, plus £62.10.0. allowance, March 12, 1839.

Committee of Accounts: **E.S. Adams**, **N. Pawling**, **William M. Ball**, **Dr. Mewburn**, **Jacob Keefer**, March 12, 1839.

Archibald Thompson ordered to pay the Town Clerk of Stamford money in his hand as commissioner to be levied out of the account as per statute.

Ordered that a licence to sell liquor issue to **Mrs. Sarah Clement** of **St. Davids**.

File 33A-17. Petitions.

Commissioners were to expend £50 on *roads and bridges in Walpole and Rainham* in 1837. Received £12.10.0. of the sum. Pray for the balance of £37.10.0. Signed **John T. Cooper, Daniel Hoover** and [-----], March 9, 1839.

Richard Howard. Is deeply sensible of the honour conferred on him with the appointment of **Street Surveyor for Niagara**. He laments to state that other arrangements put it out of his power to give his attention to the duties to benefit the town. Prays acceptance of his resignation, March 13, 1839.

Elizabeth Long, wife of **Henry Long** an enlisted soldier, Bertie. Is 50 years old, life time residence. Has five children, two are aged 22 and 24 years old who are dumb and incapable of caring for themselves. Petitioner has been confined to bed for one year. Three children are too young to render her assistance. Petitioner is in want, prays that she be granted relief. Refers you to **James Johnston** and witness **John Haun**, March 7, 1839. Grand Jury presentment attached, pray for £1 per week. [No check.]

Robert Miller, Niagara. Is not occupied, could apply himself to a public calling. Wishes to be considered an applicant if a **Surveyor of Streets** is to be appointed, March 12, 1839. Recommended by **Ralfe Clench, Peter McCallom, William Surby, James Fraser, J. Harvey, John Gourlay, John Mills, William Mills**, [-----], **A. Ray, James Miller**.

File 33A-18. Precept.

List of Grand and Petit Jurors, compiled by **Thomas Butler** and **Lewis Clement** on January 30, 1839 for Sessions of March 12th. Certified by **Alexander Hamilton** and **Alex McLeod**.

Grand Jury: **Robert White, David Steel, John Thompson, Thaddeus Smith, Hiram B. Ostram** (Humberstone); **Lochlan Bell, Charles Robert Loscomb** (Niagara); **Gordon Wilson, Richard Yokom** and **George Patton** (Grantham); **Albee Drake** (Grimsby); **Oliver Tolman, Isaac Teeter, Peter Simmerman, John E. Jennings, Joseph Simmerman, John J. Patterson, George Teeter, Nathan Gilmore, Harmon S. Grinnel, Benjamin Wilcox Jr.** and **Robert Morrow** (Clinton.)

Petit Jury: **George Burger, Mark Current, Benago Doan, Jonas Yokum, Michael Pearson, James Morris, Samuel Dell, William Current, William Wilkins, John Wilson, Hoziah Boughner, Jonathan Dell, Robert W. Cook, David H. Benedict, Stephen Skinner, Stephen Pettit, Eli Doan, Samuel Glover, Solomon Doan, Peter Benedict, Arthur Johnston, Jacob Brookfield, Robert Doan, Joseph McCalpin, Seth Skinner, William Reid, John Hardy, Daniel Hopkins, James Cook, Elijah Yokum, John B. Cook, Alexander Cook, Richard Yokum, John McLaughlin** (Crowland); **Peter Shirk, Owen Ferris, John Seger, William Cutler** (Humberstone); **Daniel Roberts, Samuel Comfort, John Chadwick, Matthew Trembly** (Clinton.)

File 33A-19. Tavern and Shop Licences.

Letter from **William Woodruff** to **Thomas Butler, St. Davids**, March 12, 1839. **Mrs. Clement** will apply for a tavern licence. Hope she is not refused. "She has heard that information was laid that she has had radical meetings in her house which is false, no meeting of that nature was ever held there since kept either by her or her late husband." Licence granted March 12, 1839.

Gordon Wilson, has a tavern in the house kept by **Ensign and Atkins**, prays for a licence. Recommended by **Lewis Clement, Malcolm Laing, Robert Melville** and **R.M. Crysler**. Granted March 12, 1839.

James Thompson of Stamford. Erected a house years ago for public entertainment at the **Whirlpool**. Prays for a licence. Recommended by **J.J. Lefferty, Malcolm Laing, William A. Campbell**. Fee paid £3, licence granted March 12, 1839.

John Tucker, Drummondville, Stamford. Has made arrangements to keep an inn. House has six beds, stabling for eight horses, a barn 28x15 feet, a shed 22x16 feet, and a good well of water, March 1, 1839. Recommended by **Samuel Falconbridge, Austin Morse, William Lowell, Isaac H. Culp, James Skinner, Joseph Woodruff, John Barker, Birkett Benson, Adam Crysler**. Fee paid £5, licence granted.

John Smith, Chippawa. Born in County Wicklow, Ireland. Came to Upper Canada 22 years ago, rented the house of **Patrick Kavanah**, innkeeper (deceased.) He has kept a house for three years which is fitted up. Prays for a licence, March 4, 1839. Recommended by **James Cummings, William Hepburne, John Kirkpatrick**. Licence granted March 13, 1839.

Edward Sculley, Niagara. Prays for a licence March 11th. Licence granted March 12, 1839.

Collin Skinner, Stamford, near the **City of the Falls**. Has fitted up a house and prays for a licence, March 11th. Licence granted March 12, 1839.

Letter from **David William Smith** to **Charles Richardson**, St. Catharines, January 5, 1839. **William H. Sanderson** wishes for a licence. He obtained a grant last year, but did not open a house due to "untoward circumstances." He is prepared this year with all accommodations stated in his petition for a respectable house. He thanks you, but couldn't come down today. Recommended by **Thomas Merritt** and **E.S. Adams**, March 12th. Fee paid £7.10.0. Licence granted.

Richard Ryan, Niagara. Prays for a licence. Recommended by **R.M. Clement, W. Copeland, T. Raymond, R.M. Long**, [-----], fee paid £7.10.0, licence granted March 14, 1839.

Rufus Harrick Rose, Stamford. Has the stand formerly kept by **Corner**. Prays for a licence, January 5, 1839. Recommended by **George Kitson, John Bunting, James Miller**. Fee paid £5, licence granted.

Francis Proctor, late Sergeant in the **Royal Artillery, Fort George**, Upper Canada, March 9, 1839. Served 10 years and 200 days and fought under the **Duke of Wellington** in 17 actions and discharged (reduction) in 1816. Has served as constable, bailiff, and was one of the first to take up arms in the late **Rebellion**. Had a licence for 11 years, but was struck off the list for something unknown. Requests a licence. Has certificate of good character. Recommended by **Captain Jon Winston** (Royal Artillery), **Charles Hourne, Sergeant John Meneille** (Royal Artillery), **Lewis Clement, Daniel McDougall, R.M. Crysler, John Jordan, Alex McLeod, William B. Wintermute**. Licence granted March 12, 1839.

Hiram Peterson, Queenston, March 12, 1839. Prays for licence. Recommended by **Joseph Wynn, James Thompson, Robert** [-----], **Richard Moffatt**. Fee paid £7.10.0, licence granted March 12, 1839.

Patrick Nugent, Grantham. Has a house where **Mrs. McDade** formerly kept an inn, wishes to have his licence transferred to another house in St. Catharines, February 1839. Recommended by **Henry Mittleberger, George Adams, E.S. Adams**. Licence granted March 12, 1839.

John McLean, Clinton. Has an inn in the house kept by **George Teeter**. Prays for a licence. Recommended by **Henry Nelles, John Clark, Thomas Merritt** and **James W.O. Clarke**. Licence granted March 13, 1839.

George McLaughlan, City of the Falls, Stamford. Has fitted up a public house, prays for a licence, March 11th. Recommended by **James Cummings** and **Samuel Street**. Fee paid £7.10.0, licence granted March 12, 1839.

Michael Morley, Niagara. Has a commodious house in the north end of town. Prays for a licence. Recommended by **R.M. Clement, John Rogers, Richard Howard, John Graham, David Thompson, John Barker**. Fee paid 7.10.0, licence granted March 13, 1839.

George W. Mysmoor [alias **Mysmore**.] Wishes to open a tavern in **Port Colborne**. Is a British subject, came to Upper Canada in 1825 and took the oath of allegiance before **James Ingersoll** in Oxford. Has a large and commodious house with good stabling and a shed. Recommended by **Hiram Slate, John J. Lefferty, John H. [Comer?], E.S. Adams, Henry Mittleberger, Hiram B. Ostram, G. Merritt, Henry Stone, W.B. Robinson**. Fee paid 3.10.0, licence granted March 12, 1839.

Hiram Melick, Canborough. Prays for a licence. Recommended by **Samuel Birdsall**. Fee paid £3.10.0, licence granted March 12, 1839.

John Kinnelly, Humberstone. Had a licence last year at **Stone Bridge**. Prays for a licence. Recommended by **Lewis Donnelly**. Fee paid £4, licence granted March 13, 1839.

Noble Keith of Niagara. Prays for a licence, March 9th. Recommended by **Courtland Secord, J. Rogers, C. Sammons, Robert Senn, R.M. Clement, Simpton** [-----]. Rejected, March 12, 1839.

Henry Hudson, Willoughby. Has had a public house for six years at Chippawa, in the old stand of **Widow Palmer**. Has now taken the house of the late **Peter Misener**, the "**Battle Ground Inn**," two miles above Chippawa. Prays for a licence, March 11th. Recommended by **James Cummings, William Hepburne, John Kirkpatrick**. Fee paid £3.10.0, licence granted March 12, 1839.

Zephaniah Horton, Pelham. Has the house kept by **Jacob Osborne**. Prays for a licence, recommended by **John McGlashan**. Fee paid £4, licence granted March 15, 1839.

John Hoover, Smithville. A tavern required in this place. Hoover is respectable. Prays for a licence. Recommended by **Henry Nelles, Robert Nelles, H.W. Nelles, John H. Kilborn, Alfred Buss, Thomas [Hardy?], Henry Bush, Elijah Harris, James Page, Robert H. Waddel, Richard Meredith, John Page, William P. Snyder, Daniel Griffen, John Camp**. Licence granted, March 13, 1839.

Jacob Hendershot, Pelham and Gainsborough. Is a British subject, was loyal through the late Rebellion. Is a fit man to keep a tavern, has kept a house for several years. An inn is much needed, there is none for six miles to the east and for nine miles to the west for travelers to

Brantford, is one day from **Black Rock**. Has gone to expense to fit up a house. The undersigned have known him for 20 years. Recommended by **Peter Bradt**, **George Cosby**, **John Cosby**, **Henry Johnson**, **Daniel Moore**, **William Weirs**. Fee paid £3, licence granted March 12, 1839.

Nathan Gilmore, Grimsby. Has the house kept by **Samuel S. Moore**, is an eligible situation for a tavern. Fee paid £4, licence granted March 12, 1839.

Mary Flynn, Niagara. Has the house kept last year by **Robert Miller**. Licence #60 of Robert Miller, signed by **George Markland** and **John Jordan** dated July 11, 1838 is attached. Prays for licence, January 5th. Fee paid £7.10.0, licence granted January 5, 1839.

Letter from **William Hamilton Merritt** to **Charles Richardson**, St. Catharines, January 18, 1839. There have been objections to **William Fitch** of Canborough and **Jacob Turner** of the Grand River. Both are good houses and the best inns in their neighbourhoods. Apprise me of the cause, they are by birth Americans. "If so, I regret it the more for I fear it will destroy the really and truly good feeling which so happily exists in the District at present between the Magistrates and Inhabitants."

William Fitch, Canborough. Prays for a licence, January 12, 1839. Recommended by **Samuel Birdsall**. Fee paid £3.10.0, licence granted on the condition that he is a British subject.

Elijah Armstrong, Thorold. Prays for a licence. Recommended by **John C. Ball**, **Lewis Clement**. Licence granted March 13, 1839.

Alexander Chisholm, Stamford. Prays for a licence, recommended by **James Cummings** and **Samuel Street**. Licence granted March 12, 1839.

Letter from **William Duff** to **Charles Richardson**, **Fort Erie**, January 19, 1839. The petition of **James Farman** attached. He had a licence last year and kept a very disorderly house. He is unfit to keep a tavern. I was surprised to see the names of three magistrates on it. Two houses are already licenced which is more than sufficient. Will request court to refuse the application, **James Kerby** is of the same opinion. [Rejected.]

Petition of **James Farman**. Has a commodious house at **Waterloo** in Bertie. It is well adapted for use as an inn and for travelers. An inn is much wanted due to the great amount of travel to the ferry. Certificate of good character annexed. Is an upright and sober man, January 12, 1839. Recommended by **William Smith**, **Benjamin Hall**, **Alexander Douglas**, **Edmund Riselay**, **John Anderson** (Rector), **McFarland Forsyth**, **John Rainsford**, **George Rainsford**, **Alexander Dougan**, **James Johnston**, **John H. Smith, J.** [*Windeal?*], **Alexander Cruikshank**. Licence granted March 12, 1839.

Palmer Buckbee, Pelham. Keeps a house on the highway from the Falls by **Smithville** to the Head of the Lake. The house is fitted up for comfort. Recommended by **J.F. Schram**, **Jacob Schram**, **William Schram**, **George Oill**, **Jabez Johnson**, **William Adams**, **George Rykert**. Fee paid £4, licence granted [no date.]

File 33A-20. Tavern and Shop Licences (2).

James Moss, Township of Dunn, innkeeper. Has kept an inn at the mouth of the Grand River for several years. Provides the usual accommodations for the comfort of travelers. Is a good and loyal subject. Wishes for a licence, March 8, 1839. Signed **Edward Evans**, **Lieutenant George H.**

Sheehan, Lieutenant R.A. Clarke, Charles D. Parnell, John Walker, C.L. Clarke, Galbraith Clarke, John Borland, James Hoggan, Samuel [-----], Edward Tyrell, Thomas Walker, John [Aiken?]

File 33A-21. Tavern and Shop Licences (3).

William Fearman, York, Grand River. Has a commodious house, well adapted for travelers. An inn is much wanted here, prays for a licence. Has certificate of good character, undersigned have known Fearman a considerable time past. He is an upright and sober man. Recommended by *William Nelles, Charles [Dain?], Alexander Scobie, John Jackson, William H. Nelles, Robert Anderson*. Fee paid £3, licence granted March 12, 1839.

Letter from *Christopher Young* to *Charles Richardson*, Seneca, February 21, 1839. I wish you would not forget my business and you will much oblige me to send my licence as soon as possible. Sir, I spoke to *Squire Nelles* concerning my tavern licence and he told me that he would write to you. He has a lot of them about him, and says he will have them if he has to petition the *House of Assembly*. I am not asking any favours of you. Attached is a copy of licence 152 for Christopher Young, Seneca, dated December 5, 1837, fee paid £3.10.0, signed by *George Markland* and *John Jordan*.

Petition of *Christopher Young*. Has kept an inn at Seneca for five years. He let the house last year but did not take a licence. He is a native of this province, has been a constable for 10 years. His house has every accommodation for travelers. Prays for a licence, to be sent to the Seneca post office, January 19, 1839. The undersigned residents of the Indian Reserve in Haldimand have known Christopher Young of Seneca. He was always an upright and fit person to keep an inn. A true and loyal subject. An inn is much wanted in this place. Signed *Warner Nelles, John Y. Nelles, Charles Bain, Zachariah Fell, Thomas Blakeney, Alexander Scobie, Robert Anderson (Court of Requests), Richard Martin, David Young, Peter Young* and *[Edmund?]* Young. Fee paid 3, licence granted March 12, 1839.

Thomas Logan, Dunn, mouth of the Grand River. Has all necessary accommodations for an inn. Prays for a licence, January 7, 1839. Recommended by *Edward Evans, John Graybiel, Amos Bradshaw, Jonathan Wilde, Robert White, Thomas Rymer, Joseph Jameson, John Gordon, William Jones, Alexander Smith, William [Shattock?], John Sulevan*. Fee paid £3, licence granted March 12, 1839.

File 33A-22.

Jason L. Brooks, Walpole, labourer. Charged with larceny, stealing eight handkerchiefs (value 9/-) the property of *William Mudie*, Walpole, shopkeeper, on January 2, 1839. True bill: *J.J. Patterson* (foreman.) Witnesses: William Mudie. Evidence taken before *Edward Evans* on January 3rd: a parcel of handkerchiefs was taken, in the possession of Brooks, in the house of *William McKuan*. Verdict: "not guilty," March 13, 1839.

File 33A-23.

Thomas Compston, Niagara, labourer. Charged with assault and battery against *Ann Huton* on March 1, 1839. True bill: *John J. Patterson* (foreman.) Witnesses: Ann Huton. Presentment attached. Verdict: "guilty," fined £1 plus £1.10.0. costs, March 14, 1839.

File 33A-24.

Henry Croft, Stamford, labourer. Charged with larceny, stealing two bank notes (5/- each) the property of the **Hon. Charles Richard West**, Lieutenant in the **43rd Regiment**, on December 25, 1838. Witnesses: Charles R. West, **Ogden Creighton**. Evidence of Charles R. West taken before Ogden Creighton, December 26th: West boards at the **Pavilion Hotel, Drummondville**, kept by **Adam Crysler**. Examined a small writing case where he put thirteen \$4 notes of the **Bank of Upper Canada**, and found two missing. His servant, Henry Croft, took them. Deponent found them in the pocket of Croft's pea jacket. On being charged he acknowledged the fact. One note is #1879, dated May 2, 1836 and the other is #6758 (undated.) Croft committed December 26, 1838.

File 33A-25.

George Ecker and **Benjamin Ecker**, Moulton, labourers. Charged with larceny, stealing one ox (value 125/-) the property of **George H. Storm**, Caistor, lumberer, on January 27 or 28, 1839. Witnesses: George H. Storm. Letter from **Samuel Birdsall** to **William Duff Miller**, Canboro', February 16, 1839: papers in the case are enclosed. If they are in error I will take measures to have them changed. Your advice by the bearer **Mr. Fitch** will be thankfully received. Warrant issued by Birdsall to the constable at Canboro' to apprehend George and Benjamin Ecker, and to the keeper of the gaol to convey them to gaol, Moulton, January 27, 1839. Costs £8.15.0, February 7, 1839. Evidence of **Betsy Departie**: she knows that the men, Benjamin, George and **Jake Ecker** had a hand in it. They brought the remains of the ox to our house. Part was under the cupboard at George Ecker's house. The skin was hidden under a brush heap, or a tree top fell on to it, and never to be found. **Abram Ecker** had no hand in it. The fat of the kidney was in one piece when brought to our house. Evidence of George H. Storm, taken before Samuel Birdsall on February 7th: the prisoners stole, killed and butchered my ox and stole the "carcase." On the premises of Abram Ecker there were signs of animal being slaughtered, a beef creature. In an oak top, forward of an old vacant house, destitute of a roof and floor, in back of **George Acres** fields, near the **Cranberry Marsh**, one-quarter mile from his dwelling. The tallow and neck stock were in the tree top, the entrails burned in the house, and blood as if butchered shortly before. There were tracks of a sleigh previous to the last snow, coming to and going from the house to George Ecker's door. Also a trail of straw of oats. Value \$35 or £8.15.0. Evidence of **Thaddeus Folmsbee**: deponent went to the old house and found blood and entrails since the last solid snow. Fire was used to destroy the entrails. He followed the tracks to the oak tree top, and found entrails and tallow. The snow was tread down solid as the dogs frequented the place. It was remains of a neat beef creature. Followed the sleigh tracks to George Ackers and found a sleigh there which fit the tracks exactly. They said they drew staves from the old house to cover a building but were drawn before the snow. Found straw in the old building and the same straw at George Eckers. Went to Departie's to search for the ox, and they said they had no beef except what they bought from **Mr. Humphrey**. They objected to a search of the bureau, said they only had dried apples in it. They produced a key, and said the beef was brought by Benjamin Ecker and secreted there. They had no hand in it. There was 93½ pounds of beef. Benjamin Ecker said he and Departie shot the ox and butchered it, took it to Departie's. They cut a hole in the ice and put the head in it, hid part in the barn, and put part under the tree. Departie wished that Abram Ecker would help in killing the ox, but he said it would not answer. He got fresh beef from Departie's, believes it was from the ox, about 5 lbs. Evidence of Benjamin Ecker: on February 6th was with Jacob Departie and **John Brown** looking for raccoon tracks. They came across some timber, cut it and fetched it home. They saw an ox, Jake wanted me to help kill it. I would not help, nor Abram. We wouldn't help kill another man's ox and went off home. We came to a little bridge and Departie called me back. I went and helped him to kill it, took the meat to his house and put part in a barrel, churn and desk. I helped chop logs for him, and he said he put some meat away. He said the ox belonged to some fellow below "the Narrows." I owed him, he said if I did not help him to get the

meat home as he was out of meat he would sue me and take my horses. The ox was very poor, 5 or 6 years old. My brother put the hide in his barn, part put under the ice. I don't know if he did, but he was to put the head under the ice, right in the Chippawa Creek in the deepest part in the middle before his door. The ox was butchered in the old house by the marsh, 1½ miles from Jake Departies. Is ½ mile from Abram's, the house is on 50 acres bought from **Mr. [Boulton?]** agin the marsh by a little pond at the head of **Black Creek**. The entrails and everything was burned at the old house, guts and fat. We took the kidney tallow home. Butchered at 12 pm on a Sunday night. Evidence of George Ecker: doesn't know anything about killing an ox. I suspected Captain Storm until Jake Depotie came after me to take the guts out of an ox at the old house. It was skinned and got ready to take the guts out by the stars, between 11 and 12 pm, Sunday night. They left a little meat as they went past my house on February 7th. Recognizance taken February 7th: Betsy Departie, Wainfleet, £20, surety **John Boyer**, Wainfleet, yeoman £20; George H. Storm £25; **Harvey Buck**, Caistor, lumberman, £10; Harvey Buck and **Thaddeus Folmsbee**, Canboro', £20 each.

File 33A-26.

Robert Housley, Stamford, labourer. Charged with larceny, stealing two bank notes (5/- each) the property of **Collin Skinner** on February 20, 1838. True bill: **J.J. Patterson** (foreman.) Witnesses: Collin Skinner, **William Meecham**, **Michael Brown**, **Ogden Creighton**. Letter from **Henry Paget**, Lieutenant and Adjutant of the 43rd Regiment, to **Charles Richardson**, **Drummondville**, May 4, 1839: What are the circumstances behind Private Housley's detention in the Niagara Gaol? He was committed on February 8th on a charge of theft, was acquitted and arrested for some other offence. You will oblige by acquainting me with the facts. Verdict: "not guilty."

File 33A-27.

Alexander Shackelford, Willoughby, labourer (coloured man.) Charged with assault and battery against **John Slaughton**, Willoughby, labourer, mulatto, on December 26, 1838. No bill: **J. Patterson** (foreman.) Witnesses: John Slaughton, **William Williams**, **Mary McFarland**, **Barbary Parker**. Letter from **Samuel Street** to **Charles Richardson**, Chippawa, Niagara Falls, March 9, 1839. Encloses the information of John Slaughton and Alex Shackelford. I cannot attend the Sessions, am confined to bed. **Dr. Mewburn** assisted with the information. He is likely to be there and can give his testimony. Letter from **John Bogardus** to Samuel Street, January 21, 1839. Offers to be surety for Shackelford. Evidence taken before Samuel Street on December 28th: Shackelford lives on the Niagara River opposite **Navy Island**. He made a violent assault, bit the plaintiff's little finger off on the left hand at the first joint. Evidence of **Barbary Parker**, married woman. The deponent, Shackelford's wife **Sarah Ann**, William Williams and Mary McFarland all sat up in Shackelford's house. Slaughton was in bed at 8 pm. Shackelford was near him in a chair. Slaughton said "you'd better go to bed." Shackelford said he was imposing on him. Slaughton denied it. They had a conversation saying "he did" and "he did not" impose. Slaughton got up and gave Shackelford a push with anger but didn't strike him. Shackelford closed in on Slaughton who cried out not to bite off his finger. Shackelford did not regard this and bit his finger off between the 1st and 2nd joints. Slaughton made an effort to get away but couldn't. Shackelford ran off and Slaughton ran after him. Slaughton came back but we didn't see Shackelford until he came back the next morning. Slaughton was there, Shackelford was with a club. He threatened but did not strike. Both remained in the house all day. There was no further quarrel. Witness cross-examined by Shackelford: he was asked twice to go to bed. Said if it was not satisfactory, he'd move round to William Williams's. Slaughton chased Shackelford out with a gun when his finger was bit off. What was the commencement of the dispute? Who was laying with Slaughton at the time? Mary McFarland was to his back, and Shackelford to his face.

Slaughton did not strike before Shackelford bit his finger. He was struck after but before he got out of the house. Evidence of William Williams: Slaughton asked Shackelford to go to bed. Shackelford said "what are you afraid of?" He got up off the bench and sat on a chair next to Slaughton. Slaughton jumped up, Shackelford said he imposed. They struck twice and clinched. Prisoner bit off Slaughton's finger. He got out and ran up the road, Slaughton ran after him. He came back and put on his shoes, got his gun and ran out after him. Evidence of *Wells Leonard*, innkeeper opposite Navy Island, taken January 10, 1839: Shackelford came to his house after all but the cattle girl had gone to bed, between 9 and 10 pm. He was let in by the girl. Leonard got up. Shackelford was in his stocking feet and bare headed. Said he was afraid of Slaughton, feared he'd come after him. He declined going to bed, but sat up all night in the kitchen. The next morning deponent went to his house. He found Slaughton, his wife and two white women, Barberry Parker and Mary McFarland, William Williams and *Thomas Jefferson*. Slaughton had a candle stick in his hand as a weapon, took the gun and said he'd shoot the man who bit off his finger. Leonard persuaded him against it. Shackelford was behind Leonard and telling Slaughton to shoot. Shackelford got a big stick to defend himself, this all happened near the door. He went in, and left Shackelford and Slaughton disputing. Evidence of Mary McFarland taken January 11th: she is a married woman. She was in the house, in bed behind Slaughton. Shackelford's wife was in front. Slaughton told Shackelford to take his wife and go to bed. He got up, and Slaughton gave Shackelford a shove. After he bit Slaughton's finger, Shackelford ran out. Williams picked the finger from off the floor and gave it to Mary McFarland who buried [or burned?] it. Deponent saw no blows struck. Saw the gun, was afraid Slaughton would shoot Shackelford. The next morning Shackelford came back with a club. Evidence of Alex Shackelford taken January 10, 1839: at the last Quarter Sessions at Niagara was very cold weather. He is William Smith's labourer, in the employ of Captain Edgworth Ussher. A three year old colt came down the road from Ussher's. Shackelford tried to drive it back when he heard someone come up the road but didn't know who it was. Later at the stables he heard Slaughton's voice at his door. He was making up a fire in the house, and took care of the horse. He found the door fast, and called for it to be opened. Slaughton refused. He went to the window and found Slaughton and his wife in bed. He went to Leonard's Tavern and stayed all night, and left his wife and Slaughton together. The next morning he reproached Slaughton for having his wife with no fire. He didn't know Slaughton had a loaded gun. Three or four days later they met on the road, and said he didn't want to fuss about their differences. If Slaughton paid half the value of the property they held as joint owners, he would retire and say nothing and leave Slaughton and his wife together. Slaughton declined, said he'd prefer to make another trial and work and live together as before. Shackelford was away for two weeks before this at William Lee's. Slaughton and his wife lived together. The last controversy happened after they'd been together three or four weeks. Recognizance taken January 11th: John Slaughton £20; recognizance taken January 14th: William Williams, Stamford, labourer, mulatto, £10; recognizance taken January 21st: Alex Shackelford £25, surety John Bogardus, Chippawa, £25.

File 33A-28.

Adam Snider, Sr, Bertie, labourer and *Adam Snider, Jr*, Bertie, labourer. Charged with larceny, stealing 23 pairs of socks (value 5/-), three augers (5/-), a bag of shot (5/-), five blankets (5/-), table cloth (5/-), 25 yards of calico (4/-) and 20 chalk lines (5/-), the property of *Oliver Newberry* and *John Goodel* on November 24, 1838. True bill: *John J. Patterson* (foreman.) Witnesses: *John Alexander, Washington Sloan, James Sloan, Jacob Fulmer*. Evidence taken before *William Smith* and *James Johnston*, December 24, 1838: the goods were taken out of the brig "*Manhattan*" wrecked at *Port Abino*. Included bags of shot, "slay bells" knives and forks. Evidence of James Sloan: Snider Jr. was one of a guard of Militia on duty on the night the property was taken away. He was told by the Sergeant not to leave his post which he did and was

absent all night. Evidence of William Sloan, taken before James Johnston: suspects the goods were secreted in the house of Adam Snider, Bertie, carpenter. He saw Snider walking or loitering on the beach near where the brig was wrecked on November 23rd. The goods on the brig were in the care of William Sloan. Evidence of Adam Snider Sr: he found the goods washed up on the beach at Point Abino. He supposed it was washed up from the wreck. Recognizance taken before William Smith and James Johnston: James Sloan and William Sloan £20 each; Adam Snider Sr. and Adam Snider Jr £20 each, sureties **John House** and **Otway P. Page** £20 each. Verdict: "not guilty," March 13, 1839.

Niagara District Quarter Sessions, June 1839.

File 34-1. Accounts (1-39.)

List of Bills plus a *List of Bills (continued)* June 12, 1839.

Dr. Porter, charge for gaol attendance, £6.5.0.

John Wilson, constable account, £1.2.0.

Dr. Mewburn. Charge for holding an inquest on the body of *John Hall (Coloured Corps)* on April 24, 1839. Verdict: homicide in self defense. £2.2.0; charge for holding an inquest on the body of *François Louzon*, Chippawa, March 23, 1839 £2.0.6.

Thomas Hanagan, constable account. Charge for a coffin made for *William Mandego* (man of colour) drowned in the *Welland Canal* near *Vanderburgs*, May 17, 1839. Certified by *Samuel Wood* (coroner.)

Thomas H. Bridgman, constable account. Charge to apprehend *Jacob Price* (stealing a buffalo robe) 15/-.

William Duff Miller (coroner.) Charge for holding an inquest on the body of *James Benbow Hughes*, private in *Her Majesty's Dragoon Guards*, February 23, 1839, £1.17.6.

Malcolm Laing, charge for expenses of a journey to Toronto to present an address from the Magistrates to the Lieutenant Governor, £1.15.0.

James Ralston, charge for letter paper, foolscap, quills, account book, cotton, &c. £5.7.4½ .

R.M. Clement, charge for assessing Niagara Township, £9.3.3.

Bernard Roddy, charge as assize constable, £1.2.6.

George Folley, assize constable, 10/-.

Charles Field, assize constable, 10/-.

Alexander Ross, assize constable, 10/-.

Amos Perrin, assize constable, 10/-.

Malcolm Laing, 10/- payment to *Hiram Leavenworth*, printer (short-changed.)

Bernard Roddy, High Constable account, £2.18.8.

Thomas Dority, bread account, £54.3.0.

Samuel Proctor, assize constable, £1.

Bernard Roddy, assize constable, £4.2.6.

Alexander Ross, assize constable, £2.15.0.

George Cain, assize constable, 15/-.

James Levell, charge for services as turnkey, £7.10.0.

George Foley, assize constable, £2.15.0.

Amos Perrin, assize constable, £2.15.0.

Charles Field, assize constable, £2.10.0.

Jonathan Watts, assize constable, 5/-.

Francis Proctor, assize constable, 5/-.

Kenneth Cameron, Sheriff's Account, £42.0.9.

Patrick Finn, charge for services as crier, £4.17.0.

E.S. Wheeler, charge for work at the gaol, cleaning stove pipes, white washing, cleaning the privy, hauling saw dust; cost of supplies; making curtains &c. £17.0.3.

John Prouse, constable account, £1.10.0. Includes cost to summon a jury to an inquest held on the body of *Samuel Cooper* (Chippawa) June 1, 1839; on *Frederick Bray* (Drummondville) February 2, 1839.

R.M. Clement, charge for a gimblet, axe, English soap, £2.12.3.

F.W. Gibbs, charge for meat £12.5.6.

H. Platte, blacksmith. Charge for mending stove door, 5/-.

J & R Wagstaff, charge for sheet iron, kettles, cups, tin plates, kettle bottom &c, £1.11.3.

James W. Smith, receipt for the arrest of *George* and *Benjamin Acre*, February 8, 1839; *Allen William Williams*, March 8th; constable account £9.16.9.

E.S. Wheeler, charge for stationery for the court £1.5.0.

R.M. Clement, charge for assessing the Town of Niagara in 1836, £9.19.0.

Patrick Finn, assize constable, £1.17.6.

File 34-2. Treasurer's Accounts.

Account of Disbursements Made by the Treasurer of the Niagara District, October 1, 1838-June 12, 1839. Audited and approved £2,363.17.0³/₄. Signed *Malcolm Laing*. [seven pages of accounts.]

Account of Money Received by the Treasurer of the Niagara District between September 14, 1838 and June 10, 1839. Audited and ordered to be printed on June 12, 1839. £2,363,17,0³/₄. [two pages of accounts.]

File 34-3. Assessments.

Andrew Nevills, assessor for Caistor: received the rolls from the **Clerk of the Peace** to deliver to the assessors for Caistor, Canborough, Wainfleet, Pelham and Crowland, February 12, 1839.

Henry Disher, receipt from Clerk of the Peace. Blank rolls to be delivered to **Josiah Page**, assessor of Thorold, February 12, 1839.

Rowley Kilborn, received assessors blanks to be delivered to **J.J. Patterson**, Clinton, February 12, 1839.

Dennis Palmer to **Charles Richardson**, please send a blank assessment with **Mr. Kitchen**, February 7, 1839. **Jacob Kitchen** received the same, February 12, 1839.

Andrew Everingham, received the rolls for **Arthur Shaw**, assessor for Niagara, February 6, 1839.

Austin Morse, received the blanks for Stamford and Humberstone, February 13, 1839.

Thaddeus Smith, Port Colburne, January 17, 1839. Send the blanks for Humberstone by way of **Mr. Ostrom**.

Jacob VanLoon, received blanks for **Dunnville** and Rainham, February 12, 1839.

John Gilleland, received the blanks for Grantham for **James Robertson**, assessor, February 13, 1839.

James Bryant, received the blanks for **Mr. William Mudie**, assessor for Walpole and for **Thomas Hindle**, assessor for Cayuga, February 12, 1839.

File 34-4. Convictions (**Mewburn**, JP, Stamford.)

George Wright, Stamford, teamster. Charged with assault and battery against **James [Thomas?]**, Stamford, labourer on April 3, 1839. Witnesses: **John [Fleming?]** Plaintiff was beaten at **Draper's Brewery**. Fined £1 costs only, April 5, 1839.

Enoch Durham, Stamford, farmer and labourer. Charged with trespass against **John Thompson** on April 29, 1839. Witnesses: **William [Dewling?]** and **John [Hall?]** Defendant cut off the tails of the mare and colt of the plaintiff. He also took a buffalo robe and some sheep skins. He took the tails of two colts and then turned them out of the barnyard into the road opposite the barn yard gate. Fined £5 damages paid to Thompson plus £1.15.5. costs, total fine £6.11.11. April 30, 1839.

File 34-5.

D. Thompson, Charles Williams, yeoman, **James Adams**, yeoman, **Martin Fite** [alias **Fight**], yeoman, all of Rainham. Appeal the conviction of **William Mylne** on January 19, 1839 in an assault case against **George Watson Black**. Recognizance to appeal £10 each, April 27, 1839.

File 34-6.

L. Bell, St. Catharines, March 16, 1839 to **Sir George Arthur**. Transmits a presentment by the Grand Jury on the state of the gaol. We would not trouble you with this local issue, but presentments have been ignored through the years. The magistrates, however anxious, have no control since the **Sheriff** arranges everything connected with the gaol. Secure your best endeavors to remedy the evils complained of.

Grand Jury has examined the gaol. The cells are in good order and well kept. The prisoners are satisfied by the treatment of **Mr. Wheeler** and have signed a testimonial. The size of the gaol is inadequate, is a nursery to crime. Seven to ten prisoners are confined in a cell, necessaries need ventilation. Yard should be enclosed for exercise &c.

Letter from **James Black** to **Charles Richardson, Port Colborne**, June 5, 1839. **Emanuel Hoover** refused to convey prisoners to Niagara and to relinquish the office of constable. **Luther Boardman** refusing, I recommend **Levi Cornwall** be appointed constable in stead of Hoover and **William White (Petersburg)** in stead of Boardman. Notices sent to Mr. Black June 11, 1839.

Letter from **Major Richard P. Webb (Coloured Company)** to **Charles Richardson, Port Colborne**, May 25, 1839. Constable **Boardman** had a warrant issued to him by **James Black** for a felony prisoner. He refused unless his expenses were paid before hand. I applied to Black to enforce the duty of the constable, but this power did not rest with him. I am under necessity to have a Sergeant of my Corps sworn as a Special Constable for that purpose. The prisoner is a soldier of the Corps under my command. Otherwise the prisoner might have been set at liberty. I recommend that such a person be dismissed.

Letter from **Charles Richardson** to **Major Webb**, May 26, 1839. The case will be laid before the Quarter Sessions on June 11th. I have no hesitation to state that it is an indictable offence, which won't be lost sight of.

Petition of **Robert Dickson, John Claus** and **Lewis Clement** as the **Market Reservation trustees** to the House of Assembly, Niagara, March 8, 1839. Trustees are desirous to have a bill passed. "If matters remain as they are on the Market Square, the trustees after this will be exonerated from blame." Sent another petition to the council and a courtesy copy to you. We have no reluctance to present it. Please speak to Messrs. **Thorburn, Woodruff, Rykert** and **McMicking** if you present it yourself or send a letter and the petition to Mr. Thorburn.

File 34-7. Criminal Calendar.

Return of Criminals Confined in the Niagara District Gaol (E.S. Wheeler, gaoler) June 11, 1839.

Patrick Donley, age 47 years, born Ireland. Murder. Assizes. September 16, 1832. Labourer. Catholic. Insane.

Robert Housley, 21, England. Assault. Orders of **Ogden Creighton**. February 8, 1839. Labourer. Church of England. Private, **43rd Regiment**. Under sentence.

William Graham, 29, USA. Enticing soldiers to desert. Creighton. February 3. Labourer. Methodist. Under sentence.

Richard Bailey, 29, USA. Enticing soldiers to desert. Creighton. February 3. Labourer. Under sentence.

Jeremiah Sterrett, 23, Ireland. Larceny. **Delatre**. May 4. Labourer. Church of England. Private **43rd**. Under sentence.

George Carland, 22, Ireland. Larceny. Delatre. May 4. Labourer. Church of England. Private 43rd. Under sentence.

Frederick Mead, 21, England. Larceny. Delatre. May 22. Labourer. Church of England. Private 43rd.

James Woodfalk, 30, USA. Larceny. **James Black**. May 28. Labourer. Baptist.

Joseph Thompson, 32, USA. Black. May 28. Labourer. Baptist. Witness.

Mary Graham, 21, Canada. Larceny. **William Smith**. May 30. Church of England.

William Marsden, 22, USA. Enticing soldiers to desert. June 7. Sailor. Methodist.

Charles Smith, 18, England. Black. June 7. Sailor. Church of England. Witness.

File 34-8. Filings.

Elizabeth Cochrane, wife of **William Cochrane** of Wainfleet, yeoman. Prays for security for fear of death, or bodily harm and injury. She has been married for 13 years, her husband has beat and abused her in a cruel, barbarous and inhuman manner. He has threatened to take her life. On December 10, 1838 he struck me with his fists three times, threw me to the floor and choked me. He would have killed me had my son not come up to my relief. I made my escape, but I do not consider it safe to return home. Complaint is not made from malice, ill will or hatred, but for the preservation of herself and children from further danger. Taken before **Samuel Birdsall**, March 29, 1839.

Letter from Samuel Birdsall to **Charles Richardson**, Canborough, June 10, 1839: I enclose this with **James Smith**, constable, who has business with the courts. It is inconvenient to have **Mr. Canby's** concern during his confinement, he is still confined to bed. The case is excusable. Cochran's committal is from want of sureties. It is proper to take his wife's recognizance and securities for her appearance.

Recognizance taken before **J. Mewburn** on April 12, 1839: William Cochrane, Wainfleet, farmer, £20, **Margaret Anderson**, widow, Stamford and **Robert Knox**, Stamford, gentleman, £10 each to appear.

Wainfleet, December 3, 1838: complaint to the town wardens of William Cochrane, a man of unsound mind and a dangerous character at large. He has been very outrageous to his wife and family, who were obliged to seek refuge among their neighbours and durst not return home as long as he "is going thus at large." Signed **George Bradshaw** and **Jacob Misener**, town wardens.

Warrant issued by Samuel Birdsall to the constables of Canborough and the gaoler to take Cochran and commit him, for want of securities to keep the peace towards his wife.

File 34-9. Presentments.

The following support the insane and helpless. They are entitled to compensation, June 11 and 12, 1839.

Dr. Raymond, for **Elizabeth Mitchell Wilson** (insane) £4.17.6.

Mary Ann Buchner, for **William Campbell** (insane) £6.4.0.

Catherine Frank, for **Sarah Frank** (insane) £3.5.0.

Phebe Goodle, for **Harriet Hague** (insane) £8.2.6.

Charles Henderson, for the **Widow Anally** (insane) £6.

Martin Bouckman, for **Mary Bouckman** (insane) £3.5.0.

Richard Forrest, for **Francis Lynch** (insane) £3.

Grand Jury has examined the gaol and prisoners. Find the gaol clean and in good order, the prisoners well pleased with their treatment, June 12, 1839.

The bridge over the *10 Mile Creek* on the *Lake Road* in Grantham is in a very bad state of repair, cost £15 to repair it, June 12, 1839.

Petition from the inhabitants of Niagara and Grantham to the Magistrates: It is inconvenient not to have a *Surveyor of Highways* to call upon without traveling any great distance. We have confidence in the ability of *David Thompson* and the convenience of his residence in the Town of Niagara. Pray for his appointment to the position. [Grand Jury presentment attached.] Signed *George Upper, Peter B. Clement, Walter Wilson* and *E.M.* [-----], (Niagara); *John Junkin, John Vanderburgh, Robert Hodgkisson, Isaac Secord, Charles Donaldson, John McMullin* (Grantham.)

File 34-10. Jail Records.

James Sheldon vs. John Croker, March 22, 1839.

James Fitzgerald, Niagara, gentleman, attorney for the defendant. Called to see *Edward Clark Campbell*, attorney for the plaintiff regarding a settlement of the suit. Produced an agreement for lands on the Grand River from *Ferris* and others to the defendant, but not a deed. (*A. McMillan*, commissioner.) Affidavit of *Richard Miller*, Niagara, gentleman: on February 16th James Fitzgerald was called upon by the defendant to call on Edward Clark Campbell to settle the debt. He produced a deed for land to settle the debt, but couldn't give an answer until Campbell returned from Toronto. (Signed by *William Duff Miller*, March 21, 1839.) Affidavit of *Peter Wheeler*, Niagara, gaoler: a weekly allowance of 5/- was not paid to the defendant, nor to the turnkey or myself on behalf of Croker (signed by *W.B. Winterbottom*, March 19, 1839.) John Croker, Cayuga, gentleman, is in close confinement in gaol, 5/- allowance remains unpaid, signed by Winterbottom on March 19, 1839. Johnson Clench, clerk Niagara District Court, read the affidavit of the prisoner, confined on *capias ad satis*, ordered that the plaintiff on the 3rd Monday after notice, and every subsequent Monday, pay the defendant a weekly allowance of 5/- on the motion of Mr. Hall, counsel for the defendant, March 1, 1839. *Charles Lethum Hall*, Niagara, attorney for Croker. Served *Erastus Raymond*, clerk to *Charles Richardson* (attorney for the plaintiff) with a true copy of the order, March 2, 1839. Notice served on *Richard Miller*, clerk to *Edward Clarke Campbell*, with a true copy of the order.

John L. Alma vs. John Croker: plaintiffs attorney or agent is to attend me at my chambers, Queen Street, on Thursday next at noon, to show cause why Croker should not be discharged from the Sheriff's custody for non-payment of his allowance, March 20, 1839. Charles L. Hall served *Erastus Beardsley Raymond*, clerk to *Charles Richardson*, with a copy of the summons, March 2, 1839.

Answers to Interrogatories put to Croker, a debtor. An order for a weekly allowance. In the matter of *Sheldon vs. Croker*, taken before *William Duff Miller* on March 18, 1839:

- 1) Has no money in his possession, nor any person for him on his account.
- 2) Has no personal property in Upper Canada or elsewhere.
- 3) Has no real property in Upper Canada, no bond, agreement for deed or lease or estate.
- 4) Has no accounts, notes, debts outstanding or coming due.
- 5) Hasn't sold any personal property since the commencement of the suit except a horse, all he possesses, for £20. Received a note, assigned to *James Boulton* to satisfy a judgement to *Niven & Gardiner*.

- 6) Sold lots 28, 29, 30 Concession 1, south side of **Talbot Road** in Cayuga, 350 acres, for £250 to settle a debt due to the **Crooks estate**, paid to **James Crooks**.
- 7) Has had no employment except 30 days on duty with his Company at Cayuga, £15 wages were assigned to **James Moss** to satisfy a debt.
- 8) Has no personal property or effects delivered to any person in the province.
- 9) Has no extra bedding, clothing, watch or trinkets.
- 10) Has never declared that he wouldn't pay the debt and go to gaol.
- 11) Has no means to pay the plaintiff's demand.
- 12) Has no personal property except his necessary clothing and bedding.
- 13) Has no notes or money instruments.
- 14) Has no claim to land on the Grand River, no conveyance, except a right on land near the Cayuga Bridge. Was assigned to **William Chisholm** to satisfy a £40 debt.
- 15) Has no claims against the company in his own name, is administrator to settle the estate of **John [Harris? Ferris?]**, a claim against the **Welland Canal Company** for damages. No part of the claim comes to him, it is on the part of the wife of the deceased.
- 16) Has not conveyed any notes except one in the fifth question.

