
JUSTICE AND JUDGMENT

The History of Manitoba's First Courthouses and Jails, Escapes, and Hangings

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Manitoba's earliest courthouses and jails were more than just buildings; they were the hub of justice in the province, and their establishment marked a significant chapter in the province's history. These buildings not only represented the formal introduction of a justice system in Manitoba but also symbolized the province's commitment to maintaining peace and order.

When Manitoba entered Confederation on July 15, 1870, it became responsible for all the machinery of justice that provincehood required. Starting with the police, Frank Villiers, a soldier in the 2nd (Quebec) Battalion of Rifleman and Quartermaster for service in the North West under Colonel Garnet Wolseley was appointed Chief Constable and Chief of Police for the Province on September 27, 1870. His Deputy Chief was Louis de Plainval, a Sergeant with the 2nd (Quebec) Battalion of Rifleman. The rest of the new police force were appointed on October 10, 1870.



1870-1874 Manitoba Police, Courthouse and Jail

A building just outside Upper Fort Garry on Main Street was “*fitted up as a police station and courthouse*”. The building was purchased from John Sutherland, who would be appointed the first Sheriff of Manitoba on September 30, 1870. The Executive Council's Minutes show that Sutherland was paid an additional 100 Pounds on October 12, 1870, for finishing the building for police. However, considering Sutherland was paid a further 123 Pounds, 48 Shillings and 10 Pence (£123.48.10) on January 3, 1871, to “*repair the police building*”, suggests it was not a particularly habitable facility.

Indeed, the quality of housing for the police and those in the police lock-up was of concern for the province's first Grand Jury when it toured the building on May 16, 1871, finding it entirely unsuitable and recommended prompt measures be taken for the erection of a proper jail and courthouse. Even more so once the Jury and Judge Johnson convicted and sentenced five prisoners to lengthy terms of imprisonment (John Longbones – 2 years; James Warren – 6 months; Sarah Atkinson – 6 months; John Thompson – 6 months; and James Lang – 6 months).

In a letter to the Secretary of State for the Provinces on May 18, 1871, Lieutenant Governor Archibald urged that *“steps be taken immediately for the erection of a building to serve the purpose of a Penitentiary for this Province, as the only penal facilities are in a wooden building used as a police office.”* A building fitted with cells that are totally *“unfit, even for the purpose of Police ... In winter, prisoners would perish ... in summer they would suffocate.”*



Samuel Bedson, Manitoba Archives

Although the Federal government disputed who should be responsible for operating and paying for a Penitentiary, with the escape of John Longbones on May 27, 1871, from the less than secure jail in the police building, the province acted quickly to find a new building. On May 29, 1871, arrangements were made to lease “the stone building” at Lower Fort Garry as a Provincial Jail for the whole province. The Manitoban reported on June 3, 1871, that *“the building used at present as a Court House, Gaol and Police Station, not being suitable for such a combination of purposes, another one in the Stone Fort has been rented as a gaol ... Under the new arrangements prisoners will be forwarded to the Fort where they will be confined in one of the buildings, recently vacated by three companies of the Second Battalion. Mr. [Samuel] Bedson, at one time Quarter Master Sergeant in the Second Battalion ... will be Governor of the Gaol”*.¹

While the Villiers and his men would continue to use the cells in the police building as a temporary “lock-up” or short-term detention facility, any prisoners sentenced to jail or held in custody awaiting trial would be taken to the “Stone Fort”, which would be used as both a Penitentiary (for individuals sentenced to more than two years in custody) and a Provincial Gaol. However, the provincial police would continue to provide goal guards or turnkeys as well as transporting prisoners back and forth for court.

