

GASPÉ OF YESTERDAYSHIPWRECK AT PORT DANIEL  
\*\*\*\*\*

THE NOTARIAL PROTEST OF CAPT. JOHN  
CUMMINGS AND MEMBERS OF HIS CREW ON  
THE WRECK OF THE BARK "CRUIKSTON  
CASTLE" ON PORT DANIEL BAR IN 1844.

KEN ANNETT

SHIPWRECK AT PORT DANIELFOREWORD

Port Daniel appears to have first entered written record in the year 1534 when the French master mariner and explorer, Jacques Cartier, noted in his ship's log the following:

TEXT OF LOG

"...et le quart jour dudit moys, jour "Saint Martin", rangeames ladite terre du Nort pour trouvez hable, et entraimes en une petite baye et conche de terre toute ouuerte deuers le Su,ou il n'y aulcun abry dudit vant, et la noumames la dite conche Saint Martin; et fusmes dedans la dite conche dempuix le quart pour jusques au dozieme jour dudit Juillet.

FREE TRANSLATION

"...and the fourth day of the said month (July,1534) we coasted along the said land to the North seeking harbour and entered into a small bay or cove which was open towards the South and which provided no shelter from wind. We named this bay or cove SAINT MARTIN and remained there from the fourth until the twelfth day of the said month of July.

Subsequently, in the LOG of the same voyage following upon his departure from Port Daniel to the westward, Cartier noted: "We named the said Bay, LA BAYE DE CHALEUR". According to a missionary to the Micmacs, Père Pacifique, the Micmac word for Port Daniel was "EPSEGENEG", which translates to "THE PLACE WHERE ONE IS WARM". In short, Jacques Cartier and his crew experienced fine, warm July weather in Port Daniel and Bay Chaleur.

Not all mariners would be as fortunate as the following account will testify.

FROM THE RECORDS OF MARTIN SHEPPARD, N.P. 8th NOVEMBER, 1844

PROTEST

BY THIS PUBLIC INSTRUMENT OF DECLARATION AND PROTEST Be it known and made manifest unto all to whom these presents shall come or whom the same may in any wise concern, That on this Eighth day of November in the year of our Lord one thousand eight hundred and forty-four, Before us, the undersigned Martin Sheppard, Notary Public by Royal Authority duly admitted and sworn for that part of this now Province of Canada formerly distinguished as Lower Canada, and the Witnesses hereinafter named and hereunto subscribing, personally came and appeared John Cummings, Master Mariner and Master of the Barque or Vessel called the CRUIKSTON CASTLE of Greenock in that part of the United Kingdom of Great Britain and Ireland called Scotland of the burthen of three hundred and eighty two tons (old measurement) register measure, now lying stranded and wrecked in the bars of Port Daniel in the County of Bonaventure in the District of Gaspé in the said Province. loaded with a full cargo of white pine and birch timbers and lathwood, with deals for broken storage, and John Campbell, Chief Mate, John McPhail, Second Mate, Thomas Fulton, Carpenter, and William Morrison, Seaman, of and onboard of the said vessel.

Which said John Cummings, John Campbell, John McPhail, Thomas Fulton and William Morrison, of their own free will and voluntary record, in the presence of us the said Notary and subscribing Witnesses, did, and by these presents do jointly and severally allege, affirm, declare, protest and say - That the said Barque or Vessel called the CRUIKSTON CASTLE, lying at anchor in the Bay or harbour of Port Daniel aforesaid taking in a cargo of white pine timber, deals, birch timber and lathwood, which said cargo was completed and put on board of the said vessel on Monday last, the fourth day of the present month of November, being then tight, staunch and strong, well and sufficiently manned and apparelled, with her hatches well and securely caulked and covered, and riding at anchor with part of the crew of the said vessel on shore getting spars and procuring ....for the ship's use. On the next day (Tuesday) the said vessel being ready for sea, and the crew all on board, the wind blowing a strong gale

from the East North East, accompanied with sleet and a heavy sea running which caused the said vessel to labour very heavily - at about eleven o'clock A.M. the wind veering round to the Eastward and blowing a strong breeze with rain, paid out sixty fathoms of the best bower (anchor) and cleared away the small bower.