File 34-11. Orders.

Letter of **Commodore Drew**, prays that a licence issue to **James Moss**, June 11, 1839.

Charge of £3.10.0. to the **gaoler** for washing per quarter, June 12, 1839.

Clerk of the Peace ordered to publish notice in the **Upper Canada Gazette** for an application to the Legislature for an Act for an additional tax to pay the debts of the Niagara District, June 12, 1839.

Magistrates order that an application be made to the Legislature for an increase of the assessment tax to liquidate the debts of the Niagara District, signed **Thomas Butler, James Lockhart, Lewis Clement, Malcolm Laing, Daniel McDougall, John Mewburn**, June 18, 1839.

10/- ordered to the gaoler to board the **turnkey** each week, June 12, 1839.

£62.10.0. ordered to the **Clerk of the Peace**, June 12, 1839.

F. Gibbs, collector for Walpole, payment to commissioners £59.1.7.¼. Amount of the assessment roll £62.10.9.¼, balance due £3.9.2. Balance paid to the Collector of Walpole. **William Garrett**, cheque paid to F. Gibbs 16/9-.

Clerk of the Peace, ordered to furnish the court with stationery, cheque to issue to him for £5.

Charles N. Henderson, payment 13 recommended to him by the Grand Jury to maintain **Mrs. Alney** (insane person) and three children.

1/8d ordered to be levied in 1 for the erection of a **lunatic asylum**, June 17, 1839.

Commissioners appointed under 1 Victoria ch. xix to determine the line between Stamford and Thorold, to charge expenses to the District, June 17, 1839.

Mrs. Elizabeth Clench, ordered a cheque for excess of taxes in 1838. June 17, 1839. Referred to the Court March 11, 1840, signed **Jacob Keefer**.

Receipt from **Bernard Roddy** for £5.12.8. taxes for 1838 from **Mrs. E. Clench**. Notice of assessment for town lots, 2 story house, 5 fireplaces plus merchant shop &c.

Benjamin Corwin, holds a bond of long standing against the District. Is almost worn out, wishes to know if it can be paid or at least the interest. Ordered that an interest cheque for £6 issue to Corwin, June 10, 1839.

File 34-12. Petitions.

Townships of Stamford and Thorold: the boundary line between the townships and the tier of lots westward across Thorold has not been settled according to law. Pray for commissioners to determine and settle the lines, May 11, 1839. Signed **John J. Church, William Y. Church, Joseph E. Harris, Stephen Vanderburgh, John Davis, Alfred McKinnon, Job E. Davis, Robert Hobson, Matthew Overholt, Abraham Overholt, Munson Church, Widow Rebecca Crysler, William Vanderburgh, Jones Fortner, Benjamin Fortner, Nathan Hiason, Thomas Garner, Thomas Ellison, Thomas Emrick, Peter Right, Jacob Lutz, Abner Mathews, John Watson, Thomas Nevills, John Williams, Darius Williams, Charles Murphy, James [-----], John [-----], Baruch Tucker, Archibald Church, William Wright, R. O'Brian, Peter Upper, Robert Wilkerson, Aaron Upper, Martin Thomas, Reuben Green, William How Green, H.C. Green, James Pew Jr, John Pew, John Clark, O. Vanderburgh, Samuel Freure, Levi Page, Henry Stitzer, Josiah Page, Jacob Vanderburgh, John Hoover, Samuel Pew, Henry Kalar, N. [-----], Malim Swayze, William Moore, John Garner, Harmonius Vanderburgh, Robert T. Hughson, Samuel Swayze, David Peterson, Andrew Vanderburgh, Thomas Balde, Rodgar O'Brian, Alfred Wilbur, Daniel Wilbur, William Sutton, Obadiah Hopkins, Robert Campbell, Azariah Vaughan, Joseph Judson, A.C. Waterhouse, Thomas Ellinwood, Henry Spencer, Jacob Garner, Joseph Goodwillis, Ephraim Stanbury, John Bouke, Robert Wilkerson Sr, Peter Lord, Alexander Page, Jacob Shaver, H.C. Ball, Matthew Lampman, Anthony Upper, George Bouke, William Garner, Thomas Brooks, James Hatcher, S. Horton.**

File 34-13. Precept.

List of Grand and Petit Jurors compiled by **Thomas Butler** and **Lewis Clement** on April 15, 1839 for Sessions on June 11th.

Grand Jury: **Frederick A. Cunningham, Richard T. Sherlock, William Stewart, John Y. Nelles, John Jackson** (Haldimand); **James Tisdale, Hiram Limburner, Michael Limburner, Robert Limburner, Merritt Johnson, Henry Johnson** (Caistor); **Robert Hodgkinson, Charles Donaldson, John Vanderburg, Thomas Pierson, Isaac Secord** (Grantham); **James Thorburn, Leslie Battersby, Robert Griffiths, John H. Fullerton, David Read** (Cayuga); **John Junkin, John Forrester, John B. O'Reilly**.

Petit Jury: **David Tale, Peter Drake, James Hamilton, William Kennedy, David McClung, William McClung, Martin Doyle, William Starkey, Harvey Gifford, Hiram Gifford, James Granger, Henry Granger** (Cayuga); **James McLaughlin, James Everingham, Seth R. Smith, Philip Doan, John Brady, John Birdsall, Joseph Mellick, Ferrand Smith, Caleb Swayze, John Baldwin, William Robertson, Matthew Moore** (Canborough); **George A. Bowman, George Roy, David Lane, Horris Greenman, Moses Merritt, Absolam Travitz, Robert Comfort, Joseph**

Bridgeman (Caistor); **Thomas Walker, William Walker, Tiffany A. Hartwell, Aaron Helmer, Richard McGuire, William Cook** (Haldimand); **Thomas Ferguson, Jeremiah Forrester, John Gilson, Arthur Crosby, Daniel Robins, Adam Robins, Thomas Brooks, William Misener, Samuel Flummerfelt, Jesse Henry** (Wainfleet.)

File 34-14, Township officers (Bertie-Louth)

Return of Town Clerks, 1839. **George A. Clement**, Niagara; **Robert Hay Bruce**, Cayuga; **Alexander McDonald Lockhart**, Sherbrooke Forrest; **Henry Sheehan**, Dunn; **Ezra Smith**, Canboro; **John Haun**, Bertie; **Robert Henry**, Clinton; **Dennis Palmer**, Grimsby; **James Adam**, Rainham; **John Scholfield**, Pelham; **Charles Rolls**, Grantham; **Josiah Page**, Thorold; **Edward Lee**, Wainfleet; **Alpheus St. John**, Moulton; **John Ramsden**, Crowland; **Joseph VanEvery**, Stamford; **John T. Cooper**, Walpole; **James Tisdale**, Caistor; **John Thompson**, Humberstone; **James Cummings**, Willoughby; **Peter Sammons**, Gainsboro; **James Secord**, Louth; **Joseph Young**, Haldimand.

Bertie, meeting held Jan. 7, 1839. **Dr. B.P. Hall**, chairman; **John Haun** clerk; **Richard Graham**, assessor; **Jacob Willson**, collector; B.P. Hall, **James Johnston, Benja Searn**, town wardens; poundkeeper **Wm Buck (Black Creek)**, **Jacob Foreman, Charles Stanton, Samuel McAfee, Archibald Thompson, Jacob Benner, John Spellain?, Henry Dickhout**; overseers of highways: **Andrew Miller Jr, Henry Sawr, Israel Tuttle, Henry F Anger, Isaac S Haun, Henry Teel, Lewis Palmer, Henry Dickhout, Jeremiah Tuttle, Daniel Fretz, Michael Baker, Michael Zavitz, Peter Fretz, John Creger, Moses Boyer, John Riseley, Jacob Zavitz, Thomas Spadding, John Edsall, Frederick Rose, Jacob Baxter, Samuel Morningstar, Isaac Thompson, Christian Hershey, Wm McMurray, Samuel Scarlot, John Hershey, Arthur Johnston, Benja Barnhart, James Adair, John Rickert, John Haun, David Scott**. Copy sent to **Charles Richardson**, Jan. 16th.

Caistor, meeting held Jan 7, 1839. **James Tisdale**, clerk; **Andrew Nevills**, assessor & collector; town wardens **Henry Miller, Wm Johnson, Horrace Greenman**; overseers of highways: **David Merritt, John J. Lymburner, Eli W. Lounsbury, Stephen Sharp, Jacob Tice, Wm. Merradeth, Benjamin Bartlett, John Merritt, Andrew B. Gregory, Jacob Kerr, Wm Robertson**; poundkeepers: **Merritt Johnson, Absalem Travis**; fenceviewers, **Oliver Fulsom, [----] Smith, John Merritt, Phillip Felker**. Fences to be 5 feet, spaces 4" between rails; horses not to run at large, nor pigs under 3 months; next meeting to be held at **Henry Smith's** inn. Jan 7th. [document is missing a large chip where the seal was broken and lacks information.]

Canboro, meeting held Jan. 7, 1839. **Wm. Fitch**, chairman; **Ezra Smith**, clerk; **Seth K. Smith** assessor; **Ferrand Smith** collector; poundkeepers **Barton Farr, Wm Fitch, Jonathan Lounsbry**; overseers of highways: **Matthew More, John Killings, Jonathan Lounsbury, Bosel Ellave, Peter Swick Sr, Peter Vollick, Matthew Vollick, Wm Birk, Avry Burnham, Avry Shearwood, Francis Lambier, John Brady, Barton Farr**; town wardens **James W. Smith, Wm Fitch, Lymon Burnham**; fenceviewers: **John Sanger, Matthew Smith, James W. Smith, Luis Ricker, Coonrad Stitzinger**. Jan. 17th. Copy sent to Charles Richardson, filed Jan 19th. Postage 4½ d, mailed from Canboro, Jan 17, 1839.

Cayuga, meeting held at **Frederick Windeckers**, Jan. 7, 1839. **Robert Freeman Cook** chairman; **Robert Hay Bruce** clerk; **Thomas Hinde**, assessor; **Thomas Blakeney**, collector; poundkeepers: **Archibald Blair, James Granger, David Huntsburger, John Curley, Leslie Battersby, John Gifford**; overseers of highways: **John N. Fullarton, Wm. Stooker, Samuel Roger? Michael Welsh, Henry Battersby, Francis Lambier, Robert Griffith, Edmond DeCow, David McClung, Frederick Windecker, Peter Curley, Samuel Suitor?, George Tinley, John Crow?, Criss Yager,**

Richard Killins, Wm Johnston, Abraham Shirk, Samuel Cowell, John Bryse?, Charles Edie, Henry Wade, C. Snyder, John Topp. Town wardens: **Robert Freeman Cook, Charles Edie, Leslie Battersby.** Horses not to be free commoners, fence to be 6 rails, 5½ feet high. Jan. 9th. Copy sent to **Charles Richardson**, filed Jan. 12.

Letter from **John Albright** to **Charles Richardson**, Sir, I enclose you an account current for the township of Clinton, for the preceding year of the money received and expended. **John J. Patterson**, collector, £22.15.7½; paid **Jacob Root** £2.10.0, Aug. 1838; paid **Isaiah Wardle** £3.15.0, Aug. 1838; paid **John Rittenhouse** £2.10.0, Aug. 1838; paid **Abraham Groob** £2, Oct. 1838; paid **Tomas Shadawick** [----], Oct. 1838; paid **John J. Patterson** [-----] Oct. 1838, total £20. Leaving balance due the town £2.15.7½. Certified correct, **Thomas Kulb? Robert Henry**, Clerk, **John Albright**, commissioner. [document is missing a large chip where the seal was broken, is missing some information.)

Gainsboro, meeting held at **George Secord's** inn, Jan 7. **Peter Sammons**, clerk; **Frederick McPherson**, assessor; **Alexander Garner**, collector; town wardens **Leonard Haselip, Robert Comfort Sr, John Mcollim**; overseers of highways: **Abner Stringer, Brafoot Bennit, John Southy, Joseph Haselip, Nicholas Acre, Benjamin Rausil, James Dolton, Adam Dils, Michael Slow, Sam G. Wiggins, Wm Felker, David McPherson, Andrew Wilson, Wm Stewart, Tho Robins, Joel Dils, Daniel Reece, Samuel Swayze, James Wilson, Daniel More, Levi Snider, John Haggerty, Stephen Roy, Isaac Hodskins, John Misener, Lansing Boosfield, Adam Snider, George McClentie, John Scram, Philip Wills, Nathan Lane, John Garner, John Johnson, John Patterson, John McDonald, Joseph Snider, Wm. McPherson Jr.** Poundkeepers: **John Wrong, John Robins, Peter Dils, Peter Tice.** Fences to be 5 feet, horses not to be free commoners, penalty of £1 fine, owners have 2 days notice; hogs to be free commoners, if they do damage, the owner is to pay for it, and two pathmasters are to assess the damages; strays must be reported within 8 days to the clerk, upon a penalty of £1 to be laid out on the highway for repairs. Copy sent to **Charles Richardson**, 11 Feb. 1839.

Account from **Alvah Foster** for services rendered as township [comm.?] 1836, 1837, 1838 1.10.0. Certified **James Secord**, clerk.

D. Palmer, Sir, you will send by mail blank assessment rolls for Grimsby and blanks for taking the sensus.

Grand River, Joseph Young, clerk. Meeting at **York**, Haldimand, **Grand River Indian reserve**, Cayuga line up to Gore District, 7 Jan. **Peter Nelles** and **Robert Young**, assessors, **Peter B Nelles** Collector; I suppose these are all that are necessary to enclose, if you require more let me know and I will send it to you.

Grimsby, January 1839. **Dennis Palmer**, clerk & assessor; **Daniel Palmer**, collector; **John B. Pettit, Abisha Morse & Ezekiel Russ**, town wardens; overseers of highways: **Andrew Pettit, John Book, William Derland, Dennis Woolverton, Daniel Palmer, Robert Walker, Andrew P. Muir, Joseph McCollum, Jacob Baughslaugh, Douglas Muir, Ezekiel Russ, John Willcot, John Martindale, George Miller, Daniel Wilcox, William P. Snider, John M. Camp, William Merritt, Ashman Bridgman, Patric Coliton, John Fields, Wm Cutter [Cutler?], James Patterson, John Halsted, Ezra Oils**; poundkeepers: **Ezekiel Smith, James Randale, Jacob Kitchen, Allen Bush, Henry Smith, John Halsted**; fenceviewers: **John D. Beamer, Ezekiel Smith, Dennis Woolverton, George Adams, Henry Smith, Abisha Morse, John Fields.** Amount of money received and expended by the township clerk in 1838, amount remaining for 1837 £2.12.0; amount received for wild land assessments £7.8.0, to money paid to **Muir** as overseer of

highways £2.12.0, balance £7.8.0. Postage 4½ d from Grimsby, mailed Jan. 21. Filed by **Charles Richardson**, Jan. 22.

Louth, meeting held at **John McDitheys?** Inn. **Philip Wismer**, assessor, **David Burch**, collector; poundkeeper **Arthur Dilts?**, **Solomon Beebe**, **Jacob Johnson**, **Philip Will**, **Benjamin Pickard**; town wardens: **Henry Pawling**, **Wm. Benner?**, **Philip Beamer**; overseers of highways: **David Crowe?**, **Cornelius Ryckman**, **Jacob Price**, **Henry Pawling**, **George Read**, **James McIntee**, **John Gregory**, **James Johnson**, **Peter Disher**, **David Fretz**, **Barnabas Haines**, **John Smith**, **Adam Beamer**, **James Secord**, **John Flummerfelt**, **Jacob Snure**, **Benjamin Gold**, **Isaac Doughty**, **George Bradt**, **John Seaborn**, **Peter Cole**, **Peter Bouman**, **Jacob Fry**, **Thomas Tackel?**, **David Price**, **Samuel Fretz**, **Joseph Overholt**, **Peter Price**; clerk **James Secord**; Account current, last day of Dec 1838: £15.10.0 Menonists exemption money, subject to collectors costage; £1.10.0 fine for assaults received from **J.W.O. Clark** Esq. The above sums remain in my hands unexpended. Filed by **Charles Richardson**, Feb 2, 1839.

Clinton. January 7, 1839 at **Beamsville**. **John J. Patterson** (chairman); **Robert Henry**, Clerk; **John J. Patterson** (assessor and collector); **Jonas Culp**, **Thomas Walker**, **Benjamin Martin**, **Thomas Shadawick**, **Isaac Marlatt** (Pound Keepers); **Henry Moyer**, **Harmon Henry**, **Timothy Hixon**, **James Durham**, **John High**, **Jacob Swarts**, **Tilman Moyer**, **Peter [Bradt?]**, **Nathan Johnson**, **David Bertram**, **Isaac Book**, **Jacob Linderberry**, **Moses S. Couse**, **Powel Marlatt Jr**, **William Havens**, **Thomas Shadawick**, **Joseph Merrill**, **Erastus Darby**, **Ephraim Singer**, **Cyrus Sumner**, **Joseph Tufford**, **Jacob Overholt**, **William Hipple**, **Lawrence Hipple**, **Samuel House Sr**, **Michael Rittenhouse**, **John Ort**, **Andrew Swarts**, **Tilman Houser** (Overseers of Highways); **Timothy Hixon**, **Philip Gregory**, **James N. Simmerman**, (Town Wardens); Rams free commoners from November 1st to April 1st; Horses not allowed to run at large; fence to be 5 feet high, four bottom rails not more than 4 inches apart; hogs not free commoners in Beamsville; Account of monies received and expended by collector **John J. Patterson**, £22.15.7½ (£20 paid to commissioners **Jacob Root**, **Isaiah Wardle**, **John Rittenhouse**, **Abraham Groob**, **Thomas Shadawick**, **John J. Patterson**) and balance of £2.15.7½. Certified correct by **Thomas Walker**, **John Albright** and **Robert Henry**.

Crowland, January 7, 1839 at **Cook's Mills**. Town Clerk: **John Ramsden**; Assesor: **Thomas Burger**; Collector: **Ozias Buchner**; Town Wardens: **John Helms**, **Ozias Buchner**, **David Brown**; Path Masters and Fence Viewers: **Andrew Vanalstine**, **William Vanalstine**, **Amasa Lewis**, **John Helms**, **Arthur Armstrong**, **Duncan Peterson**, **Adam Darby**, **Thomas Burger**, **John Steinhoff**, **Adam Meisener**, **Lewis Buchner**, **James Cook**, **Thomas Dell**, **Peter Wehoring [Wehrung?]**, **Hiram Doan**, **Leonard Matthews**, **John Shafer**, **John Misener**, **Alexander Stewart**, **Jacob Darby**, **Jacob Wade**, **Jacob Brookfield**; Poundkeepers: **Jeremiah Misener**, **Jacob Brookfield**, **Andrew Vanalstine**, **Isaac Doan**. Filed by Charles Richardson, January 26th.

Grantham, January 7, 1839 at **John Wright's** tavern, St. Catharines. **George Havens** (chairman); Town Clerk **Charles Rolls**; Assessor **James Robertson**; Collector **John Read**; Poundkeepers: **Robert Hodgkinson**, **Samuel Dolson**, **Jeremiah Durham**, **George Besse**; Town Wardens: **George Read**, **Alex Wilson**, **Jacob I. Ball**; Path Masters: **Beecher Benham**, **John Soper Sr**, **Thomas Pearson**, **Aaron Havens**, **Elias Durham**, **John Cole**, **William Smith**, **Adam Stull**, **Lewis Traver**, **Franklin Reynolds**, **John Lampman**, **John Kerr**, **John Vanderburgh**, **Moses R. Theal**, **William Wiley**, **Warner Nelles**, **Aaron Read**, **Alonzo Bissel**, **Peter Griffis**, **Richard Mann**, **Ezekiel Cudney**, **Jacob Hosteter**, **W. Steut [Sturt?]**, **Albert Bate**, **Nathan Pawling**, **Stephen Parnell**, **William Parnell**, **Maurice Riordon**, **Alva Dittrick**, **Samuel Haight**, **Bridgwater Merrideth**, **David Curry**, **Francis Wilson**, **Paul VanKeuren**. Horned cattle to run at large except which are breachy; hogs to run at large except under six months of age; horses to be kept up, on

5/- fine; no fines for bulls, boars, or rams which shall run at large; thistle and noxious weeds on the roads to be cut down by overseers and in the fields by owners before coming to seed except if it means destroying grain, on 5/- fine. Fences to be five feet high. Filed by Charles Richardson, January 24th.

Account of monies received and expended in Grantham 1838. Jan. 24th: received 5/- from **George Besse**, pound keeper, fine on an impounded horse; July 21, paid **Abraham Hosteter** for work done on a bridge, 5/-. A note of hand against **William McCandlish** still remains unpaid and in the hands of the town clerk not collectable, he having absconded, amount £5. Signed **Charles Rolls**, Jan 7, 1839, **Walt Dittrick**, **Thomas Gilleland**, **John Lampman**. Filed by **Charles Richardson**, Jan. 24th.

File 34-15, Township officers (Moulton-Willoughby)

Moulton, meeting held at **William Orderly's** inn, Jan 7, 1839. **Dr. John Jarron**, moderator; clerk **Alpheus St John**; **Andrew Thompson**, assessor; **Dr. Jarron**, collector; poundkeepers **Salmon Minor**, **Eli Bristol**, **Sam Furry**; overseers of highways: **Wm Orderly**, **Andrew Hood Sr**, **John Reynolds**, **James Jones**, **Christopher Dent**, **Samuel Pew**, **John Furry**; town wardens **Wm Eyers**, **Andrew Hood Sr**, **Joseph Montague**; fenceviewers: **Levi I. Wetherby**, **Wm McLean**, **Hiram Humphrey**; Resolved: stone horses over 1 year old not to run at large, fine £2.10.0; hogs 30 lbs and upwards are free commoners; all fences to be 5 feet, staked and ridered or cross locked. **Dunnville**, Jan 9. Filed by **Charles Richardson** Jan 25th.

Alpheus St. John, town clerk in account with Moulton & Sherbrook, Jan. 1, 1838 brot forward 5/1½. Certified by Alpheus St. John, town wardens **William Eyers** & **Andrew Thompson**. **Dunnville**, Jan 7/39. Filed by **Charles Richardson**, Jan 25.

Niagara Township, meeting held Jan 7, 1839 at **Joseph Wynn's** tavern in **Queenston**. **David Thorburn**, chairman; clerk **George A. Clement**; **Arthur Shaw** assessor; **Wm Wynn** collector; poundkeepers- [**Ursen**] **Harvey**, **St. Davids**, [----] **Brown**, Queenston, [----] **Cain**, **Crossroads**, [**Rich**]ard **Howard**, Niagara; overseers of highways: **Laughlin Curry**, **Peter Utman**, **John Gurnsey**, **Thomas Humphrey**, **Edward Jones**, **Joseph D. Clement**, **Wm Lewis Smith**, **Peter Lampman**, **Arthur Lambert**, **Abraham Markle**, **Solomon Vrooman**, **Benjamin Lawrence**, **Job Stevens**, **David Whitmore**, **Solomon Markle**, **James Wilson**, **Benjamin Markle**, **Alexander Rogers**, **James Cushman**, division #20-decided that none be appointed, **James Rogers**, **James Brown**, **John Cox**, division #24-none allowed, **Wm Simonds**, **David H. Graham**, **David K. Millard**, **George Rogers**, **Adam Stevens**. Town Wardens **James Cooper**, **Joseph Clement**, **John McFarland**; clerks account 1838, rec'd from **Walter Wilson** an order for 15/- and ¾- cash balance due the township from 1836, certified correct by Geo A. Clement; fences to be 5 feet staked & ridered, rail fences 4½ feet, stone fence 4 feet; lowest rails 4" apart; all animals to run at large except stud horses over 1½ years, rams not to run from mid Aug to Jan 1; no boars, pigs over 4 months to run at large except such as 3 freeholder farmers shall on oath declare to be for the improvement of stock. Fines-horses £2, rams 10/-, boars 10/-. Pathmasters appointed to the divisions of 1838. Filed by **Charles Richardson** Jan 10.⁵³

Pelham, township account 1838. Monies remaining in the hands of clerk for 1838, grant of £1.5.0. to **Aaron Winchester** & **Jacob Tice** not expended; grant remaining in the hands of the clerk 9/7-; monies from fines, none; communication monies, none; wild tax moneys, none; total

⁵³ This document is missing text due to damage caused to the page when the wax seal was broken.

remaining in hands of clerk £1.14.7. Signed **John Scholfield**. Certified that Scholfield did his duty as clerk, Jan 7, 1839 signed by **Lewis Wilson, JF Schram**, town wardens.

Lewis Wilson, chairman; **John Scholfield**, clerk; **John Snure**, assessor & collector; town wardens **Isaac Wilson, David Bradshaw, George Slow Sr**; poundkeepers: **David Bradshaw, Joseph Disher**; overseers of highways: **John Carl, Cornelius Lacy, Joseph Fell, Joseph Rinker, James Smith, John McLaney, Tho [J]---ings, John Price, Crist Strin[ge]r, John F. Stitsinger, James Fell, Richard Burger, Philip Metler, Lewis Wilson, George Sriner, George Slow Jr, Christian Brown, Michiel Thomas, Peter Becket Sr, David Bowman, Robert Killman, Wm Disher, Henry Snure, Philip Bowman, James Disher, John Snure, Jacob Hendershot, John N. Oil, Henry Johnson, Isaac Griffin, Wm Clark, Wm McDonald, Isaac Nunn**. Fences to be 4½ feet, rails staked & locked in corners; boars, bulls and rams not to run at large; Jan. 8. Filed by **Charles Richardson**, Jan 23.⁵⁴

Rainham meeting, clerk **James Adam**; township commissioners **James Soper, Solomon Waddell, Isaac Hoover**; **Aaron Hoverholt** assessor; **Aaron Wabber** collector; overseers of highways: **Benjamin Hoover, John Miller, Solomon Waddell, George Imrick, Peter Culvar, John Hunsburgh, Godfray Smelsray, Jacob Yagar, Luis Barran, Battic Chrysler, Matheys Yagar**; poundkeeper **James Stewart**; fenceviewers: **Leonard Yagar, James Drinkwater, Isaac Root**. Jan. 19. Filed by **Charles Richardson**, Jan 22.

Rainham, meeting at **James Stewart's** house, Jan 7th at 10 am. **Edward Evans** chairman; cash on hand £5.8.10; Jan 24th. Note from **James Adam** to **Charles Richardson**, Dear Sir, I am much indebted to you for letting me know my mistake but I had not the statutes therefore if in your power I hope that you will forgive me and except of this list and oblige your most obt st. Postage 4½ d. Verso addressed to Charles Richardson "in haste." Filed Jan 29th.

Sherbrook Forest, meeting held under warrant from **Wm Mylne** and **Edward Evans**. **Jacob Nice**, chairman; **Alex Macdonald Lockhart** clerk; overseers of highways: **John Root, Silas Kennard, Wm Furry and Jacob Peter; John McMurdo**, assessor & collector; town wardens: **Henry Douglas McMurdo, Jacob Minor & Wm Chalmers**; fence to be 5 feet staked or locked, 6" between the rails; no stallion over 1 year old to run at large, £2 fine; no bull over 1 year old to run, £1 fine; no ram to run at large, 15/- fine; no boars to run at large, 10/- fine. Pigs under 40 lbs not to run at large, 1/3 fine. Letter to **Charles Richardson**, Sir, Upon the other sheet you have a copy of the procedure which took place this day at the first township meeting held in Sherbrook; which used to be included in Moulton Township, but having now considerably upwards of 30 inhabitant householders has become entitled to a township meeting of its own. I have to request that you will as soon as convenient transmit to me (**Dunnville PO**) for the use of our assessor the blank book or form for taking the assessment mentioned at the top of page 6 of the township act as the assessor wishes to proceed immediately to work. I am, Sir, your most obt servt, A Macdonald Lockhart. Postage 4½ d, mailed from Dunnville, Jan 9. Filed by Charles Richardson Jan 13.

Stamford, meeting held at **Adam Fralicks** house, **Drummondville**, Jan 7. **David Lynch**, clerk; **Jacob Garner**, assessor; **Frederick Hutt** collector; overseers of highways: **Philip Bender, Wm Agler, Patrick McMahan, Joseph Oldfield, Andrew Rorback, Thomas Pew, James McGary, Wm Pew Sr, Wm Biggar, Reuben Green, John Mitchel, Thomas Brooks, Robert Spencer, Philip Garner, James Thompson, Robert Wallace, Philip Metler Jr, Smith Meadough, John Thomas, Lawrence Lemon, Mathias Lampman, James Pew Jr, John Fortner, James Slaight, Nathan Hixon, Matthew Donahue, Cranby Kirby?, John McClive, Joseph Vanevery, George**

⁵⁴ This document is missing text due to damage caused to the page when the wax seal was broken.

Bender; town wardens & fence viewers: **Wm Biggar, Wm McMicking, Robert Garner**; poundkeepers: **Thomas Pew, Reuben Green, John Pew**. Horses & hogs not to run at large, horses may be impounded and fine charged 5/- exclusive of poundkeepers fees, and paid to pathmaster in the division where the horse was found to be laid out on the road. Filed by **Charles Richardson** Jan 29th.

Stamford Township Clerks account 1838. Credit: Cash in hand £8.19.5 ¼; Apr 7, cash from **Alexander Gordon** £3; from **Wm [Land?]** £6.2.10 ¼; from **Lawrence Lemmon** £1.10.0; from **S. McKerly** 7/6-; from **Wm Lampman** 12/6; from **Jacob Killman** 5/-; total £20.17.3 ½. Debit: Cash paid **Peter Dewitt** £6.5.0; paid **Henry Bond** £1.5.0; paid **George Lampman** £1.10.0; paid **Smith Meadough** £1; paid **Philip Metler** £2; paid **Jacob Killman** £1.10.0; balance in clerk's hands £7.7.3½; balance £20.17.3 ½. Jan. 27th.

Thorold, January 7, 1839 at **Samuel Swayze's Inn, Allanburgh**. **George Lacey** (chairman); Town Clerk: **Josiah Page**; Assessor: **Josiah Page**; Collector: **Anthony Upper**; Township Commissioners: **Samuel Swayze, Joseph Goodwillie, Malum Swayze**; Town Wardens: **John Hill, Andrew Vanderburgh, John Williams**; Pound Keepers: **Henry Hoover, Andrew Upper, Joseph Upper, Abram Brown, John Terryberry, Thomas Page, Henry C. Ball, Clement Dixon, Isaac Head, Hiram Swayze, William Orr, George Marlatt, James Hagar, John Kalar, Stephen Seburn, Jacob Shaver, Richard Havil, Samuel Fruere, John Emerick, Peter Upper, Andrew Upper, John Damude, Jacob Lutz, Robert Seburn, James Keefer, William Hill, George Hill, Joseph Burgar, Richard Willson, Jesse H. Lacey, Orrin Bemiss, John McKindley, Stephen Burns, Jacob Carl, William Seburn, William Holliday, John Jackson, Robert Willson, Alam Marr, Samuel Swayze** (pathmasters.) Fences to be 4½ feet high; horses, oxen, bulls, boars and rams not to be free commoners except rams between January 1st and August 1st. Stallions 2 years or older found at large £2 fine, 1 on stallion colts 18 months or older; all other animals at large fine 5/-; make the **Court of Requests** central, which is now located in the village of Thorold at an extreme corner of the township. Only one man gave voice against it. Township Clerk's Account £6.2.1½.

Thorold, Clerk's account, 1838: cash on hand £1.17.1½; received from **Duncan McFarland** £3; balance £4.17.1½ paid for blank book 5/-; cash remaining £4.12.1½; certified true, **Josiah Page**. "Our commissioners were put out of office and our magistrates done no business so there was nothing or very little done this summer in our township."

Wainfleet meeting held Jan. 7, 1839 at **Marshville, Elijah Gleaker?** chairman; **Edward Lee**, clerk & collector; town wardens **John Graybiel, Leonard Misener** and **John Aikens**; assessor: **Jacob Misner**; overseers of highways: **Abraham Chapman, Samuel Flumerfelt, George Lawrence, Thomas Brooks, Philip Misner, Samuel Dockstader, George Kitts, James Chambers, James Patterson, Hiram Willson, Asa H. Mattan?, David Moore, Jacob Cook, James Bradshaw, John Graybiel, James [Stone?], James Logan, Martin Neff**; poundkeepers: **David Farquinson?, Archibald Farr, Wm Bell**. Fences to be 5 feet, horses and breachy cattle not to be free commoners; boars, rams and bulls not to be free commoners, pigs not to be at large in any village, Jan. 7. Filed by **Charles Richardson** Jan 25.

Willoughby, in village of **Chippawa**, at **John C. Davis** inn, Jan 7, 1839. **James H. Cummings Jr** clerk; **Jacob Gander** collector; **Michael Gander** assessor; overseers of highways: **John Palmer, David Waggoner, Henry Taylor, Joel Phelps, Thomas McCrady, John Lemon, Henry Dell, Daniel Lambert, Joseph Willcock, Wm Hathaway, Peter Pickhard, Andrew Lapp, John Barnhart, Stephen Bains, Elijah Sheinholdts, Adam Beam, Henry Dell, George [Warner?]** 2nd Concession, **Hubbert Lee, Iholonius Myres?, Michael Morningstar, Thomas Gleney**.

Poundkeepers: **Michael Gander, John C. Davis, James Dell**. Certified a true copy- James Cummings. Bond-James H. Cummings, clerk, **James Cummings** Esq., **James Macklem**, merchant, £50 to **Malcolm Laing**, treasurer, Jan. 7. to ensure that Cummings will pay over for the use of the township all monies coming into his hands, and to deliver the remainder and any books, papers and records to his successor. Witness **Edward Colls**. Rec'd Feb. 6. Township of Willoughby- **Isaac Durham's** fine 10/-; **Mrs. Durham's** fine £1; cash paid to **Robert Caswell?**, £1; paid **Felix Cull** by order of **Joseph Morrison** for ditching 10/-; balance of account £1.10.0. Filed by **Charles Richardson** Feb. 6.

File 34-16.

Mary Graham, Bertie, coloured woman. Charged with larceny, stealing a willow basket (value 2/-), a muslin dress (5/-), petticoat (3/-), two aprons (2/-), and flannel petticoat (3/-) the property of **Charles Stanton**, Bertie, merchant, on May 28, 1839. True bill: **Robert Griffith** (foreman.) Witnesses: Charles Stanton, **Lewis Palmer**. Evidence taken before **William Smith**, Bertie, May 29th: ladies dresses, night gown &c. were stolen. Recognizance taken: Charles Stanton and Lewis Palmer (Special Constable) each £10. Plea: "guilty." Sentenced to one year hard labour in the penitentiary. Letter from **Charles Richardson** to **Kenneth Cameron**, Niagara, June 12, 1839: Enclosed is a commitment order for Mary Graham to the Keeper of the Provincial Penitentiary.

File 34-17.

Frederick Meade, Stamford, labourer and **Richard Marker**, Stamford, labourer. Charged with larceny, stealing four pieces of silver (value 5/-) the property of **James McGarry**, on April 20, 1839. True bill: **Robert Griffiths** (foreman.) Witnesses: James and **Lydia McGarry**. Letter from **P. Delatre** to **Charles Richardson, Drummondville**, June 4, 1839: encloses evidence against Meade, a private in the **43rd Regiment**. James McGarry bound over to prosecute. Evidence of Lydia McGarry, wife of James McGarry, Stamford, innkeeper, taken before P. Delatre on May 21st: Defendants came to the barroom of their inn near the Falls. Meade forced the lock to the bar. She came down and found him in the bar with the box in his hand- money from the sale of liquors- he put down the box. He held one hand closed and I asked him what he had in it. He opened his hand and gave her the money. She heard money rattling in the box when Meade took it out. She sent for her husband who was in the bar. Marker was seated when she came in, and didn't observe him doing anything. The prisoners have no questions. Evidence of James McGarry: he was in the barn when sent for. He was told the door was forced and my wife handed me the money that he took. No further questions. The prisoners declined to say anything. Verdict: "guilty," sentenced to two months in gaol, one month in solitary confinement.

File 34-18.

Jeremiah Sterratt, Stamford, labourer, **George Carland**, Stamford, labourer. Charged with larceny, stealing three blankets (value 15/-) the property of **Austin Morse, Drummondville**, upholsterer, on May 2, 1839. Witnesses: Austin Morse, **Sergeant John McKeon** of the **43rd Regiment**. Evidence of Austin Morse taken before **Delatre** on May 4th: deponent searched the barracks with Sergeant McKeon and found the blankets. Evidence of John McKeon: we searched the soldiers beds and found the blankets. Evidence of George Carland: between 8 and 9 pm deponent went to the privy. He found a bundle tied up and brought it into the barracks. He put two blankets on Sterratt's bed and one on his own. Sterratt didn't know of them, the next morning he "desired him to leave them where he found them." Evidence of Jeremiah Sterratt: was on the picquet line on May 2nd. In his absence the blankets were put on his bed. He knew nothing of them, and desired Carland to return them. Evidence of **Mary Ann Bigmore**, wife of a soldier in

the 43rd Regiment: she went to the orchard at the rear of the barracks in Drummondville to bring in her clothes. She saw Sterratt drop something near the privy. She was ashamed to be looking, and went to the line where her clothes were hanging. She came back and saw two men. Sterratt had a large bundle, and had wrapped his jacket around the bundle with the sleeves hanging out. Witnessed questioned by Sterratt: did you see me come into the barracks? Answer, no. You was standing outside the privy. Question: was I standing there when you went for your clothes? Answer, yes.

File 34-19.

George Williams, Stamford, labourer, coloured man. Charged with larceny, stealing 14 hens (value 7/-), a cock and turkey hen (value 2/6-) the property of **William Pew, Sr**, Stamford, yeoman, on April 4, 1839. Witnesses: William Pew, **John Quentin** private in the 43rd Regiment. Evidence of William Pew taken before **Delatre** on May 16th: my hens &c were taken in **Drummondville** on April 8th. I looked over the fence into **Lord William Hill's** yard and saw the fowls. Evidence of John Quentin taken before **J.J. Lefferty** and Delatre: deponent is Regimental servant to Lord William Hill. He gave a turkey hen and cock back to Pew. He bought them from George Williams, a coloured man, for \$1 in early April. Prisoner had no questions. Evidence of **William Ingram**, private in the 43rd Regiment: He saw Quentin purchase the fowls from the prisoner. The prisoner questioned: are you sure I'm the one? Answer: yes. Evidence of George Williams: denies the sale of the fowls to Quentin. Recognizance taken before **Jacob Keefer** on May 17th: George Williams £10 to appear.

File 34-20.

It is an impropriety to hold an **Orange Procession** or other processions on July 12th. The only result is angry feelings and breached peace between parties who hitherto in this District have lived on terms of exemplary amity and good fellowship. 50 copies ordered published, July 8, 1839.

Bakers in the Town of Niagara shall charge 9d for a four pound loaf of bread until July 20th next. July 8, 1839.

It is necessary to procure money for the current expenses of the District. **Collectors** are ordered to make their returns. The first monies received by the **Treasurer** ordered to be put back in the bank to raise money for District expenses, July 8, 1839.

Niagara District Quarter Sessions, September and October 1839.

File 35-1. Accounts (1-23.)

Amos Perrin, constable account, £1.17.6.

John Byrnes, constable account, £10.15.0.

Timothy S. Hoyle, constable account, charge for conveying *Mary Graham* (coloured woman) to gaol, £1.13.0.

George W. Messmore, constable account, £2.5.0.

Dr. Porter, charge for gaol attendance, £6.5.0.

Thomas Dority, charge for bread, £42.7.8.

David Burtch, constable account, £1.10.6.

John Lyons, Registrar, charge for Books "T" "U" "W" and indices, £8.18.6.

Dr. Mewburn (coroner.) Charge for holding an inquest on the body of *Edward Dedwalk, 3rd Incorporated Militia*, August 23, 1839, £2.1.0; *George Merritt, 3rd I.M.*, July 4th, £2; *William Meechem, 43rd Regiment, Falls House*, July 31st, £1.19.6; *Henry Mauker, 43rd Regiment, Drummondville*, August 13th, £2. Total £8.0.6.

Samuel Wood (coroner.) Charge for holding an inquest on the body of *William Mandigo*, drowned in the *Welland Canal* in June; *John Tyler*, drowned near *Keefer's Mill* on July 27th, £3.16.6.

William Duff Miller (coroner.) Charge for holding an inquest on the body of *James Lawder* on July 26, 1839 £1.17.0.

James J. Ralston, charge for moleskin, cotton, thread, linen, blankets &c, £15.15.2.

F.W. Gibbs, charge for meat, £12.3.0.

Patrick Finn, constable account, 15/-.

Alexander Ross, constable account, £1.16.3.

Bernard Roddy, charge for apprehending *Mary Ann Hancocks* (drunk and disorderly) on September 10, 1839; charge for apprehending prostitutes *Jane Ross, Anne Cooper* and *Ellen Dennis*, £4.8.9.

Kenneth Cameron, Sheriff's Account, £26.10.2.

Andrew Heron, charge for planks, £1.2.1.

James Levell, charge for services as turnkey, £7.10.0.

E.S. Wheeler, Gaoler's Account: straw, grindstone, lime, cleaning privy, spikes, brooms, bed ticks, pantaloons, whitewash, candles, "blue ointment," boarding *James Levell*, salary £64.3.0.

Jacob Johnson, constable account, £1.15.0.

John Simpson, printing charges (*Niagara Chronicle*) £13.14.0.

List of Accounts Papers in Quarter Sessions, September 11, 1839.

File 35-2. Cheques Issued.

Letter from *Major Richard P. Wibbe, Coloured Corps*, to *Charles Richardson*: Encloses an account for a man carrying prisoners to the gaol at Niagara, soldiers of my Corps charged with felony. Certificate of *James Black* attached [has no date or amount.]

James Secord, charge for services as Louth Township Clerk for 1836-37, £5.

Patrick Finn, charge for services as crier, £1.2.6.

John Burns, constable account, 10/-.

Alexander Ross, constable account, 15/-.

Amos Perrin, constable account, 15/-.

Bernard Roddy, constable account, £1.2.6.

George Folley, constable account, 15/-.

Charles Field, constable account, 15/-.

Francis Proctor, constable account, 10/-.

George Peacock, charge for team to haul prisoners from *Port Colborne* to Niagara £1.10.0.
(Certified by *James Black*.)

File 35-3. Accounts Rejected.

Sergeant Townsend, Corporal Wood, Jonathan Lloyd, 43rd Regiment. Cost of 12 weeks lodging by *John Townsend* 18/1½.

Ensign and Atkins. Required to remain in the house, *Sergeants Townsend* and *Corporal Wood* of the 43rd on billets, October 29, 1839.

William Coulter, constable account, £1. For the arrest of *Caroline Davis* (larceny) and *Jonathan [Sloney?]*; *Townsend* and *Wood*, £1 plus lodging. October 31, 1839.

John M. Camp, charge for assessing the town of Grimsby in 1837, £8.11.7.

File 35-4.

Malcolm Laing (Treasurer) in Account with the Niagara District. £386.13.3½, September 10, 1839. Certified correct by **Lewis Clement**.

File 35-5.

Joseph Upper, charged with assault and battery against **Matthew Uttley, Allanburg**, on July 22, 1839. Fined 5/- (paid to Township Clerk) plus £1.18.6. costs. Before **A. Bradshaw**, Thorold, July 25, 1839.

File 35-6.

William Lee, Niagara. Charged with assault and battery against **Charlotte Hicks**, on August 1, 1839. Fined 10/- before **Thomas Butler**, Niagara, August 2, 1839.

File 35-7.

Mary Miller, Niagara, huckster. On July 30, 1839 she purchased butter and eggs contrary to **Market Regulations**. Witnesses: **Leonard McDonald**. Fined 10/- before **Thomas Butler** and **Lewis Clement**, Niagara, August 1, 1839.

File 35-8.

Charles Luscomb. Charged with assault and battery against **Hannah Jackson**, Niagara, on July 12, 1839. Fined £2.10.0. before **Lewis Clement**, Niagara, July 13, 1839.

File 35-9.

Hugh James, Bertie, yeoman. Sold spirits without a licence on March 14, 1839. Fined £5 (to be used on road repairs) plus 19/5- costs. Before **Alexander Douglass, Edmund Riselay** and **William Duff, Fort Erie**, March 20, 1839.

Zimri Oliver, Bertie, cooper. Sold a pint of whiskey with no licence for 7½d on March 8, 1839. Fined £5 (to be used on road repairs) plus 13/9- costs. Before **Alexander Douglass, Edmund Riselay** and **William Duff, Fort Erie**, March 20, 1839.

File 35-10.

Henry Wood, Thorold, labourer. Attacked the house of **Alexander Winslow** on April 9, 1839 and broke the front door and window, value 17/6-. Fined 17/6- damages plus 19/9- costs. Before **J. Keefer**, Thorold, April 11, 1839.

Recognizance taken July 11, 1839: **Jacob Silverthorn**, Thorold, yeoman, **Michael Silverthorn**, Thorold, yeoman, sureties **James Vanalstine**, Thorold, yeoman, **William Silverthorn**, Thorold, yeoman, £10 each. Jacob and Michael Silverthorn to keep the peace towards **Duncan Buchanan**, Thorold, yeoman, for 12 months.

Recognizance taken July 11, 1839: **Joseph Burger**, Thorold, yeoman, **Duncan Buchanan**, Thorold, yeoman, sureties **Anthony Upper**, Thorold, yeoman and **James Burger**, Thorold, yeoman, £10 each. Joseph Burger and Duncan Buchanan to keep the peace towards **Jacob Silverthorn** for 12 months.

File 35-11.

