

THE NEW-BRUNSWICK
ROYAL GAZETTE.

[Volume VI.]

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[Number 50.]

The Gazette.

By JOHN KEILLOR, Esquire, one of the Justices of His Majesty's Superior Court of Common Pleas for the County of Westmorland:

To all whom it may concern: Greeting: NOTICE is hereby given, that upon the application of *Amasa Wheldon*, of *Dorchester*, in the County of *Westmorland*, and Province of *New-Brunswick*, Merchant, to me duly made, according to the form of the Act of the General Assembly in such case made and provided; I have directed all the Estate as well real as personal, within the said County of *Westmorland*, of *John Jeffreys*, late of *Dorchester*, in said County, Inkeeper, (which said *John Jeffreys* has either departed from and without the limits of this Province, or is concealed within the same) to be seized and attached; and that unless the said *John Jeffreys* do return and discharge his said debt or debts, within three months from the publication hereof, all the estate as well real as personal of the said *John Jeffreys*, within this County, will be sold for the payment and satisfaction of the Creditors of the said *John Jeffreys*.

Dated at *Dorchester*, the twenty-seventh day of *October*, in the year of our Lord one thousand eight hundred and twenty.

JOHN KEILLOR, J. C. P.

By the Honorable *John Saunders*, one of the Justices of His Majesty's Supreme Court of Judicature for the Province of *New-Brunswick*.

NOTICE is hereby given, that upon the application of *William Sewell* of *Fredericton*, in the County of *York*, merchant; *William Wilnot* of same place, merchant, and *William Wilnot* and *Samuel Peters* of same place, merchants and Co-partners in trade, to me duly made pursuant to the directions of the General Assembly in such case made and provided: I have directed all the Estate, as well real as personal of *Morris Cooper*, otherwise called *Morris L. Cooper*, late of the Parish of *Saint Mary's* in the County aforesaid, yeoman, (which said *Morris* has either departed from and without the limits of the said province, or is concealed within the same, with intent and design to defraud the said *William Sewell*, *William Wilnot*, and *William Wilnot* and *Samuel Peters*, and the other creditors of the said *Morris*, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of law as is alleged against him) to be seized and attached, and that unless the said *Morris* do return and discharge his said debts within three months from the publication hereof, all the Estate as well real as personal of the said *Morris*, within this Province will be sold for the payment and satisfaction of the creditors of the said *Morris*.

Dated at *Fredericton* aforesaid the eighth day of *May*, in the year of our Lord, 1820.

JOHN SAUNDERS.

By *Rufus Smith*, Esquire, one of the Justices of His Majesty's Superior Court of Common Pleas for the County of *Westmorland*, in the Province of *New-Brunswick*.

NOTICE is hereby given, that on the application of *Thomas Roach*, of the County of *Cumberland*, and Province of *Nova-Scotia*, Esquire, to me duly made pursuant to the directions of the Act of the General Assembly of this Province in such case made and provided; I have directed all the Estate as well real as personal, of *John Ryan*, late of *Westmorland* in the County of *Westmorland* and Province of *New-Brunswick*, Blacksmith, (which *John Ryan*, has departed from, and is with

out the limits of this Province, or concealed within the same, with intent and design, to defraud the said *Thomas Roach*, and the other Creditors of the said *John Ryan*, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of law, as has been made appear to my satisfaction) to be seized and attached; and that unless the said *John Ryan* do return and discharge his debt or debts within three months from the publication hereof, all the Estate real and personal of the said *John Ryan*, within this Province, will be sold for the payment and satisfaction of the Creditors of the said *John Ryan*.

Dated at *Westmorland*, the 21st of *November*, in the year of our Lord 1820.

RUFUS SMITH, J. C. P.

