

GASPÉ OF YESTERDAY

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One of the significant and interesting aspects of life in "GASPE OF YESTERDAY" was the concern and effort of our forefathers to establish claim to the lands they had settled. This article attempts to place their problem in perspective and to recount, in part, the important role of the Gaspé Lands Claim Commission.

Ken Annett

GASPE LAND CLAIMS

In taking possession of Canada following the end of the Seven Years War, 1756-1763, the British Imperial Government took steps to avoid the inconveniences caused by large concessions of land which then gave rise to much trouble in the other British colonies in North America. For this purpose, the Lords Commissioners of Trade and Plantations, in 1763, sent instructions to the colonial administration of Canada limiting grants of public land to 100 acres for every head of family and 50 acres for every other person, white or coloured, composing the family, with power to extend the total area to 1000 acres in exceptional cases. The object was to induce English settlers from adjacent provinces to settle in Canada. According to these instructions all Crown lands were to be granted in free tenure and without any other condition than the reservation of the right of the Crown to resume possession of the whole or part of the land granted in the event of its being required for military purposes. These grants were made by means of location tickets or occupation permits.

With the exception of reference by Bouchette to the grant of the seigniories of Malbaie and Mount Murray to John Nairn and Malcolm Fraser, officers of the 78th Regt. there was apparently no formal and systematic registration of grants which may have been made under these instructions prior to the Quebec Act of 1774.

The object of the Act of 1774, the first regular constitution of Canada, was to re-establish in the country all French laws affecting the tenure of real estate. Consequently, the Imperial Government in 1775 sent new instructions to the Governor of the Colony ordering that, in future, the public lands were to be granted according to the French system, that is in "fiefs" and seigneuries, the same as under the French rule with the exception of "justices seigneuriales".

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In 1786 the Colonial Department sent special instructions to Lord Dorchester, the Governor of Canada, ordering him to give grants of land of a specified extent to the refugee Loyalists from the United States and to the officers and men of the 84th Regiment, a colonial corps organized during the revolutionary war. These instructions, however, stated in formal terms, that the concessions so made would depend from the Crown as seignior and be subjected to all other conditions of seigniorial tenure.

They also limited the extent of these concessions as follows:

TO STAFF OFFICERS	5000	acres
TO CAPTAINS	3000	"
TO SUBALTERNS	2000	"
TO NON-COMMISSIONED OFFICERS	200	"
TO PRIVATES	50	"

As the officers and soldiers declined to accept these favors because they objected to the feudel tenure, the Government returned to the system of grants by location tickets, established by the instructions of 1763 and abolished by those of 1775.

It was under this system of location tickets and of the instructions of 1786 that lands were granted to the soldiers and United Empire Loyalists who afterwards settled in the district of Gaspé.

Again it appears that none of these grants or location tickets were formally or systematically registered as title deeds, for the books of the Registrar's Department were only commenced in 1788 by the registration of grants to John Shoolbred, merchant of London, of the posts of Bonaventure and Percé, with stone house(s) and stores and of the seignior of Shoolbred at the mouth of the river Nouvelle.

Thus in the years following the Treaty of Paris in 1763 and particularly following the American Revolution, a significant number of settlers, including Loyalists, took up lands in the Gaspé district without having formal deeds of title. It was the same with the Acadians who

had no other title than tradition to the lands they occupied. When the population began to increase a little, land became comparatively scarcer and difficulties arose nearly everywhere in connection with real estate - difficulties which were all the harder to settle as there were no title deeds of the grants to establish the pretensions of the various claimants. Under Lieutenant-Governor Nicholas Cox a GASPE LAND BOARD of prominent Gaspésians including Felix O'Hara, Charles Robin, Daniel McPherson, Isaac Mann, François de la Fontaine, Henry Rumphoff et al was established but it appears that the complexity of the Gaspé land claims situation was beyond regional settlement and would require legislation and action by the provincial administration at Québec.

In order to put an end to these troubles the Legislature, in 1819, passed into law "An Act to secure the inhabitants of the Inferior District of Gaspé in the possession and enjoyment of their lands" (George III, Ch.3). The administration moved quickly to name, and send to the District of Gaspé, Commissioners appointed in virtue of this Act. On June 21st, 1819, the Commissioners J.T.Tashereau and L.Juchereau Duchesnay were in Douglastown, in Gaspé Bay to open a session for the reception of claims to lands by the inhabitants of Gaspé Bay and its neighbourhood. They proceeded to receive and record all documents and opponents to claims in support of their respective pretensions. The detailed record of these claims, the work of the Commission secretary, Robert Christie, is preserved in the reports of the Quebec Legislature. Reading it, in 1978, one's imagination is stirred to reconstruct the scene in Douglastown as the men of pioneer families appeared before the Commission to give evidence and seek to obtain title to the lands they claimed.

