

GASPÉ OF YESTERDAY

25

JUSTICE IN EARLY GASPESIA HAD TO  
MEET PARTICULAR SITUATIONS OF  
GEOGRAPHY, SETTLEMENT AND SOCIAL  
EVOLUTION.

GASPE OF YESTERDAY ATTEMPTS HERE  
TO RECALL AND REVIEW THE CAREERS  
OF EIGHT OF THE EARLY JUDGES OF  
THE INFERIOR DISTRICT OF GASPE.

Ken Annett

## GASPE OF YESTERDAY

### EARLY JUDGES IN THE DISTRICT OF GASPE

To gain perspective on Justice and the early Gaspesian Judges of two centuries ago, it is helpful to establish a few landmarks related to dates and events of the first decades of the British regime. It was in the year 1763 that the end of the Seven Years War and the transfer of New France to British rule was confirmed by the Treaty of Paris. A decade later the passage of the Quebec Act of 1774 and the related outbreak of the American Revolution in 1775 would have an impact even in remote Gaspesia. Another decade later the arrival in Bay Chaleur of a significant influx of dispossessed Loyalists and disbanded soldiers added a new dimension to the Gaspesian population. Finally, the report of the Gaspe Lands Claims Commissioners in 1820, provides a landmark in relation to the state and needs of Gaspesia in many areas, including that of Justice.

It is with reference to these landmarks and the time frame they encompass that this issue of GASPE OF YESTERDAY attempts to recall, for SPEC readers, something of the careers of these early Honourable Judges in Gaspesia:

- . Felix O'Hara
- . Louis Fromenteau
- . Charles Robin
- . William Crawford
- . Isaac Mann, Jr.
- . Alexis Caron
- . Hugh Munro
- . John Gawler Thompson

### THE HONOURABLE JUDGE FELIX O'HARA

The interesting and influential career of Felix O'Hara of Gaspe has been traced in some detail in a previous article of this series submitted to SPEC. A native of Ireland, Felix O'Hara came to America and lived in the American Colonies prior to his move into Canada and settlement at Gaspe Basin in 1764.

After serving as a pioneer Justice of the Peace, Felix O'Hara was granted a Commission as Judge of the Court of Common Pleas for Gaspe and the Bay Chaleur in the year 1779 - his appointment predating the formal establishment of the Judicial District of Gaspe which was reflected in the following official notice in the Quebec Gazette:

"QUEBEC, 24 JULY, 1788.

HIS EXCELLENCY THE GOVERNOR HAS BEEN PLEASED TO MAKE THE FOLLOWING APPOINTMENTS:

DISTRICT OF GASPE JUSTICES OF THE COURT OF COMMON PLEAS

FELIX O'HARA

CHARLES ROBIN

ISAAC MANN, JR.

It is of interest to note that other appointments in July, 1788, for the District of Gaspe included:

SHERIFF.....THOMAS MANN

COURT CLERK.....WILLIAM VONDEN VELDEN

CORONER.....JOHN JEFFERIS

This appointment of three Judges of the Court of Common Pleas was particular to the District of Gaspe. Though the resident population of the District wasn't numerous, the summer fishing season brought hundreds of transient fishermen, seamen and traders to the coast of Gaspe and Bay Chaleur. The Governor, who had first hand knowledge of the long coastline, considered that more than one Judge was needed to cope with the differences and disputes that arose annually in the remote and vast District.

In February, 1792, Felix O'Hara's appointment was renewed and the Governor commissioned as his fellow Judges, Hugh Munro and Louis Fromenteau. Three years later Felix O'Hara was promoted to be the first Provincial Judge of the Gaspe District. This Court sat, in turn, at Douglastown, Perce, Bonaventure and Carleton.

In relation to his career as Judge it should be recalled that Felix O'Hara's background and experience gave him an unparalleled knowledge of the Gaspesian milieu. He had been in Gaspé for some twenty years prior to the settlement of the Loyalists and had been personally involved in the survey of lands and the settlement of the new settlers of 1784. He was the proprietor of the Grand Pabos Seigneury that he had purchased from Governor Haldimand and had settled there a number of Acadians - a people that he understood and appreciated.

The Honourable Judge Felix O'Hara died and was buried at Gaspé Basin in September, 1805. His sons, Hugh, Edward, Oliver and Henry were, in their generation, widely known and influential men in the life of Gaspesia. His widow, Martha McCormick O'Hara, a woman of great character, survived him and was the recipient of a pension from the Government of Quebec.