James Boyd, on June 26, 1839 prisoner ran his team of horses through the village of Stamford and damaged a fence. Evidence of **Thomas Carlisle**, Stamford, taken before **J. Mewburn** on August 27, 1839. Fine £1.5.0. damages plus 16/6- costs plus 1/3- for witness, total £2.2.3.

Thomas Carlisle, on August 27, 1839 **George Hill** ran his team through the village and nearly killed him and a child of **Mr. Clarke**. Fined £1.5.0. on September 9, 1839. [Rear endorsed £9.13.10½ and £7.15.0, total £17.18.10½.]

Adam Fralick, Stamford. Charged with assault and battery against **John [Pentland?]**, Stamford, on July 28, 1839. Fralick struck deponent and knocked him down. Fined £3.8.9. on August 1, 1839.

File 35-12.

Patrick McMahon, Niagara Falls, innkeeper. Charged with assault against **Patrick Hogan**, of **Captain Trion's Company #3, 43rd Regiment**, Niagara Falls on July 17, 1839. Evidence taken before **Samuel Street** at Stamford on July 19, 1839: Hogan asked deponent for a glass of brandy and was refused. Deponent said Hogan could keep his money and McMahon would keep his liquor. McMahon said "he'd rather give poison to a bloody soldier" and reached over the bar and struck me on the cheek with his fist. Deponent retired out the door, McMahon followed and struck me over the head with a stick. It made a hole in the top of my cap and knocked it off. I stooped to pick it up, and he struck me on the forehead over the left eye. It left a mark and drew blood. McMahon retired to his own doorway. Evidence of **Corporal Edward Argent**, of **Captain Mundy's Company #5, 43rd Regiment**: on July 17th at 7 pm he was sentry at the Commissariat's door. He shouted to McMahon "not to kill the man." Evidence of **Corporal Charles Sheppard**, in Captain Trion's Company #3 of the 43rd Regiment: he was on Commissary Guard. He heard a shout. He came up with the guard to prevent mischief, there was a gathering of soldiers before McMahon's door. Hogan was bleeding so that I hardly knew him. I admonished McMahon, who had a weapon in his hand- a stick with a buck horn on the head of it. McMahon shook it at me and said "he would serve him the same, that if it were a sword he would run it through Hogan" and the deponent. He retired to the Guard Room. Evidence of Patrick McMahon taken July 20th: said he would "rather give a glass of poison to a bloody Red Coat." He was in his senses but was in liquor and therefore refused Hogan. McMahon summoned for July 20th at 4 pm, summons given to **Sergeant Isaac Hare** of Captain Trion's Company. Evidence of **Thomas Scudmore, Goderich**, gunmaker: he heard words between Hogan and McMahon. Hogan said McMahon was "a liar" and McMahon insisted that Hogan should get out of his bar. Evidence of **Richard Steele**, Niagara Falls, shoemaker: he was in his workshop on the east side of the street opposite McMahon's. He heard McMahon tell someone 4 or 5 times to get out. He saw Hogan come out and the door shut. Hogan went to the front window which was open and talked to someone inside. He then went to the front door which was half open and talked. The door was shut and Hogan went back to the open window. McMahon put his head out the window and "bid him begone for a blackguard from the place." Hogan went to **Leeper's house**, then back to the platform before McMahon's. McMahon propped the door open and told Hogan to be off. McMahon struck him with a white fancy stick with a horn on it's head. Hogan went to the back of **Crysler's old barn** but returned to McMahon's and said "he would fix him off in the morning for this." He came close to McMahon's platform and McMahon raised his stick and ordered him off and struck again. He saw Hogan hang his head and wipe his forehead as if bleeding. He often saw McMahon refuse drink to drunken people. Evidence of **Edward McGuire**: Hogan went to the back of Crysler's and said to McMahon "You damned rascal! Have you your stick yet?" McMahon held it

up and said he had. He told McMahon to drop it and come out and “he would put the polish on him.” Hogan came to the stoop and said he’d make him drop the stick, and damned him for a rebel. McMahon struck him. Hogan picked up his hat and went away, then came back and said “he would destroy him and his place.” The Corporal came up and told him to make less noise. They got Hogan off, walked as if going to the barracks. He came back with 3 or 4 men, wanted to know what was the matter. He said he’d tell when the officers came back. Hogan called McMahon a rebel before he was struck, and was bleeding after McMahon struck him. Letter from **Samuel Street** to **Charles Richardson**, Niagara Falls, Chippawa, July 23rd: encloses papers in the proceedings. Verdict: McMahon convicted of assault and battery on Hogan. Fined £1.5.0. plus costs 12/6-, total fine £1.17.6 on July 20th. Fine paid, 12/6- paid to the use of Stamford roads.

File 35-13. Appeals.

Charles Edie [alias **Eadie**] vs. **James Hamilton**. Defendant has dogged, maimed, beat and kicked the hogs of the plaintiff. Fined £3.10.0. damages on August 23, 1839. Hamilton denies damages to that extent. He admits the fences insufficient. He dogged six hogs, and beat others with a club. Dogged two hogs in the woods. Wishes he’d killed them to save his crop, August 29, 1839. Evidence of **John Allan** taken before **David Thompson**: Hamilton admits two hogs were injured by his dogs. Wishes he’d killed them, one a breeding sow heavy in pig. Ill treatment, he struck the pigs. Doesn’t know the extent of the damages. Evidence of **William Dashwood**: confirms testimony. Evidence of **James McGowan** of Dunn: saw one **Waterhouse** and [-----], defendant admits dogging the hogs. Evidence of Robert Croft taken August 31st: defendant admitted dogging the hogs. Evidence of Samuel Colwel: knows nothing. Indiana, Haldimand, August 31st: James Hamilton of Cayuga convicted of trespass on Edie’s hogs. Fined £3.10.0. damages and £2.18.0. costs. Conviction annulled by jury September 12, 1839. Recognizance to appeal taken before Edward Evans, August 31st: James Hamilton, Cayuga, yeoman, £10, sureties **John Holmes**, Dunn, yeoman and **John W. Evans**, Rainham, yeoman, £5 each. Letter from Charles Edie to James Hamilton, **Hayfield**, August 17th: “Two of my hogs which you so shamefully abused are in such a state that I think it probable they may not survive. I shall let you have a chance to come and see them and purchase them at fair value. If not, I will take such measure as the laws admit to cover the value. PS: I will be at home tomorrow if you have any wish to see me.” August 31st, notice given by Hamilton of intent to appeal “as the Magistrates did not give me a fair trial, would not allow me to defend myself.” Entered into recognizance with two sureties.

File 35-14. Criminal Calendar.

Return of Criminal Prisoners Confined in the Niagara District Gaol, September 10, 1839. (Certified by **Kenneth Cameron**, Sheriff.)

Patrick Donley, age 47, born Ireland. Murder. Assizes. September 6, 1832. Labourer. Catholic. Insane.

Robert Houseley, 21, England. Assault. Sessions. February 8, 1839. Labourer. Episcopal. Private, **43rd Regiment**. Sentenced.

Richard Bailey, 29, USA. Entice soldiers to desert. Orders of **Ogden Creighton**. March 8. Labourer. Sentenced.

James Woodfalk, 30, USA. Larceny. **James Black**. May 28. Labourer. Baptist. **Major Webbes Coloured Corps**.

William Drew, 24, USA. Rape. **Birdsall**. June 26. Labourer. Methodist.

James Robinson, 48, USA. Entice soldiers to desert. **P. Delatre**. July 2. Presbyterian.

Patrick Cox, 28, Ireland. Buggery. **Lewis Clement**. July 15. Waggon-maker. Catholic. **3rd Battalion I.M.**

James Reiley, 31, Ireland. Assault. **Lewis Clement**. July 29. Tailor. Episcopal. 3rd Battalion I.M.
Alonzo Matthews, 29, USA. Entice soldiers to desert. **Thomas Butler**, **Daniel McDougall**.
 August 8. Shoemaker. Methodist.

William Curry, 45, Ireland. Assault. **J. Mewburn**. August 8. Painter. Presbyterian. Refuses to find recognizance.

John Sides, 23, Ireland. Assault. **J. Cummings**. August 14. Shoemaker. Episcopal. 2nd Battalion I.M.

John Kerr, 26, USA. Larceny. **J.W.O. Clarke**. August 26. Labourer. Baptist.

William Green, 15, Canada. Larceny. **Lewis Clement**. August 31. Labourer.

Mary Anne Macdonald, Canada. Larceny. **Thomas Butler**. September 6. Presbyterian.

James Darrick, 42, Ireland. Larceny. **William Smith**. September 3. Tailor. Episcopal.

Return of Criminals Bailed in the Niagara District, September 10, 1839:

William Marsden, 22, USA. Entice soldiers to desert. Orders of **Black** and **Clement**. July 9. Sailor. Methodist.

Malachi Cater, 29, USA. Larceny. **D. Thompson**. July 27. Labourer. Methodist.

George Hanson, 26, Canada. Larceny. **Butler** and **Clement**. August 17. Labourer. Episcopal.

Patrick Sweeney, 35, Ireland. Perjury. **Butler**. August 15. Labourer. Catholic.

Jacob Wiley, 40, USA. Assault. **Butler**. August 24. Blacksmith. Methodist.

File 35-15.

James Rieley, private, 3rd Battalion, Provincial Militia, Niagara. Charged with assault against **Michael Joint**, Niagara, on July 27, 1839. Evidence taken before **Lewis Clement**, July 30th: Rieley threw a bucket of water on the deponent when in bed, and said he'd take the life of deponent before morning. Defendant discharged on recognizance, September 12, 1839.

File 35-16. Fire Company Records.

Names of Officers and Members of the Niagara Fire Company, September 9, 1839. (Approved September 12, 1839.)

Captain **John Graham**.

1st Lieutenant **John Rogers**.

2nd Lieutenant **John Davidson**.

Secretary **James Harvey**.

Thomas Sewell, **Andrew Heron**, **Richard Howard**, **Michael Morley**, **James Rogers**, **Thomas Whitten**, **James Mahoney**, **John Andrews**, **Robert Cole**, **Matthew Dobie**, **John Leeper**, **David Lockhart**, **John Mills**, **Joseph Hawn**, **James Monro**, **Jacob Hawn**, **John McBride**, **John Peter McCallum**, **Peter McCallum**, **William Press**, **Robert Blake**, **James Lennox**, **Robert Laidlaw**, **Adam Laidlaw**, **John Grubb**, **John McCulloch**, **David [Daniel?] Ingleby**, **Cornelius Sammons**, **William Wills**, **Henry Charles**, **William Hawn**, **Andrew Finlay**, **Donald McDonald**.

File 35-17. Presentment.

The Gaol examined, the state of cleanliness is much to our satisfaction and in good order except for the privy. Recommend two doors be made to prevent the bad smell arising therefrom, September 12, 1839.

Allowances paid for insane persons, September 10-12, 1839: **William Campbell** (10/-); **Ann Jupiter** (10/-); **Harriet Hague**, care of **Phoebe Goodle** (12/6-); **Eliza Mitchell Willson**, care of **Dr. Raymond** (£5.7.6); **Francis Lynch**, care of **Richard Forrester** (£5.5.0.); **Hannah Evans**, care

of *Isabella Evans* (£4.15.0); *Mary Bauckman*, care of *Martin Bauckman* (£3.10.0.); *John Follick*, care of *Thomas Angleman* (£4.15.0); *Rachel Sweazey*, care of *Daniel Swayzie* (£4.15.0); *Margaret Newberry*, care of *Samuel Rock* (£4.15.0); *Jane Harris*, care of *John Smith* (£19.10.0. for a half year); *Maria Richardson*, care of *Henry [Wires?]* (£13 for six months); *Margaret Foster* and *Maranda Foster* (£4 each per quarter.)

File 35-18. Orders.

A road allowance between Broken Lots 23 and 24 in the *Gore of Thorold* owned by *Jacob H. Ball*, and between Broken Lots 36 and 37 in the *Gore of Thorold* owned by *William Orr* are kept shut up by them to the damage and inconvenience of the petitioners and Her Majesty's subjects. Pray that it be opened, September 4, 1839. Ordered that the road allowance be opened, September 10, 1839.

Ordered that *Malcolm Laing*, treasurer, be paid £5 for expenses (rent, stationery, postage) September 10, 1839.

Clerk of the Peace ordered to keep claims from a bond in hand for collection of arrears since 1838 for Grantham.

Ordered that £75 borrowed on the credit of the District to pay for *bread* and conveying prisoners to the penitentiary. This is to be paid by the Treasurer as soon as he has the monies, September 12, 1839.

One box of *glass* (14"x20") ordered for the gaol, September 11, 1839.

Committee to Investigate the District Accounts: Messrs. *Pawling, Clark, Lockhart, Clement, Mewburn* and *Cryslor*. They are ordered to report on them at the next Quarter Sessions.

£62.10.0. ordered to the *Clerk of the Peace*, September 11, 1839.

Gaol Committee: Messrs. *Mewburn, Clark, Clement* and *J. Keefer*, September 11, 1839.

Letter from *A. McMillan* to *Charles Richardson*, St. Catharines, September 11, 1839: There is an appeal between myself and *Lachlin Bell*, to be tried at the present Sessions. I had intended to go down but am confined to my house by illness. I was directed by my doctor not to venture down. Prays for the indulgence of the court until I am able to attend safely. Certificate can be obtained if necessary. I wrote to *Macdonald* with a request that he explain the matter to the court. [Ordered to stand over to the next Sessions.]

File 35-19.

Petition of *George Martin*, September 10, 1839. His feet were badly frozen, it was necessary to amputate one leg, the other was left in a state to reduce him to walk on his knees. He is incapable to support himself, and depends on charity. "Looking through the vista of the approaching fall and winter, unless by the merciful interposition of divine providence, has no prospect but to die miserably in the streets." He is a British subject and has resided most of his life in this District. Prays for an allowance, and induce some person to take him under shelter, September 10, 1839. [Rejected, September 12th.]

File 35-20. Precept.

List of Grand and Petit Jurors, compiled by *Thomas Butler* and *Daniel McDougall* on August 15, 1839 for Sessions on September 10th. Certified by *Kenneth Cameron*, sheriff.

Grand Jury: *Elon Bender, Thomas Hardison, Thomas Merritt, Hiram Ostrom* (Humberstone); *Henry Charles, John P. Clement, Joseph Clement, James Cudney, Lachlan Currie, Thomas Dorrity, James Goslin, Richard Hiscott, George Lawrence, James Lennox, Benjamin Marete, James J. Rolston, Walter Willson* (Niagara); *Jacob Currant, Jacob Darby, Andrew Hilton, Robert Holdrich, Christopher McAlpin, Matthew Misener, Nicholas Misener* (Crowland.)

Petit Jury: *John Alward, Thomas Armstrong, William Armstrong, Guy E. Atkins, Nathan Beack, George Bearss, Ira Bearss, Luther Boardman, Elias Braly, John Braly, Israel Brown, Alexander Cook, Robert Cook, Levi Cornwell, Isaac Dennis, Levi Doan, Joshua Doan, John Elkin, Jacob Forsyth, John Gordon, Hiram B. Hall, Robert Henderson, John Lewis, William Matthews, George Messmore, William Michner, Jacob Minor, George Peacock, Jonathan Steel, William Steel, Peter Sullivan, Edward Ward, Lewis Weaver, Charles White, John Wintermute, William Wintermute, John Wood, George Zavitz, Jacob Zavitz* (Humberstone); *John Case, George A. Darby, George Donaldson, William McCow, Daniel McKay, Philip McKay, Duncan Peterson* (Crowland); *John Grass* (Niagara.)

File 35-21. Road and Bridge Records.

Petition from the inhabitants of Humberstone and Bertie: the line between the townships on the west side of Bertie is in doubt. The undersigned pray for a final establishment of the road, have it surveyed with little delay, August 29, 1839. Signed *James Kennedy, John Kennedy, Thomas Pearn, Daniel Pound, James Pound, William Haun, Uriah Sherk*, [-----], *John Michael, Johannes [Sigmund?], Patrick [Spellinger?], Andrew Learn, Asa Schooley, Peter Sherk, [Azaliah?] Harret, David Elsworth, William Baxter, Robert Alexander, Joseph Cullen, Peter Tuttle, James Baxter, Jacob Zavitz, Henry Zavitz*. Sent to *Charles Richardson* September 9th. Referred to the Magistrates of the Division, September 12th.

File 35-22. Tavern and Shop Licences.

Charles N. Henderson, Thorold, blacksmith and *William Ramsay*, Thorold, merchant. Wish to keep a house to sell ale, beer and cider at the "*Chequered Grocery*." Recognizance £10 each taken before *George* and *Jacob Keefer*, April 24, 1839.

Philip Doan, Canborough. Wishes to keep a tavern. Is a British subject, there are no objections. Certificate of good character attached, September 10, 1839: signed *Joseph Melick, Allen Parker, Peter Fisher, Jacob Valock, Elkanah Rogers, James McLaughlin, Samuel Birdsall*. Licence granted September 11, 1839.

File 35-23.

Malachi Cater, Cayuga, labourer. Charged with larceny, stealing a saddle and two bridles (value 1.15.0.) the property of *John L. DeCow*, Cayuga, yeoman, on June 14, 1839. No bill: *Christopher McAlpin* (foreman.) Witnesses: John DeCow, *John Crysler, Hiram Griffin, Philip Wilson*. Evidence of John DeCow taken before *David Thompson* at *Indiana* on June 14th: in September or October 1838 someone stole a saddle and bridles from my barn. I suspected Malachi and *Joshua Cater*. Warrant to apprehend Malachi and Joshua Cater issued to constable *John Byrnes* and a subpoena for *Matthew Conat*. Evidence of Malachi Cater taken June 17th: he

denies the charge. Evidence of John Byrnes: he arrested Joshua Cater who made his escape. Evidence of John DeCow: Malachi Cater was seen near my barn on the night the saddle was taken. Evidence of Matthew Conat: Malachi and Joshua Cater told me a secret, they stole the property and also the saddle of *Archibald Blair*. They intended to steal two horses and run off to the United States. The goods were hidden, and they wished deponent to join them. DeCow, Conat and others found the hidden saddles and bridles. *Orson* [alias *Anson*] *Smith*, Philip Wilson and *Hiram Ferris* subpoenaed to give evidence. Malachi Cater committed to gaol for want of bail. Prisoner bailed July 25th. Recognizance taken: John DeCow £10, Matthew Conat £5, John Crysler and Hiram Griffin £4 each.

File 35-24.

James Darick, Bertie, labourer. Charged with larceny, stealing one shirt the property of *Abel Land* on August 30, 1839. True bill: *Christopher McAlpin* (foreman.) Witnesses: Abel Land, *Jane Palmerton*. Grand Jury presentment attached, dated September 11th. Recognizance taken before *William Smith* on August 30th: Abel Land £10. Verdict: "guilty," sentenced to one month in gaol, September 11, 1839.

File 35-25.

Charles Green, Niagara, labourer and *William Green*, Niagara. Charged with larceny, stealing bank notes (value 20/-, 5/-, \$3 or 15/-, \$1 or 5/-, \$5 or 25/- and two others \$3 each or 15/-) the property of *James Anderson* on August 31, 1839. True bill: *Christopher McAlpin* (foreman.) Witnesses: James Anderson, *Lewis Donnelly*. Evidence of James Anderson: Charles Green knew of it and received, harboured and maintained the notes. Warrant to apprehend Charles Green issued by *Charles Richardson* on September 11, 1839. Verdict: "not guilty."

File 35-26.

Charles Green, Niagara, labourer. Charged with larceny, stealing bank notes the property of *James Anderson* on August 21, 1839. True bill: *Christopher McAlpin* (foreman.) Witnesses: *Lewis Donnelly*, James Anderson, *John Meneilly*, *Amos Perrin*. [Grand Jury presentment attached, dates the crime on August 31st.]

File 35-27.

William Green, Niagara, labourer. Charged with larceny, stealing bank notes the property of *James Anderson* on August 31, 1839. True bill: *Christopher McAlpin* (foreman.) Witnesses: *Lewis Donnelly*, James Anderson, *John Meneilly*, *Amos Perrin*. Evidence of John Meneilly Jr. taken before *Thomas Butler* on September 4th: he was at Lewis Donnelly's inn on August 27th. Charles Green and his son William Green went out of the house. Saw a man lying asleep, supposed he was intoxicated. There were no lights in the room, and no other persons in the room except Green and his son. Evidence of Lewis Donnelly, innkeeper, taken before *Lewis Clement* and *John Alma* on August 31st: a lodger at his house declared that \$23 was taken out of his pocket on August 27th. A boy named William Green took his money. Verdict: "guilty," sentenced to 18 months hard labour in the penitentiary, September 11, 1839.

File 35-28.

George Hanson, Willoughby, labourer, coloured man. Charged with larceny, stealing 5 yards of cloth (value 20/-) the property of *James Macklem* and *James McGlashan* on August 9, 1839.

True bill: **Christopher McAlpin** (foreman.) Witnesses: **Edward Colls**, James Macklem, **James Cummings**. Letter from James Cummings to **Charles Richardson**, Chippawa, August 12, 1839: Sends information against George Hanson. Recognizance of Edward Colls and William Nicholson, clerks at Macklems are sufficient to prove facts. "Hard times these. Crops shrunk, no cash. What is to become of our country? Her Majesty the Queen had better employ us all as soldiers and then we should be sure of rations at all events." Letter of James Cummings to Charles Richardson, Chippawa, August 20, 1839: Hanson has been bailed out of gaol. Paid my fees and those of the constable. Referred him to **Dr. Macklem**, I have no further claim for fees. Letter of James Macklem to Charles Richardson, Chippawa, August 20th: was bailed by **Jesse Ketchum** of Toronto, gentleman, who gives him an excellent character. I am anxious to have the proceedings quashed. There is no other offence against the law. Is well known to Mr. Ketchum. We are not disposed to prosecute "as it appears to have been done by some infatuation of the moment." Should the matter be arranged to stop the prosecution, it will be necessary to have the papers returned. Letter from Jesse Ketchum to Charles Richardson, Toronto, October 31, 1839: I received your letter regarding Hanson. I thought it was settled with **Mr. Markland** so he would not appear to give evidence. If he did not I suppose there would be no bill found against him and if no bill was found the recognizance would be free of course as he was held to answer charges preferred against him. If I have been mistaken or misled or both I hope the Magistrates will be so good as to let it lie over to the next court and give me a chance to see him. Recognizance of Jesse Ketchum taken October 1839. Recognizance taken before **Thomas Butler** on August 16th: George Hanson, Niagara, labourer, 20, surety Jesse Ketchum, Niagara⁵⁵, Esquire, 20. Paid fees to **Bernard Roddy** 2/6-. Writ of Charles Richardson, December 13, 1839: to levy on the goods and chattels of Jesse Ketchum, if the debt can't be levied to take Ketchum and keep him in custody in your District Gaol until he gives security for his appearance or satisfies the debt £20. Evidence of Edward Colls taken before James Cummings, August 10th: on August 9th at 9 pm, Hanson came into the shop and enquired after cloths. He had just come and said he was going to **Buffalo** the next day. He didn't appear very particular over the price or quality. He bought it for a coat, pantaloons and vests. I was suspicious. Sum was £5.9.0, tied the cloth up in a bundle. He asked for silk neck handkerchiefs. I turned to a drawer and heard footsteps and he had decamped. I called **Mr. McGlashan** and **Nicholson** and gave chase. Returned in one hour with the prisoner and the bundle. Evidence of **William Nicholson**: Crossed the bridge and gave a description to the sentry in order to stop Hanson. We went to the river with **John McCormick** as far as **Hudson's Tavern** (1½ miles) and asked after the prisoner. We turned to come home and saw the prisoner about 50 yards away. We brought him back to Chippawa with the bundle under his roundabout jacket. He let the bundle fall or it came out when he was apprehended. Evidence of George Hanson: has resided at Toronto and Buffalo. He crossed under the Falls on August 8th. He took shelter in a hay shed. He came to Chippawa the next evening and went to Macklem's store. He bought 5 yards of cloth (\$20) which was tied up. He went off without paying. Recognizance taken: Edward Colls and William Nicholson £10 each. Recognizance of defendant estreats, September 12, 1839.

File 35-29.

Mary Ann McDonnell, Niagara. Charged with larceny, stealing two cloaks and a woman's dress (value £2.5.0.) the property of **Gage Miller**, Niagara, innkeeper, on September 6, 1839. Witnesses: Gage Miller, **Martha Ann Cudney**, **Hannah Cudney**. Grand Jury presentment attached, prisoner robbed the house of Gage Miller. Evidence of Gage Miller taken before **Thomas Butler** on September 6th: his wife's dress was stolen on August 24th. He followed prisoner to **Stoney Creek** and found the dress there. The cloaks were stolen on the same day.

⁵⁵ Clearly a clerical error, Ketchum's place of residence should be given as Toronto and not Niagara.

Prisoner confessed, she knew where it was and would give it up. Verdict: "guilty," sentenced to 18 months hard labour in the penitentiary, September 12, 1839.

File 35-30.

John Kerr, Louth, blacksmith. Charged with assault and battery against **Thomas Kilday**, Louth, blacksmith, on August 20, 1839. True bill: **Christopher McAlpin** (foreman.) Witnesses: Thomas Kilday. Grand Jury presentment attached. Evidence of **Stephen Burtch**: Kerr was at **Bush's house** in **St. Mary's** in the evening. He put Kerr out, and not quarrel with the women. Kerr overtook the deponent near **Abraham High's**, after some conversation he swore he'd take their lives before morning. Deponent told him to go home, he asked where Kilday was. I said I didn't know, expected him to be at home. He was beating him with a stick and would have satisfaction before morning. Evidence of **Arnold Acre**: saw Kerr strike Kilday with a black bottle. Did not see a blow with an axe. Heard Kerr state that he'd have Kilday's life before morning. Evidence of **Russell Bush**: he came to **Kilday's coal pit** between sundown and dark. Heard Kerr use some very profane language. I told him not to blaspheme in such a manner. If anyone abused him, the law was there for protection. Same words were repeated to me. He took up an axe and shovel, and threatened Kilday. He flung them both down, the axe struck me in the leg. Can't say if the axe blow was aimed at him, he was partly turned and saw a glimpse of the axe pass his shoulder. He went home. Kerr came to his house and denied cutting deponent in the leg. He called the deponent a liar and stated that he'd draw deeper blood before morning. He was very abusive. I put him out of my house. Evidence of Thomas Kilday taken August 21st: He put up a coal pit in the village of St. Mary's. Kerr came up, took some whiskey and put wood on the pit. I told him not to put more wood on it, he was doing it badly and it would have to be taken down again. Kerr took it down, and I told him to stop. Kerr said that if I came down off the pile "he would tear him into inch pieces." Deponent came down and Kerr struck him with a black bottle in the forehead, and came up a second time with a club and shovel to strike me. Deponent cautioned him to keep back but Kerr kept advancing. Deponent shoved him down, and Kerr bit the deponent's thumb and gouged his eye. He requested to be let up and said he'd behave and deponent let him up. He got up, took an axe and drew it up over his head and said he'd split his brains out, but struck Bush a severe cut in the leg. Kerr said he'd take Kilday's life. Deponent fears for his life. Recognizance taken before **J.W.O. Clarke** on August 23rd: Thomas Kilday £50; Stephen Burtch, Louth, yeoman, Russell Bush, Louth, tanner and Arnold Acre, Louth, £10 each. Verdict: "guilty," fined £5 plus costs £4.1.0. and sentenced to one month in gaol.

File 35-31.

John Sides, Willoughby, labourer and private in the 3rd **Regiment of Incorporated Militia**. Charged with assault and battery against **Jane Palmerston** and **Sarah Carter** on August 13, 1839. True bill: **Christopher McAlpin** (foreman.) Witnesses: Jane Palmerston, Sarah Carter, **Isabella Carter**. Letter from **James Cummings** to **Charles Richardson**, Chippawa, August 13th: encloses the recognizance of Jane Palmerston and Sarah Carter. I "have everything ready as the Ladies do not wish to go to Court or remain even one night in your beautiful town of Niagara---although one is both young and tolerably pretty. I told them you was a very accommodating gentleman, and on Wednesday after court commenced everything would be ready and you would not detain them. (So far so good.)" Evidence of Jane Palmerston, wife of **Thomas Palmerston**, Willoughby, innkeeper, taken before James Cummings on August 13th: Three men of the Incorporated Militia, Sides, **Coats** and **Hagan**, came to her house at 9 am. Her husband was away from home. They were drinking with the **Dragoons** there. When they had gone, Sides wanted more. She refused since their officer, **Mr. Gatchill**, told her not to get the men drunk. She went out and came in and found the men had succeeded with a stick and handkerchief to get the bottle. They were all

drinking. I took it away and put it on the shelf. Sides said he'd kill the deponent and everyone about the house. I went to get my shawl and go to inform the officer. Coming out, I found them in the bar. They had drunk all the liquor that she had. Sides said she had money in the chest and if she didn't behave he'd break it open and get it. Deponent said it was more than he dared to do. He said if she went for the officer he'd murder her before one week. Deponent went for the officer, Mr. Gatchell came and arrested them. Evidence of **Sarah Carter**: corroborates the testimony. When she left for the officer, the men made use of very offensive and vulgar language to me. They attempted to strike me and my sister (who is in very delicate health) which she avoided by going to another room. I came back due to my sister being ill and could not retreat. They threatened to strike me. Sides (a tall man) caught me by the sleeve but I got away. Mrs. Palmerston returned with Mr. Gatchell. Evidence of John Sides: He refused to sign the charge of assaulting Jane Palmerston, larceny in taking liquor, and assaulting Sarah and Isabella Carter. He won't disclose who took the liquor. Recognizance of Jane Palmerston and Sarah Carter, £12.10.0. each. Verdict: "guilty," sentenced to two months in gaol, September 11, 1839.

File 35-32. Rough Court Minutes (Rough copy.)

Rough copy of Court Minutes, dated October 15, 1839 at 12 o'clock noon. Justices present: **Ball, Butler, J.J. Lefferty, George Adams, Alexander Douglass, George Rykert, Lewis Clement, John Alma, Daniel McDougall, Clark. Samuel Proctor** served as "acting crier" and **Charles Richardson**, Clerk of the Peace.

File 35-33. Clerk of the Peace Records.

Clerk of the Peace ordered to make the necessary arrangements to collect the amount of bills in the **County of Haldimand** for the current year. To give a bill for 1838 to the collector for 1839. The Clerk of the Peace to be paid by the Treasurer at the next Assizes. He is to take steps regarding town clerks who have not complied with the provisions of the statutes.

Niagara District Quarter Sessions, December 1839.

File 36-1. Accounts (1-46.)

List of Accounts. Passed the Committee of Accounts, December 11, 1839.

Emmanuel Hoover, constable account 1836 £1. Letter from Hoover to *Charles Richardson, Port Colborne*, December 14, 1839. Pay the account to bearer *Thaddeus Smith*.

Samuel Proctor, constable account £2.5.0.

George Cane, constable account £2.

George Folley, constable account £2.

Alexander Ross, constable accounts £2.10.0, plus £2.

Charles Field, constable account £1.15.0.

Francis Proctor, constable account £2.

Bernard Roddy, constable account £3.

Jonathan Watts, constable account £1.15.0.

Edward Horner, constable account 14/-.

James W. Harris, constable account £1.3.9.

Charles Richardson, cost to subpoena *David Sandford, James Harris, William Gardner, James [Burns?], Margaret [Snyder?]* in the case of William Gardner vs. *Enos Dean*.

Bernard Roddy, High Constable account £5.8.1½.

William Duff Miller (coroner.) Charge to hold an inquest on the body of *Sarah [Brower?]* at *Port Dalhousie*, September 21, 1839; on *Margaret Alexander*, December 4, 1839, £4.

John Colbaith, constable. Charge to summon a jury to inquests held at Chippawa on March 23, April 25 and August 23, 1839. (5/- each.)

Kenneth Cameron, Sheriff's Account, £59.12.6½.

James W. Smith, constable account £3.3.9.

Charles Fields, constable account 17/6-.

Jacob Johnson, constable accounts £2.1.3. plus £2.11.3. To apprehend and convey *Luther Lane* (coloured man) to gaol.

Thomas Dority, charge for bread for the gaol, £37.15.10.

John Wintermute, charge as Special Constable, £2.17.9.

H.D. Platt, blacksmith. Charge for taking shackles off a prisoner and for a new set of handcuffs, £1.2.3.

Dr. Henry Whicker [or Whicher?], charge to attend an inquest held on the body of **Isabella Vila**, June 17, 1839, £1.2.0. (Certified by **Peter Nelles**.)

James Levell, charge for services as turnkey, £7.10.0.

Dr. Porter, charge for gaol attendance £6.5.0.

John Swinton, charge for new windless, glass, hanging windows, nails, putty &c, £1.17.7½.

Peter B. Nelles (coroner.) Charge for holding an inquest of the body of **James Bryant**, June 28, 1839; on **Arthur Boyle**, November 8, 1839; on **James Sims**, November 12, 1839, £5.10.6.

Henry Campbell, constable account, £1.10.0.

Elijah Harris, charge to survey a new road in Canborough, £1.17.6.

Thomas Henegan, constable accounts, 5/- plus £1.7.6.

J. Byrnes, constable account £2.0.6.

John Harding, charge as Special Constable, £4.2.6.

F.W. Gibbs, charge for meat £9.19.9.

Zenas Fell, charge for making a coffin and digging a grave for **Conrad Lutz**, September 2, 1839, £2.12.0.

William Jeffs, charge as Special Constable, £1.12.0.

Charles N. Henderson, constable accounts £2.10.6 plus 13/3-. Charge to apprehend **John Rogers** and **Augustus Anger** on a complaint of theft by **Patrick Spelling** of Bertie; charge to apprehend **William Stewart**, a deserter from the **Incorporated Regiment**.

David Dunton, constable account £1.8.3.

Francis Proctor, constable account 16/3-. Charge to arrest a woman of bad fame.

Robert Bannan [or **Bennan?**], charge as Special Constable £2.5.0.

Leonard Hicks, charge for sweeping the chimney, 15/-.

File 36-2. Cheques Issued.

Dr. T. Raymond, charge for keeping **Eliza Mitchell Wilson**, £5.7.6.

Henry Dills, charge for keeping [**Maria?**] **Richardson**, £6.10.0.

R. Forrest, charge for keeping a boy [*Francis Lynch*] £5.5.0.

Thomas Angleman, Thorold, charge for keeping an insane person, £4.15.0.

John Smith Jr, Caistor. Charge for keeping *Margaret* and *Jane Harris*, £9.15.0.

Benjamin Stuart, Rainham. Charge for keeping *William Tuck* (insane.) He came to me on November 17th and died November 25th, 1839. Charge for his coffin and grave clothes, digging a grave &c, £4.5.0.

Isabella Evans, charge for keeping an insane child, £4.17.6.

William McCoys, Walpole, constable account 15/-.

James Butler, Louth. Charge for keeping *Mary Butler* (insane) 7/6-.

Elijah Harris, charge for surveying new roads in Caistor, Gainsborough and Wainfleet in 1837-1838, £6.15.0.

Mary Jupiter (coloured woman.) Charge for keeping *Ann Jupiter* £6.

Phoebe Goddell, charge for keeping an insane person, £8.15.0.

Daniel Gregory, charge as Louth Township Commissioner 1836-1837 £1.10.0.

E.S. Wheeler, charge for candles, glass, putty, cleaning gaol privy &c, £37.12.5¾.

Patrick Finn, charge for services as *crier*, £3 plus £1.2.6.

Clerk of the Peace (salary) £62.10.0.

James Munro, blacksmith. Charge for leg straps, handcuffs, bolts &c, £1.14.2.

Assize constables: *Alexander Ross*, *George Foley* and *Samuel Proctor*, 15/-.

Alexander Ross, court constable, 15/-.

Charles Field, court constable, 15/-.

Bernard Roddy, court constable, £1.2.6.

George Folley, court constable, 15/-.

Samuel Proctor, court constable, 15/-.

Francis Proctor, court constable, 15/-.

Kenneth Cameron, Sheriff's Account, £2.10.0.

Charles Robert Loscombe, constable account, 10/-.

Donald McDonald, Account, the Government of Upper Canada. £1.10.0. for services done at the store house as issuer of arms and “accoutrements,” December 9-December 14, 1837. Certified by **Alexander Hamilton**, January 22, 1839. Petition of Donald Macdonald: In December 1837 he was ordered by the Magistrates to take cognizance of whatever might occur prejudicial to the interest of this, and superintend the issue of arms, accoutrements and ammunition. The account was audited and passed, then rejected by the Board of Claims. Charged it to the District.

Peter Grant, Niagara. Was employed as a clerk by the Magistrates at **Harrington’s Hotel** in December 1837 and January 1838, account for £7.10.0. was audited and passed by **Daniel McDougall** and entered into the ledger. He has received no pay, and does not know what happened to the document. He arranged all the bills, accounts &c of the office preparatory to being sent to Toronto. Joined **McDougall’s Company of 6 Month Volunteers** and went to Chippawa. He was delivered the key of the drawer to **Mr. Lockhart** and was sent as clerk to the **Royal Engineer’s Department to London, Upper Canada**. It is inconvenient to lay out of the above sum. It has been due a long time, being a young man far from home with no prospect of employment during the inclement season. Charged it to the District.

File 36-3.

Notice to the **Committee to Examine and Report on the State of the District Finances**, requested to attend on the 30th at 10 am. Signed **Charles Richardson**, November 27, 1839.

A summons was issued to the committee, disappointed to find that only **David Thorburn**, the **Treasurer** and the **Clerk of the Peace** were present. Resolved: that application be made to the Legislature for an Act to authorize the District to borrow £1200-£2000 to liquidate the debts, and raise an additional rate of 1 farthing in each £1. Signed **John Mewburn** and **Lewis Clement**. (**Pawling**, **Lockhart**, **Clarke** and others absent.)

List of Unpaid Cheques, Niagara District. £1041.5.5½, balance £42.8.8½.

File 36-4.

H.E. Nichols, charge for meals for **Lancers** and officers of the **1st Frontier Light Infantry**, £2.9.4½, February 14, 1838. [Rejected.]

Solomon Soper, constable account, 8/6-. Charge for the arrest of **Hannah Johnson** (felony charge) and her custody during illness. [Rejected.]

William Meneilly, agent of the steamer “**Great Britain**.” £24 for the passage of constables and prisoners from Niagara to **Kingston**.

Robert Waddel, charge for three prisoners on board the steamer “**Cobourg**,” November 9, 1839, £2.10.0.

Alexander Hamilton, charge for conveying a prisoner on the “**St. George**” from Niagara to the penitentiary.

Angus McLeod, on board the “**St. George**” from **Kingston** to Niagara £2.10.0. and on board the “**Commodore Bain**” £1.10.0. Total charge £27.10.0., charge for all ships £55.10.0.

File 36-5.

Malcolm Laing, Treasurer in Account with the Niagara District, £1190.12.2½, December 11, 1839. Signed by **Thomas Butler**.

File 36-6. Tax Records.

Thomas Shaw. In the fall of 1837 I received a tax roll from **Arthur Lambert** in Niagara and \$17.00, partly in the **Agricultural Bank of Toronto** bills. October 26, 1839.

The roll for Haldimand for 1837 was examined and approved of, report by the **Clerk of the Peace**.⁵⁶

Letter from **William W. Nelles**, collector, to **William Clarke**, treasurer, York, February 23, 1838. Encloses \$62 cash and three wolf scalp orders for \$6 collected for taxes. Many owners were absent, it will be long before I can collect the rest. Will send it as soon as I can collect it. Receipt for £15.9.5½ from William W. Nelles to William Clarke for taxes.

Statement of Collector's Rolls for the County of Haldimand for 1837.

Letter from **William W. Nelles** to **William Clarke**, York, April 26, 1838. The balance of cash due is £4.1.10.

Letter from **William W. Nelles** to **Charles Richardson**, York, Grand River, September 27, 1838. In answer to your demand for £21.11.0, the balance of taxes for 1837 for Haldimand, "I am not owing one copper." I paid to the Treasurer all that could be collected after deducting my own fees. I hold his receipts for all the money paid, remitted by mail with a statement of the roll as of April 27th last. I can prove payment by the postmaster at York. There is a vast deal of trouble attends the collecting and settling of the assessment roll as it is very annoying after all to have a demand of this description made when the whole had been properly settled. I do not therefore feel disposed to undertake the collection of the amount of the roll for the present year and will therefore return you it by my brother.

Letter from **William Clarke** to **Charles Richardson**, Toronto, October 29, 1838. Concerning the **Nelles account**, "this person pretended to have paid me two sums of \$62 on two successive days, but when you look at his letter enclosing one sum of that amount you will at once see the absurdity of the claims. I received one only." Balance due £20.18.7¾.

Letter from **Henry Nelles** to **Charles Richardson**, Grimsby, January 21, 1839. The taxes for the upper part of Haldimand could not be collected. **William W. Nelles** was appointed and served for 2 or 3 years and then declined serving. Duplicates returned. **Peter B. Nelles** (assessor) will endeavour to collect the money for last year if authorized. Let me know what can or may be done.

Letter from **Charles Richardson** to **William W. Nelles**, January 29, 1839. Concerning your letter of September 27, 1838, the late Treasurer reports a balance due by you of £20.18.7¾. "I wish you would come down and have the matter settled, otherwise I shall have to submit the matter to the justices."

⁵⁶ The Haldimand Collector's Roll was removed and added to the RG21 group of Municipal Records.

Letter from *William W. Nelles* to *Charles Richardson*, York, January 31, 1839. Regarding your letter of January 22nd, I adhere to the statement of the roll furnished to *Mr. Clarke*, the late Treasurer, on April 26th last. I can prove the payments were made. They were not made on the same day, ie, March 8th, but two receipts “the date of one of the receipts was erroneously stated by me formerly as the 9th, the figure 8 very much resembling a 9.” One payment was sent on February 23rd and when the second was made. *Mr. Garrett* gave me a receipt for both sums which I now hold. He hesitated but saw the sum passed to my credit on his books. A letter from Mr. Clarke acknowledges the payment which I have mislaid or destroyed. The last sum of £4.1.0. was remitted by mail with a statement of the rolls. Let Mr. Clarke refer to my letters and produce them- as a man of business he must have preserved them- which will settle the matter. I feel perfectly easy about it, the money was actually paid. I can prove it by receipts and the postmasters at York and Niagara. It is unfair to tax me with the expenses of postage, far less to expect that I should make a trip to Niagara. I hope this explanation satisfies you, if not bring it before the Justices. I shall be prepared to enter on my defense. [Receipts for £15.9.5¼ and £15.8.10½, both dated March 8th.]

Letter from *William W. Nelles* to *Charles Richardson*, York, February 7, 1839. I have found *Mr. Clarke's* letter which acknowledges the first payment. I hope this may satisfy you of the correctness of what I have already stated. If not, “I trust I will be able to corroborate it at the proper time and place.”

File 36-7. Boundary Records.

Petition from the inhabitants of Humberstone and Bertie. The *Garrison Line Road* has been opened many years and Statute Labour was performed on the south side. Now the road allowance is believed to be on the north side of the line. Pray to order the *Commissioner of Highways* to ascertain if the road allowance is on the proper line and report to the Magistrates. This will prevent future loss of money and labour on the road. Bertie, September 1, 1839. Signed *James Kerby, Alex Douglass, Lewis Palmer, Henry Putman, Henry Hershey, Adam Wooliever, Peter D. Wooliever, John Anderson*. [Received after the court adjourned September 12th. Read and filed December 10, 1839. Referred to the Boundary Commissioners.]

Petition from the inhabitants of Bertie. There are disputes and doubts about the road between Concessions 12 and 13 leading from the *Garrison Line* north to *Black Creek*, and the side road between lots 5 and 6 Concession 13. Request a survey, August 30, 1839. Signed *John Stephens, Ebrem Jonson, John Adeare, Peter Tuttle, Samuel Adeare, Patrick Spillings, John Hussey, John Spillane, Bryan Quinn, Frederick Spillane, David* [Cree—g?], *Robert Coulter, Robert Stevenson, Daniel Pound, Isaiah Thomas*. [Read and filed December 10, 1839. Referred to boundary commission.]

George Rykert, Samuel Wood and *Jacob Keefer* appointed *Boundary Commissioners for the Niagara District* under the Act, June 17, 1839. To settle the boundary between Stamford and Thorold, and hear all evidence. The boundary shall remain and continue forever a straight line. Stones planted between lots 135 to 178 to the Welland River in Thorold marked “R.” September 28, 1839.

File 36-8.

Aeneas John McMullan. Charged with assault and battery against *Lachlan Bell*, Niagara. Fined £4 before *Lewis Clement*, Niagara, August 2, 1839.

File 36-9.

Rural Hawkings and **Dennis McCarthy**, charged with selling liquor without a licence. Witnesses: **William Lacey**. Hawkings fined £11.5.0. and McCarthy fined £5. Before **P. Delatre**, **John Mewburn** and **Graves C. Swan**, **Drummondville**, December 5, 1839.

File 36-10.

John McConnell, gentleman. Convicted for the assault of **James Oswald**, Stamford, distiller, on November 11, 1836. McConnell also used abusive language against Oswald. Fined £5, before **Malcolm Laing** at Stamford, November 11, 1836. Filed December 10, 1839.

File 36-11.

L. Foote, **Clifton**. Neglected or refused to perform his Statute Labour. Evidence on the oath of **Philip Bender**, pathmaster, Stamford, October 14, 1839. Foote fined £1.10.0. before **P. Delatre**, **John Mewburn** and **Graves C. Swan**, October 15th.

George [Brown?], **Drummondville**, grocer. Charged with assault and battery against **John Prouse**, bailiff on September 2, 1839. Witnesses: **George Bender**. Brown fined £1.5.0. paid to the pathmaster and £1.6.6. costs, total fine £2.11.6, September 20, 1839.

File 36-12.

Mary Carlin. Charged with assault and battery against **Stevenson Hume**, Rainham, on October 7, 1839. Carlin maimed Hume with a billet of wood. Fined 5/- plus 49/3- costs (total fine £2.14.3) before **David Thompson** at Indiana, October 11, 1839.

