

GASPÉ OF YESTERDAY

"REPARATION OF HONOR"

"...there was pronounced by several Justices of the Peace of the said District (of Gaspé) a Judgment which condemned the said Louis Fromenteau to make reparation of Honor for certain Words, to pay Costs to be taxed and a fine of Ten Pounds to our Sovereign Lord the King for a Breach of the Peace..."

KEN ANNETT

"REPARATION OF HONOR"

Tucked away in many an archival record are stories of GASPE OF YESTERDAY that stir the imagination. They bring to life individuals and events of pioneer days on the Coast. Such a document from the old records of Charles Stewart, N.P., bearing date of February, 1795, and with the deceptively dull title, "SETTLEMENT BETWEEN LOUIS FROMENTEAU AND FELIX O'HARA", details a controversy between strong-willed men of the District of Gaspé in those far-off days prior to 1800.

THE DRAMATIS PERSONAE

At the center of this controversy was Louis Fromenteau whose career in Gaspesia was referred to previously in the article, "EARLY JUDGES OF THE DISTRICT OF GASPE", published by SPEC on February 21, 1980. A military man and veteran officer of the British Forces in the American Revolutionary War, Fromenteau had been a prisoner-of-war of the Americans for four years following the calamitous defeat of General Burgoyne at Saratoga. On release he returned to his native Québec and sought an appointment of the Governor. In 1792 he had been appointed as Judge of the Court of Common Pleas for the District of Gaspé and had received land grants in the District.

The plaintiff or complainant in this controversial case was William Vondenvelden whose career in Gaspesia has been recalled in such articles as "NEW CARLISLE IN INFANCY - THE 1785 PLANS OF WILLIAM VONDENVELDEN" published by SPEC on November 23, 1982. A veteran officer of the American Revolutionary War and a surveyor, Vondenvelden was in Gaspesia from 1784. He had served as a Justice of the Peace from 1786 and was Clerk of the Court of Common Pleas for the District of Gaspé.

Felix O'Hara was a pioneer settler of Gaspé Basin. His life and times have been recalled in the article, "THE O'HARA FAMILY OF GASPE", published by SPEC on June 21, 1983. He had served as a Justice of the Peace and was the first Judge appointed in the District of Gaspé in 1779.

The other Justices of the Peace of the District of Gaspé involved in this Judgment were Theophilus Fox, Hugh O'Hara, Daniel

McPherson, Francois De la Fontaine and Joseph Arbour.

Involved in the seizure of the moveables and effects of Louis Fromenteau was the Deputy Sheriff of the District of Gaspé, Ranald McDonald.

The Attorney of and for Felix O'Hara was John Young of Québec.

THE JUDGMENT IN CONTENTION

"WHEREAS at a special Court or Sessions of the Peace holden at Gaspé on Tuesday the second day of November which was in the year of our Lord, one thousand seven hundred and ninety one, in a Suit or Prosecution then and there instituted by William Vondenvelde, Esquire, as Plaintiff or Complainant against the said Louis Fromenteau, Esquire, there was pronounced by several Justices of the Peace of the said District a Judgment which condemned the said Louis Fromenteau to make reparation of Honor for certain Words, to pay costs to be taxed and a fine of Ten Pounds to our Sovereign Lord the King for a Breach of the Peace.

AND WHEREAS, in consequence thereof, divers moveables and effects, the property of the said Louis Fromenteau were seized in execution.."

INVENTORY OF SEIZURE

Of particular interest in the record of this controversy is the inventory of the "divers moveables and effects" of Louis Fromenteau that were seized and meticulously listed by Deputy Sheriff, Ranald McDonald. This inventory follows:

3.

Inventaire des effets saisis le 12. et 13. avril 1792. —

1. Fils de coffre contenant :

1. Veste de toile entamée, garnie de 2/6	2	3. 9.
1. Manteau	1	4. 9.
1. Veste, culotte de Nankin	1	5.
1. Veste de cotonnet	1	4.
1. D ^e de Nankin	1	5.
1. D ^e de Voil. fine	1	4.
1. D ^e de Nankin	1	5.
1. D ^e de Cotonnet	1	4.
1. Culotte drap noir	1	6.
1. D ^e de Nankin	1	4.
1. D ^e de Cotonnet grande	1	6.
3. B ^e de laine 2/6	3	7. 6.
2. Grand mouchoir	2	5.
3. Lignes & lignes	3	6.
		3. 10. 6

Une valise

1. Veste culotte noir de Caen	2	5.
1. Gilet d'espagnole	1	6.
1. Veste noir de Caen	1	6.
1. Veste et culotte velours coton	1	10.
1. Culotte drap bleu double Indienne	1	5.
1. D ^e Caen noir	1	8.
1. Habit noir	1	10.
1. Gilet drap gris double en planche	1	6.
1. Vieille chemise fine	1	4.
1. Habit d'Indienne	1	10.
1. Culotte large de serge	1	8.
1. Grande culotte drap rouge	1	6.
		5. 2.

