

References and Glossary for the New Brunswick Court Records

See Page 6 for separate listing of Parish Officers

Account- official report or statement; i.e. "The Collector for Springfield has made satisfactory account"

Adjourned- Break in a session with the intention of resuming it later

Affidavit- A written statement confirmed by oath or affirmation, for use as evidence in court

Affray- Fighting of two or more persons in a public place that disturbs and scares others: shouting, threatening, struggling, etc.

Almshouse- institution offering housing for the poor, sick, or elderly

Arraigned- Call or bring (someone) before a court to answer a criminal charge

Assault- physical attack on someone

Assault and Battery- The crime of threatening a person together with the act of making physical contact with them

Assessment- amount of money set for taxation purposes on an individual or place

A True Bill- See Bills of Indictment

Banns- An announcement, especially in a church, of an intended marriage

Bastardy- producing a child out of wedlock

Bawdy House- disorderly house or brothel; a place that is kept or occupied, or resorted to by one or more persons, for the purpose of prostitution

Bear Bounties- monies awarded by the province for bears killed

Breach of the peace- someone was alarmed, distressed, or annoyed by an action

Beggary- the condition of being a beggar; one who obtains a livelihood by asking for alms

Bills of Indictment - indictment endorsed by a Grand Jury (who considered the evidence and gave a recommendation as to whether there was enough evidence to proceed with a case); "No Bill" would mean there wasn't enough evidence to proceed with a trial; A True Bill indicates they considered there was enough evidence.

Burglary- breaking and entering with intent to steal, take and carry away

Bye Road Appropriation- mandated payment of land owners for property needed to extend public roads

Called- summoned to court

Census- An official count or survey of a population; i.e. often termed “An account of the population in Kings County”

“charges jury”- the head justice charges the jury to make a decision in a court case

Clerk of the Peace- office whose responsibility was the records of the Quarter Sessions and the framing of presentments and indictments; they had legal training, so that they could advise Justices of the Peace

Collector of taxes- As the name implies, was the person responsible for the collection of taxes due to the town.

Committed – in jail; i.e. “stand committed”

Corn Bounties- money given by the province for corn grown

Court of Oyer and Terminer—means “to hear and determine”; commissioners (in practice the judges of assize, though other persons were named with them in the commission) were commanded to make diligent inquiry into all treasons, felonies and misdemeanours whatever committed in the counties specified in the commission, and to hear and determine the same according to law. The inquiry was by means of the grand jury; after the grand jury had found the bills of indictment submitted to it, the commissioners proceeded to hear and determine by means of the petit jury.

Cord- measurement of cut wood

Coroner- appointed officer who goes to crime scene to view body and heads an inquest into the death

County Auditor—appointed and authorized to examine accounts and accounting records

CR- Clerk of the Peace

Crier- A person employed to make public announcements in the streets or marketplace of a town; proclaims court open

Damages- Monetary compensation that is awarded by a court in a civil action to an individual who has been injured through the wrongful conduct of another party

Default- failure to deliver a financial obligation

Discharged- when an individual can officially leave court, business is done

Disorderly house- Keep and maintain a certain house and did cause certain persons to frequent and come together and remain drinking, tipping and otherwise misbehaving themselves. (House in which the conduct of its inhabitants is such as to become a public nuisance, or outrages public decency, or tends to corrupt or deprave) e.g. brothels, gaming houses.

Embracery- improper influence on the jury or juror

Esquire- polite title appended to a man's name when no other title is used; honorific title

Estreat- enforce a fee forfeit, as in a surety, bail, or recognizance

Ex. rel.- abbreviation for Latin "*ex relatio*", legal term for "on behalf of"

Ferry Regulations- concerning the operation of boat that shuttles people and goods across a body of water; the **ferryman** runs the ferry

Field Driver—town officer authorized to round up and impound domestic animals roaming at large

Fire Ward- an officer who has responsibility for fire control in a particular area (such as Frederickton)

Forcible Detainer- when a person is in possession of property without right, and detains it in a way that is likely to cause a breach of the peace against the person who is entitled by law to possession of the premises

Foreman- Member of a jury who acts as a chair and spokesperson

Gaol- jail; **gaoler** is the keeper of the jail

Grand Jury- a group of citizens selected to examine the validity of an accusation before trial; also to consider concerns the Court has referred to them; for example, the condition of the county jail. After consideration, the Grand Jury would present their recommendations (Grand Jury Presentment), usually referred to as Grand Jury Presentments

High Constable- Public officer at a county level responsible for keeping the peace and other judicial duties such as overseeing juries during deliberation

Hue and cry- process by which bystanders are summoned to assist in the apprehension of a criminal who has been witnessed in the act of committing a crime

Ignoramus- not enough evidence

Indictment- formal accusation of a crime

Inquisition- judicial or official inquiry (usually into a death)

Justice of the Peace (JP)- gentleman judge, also termed "Esquire Justice" or "Esquire Councillors"; a magistrate appointed to hear minor cases, perform marriages, grant licenses, etc.

