

The Provincial Statutes of Lower-Canada, Being the fourth session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1808.

48 George III – Chapter 35

An Act for erecting Common Gaols with Court Halls, in the Inferior District of Gaspé.

14th April, 1808. Presented for His Majesty's Assent and "reserved for the signification of His Majesty's pleasure thereon."

15th November, 1809. Assented to by His Majesty in his Privy Council.

12th April, 1810. The Royal Assent signified by Proclamation of His Excellency the Governor in Chief.

Whereas the administration of Justice in the inferior District of Gaspé is subject to much difficulty and uncertainty, from there being no Common Gaol within the same, and also, that the sittings of the Courts of Justice therein are rendered inconvenient for the discharge of public business, from the want of Court Halls with proper offices. And whereas from the great extent of the said inferior District, and the natural obstacles to a free communication between the settlements in the Bay of Chaleur's and other parts of the said inferior District, it will be required that two Common Gaols with Court Halls should be erected; one at New Carlisle in the Bay of Chaleur, and the other at Percé in the entrance of the Bay of Gaspé, as being the most frequented and central places in the said inferior District. May it therefore please your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and it is hereby enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant Governor or person Administering the Government of this Province for the time being, by two several instruments under his hand and seal at arms, to appoint six Commissioners in the said inferior District of Gaspé, of which number, three shall be appointed by one of the said inferior District of Gaspé, of which number, three shall be appointed by one of theses aid instruments, for the erecting of a Common Gaol with a Court Hall at New Carlisle aforesaid, and by the other of the said instruments, the other three Commissioners shall be appointed for the erecting of a Common Gaol with a Court Hall at Percé aforesaid, and to remove from time to time the said Commissioners or any of them, and to appoint others in the place and stead of such as shall be removed, or shall die, or resign their trust.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, to appoint a fit and proper person to act as Clerk and Treasurer to the Commissioners so to be named for the erecting of a Common Gaol with a Court Hall at New Carlisle, aforesaid, and also, a fit and proper person as Clerk and Treasurer to the Commissioners to be named for the erecting of a Common Gaol with a Court Hall at Percé, aforesaid, and also to make to each of the said Clerks and Treasurers so to be appointed, an allowance for this time, provinces and contingent expences, not exceeding in the whole, the sum of forty Pounds current money of this Province, and the said Treasurers and Clerks or either of them, to remove from time to time, and to appoint others in the place and stead of such as shall be removed, or shall die, or resign their trust.

III. And be it further enacted by the authority aforesaid, that two Common Gaols with Court Halls, shall be built in the said inferior District of Gaspé, one at New Carlisle aforesaid, and the other at Percé aforesaid, each of which shall be forty eight feet in length by thirty-two feet in depth, the thickness of the walls included, to consist of two stories, the same to be respectively ten feet high clear of the ceiling, which said Gaols and Court Halls shall be substantially constructed of wood, upon a stone foundation, or partly of stone and partly of wood, or wholly of stone, as shall be determined upon and directed by the Governor, Lieutenant Governor or Person administering the Government of the Province for the time being, after being furnished as herein-after directed with Plans and Estimates of the expences thereof. Provided, that the sum to be expended by virtue of this Act, in and about the building of a Common Gaol with a Court Hall at New Carlisle aforesaid, shall not exceed the sum of one thousand pounds current money of this Province; and that the sum to be expended by virtue of this Act, in and about the building of a Common Gaol with a Court Hall at Percé aforesaid, shall not exceed one thousand pounds like money aforesaid; to which said sums the said Commissioners respectively are hereby expressly limited and restrained.