George Watson Black. Charged with assault and battery against **Stevenson Hume**, Rainham, on October 7, 1839. Black maimed Hume with a billet of wood. Fined £3.19.3 plus £5 costs (total fine £8.19.3) before **David Thompson** at Indiana, October 11, 1839. Confirmed December 13, 1839.

File 36-13.

Abraham Wardell, **Timothy Wardell**, **Peter Wardell** and **Joseph Miller**. Charged with assault and battery against **John Warren Evans**, **Ann Evans** and **Edward Hill**. (or **Hull**?) Evidence of Ann Evans taken before **William Mylne** and **Edward Evans**, Rainham, November 12, 1839: she saw Timothy Wardell come up to John Evans and say "Damn you, John Evans, if you take that deer you take it dishonestly" and strike him on the breast. Peter Wardell approached in a threatening manner and wanted to fight. He put his fist up to his nose and damned him, saying he would shoot him. He went for and brought up his gun, laying on the bank of Lake Erie. He would stamp any person named Evans or that was an Irishman. Evidence of Edward Hill: saw [Evans?] say he'd shoot the damned Irishman. Evidence of Ann Evans: she was standing holding the deer's legs. Abraham Wardell came up and took her arm, jerked her much, nearly pulling her down and straining her arm. Evidence of John Evans: corroborates the testimony. Evidence of Edward Hill: corroborates the testimony, and questioned by Abraham Wardell. Did he have hold of the deer? Answer, no. Was there an assault on Hill? Ann Evans did not see Miller strike him, but Miller admits he had hold of Hill to pull him off the deer. Denied striking Hill. Evidence of **W. Evans**, a boy 8 years old. Was present at the killing of the deer, and saw Miller strike Hill on the side of the face. Timothy and Peter Wardell fined £2.10.0. each; Abraham Wardell fined £1.5.0. and

Joseph Miller fined 5/-, plus 13/6- costs each to be paid to the Township Clerk for the roads. Recognizance for appeal taken November 13th before **David Thompson: Solomon Wardell** and **James Adams**, Rainham, £10; Abraham Wardell, Peter Wardell and Joseph Miller £10 each, sureties Solomon Wardell and James Adams £10 each. Summons issued by William Mylne and Edward Evans to Peter Wardell, Timothy Wardell, Abraham Wardell and Joseph Miller, Rainham, to appear on November 12th at 12 pm, to answer to an assault charge on November 9, 1839.

File 36-14. Criminal Calendar.

Criminal Calendar of Prisoners Confined in the Niagara District Gaol, December 10, 1839.

Certified by **K. Cameron**, Sheriff.

Patrick Donley, age 51, born Ireland. Murder. Assizes. September 6, 1832. Labourer. Catholic. Insane.

James Robinson, 48, USA. Entices soldier to desert. Orders of **Delatre**. July 2, 1839. Labourer. Presbyterian. Six months in gaol.

Archibald McNeal, 26, Ireland. Threatened life of Guard. **Clement**. October 19. Labourer. Episcopal. 3rd Battalion I.M.

Luther Lane, 24, USA. House breaking. **Kirby** and **Douglass**. October 22. Labourer. Baptist. Assizes.

William Baker, 22, England. Larceny. **Mewburn**. November 20. Labourer. Episcopal.

~~**William Jackson**~~, 21, England. Larceny. **G.C. Swan**. October 28. Labourer. Episcopal.

~~**John Oakes**~~, 24, England. Larceny. **W. Smith**. October 28. Carpenter. Episcopal. 1st Battalion I.M.

Richard Butler, 24, Ireland. Court martial. November 1. 2 years in gaol. 3rd Battalion I.M.

John Roach, 31, Ireland. Court martial. November 8. 6 months in gaol. 3rd Battalion I.M.

Thomas Cooper, 46, England. Court martial. November 9. 6 months in gaol. 3rd Battalion I.M.

File 36-15. Presentment.

Examination of gaol. The cells are in good order considering the state of the building and well kept. The debtors and criminals acknowledge much credit is due to **Mr. Cameron** for attention to their comfort and also to **gaoler Wheeler**, both are attentive. Stone in the corners is loose and in a dangerous state. This is due to water conductors from the roof not being in proper repair due to negligence. This must be repaired to keep the water away from the building. Recommend the stone work be repaired and a clay embankment 2 feet high be thrown around the building with a slope to keep the water from the foundations, December 12, 1839.

Gaol contains seven prisoners and two debtors. We cannot say more except regret over such unfortunates. There is a necessity for a **bankrupt law** and abolish **imprisonment for indebtedness**. This would better secure the creditor and prevent unfortunate honest debtors from prosecution.

State of **finances for the District** are in an embarrassed state. **Those caring for the insane** are compelled to dispose of District cheques for 30% less, a disgrace to our flourishing District. We recommend to find means to pay the claims by a further tax or otherwise, December 12, 1839.

There is necessity for a **House of Industry** in the District, December 12, 1839.

File 36-16. Jail Records.

The gaol is in an insecure state. Facility with which implements to break gaol may be introduced. There is the introduction of liquor through the window grates. There is no secure fence. Sheriff protests against the continued state of insecurity. Signed by **Kenneth Cameron**, Sheriff, December 11, 1839.

File 36-17. Orders.

Committee of Accounts: *Elias Adams, David Thomson, William Ball, Lewis Clement, Edward Evans, John Mewburn*, December 10, 1839.

John J. Harris, duplicate cheque ordered for £2.6.3. lost in 1837.

Petition regarding the Bertie and **Garrison Line Road** ordered to be referred to the **Boundary Line Commissioners**. (Signed by **A. Douglass, John Stevens** and others.)

Ordered that an application be made to the Legislature founded on the Report adopted by the Committee and the **Clerk of the Peace** bring in a bill pursuant to the decision of the Court regarding the **District finances**.

Clerk of the Peace ordered £20. (£11.10.0. for the assessors 1838, and £8.10. for a trip to Haldimand concerning the assessment.)

The **Gaoler's salary** ordered to be £125 and the **turnkey** £60, payable quarterly.

The **Sheriff** ordered to receive 12/6- *per diem* for the Quarter Sessions.

All **Township Commissioner's** claims for 1836-37 ordered to be paid by the Treasurer on producing the necessary certificates.

Certificate from **John Jarron** (surgeon), **Dunnville**, December 9, 1839: **Mr. E.J. McMillan** is in such precarious health that a journey to Niagara is injudicious, could be attended with serious consequences due to the unsettled weather. [Verso endorsed: appealed, discharged and conviction enforced when required by **Mr. Bell**. December 13, 1839.]

File 36-18.

Peter Nagle, has lived and boarded with **Charles Hibbard** in Bertie for 10 months. Is entirely destitute, has had no help from the Town Wardens. What is to be done with him? Prays to be paid for keeping him, or turn him out of doors to the wide world. Send a line by the bearer **Charles Anger**, December 9, 1839. [endorsed "no funds."]

Benjamin Lyons, Niagara. Has been an inhabitant of this Province since 1774. He served in the late War with the United States in a Flank Company of the **Western District Militia** under **Captain William Elliott** and accompanied **Brock** at taking **Detroit** in 1812. Was faithful to the British cause, is the son of an old soldier. Is now infirm, in old age and ill health. Is destitute and cannot earn a living. Applies for public aid, or else will perish from want, December 9, 1839. [endorsed "no funds provided by law."]

File 36-19. Precept.

List of Grand and Petit Jurors compiled by **Thomas Butler** and **James Lockhart**, September 13, 1839 for Sessions on December 10th. Certified by **Kenneth Cameron** (Sheriff.)

Grand Jury: **John Barker** (foreman), **Anthony K. Boomer**, **Jacob Caniffe**, **William Chisholm**, **James B. Clendennan**, **Chester Culver**, **Joseph Cutler**, **James Dittrick**, **Walter Dittrick**, **Elias Durham**, **James Edsall**, ~~**Nelson Forsyth**~~ (sick), **Samuel Haight**, **Willson Haun**, **Daniel P. Haynes**, **Charles Hill**, **Thomas McIntyre**, **John F. Mittleberger**, **William Murray**, **Oliver Phelps**, ~~**Benjamin F. Pound**~~, **George Varey**, **Charles Ward**, ~~**Elias Wilkins**~~.

Petit Jury: **Robert Abraham**, **Robert Alexander**, **Charles Anger**, **Henry F. Anger**, **Henry Beam**, **Martin Beam**, **George Benner**, **Henry Bonnett**, **Charles Bryant**, **William Buck**, **Henry Clarke**, **William Clarke**, **Thomas Cook**, **John Crager**, **William Crager**, **Eli Danner**, **Jacob Danner**, **Henry Deakout**, **Jacob Huffman**, **George Stevens** (Bertie); **John Beamer**, **Peter Becket**, **Stephen Becket**, **Thomas Disher**, **William Dixon**, **Martin D'Lammatter**, **Jacob Dunkle**, **John Edsall**, **Peter Edsall**, **Charles Elsworth**, **David Elsworth**, **George Everly**, **Thomas Fitzgerald**, **Jacob Fulman**, **Richard Gorsuch**, **Charles Gorum**, **Abraham Hendershot**, **David Hendershot**, **Zephaniah Horton**, **Eli R. Hyatt**, **Robert Killman**, **William Killman**, **William Mason**, **Abraham Miller**, **Samuel Reece**, **Charles Thomas** (Pelham); ~~**Christal Boughner**~~, **Archibald Craig** (Humberstone.)

File 36-20. Road and Bridge Petitions.

David McCall Field, **William Steel** and **Jacob Hoover**, Commissioners for Walpole. Have expended £100 on the road from **Black's Mills** to the **London District**. Have not yet received any of this money, but have advanced £25. Pray to remit the refund and advance as much as the road requires, December 7, 1839. Certified: **James W. Perkins**, **John T. Cooper**, **Frederick L. Gibbs**, **Josiah Edasell**, **William McCoy**. Read and filed December 12th. Ordered that a check do issue and the Treasurer charge the sum to the road fund.

File 36-21. Tavern and Shop Licences.

Printed broadside **Rules and Regulations for Innkeepers 1840**. Dated January 6, 1840, signed by **Thomas Butler** and **Charles Richardson**.

Gage Miller, prays to assign his tavern licence to **W. Miller**, January 11, 1840.

Court address. The Legislature is to amend the General Quarter Sessions Act for the purpose of holding a **Special Sessions** in a central part of each county for the purpose of granting tavern licences, December 12, 1839.

For the purposes of granting licences in Haldimand, a Special Sessions is to be held at **Decue's Inn** in Cayuga, January 5, 1840. **Clerk of the Peace** ordered to send a Deputy to this Session, December 12, 1839.

Elizabeth Gamble, Niagara, widow. Has five children dependant upon her for their support. She keeps a small grocery. Desires a licence to sell ale and beer, December 12, 1839. Witnessed by **Edward C. Campbell**. **James P. Ralston** consents to be her surety, December 11th. Recognizance taken before **Thomas Butler**: Eliza Gamble and **George Watts**, Niagara, shoemaker, £10 each. Licence granted December 12th.

File 36-22.

William Baker, Niagara, labourer. Charged with larceny, stealing one bag (value 1/-) the property of **Hester Eastham** on November 19, 1839. No bill: **John Barker** (foreman.) Witnesses: **Edward Honor**, Mrs. Eastham. Evidence of Edward Honor, #9 Police, Queenston, taken before **J. Mewburn** on November 20th: He saw Baker at **Thomas Humphries**, tavernkeeper. Had something concealed in his vest. Watched him go to the stable shed and hide a bag. When asked where did he get it, said it was at the **Widow Durham's** and then later he said at some other place. He was told to show where he got it. He took me to Mrs. Eastham's stable, laid his hand on the manger and said "this is the place." The prisoner was in liquor. A man, a stranger, lost a bag with letters on it. She knew nothing, it was not her property. The prisoner took the bag that morning. Evidence of William Baker: he was warned not to state anything to incriminate himself. Statement voluntarily given was taken in writing, the prisoner said he came to Queenston to meet his companions. He drank too much, recalls nothing more. Recognizance taken: Edward Honor £20. Prisoner committed to Niagara Gaol.

File 36-23.

William Baker, Niagara, labourer. Charged with larceny, stealing one handkerchief (value 5/-) the property of **Daniel Quackenbush**, Queenston, innkeeper, on November 21, 1839. True bill: **John Barker** (foreman.) Evidence of Daniel Quackenbush taken before **J. Mewburn** on December 11th: a stranger came to the inn and asked me to accompany him to Niagara in his wagon. I saw a handkerchief- recognized it as his own- took it from his neck. I asked what he did this for, and he said to get more liquor. I recognize the man in Gaol- Baker is the man.

File 36-24.

John Fitzmorris, Stamford, labourer. Charged with larceny, stealing one silk handkerchief (value 3/6-) the property of **George Croft**, Stamford, tavernkeeper on December 11, 1839. True bill: **John Barker** (foreman.) Witnesses: George Croft. Letter from **J. Mewburn** to **Thomas Butler, Danby House**: Committed a man to gaol for little infatuation and a small mistake. Evidence of George Croft: John Fitzmorris, of **Halifax**, Nova Scotia, ship's carpenter came to my bar at 10 am. He was not sober and called for liquor. I said he'd had enough already. Talked to two others. I went to **Mr. Lemon's** on the road where I mislaid the handkerchief. Came to the bar and asked if anyone saw it? A young man said the prisoner had got it. Asked if he could be searched, the handkerchief was found on him. He said someone-the deponent- had put it there. Recognizance of George Croft £20. Verdict: "not guilty," December 12, 1839.

File 36-25.

Aaron Helmer, Haldimand (Indiana), innkeeper. Charged with aggravated assault against **Elizabeth**, wife of **George Monture** [alias **Montuer**] on October 9, 1839. Witnesses: Elizabeth Montuer, **Levina Ottley**. Warrant issued by **David Thompson** to constable **John Byrnes** and the Niagara Gaoler, Indiana, October 12th: Helmer is charged on the oath of an Indian woman, Elizabeth, the reputed wife of George Monture Jr. of the Cayuga nation of Indians and on the oath of another Cayuga woman known by the name of **Jamimah**. Eliza Monture was assaulted by Helmer with a club, severing the flesh on the left side of her face to the bone, 1" long. Byrnes arrested Helmer on a warrant for outrage. He went to the barn and Helmer made several passes or strikes at him with an iron shovel, and was wounded severely in his right arm, and said he'd split the constable's brains open. He refused or neglected to find sureties to keep the peace towards Monture and Byrnes. Warrant to arrest and commit him to gaol issued. Evidence of Levina Ottley, swore to interpret for Elizabeth Monture, a Cayuga, October 9th: Monture was by her

house. Helmer struck her a blow on the left side of her face with a club, laid open a wound to the temple 1" long. She was holding her child in her arms. Evidence of **Jemima Butler** [or Buller?] corroborates the testimony. Helmer arrested and held to bail for trial at the Quarter Sessions. Recognizance taken: Eliza Monture £5, Jemima Butler an Indian woman 40/-. [Faint ink notation on the *mittimus*, **William Murray** and **William Orderly**-bail.] *Nolle prosequi* ordered. Defendant to pay for the drawing of the verdict, parties having settled, December 11, 1839.

File 36-26.

Aaron Helmer, Haldimand (Indiana), innkeeper. Charged with assault against constable **John Byrnes** on October 12, 1839. Witnesses: John Byrnes, **David Thompson**. Warrant issued to Byrnes to apprehend Helmer for an assault on Monture, October 9th. Evidence of John Byrnes: deponent took a pistol (not loaded) out of his pocket and requested Helmer to desist and give up peaceably. The deponent said he must do his duty. Helmer continued to defend himself with a shovel. He inflicted a large, deep wound in the right arm of the deponent with a shovel. Evidence of Aaron Helmer: He denies the wound. He struck at Byrnes with a shovel but thinks he didn't hit him. He knows that Byrnes does not know that he is a constable. Helmer committed to gaol. Recognizance of John Byrnes £10. *Nolle prosequi*, parties having settled. Defendant pays cost of indictment, December 11, 1839.

File 36-27.

William Jackson, Stamford, labourer. Charged with larceny, stealing one axe (value 5/-) the property of **Isaac Byas, Lundy's Lane**, on November 25, 1839. True bill: **John Barker** (foreman.) Witnesses: Isaac Byas, **William Williams, Revel Hawkins, Thomas Williams**. Letter from **G.C. Swan** to **Charles Richardson, Drummondville**, December 9, 1839: The axe is not the property of **William Williams**, but lent to him by Isaac Byas of Lundy's Lane. Evidence in the case is enclosed. Evidence of William Williams, Stamford, labourer, coloured man: went to **Hawkin's** to get a glass of beer. Had an axe, which he put down behind the bench. Had a five minute visit, afterwards the axe was gone. Hawkins gave the axe to my brother, said it was taken by Jackson. Evidence of Thomas Williams: the axe in court was given to him by Hawkins. Evidence of Revel Hawkins: Knows nothing of the axe, if he gave it to me for custody it would be forth-coming. He asked Jackson twice if he knew the axe which he denied. **Mr. Zebulon Ferris** (lodger): knew nothing. He later came to me and said Jackson offered him an axe for sale. I asked him to do what he could to recover it for the owner. I called Jackson and said to bring the axe to Mr. Ferris'. He denied having the axe. I threatened him with a warrant. He went upstairs and brought the axe down. I gave it to Thomas Williams for his brother William Williams. There are two rivets in the handle by which it was recognized. The prisoner was my servant, and I discharged him on account of theft and drunkenness. Recognizance taken November 28th: Revel Hawkins, Stamford, lodging house keeper, (coloured man), Thomas Williams, Stamford, labourer (coloured man) £10 to appear; William Williams, Stamford, labourer (coloured man) £10 to appear. Plea: "guilty," sentenced to one month in solitary confinement, December 11, 1839.

File 36-28.

John Oaks, Bertie, labourer. Charged with larceny, stealing 2 yards of kerseymere (value 20/-) the property of **James Windeat**. No bill: **John Barker** (foreman.) Witnesses: James Windeat, **William Squibs**. Recognizance taken November 28, 1839 before **William Smith**: James Windeat and William Squibs, £10 each. Letter from James Windeat to the Chairman: Since "no bill" was found the question arises over the property of the cloth. I made a statement, viz: Squibs came to my store with the prisoner and some others. They remained and then went out. An hour later

Squibs returned and asked if I had lost anything and desired me to examine the cloth. A piece of cassimere was missing. I went to **Captain Brown** (Captain of the prisoner's Company) and said I had lost a piece of cloth and gave an exact description. I requested that he call on Squibs for further particulars. Squibs said he saw the prisoner take something, possibly the cloth. The barracks was searched and the cloth was found in his bed. The bill was ignored not because of doubt that the property was mine, but because there was no evidence that Oaks put it there. If he admits it, the Grand Jury has the evidence required. If he denies it, then the cloth [still] doesn't belong to him. The prisoner therefore cannot claim it. Captain Brown and 4 or 5 others are satisfied the cloth is mine and restored it to me. They held a Court Martial and stripped him of his Sergeants commission and dismissed him from the service. I was in possession of the cloth. If I had not been anxious to promote the ends of public justice, and entered a complaint before a magistrate, I should have been in undoubted possession of my property and saved myself the trouble of a journey to Niagara to prosecute. The court will not allow me to lose what I need not have jeopardized, had I considered my own care and interest at the expense of the public good. I do not make remarks over the value of the property, but I am unwilling that the cloth be awarded to him as a premium for committing the crime. The cloth has a ticket attached with my shop mark on it. Was on it when stolen and has not been taken off. Will come to Niagara to know what you decide, I will be indebted if the Clerk of the Court will inform me by letter. Ordered: that the goods be returned to the prosecutor, December 12, 1839.

Niagara District Quarter Sessions, March 1840.

File 37-1. Accounts (1-29.)

Thomas Dority, charge for bread, £25.15.0.

Samuel Proctor, constable account £11.6.0.

Bernard Roddy, constable accounts, 16/-; £9.17.0. charge to search the house of *Felix Havens*.

Alexander Ross, constable account £8.9.6.

E. Lesslie & Sons, Toronto: minute and docket books, charged to *Charles Richardson*, £1.10.0.

John Smith, constable account, £1.10.0.

George Croft, constable account £1.8.0. Charge to search *Vanderburghs*, the *Black Horse Tavern* at *Allanburgh*, for counterfeit coin.

Boundary Commissioners for Thorold and Stamford: *George Rykert*, *Samuel Wood* and *Jacob Keefer* £33.17.6½.

Kenneth Cameron, Sheriff's Account, £13.15.6.

Dr. Mewburn (coroner) Charge to hold an inquest on the body of *Elizabeth Ross* at Chippawa, January 8 and 9, 1840, £2.3.6.

Zephaniah Horton, constable account £5.10.0.

Receipt of *Hiram Smith* from *George Simpson* (by *E.S. Wheeler*) February 11, 1840; receipt of *William Russell*, January 30, 1840 and of *William Jackson*, November 28, 1839.

George Simpson, constable account £2.2.0.

Dr. Mewburn (coroner) Charge for holding an inquest on the body of *John Kay* (*43rd Regiment*) at *Drummondville*, December 13, 1839, £1.17.6.

Peter B. Nelles (coroner) Charge for holding an inquest on the bodies of *Benjamin Roger* and *Daniel Turner*, January 1, 1840, £2.4.0.

F.W. Gibbs, charge for beef, £8.12.3.

John Swinton, charge for locks, hinges, boards and railing for the cells, shelf and ladder, £2.16.9.

John Wagstaff, charge for joints, pipes and elbows, £1.12.6.

Dr. Porter, charge for gaol attendance, £6.5.0.

H.D. Platt, charge for mending stove &c, £1.2.6.

James Levell, salary as turnkey, £15.

E.S. Wheeler, salary, charge for washing, candles, scrubbing court, two pairs of drawers for **Donley**, cleaning privy, "blue ointment," &c, £88.16.1.

R.M. Clement, charge for cloth, buttons, flannel &c, £3.13.8½.

William Duff Miller (coroner) Charge to hold an inquest on the body of **Henry Armstrong**, gunner in the **Royal Regiment of Artillery**, January 3, 1840, £1.17.6.

Samuel Proctor, charge for summoning jury to the inquest on **Henry Armstrong**, 5/-.

William Coulter, constable account, £2.5.0.

Thomas Hanagan, constable account, charge to summon jury to an inquest held on the body of **J.R. Webster** (St. Catharines) January 18, 1840, £1.5.0. (Certified by **Samuel Wood**, coroner.)

Frederick Rose, constable account £2.5.8. Charge to apprehend **Daniel Anger**, for opposing the **Collector of Customs**.

William Jeffs, Special Constable, £1.12.0.

List of Accounts Passed by the Committee of Accounts, March sessions 1840.

"The **Gaol Committee** is to be instructed to contract with individuals at fixed and certain rates for the supply of bread and beef, as the prices in the accounts now presented appear higher than the ordinary market rates in town."

File 37-2. Cheques Issued.

Schedule of Cheques Issued, March Sessions 1840.

David Thorburn, [various items as JP from April 1829-December 12, 1838) £15.2.6.

Luther Boardman, constable account £4.18.6; services as constable at **Queen's Bench** £1.

Kenneth Cameron, Sheriff's Account, £5.17.6.

Constables who attended the March Sessions: **Bernard Roddy**, **George Foley**, **Alexander Ross**, **Charles Fields**, **Samuel Proctor**, **Francis Proctor**, **David Tetter** (Special Constable), **Patrick Finn** (crier.) Certified by **Kenneth Cameron**, sheriff.

Chester Wadsworth, constable account 13/9-.

John Byrnes, constable account, £1.4.6.

List of Lands Advertised for sale for Taxes in Walpole and Rainham. Signed **Alexander Hamilton**, **Alexander McLeod** and **William Clarke**, February 26, 1835.

Hannah Owen Hamilton, £35.0.3½ as executrix of the late sheriff **Alexander Hamilton**. Passed and to be paid £19.12.6. To be passed when proper returns are made, regarding sheriff's sale of lands in Walpole and Rainham.

Letter from *William Clarke* to *Charles Richardson*, Toronto, March 9, 1838. Regarding the claims of *Alexander Hamilton* (sheriff's sale of lands) and *Mr. Thorburn* for keeping a foundling child. Alexander Hamilton sale of lots of land in Walpole and Rainham £30.18.6. I know nothing about an order for overpayment of taxes by [*Francis?*] *Emmett*.

£31.11.10. paid to the executrix of *Alexander Hamilton*, June 10, 1839.

Letter from *Alexander McLeod* to *Charles Richardson*, December 18, 1839: The deeds are ready for lands sold in Rainham and Walpole for taxes. Ready to put the sheriff's return on the writ. Transmits cheque for money to the executrix of the late *Sheriff Hamilton*.

John Colbath, constable account 12/1-. Charge for attending at an inquest at Chippawa January 8, 1840.

Charles Richardson, £8.8.4½ postage on public business.

File 37-3.

William Clarke: socks, jackets and pantaloons were purchased by Clarke, £15.3.9. and not liquidated by the District. Furnished by me when in the employ of claimant *W.A. Garrett*. [Referred, laid over.]

Philip Wismer, assessor for Louth. A gristmill with additional stones is a gross mistake in the assessment for *T.M. Horner*. He owns a two story frame house, January 1, [1837?] Referred to the court, signed *J. Keefer*, March 11, 1840.

File 37-4.

Oliver Burnham, constable. Charges for the arrest of *Johnstone Kerr* on January 31, 1836 and *William Orderly* for a stolen mare in February 1836, £5.15.3. [Rejected and referred for further proof, June 12, 1839. Rejected, March 11, 1840.]

James Gilleland, charges for the arrest of a deserter from the *73rd Regiment*; conveying three men of the *43rd Regiment* from *Drummondville* to *Brantford* by order of *Colonel Booth* with the assistance of *Thomas Henigan*, 15/-, April 1839. [Referred and rejected, wanting information concerning the charges.]

George Havens, charge for the conveyance of *Felix Havens*, *Peter Smith* and *Margaret Smith* to gaol, 12/6-. [Rejected.]

Harmon G. House, charges for the arrest of a black man who stole *John Durham's* horse (name forgotten) £1.10.0. [Laid over and rejected for want of certificate.]

File 37-5. Assessments.

Letter from *Aaron Overholt*, Rainham, assessor, to Charles Richardson, November 25, 1839. Let the bearer, [*Brien M.*] *Webber* have the certificate of assessment for Rainham 1839.

Letter from *James W. Perkins* to *Charles Richardson*, Walpole, January 13, 1840. Deliver the assessment forms to *Frederick Gibbs*.

Letter from **Robert Wier** to **Charles Richardson**, York, January 23, 1840. Wishes to have blank assessment forms.

Letter from **Robert Griffin** to **Charles Richardson**, Cayuga, January 24, 1840. Request to send the necessary assessment papers.

Letter from **John Stuart**, Moulton, assessor, to **Charles Richardson**, Dunnville, February 5, 1840. Send the blank assessment roll to the **Dunnville Post Office**.

Letter from **Philip Wismer** to **Charles Richardson**, Louth, February 13, 1840. Please hand the bearer 7 or 8 sheets for the assessment and the same number for the census.

Letter from **Henry Disher** to **Charles Richardson**, Pelham, February 15, 1840. Send the assessment and census sheets (receipt from **Calvin S. Kelley**.)

Letter from **Jacob Misener**, assessor, to **Charles Richardson**, Wainfleet, February 18, 1840. Send six blank forms for the assessment and three blank forms for the census.

Letter from **Charles D. Purnell** to **Charles Richardson**, Dunn, March 10, 1840. Send a copy of the assessment and census rolls and for different religious denominations. The delay is due to the fact that "having been an invalid in consequence of a very severe cut I received by an adze on my knee which separated the artery and disabled me from walking for several weeks."

Dr. Raymond, memo of account figures.

File 37-6. List of Constables.

Thorold: **Silvanus Cleveland, Charles N. Henderson, William Hill, Daniel B. Grenville** (recommended by **J. Keefer**.)

Letter of **Edward Evans** to **Charles Richardson**, Rainham, March 9, 1840: encloses list of constables for Rainham and Walpole.

Letter of **James Cummings** to **Charles Richardson**, Chippawa, March 13, 1840: encloses list of constables for Chippawa. It is not convenient for me to attend the Sessions. Is not aware of the appointment of other constables, "I assure you we stand much in need of some vigilant ones, who I am fearful we cannot get. You attended to my request at Toronto, no doubt, not having heard from you."

Constables for the District of Niagara Appointed March Sessions 1839:

Town of Niagara: **Bernard Roddy** (High Constable), **Samuel Proctor, Francis Proctor, George Folly, Alexander Ross, Charles Fields, Jonathan Watts, Amos Perrin**.

St. Catharines: **Thomas Henegan, Patrick Nugent, James Gilleland, William H. Sanderson, Joseph Harris, Denny [Luper? Leeper?], Solomon Soper, William Read, John May, James Harris**

Grantham: **George Akert, John Tinline**.

Township of Niagara: **George Cain, Absalom Dix**.

St. Davids: **George Clark, Arthur Shaw** (recommended by **J. Mewburn**.)

Queenston: **Chester Wadsworth, J.J. Brown, Adam Brown**.

Village of Thorold: *Charles N. Henderson, William Coulter, Samuel H. Smith, Matthew Carroll, Sylvanus Cleveland.*
 Gainsborough: *John Page, John Snyder, John Lacey.*
 Clinton: *Isaac Marlatt, James B. House, David Smith.*
 Caistor: *Henry Smith, John Johnson.*
 Pelham: *Zepheniah Horton, David Cutler, Jacob Hendershot.*
 Grimsby: *Adam Duff, Amos Farewell* [alias *Fairwell*], *James W. Harris.*
 Stamford: *John Prouce* (bailiff), *John Wilson* (mason), *David Dunton* (shoemaker), *William Russell* (carpenter, *Drummondville*.) Recommended by *J. Mewburn.*
 Nelles Settlement (Grand River): *Thomas Helmer, John Burns, Alexander Shipway, Christopher Young.*
 Port Dalhousie: *William Row, Sampson Smiley.*
 Louth: *Peter McIntee, David Burich, Peter Disher.*
 Crowland: *Jacob Strawn, Charles Wilson, Christopher McAlpin, Jacob Griffis.*
 Bertie: *John Rainsford, William Clark, [Paul?] Wilson, Israel Tuttle, George Nettles, Jacob Johnson.*

General Quarter Sessions March 1840. *The following persons are appointed Constables for the year 1840.* Approved March 14th, signed *Thomas Butler.*

Town of Niagara: *Bernard Roddy, Alexander Ross, Thomas [Surby?], [James Roley?] David [Seller?], John Steel Henry [Burk?], William [Surby?], Samuel Proctor, Francis Proctor, George Foley.*

Grantham: *Thomas Henegan, Richard Forest, James Harris, John Wright Jr, Dennis Kinsley, Edwin Secord, John May, Richard [F-----?], David Cooper, William Soper, John Haynes Jr, James Smiley, Andrew Boyle.*

Clinton: *Isaac Marlatt, David Smith, James B. House.*

Grimsby: *Richard H. Allison, Hugh Anderson, James Harris, Alber Drake, John Hoover.*

Gainsborough: *John Page, William Swick.*

Township of Niagara: *Francis Cl[-----?], John Steel, James Cushman.*

St. Davids: [no names inserted.]

Queenston: *Chester Wadsworth, Thomas Humphry, John Hawn* (shoemaker.)

Thorold: *Sylvanus Cleveland, Charles N. Henderson, William Hill, Daniel B. Grenville.*

Pelham: *Zepheniah Horton, Leonard Louks, George Coon, Samuel [Rice?]⁵⁷*

Caistor: *Henry Smith, John Janson.*

Port Dalhousie: *James Smiley, William Rowe.*

Stamford: *John Wilson* (mason), *George Croft, William Russell, John Haight, R. McMahon* (Falls.)

Nelles Settlement, Grand River: *Christopher Young, William [Fearman?], Erastus Campbell, James A. Applebee.*

Bertie: *Robert Campbell, Lewis Palmer, John J. Harris, George Benner.*

Humberstone: *Luther Boardman.*

Louth: *Israel Birch, David Davis, [William -----?]*

Crowland: *William Vanalstine, George Adam Darby.*

Wainfleet: *John Aikens.*

Walpole: *William McCoy, Frederick Gibbs.*

Rainham: *James Soper, Samuel Talman.*

Moulton: *Thomas Tuck, James Simms.*

Dunn: *George Galbeck.*

⁵⁷ This name was expunged from the list and both the given name and surname were heavily inked out. The surname *could be* Rice.

Sherbrooke: **Douglas Mc[Mindo?]**
 Cayuga: **John Crocker, Daniel Fredenburgh.**
 Chippawa: **Thomas [Nead?], Amos Leich, John Bogardus.**
 Canborough: **Philip Doan, James Smith.**

File 37-7. Convictions (**E.S. Adams**, JP, St. Catharines.)

David Crow, Louth, yeoman. Charged with trespass against **George Schram**, Louth, farmer, on February 12, 1840. Crow cut and damaged 10 timber trees (oak.) Fined £2 plus £1.9.0. costs (paid to **Thomas Hanagan**) on February 13, 1840. Verdict annulled by the jury on March 13, 1840. Evidence of the **Rev. James Clarke**, St. Catharines, taken February 12th: the trees were on lot 12 Concession 6, glebe lot for the **Rectory of Louth**. Ten trees on part of the lot were purchased by the prisoner from Clarke and three more on **Campbell's** lot. If they were merely cut there was no damage since the deponent intended them for timber but Crow "cut them into [-----] cuts." Crow admitted to cutting them, he had leave but it ran out several years since. Feels he ought to be paid for improvements.

File 37-8. Convictions (**W. Adams**, JP, Louth.)

Michael Sourwine, George Sourwine and **Valentine Sourwine**. Charged with an assault against **John Flummerfelt**, Louth, November 27, 1839. Michael and George Sourwine fined 5/-, Valentine Sourwine fined £1.5.0. plus costs £1.5.0. November 30, 1839.

File 37-9. Convictions (**J.W.O. Clarke**, JP, Louth.)

James Dell, Louth. Charged with assault against **Solomon Beebe** on November 5, 1839. Prisoner struck Beebe in the face with his fist while he was making a raft near **Port Dalhousie**. Fined £1 (paid to the Township Clerk) and 12/6- costs, December 12, 1839.

File 37-10. Convictions (**Delatre, Mewburn** and **Swan**, JP's, Drummondville.)⁵⁸

Robert Crawford, Stamford. Charged with being an accessory to a crime. Evidence of **Catherine Shannon**: on November 8, 1839 prisoner and **Daniel Wadsworth** attempted to get into her house. Fined £4.6.6, November 20, 1839.

File 37-11. Convictions(**Delatre** and **Swan**, JP's, Drummondville.)

Henry M. Hendershot. Charged with assault against **George Bender**, Stamford on January 18, 1840. Hendershot was drunk and making use of profane oaths. Fined 5/7- for the use of the roads and the poor plus 16/6- costs, January 20, 1840.

Michael [Shillito?]. Charged with trespass against **Alexander Gordon** on January 27, 1840. Fined 10/- for use on the roads plus 13/3- costs, January 30, 1840.

William Russell. Charged with larceny. Russell secreted a bayonet belt, scabbard, belt plate and haversack of **Private George Carland (43rd Regiment)** in his house on January 28, 1840. Fined £1.3.4. January 28, 1840.

File 37-12. Convictions (**Jacob Keefer**, JP, Thorold.)

⁵⁸ The faded ink and poor writing make this file difficult to decipher.

Recognizance taken November 5, 1839: **Alfred Wilbur**, Allanburgh, labourer and **Samuel H. Smith**, Thorold, merchant, £10 each. To keep the peace towards **Levi Walker**, Allanburgh, wheelwright, for 12 months.

Recognizance taken October 24, 1839: **Andrew Cline**, Pelham, labourer £10, and sureties **Amandus Schwaller**, Thorold, yeoman, and **John P. Burgar**, Pelham, yeoman £5 each. To keep the peace towards **VanRensselar Warren**, Pelham, clothier.

Recognizance taken October 26, 1839: **John Bran**, Thorold, millwright and **John Hamilton**, Thorold, yeoman, £10. **Charlotte Bran**, wife of John Bran, to keep the peace towards **Mary Emerson**, wife of **John Emerson**, Thorold, mason.

Recognizance taken December 7, 1839: **Adam Patterson**, Thorold, grocer and **Charles N. Henderson**, Thorold, blacksmith, £10 each. Patterson to keep the peace towards **Silvanus Cleveland**, Thorold, innkeeper.

Adam Patterson, charged with trespass and assault and battery against **Silvanus Cleveland** on November 29, 1839. Fined £3.15.0. plus 18/9- costs (trespass conviction), and £10/- plus 15/- costs (assault and battery conviction) December 6, 1839.

James Park, charged with assault and battery against **John Madigan**, Thorold, shoemaker on September 19, 1839. Fined 1/- plus 20/9- costs, December 12, 1839.

Henry C. Ball, neglected to subscribe the oath of office as pathmaster for 1839. Fined £1.6.0. costs, December 14, 1839.

Stephen Burns, neglected to subscribe the oath of office. Fined £1.7.4. costs, December 14th.

Orrin Theal, neglected to subscribe the oath of office as pathmaster. Fined £1.3.10 costs, February 10, 1840.

Hiram Swayze, neglected to subscribe the oath of office as pathmaster. Fined £1.4.2 costs, February 10, 1840.

Isaac Kelly, neglected to subscribe the oath of office as fenceviewer. Fined £1.4.2 costs, February 10, 1840.

David Griffiths, neglected to subscribe the oath of office as fenceviewer. Fined £1.7.0 costs, February 10, 1840.

Matthew Thomas, neglected to subscribe the oath of office as fenceviewer. Fined £1.7.4 costs, February 10, 1840.

Clement Dixon, neglected to render his accounts as pathmaster, fined £1.6.0, December 14, 1839.

Isaac Head, neglected to render his accounts as pathmaster, fined £1.6.0, December 14, 1839.

William Orr, neglected to render his accounts as pathmaster, fined £1.6.0, December 14, 1839.

John Kalar, neglected to render his accounts as pathmaster, fined £1.7.8, December 14, 1839.

Stephen Seburn, neglected to render his accounts as pathmaster, fined £1.7.4, December 14, 1839.

Richard Havill, neglected to render his accounts as pathmaster, fined £1.7.4, December 14, 1839.

Samuel Fruer, neglected to render his accounts as pathmaster, fined £1.7.4, December 14, 1839.

Peter Upper, neglected to render his accounts as pathmaster, fined £1.5.0, December 14, 1839.

Robert Hobson, neglected to render his accounts as pathmaster, fined £1.8.4, December 14, 1839.

Jacob Lutz, neglected to render his accounts as pathmaster, fined £1.7.8, December 14, 1839.

William Hill, neglected to render his accounts as pathmaster, fined £1.8.4, December 14, 1839.

George Hill, neglected to render his accounts as pathmaster, fined £1.8.4, December 14, 1839.

Jesse H. Lacey, neglected to render his accounts as pathmaster, fined £1.8.0, December 14, 1839.

William Seburn, neglected to render his accounts as pathmaster, fined £1.7.8, December 14, 1839.

William Holliday, neglected to render his accounts as pathmaster, fined £1.8.0, December 14, 1839.

John Jackson, neglected to render his accounts as pathmaster, fined £1.7.0, December 14, 1839.

Robert Willson, neglected to render his accounts as pathmaster, fined £1.8.4, December 14, 1839.

Samuel Swayze, neglected to render his accounts as pathmaster, fined £1.7.4, December 14, 1839.

Alem Marr, neglected to render his accounts as pathmaster, fined £1.8.4, December 14, 1839.

George Peterson, charged with trespass against **Matthew Carroll** on December 21, 1839. Peterson trespassed on lot 31 in Thorold and removed firewood. Fined 4/8½- plus £1.1.3. costs, December 26, 1839.

File 37-13. Convictions(**Mewburn**, Stamford.)

Daniel Wadsworth, Queenston. Unlawfully detained the goods of **James Phillips**, September 20, 1839. Witness: **George [Kitson?]** Stamford, innkeeper. Fined 15/6-, September 21, 1839.

File 37-14. Convictions(**Mewburn** and **Swan**, Drummondville.)

James Campbell. Charged with assault and battery against **William Jeffs**, Bertie, tavernkeeper, on December 24, 1839. Fined £1.12.0. injuries plus 18/- costs, December 26, 1839.

File 37-15. Convictions (**Swan**, Drummondville.)

Henry Hudson. Charged with trespass against **Captain Ussher**. Defendant barked two ornamental trees at Willoughby, the property of Captain Ussher, on February 21, 1840. Fined £2.10.0. plus £1.7.3. costs, March 9, 1840. At Captain Ussher's request the penalty was [----- ?]

John Barker, Drummondville, yeoman, drove on the highway with a horse and sleigh with no bells between Chippawa and Drummondville, December 16, 1839. Evidence of **George Simpson**, police constable. Fined 10/-.

George Williams, Stamford, yeoman. Drove on the highway with a horse and sleigh with no bells. Evidence of **John Prouse**, constable. Fined 10/-, December 16, 1839.

Hiram Lee, Chippawa, surgeon. Drove on the highway with a horse and sleigh with no bells. Evidence of **John Prouse**, constable. Fined 10/-, December 16, 1839.

George Kitson, Stamford, tavernkeeper. Drove on the highway with a horse and sleigh with no bells. Evidence of **Edward Honor**, constable. Fined 10/-, December 16, 1839.

Christopher Warren, yeoman. Drove on the highway with a horse and sleigh with no bells. Evidence of **George Simpson**, constable. Fined 10/-, December 16, 1839.

John Taylor, Stamford, yeoman. Drove on the highway between Dunnville and Allanburgh with a horse and sleigh with no bells. Evidence of **George Simpson**, constable. Fined 10/-, December 16, 1839.

William Owen, Stamford, yeoman. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **John Prouse**, constable. Fined 10/-, December 16, 1839.

George Bender, Stamford, brewer. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **Edward Honor**, constable. Fined 10/-, December 16, 1839.

Thomas [Juite?], Chippawa, yeoman. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **John Prouse**, constable. Fined 10/-, December 16, 1839.

Jacob Garner, Drummondville, yeoman. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **Chambers Shannon**, constable. Fined 10/-, December 16, 1839.

Mrs. Mary Morris (widow), Stamford. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **Chambers Shannon**, constable. Fined 10/-, December 16, 1839.

Andrew Oliphant, Stamford, yeoman. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **Chambers Shannon**, constable. Fined 10/-, December 16, 1839.

Thomas J. Neville, Stamford, yeoman. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **Edward Honor**, constable. Fined 10/-, December 16, 1839.

Adam Fralick, Drummondville, innkeeper. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **John Prouse**, constable. Fined 10/-, December 16, 1839.

Lord Fitzroy Lennox, Stamford, 43rd Regiment. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **John Prouse**, constable. Fined 10/-, December 17th.

Thomas Humphries, Queenston, tavernkeeper. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **George Simpson**, constable. Fined 10/-, December 17th.

Israel Pierce, Chippawa, tinsmith. Drove on the highway between Dunnville and Chippawa with a horse and sleigh with no bells. Evidence of **John Prouse**, constable. Fined 10/-, February 18, 1840.

File 37-16. Appeals.

John Able, Niagara, farmer. Charged with assault and battery against **Richard Kenada** [alias **Kennedy**], Niagara, innkeeper, on February 14, 1840. Able struck Kenada with his fist in his house. Fined 5/- plus 16/- costs, total fine £1.1.0, February 15, 1840. Recognizance to appeal taken before **Lewis Clement** February 17, 1840: John Able £10, sureties **James Boulton**, Niagara and **Bernard Roddy**, Niagara, innkeeper, £5 each. Conviction annulled March 13, 1840.

Daniel Wadsworth. Charged with trespass against **Catherine Shannon**, Stamford, November 20, 1839. Wadsworth removed a shingle from the window of her dwelling and frightened her to such an extent as to oblige her to quit her house at night and seek refuge elsewhere. Fined 5/- (for the highway) plus £1.6.3. costs, at Drummondville before **Delatre**, **Mewburn** and **Swan** on January 15, 1840. Affidavit for the purpose of delay and a fair trial, of Daniel Wadsworth taken before **Charles Richardson**, March 10, 1840: **Martha Wadsworth** is a necessary and material witness for the appeal. Is unable to attend due to a severe sickness, but can procure her attendance at the next Sessions.

File 37-17. Correspondence.

Letter from **A. Gordon** to **Charles Richardson**, **Mount Dorchester**, February 24, 1840: I have not now the honour and trouble of being a Justice of the Peace. I request that you send me a copy of an act regarding the settlement of **Clergy Reserves** and it will be returned to you.

Letter from **Benjamin Tett**, postmaster, **Newboro'**, **Johnstown District**, January 21, 1840: I have been requested by the Magistrates to ascertain **coroner's fees** and **constables fees** for attending the same. Please inform me with a table of fees.

File 37-18. Criminal Calendar.

Return of Criminals Confined in the Niagara District Gaol, March 10, 1840.

Patrick Donley, age 51, born Ireland. Murder. Assizes. September 6, 1832. Labourer. Catholic. Insane.

Luther Lane, 24, USA. House breaking. Orders of **Kerby** and **Douglass**. October 22, 1839. Labourer. Baptist.

Charles A. Dodge, 21, Canada. Larceny. **Ricelay**. December 17. Tailor. Methodist. **3rd Battalion I.M.**

Peter Smith, 27, USA. Counterfeit money. **Butler** and **Clement**. December 24. Carpenter. Methodist.

Margaret Smith, 19, USA. Counterfeit money. Butler and Clement. December 24. Methodist.

William Russel, 67, England. Concealing soldiers accoutrements. **Swan** and **Delatre**. January 30, 1840. Labourer. Church of England. Sentenced to two months in gaol.