By the Hon. *John Saunders*, one of the Justices of His Majesty's Supreme Court of Judicature for the Province of *New-Brunswick*:

NOTICE is hereby given, that upon the application of *Samuel Stephen*, late of *Aberdeen*, in *North Britain*, Merchant, but now of the City of *St. John*, in the Province of *New-Brunswick*, as well on behalf of himself as for and on the behalf of, and as the duly authorized and empowered Attorney for *William Clark*, of *Aberdeen* aforesaid, Ironmonger, to me duly made, pursuant to the directions of the Act of the General Assembly in such case made and provided: I have directed all the Estate as well real as personal, of *James Robson* and *Alexander Robson*, late of the City of *Saint John* aforesaid, Saddlers and Ironmongers, trading as Co-Partners, (which said *James Robson* and *Alexander Robson*, have either departed from and without the limits of the said Province, or are concealed within the same with intent and design to defraud the said *Samuel Stephen* and *William Clark*, and other Creditors of them the said *James* and *Alexander Robson*, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of Law, as is alleged against them) to be seized and attached: And that unless the said *James* and *Alexander Robson* do return and discharge their said debts, within three months from the publication hereof, all the Estate as well real as personal of the said *James* and *Alexander Robson*, within this Province, will be sold for the payment and satisfaction of the Creditors of the said *James* and *Alexander Robson*.

Dated at *Fredericton*, this twenty-ninth day of *December*, in the year of our Lord one thousand eight hundred and twenty.

JOHN SAUNDERS.

G. F. STREET, Att'y.

NOTICE is hereby given, that We the Subscribers, *John Johnston*, of *St. Peters*, in the Parish of *Saumarez*, in the County of *Northumberland*, and Province of *New-Brunswick*, Merchant, *Perry Dumaresq*, of the same place, Esquire, and *John Miller*, also of the same place, Merchant, have been duly appointed, by *Joseph Home*, Esquire, one of His Majesty's Justices of the Superior Court of Common Pleas for the County of *Northumberland*, as Trustees for all the Creditors of *Thomas Dodd*, late of the same place, Merchant, who has been proceeded against as an absconding Debtor, under the Act of the General Assembly of this Province, made and passed in the twenty-sixth year of the Reign of His late Majesty King *George the Third*, intitled "An Act for Relief against absconding Debtors." We the Subscribers, therefore, by virtue of such our appointment, do hereby notify and require all persons indebted to the said *Thomas Dodd*, on or before the sixth day of *February* next, to pay all such sum or

sums of money, or other debt, duty, or thing, which he, she, or they owe to the said *Thomas Dodd*, and to deliver all other effects of the said *Thomas Dodd*, which he, she, or they may have in their hands, power, or custody, to us the said Trustees, or to any or either of us: And we the said Trustees do also hereby notify and require all the Creditors of the said *Thomas Dodd*, by or before the abovementioned day, to deliver to us the said Trustees, or any one or more of us, their respective accounts and demands against the said *Thomas Dodd*.

JOHN JOHNSTON.

P. DUMARESQ.

St. Peters, 23d Dec. 1820.

HALIFAX ELECTION.

(Concluded from our list.)

Mr. *Dewolf* explained—His motives arose from taking a view of the Poll Book, and he conceived they had reason to suppose the vote was a good one, because it was there, and as it could only be taken off in the event of a Scrutiny, (which not being the case,) led him to consider the declaration of the Sheriff ought to be taken as conclusive.

Mr. *Archibald* gave his assent to the motion.—Were they to go to the Poll Book they would do what the parties themselves refused to do. There was certainly some confusion in the Sheriff's return, but it plainly stated the Candidates were equal. He was himself present when the person came to vote, and it appeared he had held property for 30 years, but because some one had told him it had been escheated, some doubts remained on his mind; but if the motion was pressed, ought it to prevent them putting on the name of a voter if he had legally tendered it? Certainly not. Were they to enter on a Scrutiny they were bound to go into every vote, and in that case God only knew when there would be an end to it.

Mr. *Lawson* remarked that it appeared to him the person had no right to vote, and therefore, under that impression, he could not vote for the resolution.

Mr. *Fraser* did not see how they could draw such a conclusion as the motion declared. The Return ought to be taken in the whole. The Sheriff told them what he had stated at the close of the Election, and that afterwards he found the name of a voter had been struck out, but the figure left in; it was then evidently an error of the Sheriff's, for if that had been discovered before the close of the Poll, Mr. *Pryor* would have been returned; that Gentleman was, however, now no more, and had he been living, they would no doubt have ordered the Sheriff to amend his writ; he therefore could not see any reason why they should now pursue a contrary course.

