

GASPÉ OF YESTERDAY

DOWN BY THE OLD MILL STREAM !

The Deed of Sale by Henry Davis
to Her Majesty the Queen and an
extract from "SAGA I".

Ken Annett

DOWN BY THE OLD MILL STREAM :FOREWORD

In its issue of October 30th.,1980 SPEC published my GASPÉ OF YESTERDAY article No.31 on SALMON HATCHERIES. It recalled pioneer efforts in the breeding of Atlantic salmon and the establishment of early salmon hatcheries on the Restigouche and Dartmouth rivers of Gaspesia. The site chosen on the Dartmouth estuary was the Mill Brook of the L'Anse-aux-Cousins community some three miles from Gaspé Village. There has recently come to light the Deed of Sale by which that site was acquired. It is that Deed and an extract of my unpublished autobiography, "SAGA I" that are presented in this three hundred and thirtieth issue of GASPÉ OF YESTERDAY.

SALE

by

HENRY DAVIS

to

HER MAJESTY

THE QUEEN

23rd MAY 1884

CANADA

PROVINCE OF QUEBEC

DISTRICT OF GASPE

COUNTY OF GASPE

On the twenty third day of the month of May in the year of our Lord one thousand eight hundred and eighty four.

Before us, the undersigned Joseph Eden,Senior, of the Village of Gaspe in the County and District of Gaspe, one of Her Majesty's Justices of the Peace for the said District of Gaspe,duly appointed,sworn and qualified to act as such,acting for these presents in default of a Notary Public, and Charles Sutton LeBoutillier, Merchant and John A.Eden,farmer, both residing at Gaspe Basin, both witnesses especially called for the execution of these presents as by law provided for the said District of Gaspe.

Personally came and appeared Mr. Henry Davis of the Township of Gaspé Bay South, in the County and District aforesaid, farmer. Who has granted, bargained, sold and confirmed and by these presents does grant, bargain, sell and confirm, with warranty against all troubles, evictions, hypothecs, dowers, substitutions and other incumbrances generally whatsoever unto Her Majesty the Queen, herein acting by the Honourable Archibald Woodbury McLellan, Minister of Marine and Fisheries for Canada, who is represented herein by Philip Vibert, junior of the said Village of Gaspé, Esquire, Fisheries Officer in charge of the Gaspé fish breeding establishment, duly authorized for the purposes of these presents, accepting hereby, that is to say:

A certain piece or parcel of land containing four acres in superficies, being part of lot number thirty in the Dartmouth range of the Township of Gaspé Bay South, of a breadth of one acre to be taken half an acre on each side of the Brook running through said piece of land, by a depth of four acres, bounded on one side towards the North-East by the "St. George River" and on the three other sides by land owned and occupied by the said vendor, circumstances and dependencies.

To have and to hold the said piece or parcel of land and premises herein before granted, bargained and sold or intended to be, with their and every of their accourtenances unto and to the use of the said Purchaser, Her Heirs, Successors and assigns from henceforth, forever.

The said Vendor declares to have acquired the said lot from the Government of Canada per Grant from the said Government to the said Vendor dated the twenty eighth day of the month of September in the year one thousand eight hundred and sixty four.

The present sale and conveyance is thus made for and in consideration of the sum or price of two hundred dollars currency paid at the execution of these presents by said Purchaser, represented as aforesaid, to the said Vendor and "dout quittance generale et finale."

And these presents and we, the undersigned Justice of the Peace and witnesses, witness that the said Vendor doth hereby assign, transfer and make over unto the said Purchaser, all right of property, claim, title, interest, demand, seizure, possession and other right whatever which he, the said Vendor, may have or claim, or might hereafter have or claim in, to and upon the piece or parcel of land bargained and sold as aforesaid, hereby desequizing and divesting himself thereof in

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favour of the said Purchaser, and consenting and agreeing that the said Purchaser be therein and thereof put in good and lawful seizin and possession as absolute proprietor by virtue of these presents, together with the privilege and use of the brook running through the said property.

Done and passed at the said Village of Gaspé in the said County and District of Gaspé on the day, month and year herein first above written.

In witness whereof the said parties, acting as aforesaid, have signed in presence of the said Justice of the Peace and witnesses who have also signed these presents having been first duly read.

SIGNED, SEALED AND
DELIVERED IN PRESENCE

OF - (Signed)

Sutton LeBoutillier

John A. Eden

SIGNATURES OF PARTIES

Henry Davis

Philip Vibert, Jr.

IN TESTIMONIUM VERITATIS

(Signed) Joseph Eden, J.P.

The family background of Henry Davis of the Deed above can be found in the "GASPÉ OF YESTERDAY" articles, THE DAVIS FAMILY OF GASPÉ PART I (SPEC 16-10-80) and PART II (GASPÉSIE 1985-86). He was the grandfather of my boyhood chum, Lloyd Davis, of the neighbouring farm with whom I spent many happy boyhood hours in the environment of the Mill Brook and the very property sold by his grandfather to Her Majesty the Queen. Those times are recalled in the following extract from my unpublished autobiography, "SAGA I"

"...The Mill Brook held a constant fascination for me in boyhood.

At the North-West corner of our farm, where the South-West road joined the highway, a wooden bridge crossed the mouth of the brook. Upstream from the bridge was a low dam. The quiet pond of fresh water above the dam was the perfect place for boys to venture on make-shift rafts and to launch model boats. Wily brook trout lurked in the pool below the spillway of the dam and in other, well-known spots upstream along the steep-sided, wooded gorge cut by the brook. Half-buried on the bank near the dam were two massive, granite grindstones as a

reminder of the water-mill that had operated previously in the brook to grind the grain of the farms nearby. Later in time the salmon hatchery described in Part I of "THE DAVIS FAMILY OF GASPÉ" had been built beside the dam. Subsequently the hatchery had been moved to York on the South-West Arm of Gaspé Bay and the building on Mill Brook had been acquired by the Shepard and Morse Lumber Company as housing for employees of their mills on nearby L'Anse-aux-Cousins Point. From the outlet of the dam a long wooden flume had been built by the company to carry fresh water of the Mill Brook to the mills on the Point. This flume, supported on wooden trestles, bordered the "Slab Road" that bordered the cove at beach level from the Davis salmon stands at the foot of Canon Hill to the Point.

From the time I was able to explore by myself and with my chum, the late Lloyd Davis, the Mill Brook was an environment of great interest and pleasure. It was there that we built camps, floated rafts and sailed our model boats on the still water of the dam, fished for trout in summer and set traps in winter for weasel and muskrat. The sheltered, wooded gorge above the dam site was a unique world of escape for us. Memories of many happy boyhood times spent there still flow strongly across the span of time of half a century..."

Time has changed greatly both the reality and the perception of the Mill Brook and its environment. The noted English poet has said it well in his "ODE" when he wrote:

There was a time when meadow, grove and stream,
 The earth, and every common sight,
 To me did seem
 Appareled in celestial light,
 The glory and the freshness of a dream.
 It is not now as it hath been of yore;-
 Turn whereso'er I may
 By night or day,
 The things which I have seen I now can see no more.

Yet as the seasons come and go the "Old Mill Stream" continues to flow out through its wooded gorge to the sea. Perhaps new youth find in its peaceful valley some of the pleasure it gave to us in years long past.