Rheuben Gun, 13, USA. Larceny. **Mewburn**. February 11. Labourer. Church of England.

Hiram Smith, 56, USA. Larceny. Swan. February 11. Labourer. Presbyterian.

George Brown, 30, Scotland. Assault. Swan. February 14. Merchant. Presbyterian. Want of bail.

Charles McCarty, 20, Canada. Larceny. Swan. February 23. Labourer. Church of England.

Isaac Nun, 22, Canada. Assault. **Bradshaw** and **McGlashan**. February 26. Labourer. Tunkard. Sentenced to one month in gaol.

Curtis Lambert, 18, Canada. Assault. Bradshaw and McGlashan. February 26. Labourer. Tunkard. Sentenced to one month in gaol.

Henry Clarke, 19, Canada. Assault. McGlashan. February 29. Labourer. Universalist. Sentenced to one month in gaol.

Richard Butler, 24, Ireland. Court Martial. November 1. Catholic. **3rd Battalion I.M.** Sentenced to two years.

John Roach, 31, Ireland. Court Martial. November 8. Catholic. **3rd Battalion I.M.** Six months.

Thomas Cooper, 46, England. Court Martial. November 9. Church of England. **1st Battalion I.M.** Six months.

Stephen Haslett, 38, Ireland. Court Martial. February 28, 1840. Presbyterian. **1st Battalion I.M.** Two years.

James Taylor, 28, England. Court Martial. March 7. Church of England. **3rd Battalion I.M.** Six months.

Felix Havens. Counterfeit money. Butler and Clement. December 24, 1839. Bail by **Lewis Clement**, January 3, 1840.

File 37-19. Filings.

Thomas Laclare. On November 16, 1839 Laclare was in the custody of Special Constable **David Teller** and endeavoured to escape. **Copeland Stinson** did not assist Teller and Laclare made his escape. Grand Jury presentment, March 12, 1840. Recognizance of Copeland Stinson, Grantham, yeoman £20, sureties **Lewis Donally**, Niagara, innkeeper and **Rolland McDonald**, St. Catharines, Esquire, £10 to appear.

Philip Dean, Clinton, yeoman. On December 6, 1839 he obstructed the highway with the removal of a bridge. Her Majesty's subjects cannot go, return, pass and repass &c. Witnesses: **William Gardner**, **John F. Stewart**, **David Tale**. Witnesses sworn to give evidence before the Grand Jury, December 11, 1839. Bill found. Recognizance taken before **J.W.O. Clarke** on December 26, 1839: Philip Dean £50, surety **Daniel Ward Eastman Dean** £25. *Nolle prosequi* ordered, March 12, 1840.

Charles A. Dodge, Private, **3rd Battalion Incorporated Militia**. Charged with larceny, stealing money the property of **Oliver Cating**, Humber, Home District, innkeeper, on December 15, 1839. Witnesses: **Celia Jeffs**, **Ensign Ward** and **John P. Wintemute**. Evidence of Oliver Cating taken

before **Edmund Riselay** on December 16th: more than \$3 in British silver coins were stolen from deponent's pockets at the inn of **William Jeffs** in Bertie. Evidence of Charles A. Dodge: deponent said Cating gave him the money which he gave to his officer Mr. Ward. Recognizance of Oliver Cating taken, £25 to appear. Defendant discharged by proclamation, no prosecution appearing, March 14, 1840.

File 37-20. Assize Filings.

Aeneas G. McMillan, Niagara, Esquire. Charged with assault and battery against **Samuel Proctor**, Niagara, constable, on August 3, 1839. True bill: **George Rykert** (foreman.) Witnesses: Samuel Proctor, **Lachlan Bell**. McMillan obstructed Proctor in the performance of his duty. Grand Jury presentment.

Aeneas G. McMillan, Niagara, Esquire. Charged with assault and battery against **Lachlan Bell** on August 3, 1839.

Enos Dean, Gainsborough, yeoman. Charged with larceny, stealing one horse wagon (value £15) the property of **William Gardner** on August 1, 1839. True bill: **George Rykert** (foreman), October 10th. Witnesses: William Gardner, **David Sanford**. Dean ordered to be bailed £50 and to find two sureties of £25 each, and put over to the next Sessions October 15, 1839. Signed **John Stuart. Allan N. [Marshall?]**, QC.

File 37-21. Grand Jury Presentments.⁵⁹

T. Raymond. Has had the maintenance of **Elizabeth Mitchell Wilson**, destitute, for many years. Ephraim Wheeler, before the Grand Jury, swore to take Wilson and give her liberal wages for her services. Raymond prays that he takes her and thus rid the District of the expense for her support, March 13, 1840. Charge of £3.5.0. for her care. Claim of £5.7.6. disallowed by the Grand Jury since evidence produced shows Wilson able to maintain herself, March 11, 1840.

Grand Jury examined the gaol. Found the cells in good order and well kept despite the condition of the building. Credit to **Sheriff Cameron** and **Gaoler Wheeler** for the comfort of the prisoners. There have been no visiting clergymen since 1838. It is necessary to make repairs to the corners of the building. Signed **Barnabas Gregory** (foreman.)

Captain David Boyd, charge to keep **Benjamin Newman** (insane and destitute) £3.5.0.

Martin Baukman, charge to keep an insane and destitute person, £6.10.0.

Mrs. Butler, Grantham, charge to keep an insane and destitute person, £5.

Haggai Skinner, charge to keep **John Campbell** (insane) £5.5.0.

Mary Ann Buckner, charge to keep **John Campbell** (insane) £4.10.0.

Richard Forrest, St. Catharines. Charge to keep **Francis Lynch** (insane) £3.5.0.

Mary Jupiter, Niagara. Charge to keep **Ann Jupiter** (insane) £3.5.0.

⁵⁹ All accounts for insane and destitute persons were presented March 11, 1840.

Isabella Evans, Thorold. Charge to keep *Hannah Evans* (insane) £3.5.0.

Henry Wills, Louth. Charge to keep *Mrs. Richardson* (insane) £7.11.3.

Mrs. Goodle, St. Catharines. Charge to keep an insane person £8.2.6.

Thomas Angleman, Thorold. Charge to keep *John Follock* (insane) £4.

John Singer, Clinton. Charge to keep *Elizabeth Leutz* and child (insane) £9.15.0.

John Smith, Caistor. Charge to keep *Jane Harris* (insane) £6.10.0.

James Tisdale, Gainsborough. Charge to keep an insane person, £6.10.0.

File 37-22. Jail Records.

Mr. Sheriff Cameron brought the insecure state of the gaol to the notice of the Magistrates in June, September and December 1839. The facility to break gaol, or to obtain spirituous liquors could be stopped with a proper fence. He renews his protests about the insecure state of the prison: "With the aid of confederates outside, there is nothing except the vigilance of the *Gaoler* and *turnkey* to prevent the introduction through the window gratings" of implements by means of which those confined may liberate themselves in half an hour. As long as the window access is unobstructed liquor may be introduced "a nullity in this District." March 11, 1840.

File 37-23. Orders.

James W. Perkins. Pay to *William Henry Charles* or bearer my fees as Walpole assessor.

James Robertson ordered to be paid as assessor for Grantham 1837.

Clerk of the Peace ordered fees paid, plus £10 for stationery and disbursements.

Gaol physician's salary ordered £40.

1d and 3 farthings ordered levied per £1.

Grantham Township assessment for 1838 totaled £45,500.11.6. Levied upon at the rate of 1d per £1, total taxes to be collected £189.6.10. Assessor's fee @ 7%=£13.5.0. Paid by the Treasurer £9.18.9, amount due the assessor *James Robertson* £3.6.3.

Treasurer to apply to the *Surveyor General* for maps of the Townships for which he has no copies. Also for a Schedule of *Crown Lands* and *Clergy Reserves* and a Schedule of Location Tickets for Crown and Clergy Reserves and a Schedule of Unappropriated *Glebe Lands*.

£12.10.0. ordered to the *Clerk of the Peace* for correcting the assessments.

Surveyor of Streets for the Town of Niagara ordered to continue the street leading from *John Clements* through the inclosure of *Alex McLeod* to the water's edge to afford ready access to the Niagara River, March 14, 1840.

Robert Hay Bruce, John Lymburner and **John Norton** expended £75 to our satisfaction. Certified by **David Thompson, Warner Nelles, J.H. Mackenzie**, magistrates, Indiana (Haldimand) March 2, 1840.

Peter Lymburner ordered £57.10.0. for building a bridge over **Norton's Creek** and the rest on a road, certified by **John Croker**, Cayuga.

David Thompson, commissioners borrowed £75 but are still out of pocket and are about to be sued for the same.

Letter from **R.H. Bruce** to **David Thompson, Bannockburn**, February 25, 1840. Letter is enclosed from **William H. Merritt**. He thinks we can recover the road money at the next Sessions. Request that you go to Niagara on March 10th to bring the money home, it can't come too soon as **Mr. Battersby**, who made an advance to the contractor, employed an attorney to recover the same. We have the prospect of paying law expenses out of pocket and trouble and loss of time. I have had an attack of my old enemy, bilious fever, just now recovering. The amount was \$300, \$75 received from Mr. Clarke, I hope the balance will be paid with interest. Ordered £5.6.5. to be paid, March 11, 1840.

Letter from **A.J. Ferguson** to **R.H. Bruce, Hamilton**, February 5, 1840. **Mr. Leslie Battersby** has directed me to take steps to recover £20.

File 37-24. Petitions.

Samuel Proctor. Has had long service as a constable and acting crier. Wishes to be appointed as **crier**, March 10, 1840.

Isaac S. Hawn, Bertie. On December 1, 1831 he paid £7.15.6. to **William Clarke** for the redemption of a lot sold for taxes, lot 17, 240 acres in Humberstone. No deed was issued, dated December 3, 1836. Prays for a refund, March 11, 1840. [Rejected by a vote of 5.]

John Barker. Offers his services as pathmaster for the Town of Niagara, March 10, 1840. [Rejected, signed **M. Laing, James Lockhart, Daniel McDougall, Robert Melville** and **John Alma**.]

Lewis Clement, prays for the office of **Street Surveyor** for 1840. [Recommended by a vote of 3 to 1, taken March 10, 1840.]

Schedule of Fees Allowed to the Sheriff, March 10, 1840. To be submitted by **Sheriff Cameron** to the **Sheriff of the London District**. [Deferred until June.]

File 37-25. Precept.

List of Grand and Petit Jurors, compiled by **Thomas Butler** and **Malcolm Laing** on February 3, 1840 for Sessions on March 10th. Certified by **Kenneth Cameron**. [Note: all were described as "yeoman" except where specified.]

Grand Jury: **George Adams, Charles Anderson, Ashman Bridgman, John P. Bridgman, Peter Buckbee, Jonathan Hagur, Samuel Kitchen, John Adolphus Nelles, Ezra Oill, Ezekiel Russ, Eli White** (Grimsby); **George Ball, Daniel Beamer, Philip Beamer, Andrew Butler, Daniel**

Clendenning, Cornelius Crumb, Alvin Foster, Barnabas Gregory, Daniel Gregory, Jabez Johnson, John McArthey (innkeeper), ~~George W. Read~~, **Jacob Snure** (Louth).

Petit Jury: **Thomas W. Adams, Patrick Colitow** (Grimsby); **Jacob Tyce, Jacob Bowman, Philip Bowman** (excused, sick), **Moses Metler** (Pelham); ~~Daniel Bradt, David Bradt~~ (excused during court), **George Bradt** (blacksmith), **William Clark, James Cole, David Crow, Augustus P.M. Culver, John Flummerfelt (excused during court), **Benjamin Gold, Hamilton Gold, Jacob Gold, Adam Hanes, Lewis Hanes, Peter Hanes, Robert Hanes, William Hanes, Henry Harris, Philip Heden** (wheelwright), **Arthur Hilts, Peter Hostrasser** (innkeeper), **James McClintie, James McIntee, John Martindale, Joakim May, Abraham Montrass, Jacob Nunnamaker** (excused), **Isaac Overholt, Benjamin Pickard, Peter Price, William Purdy, Cornelius Riekeman, Frederick A. Schram, Solomon Secord, Jacob Shelley, Benjamin Smith, George H. Smith, James N. Smith, John Smith, John P. Smith, Peter Smith, John Spence** (innkeeper), **James Tinline** (carpenter), **Moses Tufford** (Louth.)**

File 37-26. Road and Bridge Records.

Petition from the Inhabitants of Bertie: the **Garrison Road** is in a state of badness since the road is in dispute and the **Statute Labour** is misapplied. Pray that you direct the **Boundary Commissioners** to determine the road. This is not between private parties but for the general satisfaction of the inhabitants of the Township, March 7, 1840. Signed: **George Huffman, Edmund Riselay, Kenneth Reid, William [Dunn?], Richard Graham, Alexander Douglass, John W. Lewis, James Stanton, B. Powle, John Anderson, Lewis Palmer, James Kerby, William Smith.** [Rejected, March 10, 1840.]

File 37-27, Township officers (Berie-Louth)

Canboro, meeting held at **William Fitches**, Jan. 6, 1840. **Barton Farr**, chairman; **Ezra Smith**, clerk; **Jeremiah G. Winslow**, assessor; **Ferrand Smith**, collector; poundkeepers: **Aaron Mellick, Nathaniel C Briggs, John Baldwin, Matthew Moore, Benjamin Fralick**; overseers of highways: **George Johnson, Wm Stringer, Coonrad Stitsingar, Aaron Mellick, John D. Bradshaw, Tracy Avry, Isaac Smith, Cyrenious Lymburner, Lymon Burnham, Adam Dockstader, Francis Lambier, Elkanah Rogers.** Town Wardens: **Barton Farr, Wm Fitch, Peter Swick**; fenceviewers: **Peter Swick Sr, Matthew Smith, Francis Lambier.** Clerk's account: No cash, nothing remains in hand from 1839. Postage 4½ d, mailed from Canboro, Jan 16. Filed by **James R. Boyd**, per **Charles Richardson**, Jan. 18.

Berie, meeting held at **Jacob Willsons**, Jan 6. **Dr. B.P. Hall**, chairman; **John Haun**, clerk & assessor; **Wm Buck**, collector; town wardens: **Wm Smith, JS Haun, Alex Douglas**; poundkeepers: **Michael Baker, Charles Hibbard, BP Hall, Frederick Rose, John Haun**; overseers of highways: **Wm Forsyth, Jacob Miller, Henry Cheney, Jacob Janson, George Benner, John Moore, Christian B. Hershey, Henry Teel, Philip Benner, David Elsworth, Adam High, Willson Haun, Benjamin House, George Zavitz, Jacob Fretz, Jacob Sider, Wm Carter, Christian Sider, Wm Bowen, George Stephens, Asa Oliver, Frederick Rose, Richard Goodsuch, Richard Graham, Wm Perry, Isaac Morningstar, John Snider, Alex Cooper, Robert Coulter, Zachariah Teel, JB Hershey, Daniel Anger, Wm Thompson, Nelson Haun, John Whitney, Abraham Johnston, Michael Crowmiller, Matthew Scott, Jacob Zavitz.** Certified true, John Haun, Jan. 7th. Filed by **James R. Boyd** Jan 13.

Caistor meeting, **James Lymburner**, chairman; **James Tisdale**, clerk, assessor & collector; town wardens **Henry Miller, John Tice, John Merritt**; overseers of highways: **Jonathan Fulsom,**

John Killins, James Lymburner, John Hedden, Joseph Gilbert, Jacob Kerr, George Laidlaw, Isaac B. Foster, Philip Felker, Murray Bridgman, Alexander Nelson, Andrew London; poundkeepers: **Caleb Travis Sr, Merritt Johnson;** fenceviewers: **John Merritt, Andrew B. Gregory, Henry Miller, Henry Smith.** Horses not to be free commoners; fences to be 4½ feet, space between the rails 4"; pigs not to run at large unless they are 30 lbs. or more, Jan. 6. Filed by Jas R. Boyd per Charles Richardson Jan. 25.

Cayuga, meeting held at **Frederick Windeckers**, Jan. 6. **Robert Freeman Cook**, chairman; **Robert Hay Bruce** clerk; **Robert Griffith**, assessor & collector; poundkeepers: **David Huntsburger, John Allir, Robert Hay Bruce, Barnard Duffy, John Horton, Wilhelmas Fredenburgh;** overseers of highways: **Henry Yokom, Henry Huntsburger, Jacob Tanner, Philip Vosbinder, Cristopher Rittenhouse, John More, Charles Stewart, Patrick Dempsey, Thomas Newby, John K. Fullarton, Wm DeCow, Hiram Ferris, David [Fail?], Alexander Murry, John Curley, Wilhelmas Fredenburgh, HS King, Robert Griffith, David McClung, John Norton, Arnold Green, Chris Yager, John Croker, Richard Murphey, Duncan McNaughton, John DeCow;** town wardens: **Robert F. Cook, Leslie Battersby, Charles Edie.** Horses not to be free commoners; laws about fences the same as at the last meeting, Jan. 10th. Filed by **James R. Boyd**, Jan. 25.

Clinton, meeting held at **Beamsville**, Feb. 4, 1840. Letter sent to **Charles Richardson**, Names of Township officers: **John J. Patterson**, chairman; **Robert Henry**, clerk; **John J. Patterson** assessor & collector; **Adam Simmerman, Philip Gregory & Adam Konkle**, town wardens; overseers of highways: **Nicholas Clause, Philip Dean, Adam Simmerman, Adam Konkle, Peter Hare, Isaac Culp, Jacob Houser, Samuel Fry, Wm Wier, Richard Vannatter, Jacob Simmerman, Jacob Linderberry, Thomas Shadwick, Lawrence Courson, Jacob Rittenhouse, Wm High, David? Dean, Joseph Moyer, Abraham Albright, Samuel T Moyer, John Ensley, John Culp Jr, Benjamin Martin, Solomon Culp, Benjamin Beamer, James B. House, Manasseh Tufford, Joel Talman, Jacob Root, Adam Konkel, Peter Simmerman, Matthias Durham;** poundkeepers: **Isaac Marlaat, Adam Simmerman, John Boughner, Francis Comfort;** "you will excuse me for not sending the minutes sooner as I have been ill and not able to attend to any business for a length of time." No money received nor expended for last year.

Crowland, meeting held at the schoolhouse at **Cooks Mills** Jan. 6. **Peter Benedict** clerk; **Jacob Brookfield** assessor; **Ozias Buchner** collector; **Jeremiah Misner, Solomon Doan, Andrew Vanalstine, Isaac Doan** poundkeepers; **Matthias Misner, David Brown, John M. Helms**, town wardens; overseers of highways: **James Rock, Wm Vanalstine, Eli Doan, Cornelius McLaughlin, James Morris, John Braley?, Matthias Misner, Jonas McAlpin, Jacob Young, John Ramsden, Reuben Buchner?, Isaac Doan, Wm T Wilkins, Crowel Willson, Daniel H. Benedict?, John Stack, Jacob E. Terry, John Misner, Alex Steward, George Hill, Jacob Ward?, Arthur Johnston**, who are also fence viewers. Horses not to be free commoners; horned cattle to be free commoners; all laws remain in force from last year. That part of the by-law requiring persons sustaining damages by horses to inform the owners of such horses to remove the damages to be rescinded. Postage 4½ d from **Port Robinson**, mailed Jan. 17. Filed by **James R. Boyd** Jan 21.

Dunn Township meeting, **Henry F. Sheehan**, clerk; **Charles D. Purnell?** assessor; **Charles Crawford**, collector; town wardens **Jonas Furry, Thomas Rymer?, James Moss;** overseers of highways: **James McDonald, Michael Anchor?, J Falkner, S German, AP Ferril?, W Harrington;** poundkeepers: **Jonas Furry Jr, Hiram Wall?, J Hunter.** Horses not to run at large, hogs under 30 lbs not to be free commoners, fences to be 5½ feet; request that the surveyor of highways lay out a road from the village of Haldimand to **Sheehan's Settlement**. Jan. 6. Filed by **James R. Boyd** Jan 10.

Amount of public money received and expended in Dunn, 1839: rec'd from *Edward Evans* £7.10.0, fine for selling liquor; paid *Jonas Furry* pathmaster by order of *Mylne & Evans* £7.10.0; Jan. 6, 1840.

Account of monies received & expended in Grantham for year ending Jan 6, 1840. 1839- received of *George Besse* for an impounded horse 5/-, from *Samuel Dolson* for 2 impounded horses 10/-, from *Elias S. Adams* £2. Total £2.15.0. Paid to *Abraham Hosteter* 5/-, paid *D. Beadle* £2, cash on hand 10/-, total £2.15.0. Certified by *Charles Rolls*, Jan. 6. Approved by *George Read & Alex Wilson*, town wardens.

Grantham, a meeting held at *John Wright's* on Jan. 6. *John Gilleland*, chairman; *Charles Rolls* clerk, *James Robertson*, assessor; *Alexander Wilson* collector; poundkeepers: *Robert Hodgkinson, John Wright, Jeremiah Durham, George Besse*. Town wardens: *Alexander Wilson, George Read, Richard Havens*. Overseers of highways: *Jacob Hainer, John Soper, Thomas Pearson, Wm Smith, Zachariah Cole, Isaac Cook, George Hutchinson, Richard Secord, John Besse, John Boyle, Jacob Acre, Stephen Seaburn, John Vanderburgh, Peter Davis, James Gilleland, John Jenkins, Stephen Read, David Cooper, Eleazer Hodgkinson, Josiah Secord, John Read, John Nickerson, John Clark, Adam Gould, Joseph Webb, John Wright, Wm Facer, John F. Mittleberger, Jacob Dittrick, Samuel Haight, Dr Chase, Wm Murry, Rheuben Lambert, Matthew Hunter, Paul VanKeuren, Charles Wilson, John Soper, Jacob Parks* (coloured man); horned cattle to run at large, hogs to run at large except those under 6 months of age, horses to be kept up, subject to a fine of 5/-; thistle & other noxious weeds to be cut except where it may damage the grain, subject to a fine of 5/-; fences to be 5 feet. Filed by *James R. Boyd* Jan 8th.

Humberstone, meeting held at *Robert Whites; Hiram Slate* chairman; *John Thompson* clerk; *Theideas Smith* assessor; *Abraham Schooley* collector; town wardens: *Owen Fares, Abraham Schooley, Alem Bender*; overseers of highways: *Owen Fares, Jonathan Wilde, Jacob Knisley, John Ledy?, Edward Greason, Reuben Green, Benjamin Schooley, Jacob Carter, Charles Mitchner, Michael Naughton, John Near, Wm Cutler?, Cyrenius Near, Josiah Bearrs, George Storin, Cornelius Benner, Henry Near, Nicholas Michael, Lewis Perlet, Wm Shannan, James Thomas, John Weaver, Daniel Pound, Jacob Zevitch?*. Poundkeepers: *Henry Near, John Hoover, Alem Bender, Levi Doan*. Horses, rams and bulls not to run at large, stone horses not to run, fine £1 which doubles for every offence; fine for rams at large 5/- which doubles for every offence; fines for boars at large 2/6; fence to be 5 feet, Jan. 21. Clerk's account for 1839, balance in hand £2.0.8; received of *Emmanuel Hoover* 10/4; remaining in hand £2.11.0. Filed by *James R. Boyd* Feb 17.

Gainsboro, meeting held at *the Narrows* at *Luke Cavers* inn, Jan 6. *Peter Sammons* clerk; *Jacob Kenida* assessor; *Alexander Garner* collector; town wardens *Leonard Heaslip, Thomas Hardy, James Page*; poundkeepers, *John Wrong, Henry Hodge, John Robbins Sr, Peter Tice*; overseers of highways: *George Cox, Wm O Eastman, Lewis Felker, John Robbins, John N. Spraug, James Gillum, Adam Dils, Joseph Book, Benjamin Brown, Daniel Moore, John McPherson, Frederick Gee, Isaac Hodskins, Abner Stringer, Arnold Rogers, Rosaiah Beemer, Benjamin Nunn, Andrew Wilson, Jacob Scram, John Wardle, Charles Disher, George Reece, Nicholas Patterson, Peter Freelin, Cristjohn Sunday, Sam Tiger?, Adam Jones, Isaac Lambert, Robert Jemison, Lansing Bosfield, Peter Cockle, Gilbert Lane, Barry McCaffry, John Garner, Ezekial Rice, Henry Beemer, Robert Smith*. Fences to be 5 feet. Horses not to be free commoners, subject to £1 fine; no breachy cattle to be free commoners, hogs to be free commoners but if they do damage the owner pays for it, damages to be assessed by two pathmasters; strays to be

reported within 8 days to the clerk, reporter allowed 5/- for reporting, clerk to have 2/6 to advertise, the pay to come from owner. Innkeepers to keep their cattle and other animals from disturbing the teams of travelers, subject to a fine 5/-. Filed by **James R. Boyd** Jan. 30.

Humberstone, Dec. 16, 1839. Sir, you will much oblige by giving the bearer Mr. **Thaddeus Smith** the certificate which the law requires me to get from you as Township Clerk. Signed **John Thompson**, addressed to the Clerk of the Peace, Niagara.

Crowland, Jan. 23, 1841. Dear Sir, "This is to inform you that we have not received papers enough to assess the townships of Crowland and Humberston and request that you will send us sixteen coppies more and oblige your friends &c." **Jacob Brookfield, Owen Fares**, assessors. To **Charles Richardson**. NB: Send the above by the bearer.

Grimsby, meeting held at **Smithville**, Jan 6. **Henry Smith** clerk; **John M. Camp** assessor; **Daniel Palmer** collector; town wardens: **John H. Kilborn, Abishai Morse, Robert Heron**; poundkeepers: **Ezekiel Smith, James Randal, Samuel Kitchen, John Coon, Henry Smith, John Halstead**; fenceviewers: **Wm Beamer, Ezekiel Smith, Dennis Woolverton, George Adams, Richard C Griffin, John M Camp, Matthew Talman**; overseers of highways: **Ezekiel Smith, Samuel Russ, George Chalmers, Dennis Woolverton, Daniel Palmer, Wm Walker, Wm Beamer, Joseph McCollom, George Althouse, Douglas Muir, Ezekiel Russ, John Kulp, John S. Bush, David Smith, Robert Waddel, Moses M. Harris, Wm Bridgman Jr, Hamilton C. Merritt, Eli White, Henry Ker, Wm Robinson, Adam Hutt, Nathaniel Hill, John Halstead, Richard C. Griffin**. Fences to be 5½ feet, 4" between the bottom rails; no money remains in the clerks hands.

Meeting held at **York**, Haldimand, Indian lands. **Joseph Young** clerk for last year took the chair; **Col. Martin** elected chairman; **Alexander Scobie** the only town warden present examined the accounts; clerk **Joseph Young**; **Robert Wier** assessor; **Peter B. Nelles** collector; **Charles Hull, Christopher Young, Frederick Alexander Cunningham, John Byrns, Robert Anderson**, poundkeepers; overseers of highways: **James Henan, John A. Nelles, Hiel Bingham, John Lester, Thomas Bryant, Tiffany Hartwell, Charles Hannah, Wm Thompson, David Mallard, Robert Galer Jr, Murdo John McKinzie, Mark Sims, Andrew Murry, Wm Cook, George Styres**; town wardens **Richard Martin, Charles Bain, Alexander Scobie**. Horses not to be free commoners, rams not to be free commoners between Sept 1-Dec 1; pigs over 30 lbs and boars to run at large; 5/- fine for any animals running unlawfully, 10/- for each subsequent offence; fence to be 5½ feet, space 4" between the rails.

Statement of money received and expended in Louth for year ending Jan 1, 1840. Amount remaining in hand £17 appropriated for the use of the township in 1839. Rec'd from **JWO Clark** £1.5.0. signed **James Secord** (clerk), **Henry Pawling** and **W Renner** town wardens, Jan 6th.

Certified that **Solomon Secord** was appointed township clerk for Louth after the death of his father, the late **James Secord** who was appointed clerk at the township meeting for 1840. Signed **J.W.O. Clark**, Jan. 20, 1841.

Louth, meeting held at **John McArthy's** inn. **James Secord** clerk; **Philip Wismer** assessor; **David Burch** collector; town wardens **James N. Smith, Frederick Schram, John McArthy, Joseph Fretz, Wm Runchy**; fence viewers: **Charles Milner?, John Flummerfelt, Daniel Bradt**; overseers of highways: **James Pickard, John Wismer, James W.O. Clark, Joachim May, David Cole, Christian Price, Isaiah Wardle, Augustus PM Culver, Peter Hochstrasser, Moses Overholt, Barnabas Haines, Andrew Butler, Wm Runchy, Lewis Haines, John Flummerfelt, George P.M. Ball, Joseph Smith, David Burch, Daniel Beamer, John Seaburn, George Grass**,

Solomon Smith, Jacob Fry, Henry Fry, John Nunnymaker, David Price, Samuel Fretz, Joseph Overholt, Isaac Lee, Wm Renner. Township officers are required to sign the declaration in the clerk's book as the law directs, Jan 8th. Bulls and rams to be dealt with as the statute in cases made and [disposed of?] as the law directs. Filed by **James R. Boyd** Jan. 8.

File 37-28, Township officers (Moulton-Willoughby)

Thorold, meeting held at **Allanburgh**, Jan 6, at **Samuel Swayze's**. **Robert Hobson**, chairman; **Andrew Vanderburgh** clerk & assessor; **Sylvanus Cleveland** collector; poundkeepers: **Sylvanus Cleveland, Andrew Upper, Joseph Upper, Abraham Brown, John Terryberry, Thomas Page**; town wardens: **John Hill, Robert Hobson, Andrew Vanderburgh**; fence viewers: **Josiah Page, Robert Willson, Malum Swayze, Isaac Kelly, Aaron Price, Anthony Upper, Matthew Seaburn, Benjamin Fortner, David Griffith, Henry Hoover, Matthew Thomas, Robert Hobson**; overseers of highways: **Henry C. Ball, Orin Theal, Isaac Head, Hiram Swayze, Thomas Russell, John Shriner, Malum Swayze, John Keeler, Stephen Seaborn, Jacob Bouk, Darius Williams, Isaac Lacey, Thomas Ellison, Peter Upper, Andrew Upper, John Damude, Jacob Lutz, Robert Hobson, Sylvanus Cleveland, John Terryberry, George Hill, Smith Shotwell, John Crawford, Jesse H. Lacey, Alex Page, Francis Forester, Isaac Overholt, Michael Silverthorn, Jacob Upper, Robert Wilson, John Jackson, James Vanalstine**, division 33-none appointed, **Thomas Willson**. Clerks account- cash on hand £5.18.4½; regulations of 1839 to stand except for the fines imposed on animals found running at large, fine to be 5/-; fences 4½ feet. Filed by **James R. Boyd** Jan 14.

A.S. St. John, Clerk's account, Moulton, Jan 6, balance due 5/1½. By cash received of **Wm. Orderly**, road master £6. Balance £6.5.1½. Certified by **Wm Eyers, Andrew Hood, Joseph Montague, Dunnville**, Jan 6, 1840.

Moulton, meeting held at **Wm. Orderly's** inn, **Dunnville**, Jan 6. **Wm. Eyers** chairman; **A.S. St. John** clerk; **John Stewart** assessor; **John Bowman** collector; **Salmon Minor, Eli Bristol, Wm Eyers**, poundkeepers; overseers **Thomas J Wiggins, Robert Nicholson, Robert Jones, John McGuire, Robert Speck, Richard D McDonald, Henry Furry**; town wardens: **Peter Inman, John Kirk?, Andrew Thompson**; fence viewers: **Henry Sloan, Salmon Minor, Robert Speck**. All horses 1 year or older not to be free commoners, fine £2.10.0; hogs over 30 lbs to be free commoners; fences 5 feet; all horses cattle & sheep to be free commoners, except those prohibited by law. Filed by **James R. Boyd** Jan.14.

Niagara Township, a meeting held at **Elijah Armstrong's** inn, **4 mile creek, Crossroads**, Jan. 6, 1840. **John C. Ball** chairman; **Benjamin Lawrence** clerk; **Arthur Shaw** assessor; **Wm Wynn** collector; poundkeepers: **Adam Brown, Queenston, Wm Woodruff, St. Davids, Elijah Armstrong**, Crossroads, **Donald McDonald**, Niagara; town wardens: **Wm Woodruff, Wm Servos, John C. Ball**; overseers of highways: **John McFarland Jr, Joseph Brown, Daniel Quackenbush, Wm Wynn, Edwin Jones, Joseph D. Clement, Matthew Warner, Peter Lampman, Daniel Collard, Eanoc? Stewart, Nicholas Stevens, Benjamin Lawrence, Elijah Secord, Daniel Whitmore, Frederick Goring, Wm M Ball, John Young, Peter Caughill, Gilbert Anderson Jr, James Rogers, Jonathan Lavell, James Brown, James Thompson, Barnard Sholtice, George Cain, George Sholtice, John Vary, Adam Stevens**. Fences to be 5 feet, rail fences 4½, feet, stone fences 4 feet, rails 4" apart; animals to run at large except stud horses over 1½ years of age; rams not to run at large from Aug 15-Jan 1; no boar pigs over 4 months of age to run at large except when sworn by farmers under oath that it improved the stock; fine for horses found at large £2, fine for rams £2, fine for boars 10/-. Path masters appointed to the divisions of 1838. Filed by **James R. Boyd** Apr 6, 1840.

Pelham, meeting held Jan. 6. **Moses Brady** chairman; **John Schofield** clerk; town wardens: **Isaac Wilson, John Snure, George Oil; Henry Disher** assessor; **Joseph Wilson** collector; poundkeepers: **Samuel Taylor** (south part), **John N. Oil** (north part); overseers of highways: **James Burgar, Cornelius Lacy, Wm Chapman, Solomon Moore, Samuel Rinker, David Chantler, Septemus Jennings, Richard Ward, Thomas Fuss, Nathaniel Bacon Jr, Benjamin More, Leonard Louks, John Haney, Jacob Hill, Martin Delamarter, Andrew Hansler, Abraham Clark, George Metler, Stephen Becket, Thomas Hunt, George J. Metler, Samuel Reece, Moses Brady, John Bowman, Stephen Disher, Samuel Darling, Abraham Hendershot, Henry Smith, John Bowman, Jacob Crow Jr, Aaron Lambert, Wm McDonnold, Isaac Nunn.** Fence to be 4½ feet; all hogs except boars to run at large; horses not to run at large; horned cattle to run at large except bulls; stray cattle, sheep or hogs to be taken and inform the clerk within 8 days, in neglect to do so, fine £1, strays to be advertised in 4 days; regulations for pound keepers to remain as in 1839, also the division line. Jan. 7. Filed by **James R. Boyd** Jan 9.

Pelham Township, clerk's account 1839. Monies remaining in hand £1.14.7. Received from **Richard Ward**, pathmaster, 13/9; total £2.8.4. Paid out by clerk: **John Price**, pathmaster by orders of **John McGlashan** and **Amos Bradshaw** 13/9; paid to **Jacob Tice** and **John Scholfield** for ditching the marsh on the road where **George Shriner** is pathmaster £1.5.0, total expended £1.18.9; balance remaining on hand 10/7; certified by John Scholfield, Dec 27, 1839; certified by town wardens **George Slough** and **Isaac Willson**.

Rainham Township clerks account, June 4, 1839. Received from **Martin Fite** £1.5.0, convicted by Esquire **Mylne at Dunnville**; paid to **John Huntsberger** pathmaster £1.5.0; paid by **Edward Evans** £5, paid to **Solomon Wardell** pathmaster £5 on the lake road. Signed by **Jacob VanLoon**, clerk. Filed by **James R. Boyd** Jan 22.

Rainham, meeting held at the house of **James Stewart**, Jan. 6th at 12 noon. **Peter Cullver** chairman; **Jacob VanLoon** clerk; town wardens **Wm Franklin, Isaac Overholt, Isaac Root; Tillman Fry** assessor; **Joseph Gee**, collector; overseers of highways: **Isaac Hoover, Jacob Hoover, Jacob VanLoon, Silas Yeager, Peter Cullver, Barney Werner, John Cramp, Leonard Cline, Francis Eberly, Christopher Rhora, Lewis Millenbaucher, Andrew Cline, William Holmes**; poundkeeper: **James Stewart**; laws remain the same as last year regarding animals and fences. Sir, please send me a certificate of the [writings?]

Sherbrooke Forest, meeting held at the school house, Jan 6. **Jacob Niece**, chairman; **Alexander Macdonald Lockhart** clerk; **Samuel Niece**, poundkeeper; overseers of highways: **Jacob Minor, Henry Minor, Charles Niece, Wm Furry, HD McMurdo; John McDonald Lockhart** assessor & collector; town wardens: **John McMurdo, Silas Kennard** and **John [Scrap?]** Fences to be 5 feet, space between the rails 6"; no stallion 1 year or older shall run free, fine £2; no other horses to run at large, fine of 5/-; no bulls over 1 year old to run at large, fine £1; no ram to run at large from Aug 1-Dec 1, fine 15/-; no boar to run at large, fine 10/-; no pigs under 20 lbs to run at large, fine 1/3- each. No funds passed through the clerks hands in 1839, township is not indebted to him. The papers, books &c are ready for delivery to his successor. Certified by town wardens **Wm Chalmers, Jacob Minor, HD McMurdo**. Filed by **James R. Boyd**, Jan 8.

Letter from **Alexander McDonald Lockhart** to **Charles Richardson**, Sherbrooke Forest, Jan 6, 1840. Sir, I enclose for your office the minute of our meeting, also a statement from the wardens of last year. Last year I sent you a similar account, as it was our first I had no account current of any kind to send along. I shall thank you to give the bearer, **Wm Chalmers**, the certificate

entitling me to my pay from the treasurer. I have authorized Mr. Chalmers to receive the amount and to take up my bond. Signed A. Macdonald Lockhart.

Stamford, meeting held Jan 6. *David Lynch*, clerk & assessor; *Jacob Garner* collector; town wardens: *George Rowe, Archibald Thompson, Andrew Rorback*; poundkeepers: *Wm Davis, John Corwin, Reuben Green*; overseers of highways: *Harmonius Crysler, John Hawkins, Wm Peterson, James Hardy, John Dorshimber, John Thompson, John Barber/Backer?, Wm Pew, Wm Biggar, Richard Howie, George Wright, Hiram Howie, Alexander Spencer, Philip Garner, James Thompson, Thomas Oswald, Cornelius Bowen, John Proun?, George Lampman, John Lemmon, Mathias Lampman, Henry Kalar, John Willson, James Lundy, John Rowe, Joseph Moor, Hagai Skinner, Wm Jamison, Daniel Ostrander, Joseph Price*. Horses not to run at large, may be impounded & the owner fined 5/- exclusive of the keepers fees, to be paid to the master of the road division where the animal was found and laid out on the highway; hogs not to run at large. Clerk's account: Cash on hand £7.7.3 ½; from *Archibald Thompson* £10.15.0; received *Adam Fralick's* fine from the bailiff £3.5.0; from *A. Rorback* £2.10.0; fines from *J. Mewburn* for *James Boyd* (trespass) £1.5.0 and *George Hill*, trespass £1.5.0; from *Archibald Thompson* £5.5.0; penalty from *D. McCarty* £2.10.0; cash from *Rule? Hawkins*, fine for selling without licence £10; *Adam Fralick's* fine for assault £2.10.0; *George Brown* for assault £1.5.0. Total £47.17.3 ½. Expenditures: for blank record book 6/3; paid *Philip Garner* for building and repairing the township bridges £10; note from the clerk for the *Agricultural Bank* 5/-; paid *Wm Aglor* for building bridge near *Mrs. Vanderburgh's* £12.10.0; paid *Robert Wallace* for building a bridge on the *Ravine Road* £1.10.0; cash for postage 6½ d; cash for stationery 5/-; postage 4½ d; balance in clerk's hands £23.0.1½; total £47. 17. 3½. Filed by *James R. Boyd*, Jan 20.

Wainfleet, meeting held at *Marshville*, Jan 6. *Elijah Gleason*, chairman; *Edward Lee*, clerk & collector; *Jacob Misner*, assessor; *Abraham Chapman, Jeremiah Forister, Arthur [Christy?], Leonard Misner, James Thompson, John Haslip, Andrew Robinson, James Chambers, John Williams, Joseph Priestman, Jonathan Cook, David Moore, Hiram McDonnell, Robert [??], Francis Wharrum, Cornelius Perry, Samuel Barrick, John Aderman, Abraham Misner, Christal Zevits*, overseers of highways; town wardens: *John Graybiel, Leonard Misner, John Aikens*; fence viewers: *George Robinson, Stephen Williams, Amos Bradshaw, David Morgan, Abraham Misner, Samuel Graybiel, Abraham Angle, Joseph Robinson, John Williams*. Poundkeepers: *David Ferguson, Joseph Durham, Stephen Williams, John Graybiel*; the owner of animals trespassing over a line fence is responsible for damages to his neighbour's property; the *River Welland* to be considered a line fence; horses, breachy cattle, bulls, rams and boars not to run at large; Jan. 26. Filed by *James R. Boyd*, Feb. 6.

Letter from *John T. Cooper* to *Charles Richardson*, Walpole, Jan 14. Annexed is the account current and proceedings of the township meeting.

Cash received from *James Leonard* 2/6; cash on hand 2/6; certified correct, John T. Cooper and town wardens *John Hearman, David Wood, Wm. Mudie*.

Meeting held at the house of *Frederick L. Gibbs*, Jan. 6. Chairman *Samuel Gamble*; *John T Cooper* clerk; *James W. Perkins* assessor; *Frederick L Gibbs* collector; town wardens: *Edmund Pugsley, James W. Perkins, John Hearman*; overseers of highways: *Calvin Gates, Richard Vaughan, Cyrus Cleaveland, Heal Fletcher, Benjamin Clark, David Wood, James Alwood, Dennis Row, Wm Bass, James Leonard, Philip Boughner, Dorman Cooper, John Hill, Wm Steel, Wm Lamb, David Long, Samuel Gamble*. Poundkeepers: *George Waggoner, David Wood, John Hesman*. Fenceviewers: *Wm Steel, Samuel Gamble, James W Perkins, John Hesman*. Horses and boars not to run at large, pigs under 30 lbs not to run at large, fences to be 6 rails high, 4" between four lower rails; Filed by James R. Boyd Jan 22.

Walpole Jan 6, to **Charles Richardson** Esq. Sir, please make to Mr. **Frederick L. Gibbs** a certificate that he may draw my fees from the treasurer for acting township clerk for Walpole for 1839 and oblige yours, **John T. Cooper**.

Willoughby, meeting held in the village of **Chippawa**, at **Adam Crysler's** inn, Jan 6. **David Davis** chairman; **James H Cummings** acting secretary; James H. Cummings clerk; **Martin Dell** assessor; **John Lemon Jr** collector; poundkeepers: **James Cummings, James Dell, Samuel Danner**; overseers of highways: **Lewis House, Martin Shoup, John Dobbie, Robert Band?, Barnabas Dell, James Sawbridge, Wm Silverthorn, Adoram Dell, Isaac Lopp, John Trundle, Gabriel Morningstar, Andrew Lopp, Adam Veigh, Wm Simpson, John Sheenholdts, John Beam, Henry Dell, John Baker, Joseph Wilson, Herbert Lee, Peter Barnhart, John McCloy, George [Pliley?]**

File 37-29.

Reuben Gunn, Niagara, labourer, coloured man. Charged with larceny, stealing a head stall (value 5/-) the property of **John J. Brown**, Queenston, tavernkeeper, on February 11, 1840. True bill: **Barnabas Gregory** (foreman), March 10th. Witnesses: John J. Brown, **Chester Wadsworth, Ann Wales, James McCardle**. Evidence of John J. Brown taken before **J. Mewburn** on February 11th: a bridle, head stall etc. were stolen. Left in the stable, the door was locked at night. Cannot say if the bolt was broken. **Chester Wadsworth** told me that his son **Daniel Wadsworth** paid 50 cents to a coloured boy named Gunn. Evidence of Daniel Wadsworth: my mother paid the 50 cents. Evidence of Chester Wadsworth son of Chester: he knows the nature of an oath. Gunn was paid in silver in the barroom. His mother said to go to **William's** and borrow the money. Evidence of Ann Wales: saw the money paid to Gunn. Brought a head stall &c into the kitchen, Gunn followed. Evidence of **James McArdle**, baker: he came out of his shop between 3 and 4 o'clock, saw Gunn with the reins of a bridle sticking out from under his coat. He was in the habit of selling harnesses or parts of harnesses brought from over the river. He asked how much, Gunn said 50 cents. Recognizance taken: John J. Brown £25; Chester Wadsworth £50 for his sons Daniel and Chester; £25 for Reuben Gunn by **John P.** [-----]; Daniel Wadsworth to find bail to answer a charge of purchasing a stolen article. Verdict: "guilty," Gunn sentenced to a fortnight in solitary confinement, March 14, 1840.

File 37-30.

Charles McCarty, Stamford, labourer. Charged with larceny, stealing a pistol (value 10/-) the property of **John McGilly** on February 22, 1840. True bill: **Barnabas Gregory** (foreman.) Witnesses: John McGilly, **William Waldren** (constable.) Evidence of John McGilly taken before Swan on February 22: deponent is a servant of **Harmonius Crysler**, tavernkeeper. McCarthy worked for Crysler about a fortnight. He absconded for no reason. My trowsers were taken, worth between 5/- and 7/6-. Prisoner was brought by the police to Crysler's, was apprehended under suspicious circumstances. Had a pistol and chain taken from my box. Evidence of William Waldren: McCarty was arrested since he was not able to give a satisfactory account of himself. He took the pistol and chain from his pocket and offered them for sale at **John Croft's Tavern**. Recognizance taken: John McGilly £20. Plea: "guilty," sentenced to one month in gaol, half the sentenced in solitary confinement.

File 37-31.

