

GASPÉ OF YESTERDAY

THE FIRST GAOL AND COURT HALL

AT

NEW CARLISLE

Provided for by an Act of the Legislature in 1808 and ratified by His Majesty-in-Council in 1810 , the first Gaol and Court Hall in the District of Gaspé at New Carlisle was erected under the supervision of Commissioners William Crawford and William LeMaistre.

KEN ANNETT

FIRST GAOL AND COURT HALL AT NEW CARLISLE

FOREWORD

The article, "BRITISH INFLUENCE IN GASPE", of this GASPE OF YESTERDAY series, recalled that the introduction of the British system of Justice to Gaspesia followed upon the Treaty of Paris in 1763. The earliest step was the appointment of Justices of the Peace whose mandate was to maintain peace and good order in their respective communities. This was no easy task, for in addition to the inevitable disputes and crimes within the various settlements the summer fishing season brought great numbers of seamen and fishermen to Gaspesian shores. Rum was plentiful and made for rough and ready times. Tradition holds that both New Carlisle and Percé had whipping posts to which lawbreakers were bound to be punished by the lash.

In 1777 the first appointment of a Judge in the District of Gaspé is reflected in the following extract of a letter of Governor Haldimand to Felix O'Hara of Gaspé Basin:

"...to show you, however, I am not unmindful of the people's interests and your deserts, I propose sending you down a Commission of Judge of that District on that coast...you will execute it, I am persuaded, to the best of your ability, for the King's service and for the satisfaction of the loyal part of His subjects. Only £ 100 sterling is allowed for it..."

The instructions that accompanied O'Hara's Commission as Judge required that he proceed to convene a Court of Justice, appoint a Court Clerk, a Sheriff or Bailiff and a Crier.

Felix O'Hara's appointment as Judge coincided with perilous times in Gaspesia. The American Revolutionary War brought raids by privateers from New England on the fishery and settlements of the District of Gaspé. Survival took precedence over creation of Courts and Justice procedures. But the War had a positive aspect in bringing to Gaspesia a significant number of United Empire Loyalists as new, permanent settlers. They brought with them strong traditions of British justice. The Mann family alone would give Gaspesia its first Sheriff in the person of Thomas Mann and a fellow Judge for Felix O'Hara in the person of Isaac Mann, Jr. From another Loyalist family, Amasa Beebe would give long and able service as Court Clerk.

In the period from 1785 to 1805 a series of increasingly urgent petitions and representations were made to the Government at Quebec by Gaspesians for a gaol and court hall. Then, as now, government action was slow but in 1808 an Act was passed by the Provincial Parliament to erect a gaol and court hall at New Carlisle. To implement the provisions of this Act two Gaspesian Commissioners were appointed - William Crawford and William LeMaistre.

PETITION OF
COMMISSIONERS
FEB.8,1817

That the Petitioners were named by His Excellency Sir James Craig to the Office of Commissioners for erecting the Gaol and Court Hall at New Carlisle immediately after the Act of the Provincial Parliament of 1808, being sanctioned by His Majesty in Council in 1810, enacting the erection of the same; and that they proceeded to take every necessary measure for carrying into execution the directions of the said Act, and as they were more

particularly instructed thereon, from time to time by His Majesty's Provincial Government.

That the Petitioners represent that the Bill which was the foundation of the said Act, contained only, at first, the proposal of a plan for building the said Gaol and Court Hall on a Stone Foundation and the walls to be of Cedar Logs, yet when the matter came to be taken into consideration, it was deemed proper to insert an additional clause giving authority to the Provincial Government to extend the said plan, regulating the construction of the Walls to be either of Wood or partly of Wood and Stone or wholly of Stone and which alteration being made and reported by a Committee was unanimously adopted by the House and now forms part of the Act.

