

GASPÉ OF YESTERDAY

THE WIDOW MARGARET SHEDDON MacKINNON's
LAST WILL AND TESTAMENT. JANUARY, 1831

KEN ANNETT

LAST WILL AND TESTAMENT OF THE WIDOW MARGARET MacKINNON

BACKGROUND

In November, 1982, SPEC published an article in the "GASPÉ OF YESTERDAY" series on "NEW CARLISLE IN INFANCY - THE 1785 PLAN OF WILLIAM VONDENVELDEN". This PLAN of more than two hundred years ago reflected the names and lot holdings of many of the pioneer families of New Carlisle and reflected the three types of lots granted as TOWN LOTS of one acre; TOWN PARK LOTS of eight acres; TOWNSHIP LOTS of about ninety-six acres. Eastward of the town a first range of Township Lots numbered from No. 1 to No.13 were shown as possessed by the following:

- | | | |
|---------------------|------------------|------------------|
| No. 1 Jn.Scott | No.2 Jn.Chisholm | No.3 D.Munroe |
| No. 4 N.MacKinnon | No.5 A. Naughton | No.6 J.Cass,Sr. |
| No. 7 Th.Sherar | No.8 Th.Sherar | No.9 Th.Sherar |
| No.10 Geo. Cowl | No.11 A.Coulter | No.12 J.Cass,Jr. |
| No.13 A. Brotherton | | |

This article proposes to focus on Lot No.4, held by Neil MacKinnon, through reference to the Last Will and Testament of his widow, Margaret Sheddon, drawn up in 1831 by the Notary Public, Martin Sheppard. For like her late husband, the veteran soldier, Neil MacKinnon, the Widow Margaret Sheddon was evidently one of Gaspesia's pioneers. In addition to the homestead property of Cox Township Lot No.4, Neil MacKinnon had at one time six hundred acres of land at Port Daniel - a property that had been sold to the prominent Port Daniel Merchant, William Carter.

THE MacKINNON FAMILY

Known members of the family of Neil MacKinnon,Sr. and his wife, Margaret Sheddon were:

- Neil Jr. who married Catherine Flowers.
- Charles, who married Martha Caldwell.
- Charlotte who married James Boyle of Gaspé Bay.
- Flora who married John Ascah of Peninsula, Gaspé Bay.
- Jane who married Adam Brotherton.
- Margaret who married Joshua Beebe
- Mary who was married firstly to John Stewart and secondly to Samuel Christie.

The "1816 UNTITLED RELIEF BOOK", reflecting a famine year in Gaspesia, provides a note on the MacKinnon family of that time: "#14 Neil McKinnon, sr. Resident of Cox; age 75; has a wife, two sons, a daughter and a grandchild"

From this brief note we learn that Neil Sr. was born in 1741 and that by 1816 daughters of the family had married and left home.

MENTIONED IN THE WILL

Brief notes on individuals mentioned in the Will of the Widow MacKinnon may be of interest:

John Douglas McConnell. A prominent resident of Gaspé, McConnell was a Customs Officer, a Major of the Militia and a Justice of the Peace. Through his marriage to Jane Baird O'Hara, grand-daughter of the Hon. Judge Felix O'Hara he was linked to the pioneers of Gaspé Basin. An account of his estate, "Fort Ramsay" is part of the "GASPÉ OF YESTERDAY" series.

Henry O'Hara. Son and heir of the Hon. Judge Felix O'Hara, he and his wife, Mary Stuart resided in the original O'Hara home in Gaspé Basin. He was a Customs Officer, Lieutenant-Colonel of the Gaspé Militia and a Justice of the Peace. Widely known in Gaspesia.

James Boyle. Son of a pioneer and prominent family of the South-West Arm of Gaspé Bay was with his brothers John, George and Felix active

in trade, shipbuilding, whaling and salvage under the firm name of Boyle Brothers.

Felix Stewart Son of Captain James Stewart and nephew of Matthew Stewart, Seigneur of Shoolbred and Dugald Stewart of Shoolbred and Dalhousie. A Gaspé Merchant. The Gaspé Harbour property of his father, Captain James Stewart, was judged to be the finest farm in Gaspé in its time.

Alexander Hall Alexander and his brother Amos were sons of the Loyalist, James Hall of New Carlisle. Born in the British Colony of New York in 1785 Alexander lived a bachelor in New Carlisle until his death in 1874 and burial in St. Andrew's Anglican Cemetery.