After a few cursory remarks from Mr. *Archibald*, and Mr. *Roach*, the House divided.

For the resolution 19.
Against it 10.

Majority 9.

Mr. *Archibald* then moved, that in order to bring the Petition of *Thomas Keegan* before the House, the Petitions of *George Grassie* and *Edward Duckert* be referred to a Committee to report relative to the vote of the said *Thomas Keegan*, whose Petition was then before the House.—Agreed to.

DECEMBER 23.

On the Petition and Affidavits of sundry persons relative to the Halifax Election being read—

Mr. *Haliburton* stated, that as the House had already determined that the declaration of the Sheriff should be taken as conclusive, they had only to decide a single point, and that was, whether the vote of *Dr. Keegan* ought to have been taken or not. The af-

fidavits which the Committee had submitted to the House were rather confused and contradictory. That of Mr. *Kidston*, one of the Sheriff's Assistants, and that of Mr. *Liddell* also, another Assistant, were somewhat different—The hon. Member then took a review of the statements made in the respective documents submitted to the House, and also of the Sheriff's return.

It was, he said, in undoubted evidence before them, that *Dr. Keegan* was present at the hustings and tendered his vote; for, both Mr. *Scott* and Mr. *Kidston* attested to that fact; and it had also been stated by several persons that they had no doubt he intended to vote for Mr. *Grassie*, therefore he hoped the House saw sufficient ground to determine that the Sheriff should be directed to add the name of *Dr. Keegan* to his Poll Book, and amend his return. By declaring the Election void, the Town would be subjected to all the confusion attending another Election; and, as both of the gentlemen appeared to have been highly respected; and the choice of the people, as concerned each, seemed nearly balanced, it was more than probable, in the event of another Election, the same gentleman would be returned.—He therefore moved, that the Sheriff be directed to amend his Return, by adding the name of *Dr. Keegan* to his Poll Book, and to declare Mr. *Grassie* duly elected.

Mr. *Archibald* said, it must be admitted that the Sheriff had acted from the best of motives, and that if he had erred at all, it was an error of judgment, for few could say he was not right in closing the Poll at Sunset, pursuant to an agreement between the two parties, if there had been no person present who desired to vote. It was a rule of the House of Commons that the Sheriff was bound to take the vote of a person who tendered it at the moment previous to the close of the Poll. Mr. *Foster*, he observed, swore positively that before the Poll closed *Dr. Keegan* was at the Hustings, and wished to give his vote, but he would not say that he declared for Mr. *Grassie*. Mr. *Albro* had gone further; and stated that he saw *Dr. Keegan* contending with the Sheriff about taking his vote before the Poll closed, and that he was satisfied it was his intention to have voted for Mr. *Grassie*. This statement agreed with the evidence of Mr. *Scott*. The Documents submitted to the House were not so contradictory as they at first appeared to the Committee; they certainly related to different periods, there was therefore sufficient before them to warrant the conclusion, that *Dr. Keegan* was present and demanded to vote. A very strong case was made out, of the intention of that gentleman to vote for Mr. *Grassie*, by the declaration of Mr. *Albro*; for, in this instance, before *Dr. Keegan* tendered his vote to the Sheriff, he wrote Mr. *Grassie's* name on a slip of paper, and handed it to Mr. *Albro* for his approbation, to which Mr. *Albro* nodded assent. It appeared clearly then, that *Dr. Keegan* went to the hustings with the intention of voting for Mr. *Grassie*, and the House could not but be satisfied that he tendered his vote previous to the closing of the Poll; and from all these circumstances he was convinced that the Sheriff ought to have accepted his vote.

Mr. *J. I. Chipman* contended there was no evidence before the House that was conclusive of *Dr. Keegan's* having tendered his vote: Mr. *Beggs*, he remarked, swore that *Dr. Keegan* was not present before the closing of the Poll, and that the negative evidence ought to be relied upon. The evidence of Mr. *Albro*, he contended, operated against *Dr. Keegan*, because it went to show, that that gentleman had not made up his mind for whom he intended to vote, or why would he have asked Mr. *Albro's* sentiments on the subject; and if Mr. *Albro* had not assented, it was but reasonable to conclude he would have voted for Mr. *Pryor*.