That His Majesty's Provincial Government having been pleased to direct the Petitioners to build the said Gaol and Court Hall after the manner of the latter part of the aforesaid alternative, viz: that the Walls should be built of Stone; the Petitioners did accordingly contract with a Master Mason for the same on the best and most advantageous terms they could then procure, and have also since given every attention to all other parts of the work required for the completing and finishing of the said Gaol and Court Hall in the purchasing of various materials from Quebec and the employment of Carpenters, Blacksmiths, Labourers etc.

That the Petitioners humbly represent that the total amount that has been appropriated for the erecting of the premises by Acts of the Provincial Parliament has been £ 2100, which was granted at two different times, to wit - the sum of £ 1000 by the original Act and the remaining part, the sum of £ 1100 by an amending Act in 1814 and the Petitioners were led to make the application for that additional

sum as the previous grant was simply a calculation of the presumed expense that would be incurred if the Walls of the Gaol and Court Hall were built wholly of Cedar Logs, and therefore the said pecuniary provision had no reference to any of the other plans in the alternatives introduced in the Act, the most expensive, as well as the most useful of these having been adopted.

The Petitioners have already signed a Petition to this House dated 7th May instant setting forth the amount of the expenditure that has been contracted and that the said expenditure consisted of actual disbursement to the amount

of £ 2195 4 8 and 1/4

And likewise of a sum owing to sundry persons,

as settled with them and booked to their credit £ 115 19 5 and 3/4

Outstanding to sundry persons which are not yet ascertained or settled, viz: Andrew Caldwell, for Blacksmith Work, Robert and Andrew Caldwell for Carpenter Work, Nicolas Renouf for Carpenter Work,

Amasa Beebe for Cedar Posts and Barn £ 135 10 0

£ 2446 14 2

Estimate of the expenditure necessary for completing and finishing the Gaol and Court

Hall as of May 7th, 1816..... £ 889 10 0

Further expenses £ 38 10 0

£ 3374 14 2

Grants of 1808 and 1914 £ 2100 0 0

Sum required to complete and finish £ 1274 14 2

THE PETITION OF WILLIAM CRAWFORD
AND WILLIAM LE MAISTRE
COMMISSIONERS FOR ERECTING THE
GAOL AND COURT HALL AT NEW CARLISLE,
IN THE DISTRICT OF GASPE AND PROVINCE
OF LOWER CANADA.

APPENDIX "T" OF THE JOURNAL OF THE
LEGISLATURE OF LOWER CANADA FOR 1821.

2 Geo. IV. (Appendix (T))

Appendix
(T)
Th Feby.

To the Right Honourable the Earl of Dalhousie, Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, the Island of Newfoundland, &c. &c. &c. and Vice Admiral of the same, &c. &c. &c.

The Petition of William Crawford and William Le Maistre, the majority of the Commissioners for erecting the Gaol and Court Hall at New Carlisle, in the District of Gaspé and Province of Lower Canada,

Humbly Sheweth,

That your Lordship's Petitioners have been at great pains to prepare an Estimate of the total Expenses necessary to the completing and finishing the aforesaid Gaol and Court Hall at New Carlisle, and to arrange the same under the respective heads, which are principally, the discharging of certain advances made by the senior Commissioner, besides other arrears due tradesmen. The completing and finishing the building. The erecting of a stone wall to surround the premises. The erecting of certain necessary out-houses to be built of the material of stone, &c. &c. &c. forming an amount of three thousand and two hundred pounds currency, and which said Estimate is herewith annexed.

That your Lordship's Petitioners think it their duty to state, that the circumstance of that part of the above building destined for a Gaol being left unfit for the reception of Prisoners for several years past from the want of funds has been truly felt as a public grievance within the District of Gaspé, the impunity operating in the production of offences.

May it therefore please your Lordship to take the premises into consideration, and to dispose thereof as in your great wisdom may seem fit and proper, and your Lordship's Petitioners as in duty bound will ever humbly pray.

WILLIAM CRAWFORD.
WILLIAM LEMAISTRE.

Carleton, 28th July, 1820.