Larceny- theft; take and carry away someone's property

Libel- defamation by written or printed words, pictures, or in any form other than by spoken words or gestures

Liquor License- permit to sell alcohol with fee paid to the county; divided into retail and tavern licenses

Livestock regulations- often discussed in County Sessions; issues pertaining to cows, horses, sheep, pigs (swine, hogs) running at large seasonally

“Old Soldiers of the Revolutionary War and their Widows”- special pension given by the Province to those who fought on the side of the British in the American Revolution and settled in New Brunswick

Order of filiation- when a case of bastardy is proved, this order is given to the father to support the child presented

Pauper- the state of being poor; particularly the condition of being a "pauper", i.e. in receipt of relief administered

Petit Jury- group to determine the facts and decide the issue in civil or criminal proceedings

Poor tax/ rate- tax money collected (from a parish in New Brunswick) to support the poor (orphans, single mothers, elderly, etc.) who fall under the purview of the Overseers of the Poor

Presented- to submit at court for immediate consideration or action

Public house- tavern

Public Meadows- County owned land that could be leased out for agricultural purposes

Public nuisance- an act affecting the life of a class of people (e.g. blocking a road)

Public Roads- roads built by the county or province, damages often awarded to individuals whose property the roads were built on

Recognizance- A bond by which a person undertakes before a court or magistrate to observe some condition, esp. to appear when summoned

“Regina” or “Rex vs”- meaning the “Queen” or “King” versus a defendant in Latin. During this period, the King would be William IV of England followed by Queen Victoria.

Remitted-cancel or refrain from exacting or inflicting, as in a debt or punishment

Rescuing- the forceful and illegal seizure of a person or property (e.g. taking an animal illegally from a parish pound)

Respited- postponed

Ring and yoke- devices used on pigs to keep them from causing property damage, mandatory by law

Riot- assembling together with a common intent to disturb the peace, executed in a violent and turbulent manner

Robbery- take and carry away property of another by force or fear

Room- used to mean “in the place of”, e.g. “John Smith became the Overseer of the Poor, Kingsclear, in room of James Brown who had removed from the parish”

School Certificate- form granted by the county to run a school house, associated with a particular teacher

Session- A meeting or series of meetings of a legislative or judicial body for the purpose of transacting business

Sheriff- county officer with administrative and judicial duties; summoned juries, issued warrant and summons, and executed judicial decisions (e.g. collecting fines, ensure custody of prisoners)

Spinster- a woman who has never married

Statute labour- a definite amount of labor required for the public service in making roads, bridges, etc.

Subpoena- A writ ordering a person to attend a court

Sundries- a number miscellaneous small objects (e.g. a person was reimbursed for sundries supplied to the court house)

Surety- A person who takes responsibility for another's performance of an undertaking; money given to support an undertaking that someone will perform a duty, pay their debts, etc.; a guarantee

Traverse- A pleading in common law denying an allegation of fact in an adversary's pleading (denial)

Treasurer- person appointed to administer or manage the financial assets and liabilities of a society, company, local authority, or other body

Trespass- wrongful conduct causing injury or loss

Witness- prosecution and defense, “sworn to give evidence”

Yeoman- a man holding and cultivating a small landed estate; also known as a **freeholder**

MONEY

£ = pounds

s = shillings

p = pence

example: £4 2s 3p (four pounds, two shillings, three pence)

Parish Officers

Assessor (of Rates and Taxes)- determines amount of money to be raised for building and maintaining the county court and jail houses, repair of roads and bridges, and undertaking public work at a parish level and the amount paid by each free holder in the parish

Boom Master- supervising the movement of logs on a river

Clerk of the Market- overseer or superintendent of a public market

Collector of Dog Tax- gather money for privately owned dogs over one per household with the funds going to poor relief; unclaimed dogs could be legally killed

