

## YORK GENERAL SESSIONS.

JANUARY TERM, 1855.

No. I.

GRAND JURY ROOM, Jan. 10th, 1855.

To the Honorable the Court of General Sessions for the County of York.

The Grand Inquest beg to make the following presentment to this Honorable Court

Their attention having been particularly directed by His Honor the Chairman to the subject of the incorporation of the County, they feel constrained thus early in the term and before proceeding to the consideration of the County Accounts to express in the strongest language their firm conviction that the immediate erection of the County into a Municipality is absolutely indispensable to the efficient and economical management of the general business of the County.

They believe that when they express this opinion they are speaking the voice of a very large majority of the tax-payers of the County.

With the provisions and limitations of the municipal law before them (imperfect as it is,) and the experience of older communities to guide them, they cannot escape the conviction that it is vain to expect the observance of due economy in the management of the County business under the present system.

While at the same time the testimony of a neighbouring County, the extraordinary decrease of taxation, and increased public confidence, which has of late characterized their municipal government goads the Grand Inquest to the single conclusion that the time has fully arrived for the people of the County of York to manage their own local affairs.

They have ascertained by the return of the High Sheriff of the County to His Excellency the Lieutenant Governor when on the nineteenth day of December last the propriety of incorporating the County was submitted to the voice of its constituency, a very large majority of the electors who voted upon the question expressed their opinion in unmistakable language in favour of the immediate adoption of municipal government.

Urged by these considerations, and impressed with the high responsibility of their office, they feel it to be their duty, at the present term, respectfully to request this Honorable Court to present an urgent petition to His Excellency the Lieutenant Governor in Council praying that His Excellency will be pleased immediately to grant a charter to incorporate the County, and that the Grand Inquest may be informed of His Excellency's reply to said petition, immediately upon its receipt by the Court.

They also recommend that a Bill should be prepared at the present term, and read before the Grand Inquest, providing for the election of County Councillors early in the present year, in order that the business of the County may as soon as possible be entrusted to the management of a County Council responsible to the people.

All of which are respectfully submitted,

JOHN HEA, JR., Foreman.

No. II.

The Grand Jury having under their consideration the County Accounts, find payments made to Dr. Murphy of £20 17s. 6d. and to John W. Brayley of £15 6s. 7 1-2d, notwithstanding the remonstrance and objection of the Grand Jury of January Sessions, 1854.

This Grand Jury therefore, before proceeding further with the business of the present Session, request to be informed whether it is the intention of the Court to treat with their usual indifference and contempt, any or all the remonstrances or recommendations which this Grand Inquest may in the discharge of their duty present.

Respectfully submitted,

JOHN HEA, JR., Foreman.

No. III.

The Grand Jury having under their consideration the subject of Tavern Licences, beg to submit

That while they disapprove of the whole Licence system, they especially object to any Justice of the Peace holding, at the same time, Her Majesty's Commission and a Tavern or Retail Licence; and they are surprised to find the name of Lewis D. Wigan, Esqr., in the list of Tavern keepers or Retailers, furnished by the Court.

The Grand Jury are fully convinced that Licensed Taverns promote idleness, dissipation, and crime; and are especially pernicious, to the habits and morals of the youth of the Country.

They are satisfied that the evils of intemperance never can be remedied by any system which merely regulates the traffic in intoxicating liquors;

and they are decidedly of opinion that the only effectual method of removing the evil, is by entirely prohibiting the manufacture, importation and sale, of everything that can intoxicate.

The Grand Jury are convinced, that if a stringent prohibitory Law were enacted and enforced, it would not only lessen taxation, in consequence of the great decrease in pauperism and crime, but would most effectually promote the peace of society; and advance the cause of public morals.

Respectfully submitted.

JOHN HEA, JR., Foreman.

No. IV.

The Grand Jury having the County Accounts under their consideration, and having called upon the County Treasurer and Auditor for the list of accounts passed and audited, as required by the order of January Session, 1852, find that no such list has been handed in by the Clerk of the Peace; this Grand Inquest wish to be informed why such order has not been carried out, as it would tend much to simplify the accounts, and request that such list be now furnished.

Respectfully submitted.

JOHN HEA, JR., Foreman.

No. V.

The Grand Jury have examined the County Accounts, but reserve their remarks thereon for a subsequent presentment.

The Grand Jury cannot approve of any assessment for the current year, until they are satisfied that their recommendations in reference to unpaid accounts shall receive that attention from the Court to which they are entitled.

Respectfully submitted.

JOHN HEA, JR., Foreman.

The Court having under consideration the four several Presentments or papers of the Grand Jury, numbers 1, 2, 3 and 4, submitted to this Court on Wednesday last, the tenth instant.—In reference to presentment No. 1—

It is ordered—That the Grand Jury be informed that as the Law of the Province directs in what manner a Municipal Charter must be obtained, the Sessions have no power to interfere.