GENERAL ESTIMATE—GAOL and COURT HALL.

First. For the completing and finishing the Gaol and Court Hall as it is now erected, measuring forty-eight feet by thirty-two feet, will require nearly less, or more, £500 0 0

N. B. There is a good deal to be done in the inside of the Gaol and Court Hall, as in the second floorings of the first and second stories, and the flooring of the attic story to be laid: the partitions of the offices of Judge and Magistrates, Clerk and Sheriff's, doors of the second story, benches or seats for the accommodation of Parties, Witnesses or others attending on business in the Court Hall, Judge and Magistrates' Bench, Witnesses' Box, Jury Boxes, Desks, Benches and other fittings up in the Jury Rooms and in the above Offices, &c. King's Arms over Judge and Magistrates'

Bench, removing Iron Gratings to fix them in the part of the window openings, where the stone is hard, and making squares of Iron for each set of gratings, so as the same may be fastened by bolts, will occasion the purchase of Iron and work of a Blacksmith, a drain on the outside of the Gaol for the Privy made in the inside thereof, to be made of Mason work, &c &c. &c.

GAOL WALL.

Second. The building of a stone wall is necessary for the security of the Gaol, and which is to take in the well which is distant from the front of the building forty-three feet must be of the dimensions of 106 feet from North to South, and 106 feet from East to West is also requisite, so that access may be had for a carriage between the Gable and the Wall, and also as it may be necessary to build a Wing or small Out House or Out Houses to each Gable for the purposes of washing, baking, storing provisions for the prisoners, depositing Records of Court, a Privy, as represented more particularly in the following item.

FOUNDATIONS OF GAOL WALL.

	Length. feet.	Depth. feet.	Breadth. feet.	Solid feet.
North Wall	106	3	3	954
South ditto	106	3	3	954
East ditto	106	3	3	954
West ditto	106	3	3	954

GAOL WALL ABOVE GROUND.

	Length. feet.	Depth. feet.	Breadth. feet.	Solid feet.
North Wall	106	10	2½	2650
South ditto	106	10	2½	2650
East ditto	106	10	2½	2650
West ditto	106	10	2½	2650
A small projection of the corners of the Wall for rendering it more secure and safely kept,				700

15116.

The total of 15156 cubic feet makes 210 toises reckoning 72 solid feet per toise.

CALCULATION of the Expense of Building the above Four OUT HOUSES.

The Contour of the said four Out Houses together amounts to 208 feet, which length with the thickness of the wall in the foundation, say 2½ feet, and above ground 2 feet, and the total height including the depth of the foundations, say 18 feet in all.

Length feet.	Depth feet.	Thickness feet.	Cubic feet.
208	8	2½	1560.
208	10	2	4160

5720

The above 5720 cubic feet make 79 2-5ths Toises of Masonry, say therefore,

79 2-5ths Toises of Masonry on the same principle of cost in materials of Stone, Lime, Sand, Masonry as admitted in the calculation for the Gaol and Court Hall, will be

£360 0 0

Planks, Boards, Rafters, Window Jambs, Doors, Window Frames and Glass, Tin Covering,

120 0 0

480 0 0

Sundries—Paints, Oil and Painting, Freight from Quebec of Materials & Cash for the purposes of the Gaol and Court Hall,

50 0 0

The making the Roads belonging to the four acre lot of Gaol and Court Hall, forming a square, to the road enclosing the same,

40 0 0

TREASURER and CLERKS.

Salary provided at the time of the Grants of Money hitherto made,

60 0 0

Ditto ditto, necessary in the opinion of the Commissioners for his additional trouble and responsibility to be yet made to him, should a fresh grant of money be passed, as recommended by the Commissioners,

90 0 0

Commission to an Agent at Quebec, for the agency of drawing at the Receiver General's Office, the Government monies, and paying the same to the Commissioners' order, or remitting them money, about

45 0 0

ADVANCES.