+ ...	1. Canovelle, avec 3. flacons de gallon, (D)		
	Environ 1000 flous melés,		14 - -
	1. Coffre de campagne avec table	}	8 - -
	depuis, et intérieurement garnies		
	pour divers objets		
	dont		
	1. Boîte quarré de fer blanc, antimoine	}	2. 6.
	compas		
			<u>17 18. 9</u>
	Pour l'Empire 14 d'après l' "3"		" 2"
	1. Boîte de fer blanc quarré		" 2. 6.
	Boîte		" 1.
	4. Ouvrages à huiles		" 4.
	3. Couteaux neuf		" 2.
	1. fourneille		" 9.
	1. fusil à sifflet		" 10 -
	4. pots de barres		" 4.
	Flanettes rantes d'haute cloche		" 5.
	1. huilles à quatre bouteilles		" 4"
	1. plat de fer blanc		" 2.
			<u>11. 3</u>
	2. Vies de flanelles et autres		
	envelopes		" 6"
+ 1.	1. 1 ^{re} Houe à reports		" 4.
	1. pivoire et une drape		" 5.
+ 1.	1. 1 ^{re} chemise de cuivre surajustée		" 10.
			<u>21 0.</u>
	Porté l'autre part		

	Montant de l'achat, part - - -	£ 210 0
	1. Crochet et 11 Broches - - -	£ 30 -
	nomme, diverses Minuteries - - -	" 30 -
	1 Coffre avec petits outils et } baguettes - - - - -	" 10 -
+	1 poël de fer et son layon de } 4 feuilles - - - - -	" 10 -
+	1 pelle et lunette de fer - - -	" 8 -
+	1. Berge, 3, tames, 1 mat, 1. boeume } gouvernail et barre, etc. - - -	15 -
+	1 traire de chonet 25', 2 haches 10' - - -	10 17 -
	abois 105, Mathom 5' etc. - - -	12 -
+	2. Scies a moulin (stee) etc. - - -	5 -
+	4. scelles barres de fer - - -	" 4 -
	1. hache 7', lunette 5' 1/2, 1. gouine 6' - - -	" 15 -
+	1. miroir oval 15', 1 marteau 2' - - -	" 17 -
	2. valises en cuir sont les livres etc } autres effets - - - - -	10 -
	1. petit coffre quarré - - - - -	" 3 -
	1. petit coffre, (contenant) - - - - -	" 3 -
	1 draps de lit 10' 1. Supr de toil 2' } 1. paire Cullota noir - 5' - - -	" 17 -
	1. paire bas de laine - - - - -	" 10 -

3 volumes de livres, de différentes
 sortes, ouvrages anciens selon inventaire,
 et dix brochures, ouvrages modernes, letres
 selon la prise du court ————— 15^u 7.

I do certify, that the above ————— £ 83^u 19.

inventory of Effects seized, by me is an exact
 copy of the original which I have kept by
 April 12th 1792. sign'd R. Donald,

R. Donald, Deputy Sheriff. —————

R. Donald

Liste des livres pris et saisis par M. Donald —————
 le 12. Avril 1792.

	vol:	
Espion Turk	6 ⁿ à 4/	£ 1 ⁿ 4.
Espion chinois	6 — 4/	1 ⁿ 4.
An acc ^t of european settlements in America	2 ⁿ — 9/3	" 18 ⁿ 6
Maison de Bourbon	6 ⁿ — 4/	1 ⁿ 4.
Interets de la France mal entendu	3 ⁿ — 4/	" 12 ⁿ —
Description de versaille	2 ⁿ — 4/	" 8 ⁿ

Academie des Sciences	2.	4/	—	" 8.
Political Magazine	1.	"	—	" 5 ^u
et new General English Dictionary	}	1.	—	" 11. 8
D. Latin et Francaise				
Campagnes de Noailles	2.	4/	—	" 8 ^u
Elementary part of fortifications	}	1.	—	" 6 ^u
Tableau de Paris				
Utilites des voyages	2.	3/	—	" 6.
Delices de l'Italie	1.	—	—	" 2. 6.
Histoire de la Louisiane	3.	4/	—	" 12 ^u —
Commanche de l'amour 1.	}	4.	4/	" 16 ^u
Histoire de l'Academie — 1.				
Fables de la Fontaine — 1.				
Traite de Chirurgie — 1.				
Cyrus travels 2. en un	1.	—	—	" 6 ^u
Recueil de bons discours	1.	—	—	" 5 ^u
Theatre de Corneille	1.	—	—	" 3 ^u
Almanach de l'ordre	1.	—	—	" 3 ^u
Oeuvres de Rousseau	1.	—	—	" 3 ^u
Reflections sur la Rhetorique	4 9 ⁿ	—	—	" 11. 0. 8.
Moeurs des Israelites	1.	—	—	" 2. 6.
Poemes	1.	—	—	" 2. 6.
Lettres de Voltaire	1.	—	—	" 3 ^u
Art Universel de fortifications	1.	—	—	" 15 ^u —
Anatomie raisonnee	1.	—	—	" 10 ^u

