

GASPÉ OF YESTERDAY

DONATION BY MARY MARTHA FOX MORIARTY  
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Providing insight into the transfer of  
property at Percé in 1865.

KEN ANNETT

DONATION BY MARY MARTHA FOX MORIARTYPREFACE

Old documents such as the INDENTURE OF DONATION that follows, provide us with introduction not only to those involved in this ACT of 1865 but to those of an older generation. For here the donor, Mary Martha Fox Moriarty, was donating land and a fishing room that had come down to her from a pioneer Percé resident of the previous century, Theophilus Fox, Justice of the Peace.

Born in Old England Theophilus Fox established a thriving fishery out of Bonaventure Island where the "FOX FARM" remains to honour his name.

As Justice of the Peace for Percé in the rough and ready era of the summer fishery of the 18th century, Fox kept order and dispensed justice with personal flair and competence. At Percé he experienced the destructive raids of privateers during the American Revolutionary War. His name appears, along with those of his contemporaries - Peter Fraser, Philip Journeaux, George Geddes, Joseph Arbou and others on formal petitions to the Governor-General for protection from such raiding privateers.

The Rev. C. E. Roy, author of the historical volume, PERCÉ, records that in 1826 Theophilus Fox donated land to the Roman Catholic Parish. Thus the donations of Mary Martha Fox Moriarty in 1865 were in a family tradition of generous giving.



Percé

Province of Canada  
 District of Gaspé

This Indenture made and executed this twenty-ninth day of the month of August in the year of Our Lord one thousand eight hundred and sixty five before me, Rev'd Edouard Guilmet, Priest of Percé and its different dependencies, being hereby duly authorized by Law in default of a Notary Public; between Madam Mary Martha Fox, Widow of the late John Thomas Moriarty, in his life time of Percé, in the District of Gaspé and Province of Canada aforesaid, Gentleman of the one part and Mark Bunton (son of John Burton, deceased) of Percé in the District and Province aforesaid, of the other psrt.

Witnesseth that she the aforesaid Madam Mary Martha Fox, Widow of the late John Thomas Moriarty as aforesaid, has by these presents for herself, her heirs, executors, administrators and assigns, Granted, Bargained, confirmed and set over " a titre de Donation entre vifs, simple et irrevocable et en la meilleur forme et maniere qui donation puisse se faire" unto the aforesaid Mark Bunton, here present and accepting hereof as Donee for himself, his heirs, executors, administrators and assigns, viz, -

All her right, title, interest and claim in, to, and upon " A certain parcel or lot of land in the Village of Percé containing twelve acres more or less in superficies, bounded in front by the Queen's high road on the South and West by a lane or street leading towards the Roman Catholic Church, on the North and East by land owned by the Government, as appertaining to the Court Hall, and in the rear by a pathway or road leading to the said Church, together with all Buildings, improvements and ameliorations thereon erected, as the said Lot now is-"

As also her right, title, interest and claim in to and upon " A certain parcel or lot of land in rear of the Village of Percé, consisting of Forty acres in superficies on a front of twelve chains and sixty-four links, bounded in front by Lot Number One originally owned by the late Theophilus Fox, Esquire, and now held by the said John Thomas Moriarty conjointly with one Edward Trachy, on the South by a lot known as the Roman Catholic Adjudication, in rear by a streamlet or deep ravine and on the

North by one Bernier and waste land - with all improvements thereon:-

Also all her right, title, interest, claim, privilege and demand in, to and upon a certain Fishing Room, situate at the North Cove of Percé, now occupied by Francis Le Brun, Esquire, together with also a lot of land in rear of the said Fishing Room; which said Lot of land, with also another Lot of land, with all improvements thereon, now possessed and occupied by the said Donor; the aforesaid Fishing Room and said Lots of land so possessed and occupied being heretofore owned by the late Theophilus Fox, Esquire, in his life time of Percé aforesaid.

Also all her right, title, interest and claim in, to and upon a certain lot or portion of land situate in the Township of Percé at a place commonly called the "Blow Hole", containing about twenty five acres and three quarters of an acre superficies thereabouts, known as letter "V", bounded in front partly by the main road and partly by a lot occupied by Julien Arbou, in rear by the summit of the cliffs, towards the West by land occupied by Joseph Methot and Charles Methot and the sinuosity of the "Blow Hole" and on the other side by land occupied by Jean Labbé, with all improvements and dependencies thereunto appertaining.

Also all her part or portion of the Cattle, Crop, Agricultural implements, Fishing Tackle, etc. which may hereafter become such, reserving her part of the Household furniture;-

To Have, Hold and Enjoy the aforesaid property, moveable and immovable, as herein before mentioned, to the sole use and benefit and behoof of the aforesaid Mark Bunton (son of John Bunton, deceased) as aforesaid, his heirs, executors, administrators and assigns from henceforth and forever; under the following obligation, viz. that the said Madam Mary Martha Fox, Widow of the late John Thomas Moriarty, as aforesaid; is to remain in the dwelling house, as at present, with the said Mark Bunton during her natural life, he, the said Mark Bunton, his heirs, executors or assigns hereby binding himself or themselves to procure sufficient nutriment, clothing, etc. for the said Madam Mary Martha Fox, as aforesaid, and to allow her the enjoyment hereafter as heretofore of the same privileges and liberties as at present; - And he, the aforesaid Mark Bunton, doth hereby likewise oblige himself to procure sufficient

Bread, lodging etc. for Mary Martha Moriarty and Martha Boulet during the time they may remain in the house with him; they, the said Martha Moriarty and Martha Boulet likewise hereby obliging themselves to assist in performing the usual duties of the House, Dairy Farm etc. heretofore and at present.

And for the execution of these presents the parties have made election of Domicile at the residence of the Doner at Percé in the District of Gaspé aforesaid.

Done and passed at Percé in the County of Gaspé in the District of Gaspé and Province of Canada aforesaid, the day and year first above written, these presents being first duly read.

(Signed, Sealed and delivered  
in the presence of-)  
Francis Le Brun  
John Arthur

(Signed)  
Mark Bunton  
Mary Martha Fox Moriarty  
E. Guilmet, Priest.