Patrick Nugent, St. Catharines/Grantham, innkeeper/labourer, **Copeland Stinson**, Grantham, labourer, **James Carson**, Grantham, labourer. Charged with riot and assault against **Alfred**

Talbot, St. Catharines, labourer, coloured man, on October 5, 1839. True bill: **Barnabas Gregory** (foreman.) Witnesses: Alfred Talbot, **Dr. W. Ferris**, **John Clark**. Evidence of Alfred Talbot taken before **E.S. Adams** on October 6th: he was in bed between 2 and 3 am. He heard people come to his door and Carson's voice, then the door burst. Talbot asked them what they wanted. Carson said for him "to play the fiddle for them at **Mr. Sanderson's**." He got up, intended to fasten the inner door and get out at the window. Carson said "You are a long time in coming." They shoved the door and took hold of me, forced me into the yard. They struck me there, had clubs and sticks. Threw him to the ground, beat and kicked him. They broke my arm. Deponent is in fear of his life, defendants intended to murder him. Recognizance taken before E.S. Adams on December 18th: Patrick Nugent £20, sureties **Anthony Knox Boomer**, St. Catharines, merchant, and **Walter Dittrick**, St. Catharines, innkeeper, £10 each; Copeland Stinson, St. Catharines, innkeeper £20, sureties **Samuel Stinson**, St. Catharines, innkeeper and James Carson, St. Catharines, butcher, £10 each; James Carson £20, sureties Copeland Stinson and Samuel Stinson £10 each. Grand Jury presentment: warrant to be issued for the defendants. Letter from **John Clark** to **Charles Richardson**, March 10th: Alfred Talbot, the prosecutor, is without his most material witness. Should the trial be put over to the assizes when he would be better prepared. He was violently beaten at night, was left nearly lifeless. Verdict: "not guilty."

File 37-32.

Hiram Smith, Stamford, labourer. Charged with larceny, stealing one bucksaw (value 5/-) the property of **Cornelius Forsyth** on February 3, 1840. True bill: **Barnabas Gregory** (foreman.) Witnesses: Gunner **William Boyd (Royal Artillery)**, Privates **George Ingles**, **Jeremiah Rushbrook**, and **William White (43rd Regiment)**, **William Prouse** (painter) and Cornelius Forsyth. Evidence of Cornelius Forsyth taken before **C.G. Swan** on February 7th: he left his saw on the nail at the back of the house at 8 pm. The next morning it was gone. He described it to his neighbours. **William Prouse** found it with **Boyd**. The saw was taken from the stable in Boyd's absence and had it at **Ross' Coach factory**. Saw my saw there. Evidence of William Prouse: he saw Boyd, a servant to **Mr. Lane** who lives with me, cutting wood with a strange saw. The description fit, and deponent took it away to **Mr. Ross**. **Lieutenant Kennedy** states that Boyd attends to Lane's horse between his duties but doesn't remain at the house. Boyd asked after the saw, I said it was stolen from Forsyth. He said he bought it from a coloured man for a half dollar or 2/-. Didn't try to conceal it. He described the coloured man as wearing a long, light coloured coat and a small close cap. Evidence of William Boyd: he bought the saw from a coloured man. He got the money from **Mr. Franklin**. Heard that the coloured man was named "**Smith**." I would recognize him again. Evidence of **Hiram Smith**: he didn't steal or sell the saw. Never saw it until now. Evidence of **Isaac Thomas**, coloured man: Smith lives with me. He was called on that morning to sweep the barrack's chimneys. Smith got up later, and didn't have his shoes on until 9 am. He was not out of my sight for a quarter of an hour. At 4 pm he sent Smith to **Bender's Barracks** to sweep four flues. Deponent was at the **Barracks Masters** when retreat was sounded then went home. Found Smith at home before me. Evidence of **Corporal John Ballard**, 43rd Regiment: he superintended at Bender's, the chimneys were swept between 11 am and 1 pm, was sure it was before 2 pm. Evidence of **Charles Brown**, coloured man: suffered with pains in his feet on Monday night and so was not sound asleep. Smith slept in the same bed. He was positive Smith didn't leave the house. He went out once for 5 minutes between 3 am and daylight. Had breakfast at 8 am. Smith was not out of his sight until he went out to sweep the chimneys. Evidence of **Colour Sergeant Joseph Denton**, 43rd Regiment: the chimneys in **Major Fraser's Company** were swept on Tuesday between 10 and 11 am. Evidence of **George Ingles**: was at the police office on February 10th. Boyd and Smith spoke near **Captain Talbot's** quarters on 8:15 Tuesday morning. Smith had a buck saw on his arm. He looked at his watch in the kitchen, so he is positive of the time. He passed by them, but didn't hear what they said. Evidence of Jeremiah

Rushbrook: he looked out the window of *Captain Wright's* barracks near Talbots between 8 and 9 am. He saw Smith with a saw hanging on his right arm. Saw him cut wood at *Moxey's Tavern* opposite the barracks. Couldn't have been taken as the last breakfast horn had only just been sounded at 8 am. Evidence of William White: was on sentry duty in front of *Wright's barracks* between 7 and 9 am. After 8 am Boyd and Smith spoke near *Robinson's store*. The coloured man had boughs and sticks for sweeping chimneys but I didn't notice a saw. I don't know his name, but have seen him often before. Verdict: "not guilty," March 11, 1840.

File 37-33.

Edward Taylor, Cayuga, labourer/farmer. Charged with larceny, stealing 1 bag and 2 bushels of oats (value 1/6- and 3/-) the property of *Smith Middaugh*, Stamford, yeoman, on January 23, 1840. True bill: *Barnabas Gregory* (foreman.) Witnesses: Smith Middaugh, *David Thompson*. Evidence of Smith Middaugh: he drove to the inn of *Aaron Helmer*. While getting his horse into the stable, someone stole his bag (labeled "*Ottley*") with oats out of his sleigh. It was found concealed in Taylor's house at Cayuga. Warrant issued to *constable Byrnes* to apprehend Taylor. Evidence of Constable Byrnes: he apprehended Taylor and found the oat bag in his barn. Evidence of Edward Taylor: He found the bag in the road. Prisoner held to bail. Recognizance taken before David Thompson, January 24, 1840: Edward Taylor, £10, sureties *James Hanan* and *Daniel McKenna* £5 to appear; Smith Middaugh £10 to appear. Verdict: "not guilty," March 12, 1840.

File 37-34.

Christopher Wills, Humberstone, bookbinder. Charged with larceny, stealing 140 silver Mexican dollars and £35 of Upper Canada, the property of *Charles Philip Schurrer*, Humberstone, shoemaker, on February 11, 1840. Witnesses: Charles P. Schurrer, *Christel Wiess*. Evidence of Charles P. Schurrer taken before *James Black* on February 13th: the theft occurred between 9 am and 2 pm. Wills threatened to kill deponent who fears for his life. Evidence of Christopher Wills: knows nothing of the theft. He went to *Joseph Daner* at Bertie in order to purchase land. He had no money and therefore did not buy it. He went to see *Samuel Springer* about buying his place, he wanted \$200 for it. Deponent expected Schurrer to help, deponent offered Springer \$150 which was refused. He then went to Daner's. Deponent lives in the same house as Schurrer, who has a chest in the room I inhabit with money in it. Deponent knew he had it, we came from Buffalo together. My wife and I saw him count out \$140. The chest was always locked. There are no strangers around, deponent has no idea how the money was stolen. My wife told me on my return from Daners that the money was gone, I said it was impossible. Evidence of Christel Wiess: Wills called on me, heard he was accused of theft. I said he had better see Schurrer or get into trouble. He said Schurrer had no money, but Wills knew what he had. He told me he had been to purchase a place of Daner, and asked me what it was worth. I said he might get \$130. Letter from *James Black* to *Charles Richardson, Port Colborne*, March 4, 1840: encloses evidence in the case. Has prepared the recognizance but hadn't entered the parties names. Schurrer has gone to Buffalo and Wills obtained bail at Niagara. "I have never been able to get payment of Armstrong's note. Shall I return it?"

Affidavit of James Black: I had much difficulty to get the examination since neither party could understand or speak English. They are Dutchmen, examined through interpreter *Emmanuel Hoover*. Had Will's evidence been admissible, more information might have been obtained. Wills had no money in Buffalo, on his way to the province, but borrowed \$20 from Schurrer to bear his expenses. There was no evidence of a threat to Schurrer's life, and so the charge cannot be entertained. If some well informed person acquainted with both languages examined the matter,

much more information might be obtained. Defendant discharged from recognizance, no prosecutor appearing, March 13, 1840.

*Niagara District Quarter Sessions, March-August 1840.***File 38-1.** Orders.

The magistrates in a petition to the Legislative Assembly set forth the embarrassed state of the District funds. An act is needed to authorize the borrowing of money to liquidate the debts, in case they cannot get a loan or levy an additional property rate. Levy a rate on each householder of 1 farthing in every £1 for five years, and to raise by loan 6% money on the credit of the District between £1200 and £2000. The bond will be a debt binding on the Treasury, January 22, 1840. Sent to *Allan N. Macnab, Jonas Jones*. [File contains draft order and a good copy.]

- 1) The *Treasurer* ordered to issue debentures £5 at 6%, payable March 1st in 1841, 1842, 1843 and 1844.
- 2) The Treasurer ordered to present a list of *debentures* at the Quarter Sessions.
- 3) All persons with cheques against the District for £5 will be issued 6% debentures in lieu of the cheque.

Notice of the above ordered to be printed in the *Niagara Chronicle*.

Committee to erect a fence around the gaol, 12 feet high: Messrs. *Robert Melville, Malcolm Laing* and *Kenneth Cameron*, March 28, 1840.

Henry Rolls, MD, ordered to be gaol physician in lieu of *Dr. Porter*, deceased, salary £40.

Order of 1838 requiring the *Treasurer* to attend the office between 10 and 3 each day hereby rescinded.

Treasurer ordered to issue a debenture to *Benjamin Corwine* for the amount of a bond dated October 11, 1836 and executed by *William Clarke, Lewis Clement* and *Charles Richardson*. Memo of Benjamin Corwin regarding bond payments attached.

File 38-2. Petitions.

Application for position of gaol physician: *Dr. Rolls* (in favour, 6); *J.B. Matthews* (1); *Dr. Raymond* (withdrawn); *Edward M. Hodder* (3.)

Truman Raymond. The office of gaol physician and surgeon is left vacant by the death of *Dr. Porter*. Petitioner was a surgeon in the Provincial Regiments in the late war. Served 15 years, mainly in this town. Has suffered materially by his attention to prisoners unable to pay and debtors. In one case £150 by reliance upon the honour of the person. Is in embarrassed means to support a wife and four children. Has moved to St. Catharines for better prospects but will return to Niagara if appointed, March 28, 1840. [Petition withdrawn in favour of *Dr. Rolls*.]

Henry Rolls, petitioner applies for the post left vacant by *Dr. Porter's* death. Approved, March 28, 1840.

E.S. Wheeler. In the absence of *Dr. Porter* I called upon *Dr. Roles* to attend which was "invariably done so with cheerfulness and alacrity and he discharged his duties with kindness towards the prisoners and satisfactorily to me."

J.B. Matthews, vacancy left by death of **Dr. Porter**, offers himself as candidate, March 27, 1840. [Rejected.]

Edward M. Hodder, vacancy left by death of **Dr. Porter**, offers himself as candidate, March 28, 1840. [Rejected.]

File 38-3. Road and Bridge Petitions.

John Lawrence, road master, applied to **Mary Stevenson** to cut a highway through her land on the south side of the **Lake Road** between St. Catharines and Niagara. This was granted if she could enclose the old road up to the new highway. The road has since been made and they pray for the authority to fence the old road and her land adjoining, March 28, 1840. The road is in a bad state opposite the farm of **John A. Stevenson**, certified by John Lawrence March 14, 1840. The new road is preferable to the old, certified by **Daniel Whitmore**, road master, 1840.

File 38-4. Orders.

Licence to sell liquor ordered for **Aaron Helmer**, Haldimand, £3. April 23, 1840.

Licence to sell ale and beer ordered for **Robert June [Tune?]**, Town of Niagara, £1. April 23, 1840.

File 38-5.

John McArthur, Cayuga, innkeeper. Has taken the inn at Cayuga under licence to **Daniel Stewart**, prays for a transfer of the licence. Is a loyal subject, no objections. Recognizance taken before **David Thompson**, April 20, 1840: John McArthur £10, sureties **Ezekiel Jewel**, Cayuga, innkeeper and **Martin Kearns**, [signs as **Kearins**] Niagara, innkeeper £5 each. Sent to **Charles Richardson** April 23, 1840.

Ezekiel Jewel, Cayuga. Has taken the inn licenced by **Frederick DeCow**, prays to be confirmed therein, April 20, 1840. Is a loyal subject, possesses the requisite means, no objections. Recognizance taken before **David Thompson**: Ezekiel Jewel £10, sureties **John McArthur**, Cayuga, innkeeper and **Martin Kearns**, Niagara, innkeeper, £5 each.

File 38-6. Accounts (1-50.)

Accounts Passed the Court, June 12, 1840.

Dr. Mewburn (coroner.) Charge for holding an inquest on the body of **Barney Manes**, Stamford, March 24, 1840, £1.17.6.

F.W. Gibbs, charge for beef for the gaol, £11.9.0.

E.S. Wheeler, charge for mole skin, Buttons, thread, cotton purchased from **R.M. Clement**, 8/11¼.

Kenneth Cameron, Sheriff's Account, £4 plus £43.7.6.

Thomas Dorrity, charge for bread for the gaol, £24.6.6.

William Surby, constable account, 12/6-.

In the case of *Regina vs. Owen McIntee* (Oyer and Terminer), subpoenas for **John Skipwith**, **William Dunn** and **Sarah [Burman?]**, issued by **Robert Baldwin**, April 29, 1840.

E. Lesslie & Sons, charge for stationery (Imperial Cartridge) ordered by **Charles Richardson**, £1.17.6.

Alexander R. Christie, charge for ruled paper ordered by **Charles Richardson**, £1.5.0.

Peter B. Nelles (coroner.) Charge for **Dr. W. Rotham** attending an inquest held on the body of a stranger, June 12, 1840, £1.1.0. Charge for an inquest held on the body of **Joseph Vollaine**, May 5, 1840; charge for an inquest held on the body of a stranger plus furnishing a coffin, May 15, 1840, £4.3.6.

Dr. H. Rolls, charge for gaol attendance, £10.

Patrick Finn, charge for services as crier, £6.

Samuel Wood (coroner) Charge for holding an inquest on the body of **H. Divitt**, stab'd by **John Allen**, March 24 and 25, 1840; **Henry Hughes** (drowned) April 25th; a body (unknown) drowned May 11th; **Thomas Ferber** (drowned) June 7, 1840, £9.1.0.

Daniel Mitchell, charge for digging a grave for **James Carly** (alias **Carny**) May 27, 1840, 10/- (certified by **William Duff Miller**, coroner.)

John S. Walker, charge for summoning a jury to an inquest held on the body washed on the beach near Mr. **James Davidson**, Clinton, May 11, 1840, £1.10.0. (certified by **Samuel Wood**.)

James Durham, charge for a coffin and digging a grave for the body washed up on the beach, May 11, 1840, 12/6-.

E. Wheeler, Gaoler's Account, £18.4.10½. Brooms, cleaning the privy, whitewashing, saw dust, lime, candles, stationery, washing, "urin tubs" &c.

James Levell, charge for services as turnkey, £15.

Joseph Wynn (coroner.) Charge for holding an inquest on the body of an unknown infant, **Queenston**, May 23, 1840, £2.1.9.

William Duff Miller, charge for holding an inquest on the body of **James Carly** (alias **Carny**) in Grantham, May 27, 1840, £1.19.0.

John Haun, charge to bury the body of an infant found in the dock at Niagara, May 23, 1840, 5/- (Certified by **Joseph Wynn**.)

Dr. Matthews, charge to attend an inquest held on the body of an infant at the Dock, May 23, 1840, £1. (Certified by **Joseph Wynn**.)

George W. Thomas, constable at assizes, £1.5.0.

William Surby, constable at assizes, £3.

Robert Wadle, constable at assizes, £2.10.0.

George Folley, constable at assizes, £3.

John May, constable at assizes, £2.

Thomas Slead, constable at assizes, £3.

Alexander Ross, constable at assizes, £3.

David Teller, constable at assizes, £1.10.0.

John Steel, constable at assizes, £2.15.0.

Francis Proctor, constable at assizes, 15/-.

Silvanus Cleveland, constable account £1.5.0.

John Steel, constable account £5.2.6.

Patrick Finn, charge for services as crier, £1.10.0.

William Hill, constable account £1.

Thomas Henegan, constable account. Charge to apprehend *Henry Johnson*, St. Catharines, coloured man (larceny) £1.10.0; charge for summoning a coroner's jury to inquests held on the bodies of *Divitt* and *Ferber* (certified by *Samuel Wood*, coroner.)

Daniel B. Grenville, constable account 7/6-.

John Simpson, printing charges £21.18.6.

George Folley, constable account 5/-.

Bernard Roddy, High Constable account. Charge to travel to the *Indian village at Lewiston* to apprehend two Indians £8.17.0; charge as constable at assizes £4.10.0.

Alexander Ross, constable account £2.16.3.

Constables at Sessions: *Bernard Roddy*, *Alexander Ross*, *George Folley*, *William Sarby*, *Thomas Slead*, *David Teller*.

Peter Street, charge to carry prisoners to gaol, £1.10.0.

File 38-7. Accounts (Rejected.)

Elijah Harris. Lays in and establishes a new road in Canborough, £1.17.6. (Rejected.)

File 38-8. Convictions (*E.S. Adams*, JP, St. Catharines.)

Albert Bate, St. Catharines. Charged with assault and battery against **Thomas Burns**, St. Catharines, on April 7, 1840. Fined £1 (paid to **Charles Rolls** for use on the highway) plus £1.2.9. costs (paid to **Thomas Henigan**, constable) on April 8, 1840.

File 38-9.

William Johnston and **John Ferris**, Niagara. Carried guns, shot and disturbed the congregation of **St. Andrews** on the Sabbath, May 3, 1840. Ordered to pay 7/6- plus 6d each costs plus one day in gaol. Signed **William M. Ball** and **Lewis Clement**, May 4, 1840.

File 38-10.

Peter Wealch, Niagara. Disturbed a religious congregation by indecent behaviour on May 17, 1840. Witness: **John Nesbitt**. Fined £1, May 19, 1840. Signed **Thomas Butler** and **Lewis Clement**.

File 38-11.

Adam Crysler and **William Crysler**. Charged with assault and battery against **John Johnson** (coloured man) on March 11, 1840. Fined £1.5.0. plus £2.2.3 costs. Before magistrates **Delatre** and **Swan**, **Drummondville**, March 16, 1840.

File 38-12. Convictions (**Swan**, JP, Drummondville.)

McKenzie Rose, charged with assault and battery against **Wilson [Stradus?]**, (coloured man) on June 2, 1840. Fined £1.9.0. costs, June 10, 1840.

Benjamin R. Ottley, charged with assault and battery against **Alexander Gordon Jr** at Stamford on April 6, 1840. Fined 5/- (for use on the highway) and £1.1.9. costs, April 8, 1840.

William Conklin charged with assault and battery against **John Creighton**, tavernkeeper, on April 2, 1840. Fined £1.9.9. costs, April 7, 1840.

William Redhead charged with drunk and disorderly behavior on March 16, 1840. Fined 5/- to be paid to **Rev. Leeming** to be used for relief of the poor, March 17, 1840.

Thomas Tuite, charged with assault and battery against **Joseph [Hara?]** on February 27, 1840. Fined 5/- (for use on the highway) plus 13/9- costs, March 13, 1840.

John Martin, charged with assault and battery against **Mary [Ackinder?]** on March 31, 1840. Fined 10/- costs, March 16, 1840.

File 38-13. Appeals.

Isaac Root, Rainham, charged with assault and battery against **Isaac Cotes**, Rainham, April 10, 1840. Fined 10/- plus 12/3- costs before **Edward Evans**, April 14, 1840. Evidence of Isaac Cotes: was assaulted on the highway. Evidence of Isaac Root: Cotes committed a breach of peace, deponent received blows first and then struck back in his own defense. Recognizance to appeal taken before **David Thompson** on April 15th: Isaac Root, sureties **Abraham Price** and **Jacob Vanloon**, Rainham, yeoman, £10 each. Conviction annulled June 10, 1840.

Lewis Cox, Niagara, yeoman. Charged with assault and battery against **John Stewart**, Niagara, yeoman. Fined 10/- plus 17/3- costs before **Lewis Clement** on April 16, 1840. Stewart was struck on the shoulder with a spade and received two blows from defendants' fist. Cox admitted striking Stewart. Recognizance to appeal taken April 20th: Lewis Cox £20, sureties **John Cox**, Niagara, yeoman and **James Boulton**, Niagara, Esq, £10 each. [Discharged for want of notice, June 11, 1840.]

File 38-14. Correspondence.

Letter from **Charles Richardson** to **Kenneth Cameron**, "I have the honour to transmit a commitment for three persons convicted of larceny and sentenced to the penitentiary," June 11, 1840. List of convictions June 1840: **George P. Kinsley**, assault and battery, fine £2.10.0. plus costs, sentenced to 1 month in gaol and until the fine is paid; **William Haggerty**, larceny, 1 year at hard labour in the penitentiary; **Matthew Turrell**, larceny, 2 years; **Henry Jackson**, larceny, 3 years (2 charges, 18 month sentence for each.) [File includes draft copy plus a good copy.]

Edward Honor, constable, to be paid £3.6.0. on producing a receipt from the Keeper of the Gaol, arrest of **Edward Foster** and **Andrew Sisk**, charge of larceny. Signed **William Smith**, Bertie, April 10, 1840.

Letter from **William Smith** to **Charles Richardson**, Fort Erie, April 10, 1840. Encloses *notias* for constables. **Captain Lewis Palmer** and **Lieutenant George Benner** refuse to serve; **Thomas Campbell** and **John J. Harris** have accepted. You enclosed them to me as postmaster, which I am not, and had to pay 1/6-. I have enclosed evidence against Sisk and Foster, tried on the 27th. Please hand the papers to the **Attorney General**. Have the **Boundary Commissioners** been directed to survey the **Garrison Line**?

Letter from **David Thompson** to **Thomas Butler**, Indiana, June 8, 1840. The case of **Stephenson Hume** and **George Watson Black** was tried on October 11th last under the **Summary Punishment Act**. My decision was appealed. Your court tried the case, I was under the presumption that **William Mylne** held the recognizance of appeal. You were justified. The court sustained my decision against Black. A speedy adoption of measures for satisfying judgment. Report the derelictions of Mylne to the Lieutenant Governor.

File 38-15. Criminal Calendar.

List of Criminals Confined in the Niagara District Gaol, June 9, 1840. (Certified by **Kenneth Cameron**.)

Patrick Donley, age 51, born Ireland. Murder. Assizes. September 6, 1832. Labourer. Catholic. Insane.

Luther Lane, 24, USA. House breaking. Orders of **Kerby** and **Douglass**. October 22, 1839. Labourer. Baptist.

Peter Smith, 27, USA. Counterfeit money. **Butler** and **Clement**. December 24th. Carpenter. Methodist. Sentenced at the Assizes to three years in the penitentiary.

William Harrington, 32, USA. Larceny. **William Smith**. May 5, 1840. Shoemaker. Methodist.

William Haggerty, 40, USA. Larceny. **James Cummings**. May 11th. Labourer. Methodist.

Matthew Turrell, 29, USA. Larceny. **Clement**. May 12th. Labourer. Methodist.

Silas Green, 26, USA. Larceny. **Clement**. May 13th. Labourer. Methodist.

Henry Johnson, 24, USA. Larceny. **E.S. Adams**. May 13th. Labourer. Methodist.

Peter McDonald, 23, Scotland. Counterfeit money. *Swan*. May 23rd. Labourer. Presbyterian. **93rd Regiment**.

Colin McArthur, 19, Scotland. Counterfeit money. *Swan*. May 23rd. Labourer. Presbyterian. **93rd Regiment**.

File 38-16. Filings.

Affidavit of **John McGlashan**, Pelham, March 21, 1840. I am acquainted with **Jacob Bowman**, his wife has long been sick and is so at present. No fine is to be imposed for non-attendance as juror, he could not come out with his family suffering. This is a lawful excuse for release from jury duty. [Fine of Jacob Bowman and **John Martindale** remitted, June 12, 1840.)

Evidence taken before **Lewis Clement** on May 22, 1840: in February articles of wood, value £15, were stolen from the house of **Alexander Anderson**, Niagara. Four doors, five windows, flooring, six beams, 12 studs and 1 sill were stolen. **Austin Gefferson** told Anderson he put the doors and windows in the loft of **Mary Thornton's** house, and **John Fuller** carried away part of the lumber. Recognizance taken: Alex Anderson £10; Mary Thornton and surety **James Thompson** £20 each.

File 38-17.

Thomas Angleman, charge for keeping **John Folick** (insane and destitute) £4, June 10, 1840.

James Tisdale, charge for keeping **Sarah Frank** (insane and destitute) £3.5.0., June 11, 1840.

Letter from **James Black**, May 4, 1840. Has laid out money for 2 or three years on **Mrs. Day**, wife of **Elijah Day**. Is in destitute circumstances, walked all the way from **Port Colborne**. If you can assist in getting her the amount I will thank you. They had a good deal of trouble with the woman under their care. What is to be done with **Armstrong's** note? [Received May 8th.]

T. Raymond, charge for keeping **Eliza Mitchell Wilson**, £5.7.6. June 9, 1840.

John Smith, charge for keeping **Margaret** and **Jane Harris**, £9.15.0. June 9th.

Phoebe Goodel, charge for keeping **Harriet Hague**, £8.15.0. June 9th.

Isabella Evans, charge for keeping **Hannah Evans**, £3, June 9th.

Mary Jupiter, £3.10.0. June 9th.

John Singer, charge for keeping **Eliza Lutes**, £4.17.6. June 9th.

Haggai Skinner, charge for keeping **John Campbell** £4.17.6 June 10th.

Richard Forrest, charge for keeping **Francis Lynch** £3.5.0. June 10th.

Henry Wills, charge for keeping **Maria Richardson** £5, June 10th.

Daniel Boyd, charge for keeping **Thomas Robertson** 5/- per week.

James Butler, charge for keeping **Mary Butler**, 7/6- per week, June 9th.

File 38-18. Jail Records.

To **Colonel Cameron**, Niagara Gaol, July 6, 1840: We beg respectfully to inform you that since the admission of **Mrs. Baker** (a lunatic) into this prison our situation has become doubly miserable by the effect produced on our health; and the almost entire impossibility to eat our meals, the unfortunate woman remains in her room and the effluvia therefrom is almost pestilential in addition to which her noise and screams during the night destroys our rest. Trusting you will be so good as to use your influential intercession with the Magistracy so that she may be removed from the Gaol, we have the honour to be, sir, your most obedient humble servants,
James Adams and **Thomas Bryant**.

Letter from **Kenneth Cameron** to the **Chairman**, June 27, 1840: A letter was addressed to me by **Mr. Rolls**, surgeon, regarding the case of an insane woman committed by **Lewis Clement**. And being under your notice the circumstances of her disturbing by night, as well as by day, all the other persons confined therein, and so state that I have in the mean time I have directed the Gaoler to hire a person at the expense of the District to take care of her.

Letter from **Henry Rolls** to **Kenneth Cameron**, June 24, 1840: I beg to draw your attention to the case of a female maniac, now confined in the Niagara Gaol, who is quite destitute of the necessary attendance in a cell all alone and without a bed. I think it imperative for her safety that she should be relieved from her present condition without delay.

Letter from **Kenneth Cameron** to **Charles Richardson**, June 9, 1840: I beg to report for the information of the Court of Quarter Sessions that an error in the Grand Jury report at the last assizes proceeds no doubt from inadvertence or incorrect information "that there is no Bible for the use of the gaol." Since I have been Sheriff there has always been Bibles for the use of persons in gaol.

Robert Melville, **Malcolm Laing** and **Kenneth Cameron** ordered to be a Committee to superintend the erection of a fence around the gaol agreeable to the annexed estimate, 12 feet high, for £99.3.4. 145 x 210 feet. 2" pine planks, scantling, white cedar posts and braces, spikes &c. 10 feet high of 2" pine planks not to exceed 12 feet in height. (Vote of 7:3.)

Matthew Cathline, estimate 45 days work for 2 carpenters and 35 days work for 2 labourers to erect gaol fence, £44.1.3.

Estimate for fencing around the gaol: **Mr. Heron** for materials £92.15.1½; **Mr. Cataline's** estimate to put up the fence £44.1.3; spikes and all extras £9; total £145.16.4½.

Andrew Heron, April 15, 1840: agrees to deliver materials to the gaol for a fence by June 1st, £92.15.1½. **R.M. Long** and **John Rogers** are my securities for fulfillment of the contract.

File 38-19. Non-Conformist Applications.

Rev. Caleb Swayze, Thorold, of the Methodist Episcopal Church. Sworn as an ordained minister before **Thomas Merritt** and **Thomas Butler**, June 10, 1840.

File 38-20. Orders.

Gaol Committee ordered to report to the Lieutenant Governor: **Jacob Keefer**, **John C. Ball**, **Elias S. Adams**, **Lewis Clement** and **John Clarke**.

Committee of Accounts: *John Gibson, Lewis Clement, Henry Nelles, James O. Clarke.*

Patrick Finn, crier. Ordered to receive a yearly salary (as do other criers) instead of a daily allowance. Salary £20 *per annum*.

Committee to examine the accounts of the late **Malcolm Laing**: **Thomas Butler, James Lockhart, Lewis Clement**, the **Treasurer** and **Clerk of the Peace**, June 12, 1840.

Clerk of the Peace ordered to be paid from the monies of the estate of the late treasurer **Malcolm Laing** into the hands of the chairman, £8.10.0. cheque to defray the cost of delivering the rolls to the collectors in 1840.

Gaol Committee ordered to examine the building. Due to the low state of the District funds it is recommended that only the foundation walls at the corners be repaired and banked up with earth. Conductors are to be repaired to prevent any further injury to the walk. Signed **John Clark**, June 9, 1840.

Letter from **Robert Melville** to **Charles Richardson**, June 11, 1840: I was appointed to a committee in an order of March 28, 1840 with the late **Malcolm Laing** and **Kenneth Cameron** to put up a fence around the gaol. A new committee is needed since "Laing being no more, the sheriff sent in his resignation and I daily expect to go to Quebec." Enclosed is **Mr. Heron's** estimate for timber, part is on the ground; also **Mr. Cathline's** estimate to put up the fence, spikes and extra work £145.16.4½. [Resignation accepted, inspection of gaol fence under the direction of the gaol committee.]

File 38-21. Precept.

List of Grand and Petit Jurors, compiled by **Thomas Butler** and **William M. Ball** on May 4, 1840 for Sessions on June 9th. Certified by **Kenneth Cameron**.

Grand Jury: **Adam Brown, Wilson Gibbs, John Swinton, Joseph Wynn** (Niagara); **Dilly Coleman, Robert Hobson, Peter Keefer, Jesse H. Lacey, William Ramsay, Jacob Shaver, Samuel H. Smith, Caleb Swayze** (Thorold); **William O. Eastman, John Fisher, William Garner, William Taylor** (Gainsborough); **Philip Gregory, John McLean, John J. Patterson, Adam Simmerman, Daniel Smith, Cyrus Sumner** (Clinton); **Russel Rich** (Pelham.)

Petit Jury: **Adam Adair, David Adair, Henry Book, John Book, ~~Nicholas Clows~~, Philip Clows, Francis Comfort, ~~Ira Couse, Moses Couse~~, Erastus Darby, Philip Dean, James Durham, John Durham, Matthew Durham, Peter Frease, Daniel A. Freeland, John Griffin, ~~Abraham Grobb~~, ~~Peter Hare~~, Robert Henry, Harmon Henry, William Hipple, Cyrus House, John Johnson, Harmon Kilbourne, Rowley Kilbourne, Jacob Linabury, Joseph Linabury, Joseph Martin, ~~Benjamin Michener, Joseph Michener~~, George Morris, ~~John Shadwick~~** (excused June 11th), **James N. Simmerman, Joseph Simmerman, Peter J. Simmerman, Oliver Tallman, Isaac Teeter, John Wier, John Walker, Isaiah Wardell, Benjamin Wilcox Jr** (Clinton); **Jacob B. Cushman, Hugh Friel, Frederick A. Goring, George Longhurst, Joseph Thompson, Gordon Willson** (Niagara.)

File 38-22. Road and Bridge Petitions.

Gainsborough, June 8, 1840: **John Wrong** prays that a road be opened between lots 37 and 38 Concession 6. [Put off to next Sessions.]

Petition from the inhabitants of Grimsby and Gainsborough: the *Main Road* through Gainsborough from Niagara to the west, and the *bridge over the 20 Mile Creek*, are in a dangerous state. A new bridge is needed but *Statute Labour* is insufficient for the road and bridge. Will cost £75, or give an order to the collector for Gainsborough for said sum. Signed: *Robert Comfort, Alex Lane, Gilbert Lane, Nathan Lane, John Gee, Henry Smith, Richard Meredith, Rufus Durkee, James Durkee, Ziba F. Durkee, Chandler Drake, William Farmer, Thomas Dobie, John Gilmore, Abraham Meredith, Thomas [Hardey?], William Tanner, John M. Camp, Daniel Camp, Edward Griffin, Hiram Taylor, James Patterson, Thomas Harris, Joseph Durkee, James Kay, George Roy, John Forsyth, S.P. Emerson, W. Forsyth, E. Oill, S.O. Rice, David Smith, Robert Smith, John Kennedy, Nathan Williams, Jacob Kennedy, David Kennedy, George Secord, Joseph Snyder, Andrew Dean, William Tilley, David McPherson, Jacob Comfort, John Wardell, Albert Lane, Abraham Gee, Joseph Springsted, Marcus Dimont, William Diamond, John Diamone.* [Put off to next Sessions.]

Edmund DeCew, surveyor of Haldimand. The undersigned request that a road be opened from *Dam #2 (Mr. Davis' dam)* on the Grand River to *Mackenzie's Dam* on *Anderson's Creek*. This was recently surveyed by *Lewis Burwell*, and for you to report thereon, May 28, 1840. Signed: *Isaac Nelles, Abraham Nelles, Robert Anderson, William Cook, William Dennis, Joel Davis, William Wier, John Nelles, John Y. Nelles, Warner Nelles, J.H. Mackenzie, J.W. Mackenzie, Alex Noble, James Davis, William Ford, John DeCew, Leonard Fawell.*

It is "impracticable" to open a road between lots 42 and 43. I will accept the present road allowance between lots 42 and 43 in remuneration for the road allowance about to be laid out on his lot 42, signed *Robert DeCew*, Cayuga, June 5, 1840.

It is useful for a road to be laid out from the *Talbot Road* in Cayuga, beginning at lots 42 and 43 then following a track opened up to intersect the *river road* at *William Stewarts*, a distance of 3 miles, May 26, 1840. Signed: *John DeCew, William Young, John DeCew Jr, C. Flumerfelt, John Buck, William Rice, John Hill, Philip Buchner, John Nelles Jr, G. Rogers, A. Shaw, Dorman Cooper, Daniel Campbell, Thomas Newby, Leonard Fawell, William DeCew, Robert DeCew, Jacob Strohm, George Barnett, John L. Henderson, James Thomson.*

Petition from the inhabitants of Walpole and Townsend: A road from Concessions 17 and 18 in Walpole to the Grand River by *Mr. McKenzie's Mill* is important, as it shortens the distance to *Hamilton* by 10 miles, or for plaster by 20 miles. Signed: *Nelson Boughner, Henry Cunningham, William Coy, Charles [Merrill?], Barnard Carsen, John Price, Philip Slaght, George Slaght, Daniel Blakeslee, [-----]able McCool, Abram Walker, Abraham Vanloon, Barzila Beals, Joseph Bates, Peter Beal, David Phelps, Gabish Dingman, Peter Dingman, Daniel Coal, Moses Barber, Abraham Nelles, Richard McMichael, John Slaght, Capt. Simon Omstead, Jacob McMichael, William McMichael, Siomon Nellis, Thomas Robinson, Henry Barber, John Woodley, William C. Smith, George McMichael, Abraham Barber, Peter Cline, Alanson Harris, William Barber, John Barber, Jacob Jackson, Edwin Jackson, James H. Smith, Benjamin Smith, Philip Smith, Benjamin Haviland, Orvin Rogers, James Churchill, Peter Cunningham, Matthew Boughner, John Boughner, George Boughner, Stephen Boughner, Samuel Merrill, William Renner, Frederick Cole, Jacob Cole, John Burke, John [Renner?], Hiram Barber, Elijah Leonard, Hiram Campfield, Moses Olmstead, Evert Vanloon, Isaac Howey, John Harris, William Stewart, Rowland DeCew, James L. Green, Ira Disbrow, John Green, Caleb Masecar, Nicholas Stiers, Anthony Becroft, Samuel Sovereign, Nathaniel Nickerson, William Trickle, Israel Omstead, William Omstead, Samuel Bingham, Aaron Barber, [Shuck?] Macconal, Martin Robinson, Erastus Blakeslee, Peter Coon, David Morgan,*

Joseph Johnson, John Smith, Robert Rurtell, Oliver Smith, Henry Beal, William Bishop, Levart Beal, William McCormick, James Beal, James Wymer, Harvey Omstead, John Vanloon, David Woodley, Isaac Vanloon, Samuel Munger, Zalmon Disbrow, Peter Lefler, John Sovereign, John Winch, Jacob Saylor, Abraham Masecar.

File 38-23. Road and Bridge Reports.

Map of a Road Required to Lead through the 1st Concession north of the Township of Cayuga and Thence to a Road Leading Up and Down the Grand River, drawn by *Edmund DeCew*, June 1, 1840. (Scale 1": 30 chains.) [Plan shows Cayuga, Grand River, road to *Anderson's Creek*, *DeCew's Mill*, *Perquanas Creek*, *Lake Derquaia*, *Talbot Road*, lots 35-44.]

Edmund DeCew, Surveyor of Highways, Cayuga, June 1, 1840. Road 60 feet wide, commences on the banks of the Grand River opposite *York*; then on *Mr. Burwell's* line; then to the line for a road surveyed by *Mr. Burwell* on *Mr. Nelles'* land; then to the limit of the *Indian Reserve*; then to intersect the road leading to *Seneca*.

Edmund DeCew, Cayuga, June 9, 1840. Road 60 feet wide, commences on the line between lots 43 and 44 Concession 1 north in Cayuga where it intersects the *Talbot Road* between the farms of *William DeCew* and *Robert DeCew*; thence to the Indian Lands and then to the road leading from *Anderson's Creek* to the *Talbot Road*.

File 38-24.

The *Treasurer's* office being now vacant. Candidates: *William Wynn*; *Lewis Clement*, sureties *Jacob H. Ball*, *Joseph Clement*, *Peter Ball Clement* and *George A. Clement*; and *Daniel McDougall*, June 9, 1840.

Balloting for Treasurer's office: *Lewis Clement* (2), *Frederick Tench* (5), *R.M. Long* (8), *Thomas Adams* (9), *Daniel McDougall* (9), *William Wynn* (10), *John Lyons* (11), *Henry Nelles* (16.)⁶⁰

Ordered that *Henry Nelles* be appointed District Treasurer in place of *Malcolm Laing*, deceased, elected by a majority of Magistrates, June 10, 1840. Sureties *Robert Nelles*, *Warner Nelles*, *William Nelles* and *James Cummings*, £500 each.

Balloting for Treasurer's office: *Frederick Tench* (2), *Captain Boyd* (7), *John Lyons* (10), *Mr. Long* (11), *William Wynn* (11), *Thomas Adams* (12), *Captain McDougall* (16.) Ordered that *Daniel McDougall* be appointed District Treasurer in room of *Malcolm Laing* (deceased.) Elected by a majority of Magistrates, June 10, 1840.

Receipt from *Daniel McDougall*: received from the adjourned court 1 journal, 1 day book, 1 wild land assessment book for the Niagara District, and 1 for the other Districts belonging to the Treasurer's office, July 13, 1840.

File 38-25.

⁶⁰ This must have been the first ballot of two since McDougall was the successful candidate for the position.

Henry Boulton, Niagara, labourer, “officers son” and **Nelson Doty**, Niagara, labourer/servant. Charged with assault and battery against **Jacob Steel** on March 17, 1840. True bill: **Robert Hobson** (foreman.) Witnesses: Jacob Steel. Grand Jury presentment attached. Evidence taken before **Lewis Clement** on March 17th: Steel was attacked in the street by five men including **Charles Bolton**, **Daniel Burnett** and **Thomas Cheesman**, Niagara, between 1 and 2 am. They struck blows on my head and body. Verdict: “not guilty,” June 11, 1840.

File 38-26.

Josiah Green, Niagara, labourer. Charged with larceny, stealing three hams (value 15/-) and 20 lbs. of bacon (10/-) the property of **Benjamin Lawrence**, Niagara, on April 19, 1840. True bill: **Robert Hobson** (foreman.) Witnesses: Benjamin Lawrence, **Leonard Hicks**, **Mrs. Proctor**, **Robert Reid**. Evidence of Benjamin Lawrence taken before **Lewis Clement** on May 11: Josiah Green finished digging a well on April 17th. On the 19th the smoke house was broken open and three hams and several pieces of bacon were taken. Evidence of Leonard Hicks taken May 11th: on April 20th **Syres Green** brought me smoked bacon, said he got it at the **Cross Roads** from men for whom he’d been digging a cellar or well. Said he took it in part payment. Saw a ham in the scales at **Wainright Proctors**’ Mrs. Proctor paid Josiah Green for it. Evidence of Robert Reed: said Syres Green brought ham for sale, he bought it at 6d per pound. Evidence of **Mary Ann Proctor**: Syres Green sold me a ham on Easter Monday at 6d per pound. Evidence of **Syres Green**: he bought the hams from his brother-in-law **John Brown**. Verdict: “not guilty,” June 11, 1840.

File 38-27.

William Haggerty, Stamford, labourer. Charged with larceny, stealing 20 or 30 fowls (value 20/-) the property of **William Randolph Hopkins**, Stamford, on May 11, 1840. True bill: **Robert Hobson** (foreman.) Witnesses: **Mary Hopkins**, **Samuel Smith**. Evidence taken before **James Cummings** on May 11th: Haggerty was at the fowl house of Hopkins, no one else was with him. Recognizance taken before James Cummings: Mary Hopkins £5 to appear. Warrant issued by James Cummings to constable **Thomas [Nead?]** The fowls are at the house of William Haggerty and [-----] **Husted** of Stamford. Search Haggerty’s house and apprehend him. Plea: “guilty,” sentenced to one year at hard labour in the penitentiary.

File 38-28.

William Harrington, Bertie, labourer. Charged with larceny, stealing the razors (value 5/-) and shoes (5/-) the property of **John J. Harris** on May 3, 1840. True bill: **Robert Hobson** (foreman.) Witnesses: John J. Harris. Letter from **William Smith** to **Charles Richardson**, Fort Erie, June 9, 1840: Harris was under recognizance to prosecute but is unwell and cannot attend. He now goes down and his recognizance sent to the assizes. Letter from the **Attorney General**: the witness was unable to attend due to illness, recognizance did not estreat, defendant ordered to bail. Letter from **Robert Baldwin** to Charles Richardson: encloses papers regarding Harrington. I did not find the book you speak of. I think you could not have sent it. I have my own and don’t require it. I think you will find it still on your shelves. Evidence of John J. Harris taken before William Smith on May 4th: Harrington stole my razors and shoes. Evidence of William Harrington: was intoxicated when he took the articles. Recognizance: John J. Harris £10 to prosecute. Verdict: “not guilty,” June 11, 1840.

File 38-29.

Henry Johnson, Grantham, labourer, coloured man. Charged with larceny, stealing one coat (value 50/-) the property of **Samuel Peterson**, St. Catharines, labourer, coloured man, on May 13, 1840. True bill: **Robert Hobson** (foreman.) Witnesses: Samuel Peterson. Evidence of **George H. Dittrick**, St. Catharines, grocer: in the night between May 12 and May 13th Henry Johnson broke open a shop in St. Catharines and stole meat, a pocket book, and other sundries. Also a black coat belonging to Peterson valued at £5. I pursued him accompanied by **Thomas Henegan**. We overtook him within two miles of St. Catharines with the coat and pocket book in his right trouser pocket. Evidence of Samuel Peterson: the defendant took the coat from my house on the 9th when I was away. I saw the defendant in the village and asked for my coat, he said it was pledged at the prosecutor's shop. I agreed to sell the coat to Johnson if he completed work enough to pay its' price but the work was not finished. Evidence of Henry Johnson: says he got the coat from **George Williams**. Denies the charge. In the morning he met George Williams in the streets at St. Catharines near **Dr. Converses'** building, occupied by the tailor **Mr. Franklin**. Williams had a bag on his shoulder, which had smoked meat (hams.) Was to leave it with **John Johnson**. Recognizance taken before **E.S. Adams** on May 13th: Samuel Peterson and George H. Dittrick £10 each to appear. Plea: "guilty," sentenced to 18 months at hard labour in the penitentiary.

File 38-30.

Henry Johnson, Grantham, labourer. Charged with larceny, stealing 50 lbs. of ham (value 20/-) and a pocket book (2/-) the property of **George Hamilton Dittrick**, May 13, 1840. True bill: **Robert Hobson** (foreman.) Witnesses: George Hamilton Dittrick. Plea: "guilty," sentenced to 18 months hard labour in the penitentiary, June 11, 1840.

File 38-31.

