

# LANARK COUNTY COURT HOUSE

## The Hall Of Justice Since 1843

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*Text of a speech delivered by Judge Edward McLeod Shortt (1915-1978)<sup>1</sup> at the unveiling of an Archaeological & Historic Sites Board plaque in front of the Lanark County Court House on June 28, 1973.*

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This area was in 1798, although almost exclusively occupied by Indians only, first constituted part of the County of Carleton along with the present County of Carleton, the present County of Lanark, except for the Townships of North Elmsley and North Burgess and the present County of Renfrew.

The County so designated was attached to the Johnstown District for the purposes of legal and municipal matters. The capital of that District was, of course, the present City of Brockville.

Perth, as is well known, was first settled in 1816 and although it commenced and remained the center of business for the then Carleton County, the governmental matters were still dealt with in Brockville.



*Judge Edward M. Shortt  
(1915-1978)*

As a result of the rapid increase in the settlement in population, the Lieutenant-Governor of Upper Canada<sup>2</sup>, on November 13, 1822, issued a Proclamation creating the County of Carleton a separate judicial district under the name of the District of Bathurst and in January 1824 the District was divided into the Counties of Lanark and Carleton for purposes of representation in the Legislative Assembly. Otherwise, the District remained the unit for purposes of administration of justice and municipal government.

Naturally, as the District Capital, an appropriate governmental building was required, and the leading citizens of the community took steps to supply this want. As early as January 24<sup>th</sup>, 1822, William Morris<sup>3</sup>, undoubtedly the leading citizen of Perth then and for a number of subsequent years, wrote requesting the approval of the Lieutenant-Governor in Council of Upper Canada to the granting of certain lands in the Town of Perth to the Magistrates for the purpose of raising a fund to build a gaol.

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<sup>1</sup> Judge Shortt occupied the Lanark County bench 1964-1978, historian and author of *The Memorable Duel At Perth* (1970). Judge Shortt's wife, Willa Torrance Dole (1913-2005), served on Perth's Architectural Conservation Advisory Committee.

<sup>2</sup> Sir Peregrine Maitland (1777-1854), Lieutenant Governor 1818-1828.

<sup>3</sup> William Morris (1786-1858) was Perth's first merchant, a Magistrate, the settlements first representative to the Upper Canada Legislative Assembly, and later a member of the Legislative Council of the United Province of Canada.

Although the request was at first refused, it was approved eventually on the 10<sup>th</sup> of December 1823.

The lands devoted to the purpose consisted of 125 acres bounded on the north by the present North Street, on the west by the present Sherbrooke Street West, on the south by the present Craig Street and on the east by Drummond Township. Records disclose that these lands were subsequently sold in parcels of 6 ½ acres each for prices ranging from £6 to £18 pounds sterling.



In addition to the funds so raised, various amounts were subscribed by loyal local citizens.

The Court House was then proceeded with – probably in the year 1824. It appears to have been an unpretentious brick building which has been described as “48 feet in front and 38 in depth, two stories high with circular top windows in the upper story. The lower floor contained two cells for felons and a larger room for debtors, besides two apartments for the jailer. The court room occupied the whole of the upper storey”.

The Court House was utilized until the first day of December 1841 when it was totally destroyed by fire.

An examination of the minutes of the Quarter Sessions for the District of Bathurst discloses that the Magistrates lost no time in coping with this disaster.

By December 21<sup>st</sup>, plans for this present building had been prepared and were adopted at a meeting held that day and tenders were called, to be received within one week.

On December 28<sup>th</sup>, 1841, the tenders were opened and that submitted by Alexander Cuthbertson<sup>4</sup>, David Smith and William Allen<sup>5</sup> was accepted and on December 30<sup>th</sup> a contract for the new Court House and gaol was executed.

Thus, in less than one month after the existing building was destroyed, plans were drawn, tenders called for and a contract signed.

<sup>4</sup> Alex Cuthbertson (1807-1886), building contractor.

<sup>5</sup> William Allan (1787-1868), bookstore owner, property developer.

This remarkable speed was due in part to the fact that elective District Councils came into existence as of the 1<sup>st</sup> of January 1842. No doubt to avoid delay due to elections and the introduction of inexperienced persons to the council, the Magistrates, aware of the needs, decided to proceed as expeditiously as possible.