Andrew Chisholm. Andrew was the son of John and Chritianna Ferguson Chisholm, pioneer settlers on Cox Township Lot No.3. The Chisholms and the MacKinnons were, in effect, neighbours. Andrew's sister, Agnes, was the wife of Robert Caldwell.

William Scott Members of the Scott family lived in New Carlisle and environs from the time of Loyalist settlement. John Scott (soldier) and John Scott (weaver) came with the Loyalist fleet of 1784; William Scott held Town Lot #240 on the 1785 PLAN of Vondenvelden and David Scott a veteran soldier of JESSUP'S CORPS was a claimant in the Relief Book of 1816.

John Ascah Son of Peninsula, Bay of Gaspé, pioneers, Richard and Christiana Dorita Merrick Ascah, John was born at the "Port of Gaspey" in 1779. He first married Martha Annett and following her death in 1808 married Flora MacKinnon of New Carlisle in 1809. Six sons and two daughters were born of the second marriage. John Ascah and his brothers were whalers.

Robert Sherar. Robert was a son of the Loyalist and veteran soldier Thomas Sherar of the "Loyal Rangers" who sailed to Gaspesia with his wife, Jeanne Melvin, and their five children in 1784. Robert was four years old at that time. In the Census of 1831, the same year as the Will of the Widow MacKinnon, the Robert Sherar family comprised two sons and two daughters. Robert was active, widely known and prosperous as a merchant-trader and through shipping.

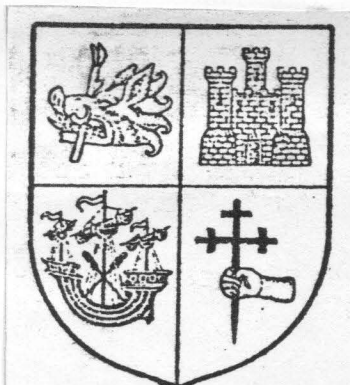


FIG. 75.—MACKINNON OF MACKINNON. Quarterly: 1st, vert, a boar's head crased argent, holding in its mouth the shankbone of a deer proper; 2nd, azure a castle triple towered and embattled argent, masoned gable, windows and post gules; 3rd, or, a lymphad sails furling and oars salterwise sab., flags gu.; 4th, arg., a dexter hand couped fesswise holding a cross-crosslet fitchée sab. (Lyon Reg., xxxvi, 153).

LAST WILL AND TESTAMENT
OF
MARGARET SHEDDON, WIDOW
OF THE LATE NEIL MCKINNON
21st OF JANUARY, 1831.

In the name of God, Amen. I, Margaret Sheddon, residing on the lot of land known and distinguished as the lot number Four in the Township called Cox in the County of Bonaventure in the District of Gaspé in the Province of Lower Canada, Widow by my first and only marriage of the late Neil MacKinnon, deceased, in his lifetime residing on the said lot number Four, Yeoman, and being of sound and disposing mind, memory and understanding, do make and ordain this my Last Will and Testament in manner following, that is to say: First and principally I resign my soul to God Almighty and hope for Salvation through the merits and atonement of my blessed Redemmer, Jesus Christ, and my body I commit to the Earth to be buried in the burying ground or Cemetery of New Carlisle, leaving the ceremonial and requisites for the decent interment of my body to the discretion of my Executors, hereinafter named, but recommend and strictly enjoin my Executors to avoid all appearance or reality of pomp in my interment -

And as to my temporal Estate, I will and dispose thereof as follows. videlicet: Whereas, as "Commune en biens" with my said late husband, deceased, and by right of Dower as an "Acquet" of the "Communauté de biens" which existed between me and my said late husband and still continued between me and the children issue of my marriage aforesaid, I am lawfully and equitably entitled to the one half part of the said lot number Four, hereinafter described, as well as the one half part of the moveable Estate and property acquired during my said marriage, and which said lot number Four is bounded and

abutted and otherwise known as follows, to wit, a certain lot of land known as the Number Four, situate and being in the Township of Cox aforesaid, in the first range of Country Lots eastward of New Carlisle in the said District, containing one hundred acres on a front of six acres, bounded in front by the Bay des Chaleurs and in rear by the second concession, on the Eastward by lot number Five and to the Westward by Lot number Three - acquired during my aforesaid marriage and uninterruptedly possessed for upwards of thirty years last past: Now for the settlement of all my worldly affairs and in order to obviate all difficulties which might otherwise arise among my children after my decease, I have made and published and declared this my last Will and Testament while blessed with health and a capacity for so doing, and do hereby dispose of my proportion of the said lot number Four and of the moveable property which may be found belonging to me at the time of my decease, in the proportions and manner following, that is to say -