At ten o'clock P.M. the wind increased considerably with a heavy sea. At midnight, the wind having increased to a strong gale from the Eastward, and the ship labouring exceedingly, let go the small bower anchor and veered out seventy five fathoms of the best bower cable.

On the next day (Wednesday) blowing a heavy gale from the East South East with dark, cloudy weather and constant rain and a heavy sea which caused their said vessel to pitch bows under and labour much. At half past three of the clock A.M. perceived that the vessel struck abaft with violence on a sunken sandbar about six hundred yards from the shore - called all hands on deck and set both pumps going but the vessel made little or no more water than customary - at four o'clock A.M., the gale having greatly increased, blowing a hurricane heavier and more violent than had been experienced by the inhabitants of Port Daniel aforesaid for upwards of seventy years, the weather being still dark and cloudy with rain and the sea so much agitated and increased by the wind as to present the appearance of a sheet of foam, the rudder and part of the stern post were carried away and separated from the said vessel owing to her striking violently and without intermission. After, at five o'clock A.M., the vessel having canted over and fallen over on her beam ends, attempted to right her and for that purposes the said vessel fell over broadside to the sea which filled her deck and hold and flowed over her fore and aft making a clear breach over the said vessel - cut away the lanyard of the fore rigging and commenced cutting away the foremast but could not succeed in doing so owing to the rush and flowing in of the sea, by which the lives of these appearers and the rest of her crew were placed in the most imminent peril and danger.

After which the said vessel drove stern on towards the shore where she now lies with her larboard side bogged and broken, her deck forced and rose up and her cutwater twisted and broken, and the said vessel so deeply imbedded in the sand that no possibility exists of extricating her and where she cannot but eventually go

to pieces and become a complete wreck.

And the said appearers do further allege and declare that the lives of all on board of the said vessel were providentially saved by the said vessel driving towards the shore stern foremost instead of on her broadside, for should the latter have occurred they must inevitably have all perished, and that all on board of the said vessel were saved with great danger and difficulty after a boat from the shore had been fruitless in attempting to save them from their perilous situation.

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 and the total loss thereof, as well as the cargo therein laden were in no way owing or occasioned by any unseamanship, mismanagement or neglect of any 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, perils and accidents before mentioned and that during the said time they and the remainder of the crew of the said vessel used their utmost endeavour and exertions to preserve the said vessel and her cargo from loss and 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 oaths on the Holy Evangelists of Almighty God before us the said Notary and subscribing Witnesses.

NOW THEREFORE that these presents may enjoy full force and effect I, the said Notary, at the request of the said John Cummings, did protest and by these presents do most solmenly protest against all and every person and persons whom it doth, shall or may in any wise concern and do declare that all damages, losses, costs, expenses and interests which have happened to the said vessel and her total loss hereof, as well as to her cargo, are and ought to be borne by the merchants and freighters interested or the underwriters on the same or whomsoever else it shall or may in any wise concern, the said loss having occurred as before mentioned and not by or through insufficiency of the said vessel or neglect of the said John Cummings his Officers or any of his mariners -

All which matters and things herein before mentioned were alleged and declared before the said subscribing Witnesses and therefore I have granted these presents being requested to recognize and certify the premises.

THUS DONE, PROTESTED AND SWORN TO at Port Daniel in the County, District and Province aforesaid (where no stamps are used) on the day and in the month and year herein first above written -

IN FAITH AND TESTIMONY WHEREOF the said John Cummings, John Campbell, John McPhail, Thomas Fulton and William Morrison have to these presents set and subscribed their respective names and signatures and affixed their respective seal in the presence of Henry Kavanagh, Sub-Collector of Her Majesty's Customs at the Port of New Carlisle aforesaid and William Carter of Port Daniel aforesaid, Lumber Merchant and farmer, Esquires, Witnesses to the due execution of these presents and in the presence of and with witness of the said Notary, also hereunto especially subscribing, these presents having been first duly read to the said parties respectively in their presence and hearing.

(WITNESSES) William Carter  
H.Kavanagh

(SIGNATURES) John Cummings  
John Campbell  
John McPhail  
Thomas Fulton  
William Morrison  
M.Sheppard, N.P.