Collector of Rates- gathered tax money (often a Constable as well). Includes **Collection of Poor, Parish, and County Rates**

Commissioner of Highways/ Highway Commissioner- lay out and regulate roads, administrators of roadwork

Constable- duty to maintain public order and apprehend law-breakers; collects taxes, delivers summonses and other judicial writs, rounds up vagrants, etc. Constables were elected by town officials to serve the writs and processes described in section ninety-two of the General Court and warrants and processes in criminal cases, where their town, parish, religious society or district is a party or interested. They shall have the powers of sheriffs to require aid in the execution of their duties. They shall take due notice of and prosecute all violations of law respecting the observance of the Lord's Day, profane swearing and gaming. They shall serve all warrants and other processes directed to them by the selectmen of their town for notifying town meetings or for other purposes. They may serve by copy, attested by them, demands, notices and citations, and their returns of service thereof shall be prima facie evidence; but this provision shall not exclude the service thereof by other persons.

Culler of Turkey- inspecting turkey for export

Fence Viewer – Public officer responsible for inspecting fence to see they were in regulation condition; adjudicate boundary disputes.

Ferryman- responsible for ensuring ferry service at a particular location

Field Driver- officer in charge of driving cattle to the pound

Hayward- officer formally charged with the repair of cattle fences and the retention of cattle in the town common. Elected by the villagers to lead the sowing and harvesting, to impound stray cattle, and to supervise hedging and temporary fencing around hay meadows.

Hog Reeve- Town official responsible for impounding stray hogs. These officers were responsible for the appraising of damages by stray swine. Hogs were usually supposed to be yoked (wear collars) and have rings in their noses, which reduced the amount of damage they could do to crops by rooting. There were

punishments established for failure to control animals. Wandering livestock were called **estrays**, and they were taken up to the pound. The hog reeves were responsible for capturing loose hogs and would charge a small fee for their service.

Inspector of Butter- examines and certifies amount of butter exported

Measurer of Coal and Salt

Overseer of Fishery/ Surveyor and Packer of Fish/ Inspector of Fish- inspects all fish shipped for export to check that it conforms to regulations

Overseer of the Poor- reports state and condition of the poor in their parish and submit a statement of the sums needed to support them.

Parish/ Town Clerk- official record keeper, records births, marriages, deaths, earmarks of livestock

Pound Keeper- maintain enclosure to board stray animals

Sealer of Leather- approves (usually by stamping or “sealing”) leather items that have been inspected and tested

Sealer of Weights and Measures/ Essayer of Weights and Measures- (also sometimes called Clerk of the Market) duty to measure and assay all weight and measures used in commerce to ensure they were correct

Superintendent of Ferry Landing- oversees ferry service

Surveyor of Dams- called upon when someone wants to build a sluiceway to drive lumber over any dam, makes recommendations on approval of sluiceway

Surveyor of Grindstones

Surveyor of Highways/ Roads- supervise road crews recruited by statute labour. Officials who were given the power to form teams of labourers, men and boys fit for labour in the community, to build or mend roads and bridges. This was a compulsory duty for all men and boys deemed fit for duty; however, they could pay a fee to get out of this service.

Surveyor of Lumber/ Wood and Bark/ Inspector of Cordwood- inspects all lumber shipped for export to check that it conforms to regulations

Timber Driver-called upon to take charge of a timber drive on a river, determines the number of men and equipment needed and allots resources to timber owners; can exercise duties outside appointed parish or county to complete timber drive

Trustee of Schools/ School Trustees- oversees operation of public schools

Weigher of Hay- weighs, inspects, and marks bundles of hay for sale

Wharfinger- keeper of a wharf responsible for goods to delivered to wharf, tide tables, resolving disputes

BIBLIOGRAPHY

<http://legal-dictionary.thefreedictionary.com/>

<http://www.thefreedictionary.com/>

Goodrich, W. Eugene. *Local Government in Early Westmorland County*. Dorchester: Westmorland Historical Society, 2013.

Jacob, Giles and T.E. Tomlins. *The Law Dictionary Explaining the Rise, Progress, and Present State of English Law*. London, 1809. Online.

Watson, Raymond G. *Local Government in a New Brunswick County: Kings County, 1784-1850*. M.A. Thesis, University of New Brunswick, 1964.