First I give, devise and bequeath unto my daughter, Mary, Widow of the late John Stewart, deceased, and unto her heirs and assigns, One half acre of the front of the said lot number Four to the depth of the said lot, consisting of sixteen acres and three quarters of an acre, to commence the said proportion of the said lot thus bequeathed unto my said daughter from the Eastern division line or fence dividing the said lot number Four from the lot number Five - together with all, each and every the buildings, improvements and ameriolations now made or which may hereafter be made on and upon the proportion of the said lot bequeathed, to be held, possessed, used and enjoyed by my said daughter, Mary, her heirs and assigns, in property and possession from the day of my decease thenceforth forever.

I Will and Bequeath unto Neil McKinnon, my son, a proportion, part or share of and in the said lot number Four equal to one half acre of the front of the said lot to the aforesaid depth - the proportion, part or share thus Willed joining on the West to the proportion before Willed unto his said sister, Mary; to have, hold, use, possess and enjoy the said proportion thus Willed with all the improvements thereon, unto him the said Neil MacKinnon, his heirs and assigns, in property and possession from the day of my decease thenceforth for ever.

And whereas under and by virtue of two separate Deeds of Transfer and Assignment made, signed and duly executed at Gaspé Basin in this District on the sixteenth day of November now last past, by and between Mrs. Flora MacKinnon, my daughter, wife of Mr. John Ascah, of the place called Peninsula in the Bay of Gaspé in this said District, Yeoman, present thereto and authorizing his said wife therefor; and Mrs. Charlotte McKinnon, my daughter, wife of Mr. James Boyle of the South-West branch of Gaspé Bay aforesaid, also Yeoman, thereunto also present and authorizing his wife therefor and accepting thereof, of the one part, and Charles MacKinnon, my son, of the Township of Cox aforesaid, also Yeoman, thereunto also present and accepting the said Transfers for himself, his heirs and assigns, of the other part, and which said Deeds were both separately passed and executed at the time and place aforesaid before John Douglas McConnell, Esquire, one of His Majesty's Justices of the Peace for this District, in default of Notary or Notaries Public, in the presence of Henry O'Hara and Felix Stewart, Esquires, both at and of Gaspé Basin aforesaid, Witnesses to the two said separate Deeds and thereunto severally subscribing. They, the said Flora MacKinnon and Charlotte MacKinnon, authorized as aforesaid, did therein and thereby transfer, assign,

convey, assure and make over unto the said Charles MacKinnon, present as aforesaid and accepting thereof for himself, his heirs and assigns, all the right of property, title, interest, claims, actions, names and pretensions, privileges, "hypotheques et portions hereditaires" whatsoever, of them, the said Flora MacKinnon and Charlotte MacKinnon, authorized as aforesaid and each of them separately or their or either of their heirs and assigns, in and to the said lot number Four herein before described, and thereby did substitute, place, put and appoint the said Charles MacKinnon in the name, place and stead of the said parties to the two said separate Deeds, or either of them as the case can require:

Now therefore, in consequence of such Transfer and Assignment made unto my said son, Charles, and the valuable considerations in each of the said Deeds expressed to have been paid therefor by the said Charles MacKinnon, I, the said Testatrix do by this my present Last Will and Testament ratify, allow, approve and confirm the two aforesaid separate Deeds made and passed at Gaspé Basin as aforesaid on the said sixteenth day of November, now last past, and hereby declare, consent, will and agree that the aforesaid Deeds of Transfer and Assignment and each and every of them do and may enjoy their and each of their full force, virtue and effect in Law and otherwise and be separately executed according to the form, terms and meaning of the same. And in consideration of the care and attention which my said son, Charles, doth bestow and hath always bestowed upon me; and on condition that the said Charles MacKinnon do not sell the proportion of the said lot number Four still belonging and accruing unto me, as aforesaid, during my lifetime and without my consent, and do not misuse, waste, mismanage or otherwise dispose of the same during my lifetime; And on the further condition that the said Charles MacKinnon do keep and maintain me in all necessaries becoming my age, sex and