*Lanark County Court House c2020*

When the first meeting of the District Council convened on February 1<sup>st</sup>, 1842, the Magistrates of the District of Bathurst forwarded a statement of their proceedings as follows:

“When this untoward accident happened, they turned their immediate attention to the securing of prisoners by the erection of a temporary gaol, and to the accommodation of the Courts and of the Municipal Council, by renting the most suitable premises in the town for that purpose – Both of these objects have been attained at an expense which the Magistrates trust will be considered moderate.

“The late public buildings were insured with the Alliance Fire Office for £2,000 – and it affords the Magistrates much satisfaction to be able to inform the Municipal Council that the claim for this loss was met by the company in the most ready and honorable manner”.

“It appeared important to the Magistrates that they should lose no time in entering into a contract for the erection of a new gaol and Court House with the money thus placed at their disposal in order that the contractors might have the benefit of the winter season and

roads to prepare and remove the necessary materials. And the Council will learn with pleasure that three respectable mechanics have undertaken to build the walls of, and cover with suitable tin roof, a building according to the plan and specifications herewith.

“Having done in this matter what they felt to be their duty to the public, the Magistrates now submit to the Council the contract, plans and specifications, trusting that they will complete the building in the style contemplated by themselves, which is not extravagant but plain and substantial.

“It may appear to the council that the Magistrates have erred in not undertaking to construct a building of dimensions corresponding with those in almost all other Districts, but when it is considered that a large portion of the District territory will shortly form part of another District and that in the course of ordinary events the northern townships will also by the operation of similar causes be severed in a few years from the District of Bathurst, the contemplated building will be found quite large enough to accommodate the several courts as well as the Municipal Council.

“The Magistrates appointed Alexander Thom<sup>6</sup>, Henry Graham<sup>7</sup>, Alexander McMillan<sup>8</sup>, Roderick Matheson<sup>9</sup> and Joshua Adams<sup>10</sup>, Esquires, a Committee to contract for and superintend the building of the gaol and Court House and it will afford much satisfaction if the Municipal Council should think proper to authorize the same individuals to complete the interior of the edifice assisted by the District Surveyor.”

The Magistrates on March 13, 1842, further reported to the District Council –

“That the Contractors for erecting and covering in the building according to the plans and specification in possession of the Council, expect to complete their contract by the month of October next.

“That it would be of the utmost advantage to the public and a saving of much expense if the interior finishing of the building were carried on simultaneously with erection of the walls.

“That after the most mature consideration given to the subject, the Justices are of the opinion that the sum of £1,200 will yet be required for completing the public buildings agreeable to the plans in possession of the Council.

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<sup>6</sup> Dr. Alexander Thom (1775-1848), British Army Staff Surgeon, miller, Magistrate, and Perth's first doctor. Survived 1833 duel with Alexander McMillan.

<sup>7</sup> Henry Graham (1794-1846), former Lieutenant of the 103<sup>rd</sup> Foot, merchant, Magistrate, and Perth's first distiller.

<sup>8</sup> Alexander McMillan (1783-1850), former Captain of the Glengarry Light Infantry, Magistrate, first Lanark County Registrar of Deeds. Survived 1833 duel with Dr. Alexander Thom.

<sup>9</sup> Roderick Matheson (1793-1873), former Lieutenant of the Glengarry Light Infantry, merchant, Magistrate, life member of Legislative Assembly of the Province of Canada and Dominion of Canada Senator.

<sup>10</sup> Joshua Adams (1779-1863), former Captain of Leeds Militia, mill owner, Magistrate, founder of Glen Tay.

“The Justices therefore respectfully suggest that the Council do take the matter into consideration at their meeting in May next, in order that the assessment may be included in the rolls of the present year. Completing the building with as little delay as possible will be a great saving to the District in the rent of the present temporary Court House as well as the office of the Treasurer and Clerk of the Peace, besides the early accommodation of the council.”

The building was thus completed in the year 1843 and for the past 130 years has served as the dignified center of County Government and the administration of Justice for the County of Lanark.

- *From the Perth Courier, July 12, 1973*