

GASPÉ OF YESTERDAY

**19**

ALONG THE COAST WITH THE  
GASPÉ LAND COMMISSIONERS

CONTINUING THE RECALL OF  
THE CLAIMS OF PERSONS ON  
THE COAST FROM DOUGLAS  
TOWN TO CAPE COVE IN THE  
YEAR 1819.

KEN ANNETT

## ALONG THE COAST WITH THE GASPÉ LAND COMMISSIONERS

Following the publication by SPEC of an article on the land claims of 1819 for the shores of Gaspé Bay (May, 1980), requests were made to continue such recall for other Gaspesian settlements. In response to these requests, this article will recall some of the claimants from Douglas Town to Cape Cove.

It was in response to petitions of grievance from the people of the Inferior District of Gaspé that the Gaspé Land Claims Commission was established by an Act of the Legislature of Quebec to begin its work in the year 1819. For though lands in Gaspesia had been occupied for the half-century following the Cession of 1763, remarkably few official grants of land had been made. It was not surprising that the inhabitants of Gaspesia were anxious to obtain clear and legal title to the property they claimed.

In the Journals of the Legislature of Québec is to be found the following official entry, entitled:

"A LIST OF ALL LOTS OF GROUND GRANTED UNDER TENURES RECOGNIZED BY THE LAWS OF GREAT BRITAIN WITHIN THE PROVINCE OF LOWER CANADA SINCE THE CESSION OF THE COUNTRY, EXCEPTING GRANTS WITHIN THE LIMITS OF THE TOWNSHIPS"

For the Inferior District of Gaspé this list records the following grants:

1766	Hugh Finlay	200 acres of land in Bay of Chaleur.
1766	Joseph Dean	517 acres of land in Gaspé Bay
1767	Edward Mainwaring	A certain piece of land situated in the Peninsula on the North side of Gaspé Bay. 200 acres of land on the North side of Gaspé Bay. 500 acres of land on the South side of Gaspé Bay.
1767	Felix O'Hara and John M'Cord	1300 acres of land situated on the South-West Branch of Gaspé Bay, called York River.
1768	Peter Gregory	Two Lots of land of 50 acres each at Bonaventure.

1768	Jacob Stegman	Four Lots of land of 50 acres each at Bonaventure.
1788	John Shoolbred	Lands in the Bay of Chaleur.

Concerning these official grants, it may be of interest to note that:

- \* Hugh Finlay, active and prominent in official circles at Quebec, held his 200 acres of land at Bonaventure. During the tenure of Colonel Francis Le Maistre as Lieutenant-Governor of Gaspé, Acadian settlers at Bonaventure sought to obtain title to this land and Finlay, in a letter dated 1st April, 1796, agreed to cede his grant to the Crown so that the Acadians might obtain title. This was hardly a great gesture on Finlay's part as the Bonaventure grant represented but a tiny part of the lands he had acquired. In the Township of Sherrington he had acquired, in the names of Susan and Margaret Finlay, no less than 46,600 acres of land. Later, in 1823, this Sherrington land was acquired from the family of Finlay by Francois Languedoc, merchant of Quebec and member of the Legislature. The Languedoc name is intimately connected with Gaspé through Joseph Languedoc (1787-1874) who married Eliza Ann Boyle and settled on the South-West Arm of Gaspe Bay. Their children, in turn, married into the Gaspé families of Bechervaise, Patterson, Starnes and Tuzo.
- \* Joseph Dean is shown as Captain and Commander of the Ship of War, "MERMAID". His grant of land was on the South side of the South-West Arm of Gaspé Bay and was still in the possession of his heirs in 1819 when the Gaspé Land Commission held hearings.
- \* Edward Mainwaring is listed as a Waiter and Searcher for the Port of Quebec.
- \* Peter Wharton Gregory is shown as "late conductor of the Royal Artillery."
- \* Jacob Stegman is described as "late Serjeant of the Royal Artillery."
- \* John Shoolbred was a London merchant. His grant was of such extent and importance to warrant special note

THE SHOOLBRED SEIGNIORY

Letters Patent for the land grant to John Shoolbred were issued in July, 1788, by the Governor, Lord Dorchester, in the name of King George III of England. It is of particular interest to note that, unlike other Gaspesian grants made in "free and common socage", the Shoolbred lands were granted in Fief and Seignior, "in like manner as was practiced antecedent to the Conquest of the said Province". This type of grant required that the holder bear Faith and Homage for his lands before the Governor in Chief at the Castle of St. Lewis at Quebec. He was also required to pay Duties and Dues, "according to the Custom of Paris practiced in this Country".