IV. And be it further enacted by the authority aforesaid, that before the building of the said Common Gaols with Court Halls as aforesaid shall be commenced, the Commissioners respectively to be named for erecting them, shall cause to be made a Plan of each of the said Common Gaols with Court Halls with separate estimates of the expence of erecting the same, in the different modes herein before specified, which plans and estimates shall, by the said Commissioners so to be respectively named or any two of them, be laid before the Governor, Lieutenant Governor or person administering the Government of the Province for the time being, for his approbation; and after approbation, it shall and may be lawful for the said Commissioners so respectively to be named, or any two of them from time to time to agree by Contract or Contracts in writing or otherwise, in their discretion, with any person or persons as well for conducting and inspecting the works, as for providing materials and hiring workmen and labourers, and for the building of the said Common Gaols with Court Halls, or for the building of such part or parts of them as and for which the said Commissioners, as they may be respectively named, or any two of them, shall think expedient to contract or agree. Provided always, that previous to making any Contract or Contracts in writing, one month's notice at least shall be given, by posting up in the most

public and frequented places in Douglas Town, Percé, Bonaventure, New Carlisle and Carleton, in the said inferior District of Gaspé, a written notice or advertisement in the English and French languages, expressing the object and intention of such Contract or Contracts, and the time and place for receiving proposals for the same.

V. And be it further enacted by the authority aforesaid, that the three Commissioners so to be appointed for the erecting of a Common Gaol with a Court Hall at New Carlisle, shall, immediately after being so appointed, treat and agree with the Owner or Owners, Curator or Guardian of the said Owner or Owners, for the purchase in fee simple of four of the one Acre Lots of which the Town of New Carlisle consists, the said Lots laying together and forming one piece, Lot, or square, for the purpose of erecting thereon the said Gaol with a Court Hall; and the said three Commissioners so to be appointed for the erecting of a Common Gaol with a Court Hall at Percé aforesaid, shall in like manner immediately after being so appointed, treat and agree with the Owner or Owners, Curator or Guardian of the said Owner or Owners, for the purchase in fee simple of a convenient Lot or Piece of Ground in the Town of Percé, whereon to erect the said Common Gaol with a Court Hall at Percé aforesaid: And it shall and may be lawful to and for all Husbands, Guardians, Tutors, Curators, and all Trustees whatsoever, not only on behalf of themselves, but on behalf of the persons for whom they act, whether Minors or issue unborn, Lunaticks [lunatics], Ideots [idiots], or Femmes coverte, or other person or persons who are or shall be seized, possessed of or so interested in the said Lots or Pieces of ground, or either of them, on which the said respective Common Gaols with Court Halls, shall be appointed to be erected, to contract or agree and to sell, convey or assure the same unto the said Commissioners respectively for the purposes aforesaid; and the said Commissioners respectively to be named as aforesaid, shall endeavor to agree for the purchase of the aforesaid Lots, and pieces of ground, whereon to build the aforesaid Common Gaols with Court Halls, with the Owner or Owners, or the Curator or Guardian of the said Owner or Owners, as aforesaid; and in case they cannot agree concerning the same, then and in that case, it shall and may be lawful for the Justices of the Peace of the said Inferior District of Gaspé, or any two of them, and they are hereby required at the request of the said Commissioners respectively, to assemble and hold a special Sessions of the Peace at the place where the said Lots and pieces of ground whereon to erect the said Common Gaols, respectively may be situated; and upon due proof being made of fourteen days notice having been given by the said Commissioners to the Owner or Owners of such Lots, and pieces of ground of their intended application to such special Sessions, the said Justices of the Peace are hereby required to cause and direct the Sherrif of the said Inferior District, to summon a Jury of twelve disinterested men, who, after being duly sworn to appraise and value such Lots and pieces of ground, or any part thereof, at a fair and reasonable price, according to the best of their knowledge, shall proceed to view and value the said Lots and pieces of ground or any part thereof, and shall deliver in a verdict to the said Court, wherein the value and description of such Lot or Lots of ground shall be expressed; and such verdict so delivered in, to the said Court, shall be duly entered and become a verdict of the said Court; and the value of the said Lots and pieces of ground or any part thereof, being thus ascertained, the said Commissioners respectively, shall, immediately pay the same to the Owner or Owners