Nevertheless, with only horses and wagons to move from downtown Winnipeg to Lower Fort Garry, a distance of 32 km (20 miles), the commute was onerous for all justice system participants, and it was recommended by the Grand Jury that the police building and lock-up be remodeled into a new larger courthouse and jail. As reported in the Manitoba Free Press on January 25, 1873, *“[it is the duty of the Attorney General] to attend to he matter, to cause the present buildings in Winnipeg to be enlarged and made suitable for a common Gaol, as the expense of taking prisoners down to Lower Fort Garry is very great, and the keeping there must cause a great deal of inconvenience to the Sheriff and all others concerned, whilst prisoners or debtors have no opportunity of seeing counsel without a great deal of expense ... the present lock-up at Winnipeg is clean and well-kept, but is both insufficient as regards accommodation, and as regards the due security of prisoners.”*

As a result, the provincial government committed to expanding the police building and lock-up in Winnipeg into a more functional courthouse, provincial jail, and police barracks. However, it couldn’t be soon enough for the growing population of Winnipeg, and indeed Manitoba.

¹ “Gaol” was the original British spelling for American “Jail”. They were used interchangeably at the time.

On June 13, 1873, in a presentment to the Court, Grand Jury Foreman Andrew Strang reported that the prisoners in the police lock-up in Winnipeg were required to urinate in pails in their cells at night. While there were only six cells, which could hold 12 people double bunked, *“the Chief of Police, Mr. Power, informs us that the stench in the morning is sickening (and we found such to be the case when inspecting) enough to cause sickness among both prisoners and policemen. The accommodation for policemen is much too small, and is immediately adjoining the cells, and the stench from them is likely to cause sickness among the men ... we would urge that something be done at once to remedy these evils ...”*.

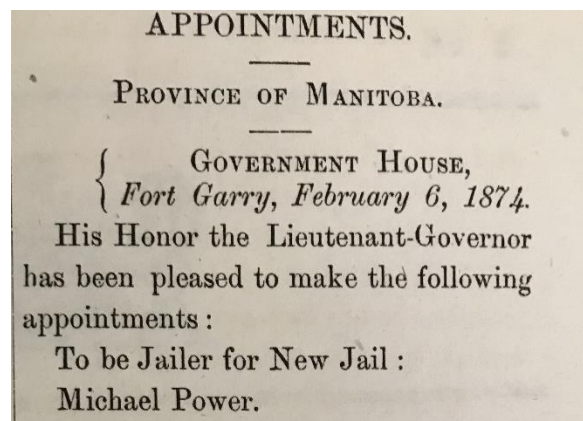
On September 19, 1873, in another presentment to the Court, Grand Jury Foreman W.D. Lane continued to report that the current lock-up and police offices in the courthouse were *“too small and badly ventilated for human beings to be confined in. The accommodations for the police force are by far too small and confined ... we found that the present cells are kept as clean as their cramped condition will allow. We would, however, bring before your Lordship the uncomfortable state of the apartment provided for the police force and, in connection with this, we are of opinion that the strength of the present force, five men, is by far too small for the requirements of the province”*.

A tour by the Grant Jury of the new addition while it was still under construction provided a description of the building as having 44 cells on the lower floor in the centre of the building, that were surrounded by four wards. Two of the wards were 40x12 feet and two were 20x12. This would allow for proper ventilation and sufficient room for the prisoners to move around. Each cell had two sleeping bunks, one over the other “like on board a ship”. As part of its tour the Grand Jury recommended that “water closets” (toilets) be set up in the courtyard and that a stockade be erected around courtyard to prevent prisoners from escaping.

The upper floor of the new addition would be used as a court room (50x40 feet) and for awhile the Provincial Legislature. The old portion of the building that housed the original court room would be converted into offices, waiting rooms and police quarters, and the old cells used for short-term confinement of drunks and disorderly persons. However, because the new courthouse and jail were being built onto the rear of the present structure, its appearance was spoiled by the look of the old building – “like a big house with the kitchen in front”.

On February 5, 1874, the building was complete, and the Provincial Legislature met in the upstairs court room. One of their first appointments was to confirm Michael Power as Jailer

(Governor) of the new Jail. The appointment was confirmed in the Manitoba Gazette on February 6, 1874 (see left).



APPOINTMENTS.
—
PROVINCE OF MANITOBA.
—
{ GOVERNMENT HOUSE,
{ Fort Garry, February 6, 1874.
His Honor the Lieutenant-Governor
has been pleased to make the following
appointments:
To be Jailer for New Jail:
Michael Power.