And further ordered—That the presentment No. 2, be returned to the Grand Jury, in order that they may reconsider the effect of the expression "usual indifference and contempt," which this Court considers to be improper and disrespectful to them as a body.

And further ordered—That the Paper No. 3, submitted by the Grand Jury, be returned to them and that they be informed—the Court regret that with the list of Tavern Keepers and Retailers before them, they should have mistated the occupation of the person alluded to.

Also further—That the Court has no control over the appointments to the Commission of the Peace.

And further—That this Court in granting Tavern and Retail Licences, have merely administered the Provisions of the Law of the Province in what they consider to be its true intent and spirit.

And further ordered—That this Bench has no wish to interfere with the control given by Law to the Grand Jury over the County accounts, and will always cheerfully afford that Body every information on the subject when such information is asked in respectful language.

Extract from the minutes.

GEO. J. DIBBLEE, Clerk

The Grand Jury having under consideration the Communication from the Court relative to the reconsideration of presentments:—beg to report.

That they entertained the subject of the Incorporation of this County in consequence of their attention having been especially called to the question by the Chairman of the Court in his opening charge.

That they disclaim, in the most emphatic manner, any intention of treating the Court with disrespect in presentment No. 2. But they question if, under the circumstances, they could have sufficiently expressed their sentiments unless by using words very similar in import to those employed.

With reference to No. 3, this Grand Jury cannot conceive that they have made any misstatement in representing Lewis D. Wigan, Esqr., as a Tavern Keeper or Retailer, the word "Or" not including both occupations: and the name "L. D. Wigan" "retail" having been furnished by the Clerk so that if any misstatement has occurred it has originated with the Court in presenting the name.

The Grand Jury, having under their consideration the returns of the several Commissioners of Highways, beg leave to make the following report thereon: viz., for

DUMFRIES.

John Guion, Commr. District No. 1,				
Amount received	£6 5 0			
Amount expended	£6 19 11			
Bal. due from last year	0 4 6	7 4 5		

Balance due Commr. £0 19 5  
[Vouchers satisfactory.]

Asa Dow, Commr. District No. 2,

Amount received,	12 4 6
Amount expended	12 4 6

[Vouchers satisfactory.]

Aaron Rogers, Commr. No. 3 Howard

Settlement,	
Amount received,	7 8 9
Amount expended	7 8 9

[This account is by no means satisfactory, no vouchers accompanying the same; and further from information conveyed to this body by some of their own numbers, they have reason to suppose a greater sum of money has been received than is here represented. He reports no returns from four overseers under him, viz., James English, Levi Dow, John Latham, Tistram Grant.

PRINCE WILLIAM.

John Hea, Jr., Commr. District No. 1.

Amount received by Commr.	23 5 7*
Amount expended	24 13 3

Bal. due Commr. £1 7 7\*

[Vouchers satisfactory.]

In addition to which there is due up to William C. Joslin, Esqr., for materials furnished for Bridges, Water Courses, &c., 10s.

To Geo. Wheeler, for do, 2s 6d.  
To John Hea, Jr., for do, £1 12 6d.  
To John Marshall, for do.

John Irvine, Commr. No. 2,

Amount received by Commr.	1 5 0
Amount expended	1 5 0

[Vouchers satisfactory.]

Thomas Brown, Commr. No. 3,

Amount received by Commr.	1 14 4*
Amount expended,	1 14 4*

[Vouchers satisfactory.]

He reports no return from George J. Love, one of the Overseers.

KINGSCLEAR.

William Moffit, Commr. District,

Amount received by Commr.	13 4 0
Amount expended,	15 3 0

Balance due Commr. 1 19 0

Beside the sum of 51s 6d, to John Abraham, and 6s 3d, to Allan Palmer, for which there are no vouchers. The account is signed by the Chairman of the Parish Meeting as having been passed thereat; but not signed by the Commissioner.

Thomas Herbert, Commr. (Harvey District),

Amount received by Commr.	8 18 9
Amount expended as per voucher	£7 6 3

Amount expended for which there are no vouchers to A. Doicas, 1 12 6 8 18 9

Thomas Murray, Commr. Lower District,	
Amount received by Commr.	12 5 3
Amount paid out as per vouchers	15 3 9

Bal. due Commr.	2 18 6
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Commr. also reports a list of delinquents in Mr. Justice John Allen's hands.

NEW MARYLAND.

Archibald Charters and Samuel Nason Commrs.,	
Amount received by Commrs.	£1 15 0
Amount expended as per vouchers	1 15 0

SOUTHAMPTON.

John Cullaton, Commr. Lower District,	
Amount received by Commissioner	9 15 10*
Amount expended as per vouchers	9 15 10*

Dow Brooks, Commissioner.	
Amount received by Commr.,	8 2 6
Amount expended by Commr.	7 15 0

Bal. in the hands of Commr.	0 7 6
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Peter F. Cronkite, Commr.,	
No returns from this officer.	