From the long and detailed text of the Letters Patent have been extracted the following lands granted to Shoolbred:

- \* A certain lot or tract of land lying at Bonaventure. This lot, described in minute detail, was evidently intended to provide a fishing station on the harbour at the mouth of the Bonaventure River.
- \* A certain other lot or tract of land lying at Percé ..being the last Fishing Post established on the North Beach leading to Mount Joli. Its extent was given as "some seven acres".
- \* A certain other tract of land, situate at the westernmost extremity of Chaleurs Bay, running up the River Restigouche about 15 miles to the first point of land below Battery Point. The combined extent of the several blocks of land, extending Westward from the River Nouvelle and described in great detail in the Letters Patent, was more than 10,000 acres.

By the Will of John Shoolbred, dated May, 1801, his vast holdings in Gaspeia passed to his designated heir, James Shoolbred, a merchant of Charleston, Carolina. It was from James Shoolbred that Matthew Stewart, originally of Prince Edward Island, bought the Shoolbred Seignior in November, 1809. It must remain for another article in this GASPE OF YESTERDAY series to trace the subsequent story of this Gaspesian property and those associated with it.

BEYOND THE LIST ABOVE

Before leaving the subject of the official list above, it is evident, from letters of that time, that other persons than those listed considered that they had claim to land in Gaspesia. This was the case for Samuel Holland and for James Rankin, curator to the estate of the late John Collin. William Van Felson stated in a Memorial that General Murray had given him authority to "mark out and make a settlement on any tract of lands His Majesty's property at Bonaventure Bay in the Bay of Chaleurs" and that in his plan for a tract of land, submitted in January, 1765, had been approved. It is quite possible that other such claims may come to light.

THE LAND CLAIMS COMMISSIONERS AT WORK

It was at "Douglass Town" on Gaspé Bay that the Land Claims Commission opened hearings which continued there through the month of June, 1819. During July the Commissioners sat at Percé. In mid-August a week of hearings was held at New Carlisle before work was adjourned for that year. On their return to Gaspesia in 1820, the Commissioners heard claims at New Carlisle, Bonaventure, New Richmond, Carleton and Restigouche. Reports of the claims submitted, recorded by the Commission's Secretary, Robert Christie, were published over subsequent years in the Journals of the Legislature of Quebec. Apart from the specific and technical details of land claimed, these reports contain much interesting, incidental information on the claimants of that period of time in Gaspesia. Though it is clear that not all of the landholders appeared before the Commission to present their claims, the substantial number who did represent a very significant cross-section of the pioneer families.

The recent publication of the book, "CASCAPELIA BAY HERITAGE - A HISTORY OF NEW RICHMOND AND ENVIRONS", produced by the New Richmond Heritage Group with the sponsorship of the Rotary Club of New Richmond is evidence of the keen interest that exists for searching out and recording the background and settlement of pioneer families. In such a project the reports of the hearings of the Land Claims Commission at New Richmond in 1820 were an important source of information.

BEYOND THE SHORES OF GASPÉ BAY

This account will now move on to recall some of the claimants for lands beyond the shores of Gaspé Bay. The name of Henry Johnston, who had laid claim to some 1200 acres, in various lots located in Douglastown and Haldimand, together with a water lot at Gaspé Basin, appears again as the claimant of some 1600 acres at Chien Blanc, for Lot 11 of 80 acres at Little Point St.Peter, for three lots and a fishing room at Point St.Peter and for Lot 5 of 100 acres at Malbay.

Henry Johnston, Justice of the Peace and prominent personage of the Gaspé District in his time, was the heir of the fishery of his father-in-law, Daniel M'Pherson. It was of M'Pherson that his contemporary and competitor, Charles Robin, wrote that while all his other competitors in the Gaspé Fishery had failed, the business of Daniel M'Pherson at Point St.Peter, Malbay and Douglastown, "has answered very well". From Robin, never one to lavish praise, this was the supreme tribute of a Jerseyman to a Scot.

Among other claimants of land at Point St.Peter were: Robert Bond; John Bond; John Foley; John Packwood; Jacob Packwood; Philip Janvrin and Francis Janvrin.