George P. Kinsley, Niagara, labourer. Charged with assault and battery against **Thomas Sandford**, Niagara, on February 12, 1840. True bill: **Barnabas Gregory** (foreman.) Witnesses: Thomas Sandford. Grand Jury presentment: Kinsley struck Sandford on the head at his residence in Niagara with some weapon and inflicting a severe wound, March 12, 1840. Verdict: "guilty," fined £2.10.0. plus costs and 1 month in gaol, June 11, 1840. Petition of George P. Kinsley, prisoner, Niagara Gaol: the witnesses to the prosecution, especially **Patterson**, were extremely partial in their evidence. It was quite impossible for him from the situation in which he was placed and the condition he was in to see what had occurred in the hall. Patterson swore he saw me strike Sandford with an iron wedge, then only saw the shadow of a stick on the wall. This is an obvious contradiction, shows the amount of credence which ought to be attached to the testimony. Two credible witnesses proved that Sandford threatened to murder me. He used violent language, broke nearly all the doors and windows in my house, threw a large stone in the window, petitioner had cause to dread. Ordered him on February 10th to desist breaking and destroying my property but he wouldn't. He put himself in a menacing attitude and raised a cudgel with which he was forcing the door. He attempted to strike me. I raised my arm and pushed back the stick which descended on his head. This could have been proved if my son's evidence was not deemed inadmissible. He was present and held the candle. I have a large young family to support, who are inconvenienced by this penalty. Take the case into account, your petitioner is injured in his property by Sandford, my person was attempted, although the blow intended for your petitioner recoiled upon his own head. Petitioner prays for a revision of the sentence. [Petition read June 12th. No action of the court taken upon the petition.]

File 38-32.

Matthew Turrell, Niagara, labourer, coloured man. Charged with larceny, stealing one hat (value 10/-) cloak (10/-) and handkerchief (2/-) the property of **Otis Ensign**, Niagara, innkeeper, on May 11, 1840. True bill: **Robert Hobson** (foreman.) Witnesses: Otis Ensign, **George Croft**, **Richard Kennedy**. Evidence of George Croft, Stamford, constable, taken before **Lewis Clement** on May 11th: today at 7 am I heard that a coloured man in a fustian jacket and dark trousers with red stripes down the side stole notes and papers (\$200), and the cloak and hat of Mr. Ensign, Niagara. At 4 pm I saw a man of the same description. I asked where he was from and he said **Lewiston**. I told him of the complaint and that I'd take him on suspicion. He said he was going to his "core" [corps] at **Gravelly Bay**. I asked for a pass and he said he'd lost it. I took him to **Dr. Mewburn**. He called his son who had a position in the core and gave him a good "carractor." Mewburn advised me to take him to Niagara if his stories didn't agree. He confessed that he took the hat on mistake and where he'd left the papers in **Mr. Dickson's** garden. Dickson's man found them there and Mr. Dickson gave them to me. Turrell said if he would clear him he would work for him for three months. Evidence of Otis Ensign taken May 12th: Turrell stopped at my house during the assizes, part of the time as my servant. He was at my house very late on May 10th, but was not found the next day. I missed my hat, papers and handkerchief. I sent men in different directions to search for him and on May 11th the constable brought him with my hat and papers. Evidence of **Richard Keneda**, innkeeper: the prisoner came to my house early on the 11th and offered the cloak for sale for 1/- but took a copper and a glass of whiskey and cider. Evidence of Matthew Turrell: he was told he need not convict himself, what he said would be taken down and used as evidence. He said he was drunk and took it by mistake. He had the cloak on him to sleep in. He looked around the room for his cap and found a hat on the floor by the stove. Verdict: "guilty," sentenced to 2 years hard labour in the penitentiary, June 11, 1840.

File 38-33. Orders.

£16 of the monies of **James Lockhart** ordered to be paid to **Sheriff Cameron** to convey prisoners to the penitentiary, June 20, 1840.

Ale and beer licences: **John York** and **William B. Hendershot**, £1 each; **Charles N. Henderson**, June 20, 1840.

William Surby, ordered to be poundkeeper, June 20, 1840.

Ephraim Wheeler, ordered £50 out of the money paid into the hands of **James Lockhart** on account of the Niagara District.

Thomas Dority, ordered £24.6.6. for bread out of the money deposited with **James Lockhart** on account of the Niagara District.

Wilson Gibbs, £11.9.0. for beef.

Charles Richardson, ordered £6.8.9. as **Clerk of the Peace**, March 13, 1840. (Signed **Malcolm Laing** and **Thomas Butler**.)

Sheriff Cameron, ordered £53.5.0. June 20, 1840. Plus receipt for £5.17.6. for services as Sheriff. Signed **Malcolm Laing**, **Thomas Butler**, **James Lockhart**.

John Wagstaff, ordered £8.1.3. out of the money paid into the hands of **James Lockhart**, receipt for £1.12.6. from **Malcolm Laing** and **Thomas Butler**.

File 38-34. Treasurer's Accounts.

District Accounts. [Printed broadside.] Signed by *David Thorburn, John Radcliff* and *Thomas Butler.*

Monies received by the late *Malcolm Laing*, Esq., Treasurer of the Niagara District, between June 10, 1839 to his decease.

Disbursements by the late *Malcolm Laing*, Esq., Treasurer of the Niagara District, between June 10, 1839 to his decease.

File 38-35. Orders.

District Accounts ordered to be published in the *Niagara Chronicle* and *St. Catharines Journal*, July 13, 1840.

The rent of the *ferry at Fort Erie* to be £50 *per annum*, rates or tolls set in 1836 to be continued, July 13, 1840.

All books and papers of the *Treasurer* to be transmitted to *Daniel McDougall*, July 13, 1840.

Matthew Ottley has examined the accounts of the late treasurer *Malcolm Laing*, ordered £8, July 13, 1840.

File 38-36. Orders.

Licence to sell ale and beer ordered for *Charles Brown*, £2. August 19, 1840. (Signed by *Thomas Butler.*)

Niagara District Quarter Sessions, September 1840.
(November Sessions adjourned.)

File 39-1. Accounts (1-38.)

List of Accounts Examined and Passed by Committee, September 9, 1840.

Hugh Henderson, constable account, £2.1.3. (£1.9.4. in account.)

Warrant issued to **Hugh Anderson** by **Henry Nelles** on April 3, 1840. On the complaint of **George Morris** that **Thomas Johnson** set fire to and burned his barn with three cows and four hogs on April 2, 1840. Certificate from **Ephraim Wheeler**, received the prisoner Thomas Johnson from Hugh Anderson.

Patrick Jones, paid 15/- to **Martin Snively** for a pine coffin for **Henry Devit** on March 23, 1840. He maintained Devit for six days after he was knocked down and stabbed by **John Allen**. Charge for washing, comfort, coffin, digging the grave and necessaries for interment, £5.5.0. "Patrick Jones and his wife deserve a great deal of credit in the manner in which they behaved to a stranger," **E.S. Adams**. The deceased was taken to Jones' house after his injuries were received, signed **Samuel Wood**. Paid £4.17.6, September 9, 1840.

Blain and Gash, masons. Charge for mason's materials for the gaol, bricks and mortar for the fireplace, repairing plaster, pointing the debtor's rooms &c, £3.14.0.

Zenas Fell (coroner), charge for holding an inquest on the body of **George McDade, Port Robinson**, August 2, 1840, £1.19.6.

R.M. Clement, charge for moleskin, ticking, thread, linen &c, £3.3.8.

Thomas Henegan, constable account, £2, charge for arresting **John Johnson**, coloured man, £1.

George Reed, charge for a coffin for an unknown person and digging the grave after the inquest, 12/6-. Certified by **Samuel Wood**, coroner, August 9, 1840.

Samuel Wood (coroner), charge for holding an inquest on an unknown man (drowned) August 9, 1840, £1.16.0.

Charles Fell, charge to survey roads in Louth, and from the **Forks Settlement** to the **Welland Canal Feeder**, £3.15.0.

Joseph Wynn (coroner), charge to hold an inquest on an unknown body, June 29, 1840, £2.0.9; unknown body, coffin and burial, July 14, 1840 £2.11.0.

Edmund DeCew, charge to survey a road from **York** to **McKenzie's Mill**; 1st Concession, Cayuga; from **Sheehan's Settlement** to Haldimand; Cayuga and Indian lands, £8.17.6.

Thomas Humphries, constable account, £2.1.6.

John Simpson, printing charge, £10.10.6.

Hiram Leavenworth, printing charge, **St. Catharines' Journal**, £10.10.0, plus £1.14.3.

John Hawn, charge for digging a grave, June 29, 1840, 5/-. Certified by **Joseph Wynn**, coroner.

William Duff Miller (coroner.) Charge for holding an inquest on the body of **Private Peter Madden**, 3rd **Battalion Incorporated Militia**, July 15, 1840; on **James Moffatt** (infant) August 12, 1840, £3.14.6.

Henry Rolls, charge for gaol attendance, £10.

F.W. Gibbs, charge for 614½ lbs. of beef, £15.7.3.

Silvanus Cleveland, constable account, 7/6-.

James Levell, charge for services as turnkey, £15.

Bernard Roddy, High Constable account, £6.16.9.

Warrant issued to **Bernard Roddy** on the oath of [**Abednigo Natham?**] of Niagara, labourer. That **Captain William Minor**, mariner, ordered two men on August 30th, **Alexander** and [-----] [**Losomy?**] to take three soldiers, deserters from the **43rd Regiment**, across the river in **Birmingham's boat**. Warrant to arrest Minor, August 31, 1840. Roddy traveled to St. Catharines and then to "**Port Delusa**" to arrest Minor, £1.

Thomas Neard, constable. Charge for the arrest and delivery of **William Haggerty**, receipt for Haggerty by **Gaoler Wheeler**, £1.14.3.

F.H. Shaw, charge for hinges, £5.12.0.

E.S. Wheeler, Gaoler's Account, £76.19.0. [Includes charge for candles, washing, saw dust, salary, cleaning the privy, lime, making shirts and bed ticks, brooms, for keeping **Mrs. Baker** and to hire a woman to look after her, July 16, 1840.

Thomas Dority, charge for bread for the gaol, £30.17.0.

William Kingsmill, Sheriff's Account, £11.

Charles Freeman, charge "for removing filth out of the vaults at the back of the gaol," £4.15.0, September 8, 1840.

Letter from **Sheriff Cameron**, July 18, 1840. From the state of the vaults for the reception of the soil from the gaol privies, I beg leave to recommend that the Magistrates will authorize **Mr. Wheeler** to hire a person to employ with the object in view to prevent as much as possible the noxious effluvia arising therefrom. [Ordered, July 20, 1840.]

Edward Lee (coroner) **Marshville**: Charge for holding an inquest on the body of **Wellington Gordon** (drowned) November 13, 1839; on **Jesse Smith**, May 18, 1840; on **Charles Rutter**, August 12, 1840, £8.7.6.

William Surby, constable account, 17/6-.

George Foley, constable account, 10/-.

Samuel Proctor, constable account; charge to summon a jury to an inquest held on the body of one **Malon**, 5/-. Certified by **William Duff Miller** (coroner.) Total charge £1.8.9.

Isaac Levell, charge for digging and setting 124 posts, July 7, 1840, £18.

Isaac Smith, charge for putting up 722 feet of fence, July 7, 1840, £27.10.0.

Thomas B. Wragg, charge for spikes, rods and Sweede's iron, £15.9.7.

Andrew Heron, charge for cedar pickets, sills, braces, planks and scantling, £102.3.2.

George Croft, constable account, 18/9-.

File 39-2. Cheques.

Patrick Finn, crier, £5.

E. Wheeler, £18 to convey prisoners to the penitentiary. Vouchers to be produced.

Bernard Roddy, court constable, £1.15.0.

Francis Proctor, court constable, £1.

Thomas Slead, court constable, 15/-.

William Surby, court constable, £1.

George Folley, court constable, £1.

John Steel, court constable, 15/-.

John Clarke, deputy sheriff at the Quarter Sessions, £2.

William Kingsmill, sheriff at Quarter Sessions, plus charge for the arrest of **James Kerr** for using false weights, £1.10.0.

Treasurer, £5 allowance.

Clerk of the Peace, £5 allowance.

E.S. Wheeler, cost to purchase a stove for the debtor's room £2, September 10, 1840.

File 39-3. Other Accounts.

James Levell, charge for passage for himself, a constable and three prisoners (**Haggerty**, **Johnson** and **Turrel**) on the steamer "**William 4th**" from Toronto to Kingston; passage on the "**Transit**" from Niagara to Toronto, £11.12.9.

Kenneth Cameron, (late Sheriff) accounts £16, September 7, 1840. (Signed by **Robert Maitland Roy**, clerk.)

Charles Richardson, £15.15.1. as *Clerk of the Peace*. [Paid £15.9.6.5.] Certified by **Thomas Butler** and **Malcolm Laing**, March 13, 1840.

James H. Mackenzie, York, October 1, 1837. Charge to convey **Bates** and his wife to gaol; warrant of **Warner Nelles** and **James H. Mackenzie** to apprehend **Thomas Shaw**, £6.5.0. Has a cheque not issued for services to the constable? [Laid aside for want of information.]

File 39-4. Convictions (**E.S. Adams**, JP, St. Catharines.)

Matthew Henderson, coloured man. Charged with assault and battery against **William Cleveland**, son of **John Cleveland** on July 20, 1840. Defendant struck William Cleveland on the head with a stick. Fined 5/- (paid to **Charles Rolls** for use on the highway) plus 8/9- costs paid to **William Soper** (constable.) St. Catharines, July 20, 1840.

Thomas Jones, Grantham, labourer. Charged with assault against **John M. Muire** at Grantham on August 31, 1840. Fined 15/- (paid to **Charles Rolls** for use on the highway) plus 18/3- costs paid to **William Soper** (constable.) September 2, 1840.

File 39-5. Convictions (**Jacob Keefer**, JP, Thorold.)

Recognizance of **Jacob Davis**, Thorold, labourer, £40, sureties **Conrad Wills**, Thorold, yeoman and **Elam McArthur**, Thorold, labourer, £20 each. To keep the peace towards his wife, **Rosanna Davis**, for 12 months.

Henry Wood, **George Wood**, **George Cooper**, **Elisha Edward Smith**. Charged with assault and battery against **Washington Morton**, Thorold, labourer, on September 2, 1840. Woods fined 10/- each, Cooper and Smith fined 20/- each, plus 5/- costs each, September 4, 1840.

Alexander Killgore, refused and neglected to perform *Statute Labour*, 4 days. Fined 20/- plus 12/3- costs, September 4, 1840.

Jacob H. Ball, shut up the road between broken lots 23 and 24. Fined 5/- plus 16/6- costs, March 30, 1840.

William Orr, shut up the road between lots 36 and 37 in the Gore of Thorold. Fined 5/- plus 16/6- costs, March 30, 1840.

Elisha Edward Smith, charged with assault and battery against **Hiram P. Swayze**, Thorold, yeoman, on September 2, 1840. Fined 10/- plus £1.8.0. costs, September 4, 1840.

Hugh Hill, charged with injuring and damaging the dwelling house of **George Keefer** in Thorold. Fined £3.15.0. April 24, 1840.

File 39-6. Convictions (**Mewburn**, **Swan** and **Delatre**, JP's, Stamford.)

James Reilly, convicted of selling whiskey by the glass with no licence on May 27, 1840. Fined 5/- plus 13/6- costs, Drummondville, June 13, 1840.

Joseph Strong, convicted of selling spirits without a licence. Fined 5/-, Drummondville, June 13, 1840.

File 39-7. Convictions (*Nelles* and *Mackenzie*, JP's, Haldimand, at Indiana.)

Charles Stewart, Cayuga. Convicted of cutting two white oak trees on the property of *David Thompson*. Fined £2 plus £2.12.9. costs, June 22, 1840.

File 39-8. Convictions (*Swan*, Drummondville.)

John Dowdle, convicted of assault against *Thomas Parker* on July 12, 1840. Fined 10/- (for use on the highway) plus £1.3.3. costs, July 14, 1840.

John Muirhead, convicted of assault against *Thomas Patrick* on July 20, 1840. Fined £1.3.3. costs, July 22, 1840.

Robert Crawford, charged with assault against *Thomas Patrick* on July 20, 1840. Fined £2 (for use on the highway) and £1.3.3. costs, July 22, 1840.

David Norris, charged with assault against *John Horne* on July 30, 1840. Fined 3/- (for use on the highway) and £1.2.6. costs, August 3, 1840.

John Higsby, charged with assault against *James Martin* on August 21, 1840. Fined 15/- costs, August 24, 1840.

Isaac H. Culp, charged with assault against *William Jeffs* on August 14, 1840. Fined 17/- costs, August 24, 1840.

Elizabeth Young, charged with assault against *Emma Hooper* on September 3, 1840. Fined 13/3- costs, September 4, 1840.

File 39-9. Appeals.

Before *Lewis Clement* on the complaint of *Ambrose Oaks*, Niagara. *James Rodgers*, Niagara. Charged with assault and trespass on July 26, 1840. Evidence of *Mrs. Sarah Collins*: Rodgers and another man came and tried to open her door. She told her husband and he told Rogers to "go away as he was a blackguard." Rodgers took up stones and threw them in the windows of the house and broke 10 lights of glass. Rodgers fined £2 plus 12/- costs, July 27th. Recognizance taken July 29th: James Rodgers, Niagara, merchant £10, surety *Patrick D. McElderry*, Niagara, merchant, £5 to appeal. Prosecutor not appearing when called, appeal ordered to be discharged, September 10, 1840.

John Case, charged with sticking the hog of *James Eckins* on August 27, 1840. Case gives notice of appeal as "not guilty" of the crime on September 2, 1840 to *James Black*. Witness: *Joel Skinner*.

Jacob Thompson, William Thompson, Charles Hull Sr, Charles Hull Jr, George Coverly, Charles Coverly, Joseph Painter, George Case, Anthony Mulligan, Samuel Cooper, James Bushel, Samuel Grey (all farmers on the *Hamilton and Port Dover Road*.) Charged with trespass against *William Walker* on July 24, 1840. Defendants tore down the fences and cut and destroyed the wheat of Walker. Fined 2/6- each plus 6/4½- costs, July 28th. Conviction appealed, recognizance taken before *James Hector Mackenzie* on July 30th: all bound £10 to appeal except for Bushel and Grey, £5 each. Conviction confirmed September 9, 1840.

File 39-10. Criminal Calendar.

Calendar of Criminal Confined in the Gaol of the Niagara District, September 8, 1840.

Certified by *W. Kingsmill*, sheriff.

Patrick Donley, age 52, born Ireland. Murder. Assizes. September 6, 1832. Labourer. Catholic. Insane.

Luther Lane, 24, USA. Housebreaking. Orders of *Kerby* and *Douglas*. October 22, 1839. Labourer. Baptist.

Peter McDonald, 23, Scotland. Counterfeit money. *Swan*. May 23, 1840. Labourer. Presbyterian. 93rd Regiment.

Colin McArthur, 19, Scotland. Counterfeit money. *Swan*. May 23. Labourer. Presbyterian. 93rd Regiment.

Thomas Johnson, 57, Ireland. Burning a barn. *H. Nelles*. June 12. Tailor. Episcopal.

Adam Paterson, 34, Scotland. Larceny. *Cummings*. June 19. Distiller. Presbyterian.

Eliza Robinson, 57, Ireland. Larceny. *Clement*. June 19. Episcopal.

Josiah Green, 26, USA. Larceny. *Butler*. June 24. Labourer. Methodist.

Martin Woolmansy, 19, USA. Larceny. *Adams* and *Mittleberger*. July 1. Sailor. Baptist.

Henry Ellison, 22, Jamaica. Larceny. *Black*. July 1. Labourer. Episcopal.

Russell Wells, 33, USA. Larceny. *Mewburn*. July 2. Carpenter. Baptist.

James Fido, 43, England. *Delatre* and *Swan*. July 3. Shoemaker. Episcopal. Lunatic.

Edward Haggerty, 25, Ireland. Entice soldiers to desert. *Swan*. July 16. Labourer. Episcopal.

Thomas Armstrong, 28, Ireland. Larceny. *Cummings*. July 21. Labourer. Catholic. 3rd Battalion I.M.

Alex McNaughton, 19, Canada. Entering a house and breaking windows. *Tench* and *Thorburn*. July 31. Labourer. Presbyterian.

David Baxter, 18, USA. Larceny. *Clement*. August 12. Labourer. Methodist.

Ann Warren, 34, Ireland. Larceny. *Clement* and *Butler*. September 4. Episcopal.

File 39-11. Presentments.

The health officers and magistrates request you to receive *Mary Petit*, a destitute girl, labouring under a bad fever. Signed *B. Tench*, *Hiram Slate*, *Walter B. Sheehan*, *James Black*. My bill is \$24, *Elijah Day*. Rejected June 12, 1840. To be sent to the Grand Jury September 9, 1840. *David Thorburn*, chairman, public accounts, *Port Colborne*, September 2, 1840.

Letter from *Charles Richardson* to *James Black*, May 8, 1840. Upon reference to my minutes, I made no note whatever of any claim of *Mr. Days*'. The account just handed to me, I shall lay upon the court on June 9th - the first day - with a certificate. My opinion is that the claimant will go upon the Grand Jury. Statement of circumstances.

James Butler, Grantham, charge for keeping his insane wife, *Mary Butler*, £5.

Mary Jupiter, Niagara, charge for keeping *Ann Jupiter* (insane) £3.5.0.

John Smith, Caistor, charge for keeping *Jane Harris* (insane) £6.10.0.; charge for keeping *Margaret Harris* (insane) £1.12.6.

Isabella Evans, Thorold, charge for keeping *Hannah Evans* (insane) £3.5.0.

Thomas Angleman, Thorold, charge for keeping *John Follock* (insane) £4.

Henry Wills, Louth, charge for keeping an insane person, £12.5.0.

Phebe Goodell, Grantham, charge for keeping an insane person, £8.15.0.

Richard Forrest, St. Catharines, charge for keeping *Francis Lynch* (insane) £3.5.0.

William Surby, Niagara, charge for keeping *Ann Baker* (insane) plus a sick person, £2.10.0.

Catherine Frank, Gainsborough, charge for keeping *Sarah Frank* (insane) £3.5.0.

Dr. T. Raymond, St. Catharines, charge for keeping *Eliza Mitchell Wilson* (insane) £3.5.0.

Martin Bauckman, Gainsborough, charge for keeping an insane person, £6.10.0.

Charles Freeman, Niagara, charge for keeping *Ann Baker* (insane) to September 15th, £3.15.0.

Haggai Skinner, Stamford, charge for keeping *John Campbell* (insane) £4.17.6.

File 39-12. Orders, September 10, 1840.

Joel Harris, \$5 from *William Ball* for bringing *Josiah Green* to justice, August 21, 1840.

John Jones, 5/- as witness in the *Samuel Cramer* case.

James Goslin, ordered cheque for excess taxes, error in his assessment.

Treasurer ordered to remit the amount collected for the *Lunatic Asylum* to the *Receiver General*.

Boundary Line Commissioners ordered to work with the Commissioners of the District office to define the boundary line between the two Districts.

Gaol Committee, ordered to sell the remains of the old fence around the gaol and court house.

Clerk of the Peace ordered £62.10.0. allowance.

Committee of Accounts: David Thorburn, Jacob Keefer, George Rykert, James W. Clarke, Lewis Clement.

File 39-13. List of Township Officers.

Letter from *James W. Perkins* to *Charles Richardson*, Walpole, September 11, 1840. What action can be taken by the court regarding monies in the hands of *David McFall Field*, late town clerk for Walpole? Something must be done soon, otherwise the year will pass and nothing can be done. Reply from Charles Richardson: I wrote to Mr. Field on July 8th to explain himself or attend on July 25th. I wrote the same day to Perkins that the letter will be laid before the magistrates on July 25th.

File 39-14.

David Baxter, Niagara, labourer, coloured man. Charged with larceny, stealing a \$4 bank note (value 20/-) and another of 5/-, the property of **Robert Tune**, Niagara, on August 10, 1840. Witnesses: Robert Tune, **Edward Bolton**, **Thomas Honor**, **Lewis Clement**. Evidence taken before Lewis Clement on August 12th: the money was taken out of the drawer in the grocery of Robert Tune. Baxter acknowledges taking the notes. Evidence of Edward Bolton: **Mr. Eastern** came to my room on August 12th early in the morning. He said that Robert Tune was robbed from the till. Eastern and Tune pursued the man who got away. They gave me a description. Bolton and Honor went to the **Ferry** at **Queenston** and met the man coming back. The ferryman saw us and two police coming and refused to take him across. We took him prisoner and brought him to Niagara. He was taken to Tune, and he acknowledged the theft. Evidence of Thomas Honor: corroborates the testimony. Evidence of David Baxter: was at Tune's, saw the bills on the counter. He asked Mrs. Tune for two buns. He took up the bills and put them in his pocket and went home. Mrs. Tune gave him two buns and a glass of ginger beer. Recognizance taken: Edward Bolton and Thomas Honor £10 each. Verdict: "guilty," sentenced to two years at hard labour in the penitentiary, September 8, 1840.

File 39-15.

Samuel Cramer, Stamford, labourer. Charged with assault and obstructing an officer, **Edward Honor**, constable, in his duty on August 29, 1840. True bill: **Henry Smith** (foreman.) Witnesses: Edward Honor, **C.G. Swan**. Evidence of Edward Honor taken before Swan on August 31st: he was walking on the further side of **Chippawa Bridge**. A girl named **Philis Messenger** was encircled by men on the bridge and crying. The men included Samuel Cramer and **Isaac Hicks**. She cried "Mr. Honor, will you not come and save me from these men?" I walked over and asked why they obstructed her on the highway. I told her to go about her business and the men to go to the other side of the bridge. Cramer stepped up and asked me who I was and what business I had to interfere. I said I was a police constable and not to meddle with me. Hicks swore an oath and said "We will take her in spite of you and you may help yourself." They went after the girl and I pursued them. I told them of trouble if they meddled. They replied that if I prevented them, that I should take it. On the other side of the bridge, nearly opposite the sentry, Cramer turned and made a fist and said "you will take it." I said "You've done enough and are my prisoner." I called to the sentry to assist me. I laid a hand on his shoulder. I warded off his blows. The prisoner tried to get the sentry's firelock. I struck at him, fearing that he'd get the musket. He let go of it and directed his fury at me, striking right and left, when he saw the sentry come to my aid he ran off across the bridge. I followed but could not overtake him. I followed him to the rear of **Evan's Tavern**. Hicks said "You shall not take him, you shall not get him." I applied to the Commanding Officer, **Captain Purdon**, for assistance. We found the prisoner in the archway at Evan's Tavern. I gave him over in charge of the militia in the barroom. He attempted to get away but the militia seized him. He repeatedly struck at them and tried to tear himself away. I knocked him down to prevent his escape. His shirt and trowsers were so much torn that he couldn't be held by them. He was taken to the **Guard House**, followed by 100 persons threatening him, who did not disperse for two hours afterwards. I was joined by **constable Anderson**. Evidence of Philis Messenger: resides at Chippawa. On her way home at dusk, she was stopped by Cramer and another man. They wanted me to accompany them but I refused, he put his leg between mine and threw me to the bridge, pulled my clothes up over my head. He said I must come with him. I screamed out to Mr. Honor. He followed me to the sentry but the police prevented him from following me any further. He called to the sentry for help. Cramer caught the police by the collar and pushed him up against the fence. Cramer ran back across the bridge followed by the police. I saw nothing more of them. Evidence of **James Irwin**: boards at **Crysler's Tavern** in Chippawa, was on the balcony at dusk and saw a girl come from the square to the bridge. Saw men on the bridge, one had a coat and the other did not, who stopped her. Another man came up in a frock coat who passed on. I

heard voices as if quarrelling. The man without a coat ran back, followed by the man in the frock coat. He cried to "stop in the name of the Queen." He went towards the *shipyard*, the other stayed at the corner. I couldn't recognize them. Nor can I say if the girl received a blow, but she was jostled and was crying. Evidence of **John Jones**, private, **3rd Battalion Incorporated Militia**: was a sentry on the bridge at Chippawa between 7 and 8 pm. Philis Messinger crossed the bridge with Hicks. Then Cramer, Honor and others came back. Honor found fault with Cramer for his usage of the girl. He said "he had a right to stop a whore, any whore, on the road." They fought. Tried to fire my gun and didn't succeed, and ran back over the bridge. I saw nothing more until escorted by the militia and police. Recognizance taken: James Irwin £25; **Joseph Moore and Fr. Luck**, Chippawa, £25 each for the appearance of Cramer. Verdict: "not guilty," September 10, 1840.

File 39-16.

Joseph Friesman, Niagara, labourer. Charged with larceny, stealing one wagon wheel (value 30/-) the property of **Joseph Whitney Haines**, Niagara, wagonmaker, on March 31, 1840. True bill: **Henry Smith** (foreman.) Witnesses: Joseph W. Haines, **Lewis Clement**. Evidence of Joseph W. Haines taken before Lewis Clement on September 3rd: the wheel was carried away from my shop. I was told by Friesman on August 1st that he took it and would bring it back but he hasn't. If he had, I would be satisfied. Evidence of Joseph Friesman: has nothing to say. Recognizance taken: Joseph W. Haines £10 to prosecute; Joseph Friesman £10, sureties **Bernard Roddy**, Niagara, yeoman £10 to appear. Recognizance of prosecution estreats. Defendant discharged by proclamation September 10, 1840.

File 39-17.

Josiah Green, Niagara, labourer. Charged with larceny, stealing two steers (value 50/-) and two heifers (value 50/-) the property of **William Michael Ball** on June 17, 1840. True bill: **Henry Smith** (foreman.) Witnesses: William Michael Ball, **Matthew McMullin**, **David Cooper**, **Abraham Secord**. Subpoena issued for David Cooper and Abraham Secord. Evidence of Matthew McMullin, Grantham, yeoman, taken before **Thomas Butler** on June 24th: He purchased four head of horned cattle at Grantham from Josiah Green at Grantham on June 21st; Green said he purchased them at Niagara. Paid £9 for them, a horse, sheep and money. The cattle were the property of William M. Ball. Evidence of William M. Ball taken June 23rd: the cattle were stolen, found in the possession of Matthew McMullin, butcher. Stolen by Green. Verdict: "guilty," sentenced to two years at hard labour in the penitentiary.

File 39-18.

Leonard Hicks, Niagara, labourer. Charged with assault and battery against **Peter White**, Niagara, of the steamer "**Queen**," on June 12, 1840. Witnesses: Peter White, **Peter Craig**, **James Hughes**, **Deborah Taylor**, **James Finlay**, **Edward M. Hodder** (M.D.), **Frederick Tench**. Evidence of Peter White taken before **Lewis Clement** on June 12th: deponent was struck with a club. Evidence of Peter Craig: Hicks came out of his house with a club and struck White in the street. White ran away. Question from the prisoner: did they come back to throw stones at the windows? Answer, no. Evidence of James Hughes: heard White and Hicks disputing in Hick's house. White was in the street with a club, went to the house and pushed the door open with the club and told Hicks to come out. Hicks came out with a club and struck White in the legs. White knocked away the club. James Finlay came out and went toward Craig, Craig threw a brick at Finlay and both threw stones. Evidence of Deborah Taylor: corroborates testimony. Evidence of James Finlay: corroborates the testimony. White went to the **British Hotel**. Finlay and Hicks met White between **Winright Proctors** and **Cryslers corner**. They passed each other. Someone said

“there’s the man who punched open the door.” I saw he had a club. I went after him and overtook him, and asked what he meant by acting as he did. We spoke a short time on the subject, the man turned around to fight. Hicks struck him with a stick. Then we went home. Evidence of Edward Hodder: the wound on White’s arm may be fatal but they usually heal. Peter White asked Finlay if he had a club when he was overtaken at Crysler’s corner? Answer, did not know. Evidence of Frederick Tench: heard a noise in the street at Leonard Hick’s. Heard a running in the street near Crysler’s corner. Heard violent blows with a stick. I ran out with Dr. Hodder and saw White bleeding profusely. He was attacked by two men, one with a club. The injuries might have been more serious if it were at a public place. Recognizance taken on June 13th: Peter White £10; James Finlay £10; **John Leonard Hicks** £50, sureties Winright Proctor, Niagara, innkeeper and **Alex Anderson**, Niagara, labourer, £25 each. Leonard Hicks brought up and discharged September 9, 1840.

File 39-19.

Thomas McChesney, Thorold, labourer and **Paul Carmichael**, Thorold, labourer. Charged with larceny, stealing one white gander (value 1/-) the property of **John F. Skyring**, Thorold, labourer, on August 4, 1840. No bill: **Henry Smith** (foreman.) Witnesses: John F. Skyring, **Alexander Winslow**, Thorold, innkeeper. Evidence of John F. Skyring taken August 6th: the gander was safe in a pen at night, no others were with it. It was missing on the 5th, feathers with blood traced to Winslow’s tavern. Winslow pointed to the prisoners, said they brought the gander, he refused to admit them (he suspected it was stolen.) McChesney said he took it “in a drunken frolick.” Evidence of Alexander Winslow: he was awakened by his sister, discovered a light in the kitchen and thought it was on fire. He hurried down and found two men, one on the stoop, the other near it. The kitchen door was open, the fire burning. A white gander with it’s head off was lying on the stoop. I was vexed and asked how they did such a thing? McChesney made no answer and walked off. Carmichael said it was a joke and went away. I threw the gander after them, have not seen it since. Pointed out the men to Skyring. McChesney boards at my house, has been very intemperate for several days. Evidence of Thomas McChesney: His head is not right, doesn’t recollect anything, had offered to settle with Skyring. Evidence of Paul Carmichael: is “not guilty” of the charge. Recognizance taken before **Jacob Keefer** on August 5th: John F. Skyring and Alexander Winslow £10 each; recognizance taken August 6th: Thomas McChesney £10, sureties **Anthony Lacey**, Thorold, shoemaker and **James McIntyre**, Thorold, tailor, £5.

File 39-20.

Alexander McNaughton, Queenston, labourer, **John Wolf**, Queenston, labourer, **James Chambers**, Queenston, labourer, **Thomas Sander**, Queenston, labourer. Charged with riot and assault against **William Pendergast**, Queenston, shoemaker, on July 31, 1840. No bill: **Henry Smith** (foreman.) Witnesses: William Pendergast, **Mary Carol**, **Michael Carol**, **Thomas Carrall**, **Neil McCalley**, **James Flannagan**, **Daniel Wadsworth**, **Chester Wadsworth**. Evidence of William Pendergast taken before **David Thorburn** on July 31st: soldiers of the **3rd Battalion of Incorporated Militia** in a tumultuous manner made an affray on July 30th or 31st. They entered my house forcibly, broke the windows and did other injuries to the house. They maltreated myself and my wife with blows. Evidence of Alexander McNaughton taken before **Tench** and Thorburn on August 1st: called at the house between 12 and 1 am with **Duff** and his comrades Chambers and Wolf to ask if Mr. Tench was there. Duff entered and the door was shut. Deponent went to Mr. Wadsworth’s grocery to call for another comrade who was not there. Wolf and Chambers left me. I met Sanders and we went past Pendergasts. Two or three men were sitting near the door. One ran out with a club and struck me on the head. I clinched the assailant. Two men aided the assailant and struck me. I fell senseless to the ground. I was carried away by my comrade and the

others, came to my senses in an [orchard?] Denies having words with the complainant. Evidence of William Pendergast: was at the house of Michael Carol. Was called upon by Mr. Duff and 3 soldiers of the 3rd Battalion I.M. He asked if there were any men there? Thomas Carol replied no, but said to look and if there were any there to take them and begone. Duff entered. The soldiers left and immediately a window was broken from outside. Done by the soldiers? I ran to the officers quarters (**Mr. Brown**) to inform him, and have the soldiers taken away. **Lieutenant Hamilton** wouldn't take the request. Deponent went home, while going to his house he was struck by the fist of a soldier with no coat at the outer door. I struck back, and Neil McCalley and others ran to assist me. I put them out, they threw stones at the door and into the house. McCalley aided to hold the door against them and preventing their entry. **Mrs. Pendergast** was outside, and on hearing her voice opened the door to let her in. She was much alarmed and abused by words and blows. The soldiers increased in number, the windows were attacked with stones. They broke the sashes and 41 panes of glass. I put my wife, mother-in-law, and **Mrs. Neil McCalley** into the cellar for safety. The soldiers continued to throw stones and pull the roof off the house. Doesn't know why they did it, deponent never gave them any offence. The week before 4 panes of glass were broken, believes defendants did it. Evidence of Mary Carol: Sat at the table at 11:30 with her husband, sister-in-law, a female from Toronto and her husband. Had some beer. The Pendergasts and McCalleys came in. The soldiers then came in, and her brother-in-law, Thomas Carol, asked them what they wanted? They asked after men, and I told them to go. 2 or 2½ hours later there was the noise of rocks at the outer door. Mr. Duff asked for Mr. Tench. The soldiers came with him from **Mr. Joseph Wynn's**. Duff came in, the door was shut and then the windows broke. Heard a noise and found my brother-in-law in the hands of 2 soldiers who were ill-treating him by blows, bowed down on the ground on his knees and hands. My husband ran to aid him and struck with a club. The soldiers ran up the street, I followed to Mr. Wardsworth's. **Mrs. Wardsworth** called to me to go home, fearing harm, and begged the soldiers to go back to the barracks. She called one "Alex," and said he'd done enough. He said he'd smash the house down. I asked Mrs. Wardsworth if that was the man who broke the windows before? She said his name is Alex McNaughton. On returning home, we found the windows broken and also at Pendergasts. I begged through the broken pane for them to desist or they'd get hurt. They stopped here, but continued at Pendergasts. 5 or 6 soldiers were engaged. Evidence of Thomas Carol: the soldiers said they had the right to search the house. Deponent told them to be gone, he didn't keep an open house, there were no soldiers there. Went out, and near Pendergasts two soldiers came towards the house and said "Come on, boys" and began to jostle me. I remonstrated, they struck me and had hold of the stock on my neck, pulled it and tore the back from my vest, dragged me by the neck to the middle of the road. They beat me with their fists until I was rescued by my brother Michael. Wife produced the applet of a soldier which he pulled from the coat of one who began the jostling. They continued on Mr. Pendergast's windows for a long time. I heard no offensive language, attack was unprovoked. Evidence of Neil McCalley [signed **Neill McAuley**]: was invited to Mr. Carol's. Mr. Pendergast was sitting near the outer door. Soldiers came along the walk. He asked what the soldiers was doing so late at night, and they said it was none of your business and put a fist to his nose. The children were put in the cellar away from danger. The soldiers kept hammering on the door and breaking windows until daybreak. They gave a hooray with every volley of stones thrown and gave cheers on leaving. Said he'd bring as many men as would pull the roof off the house. Evidence of **George Sanderson**, 3rd Batt. I.M.: He met the prisoners at **Wardsworth's grocery** at 11 pm. Went to the **tannery**, and when opposite Pendergast's house he saw men at the door. Question: were they sitting or standing? The prisoner didn't assault them. One called out "there goes the damned [-----]" and words followed with blows with a club. There was an affray in the street, the head of the prisoner was cut, lay on the ground in the street in a senseless state. Three men in the attack. I ran and returned, we carried the prisoner to an orchard in a senseless state. Don't know the names of the men. Left the prisoner sitting up against a tree, and I left for the barracks. I didn't tell the men what had taken place. The

prisoner came back to the barracks at 5 am. I didn't ask how he was. I tied up his head with a handkerchief to stay the flow of blood. Recognizance taken August 3rd: William Pendergast £25; recognizance taken September 2nd: Mary Carol, Michael Carol, Neil McCalley, Daniel Wadsworth and Chester Wadsworth £10 each to appear. Defendants committed on August 1, 1840.

File 39-21.

Ambrose Oakes, Niagara, labourer. Charged with larceny, stealing one jar (value 6d), 5 lbs of raspberry preserves (5/-), one tin dish and milk (1/-), one pound of butter (6d) and one plate (3d) the property of *Patrick Finn*, on August 18, 1840. Grand Jury presentment attached. Witnesses: Patrick Finn. Verdict: "guilty," sentenced to one month in gaol.

File 39-22.

Eliza Robison, Niagara. Charged with larceny, stealing one muslin gown (value 15/-) the property of *Eliza Wagstaff* on June 18, 1840. True bill: *Henry Smith* (foreman.) Witnesses: Eliza Wagstaff, *William Surby*, *Lewis Clement*. Verdict: "guilty," sentenced to six months at hard labour in the penitentiary, September 9, 1840.

File 39-23.

Eliza Robison, Niagara. Charged with larceny, stealing one counterpane (value 5/-) the property of *John Wagstaff*, on June 18, 1840. True bill: *Henry Smith* (foreman.) Witnesses: John and *Elizabeth Wagstaff*, *William Surby*, *Lewis Clement*. Evidence of Eliza Robison taken before Lewis Clement and *Thomas Butler* on June 19: she purchased the counterpane and dress from a man gone to St. Catharines. Evidence of Elizabeth Wagstaff, Niagara: a printed muslin dress and counterpane were stolen from her father John Wagstaff's house, and found in the possession of Eliza Robison. Evidence of William Surby: he saw Robison, a wandering vagrant, come through the market place with a "collard" muslin dress and counterpane, the counterpane dragging on the ground. He suspected it was stolen and made Robison a prisoner. Identified as belonging to John and Elizabeth Wagstaff. Verdict: "guilty," sentenced to six months at hard labour in the penitentiary plus six months time.

File 39-24.

Ann Warren, Niagara. Charged with larceny, stealing one counterpane (value 5/-) the property of *David Boyd*, on September 2, 1840. True bill: *Henry Smith* (foreman.) Witnesses: David Boyd, *Eliza Tune*, *Thomas Butler*. Verdict: "guilty," sentenced to six months at hard labour in the penitentiary, September 8, 1840.

File 39-25.

Ann Warren, Niagara. Charged with larceny, stealing four pairs of children's cotton socks (value 2/-) the property of *James Rhodes Boyd*, Niagara, gentleman, on September 2, 1840. True bill: *Henry Smith* (foreman.) Witnesses: James R. Boyd, *Eliza Tune*, *Thomas Butler*. Evidence of James R. Boyd, taken before *Lewis Clement* and Thomas Butler on September 3rd: the socks were stolen from the yard, found in the possession of *Robert Tune*, Niagara, baker, and a woman who refused to give her name. Her name is unknown to the deponent. Evidence of Ann Warren: she says her name is Ann Warren. She doesn't know how she got the socks. Refuses to sign her statement, September 4th. Evidence of *David Boyd*, Niagara. A bed coverlet and counterpane

were stolen from the yard, value 5/-. Evidence of Eliza Tune, wife of Robert Tune, Niagara, taken September 4th: a woman named Ann Warren gave me a pair of socks in payment for bread and ham and a glass of beer. Had "Boyd" marked on them with black ink. Evidence of David Boyd and James R. Boyd: the woman's name is unknown to the deponents. Recognizance: Robert Tune £10 for his wife to appear, David Boyd £20 to appear. Verdict: "guilty," sentenced to six months at hard labour in the penitentiary plus six months time, September 8, 1840.

File 39-26.

Russell Wells, Niagara (**Queenston**), carpenter/labourer. Charged with larceny, stealing pantaloons, a coat (value 20/-), vest (5/-), Bible (2/-), prayer book (2/-) and 3 yards of cotton drill (4/-) the property of **William Anthony**, Queenston, tailor and private in the **43rd Regiment** on June 30, 1840. True bill: **Henry Smith** (foreman.) Witnesses: William Anthony, **Edward Defield**. Evidence of William Anthony taken before **J. Mewburn**, July 2nd: the goods were stolen from my shop by Wells. Evidence of Edward Defield: heard of the robbery by his son-in-law Wells. Evidence of **Ann Wells**, wife of the prisoner: went to **Lewiston** at noon on Monday, pursued and overtook Wells on the road to **Lockport**. Remonstrated with him to give up the things and not bring her and the family to disgrace. After some time being threatened with gaol he threw down the bundle (coat and handkerchief) and the vest he had on which he wouldn't give up at first. Evidence of William Anthony: swears the coat and vest are his. Recognizance taken: William Anthony £25, Ann Wells £12.10.0. Russell Wells committed for want of sureties. Verdict: "not guilty," September 10, 1840.

File 39-27.

Martin Woolmansy, Thorold, labourer. Charged with larceny, stealing a silk handkerchief (value 3/9-), pantaloons (3/9-), boots (15/-), 5 cotton shirts (12/6-), flannel drawers (6d) and stock (1/-) the property of **William Mitchel Sweatland**, master of the schooner "**O.P. Starkey**," on June 25, 1840. True bill: Henry Smith (foreman.) Witnesses: William Mitchell Sweatland, **Washington Burr**, **Luther Boardman**. Search warrant issued by **Duncan McFarland**, **Port Robinson**, to constables on June 28th. Evidence of Washington Burr, New York, mariner: goods were carried off from the schooner "O.P. Starkey" at 12 pm, June 27th. Silver watches, frock coat, pantaloons, 2 waist coats, 7 cotton shirts. Part found on the schooner "**Josephine**" and the rest on the "**North America**." Evidence of William Mitchel Sweatland taken before **E.S. Adams** and **Henry Mittleberger** on June 30th: deponent missed his silver watch (value £6.5.0.) His pocket[book] was lying open, 5/3- was gone, also 3 farthings and some small trinkets, also his clothing and flannel wrapper (1/3-), socks, silver pencil case (2/-), pocket knife and comb. Evidence of Martin Woolmansy: he went on the schooner in the **Welland Canal**. He took the goods identified by Captain Sweatland and **Charles Henry Lewis**. He was intoxicated. The next morning he intended to return the goods if he could without being discovered. Thought he'd deliver the goods at **Oswego** since he couldn't do it as planned. Resides in **Jefferson County, New York** and is a seaman. Evidence of Luther Boardman, Humberstone: he received a search warrant from Duncan McFarland, and another order from **Mr. Black** at **Port Colborne** that the "Josephine" and "North America" were not to leave the canal. While preparing to search, Woolmansy left the "Josephine." **W. Burr** delivered a warrant to me for Woolmansy. Heard the prisoner confess the theft. Recognizance taken before Adams and Mittleberger: William Mitchel Sweatland £20, sureties Washington Burr and Charles Henry Lewis £20 each. Plea: "guilty," sentenced to 11 months in the penitentiary, September 9, 1840.