QUEENSBURY.

Thomas McCorquindale, Commr.,	
Amount received by Commr.	14 11 9
Amount expended as per vouchers	14 11 9

Daniel Parent, Commr. No. 2,	
Amount received by Commr.	12 15 11
Amount expended	13 5 8*

Bal. due Commr.	0 10 2*
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This account seems to be correct, but no vouchers accompany it.

James Sloat, Commr. No.	
No returns from this officer.	

DOUGLAS.

John Griffith, Commr.	
Amount received by Commr.	7 4 6
Amount expended by Commr.	7 4 6

A receipt from John Griffith, for the sum of £ for superintending work in 1853, not understood by this Inquest. Was it a payment to an Overseer.

Geo. Estey, Commr. No. 2,	
Amount received by Commr.	9 7 3
Amount expended	9 1 11

Balance due by Commr.	0 5 4
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Jaob McKeen, Commr.	
[Account by no means satisfactory, no v. uchers or detailed statement of monies received or expended accompany the account]	

ST. MARY'S.

Jacob B Brown, Commr.,

Amount received by Commr.	9 13 9
Amount expended	9 6 0

Balance in Commissioner's hands	0 7 9
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[This account seems correct, but no vouchers accompany it.]

W. Lewis, Commissioner, No. 3,

Amount received by Commissioner	16 15 0
Amount expended,	17 0 0

Balance due Commissioner,	0 5 0
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[Reports nine persons prosecuted, no returns from the Justice.]

No return from Oliver Carman, one of the Overseers under this Commissioner.

Archibald McLean, Commissioner, No returns.

STANLEY.

Barnard Elliot, Commissioner, No.	
No return from this officer,	

John Reed, Commissioner, No.	
Amount received by Commr.,	1 1 3
Amount expended, (no vouchers)	5 0 0

Balance due by Commissioner,	0 16 3
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Alex. Cameron, Commissioner.	
No return from this officer.	

The Grand Jury observe, That in many instances the Commissioners had not made their returns to the Clerk of the Peace on the 15th December, as the Law requires; and recommend the different Justices may inform the commissioners of this fact, when they are qualified.

The Grand Inquest for the County of York having under their consideration the accounts of the Overseers of Poor for the respective Parishes, beg leave to make the following report, viz:

KINGSCLEAR.

Thomas Murray, Commr. of Alms House, Kings	
Clear, reports balance in his hands to the credit of the Parish	£29 2 11

[The account is signed by the Chairman of the Parish Meeting as having been satisfactory]

Judah Hammond—No return.

Alexander Hay, Jr.—No return.

ST. MARY.

The Rev Mr Jeffray, amount received from Collector	£91 13 8
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Balance due from Collector	7 3 11
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From Commr. of Alms House, Kingsclear	8 3*
From Mr. Thompson	15 0

Amount paid out as per account rendered	£100 0 10*
	74 4 7

Balance in hand of Commr.	£25 16 3*
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[This account is not satisfactory, inasmuch as that no vouchers accompany the same.]

The Commr. presents his account for 100s. for his services, which is considered unusual, consequently is not recommended.

Samuel Clayton, Wm. Lewis, John McBean—No returns.

DOUGLAS.

Charles McGibbon.	
Balance in hands of Commr.	£2 13 5*

[The necessary vouchers accompany this account.]

Moses Pickard, Moses Lawrence—No returns.

DUMFRIES.

David Dow.	
Balance due Commr.	£0 9 0

[This account seems to have been passed at the Parish Meeting.]

Wm Whitehead, Ben. Ingraham—No returns.

STANLEY.

George Moir reports amt. received	£28 1 8*
Amount expended	28 13 3*

Balance in hands of Commr.	£0 11 7
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[Vouchers not satisfactory.]

Thomas Douglas, Thomas Waugh—No returns.

QUEENSBURY.

No returns from either Overseer, viz. William C. Brown, Lewis Huestis, Andrew Gunter.

SOUTHAMPTON.

No returns from either Overseer, viz. Christian Cronkhitte, John Way, Dow Brooks.

PRINCE WILLIAM,

William Jones, Nathaniel Scott, William Mays.	
Two receipts from this Parish of money having been paid out, but no account is furnished from either of the Commissioners, which is considered by no means satisfactory.	

NEW MARYLAND.

No returns from this Parish.

This Grand Inquest respectfully requests the attention of the Justices to the fact of the numerous Parish Officers who have not made the necessary Returns, causing a great loss of time, and is in every respect unsatisfactory, and respectfully present that each and every officer be fined, particularly as this subject was the cause of remark in former years.

Application has been made by the Overseers of Poor for the different Parishes, viz:—