#### THE HONOURABLE JUDGE CHARLES ROBIN

The family name, Robin, is well known to Gaspesians. The learned articles of the late Arthur Le Gros of Paspebiac, published by the Revue D'Histoire de la Gaspésie and the interesting writings of the late Dr. John Clarke in his books such as "THE HEART OF GASPE" and "ILE PERCEE", have provided much insight on the career of Charles Robin, the founder of the great fishery firm of Gaspesia that, in changed form, still bears the family name.

It was in 1766, only three years after the Treaty of Paris, that Charles Robin made his first landfall on the shore of Bay Chaleur after passage from his native Island of Jersey in the little brig, "SEAFLOWER". Over the next four decades he developed the fishery and trade in fish with such system and prudence that he survived the failure of his many competitors. Those critics of the business methods of the Charles Robin Company are prone to disregard the context of the times in which it operated and the many obstacles and dangers that Charles Robin faced and overcame. In his day he was recognized as one of Gaspesia's most widely known and influential citizens.

Charles Robin would have been well known to both Nicholas Cox and Francis Le Maistre, the first and second Lieutenant-Governor of Gaspe, respectively. It is likely that he was recommended by such influential friends for his appointment, in 1788, as Judge of the Court of Common Pleas for the District of Gaspe. To that post he brought an unparalleled knowledge of the fishery that was so vital to the Gaspesian economy. An indefatigable traveller, Charles Robin kept himself well posted on business and political trends and conditions in Canada and abroad. He was well known as a visitor in the Ancient Capital of Quebec where he had ready access to the homes of friends influential in the administration of Quebec.

An interesting insight into the character of Charles Robin is provided by his deliberate decision to retire in his native Jersey at a time when the looming threat of Napoleonic France hung over Europe and threatened the very survival of Britain. There he lived to learn with satisfaction of the great naval victories of Nelson and the ultimate defeat of Napoleon at Waterloo by Wellington. On retirement, he had handed over the direction and development of his Gaspesian fishery to his nephews, James, Philip and John Robin. No doubt they regularly sought the advice and counsel of their uncle up until the time of his death in 1828.

#### THE HONOURABLE JUDGE ISAAC MANN, JUNIOR.

The recurrent given names, Edward and Isaac, in generations of the Mann family, has been the source of no little confusion in attempting to reconstruct the story of the family in Gaspesia.

Edward Isaac Mann, Senior was the patriarch of the Mann family of Bay Chaleur. Prior to the outbreak of the American Revolution he and his sons, Isaac, Thomas, John, William and Edward Isaac, were well established in the British Colony of New York. As zealous Loyalists, determined to continue to live under the British flag, the Mann family left their home and possessions

in New York during the Revolution to seek a new home and careers in Canada. It is likely that they were among the Loyalist families that were provided temporarily with shelter and provisions at Camp Machiche on the shore of Lake St. Peter as three of the Mann sons were with the company of Loyalists and disbanded soldiers from Machiche that sailed from the port of Quebec in the summer of 1784 on the brig, "POLLY", bound for new homesites on the distant shores of Bay Chaleur.

The record of the lots drawn in August, 1784, by the prospective settlers include 400 acres to Lieutenant Isaac Mann, 400 acres to Ensign Thomas Mann and 100 acres to Volunteer Edward Isaac Mann. According to Mr. A. D. Flowers well-researched book, "LOYALISTS OF BAY CHALEUR", the father, Edward-Isaac Mann, Senior, with his sons John and William, were probably engaged elsewhere in Bay Chaleur in the exploration of the block of land about Cross Point that was later granted to them.

The status of the Mann family with Governor Haldimand and Lieutenant-Governor Nicholas Cox is evident both in the lands granted to them and in the appointments they received. In 1784, Thomas Mann was appointed as Sheriff of Gaspe, a post that he held, with brief exception, until 1839. Lieutenant Isaac Mann served as a Judge of the Court of Common Pleas at Quebec until his death there in 1790. Edward Isaac Mann, who was known as Isaac, Junior, after the death of his elder brother, stated in a petition of 1810 that he had been a Justice of the Peace and Judge of the Court of Common Pleas for the District of Gaspe for no less than twenty-three years.

The background of Judge Isaac Mann, Jr., would have complemented that of his fellow Gaspesian Judges. Reportedly the best educated of the Mann sons, his impeccable credentials as a Loyalist gave him status among the pioneer Loyalist settlers whose legal cases he would have been called upon to adjudicate.

THE HONOURABLE HUGH MUNRO

In January, 1792, Hugh Munro was appointed Judge of the Court of Common Pleas for the District of Gaspe, coincident with the appointment of Judge Louis Fromenteau and the reappointment of Judge Felix O'Hara.