condition in life; I the said Testatrix do hereby give, will, bequeath and dispose unto my son, Charles, all that I the said Testatrix can or may lawfully bestow and dispose of the said remainder and undisposed and undevised part or portion of the said lot number Four and in any wise belonging and appertaining unto me the said Testatrix as "Communauté de biens" with my said late husband, deceased, and in addition to and apart from the proportion, part or share lawfully and equitably coming, accruing and belonging unto him, the said Charles MacKinnon, his heirs and assigns, as one of the children of my said marriage. To have, hold, possess, use and enjoy the same by him, the said Charles MacKinnon, his heirs and assigns, immediately after my decease for ever.

And as to all the moveable property and Estate of which I may be possessed at the time of my decease, whether the same be money, goods, household furniture, implements of husbandry and other implements, cattle, live stock and appurtenances which I may in any wise possess at the time of my decease, I the said Testatrix do hereby will, devise, give and dispose of the same to and in favor of my said son Charles to be had, held, used, possessed and enjoyed by the said Charles MacKinnon, his heirs and assigns from the day of my decease thenceforth for ever.

And for the executing and carrying into effect this my present Last Will and Testament according to the form, tenor and meaning of the same, I do hereby name, constitute and appoint The Reverend Lucius Doolittle, Missionary for the Propagation of the Gospel in foreign parts, residing near Paspebiac in this District; Mr Robert Sherar, Merchant, and Mr. Robert Caldwell, Yeoman, both of New Carlisle aforesaid, in the hands of whom or any two of my Executors I do hereby divest myself

of all the property, moveable and unmoveable of which I may be possessed at the time of my decease, to be distributed according to my present intentions and certain Last Will and Testament. And I do hereby positively annul, disavow and revoke all former Wills, Codiciles and other Deeds, writings and documents which I may at any time have heretofore made or executed to the prejudice of these presents, the which and no other I hereby Will and Declare to be my only certain Last Will and Testament.

In Witness Whereof I have hereunto set my hand, name and signature and affixed my seal at my residence on the said lot number Four this Twenty first day of the month of January in the year of Our Lord one thousand eight hundred and thirty one, after these presents had been previously read and read over, according to Law, in the pr sence of Messrs William Scott, Andrew Chisholm and Alexander Hall, all of the Township of Cox aforesaid, Yeomen, Witnesses to the due execution hereof, hereunto also severally subscribing.

Signed, sealed, published and
declared by the said Margaret
Sheddon, Testatrix, as and for
her Last Will and Testament in
the presence of us, who have
hereunto set our names as
Witnesses in her presence at
her request, also in the pres-
ence of each other, the day and
year above written.

(SIGNATURE)

Margaret Sheddon

(SIGNATURES)

William Scott

Andrew Chisholm

Alex'r Hall

POSTSCRIPT

Of the individuals referred to in this Last Will and Testament Mary MacKinnon is deserving of another, subsequent article in her own right. As of the date of this Will she was the widow of the late John Stewart of Cox Township. To date, notwithstanding much serious search, the family background of John Stewart has not been definitely established. Other members of the Stewart family in Gaspesia were offspring of the marriage of Robert and Annabella Stewart Stewart of Lot 18, Prince Edward Island and subsequently of Quebec City and Shoolbred Seigniory but John was not a brother of Matthew, James and Dugald Stewart. There is indication that he was a mariner and may have died overseas far from his Gaspesian home. Known members of the family of Mary and John Stewart are sons Adam, John and Charles. The latter became the noted Captain Charles Stewart of whaling fame with his base in Gaspé Basin. In 1848 he married Margaret Maria Starnes, daughter of a Loyalist and seafaring family of Cox Township.

In May, 1831 the Widow Mary MacKinnon Stewart leased her Lot Four property to the Rev. Lucius Doolittle for L 12 per annum. In the period from May 1831 and June 1834 the Rev. Doolittle left Gaspesia and the Widow Mary MacKinnon Stewart married Samuel Christie. This led to a CODICIL to the above Will of the Widow Margaret Sheddon MacKinnon on June 12th., 1834 whereby she "rescinded, annulled and revoked" the gift made to her daughter in 1831.