Michael Power had been a Sergeant-Major in the 2nd Dragoon Guards (Queens Bays). He retired to the Red River Settlement in 1866 after spending a short time in Memphis, Tennessee. Michael remained the Governor of the Provincial Jail until December 9, 1876, when he passed away. He was buried with military honours at the St. Charles Cemetery. His son, Richard, then Chief Constable

and Chief of Police for the province, acted in his father's place for more than a year until Duncan Urquhart (D.U.) Campbell was appointed Governor of the Jail on February 11, 1878.

The Manitoba Court of Queens Bench would have its first sitting in the building on February 10, 1874, and Patrick Cullen had the great distinction of being the very first person committed to the gaol on a charge of theft by Justice Louis Bétournay. The next four were:

- I-An-Dass for theft by Magistrate Francis Ogeltree of Portage la Prairie on February 14.
- William Bishop for Obtaining Goods by False Pretences by Justice Bétournay on February 14.
- J.B. Savoyard for Larceny on February 19 by Justice Bétournay; and
- Benjamin Marchand for Assault on February 19, also by Justice Bétournay.



1874-1883 Manitoba Police, Courthouse and Jail, Manitoba Archives

At the same time the Federal government assumed responsibility for the Stone Fort Penitentiary and Samuel Bedson would become its first Warden. Bedson continued in this position when the new federal penitentiary opened in Stony Mountain on February 2, 1877. Despite his frequent protests, “lunatics” were housed in the Stony Mountain Penitentiary until 1885.

While the situation improved somewhat as the police barracks and lock-up with the expansion of the jail, by October 19, 1875, the gloss was beginning to wear off. The Grand Jury reported that while the jail was clean and tidy, the cells were too small “*and those ranging next the outside*

walls [were] too cold for winter use, owing to the lumber being shrunk and warped, from being used when green ... Great necessity also exists for a wash room and bath room, there being no fixed place at present and no means of properly washing prisoners when first brought in for confinement”.



Main Street looking south from top of new courthouse, spring 1874. City of Winnipeg Archives.
Upper Fort Garry, east bastion, and stone walls visible at south end of Main Street

Annual Reports regarding the number of crimes for which people were apprehended and their dispositions in court for the years 1876 and 1877 showed the nature and extent of crime was settling down in Manitoba. In both years only 94 individuals were charged and detained in the provincial jail. Most of the offences were thefts and assaults. The 1877 report further reported that the provincial jail was “[well] maintained, the prisoners are treated kindly and humanely; and the management of the institution is creditable to Mr. Richard Power, the governor of the gaol, who is assisted in his labors by a very careful and efficient staff of officials”.

Hanging of Joseph Michaud

On the evening of June 18, 1874, Joseph Michaud, a soldier at Fort Osborne, stabbed James Brown to death in a drunken stupor. Michaud was arrested by Police Chief Power and admitted

his involvement in the murder. On Saturday June 27, 1874, Michaud was sentenced to death by Justices Wood and Bétournay. He was to hang in the jail yard behind the courthouse on August 26, 1874.

Michaud was hung on schedule and holds the dubious distinction of being the first man to hang in Manitoba. The identity of the hangman hired by Sheriff Edward Armstrong was unknown. He appeared with a black cloth over his head with holes cut out for only his eyes and mouth. After Michaud was confirmed dead his body was lowered into a coffin and taken by his military friends to St. Boniface Cathedral where he was buried in consecrated ground. Although the practice was to bury the body of the condemned man within the walls of the jail where he was executed, the Executive Council Minutes show there was no room for a burial inside the jail and authorized the burial at St. Boniface.

The total cost to hang Michaud was \$338.00. Of that \$94.50 was paid to Sheriff Armstrong to pay for the hangman; \$156.00 was paid to Muloin & Co to erect the scaffolding; and \$87.50 was paid to R. Smith for the lumber to build the scaffolding.