From the land of John Bond there was a reserve for a public burying ground.

MALBAY AND BARACHOIS

The largest claims for lands in Malbay and Barachois were made by John, Thomas and William Hunt (642 acres) and by John Tap, who, in addition to 560 acres locally, laid claim to 600 acres at Great Clorydorum.

Other claimants were: John Gerard and his brother-in-law, William Maloney, who also claimed 300 acres at Great Clorydorum; Samuel Lucas; Henry Element; Thomas Element (Belle Anse); John-Baptiste Chicouane; Joseph Plourde; Martin Laflamme; Michael Buckley; Martha Fox, the wife of Thomas Moriarty; Aubin Chicouane, whose claim was to lands on the North side of the "Barachoi", adjoining the lands belonging to the representatives of the late Nicholas Cox.

On the South side of the "Barachoi" of Malbay a claim was made by Peter Mabey, Sr., for three Lots of 495 acres. One Lot of this claim was designated as being on behalf of John and Jacob Packwood. The other claimants at this location, presumed to be Corner-of-the-Beach, were Peter Mabey, Jr., and Jeremiah Dailey.

### BONAVENTURE ISLAND

The land claims for Bonaventure Island reflected the importance of that Island as a fishing station. Laying claim to Lot 1 was the apparent partnership of Peter and Nicolas DuVal, John LeGresley and Philip Godfrey. Their neighbours on Lot 2 were John LeRuez and John Parrée. It is significant to recall that the DuVals, LeRuez and Parrée had also claimed water lots at Gaspé Basin, the storage and export base for the products of their fishery.

Other Bonaventure Island claimants were: Theophilus Fox, as curator to the vacant estate and succession of the late John Lamb; Edward Morrissy; John Flynn; Philip and Francis Janvrin; John Delacour; Francois Lefevre; Edmund Henesy; Pierce Coady.

### PERCE

As might be expected, the dominant claimant at Percé was the House of Robin in the names of Philip Robin, Philip Robin, Jr., John Robin, James Robin, Elizabeth Robin, the widow of the late John Robin, Thomas Pison, Francois Janvrin and John Poigndestre. The technical and legal detail of the House of Robin claims are striking evidence of the Channel Islands heritage and the care and discipline that marked the operations of that company. The Robin claims refer to the lands of other Percé landholders whose holdings adjoined. These included: John Baker dit Blondin; Jeremiah Sheay; William Driscoll; S. Barnes; Mortough Moriarty and the late James Fleming.

In the South-West Cove of Percé claim to a fishing room, adjoining the lands of James Rooney, George Malloy and John Baker, was made by Johanna Flynn, the widow of the late Edmund Flynn. In the North-East Cove Theophilus Fox claimed a fishing room of some thirty acres. However, the major claim advanced by Fox was for 1200 acres, bounded to the West by White Rock and to the East by Seal Rock, adjacent to the lands of

William Dunaghee. Francois Buteau made claim to a fishing room adjoining lands of Thomas Moriarty and Charles Langlois. David Lees claimed his lands at Whitehead, near Percé. The record of Percé claims also make reference to land reserved for the Church and for the Gaol.

#### L'ANSE AUX BEAUFILS

Among the persons claiming lands at L'Anse aux Beaufils are to be found the names of; Pierre Couture Sr.; Andrew Ferguson; Joseph Couture; Josiah Cass, Sr.; Andrew Cass; Jean-Baptiste Pagé.

#### LITTLE RIVER NEAR CAP DESPAIR IN THE NEIGHBOURHOOD OF PERCE

The landholders at Little River who came forward to present their claims to the Land Commission were: Daniel Lelièvre, Jr.; John LeGresley, Jr.; Isaac Mann and Philip Beck.

#### CAPE COVE

The largest claim for 600 acres at Cape Cove was made by Josiah Cass Sr., and Andrew Cass. A native of Connecticut, Josiah Cass, Sr., had graduated from Yale College in the class of 1758 and had achieved a Master's Degree in 1761. On the outbreak of the American Revolution he was a resident farmer of Charlotte County, New York. As a Loyalist he had escaped to Canada, served with the British Army of General Burgoyne, and had been for five years at Camp Machiche before moving to Gaspesia with his family. His first wife, Mercy Pomeroy, having died, he re-married with Margaret Ferguson. Josiah Sr. had taught school for the children of the Loyalists at Camp Machiche and later at Paspebiac. He died and was buried at Cape Cove. Andrew Cass, the eldest son of Josiah Sr. and Margaret Ferguson Cass, was born in 1784.