File 39-28.

Martin Woolmansy, Thorold, labourer. Charged with larceny, stealing one frock coat (90/-), pantaloons (35/-), satin vest (20/-), black silk handkerchief (2/6-), and cloth cap trimmed with fur (20/-) the property of **Charles Henry Lewis** of New York on June 28, 1840. True bill: **Henry Smith** (foreman.) Witnesses: Charles Henry Lewis, **Washington Burr**, **Luther Boardman**. Evidence of Charles Henry Lewis taken before **Henry Mittleberger** and **E.S. Adams** on June 30th: Deponent is a mate on the "**O.P. Starkey**." Did not see prisoner before today, was not on board the schooner. Also had a pocket knife (5/-) taken and 11/10½- money in his vest (ie, \$1 of the **Lancaster Bank**, Ohio, \$1 of the **Oswego Bank** and some change.) Plea: "guilty," sentenced to one year at hard labour in the penitentiary, September 9, 1840.

File 39-29.

Martin Woolmansy, Thorold, labourer. Charged with larceny, stealing one watch (value 120/-) the property of **Washington Burr** of New York on June 28, 1840. Witnesses: **Washington Burr**, **Luther Boardman**, **E.S. Adams**. Evidence of **Washington Burr** taken before **Henry Mittleberger** and **E.S. Adams** on June 30th: my clothing was stolen off the **Starkey** while in the **Welland Canal** near **Lock 18**. Also an English watch (value £6) and 1/6- cash were taken. Obtained a warrant from **Duncan McFarland**, the watch was in the possession of **Edward Welch** of the schooner "**Albany**" who got it and another, of **Captain Sweatland** (£7). Went with the prisoner to the old house of **Philip Shaver** who showed him the goods hidden in a small barn. The goods of **Charles Lewis** of O.P. Starkey were all delivered up to me. Evidence of **Martin Woolmansy**: Confessed he entered the schooner at 12 pm and found all the men asleep, entered the cabin and took the articles. He is uncertain of the value of **Sweatland's** watch. *Nolle prosequi* ordered, September 9, 1840.

File 39-30.

The Treasurer ordered to communicate with other treasurers in the Province to ascertain the amount of *wild land taxes* received by the late treasurer **Malcolm Laing** and transmitted. Sureties to make good any such monies paid to **Laing** and not transmitted, November 7, 1840.

Niagara District Quarter Sessions, December 1840.

File 40-1. Accounts.

James W. Perkins. Charge for a coffin and digging a grave for *Peter Manville*, Rainham, October 29, 1840, £3.10.6

Mr. Kingsmill, Sheriff's Account, £34.3.10.

John Clark, deputy sheriff, £6.10.0.

Amos Leech, constable account, £2.1.3.

P. McGuire, charge for boarding a blind man for 3 weeks, £2.5.0. (Certified by *James Lockhart*.)

J. Lockhart, charge for cotton £1.5.0. "October 22nd, *P. McGuire* for boarding a blind man, a pauper belonging to the Niagara District, sent by the magistrates of the London District and left at my store."

Henry Rolls, attendance as gaol surgeon, £10.

Charles Fell, charge for measuring gaol and court and for a plan thereof, £2.10.0.

George Longhurst, charge for beef, £4.1.1½.

R.M. Clement, pilot-cloth⁶¹ and buttons £1.10.6.

William Row, constable account, 17/0-.

Dr. Mewburn (coroner), charge for holding an inquest on the body of *William Owens*, Chippawa, December 7, 1840, £1.19.0; on *David Sutherland, Drummondville, 93rd Highlanders*, October 17, 1840, £2.

George McKinley, Chippawa. Charge for digging a grave for *William Owens*, 5/-.

Jonathan Slater, constable, charge for summoning a jury to an inquest held on the body of *William Owens*, 5/-.

Joseph Wynn (coroner), charge for holding an inquest on the body of *Peter Diamond*, plus making a coffin and digging a grave, November 30, 1840, £2.9.6.

William Duff Miller (coroner.) Charge for holding an inquest on the body of *Mary Conlin*, October 26, 1840; on *James Birtwistle*, October 27th; on *Patrick Donnelly* (at the gaol) November 22nd, £5.15.5.

Alexander Ross, assize constable, £3.5.0.

George Foley, constable account, charge to convey prisoner *David Brown* to gaol, 2/6-.

⁶¹ An indigo blue woolen cloth used for greatcoats &c. (OED.)

Thomas Dority, charge for bread £18.3.0.

John Clark, deputy sheriff. Charge for an arrest on a felony charge on a schooner at **Port Dalhousie**, November 12, 1840: **Morgan Stocking, Henry Ketchum, Orrin Lilley, William Hopkins, Charles Jackson, John Condin**, £3.3.0.

Bernard Roddy, High Constable, £4.0.9; court constable (assizes) £4.17.6.

William Surby, assize constable, £3.5.0.

Charge for cotton for the gaol, January 22, 1838. Signed **Thomas Butler, William M. Ball, Daniel McDougall**.

E.S. Wheeler, charge for brooms, gravel for the yard, cleaning the privy, whitewashing, saw dust for the court, stationery, glazing, straw for the cells, washing, candles, 5 yards of cotton for **Donely**, maintenance of **Mrs. Robinson**, £17.7.0.

John Hawn, constable account, £1.6.6.

Boundary Commissioners: charge to establish the **Garrison Line** in Bertie, £25.9.1. Signed **George Rykert, Samuel Wood** and **J. Keefer**.

Silvanus Cleveland, court constable 11/3-. Bills of costs £5.1.6 and £3.1.0.

John Wagstaff & Son. Charge for tin kettle, cups, stove pipes, elbows, conductors and joints, £5.17.10.

Dr. William Ferris, charge to attend an inquest held on the body of **Henry Diveth**, deceased was murdered in St. Catharines, March 24, 1840, £1; charge to attend an inquest held on the body of **Henry Hews**, found dead in the **Welland Canal** April 25th, £1.2.0. (Certified by **Samuel Wood**, coroner.)

John Swinton, charge for a coffin for the prisoner, November 23, 1840, 10/-.

John Hawn, charge for digging a grave for **Patrick Donley**, November 23, 1840, 5/-.

George Folley and **Solomon Secord**, assize constables, £3 (Folley) and £3.10.0. (Secord.)

Francis Proctor, assize constable, £2.15.0.

James Ralston. Charge for calico, cotton, red flannel, soap, socks, bed ticks, £7.9.9.

William Kingsmill, attendance at the assizes, £8.2.6.

James Levell, charge for services as turnkey, £15.

John Simpson, printing charges for cheques, marriage returns and census blanks, £4.

H.J. Shaw, charge for spikes, washers, bolts, shackles, hand iron £8.5.1.

Dr. McPherson, charge for attending an inquest held on the body of **John [Moses?]**, Cayuga, November 25, 1840, £1.3.6. (Certified by **Peter B. Nelles**, coroner.)

Thomas Gibson, constable. Charge for arresting **Betsey**, an Indian woman charged with murder, November 1840, £5.13.9.

Samuel Proctor, assize constable, £2.15.0.

Orange Skryer, constable account, £2.1.3. (Certified by **William Smith**, Bertie.)

William Row, constable account, kept in charge of the schooner "**Jefferson**" for 7 days, £3.18.9.

John May, constable account, charge for arresting **Samuel Veddon**, £1.2.0.

Luther Boardman, constable account, £5.17.11.

Edmund DeCew, charge as **Surveyor of Highways** £7.15.0. To examine a road on the railroad line across Walpole August 17th and 18th, 1840; to examine a road from the **Park Settlement** to the **Talbot Road**, August 19th.

List of Accounts Examined by Committee at Niagara and Passed, December 9, 1840.

File 40-2. Cheques.

John Clark (Deputy Sheriff) £2.

Sheriff Kingsmill, £2.10.0.

Bernard Roddy, constable at sessions, £1.10.0.

George Foley, constable at sessions, £1.

Alexander Ross, constable at sessions, £1.

William Surby, constable at sessions, £1.

Thomas Sledge, constable at sessions, £1.

Francis Proctor, constable at sessions, £1.

Thomas Butler, stationery for court £3.15.0.

File 40-3. Other Accounts.

E.S. Wheeler, charge to convey five prisoners to the penitentiary, from Niagara to Toronto and then to Kingston, £17.2.6.

File 40-4. Accounts Rejected.

George Havens, charge for bringing **Felix Havens** and **Peter Smith** and his wife to gaol from the **15 Mile Creek**, December 20, 1839.

William Cumpson [alias **Cumson**], £3.5.0. as assize constable. [Rejected, is not a constable.]

Henry Charles, charge for a coffin and digging a grave for **Mrs. Kennedy**, a pauper, August 24, 1839; charge for a coffin and grave for **Mrs. Thompson**, a pauper, August 3, 1840, £1.5.0.

Joseph Wynn (coroner.) Charge for taking view of a body of an unknown person, found drowned in the Niagara River, lying dead in your Township of Niagara. This is to certify that you may lawfully permit the body to be buried and for so doing this shall be your lawful warrant.

File 40-5. Treasurer's Accounts.

Niagara District In Account Current with the Treasurer for the Quarter Ending December 8, 1840 and Rendered to the Quarter Sessions December 9th. Signed **Daniel McDougall**. £642.15.3., orders paid £548.16.10½, balance in hand £93.18.4½.

File 40-6. Convictions (**Swan** and **Delatre**, JP's, Drummondville)

Leonard M. Harper, charged with selling beer with no licence at Chippawa, fined 2/- (for use on the highway) and 12/9- costs, October 19, 1840. (**Constable May**.)

Real Secord, St. Davids. Used a still larger than that specified in his requisition for a licence, fined 8/- plus 19/9- costs, October 19, 1840. (**Constable May**.)

Michael Byrne, purchased the trowsers and drawers and Regimental necessities of **Private Thomas White, 93rd Highlanders**, at Stamford on November 26, 1840. Fined 5/- plus 18/3- costs, November 28, 1840.

File 40-7. Convictions (**Jacob Keefer**, JP, Thorold)

Robert Holditch, innkeeper. Sold spirituous liquor at Pelham to an Indian woman. Fined 2/- plus £1.6.6. costs, November 7, 1840.

George Peterson, charged with trespass against **Joseph Fields**, Thorold, labourer on November 7, 1840. Peterson broke the doors and windows of Fields. Fined 16/3- plus 19/- costs, November 9th.

Henry Hellems, charged with trespass on October 27, 1840. Hellems shot and killed the dog of **Peter Davis**, Grantham. Fined £1.15.0. plus £.1.0.3. costs, October 28th.

Charles McArdle, charged with larceny, stealing the axe of **John Douglass**, Thorold, labourer, on November 10, 1840. Fined 12/6- costs, November 11th.

Joseph Merithew, Samuel Diffin, Patrick Graham and **Isaac Curry**, charged with trespass against **Joseph Fields**. Fined £2.4.3. plus liable for costs, November 9, 1840.

File 40-8. Convictions (**Mewburn**, JP, Stamford.)

Hiram Peterson, Niagara. Peterson kept two dogs at or near **St. Davids** on November 27 and 28, 1840, which worried and destroyed two sheep, the property of **Alexander Gordon**. Witness: **Martin Dorshimer**. Fined £1.15.0. plus 14/- costs, November 30th.

Hiram Peterson, Niagara. Peterson kept two dogs which worried and destroyed 12 sheep, the property of **George Kitson**, tavernkeeper, Stamford. Witness: **Martin Dorshimer**. Sheep valued at £5. Fined £2 plus 14/- costs, November 30th.

File 40-9. Appeals.

Before **Delatre** and **Swan** at **Drummondville**, November 23, 1840: **John Kirkpatrick**, Chippawa, distiller, made use of a larger still than in his requisition for a licence to the District Inspector. Fined 10/- plus £1.19.3. costs. Recognizance to appeal taken December 1st: **John Kirkpatrick** £20, surety **Joseph Woodruff**, Drummondville, storekeeper, £20. Witnesses: **Philip Secord**, **James Jennings** and **Thomas Micklejohn** of Chippawa. [Witnesses not summoned, but **Mr. Miller** was notified of the appeal.]

File 40-10. Correspondence.

Letter from **David Thompson** to the Chairman of the Sessions, Indiana, March 10, 1840. Prays to have a **Surveyor of Highways** appointed who is resident in Haldimand. Recommends **Edmund DeCow** of Cayuga (Deputy Surveyor) or **John Jackson** of Seneca, engineer on the **Grand River Navigation**, as fit and proper.

Letter from **John Willson** to **Charles Richardson**, Saltfleet, September 10, 1840. Has been called upon by the Lieutenant Governor to determine the boundary between the **Gore** and **Niagara Districts** through the Indian lands. **William McRay** appointed agent for this District. Your court had no notice of the time and place of the meeting. Cannot arrange it before your next court. An agent appointed for your District is indispensable. He can communicate with your **Boundary Commissioners** and myself and Mr. McRay and we can soon make the necessary arrangements for a meeting for the determination of business. [Referred to the Quarter Sessions. Court decided that no person was to be appointed on the part of the Niagara District, December 8, 1840.]

File 40-11.

Return of Prisoners Confined in the Niagara District Gaol, Sheriff Kingsmill, December 8, 1840:

Thomas Johnson, age 63, born in England. Arson. Orders of **H. Nelles**. June 12th. Tailor. Episcopal. For want of bail.

Thomas Shanahan, 24, Ireland. Larceny. **E.S. Adams**. October 21st. Labourer. Catholic. **Betsy** (Indian woman.) Murder. **D. Thompson**. November 30th.

File 40-12. Filings.

Thomas Shinahan. Charged with larceny, stealing a dung fork, the property of **Warner Nelles**, (value 10/-.) Evidence taken before **E.S. Adams**, October 21, 1840, on the complaint of **Gabriel Coleman**, Grantham, labourer: on Monday last someone passed by Coleman's house near Warner Nelles' and took the dung fork of Nelles. Evidence of **John Gilles**, Grantham: found the dung fork in the possession of an unknown man near **Reuben Lambert** in Grantham. Evidence of **Thomas Shinahan**: he took the fork from a field near some straw in the field of Nelles.

Robert Kay, Niagara, innkeeper. Charged with assault against **Ellen Norman Morrison**, Niagara, on November 18, 1840. Evidence of Ellen N. Morrison taken before **Lewis Clement** and **Thomas Butler** on November 18th: deponent is in possession of the house and premises of **Alex McLeod**, Niagara. Kay came to her house and asked admittance which she refused. He forced his way in,

and broke the bolt on the back door. He went to a trunk in an inner room and took the books and papers of Mr. McLeod, opened them and read them. He took up a pair of fire tongs and said he'd strike the deponent if he was further interrupted. She didn't interrupt him through fear.

Recognizance taken: Ellen N. Morrison £10, surety [-----] £10. Recognizance taken before Lewis Clement on November 20th: Robert Kay £20, sureties **Francis A.B. Clench**, Niagara, gentleman and **Jacob Kenniff**, Niagara, watchmaker, £10 each. Certificate from **John Alma**, December 11, 1840: Ellen N. Morrison, Niagara, is a necessary and material witness against Robert Kay, but cannot attend due to her very delicate state of health.

File 40-13. Assize Filings.

Andrew Muir, Grimsby, yeoman. Charged with assault and battery against **Robert F. Gourlay**, Niagara, on September 10, 1840. Grand Jury presentment signed by **George Rykert** (foreman) and filed by **J. Stewart** on October 15th. Gourlay was bruised, wounded and ill treated with no provocation. Recognizance taken before **H. Nelles** on November 4th: Andrew Muir £100, surety **James Patterson**, Grimsby, merchant, £50. (**Robert Baldwin**, Solicitor General.)

File 40-14. Presentment.

Grand Jurors inspected the gaol. The cells are in clean and proper condition. Few prisoners now confined here have no cause of complaint. Every attention is paid for their comfort "which the construction of the building itself and other unavoidable circumstances will admit of." The deplorable condition of those unfortunate persons the destitute and insane. Should rent some building for their provision until the **Provincial Lunatic Asylum** is erected and fit for their reception. Disorderly state of licenced houses for beer and spirits. The character of persons applying for a licence should be strictly inquired into, December 8, 1840.

John Smith (instead of **James Lymburner**), for keeping **Jane Harris** £6.10.0.

Isabella Evans, for keeping **Hannah Evans** £6.10.0.

Richard Forrest, for keeping **Francis Lynch** £3.5.0.

Dr. T. Raymond, for keeping **Eliza M. Wilson** (insane) £5.7.6.

Mary Jupiter, for keeping **Ann Jupiter** (insane) £6.10.0.

Phoebe Goodle, for keeping **Harriet Hague** (insane) £8.2.6.

Henry Wills, for keeping **Mary Richardson** (insane) £9.15.0.

James Tisdale, for keeping **Sarah Frank** (insane) £4.17.6.

James Lymburner, for keeping **Jane Harris** (insane) £6.10.0.

Thomas Angleman, for keeping **John Folick** (insane) £4.

Henry Wills is in charge of keeping **Mary Richardson** (insane) at \$4 per week. She is still in a deplorable state, no other person will have charge of her and it is more for the charity than even the remuneration at the above price that induces Wills to take charge of her. Prospects of payment are remote, we beg leave to the Grand Jury that any presentment in Wills' favour be accompanied by the desire that he be paid out of the monies in the hands of the Treasurer. Money must be paid for her clothing and other things. Louth, December 3, 1840. Signed: **W. Adams**, **P. Buckbee**, **J.F. Schram**, **Henry Johnson**, **Daniel Moore**, **Peter Hochstrosser**, **John Moore**, **Joseph Fretz**, **John [Coby?]**, **Barnabas Haines**, **Benjamin Martin**, **Baltice Hochstrasser**, **Peter Disher**, **Loyal Davis**, **Philip Beamer**, **Jacob Shelly**, **George Clark**.

File 40-15. Market Records.

Letter from **Thomas Creen** to **Charles Richardson**, July 11, 1840: The office of **Market Clerk** is vacant. Recommends **Mr. Senior**. He has been known to me for some time and well deserves encouragement. A long severe illness and the effects on his constitution induces him to seek this position. He is well disposed and conscientious. His residence at **McMullin's** near the Market is convenient. I am persuaded that he will do his duty well and faithfully.

Letter from **Thomas Creen** to **Charles Richardson**, November 7, 1840: If anything is to be done by the **Trustees of the Market** or Magistrates to change the appointment of the clerk, **Mr. Senior** is anxious to obtain the appointment. I can conscientiously recommend him as deserving and a proper person.

Thomas Butler, December 8, 1840. The Magistrates in Quarter Sessions at the Court House recommend the prayer of the petitioners to His Excellency the Governor General with a sincere note that he will give consideration to the merits of it that will realize the expectations of the petitioners and "the advantages that the public anticipates." Grand Jury presentment, prayer for an additional lot for Market purposes. (vote 4:2.)

File 40-16. Orders.

Committee to examine and report on the accounts of the Niagara Market Trustees to be submitted by January 1, 1841. **Thomas Butler, Robert Melville, James Lockhart, Daniel McDougall**, December 8, 1840.

Committee of Accounts: Jacob Keefer, Nathan Pawling, Lewis Clement, Dr. Mewburn, Ball, December 8, 1840.

Clerk of the Peace, cheque ordered for his salary; £31.6.0. ordered for his next quarter's salary, December 10, 1840.

Refund ordered to be paid to **James Parke** (9/8-) and **John Killins** (7/7½-) of Caistor for over assessments in 1840. Dated December 11, 1840.

Accounts of the Market Trustees to be referred to a committee of five magistrates. To be audited and reported upon for the next sessions, and to render a copy of the report to the trustees if they require it, December 9, 1840.

Letter from **William Kingsmill** to the Magistrates, December 9, 1840: An application by the late sheriff Mr. **Kenneth Cameron** (retirement) for his fees is not yet disposed of. He performed various duties for which he received no compensation. An adoption of fees for similar services allowed to the **Sheriff of the London District** should be made. [Referred to the next Sessions. Ordered to obtain copies of allowances, tariff of fees, made to the **Sheriff of the Home District**.]

File 40-17. Presentment.

List of Grand and Petit Jurors compiled by **Thomas Butler** and **James Lockhart**, October 23, 1840 for Sessions on December 8th. (Certified by **William Kingsmill**.)

Grand Jury: **James Miller, William Barr, Charles R. Luscombe, Robert Roy, James Butler, Gordon Wilson, George B. Lawrence, Benjamin Marcle, William Copeland, John Gourley, John Mills** (Niagara); **James Tisdale, Moses Merritt, William Nevills, Andrew B. Gregory, John**

Merritt, James Lymburner (Caistor); **Richard C. Griffin** (Grimsby); **Zephaniah Brown, Martin D. Lamatter, John Schofield, Philip Metler, John S. Price, Benjamin More** (Pelham.)

Petit Jury: **Jonathan Fulsom, Henry Miller, Joseph Phelps, Henry Sensibaugh, Oliver Fulsom, David Merritt, James Hodgkins, James Lymburner, Michael Lymburner, Robert M. Lymburner, William Davidson, John Killins, Frederick Dockstader, Henry Smith, Frederick Smith, Merritt Johnson, Eli W. Lounsbury, Joseph Lyons, George Ray, Joseph N. Millard, Peter Felker, David Sanford, Benjamin Bartlet, William May, Abraham Travis, Andrew B. Gregory, Horace Greenman** (Caistor); **David Disher, William Disher, William Waters, Eli Hyatt, Joshua Hyatt, John Hany, Ebenezer Hany, Aron Lambert, Matthias Lambert, Leonard Hany, Thomas Jennings, Ira A. Farr, John Conger, Abraham Swayze, Richard Bugar, Joseph Brooks, Robert Holditch, Hiram Page, Jonathan Page, George Smith, James Lymburner, Abishai Crosman, Philip Phelker** (Pelham.)

File 40-18. Road and Bridge Petitions.

George Augustus Ball, St. Catharines, land surveyor. Quit claim to all right, title and interest in the original road allowance between lots 2 and 3 in Louth, June 14, 1838. Witness: **Jacob Goold**. [Rear contains a metes and bounds description: commencing on the west side of the 12 Mile Creek in Grantham, then west 61 chains to the limit between lots 2 and 3 in front of Concession 1, then south 43 chains and 80 links, then north 63° 30'E 50 chains to the 12 Mile Creek, then north along the centre line of the creek to the place of beginning.]

Petition from the inhabitants of Caistor: There is a disadvantage not having a bridge over the **Chippawa Creek** or **Welland River** on the side line between lots 5 and 6. This is the only road between Concessions 1 and 2 for a considerable distance. Pray for £12.10.0. towards the bridge. [No date, filed December 9, 1840.] Signed: **John Lymburner, John Y. Lymburner, Henry Smith, Stephen Sharp, Merritt Johnson, John Johnson, Frederick Dockstader, George Dockstader, Joseph Dockstader, William Davidson, Jonathan Fulsom, Oliver Fulsom, William May, David Sanford, John Killins, Andrew Nevills, Horace Greenman, David Merritt, Eli Lounsbury**.

File 40-19. Tavern and Shop Licences. (Surety or recommendation to be signed by two magistrates and one freeholder; the sureties are normally “innkeepers” and reside in the same township as the applicant unless otherwise noted.)

David Price, Moulton, £10, sureties **John Kennedy** of Humberstone and **John Atkins**, Wainfleet, £5 each, December 21, 1840. Petitioner has kept an inn at Dunnville for 5 years, November 20th. Recommended by **Edward Evans, William Mylne** and **Thomas Tuck**, licence granted December 21, 1840.

Lawrence Furry, Moulton, has kept an inn for 12 years. Recommended by **William Mylne, James Black** and **Edward Evans**. Fee £3 paid, licence granted December 21, 1840.

William Arderly, Dunnville. Has kept an inn for 8 years. Recommended by **William Mylne, Edward Evans** and **Joshua Thompson**. Recognizance: William Arderly £10, sureties **John Atkins** (Wainfleet) and **William Thompson (Port Colborne)** £5 each. Fee £7.10.0. paid, licence granted December 21, 1840.

James Dick, Gainsborough. Recommended by **William Hamilton Merritt**, **Samuel Birdsall** and **John Page** (constable); Recognizance: James Dick £10, sureties **Christian Dils** (Gainsborough) and **David Price** (Dunn) £5 each. Fee £3.10.0. paid, licence granted December 21, 1840.

Paul Horton, Gainsborough. Has kept an inn for 6 years. Recommended by **J.J. Lafferty**, **McGlashan** and **Leonard Heaslip**. Recognizance: Paul Horton £10, sureties **Theo Brundage** and **Peter Disher** £5 each. Fee £3.10.0. paid, licence granted December 21, 1840.

Luke Cavers, Gainsborough. Has kept an inn for two years. Recommended by **Jacob Keefer**, **William Hamilton Merritt** and **Jacob I. Ball**. Recognizance: Luke Cavers £10, sureties **William Swick** and **Leonard Heaslip** £5 each. Fee £3.10.0. paid, licence granted December 21, 1840.

John F. Stewart, Gainsborough. Recommended by **E.S. Adams**, **William Hamilton Merritt** and **William Gardner**. Recognizance: John F. Stewart £10, sureties **George Secord** and **Eleazer King** (Niagara, carpenter) £5 each. Fee £3.10.0. paid, licence granted December 21, 1840.

Leonard Heaslip, Gainsborough. Has kept an inn for one year. Recommended by **H. Nelles**, **Samuel Birdsall**, **Benjamin Brown**. Recognizance: Leonard Heaslip £10, sureties **Luke Cavers** and **William Swick** £5 each. Fee £3.10.0. paid, licence granted December 21, 1840.

James Dougher, Moulton. Recommended by **William Mylne**, **Edward Evans** and **Charles Burger**. Recognizance: James Douglas £10, sureties **David Price** and **John Kenely**, Humberstone, £5 each. Fee £7.10.0. paid, licence granted December 21, 1840.

Eber Rice, Pelham. Recommended by **Amos Bradshaw**, **Duncan McFarland**, **Caspar Thomas** and [-----]. Recognizance: Eber Rice £10, sureties **Lewis Donnelly**, Niagara and **William L. Smith**, Niagara, saddler, £5 each. Fee £4 paid, licence granted December 23, 1840.

Palmer Buckbee, Pelham. Has kept an inn for two years. Recommended by **McGlashan**, **W. Adams** and **J.F. Schram**. Recognizance: Peter Buckbee £10, sureties **Price Buckbee**, Grimsby, farmer and **Henry Smith**, Caistor, innkeeper, £5 each. Fee £4 paid, licence granted December 21, 1840.

Jacob Osman, Pelham. Has kept an inn for 11 years. Recommended by **Amos Bradshaw**, **McGlashan**, **Lewis Willson**. Recognizance: Jacob Osman £10, sureties **William C. Osman** and **Patrick Finn**, £5 each. Fee £4 paid, licence granted December 21, 1840.

File 40-20. Tavern and Shop Licences.

William Swick, Gainsborough. Recommended by **Samuel Birdsall**, **John McGlashan**, **Peter Sammons**. Recognizance: William Swick £10, sureties **Leonard Heaslip** and **Luke Cavers**, £5 each. Fee £3.10.0. paid, licence granted December 21, 1840.

Henry Smith, Caistor. Has kept an inn for 4 years. Recommended by **E.S. Adams**, **S. Birdsall**, **Elijah Harris**, **Robert M. Lymburner**, **Doyle McKeany**. Recognizance: Henry Smith £10, sureties **James Patterson** (Grimsby) and **John W. Lewis** (Bertie) £5 each. Fee £3.10.0. paid, licence granted December 21, 1840.

Malcolm Fraser, Thorold (**Centreville**.) Recommended by **Jacob Keefer**, **George Keefer**, **Alex Brown**, **Matthew Seburn**, **George Shaw**, **John Damude**, **Elisha Howell**, **David Damude**, **John**

Radcliffe. Recognizance: Malcolm Fraser £10, sureties **Isaac Marlatt** (Clinton) and **David Smith** (Clinton) £5 each. Fee £4.10.0. paid, licence granted December 21, 1840.

James Farman, Bertie. Has kept an inn for six years at **Waterloo**. Recommended by **William Smith**, **Edmund Riselay**, **Philip Beamer**. Recognizance: James Farman £10, sureties **John W. Lewis** and **Alex Dougan**, merchant, £5 each. Fee £7.10.0. paid, licence granted December 21, 1840.

Jacob Willson, Bertie. Has kept an inn for 10 years. Recommended by **Alex Douglass**, **James Johnston** and **William Buck**. [Recognizance not completed.] Fee £4 paid, licence granted December 23, 1840.

James Willson, Wainfleet. Recommended by **Amos Bradshaw**, **Duncan McFarland**, **David Brown**. Recognizance: James Willson £10, sureties **Andrew Radcliffe** (Crowland) and **Elias Braly** (Crowland) £5 each. Fee £3.10.0. paid, licence granted December 21, 1840.

Thomas Bryant, Caledonia. Recommended by **David Thompson**, **Warner Nelles**, **J.J. Lefferty** and **John Byrne**. Recognizance: Thomas Bryant £10, sureties **James Campbell** and **John Greenly**, grocer, £5 each. Fee £7.10.0. paid, licence granted December 21, 1841.

Richard McDonald, Moulton. Recommended by **William Mylne**, **Edward Evans** and **Andrew Thompson**. Recognizance Richard McDonald £10, sureties **Robert Bennett** (Clinton, grocer) and **David Smith**, Clinton, £5 each. Fee £3 paid, licence granted December 21, 1840.

William Buck, Bertie. Recommended by **Alex Douglass**, **Edmund Riselay** and **William Smith**. [Recognizance not completed.] Fee £3 paid, licence granted December 21, 1840.

John Jansen, Bertie. Has kept an inn for 3 years. Recommended by **William Smith**, **Edmund Riselay**, **Kenneth Maxwell**. Recognizance: John Jansen £10, sureties **Alex Dugan**, merchant and **Timothy S. Hoyt**, blacksmith, £5 each. Fee £4 paid, licence granted December 21, 1840.

Christopher Young, Seneca. Has kept an inn for 4 years. Recommended by **Warner Nelles**, **J. H. McKenzie**, **Robert Anderson** and **Alex Scobie**. Recognizance: Christopher Young £10, sureties **Thomas R. Felton** (York) and **Duncan Campbell** (Cayuga) £5 each. Fee £7.10.0. paid, licence granted December 21, 1840.

Zebulon Andrews, Clinton. Has kept an inn for one year. Recommended by **H. Nelles**, **R. Nelles** and **Harmon G. House**. Recognizance: Zebulon Andrews £10, sureties **Isaac Marlatt** and **John E. Jannings**, Grimsby, £5 each. Fee £7.10.0. paid, licence granted December 21, 1840.

William Walker, Clinton. Has kept an inn for one year. Recommended by **H. Nelles**, **R. Nelles**, [-----]. Recognizance William Walker £10, sureties **Zebulon Andrews** and **Isaac Marlatt** £5 each. Fee £4.10.0. paid, licence granted December 21, 1840.

David Smith, Clinton. Has kept an inn for 4 years. Recommended by **H. Nelles**, **R. Nelles** and **J.C. [Coon?]** Recognizance: David Smith £10, sureties **Isaac Marlatt** and **Paul Marlatt** £5 each. Fee £7.10.0. paid, licence granted December 21, 1840.

Isaac Marlatt, Clinton. Has kept an inn for 4 years. Recommended by **R. Nelles**, **H. Nelles** and **David Smith**. Recognizance: Isaac Marlatt £10, sureties **Zebulon Andrews** and **John E. Jennings**, Grimsby, £5 each. Fee £7.10.0. paid, licence granted December 21, 1840.

Robert Holditch, Pelham. Recommended by **Duncan McFarland**, **Amos Bradshaw**, **John McGlashan** and **Zephaniah Horton**. Recognizance: Robert Holditch £10, sureties **Thomas Dunn** (Thorold, grocer) and **Alex Winslow**, Thorold, £5 each. Fee £4 paid, licence granted December 21, 1840.

File 40-21. Tavern and Shop Licences.

Lewis Donnelly, Niagara. Recommended by **Thomas Butler**, **Lewis Clement** and **E. McMullin**. [Recognizance not completed, except for surety **James Oswald** £5.] Fee £7.10.0. paid, licence granted December 22, 1840.

Crouch and Press, [**Joseph Crouch** and **William Press**] Niagara. Recommended by **Lewis Clement**, **J.C. Ball** and **Charles Hall**. [Recognizance not completed.] Fee £7.10.0. paid, licence granted December 22, 1840.

James Campbell, Indiana. Recommended by **John Clark**, **David Thompson**, **Warner Nelles** and **Alex Scobie**. [Recognizance not completed, sureties named as **John Graham** and **Walter Elliott**.] Fee £7.10.0. paid, licence granted December 22, 1840.

Robert Slater, Chippawa. Has kept an inn for 7 years. Recommended by **J.J. Lefferty**, **Samuel Street**, **John Ussher**. [Recognizance not complete, surety named as **Thomas Dority**, £5.] Fee £7.10.0. paid, licence granted December 22, 1840.

Edward Lee, Wainfleet, **Marshville**. Recommended by **Amos Bradshaw**, **Duncan McFarland** and **John McFarland**. [Recognizance not completed, surety named as **Henry** [Ryan?- ink smudged.] Fee £3.10.0. paid, licence granted December 22, 1840.

Ephraim Hopkins, Thorold. Has kept an inn for 3 years at **Beaverdams**. Recommended by **Jacob Keefer**, **George Keefer** and **Thomas Willson**. Recognizance: Ephraim Hopkins £10, sureties **George Kitson** (Stamford) and **Henry Wood** (Thorold) £5 each. Fee £4.10.0. paid, licence granted December 22, 1840.

Francis Wood, Thorold (village.) Recommended by **Jacob Keefer**, **George Keefer**, **Henry Hoover** and **Alex Cristy**. Recognizance: Francis Wood £10, sureties **Ephraim Hopkins** and **George Kitson** £5 each. Fee £7.10.0. paid, licence granted December 22, 1840.

Elijah Armstrong, Niagara. Has kept an inn for 14 years. Recommended by **Robert Melville**, **Thomas Butler** and **Bernard Roddy**. [Recognizance not complete, surety named as **Lewis Donnelly**, £5.] Fee £4.10.0. paid, licence granted December 22, 1840.

Michael Morley, Niagara. Recommended by **Robert Melville**, **Lewis Clement**, **Patrick Finn**. Recognizance: Michael Morley £10, sureties **Bernard Roddy** and **Patrick Finn** £5. Fee £7.10.0. paid, licence granted December 26, 1840.

Robert Cole, Niagara. Has kept an inn for 4 years. Recommended by **Robert Melville**, **Lewis Clement** and [-----.] Recognizance: Robert Cole £10, sureties **Martin Kearins** and **W. Proctor** £5 each. Fee £7.10.0. paid, licence granted December 26, 1840.

Recognizance of **Richard Howard**, Niagara, £10, sureties **Robert Cole**, Niagara, and **W.B. Winterbottom**, Niagara, £5 each, dated December 31, 1840.

File 40-22.

Henry Bird, Niagara, labourer, (coloured man), **Ambrose Oaks**, Niagara, labourer, **Eliza Bird**, Niagara, *femme covert*, **Eliza Oaks**, Niagara, *femme covert* (in the custody of **John Hawn**). Charged with larceny, stealing one turkey (value 2/-) and one rooster (6d), the property of **George Field, River Road**, Niagara, on October 25, 1840. True bill: **W. Copland** (foreman.) Witnesses: George Field, **Catherine Field**, **Betsy Suthard**. Evidence of George Field taken before **David Thorburn**: the poultry was in a disturbed state about light, sound of cackling. Found the turkey and a yellow cock missing. Found the feathers of the colour of the missing fowls and picked them up. He found the same feathers near the back door of Henry Bird and a heap of fresh picked feathers near the cider house adjoining Birds'. Evidence of Henry Bird taken before **Tench** and Thorburn at **Queenston**: he denies stealing the fowls, has no knowledge of it. His family dinner on Sunday was 4 squirrels and a pheasant. Doesn't know of mutton used at his house that day. Didn't mention it in a conversation he had with Mrs. Suthard, neither did he mention the squirrels nor the pheasant. Denies that he destroyed the feathers, there were none at his back door except pheasant feathers. He told Mrs. Field the family had neither mutton nor fowl on October 26th, ie, no poultry nor tame fowls, no reference made to wild fowls. Evidence of Ambrose Oak: had no fowl meat except a wild bird. The meal consisted of 4 squirrels, pheasant, and a little mutton with pastry. Evidence of Eliza Bird: She and her sister stripped the bird, scalded it in water and picked the feathers off. They made a pudding of it with a piece of mutton neck. Squirrel was the only meat on the table, doesn't know if it was cooked with it or not. Thinks it was cooked separately. Her sister prepared the dinner, deponent being unwell. Is positive there were three squirrels. Denies that there was any fowl at dinner except the pheasant. She told Mrs. Suthard that they had squirrel, pheasant ad mutton for dinner. Evidence of Elizabeth Oak: had squirrel, pheasant and mutton for dinner. Cooked in a pot and rolled in "doe," not any part of it was without doe. My sister sat at dinner and partook of the victuals (not much) being unwell. There was no fowl except pheasant. Evidence of Betsy Suthard taken before David Thorburn on October 26th: George Field, son of George, called at breakfast and asked if we knew who took the fowls? He showed a handful of feathers picked up between the outer door of her dwelling and their cider house where fowls roosted. Said a turkey and cock were taken. A man of colour lives under her roof with Oak and their wives who are sisters with their two children. The families have to enter their respective dwellings through one front door. At noon one wife called and asked for pepper. She was cooking mutton. I gave her some red pepper. I entered their room without asking permission to give her directions on how to use the pepper. I saw the flesh of fowls in a large heap, skin side up, on a plate. Shanks of a large fowl. There was no mutton. One woman was rolling dough for pastry. She called them to her room and charged them with a lie about the fowl meat. The coloured man and two white women were present. The woman had a squirrel without the skin and swore that it was the kind of meat they had and would swear it before a magistrate. They told me to go and take my oath. They would swear it was pheasant. When she entered the room to instruct them about the pepper the two women appeared to blush. She saw a small wooden vessel, like a wash tub, with bloody water and feathers swimming in it, like the last pickings of a fowl. Evidence of Catherine Field, Wife of George Field, River Road, Niagara Township, yeoman: The fowl was stolen by Henry Bird, Ambrose Oak and their wives or two women living with them in a dwelling of **Joseph Brown's** near her residence. She and her son George traced the feathers from the cider house roost to the door of Henry Bird. Bird denied taking them. He said they had squirrel and his wife told Mrs. Suthard they had mutton. There was no squirrel. With circumstantial evidence she prays for a warrant to apprehend them and bring them in for examination. Recognizance taken before **David Thorburn**, October 27th: defendants bound £12.10.0. each; recognizance taken before **H. Tench** and David Thorburn: Betsy Suthard, wife of **Jacob Suthard**, Niagara, carpenter, and **George Field Jr**, Niagara, labourer, £12.10.0. each; recognizance taken before David

Thorburn: Catherine Field, wife of George Field, Niagara, yeoman, £12.10.0. Verdict: "not guilty," December 8, 1840.

File 40-23.

James Kerr, Beamsville (Clinton), merchant. Charged with using false weights. True Bill: **W. Copland** (foreman.) Witnesses: **Patrick McGaw, James Courson, Robert Nelles Jr, Daniel Skelley, Daniel Monro, James Hy, Jr.** Grand Jury presentment: Kerr placed small weights inside the hollow parts of a large one to defraud, 28 lbs. when buying and 31 lbs. when selling. On oath of Patrick McGaw. James Kerr of wicked and depraved mind and contriving and fraudulently intending to cheat and defraud the subjects of Her Majesty of $\frac{1}{8}$ part, on April 15, 1840 used a weight of 56 lbs. of iron. He sold iron to **Timothy Hixon**, 68 lbs. by the false weights, was 6 oz. deficient of 56 lbs. He sold flour and pork using the false weight "to the evil example of all others." Letter from Patrick McGaw to **Charles Richardson**, Beamsville, November 26, 1840: I wish you to inform me when the Sessions commence. Should I come to see you before? Witnesses to be subpoenaed since the essential witnesses intend to leave the place rather than give evidence. I wish you would subpoena them immediately, and mail them to **Israel Marlatt** of Beamsville (constable.) Please write to me immediately. [Blank recognizance forms signed by Patrick McGaw, James Kerr, **John C. Ball** and **James Boulton**.] Verdict: "not guilty," December 10, 1840.

File 40-24.

Catherine Meloy, [alias **Molay**], Niagara, servant. Charged with larceny, stealing one child's white frock (value 2/-), a child's flannel petticoat (2/-), one cap (1/-), one blue silk pocket handkerchief (1/-), one pair of white cotton stockings (1/-) the property of **John Lowe**, Niagara, on October 6, 1840. True bill: **W. Copland** (foreman.) Witnesses: John Lowe, **Ann Burns Lowe**. Recognizance taken before Lewis Clement, October 12th: Catherine Molay £10, surety **Alexander Ross**, Niagara, constable, £10. Evidence of John Lowe taken October 10th: goods were stolen from our house and concealed in the house of **Mrs. Cow** and **David Boyd**. They were in the possession of his servant, Catherine Meloy, who left his house and now resides as a servant at David Boyd's and has a child at Mrs. Cow's. The articles were in the house before she left, but have not been seen since. Prays for justice. Evidence of Ann B. Lowe taken October 12th: Molay lived with us as a servant for five weeks. On October 5th I was told she was a woman of bad character and must leave. On the 6th I missed some articles. I told my husband, and he said he would obtain a search warrant. Evidence of Catherine Meloy: had the frock last winter. Bought the stockings from **Mr. Lockhart** a month since; bought the flannel petticoat at **Mr. Young's** store. One or two days after the deponent went to live with her, Mrs. Lowe said that she had lost a frock and had a mind to send for the girl who had lived there. Verdict: "not guilty," December 9, 1840.

File 40-25.

Henry McIntyre, Thorold/Grantham, labourer. Charged with larceny, stealing one blue pilot-cloth coat (value 50/-) the property of **John Wolf**, Grantham, on December 4, 1840. True bill: **W. Copeland** (foreman.) Witnesses: John Wolf. Evidence of John Wolf taken before **Nathan Pawling** on December 4th: Around October 1st the deponent and McIntyre were in the employ of **Thomas Read**. Deponent missed his coat, stolen from Mr. Read's chamber upstairs. Today he saw the coat on the back of McIntyre. Evidence of Henry McIntyre: he took the coat from the chamber of Thomas Read, innkeeper, 2 months ago as it looked likely to rain. He had intended to return it. Left it at **Stephen Boyle's tavern** and forgot it until a week since. He took it from

Boyle's and intended to return it to Read's, but was so occupied in unloading wheat at Thorold that he had no time to return it. Recognizance taken before **Jacob Keefer** on December 7th: Henry McIntyre £10, surety **James McIntyre**, Thorold, tailor, £10. Verdict: "not guilty," December 10, 1840.

File 40-26.

George Sanderson, Niagara, labourer. Charged with larceny, stealing 2 geese (value 5/-) and 2 hens (2/-) the property of **John Waters** on December 10, 1840. True bill: **W. Copeland** (foreman.) Witnesses: John Waters, **John Whitten**. Grand Jury presentment: fowls were stolen from the hen house of John Waters. Plea: "guilty," sentenced to 2 months solitary confinement in gaol, December 11, 1840.

File 40-27.

Ezra Stanhope, Willoughby, labourer. Charged with larceny, stealing a blue frock coat (value 40/-) the property of **Daniel Munz** [alias **Mundz**] on July 5, 1840. True bill: **Henry Smith** (foreman.) Witnesses: Daniel Munz, **William Crysler**. Blank recognizance signed by Daniel Munz. Evidence of William Crysler taken before **G.C. Swan** at **Drummondville** on July 17th: was present when Stanhope was captured on suspicion of stealing the coat of Munz. The bundle was taken from him, which had a blue coat. Stanhope claimed no knowledge of anything and said as an excuse "that he wished there was not such a thing as a drop of liquor." Evidence of Daniel Munz, **20 Mile Creek**, sworn by means of an interpreter: he was proceeding from **Chippawa** to **Buffalo** by steam vessel "**Cincinnati**." He had a small box. Placed it on a seat in the fore part of the vessel. I found it very warm in the course of the voyage and took my coat off and put it on the box. When near Buffalo I went for my things and found the box and coat missing. I informed the Captain and he had the vessel searched. The goods were not found. I left the vessel in shirt sleeves for Buffalo. A person belonging to the vessel came to see me on the 6th in Buffalo and told me the person who stole my coat was apprehended in Canada and that I should go and claim my coat. It was a blue frock coat, nearly new with roundish black silk buttons and blue and white striped cotton sleeve linings. The coat produced in court is the one I lost. Evidence of **Edward Bolton**, police constable, taken July 6th: was in **Crysler's barroom** on July 5th. Stanhope had a silk handkerchief in which he had two coats. Shortly after the arrival of the "Cincinnati" the Captain came in and enquired where the man with a bundle was? That a passenger on board had lost a coat and the Captain suspected Stanhope of taking it. I went in search of him and found him in a house a short way out of Chippawa. He was captured by one of the crew who gave him into my charge with the coat. The coat was one of the two which he had in the handkerchief. Recognizance taken before **John C. Ball** on September 9th: Ezra Stanhope, "Pelham," yeoman/distiller, and surety **Lewis Willson**, Pelham, yeoman, £20 each. Daniel Munz and Edward Bolton £20 each. **Thomas Smith**, of Buffalo, New York, is a necessary and material witness. Tried unsuccessfully to procure the attendance of Smith. Affidavit of **Street Chace**, Thorold, wheelwright: he went to Buffalo after Thomas Smith as evidence in favour of Ezra Stanhope. He was prevented from attendance by a most serious illness of several members of his family. Verdict: "not guilty," December 10, 1840.

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