Hanging of Angus McIvor and Louis Thomas

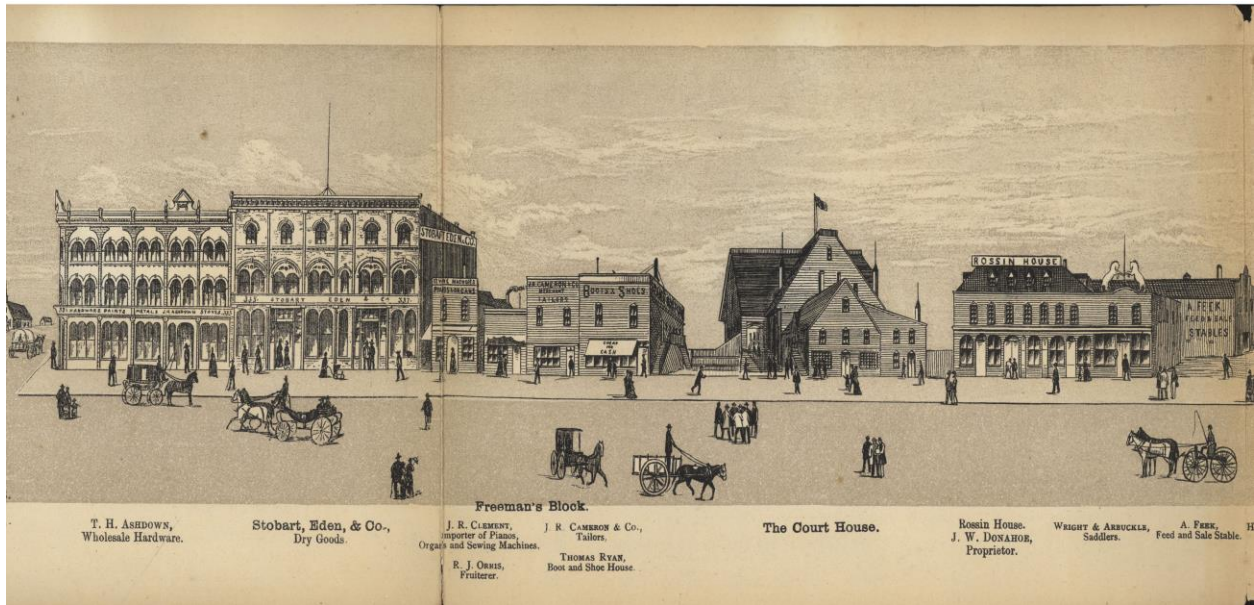
The scaffolding was to remain in place at the jail for the next two hangings. Angus McIvor was executed on January 7, 1876, for the murder and attempt murder of George Atkinson and Baptiste Charette on September 15, 1875, near Fort Ellice (now Saint Lazar) then in the North West Territories; and Louis (aka Lapierte, aka L'Iroquois) Thomas was executed on April 28, 1876, for the murder of Henry Corniel in Rat River, Manitoba.

Angus McIvor was brought in by the North West Mounted Police and did not directly involve the Province of Manitoba. However, the case of Louis Thomas and the murder of Henry Corniel involved both Michael and Richard Power.

On or about May 10, 1874, Henry Corniel was shot in the back and dumped in a well near Rat River, a settlement just north of St. Pierre Jolys. His body was discovered on June 2, 1874, and removed from the well by Richard Power. Jurors were summoned and an Inquest was held by Doctor Curtis Bird at the home of "Jerome" in Rat River. The jury returned a verdict of "wilful murder against some person or persons unknown".

On December 18, 1875, Louis Thomas was detained at the Provincial Jail and committed to trial for larceny. At the time of his arrest by Richard, Thomas was found in possession of a unique shaving box, razor, strap, broad axe and a coat, the possessions of Henry Corniel.

At the time Thomas was detained Angus McIvor was in jail awaiting his execution on January 7, 1876. On or about December 20, 1875, Thomas told McIvor that he had killed Corniel. He also told A.D. Lépine he had killed Corniel. Justice Bétournay was summoned to take depositions from McIvor and Thomas with Richard Power as a witness. McIvor gave his statement in the presence of Thomas after which Thomas gave a statement admitting to the offence.



