

GASPÉ OF YESTERDAY

PROTEST AND SURVEY REPORT

ON

THE SCHOONER "THREE SISTERS"

Hilary Michaud, Master Mariner and the Master of the schooner, "THREE SISTERS", and members of his crew protest storm damages and have vessel surveyed.

KEN ANNETT

1826 DEED OF DECLARATION AND PROTEST

Hilary Michaud, Master of the schooner
"THREE SISTERS"

By this Public Instrument of Declaration and Protest, Be it Known and manifest to all to whom these presents shall come or to whom the same may in any way concern, That on this fourteenth day of October in the Year of our Lord, One Thousand, Eight hundred and twenty six, Before me, the undersigned Martin Sheppard, Notary Public, duly admitted and sworn for the Province of Lower Canada, residing at Paspébiac in the District of Gaspé and Province aforesaid, and the Witnesses herein after mentioned, personally came, appeared and were present Hilary Michaud, Master Mariner and Master of the schooner or vessel called the "THREE SISTERS" of the burthen of Fifty Three and 68/94 tons register measure, now lying at anchor in the Roadstead of Paspébiac. Hippolite Mercure, Mate, Francois Lisotte, carpenter, of and onboard of the said vessel -

Who, of their own free will and voluntary record in the presence of me, the said Notary and Witnesses hereinafter named, did, and by these presents do jointly and severally allege, affirm, declare, protest and state -

That the said schooner or vessel called the THREE SISTERS, being tight, staunch and strong, well and sufficiently manned. provided, equipped and furnished with all things needful and necessary for a voyage to sea, they, the said appearers set sail onboard of the said vrsel from the Port of Québec in the Province of Lower Canada on the twenty eighth day of the month of August last, loaded with a full and complete cargo of flour, pork, and beef, on a voyage to the Ports of Richibucto and Miramichi in the Province of New Brunswick for freight; at the former of which places she arrived at her moorings on the nineteenth day of the month of September last and at Miramichi on the twentieth. That they, the said appearers proceeded on with the said vessel on the voyage to the Port of Québec without anything particular or extraordinary occuring except experiencing on one or two occasions rough and boisterous weather till the said vessel was overtaken near Port Daniel, in this District, with a strong head wind and heavy sea

and swell which obliged the said appearers and the rest of the crew to put back and anchor in Port Daniel aforesaid and which caused their said vessel to strain and labour considerably and to make a great deal of water - tried the pumps night and day but notwithstanding the unremitted labour and exertion of the said appearers and the rest of the crew of the said vessel, the leak still continued unceasing and gaining upon them - after which the said appearers and the rest of the crew of the said vessel seeing no prospect of the fury of the wind and waves abating, but that on the contrary it bore all the appearance of it's increasing in the night to a storm; weighed anchor and proceeded for Paspebiac, accompanied by several other vessels who had put into Port Daniel for shelter; at the former of which places the said schooner THREE SISTERS arrived yesterday evening in such a leaky state that the crew and passengers on board refused to proceed to Québec in the said vessel in her present state without a Survey and examination having been made and passed upon her and her damages thoroughly repaired, for the purpose of which the said Master finds himself necessitated to proceed to Bonaventure in this District, in order to have the damage which the said vessel may have sustained examined and thoroughly repaired.

And the said appearers do further, jointly and severally, allege, affirm, declare, protest and say that all and singular the injuries, losses, damages and detriments which have happened to the said vessel were in no way owing to or occasioned by any unseamanship or neglect of them, the said appearers or of any of the rest of the crew of the said vessel but solely and entirely to the causes and perils before mentioned and that during the said voyage they and the remainder of the crew of the said vessel used their utmost endeavours and exertions to preserve the said vessel from damage.

To the Truth of all which said several matters and things herein before alleged and declared they, the said appearers, have duly and severally made Oath on the Holy Evangelists before the said Notary and Witnesses hereinafter mentioned.

Now therefore that these presents may enjoy full force and effect, I, the said Notary, at the request of the said Hilary Michaud, did protest and by these presents do most solemnly protest against all

15th APRIL, 1827 - REPORT OF SURVEY ON THE SCHOONER
"THREE SISTERS".