The record of the Judiciary of Quebec, found to date, reveal little of the background of Hugh Munro. The learned Quebec historian and genealogist, P.G.Roy, has stated that he was probably a brother of David Munro, an important merchant of Quebec and Member of the Quebec Assembly for St. Maurice from 1804 until 1808.

It remains hypothetical that Judge Hugh Munro may have been the Hugh Monro, documented by Mr. A.D.Flowers, as a native of Scotland, Loyalist of Tryon County, New York, and a veteran of Sir John Johnson's First Battalion, who came to Bay Chaleur in 1784 and drew Lot 20 of 100 acres at New Carlisle.

The service of Judge Hugh Munro is recorded as having ended in 1811. The Hugh Monro who was among the Loyalist company that settled at New Carlisle in 1784 is reported by Flowers as having died at Quebec in 1816 at the age of 82 years.

It is hoped that anyone with information that will serve to clarify and complete the background and career of this early Gaspesian Judge will share it with the readers of SPEC.

THE HONOURABLE JUDGE LOUIS FROMENTEAU

Born at Quebec in 1749, Louis Fromenteau was the son of a family that had arrived in New France from Sainte-Radegonde, France about the year 1740. His father held the position of Port Captain at Quebec.

Under the early British regime, Louis Fromenteau served as a Supply Officer for the British forces in Quebec. At the time of the American Revolution he served with the ill-fated military expedition of General Burgoyne, was taken captive at Saratoga by the Americans in October, 1777, and spent the next four

years as a prisoner of war.

On his return to Quebec, Louis Fromenteau sought employment from the Governor. In February, 1792, he was appointed Judge of the Court of Common Pleas for the District of Gaspé and served in that post until 1795.

In 1796 he was appointed by Lord Dorchester as an Officer of the Royal Canadian Regiment. During the tense years of the War of 1812-1814, when the very survival of Canada hung in the balance, Louis Fromenteau held the responsible post of Paymaster for various Battalions of his Regiment.

The former Judge Louis Fromenteau of the District of Gaspé died at Montreal in June, 1816.

#### THE HONOURABLE JUDGE WILLIAM CRAWFORD

Among the merchant firms of Quebec in the early years of the British regime was that of LYMBURNER & CRAWFORD. Matthew Lymburner of this firm, a prominent citizen of Quebec in his time, was one of three brothers who all made their mark in Canada. His brother, John, was lost, unfortunately, at sea in 1775. Adam, the third brother, is remembered as one of the Quebec delegates to London, England to oppose the adoption of the Constitutional Act of 1791. The Lymburner and Crawford families were linked by marriage as well as in business. Thus it was that about 1800, two nephews of Matthew Lymburner, William and Matthew Crawford, arrived in Quebec to seek their careers.

In October, 1804, William Crawford was admitted to the practice of Law as a member of the Quebec Bar. In October of the following year the post of Provincial Judge of the District of Gaspé became vacant with the death of Judge Felix O'Hara. William Crawford was appointed as Judge O'Hara's successor and left for Gaspesia to assume his new duties.

Judge Crawford was soon to discover that the remuneration provided for the Provincial Judge of Gaspé was quite insufficient to meet his living and travelling expenses. The Court over which he presided met at various centers



along the length of the Gaspé Coast. His petitions to the Governor and Executive Council for more adequate remuneration were forwarded to London for the consideration of the British Government with the result that it was not until September, 1809, that the British Minister, Lord Castlereagh, authorized the Governor of Quebec to increase the remuneration to be paid to Judge William Crawford.

With reference to the landmarks mentioned in the introduction to this account, the tenure of Judge Crawford coincided with the Report of the Commissioners for Gaspé Land Claims which was submitted to the Governor of Quebec in 1820. Insofar as the Commissioners reviewed in some detail the state of Justice in the District of Gaspé and made a number of strong recommendations for improvement, it is assumed that their findings could not have been pleasing to Judge Crawford.

In any event, by 1820, the sixteen year career of William Crawford as Provincial Judge of Gaspé was about to end. For in July, 1821, the Quebec Gazette announced his death, as follows:

"Died at St. Peter's, Bay Chaleur, the 5th July,  
the Honourable William Crawford, Judge of the  
Inferior District of Gaspé."

#### THE HONOURABLE JUDGE ALEXIS CARON

The death of Judge Crawford necessitated the appointment of his successor and in November, 1821, Alexis Caron was selected and appointed to be the Provincial Judge of the District of Gaspé.

Alexis Caron was born at Quebec in 1764, the son of Alexis and Catherine Tessier Caron. He was educated in Law and admitted to the Quebec Bar in November, 1791 when debate in Quebec still raged over the Constitutional Act. In 1800 he came into public prominence for his legal defence of the controversial Charles-Baptiste Bouc, Deputy of Terrebonne.