thereof; and in case of refusal, to receive the same or of absence, the money shall be paid into the hands of the Clerk of the Peace of the said inferior District of Gaspé, which being done, the same shall be held and reckoned a valid discharge of the payment, and with the entry of the verdict as aforesaid, shall be, deemed and taken as a sufficient conveyance and title to the respective Commissioners aforesaid, for the purpose herein before expressed. Provided, that in case the Owner or Owners may be absent from the District, then two months notice shall be given by the said Commissioners or any two of them, at the most public and frequented place where the said Lots and pieces of ground may be situated, by affixing thereon an advertisement signed by the said Commissioners or any two of them, of such their intended application to the Justices aforesaid.

VI. And be it further enacted by the authority aforesaid, that the said Commissioners so to be respectively named, from time to time, when thereunto required, shall account to the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, of the application and expenditure of all and every the sum and sums of money to be advanced by them, and distributed by them, in the erection and finishing the said Common Gaols with Court Halls, in such manner and form, as the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, shall appoint and direct.

VII. And be it further enacted by the authority aforesaid, that the said Gaol when so erected at New Carlisle, shall become the Common Gaol of all that part of the inferior District of Gaspé, to the Westland of Point Mackarel in the Bay of Chaleur; and that the Gaol when so to be erected at Percé aforesaid, shall become the Common Gaol of all that part of the said inferior District, to the Eastward and Northward of Point Mackarel aforesaid, and on the Coast of the River Saint Lawrence, as far as the said inferior District extends, and the Sherrif of the said inferior District shall have the keeping of each of the said several Gaols aforesaid, so to be erected; and when and so soon as the said Gaols shall be fit for the reception of Prisoners, the said Commissioners respectively or any two of them, shall cause notice hereof to be given to the Sheriff of the said inferior District accordingly.

VIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful, to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, after the said Common Gaols with Court Halls shall have been respectively erected as aforesaid, to appoint a Gaoler and keeper of each of the said Common Gaols and Court Halls, and to allow to them, respectively a fixed salary, together with the use and enjoyment of any part of the ground and premises which may belong to each of the Common Gaols aforesaid, the said salaries to be respectively paid out of any of the unappropriated monies now in the hands of the Receiver General of this Province, or which may hereafter come into his hands, under any Act or Acts of the Legislature of this Province.

IX. And be it further enacted by the authority aforesaid, that it shall and may be lawful, for the Governor, Lieutenant-Governor or person administering the Government of this

Province for the time being, to advance to the said Commissioners respectively, such sum or sums of money as he may judge expedient and necessary, to defray the expence to be incurred under and by virtue of this Act, for the erecting of the said Common Gaols with Court Halls respectively as aforesaid, out of the unappropriated monies, from the Rates and Duties imposed and payable under and by virtue of an Act, intituled, "An Act to provide for the erecting of a Common Gaol in each of the Districts of Quebec and Montreal respectively, and the means for defraying the expences thereof," which now are or hereafter shall come, into the hands of the Receiver General of this Province.

X. And whereas it will be expedient that the said Common Gaols when so erected at New Carlisle, and Percé, in manner aforesaid, should also serve as Houses of Correction; Be it therefore enacted by the authority aforesaid, that until a House or Houses of Correction shall be built in the said inferior District of Gaspé, the said Common Gaols shall serve as Houses of Correction in the said several portions of the said inferior District, wherein they are to serve as Common Gaols aforesaid, and each of them is hereby constituted a House of Correction; and that all and every idle and disorderly person or Rogues and Vagabonds and incorrigible Rogues, who may in pursuance of the Criminal Statutes or Criminal Laws of this Province, or any or either of them, be liable or be committed to a House of Correction, shall be liable to be committed to the said Common Gaols in the said Divisions or Portions of the said inferior District respectively, where he, she, or they shall be detained, as lawfully and effectually as if the same were such House of Correction, as by the said Criminal Statutes or Criminal Laws, or either of them is intended.