A Messenger to be employed occasionally in carrying letters and accounts respecting the above business, from the Senior Commissioner to William Le Maître, Esquire, the Second Commissioner at Papebinc, and other persons concerned in the erecting thereof,

5 0 0

Carried over,

£2241 2 9

2 Geo. IV. Appendix (T.)

	Brought over, £2241 2 9½
Advances stated by the Commissioners to be due by the Provincial Government, and for which the Senior Commissioner is personally in advance, and also the Tradesmen's Accounts unpaid, and some Boards and Plank, &c. not yet paid, in all about	300 0 0
Stoves and Blankets,	60 0 0
WELL.	
The Cleansing thereof, the covering the same, with a Drain of Stone work and some Carpenter work thereto,	25 0 0
BARN.	
A Wooden Barn wanted for the lot of Land in the occupation of the Gaoler, and a necessary appendage to the use of the same, as granted by the Act of the Provincial Legislature,	45 0 0
LAW SUIT.	
A Law Suit by Olivier La Rue against the Commissioners for a considerable sum of money, balance of a Masonry Account, about £220, and the expenses incidental to the decision of the same now pending in the Court of King's Bench, if it should prove unfavourable to the defence of the Commissioners,	300 0 0
CONTINGENCIES.	
Other Contingencies either short reckoned, or the articles above stated reckoned short about	228 17 2½
	£3200 0 0

We the majority of the Commissioners for erecting the Gaol and Court Hall at New Carlisle are of opinion that the above Estimate for completing and finishing the said Gaol and Court Hall at New Carlisle together with appendages thereto is correct and proper.

New Carlisle, 6th August, 1820.

AMASA BEBEE, Treasurer and Clerk.

WM. CRAWFORD, Senior Commissioner.

ESTIMATE of the Expenses of the Particulars yet required for the completing and finishing the Gaol part of the Building by Government, in New Carlisle, for the purpose of a Gaol and Court Hall.

Fixing up a second range of Iron Gratings in the window openings of Gaol apartments, the window in inside passage of ditto, the window openings in Gaoler's suit of rooms, and window of passage or stair on ground story and leading to Court Hall, (the first range stands on soft stone,)	£50 0 0
Stone Sewer on outside of West Gable to complete the inside Privy to the Gaol, materials of stone, lime, sand and mason work, and leading the inside of that	

part of it inside on the bottom,	30	0	0
Spout for conveying water down from spouts of the building under roof, painting and iron for fastening it to the wall. This spout comes down the wall and is turned into the inside Privy, which thereby is washed clean by every shower of rain,	2	0	0
The ceiling of the Gaol Rooms and inside passage, Boards and Carpenter's work remaining yet to be done in laying down the second flooring over head the Gaol Rooms and said passage in the Court Hall, and laying betwixt the two floors sheets of iron which are ready for that purpose, to be expended, say	10	0	0
Lathing on partition of one of the Gaol Rooms adjoining Privy requires to be plastered before a stove pipe can pass through it to the fire place, and except this be done, that Gaol Room and the other one to the Eastward of it cannot be used during the winter,	2	10	0
4 Bedsteads, Chairs and Tables,	5	10	0
2 Iron Stoves and Pipes,	10	0	0
12 Blankets 15s. each,	9	0	0
4 Paillasses, 20s. each,	4	0	0
Window Shutters of Gaol Rooms and Passage in the inside omitted above, which must be secured in inside with iron bolts locked up with padlocks. Also, there should be window shutters put up in Gaoler's apartments and on the window to stair leading from said story to Court Hall, the improvement of the first and making of the others,	9	0	0
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	£132	0	0

New Carlisle, 6th August, 1820.

AMASA BEBEE, Treasurer and Clerk.

WM. CRAWFORD, Senr. Commissioner
for Gaol and Court Hall New Carlisle.

The first range of Iron Gratings being only fixed in soft or free stone by misconduct of the Master Mason and of no use as a defence or security.