

GASPÉ OF YESTERDAY

ASSIGNMENT OF THE SCHOONER "RAMBLER"

Philip Starnes and James Robert Sherar of
Chaleur Bay assign their schooner RAMBLER
to Pemberton Brothers in November, 1831.

Ken Annett

ASSIGNMENT OF THE SCHOONER "RAMBLER".

Deed # 4205 of Notary Public Archibald Campbell.

On this day, the twenty eighth of November in the Year of Our Lord One Thousand eight hundred and thirty one, Before the undersigned Notaries Public, duly admitted and sworn for the Province of Lower Canada, dwelling in the City of Quebec in the said Province - Personally came and appeared Philip Starnes and James Robert Sherar of Chaleur Bay in the Province of Lower Canada aforesaid, Mariners, of the one part, and George Pemberton, Esq., of Quebec, Merchant, accepting of these presents as well in his own name as for and in the names of William Pemberton and Henry Pemberton, his partners in trade, carrying on business under the Firm and Style of Pemberton Brothers, of the other part -

Which parties, in the presence of us, the said Notaries, have agreed to and with each other in manner and form following, that is to say -

Whereas Philip Starnes and James Robert Sherar have had and received of and from the said Pemberton Brothers, at divers times previous to the drawing up of these presents, certain sums of money and advances for and on account, as well for the said Philip Starnes and James Robert Sherar as for and on account of their Schooner, the RAMBLER, herein after described, and whereas at the time of the payment of the said sums of money and advances it was agreed that they, the said Pemberton Brothers would have, obtain and receive of and from the said Philip Starnes and James Robert Sherar a mortgage hypothecation upon the said Schooner, the RAMBLER, now these presents and the said Notaries witness that the said Philip Starnes and James Robert Sherar acknowledge and claim to be well and truly indebted to the said Pemberton Brothers in the Sum of Eighty Pounds current money of this Province, for the Security and Payment of which sum to the said Pemberton Brothers at the time and period hereinafter mentioned, they did and do hereby assign, transfer and make over, by way of mortgage hypothecation, the whole of their, the said Philip Starnes and James Robert Sherar, Shares and Interest in and to the said Schooner or Vessel called the RAMBLER, together with her Sails,

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Rigging and Materials, the said James Robert Sharar holding thirty two sixty fourth Shares and the said Philip Starnes holding the same number of Shares. The said Vessel has been duly Registered - a copy of which is as follows:

CERTIFICATE OF BRITISH REGISTRY. NUMBER SEVENTY SIX.

This is to certify that in pursuance of an Act passed in the fourth year of the reigh of King George the Fourth, intituled "An Act for the Registering of Vessels", Philip Starnes and James Robert Sharar of Chaleur Bay in the Province of Lower Canada, Mariners, having taken and subscribed the Declaration required by the said Act, and having declared that they are sole owners, in the proportions specified on the back hereof, of the ship or vessel called the RAMBLER of Quebec, which is of the burthen of fifty eight and $31/94$ Tons, whereof Philip Starnes is Master; that the said ship or vessel was built at Chaleur Bay aforesaid this present year, One Thousand eight hundred and thirty one, which appears by a certificate of James Robert Sherar, the builder, dated 22nd instant, and Charles Stewart, Surveying Officer, having certified to us that the said ship or vessel has one deck and two masts, that her length from the forepart of the main stem to the after part of the stern post aloft is fifty eight feet, her breadth at the broadest part taken above the main wales is fifteen feet ten inches, her depth of Hold is eight feet ten inches, that she is schooner rigged with a standing Bowsprit, is square sterned, carval built, has no Galleries and no Head; and the subscribing owners, having consented and agreed to the above description, and having caused sufficient security to be given as is required by the said Act, the said ship or vessel called the RAMBLER has been duly registered at the Port of Quebec.

Certified under our Hands, at the Custom House in the said Port of Quebec this twenty fourth day of November in the Year One Thousand eight hundred and thirty one.

(Signed) L.H.Ferrier, Collector
G.A. Gore , Controller

3.

Names of the several owners
within mentioned.

Number of sixty fourth shares
held by each owner.

Philip Starnes

Thirty two.....32

James Robert Sherar

Thirty two.....32

64

The present assignment and transfer is made by way of mortgage as a Collateral Security for the payment of the said sum of Eighty two Pounds, Six Shillings and eight pence currency advanced as aforesaid to the said Philip Starnes and James Robert Sherar, the receipt and payment of which they do acknowledge, which said sum the said Philip Starnes and James Robert Sherar do by these presents bind and oblige themselves to pay to the said Pemberton Brothers on or before the first day of November next, with legal interest thereon from the Day.

To have and to hold the said Schooner called the RAMBLER and her stores and apparel and all and singular other the effects and premises mentioned and hereby intended to be, hereby bargained, sold and assigned unto the said Pemberton Brothers, their heirs and assigns, in as full, large, ample and beneficial a manner and form to all intent and purposes as they, the said Philip Starnes and James Robert Sherar could, might and have held and enjoyed the same in case these presents had not been made, subject nevertheless to the proviso of redemption thereof hereafter contained, provided always, and it is hereby declared and agreed between the said parties hereto, that if the said Philip Starnes and James Robert Sherar, their heirs and executors, shall and do well and truly pay or cause to be well and truly paid to the said Pemberton Brothers the said Sum of Eighty two Pounds, Six Shillings and eight pence, together with such charges and expenses as may be incurred thereon, as well for insurance as otherwise, then and in that case the said Pemberton Brothers shall and will, at the costs and charges of the said Philip Starnes and James Robert Sherar reassign and recover unto them the said Schooner, the RAMBLER and premises aforesaid.

The intention of the present Mortgage being to secure and convey

4.

over unto the said Pemberton Brothers the said Schooner the RAMBLER by way of a Collateral Security for the payment of the said debt together with expenses for insurance and charges thereof. And the said Pemberton Brothers are hereby authorized and empowered to have insurance to this effected upon the said vessel to the extent of the said sum of Eighty two pounds, Six Shillings and eight pence currency- the premium of which the said Philip Starnes and James Robert Sherar did and do hereby oblige themselves, their heirs and assigns, to pay and liquidate the mortgage of the said vessel as well as for the Payment of the said sum as for the payment of the new Premium of Insurance with charges.

Provided always that upon the payment of the said Sum and of the Premium of Insurance the present Mortgage and hypothecation shall and will be null and void.

THUS DONE AND PASSED at Quebec in the Office of Archibald Campbell this Day, Month and Year first above written. IN WITNESS WHEREOF the said parties have to these presents, first duly read, set and subscribed their names and signatures in the presence of us, the said Notaries.

(Signed) Philip Starnes.
James R. Sherar
George Pemberton