In 1802 Alexis Caron entered the political arena and was elected to represent the constituency of Surrey (Vercheres County) in the Quebec Assembly.

During the War of 1812-1814 Alexis Caron served in the Battalion of Militia commanded by Colonel Pierre Amable de Bonne.

In November, 1821, as mentioned above, he was appointed as Provincial Judge for Gaspé. Three years later, when the Judicial District of St. Francis was established in 1824, the Governor offered Judge Caron the opportunity of transfer to be the first Judge of that new District. When the leading citizens of the District of Gaspé learned of this offer, they hastened to present Judge Caron with an Address urging him to remain in Gaspesia. This Address stated, in part:

WHILE WE DO NOT PRESUME TO INFLUENCE YOUR  
 DECISION, WE MUST, NONETHELESS, HASTEN TO  
 EXPRESS THE SINCERE REGRET WE FEEL AT THE  
 POSSIBILITY OF YOUR LEAVING US AT THIS  
 POINT IN TIME WHEN YOU HAVE ACQUIRED A  
 SOUND APPRECIATION OF THE NEEDS OF OUR  
 DISTRICT AND HAVE INTRODUCED THE SYSTEMATIC  
 ORDER NEEDED SINCE IT WAS ESTABLISHED.  
 YOU HAVE FULFILLED THE FUNCTIONS OF YOUR  
 DISTINGUISHED POST IN SUCH AN IMPARTIAL,  
 PRUDENT, REGULAR AND CAPABLE MANNER AS TO  
 BRING HONOUR BOTH TO YOURSELF AND TO THE  
 DISTRICT.

Evidently moved and influenced by such expression of public appreciation and support, Judge Caron decided to remain in the District of Gaspé. In making known his decision in June, 1823, he said, in part:

I HAVE THE PLEASURE TO ADVISE YOU THAT HIS  
 EXCELLENCY (THE GOVERNOR) HAVING LEFT ALL TO  
 MY CHOICE, AND IT BEING YOUR OPINION THAT IT

WOULD BE ADVANTAGEOUS FOR THE DISTRICT FOR ME TO REMAIN LONGER, I BELIEVE IT TO BE MY DUTY TO PUT THE PUBLIC GOOD ABOVE ANY PERSONAL CONSIDERATION AND I HAVE DECIDED TO REMAIN IN THIS DISTRICT.

Judge Alexis Caron died at Paspébiac, in his adopted District of Gaspé, on the 25th February, 1827.

THE HONOURABLE JUDGE JOHN GAWLER THOMPSON

John Gawler Thompson, born at Quebec in 1787, was the son of James Thompson whose life and story, in itself, is deserving of a volume of biography. In brief, Sgt. James Thompson of the 78th (Fraser's) Highland Regiment served in the forces under General Wolfe at Quebec in 1759. During the American siege of Quebec in 1775 he was Overseer of Works for General Sir Guy Carleton. It was Thompson that arranged for the burial of the American General Richard Montgomery and he counted Montgomery's sword among his souvenirs. In his old age, as a leading mason of Quebec, he was honoured in laying the corner stone of the Wolfe-Montcalm Monument which stands near the Dufferin Terrace overlooking the St. Lawrence. Full of years and public honour and respect, James Thompson died at Quebec in 1830 aged 98 years.

John Gawler Thompson was educated at Quebec in Law and admitted to the Quebec Bar in January, 1814. He served as assistant to the Coroner of Quebec and subsequently as Co-President of the Sessions of the Peace with Jean Thomas Tashereau. In April, 1827, when he was appointed as Provincial Judge of the District of Gaspé, he had been serving for two years as Coroner of Quebec.

Judge Thompson's long career as Judge spanned the lives of many Gaspésians. In May, 1859, he became Judge of the Superior Court for the Gaspé District which post he held until his retirement in August, 1868. He died the following

month, September, 1868.

In his youth John Gawler Thompson had been the boyhood friend of Aubert de Gaspé, who remembered him subsequently in his books, "ANCIENS CANADIENS" and "MEMOIRES". In Gaspesia the career of Judge Thompson was contemporaneous with that of the Rev. George Milne, Rector of St. Andrew's Church, New Carlisle and Rural Dean of Gaspesia. The fascinating Diaries of Milne abound in references to Judge Thompson.

#### IN CONCLUSION

This review of the early Judges of Gaspesia has attempted to provide an overview, rather than to detail, the careers of the Judges concerned and the continuity of their service.

To the extent that such review contributes to a more general appreciation of our Gaspesian heritage and the role of those who have contributed to it, its objective will have been attained.