To all to whom these Presents shall come, BE IT KNOWN
That we, the undersigned, Charles Forest and Joseph Babin,
Ship Carpenters, both residing at Bonaventure in the District
of Gaspé and Province of Lower Canada, at the request of
Felix Arbou of Bonaventure aforesaid, Mariner, the Agent or
Factor of Mr. Jean Olivier Brunet of the City of Québec,
Merchant, proprietor of the schooner or vessel called the
THREE SISTERS, went on board and alongside of the said vessel
then lying on the beach of the Harbour of Bonaventure aforesaid
in order to survey, examine and inspect the said vessel and the
damage she has sustained in her late voyage from Caraquet in the
Province of New Brunswick to Québec, which damage necessitated
her to put back to Bonaventure to refit.

And then and there, after having fully and minutely surveyed,
examined and inspected the said vessel and the damage she has
sustained, did and do hereby report -

That we found the said vessel buried in the sand to the depth
of about one foot, and after removing the sand from her bottom,
we found that her planking under the Wales required repair and
that new pieces were required to replace such as are defective;
that the spike nails in her bottom are loose and require punching
and in many places new nails to replace the old; that the said
vessel requires caulking in her hull and deck, and a new boom to
replace the old one which was found to be rotten and unfit for use;
and a new rail on her larboard quarter - the former one being
broken and defective; after which repairs being done to the said
vessel we conceive that she will, in every respect, be enabled to
proceed to Québec and be fit for other services. To the Truth of
all which we have made Oath on the Holy Evangelists, and will again
make Oath, if thereunto required,

IN TESTIMONY WHEREOF We have hereunto set our Hands and affixed our Seals at Bonaventure in the said Province (where no stamps are used) this Fifteenth day of April in the year of Our Lord one thousand eight hundred and twenty seven - having signed two certificates all of this tenor and date.

Signed, Sealed and Delivered

In the presence of -

William Bowman

Chas. Forest

William Chatterton

Jos. X Babin

In Faith and Testimony and further Corroboration of the proceeding written Certificate of Survey, Martin Sheppard, Notary Public, duly admitted and sworn for the Province of Lower Canada and residing at the place called Bonaventure in the District of Gaspé and Province aforesaid, Do by this Public Instrument in writing testify, declare and make known unto all to whom it may concern, that the proceeding written Instrument of Survey and the premises therein contained were thus Done and Passed at my Office at Bonaventure aforesaid on the day and in the month and year therein lastly written and signed, sealed and delivered by Charles Forest and Joseph Babin, therein mentioned, before me, the said Notary and the Witnesses whose names are subscribed to the Attestations thereof on the day and in the month and year aforesaid; and further that the signatures Chas. Forest and Jos. X Babin are the proper and respective hand writing signature and seal of the said Charles Forest and Joseph Babin, taken and subscribed before me, the said Notary, and the Witnesses whose names are subscribed at foot of the attestation of the said Certificate of Survey - these presents having been first duly read and afterwards explained and interpreted in French to the said Joseph Babin who hath declared not to know how to write, demand thereof duly made.

all and every person or persons whom the same shall or may in any wise concern, that all injuries, losses, damages and detriments that have happened to the said vessel are and ought to be borne by the merchants or freighters interested or the underwriters on the same or whomsoever else it shall or may in any wise concern, the same having occurred as before mentioned and not by or through insufficiency of the said vessel or neglect of the said Hilary Michaud, his Officers or any of his Mariners.

THUS DONE PROTESTED AND SWORN TO at Paspébiac aforesaid at the dwelling house of Messrs Charles Robin Company.

IN FAITH AND TESTIMONY WHEREOF the said appearers have to these presents, first duly read and explained and interpreted in French to them, set and subscribed their respective names and signatures in the presence of Messrs William Fruing and John Gosset, both of Paspébiac, and of the said Notary also hereunto subscribing.

WITNESSES

William Fruing
John Gosset

SIGNED BY

Hilary Michaud
Hypolite Mercure
Francois Lisotte
M. Sheppard, N.P.