Remarques on the West man	1..	" 2. 6.
Parallele du cardinal de	} 1..	" 2. 6.
Richelieu et de Harlan		
Grammaire Angloise et	} 1..	" 3..
Alemanide		
La Radoteur 2 ^{me} vol.	1..	" 6..
Liturgie Anglicane	1..	" 2. 6.
English Spelling Dictionary	1..	" 6..
Et moines	1..	" 2..
	<u>62.</u>	<u>14u 2u</u>

Vol:

De l'autre Part - - - 62u - - - £ 14u 0. 2.

Brochures

- Innocentation du bon sens
 - Observations On J. Price
 - Le Talens abusé -
 - Isabella, the fatal marriage
 - Christians Triumph -
 - Transparent Orazy
 - Merchant of Venice
 - Power of Music -
 - a Mock poeme
 - American Magazine
10. - B

Partie de l'histoire universelle folios 1..

63.

I do certify that the above numbers of books, stated in this inventory, are in a trunk, the whole of which have been seized by me, in obedience to a warrant of execution, issued from the Court of Quarter Sessions, the number of which books, are added to an other inventory of other things likewise seized upon. —
 Hamilton 12th of April 1792. —

Signed Roderick McDonald
 Deputy Sheriff —

Fromentau
W Young

Remains
Newly

G. Germaine P. Francklin

FROMNTEAU'S RIPOSTE

By virtue of his temperament, background and experience the veteran Officer, Louis Fromentau was not inclined to accept and submit meekly to the Judgment of the Gaspesian Court. Accordingly he appealed to the Court of King's Bench at Québec where, in due time

"the Proceedings and the said Judgment were removed by CERTIORARI and quashed". Fromenteau then proceeded to demand restitution from Felix O'Hara and the other Justices of the Peace that had been associated with the Judgment. He sought not only restitution of his moveables and effects that had been seized by Deputy Sheriff Ranald McDonald but Damages and Costs. When negotiations to that end failed he instituted a Suit in the Court of Common Pleas for the District of Québec against the attorney of Felix O'Hara, John Young. The escalating controversy had now dragged on from 1791 until 1794 and it is not hard to imagine how much discussion and passion it had generated among the Justices of the Peace of the District of Gaspé.

SETTLEMENT

On February 11, 1795 a settlement of this bitter and protracted case was finally reached by agreement between Louis Fromenteau and John Young. In notarial form it stated that:

"First, the said John Young, on the part and behalf of the said Felix O'Hara did pay to the said Louis Fromenteau... the Sum of forty-eight pounds Current Money of this province in Gold and Silver which the said Louis Fromenteau...did receive and doth hereby acknowledge to have received in full and complete satisfaction for all Damages and Costs sustained and paid by him...under or in consequence of the said Judgment...

And in consideration of the said Sum of forty eight pounds the said Louis Fromenteau...doth promise and engage forthwith to discontinue and withdraw his said Action...by him instituted in the said Court of Common Pleas against the said John Young and to pay all the Costs of the said Action, as well those of the said John Young, amounting to the Sum of six pounds, eight shillings...and hereby doth remise, release and forever discharge the said John Young, Felix O'Hara and each and every of the Justices of the Peace of and for the District of Gaspé in the said Province of Lower Canada, particularly Theophilus Fox, Hugh O'Hara, Daniel McPherson, Francis De la Fontaine and Joseph Arbour, Esquires...from all manner of Action, Cause and Causes of Action, Claims and Demands whatsoever in Law and

and Equity...

And further, the said Louis Fromenteau, in consideration of the said Sum of forty eight pounds...doth bargain, sell, release, grant and confirm unto the said Felix O'Hara, All the Household furniture, Implements of Household, Books and Articles and all other goods and Chattels whatsoever which were seized and taken by Ranald McDonell (sic) Deputy Sheriff of the said District of Gaspé under and by virtue of a certain Writ of Execution issued against the moveable property of the said Louis Fromenteau in consequence of the said Judgment of the second day of November in the Year of our Lord one thousand seven hundred and ninety one..."

It is interesting to speculate on the length of time that it took for this settlement of February, 1795 to reach those concerned in distant Gaspesia and also as to how the cost of settlement was apportioned among the respective Justices of the Peace. The eventual disposition of the moveables and effects of Louis Fromenteau, seized by Ranald McDonald and awarded by this settlement to Felix O'Hara is equally intriguing. Perhaps some of the sixty-two books still remain in the possession of descendants of those involved in this controversy of GASPE OF YESTERDAY.