Thus the records indicate that those claiming lands in Douglastown included: Michael McGrath; Edmund Mulroney; Richard Barron; Samuel Ray; Robert Simpson; Daniel McPherson; Timothy Spruen; Luke Gaul; Alex McCrae; Thomas Hollands; Henry Johnston; Daniel Scott; William Walsh; Thomas Walsh; Thomas Kennedy; Frances Poor, the widow David Condon; Thomas Briand; John McCrea;

Thomas Rail; James Morris; Matthew Morris; Oliver Morris; James Larhé; Isaac Kennedy.

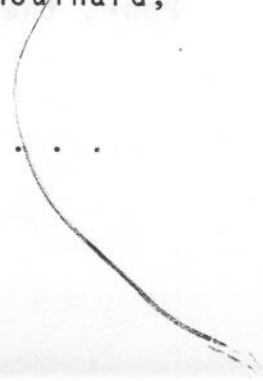
From the rugged shore of the Forillon on the North side of Gaspé Bay the claims presented included those by: Héliër Lemesurier; George Brehaut; Héliër Simon; John, George & James Boyle and Richard Annett; Jean Lemesurier; Nicolas Lenfesty; Philip & Francis Janvrin; Pierre Jacques; James Smith; James Vinten; Philip Langlois.

For the North side of Gaspé Bay, Peninsula and the North side of the North West Arm the claimants included: Henry O'Hara for and in the name of Julia and Louisa Collas and Anne O'Hara (minors); John Ascah; Richard Miller; James Baker; Robert Ascah; John Annett; George Annett; Philip Coffin; Richard Ascah; Thomas Clough; Benjamin Patterson; James Toppin; William Grant; Charles Davis; William Veale; Robert Simpson.

On the South side of the North West Arm of Gaspé Bay the claims made included those of: Henry Stanley; Benjamin Coffin; William Annett; Robert Stuart & Jane O'Hara; Henry O'Hara; Philip Langlois; Mary Anna Cort, widow of Hugh O'Hara. The claim of the Widow O'Hara to the marshlands of the Dartmouth river was opposed by the men of the North West Arm who held that it was common property to be shared among them.

For the North side of the South West Arm the claimants included: Henry O'Hara; Jane O'Hara; Hugh Cunning; Margaret Patterson, widow of the late John Patterson and their children, Richard, John, Daniel, Laughlin, Julia and Mary; Richard Ascah; Richard McAuley; Samuel Tripp; John Savidon; François Vallée; Benjamin Patterson; Nicolas Lamare; Richard Annett; John and George Boyle; Mary Boyle, widow of the late John Boyle and their son, James; Abraham Coffin; Richard Patterson; Louis Janot Claude (Indian); Mary Anna Cort, widow of the late Hugh O'Hara and their children, Felix, Edward, Jane, Hugh, Martha, Brian and Maria; Helen Boyle & William Hall for himself and his daughters Mary and Jane Hall.

Across the South West Arm on the South side the claims made included: James Stuart; Pierre Chouinard;



Jean Trudel; Robert Weir; William Annett; John Patterson; John, George, James, Felix, Eliza and Annabella Boyle & Richard Annett; William Rome; Thomas Dee & John White; John Hacket; the widow Patterson, relict of the late Peter Patterson; Jean Janot dit Papoulouet (Indian); John White; Mary Anna Cort, widow of Hugh O'Hara.

The maritime significance of Gaspé Basin was indicated by claims specifically designated as waterfront property. The claimants included the Janvrin partners, Philip and Francis; Henry Johnston; Henry O'Hara; Mary Anna Cort; Richard & John Patterson; Timothy Spruen; John, George, James and Felix Boyle & Richard Annett; Heliër Degrais; Philip Langlois; James Stuart; Jean Le Ruez & John Parrée.

Claimants of land at Lobster Cove and Sandy Beach included: John Adams (hitherto grant of Capt. Jos. Dean, R.N.); Henry O'Hara; Lizette Morris; William Baker; Thomas Miller; Richard Ascah, Jr; Edward Baker; François Lefour, Sr; Robert Stuart & Jane O'Hara; David Terry.

Finally, the claims for the Gaspé Bay area included at Haldimand: James Thompson; James Cunning; Thomas Rail; Isaac Kennedy; James Morris; Luke Gaul; John Stanley; Alex McCrae; George Thompson; Thomas Thompson; Henry Johnston.

Hearing of the land claims from the inhabitants of the shores of Gaspé Bay occupied the Commission for a month. On July 24th a session was opened at Percé and on August 15th at New Carlisle. In the summer of 1820 the Commission resumed work in sessions at Bonaventure, New Richmond, Carleton and Restigouche. But that is yet another story that will depend, in part, on the interest of the readers of SPEC in this account of the Gaspé Lands Claim Commission.