Sketch of Winnipeg's Main Street buildings, 1881. West Side between Bannatyne and William Avenue

Thomas' trial for murder began on February 11, 1876, before Justice McKeagney. The only real challenge to the evidence was the legal capacity of McIvor to provide a statement considering he was under a sentence of death. Michael Power was called to confirm that McIvor was dead, having been hanged at the jail on January 7, 1876. Both Richard and Justice Bétournay were called to prove the statement as given by McIvor. Stuart McDonald argued McIvor was legally dead at the time he gave the statement, and it was inadmissible, but agreed to a portion of the statement being read in which Thomas admitted to killing Corniel in self-defense.



Manitoba Provincial Jail, 1884. View #1420, © McCord Museum. Still stands at corner of Kennedy and Vaughan Street, Winnipeg.

Thomas was convicted of murder on February 12, 1876, and sentenced to hang at the jail on April 28, 1876. Thomas' execution was carried out on schedule using the same gallows that had hung Michaud and McIvor. It cost Sheriff Colin Inkster \$80 for the executioner and an additional \$2.10 in sundry expenses. It would be the last execution in Manitoba until 1888 when William Webb was hanged in Brandon.

Sergeant Patrick Lawlor would replace Duncan Campbell as the Governor of the Provincial Jail effective August 9, 1880, when Lawlor resigned from the Winnipeg Police. Lawlor had been a member of the 31st City of London regiment, known as "The Buffs", and saw service with the British army in many places, including the Crimea, Malta, India, and China. After he arrived in Winnipeg Lawlor found employment with the Winnipeg Police on September 10, 1875, becoming the force's first Sergeant.

Lawlor would remain as Governor of the Provincial Jail until his death on October 30, 1905. Lawlor oversaw the transition of the jail from the wooden structure on Main Street to the brick building on Kennedy Street that still stands today at the corner of Vaughan Street. The last prisoner transferred from old the old jail to the new one – Joseph Leveque – was on February 3, 1883.



While there were three other murders awaiting trial, Leveque presented an interesting challenge. He had been arrested for the murder of the Joseph Legault on September 9, 1882, on a farm near Wakopa. On October 18, 1882, Leveque appeared before Justice James Miller sitting with a jury in Winnipeg. The jury found Leveque guilty, and he was sentenced to hang at the Jail on "Main Street" in Winnipeg. Before he was to hang, however, the Jail and Courthouse on Main Street was closed, and new ones opened on Kennedy Street. As such the Crown had to apply for a *Writ of Habeas Corpus* on February 3, 1883, to have Leveque brought before the court and an order committing him to the new jail. At the same time the defence asked for a *Rule Nisi* to set aside the verdict of murder and enter manslaughter. Chief Justice Lewis Wallbridge who heard the application quashed the hanging and sentenced Leveque to 10 years in prison for manslaughter and he was sent Stony Mountain Penitentiary to serve his sentence.



The old Courthouse and Jail on Main Street was subsequently torn down in 1883, and the property developed by Thomas Ryan who built a four-story stone building (the Ryan Block) on the corner of the lot. Beside it was built the West Clements Block. Situated on the foundations of the old courthouse and jail – which included two subterranean rooms believed to be original cells from the provincial jail (see photograph to right taken in 1958) – the rooms were destroyed when the West Clements block was destroyed by fire in 1979.

When Manitoba entered Confederation, it was only a square 1/18 of its current size. Its borders were first extended in 1881 and grew to its final size in 1912. As the province grew so did its need for additional courthouses and jails in communities such as Portage la Prairie, Brandon, Dauphin, and The Pas to name a few.

In conclusion, Manitoba's first courthouses and jails stood as symbols of the province's commitment to law and order during its early years. While the buildings were a testament to the establishment of the justice system, it is the people, the police officers, and the trials that bring their history to life. The development and operations of these institutions, with the support of the early police force, laid the foundation for Manitoba's justice system, an integral part of the province's history and development.



The site of the original log jail, police station and courthouse that existed from 1870-1883 is marked with an arch and plaque at 494 Main Street where the Ryan and West Clements blocks were located.

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We would love to hear from anyone having information or memorabilia regarding early Manitoba Corrections history. Email us at: Correctionsmuseummb@gmail.com