Among the other settlers at Cape Cove who submitted land claims were: Andrew Ferguson; James Lenfesty; Jacques Todevin; Thomas Todevin; Josiah Lucan; Silvester Colin; John Baptiste Colin; Josiah Cass, Jr.; Philip Pinel; Antoine Rail; Charles Bourget and John Baptiste Paquet.

### YIELDING TO TEMPTATION

In a recall of those who claimed land from Gaspé to Cape Cove in 1819 it is tempting to recount the interesting family background of many of the claimants. While it is subjective to single out a particular case, the temptation to tell something of the DuVal family is too strong to resist. To those of our times who may think that tales of high adventure are to be found only in such books that feature the exploits of Horatio Hornblower, Richard Bolitho or Nicholas Ramage, the true life experiences of Peter DuVal and his descendants should be considered.

Peter (Pierre) DuVal was born in 1767 as a son of the Huguenot DuVal family of Jersey, Channel Islands. The sea and sea-faring was his heritage. As early as 1794 Peter DuVal was an experienced seaman and navigator in the service of the Jersey firm of Messrs Janvrin and was entrusted with the command of the Janvrin armed ship, "VULTURE". At a time when England and France were engaged in a struggle for control of the seas, it was inevitable that the ships of the Channel Islands would become involved in defence of the Islands and their vital sea-borne commerce and in raids on the adjoining coasts of France.

The authorities of the French seaport of Bayonne, alarmed at the potential threat to their shipping of the "VULTURE", fitted out a sixteen gun brig of 180 tons to capture DuVal's ship. Posing as an innocent merchant vessel, with guns carefully masked, the Bayonne brig lured "VULTURE" into close range. But Peter DuVal, discovering the trap as the French ship was about to open fire, gave orders to drive "VULTURE" so close to the enemy that her guns could not be brought to bear. DuVal then proceeded to board and capture the Bayonne ship without major damage to "VULTURE" or loss of his crew.

Later, Peter DuVal commanded another Janvrin ship, "YOUNG PHOENIX", and sailed under Letter-of-Marque of the British Admiralty, which gave him the King's Commission under the Great Seal of Britain, to: "APPREHEND, SEIZE AND TAKE THE SHIPS, VESSELS AND GOODS OF THE ENEMY". As the scourge of the shipping of Napoleonic France, DuVal was branded by his enemies as a pirate. However his Letters-of-Marque effectively dismiss such charge,

In 1812 Peter DuVal was to be found, still in the service of the Janvrin Brothers, at Arichat in Cape Breton. Four years later along with the partners shown in his land claim on Bonaventure Island, above, he had set up his own fishery company. The operations of this company were not limited to Bonaventure Island and Gaspé but extended across Bay Chaleurs to Miscou and Shippigan where they held land grants and developed an extensive fishery. DuVal ships carried the products of the fishery to markets in Europe.

Associated with this stout old seaman in his Gaspesian enterprise was his son, Peter John DuVal, born in 1794 and baptised in the Anglican Church of St. Helier, Jersey. He served in the Royal Navy as a Commissioned Officer before becoming a merchant based at Santander in Spain. There he married the daughter of a Galician family, Julia Maria Aldama, in 1810 and of the five children of that marriage, three were born in Spain and two in Jersey. On the death of his first wife, Peter John DuVal re-married with Marguerite Bartelome.

In common with so many of his contemporaries in the early development and settlement of Gaspeia, Peter DuVal exemplified in his life and career high qualities of courage, initiative and faith. His life came to an end in 1851 and was recorded thus:

CAPTAIN PETER DUVAL OF BONAVENTURE  
ISLAND AND FORMERLY OF THE ISLAND  
OF JERSEY, DIED ON THE TWELFTH DAY  
OF FEBRUARY, ONE THOUSAND EIGHT  
HUNDRED FIFTY ONE AND WAS BURIED  
ON THE FOLLOWING DAY, AGED ABOUT  
EIGHTY FOUR YEARS, AT PERCÉ, BY ME.

R.SHORT, MISSIONARY

IN PRESENCE  
ANDREW FERGUSON  
JOSIAH CASS