

NEW

SERIES.

# THE ROYAL GAZETTE.

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FREDERICTON, NEW BRUNSWICK, FEBRUARY 27, 1839.

Number 36.



By Authority.

SECRETARY'S OFFICE, 4th February, 1839.  
It appearing that in frequent instances the Surrogates and Judges of Probates act as Solicitors for Executors and Administrators, in cases which may be brought under their own adjudication,—It is ordered, that this practice be, in future, discontinued.

By order of His Excellency the Lieutenant Governor in Council.

By His Excellency Major General Sir JOHN HARVEY, K. C. B. and K. C. H. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

## A PROCLAMATION.

WHEREAS I have received information that a party of armed persons, to the number of two hundred, or more, have invaded a portion of this Province, under the jurisdiction of Her Majesty's Government, from the neighbouring State of Maine, for the professed object of exercising authority, and driving off persons stated to be cutting Timber therein; and that divers other persons have without any legal authority, taken up arms with the intention of resisting such invasion and outrage, and have broken open certain Stores in Woodstock, in which arms and ammunition belonging to Her Majesty were deposited, and have taken the same away for that purpose,—I do hereby charge and command all persons concerned in such illegal acts, forthwith to return the arms and ammunition so illegally taken, to their place of deposit, as the Government of the Province will take care to adopt all necessary measures for resisting any hostile invasion or outrage that may be attempted upon any part of Her Majesty's Territories or Subjects. And I do hereby charge and command all Magistrates, Sheriffs, and other Officers, to be vigilant, aiding and assisting in the apprehension of all persons so offending, and to bring them to justice. And in order to aid and assist the Civil Power in that respect, if necessary, I have ordered a sufficient Military Force to proceed forthwith to the place where these outrages are represented to have been committed, as well to repel Foreign invasion, as to prevent the illegal assumption of arms by Her Majesty's Subjects in this Province. And further, in order to be prepared, if necessary, to call in the aid of the Constitutional Militia Force of the country, I do hereby charge and command the Officers commanding the first and second Battalions, of the Militia of the County of Carleton, forthwith to proceed as the Law directs, to the drafting of a body of men, to consist of one fourth of the strength of each of those Battalions to be in readiness for actual service, should occasion require.

Given under my Hand and Seal at Fredericton the thirteenth day of February, in the year of our Lord one thousand eight hundred and thirty nine, and in the second year of Her Majesty's Reign.

By His Excellency's Command,  
WM. F. ODELL.

GOD SAVE THE QUEEN.

## HEAD QUARTERS, FREDERICTON, 13th FEBRUARY, 1839.

### MILITIA GENERAL ORDER.

No. 1. With reference to the Proclamation of the Commander in Chief of this date, the officers commanding the 1st and 2nd Battalions Carleton Militia are directed to proceed without any delay to make the Draft therein pointed out, of one fourth the number of their respective Battalions.

No. 2. Lieutenant Colonel Maxwell, 36th Regiment, having been placed in the command and direction of Her Majesty's Troops ordered into the County of Carleton, the officers commanding the 1st and 2nd Battalions Carleton Militia, are directed to conform to such requisitions as may be made upon them by Lieutenant Colonel Maxwell for Militia Reinforcements, to the extent which he may require, from the Draft ordered to be made from those Battalions in the Proclamation of the Commander in Chief of this date.

The Quarter Master General of Militia will proceed forthwith to Head Quarters, with a view to being attached to the Force under the command of Lieutenant Colonel Maxwell.

By Command,  
GEORGE SHORE, A. G. M.

HEAD QUARTERS, FREDERICTON.

15th February, 1839.

### MILITIA GENERAL ORDERS.

His Excellency the Governor and Command-

der in Chief has been pleased to order, that the Draft directed to be made from the First and Second Battalions Carleton Militia, under the Proclamation of the Lieutenant Governor and Commander in Chief, dated 13th February instant, be immediately formed into a Battalion, and His Excellency has further been pleased to appoint thereto, the following Officers.

John Dibblee, from 1st Battalion Carleton Militia, to be Major.

#### TO BE CAPTAINS.

Thomas G. Cunliffe, from 1st Carleton Militia.  
James Ketchum, " " do. do.  
Charles M. Lauchlan, " 2d do. do.  
William M. Kenzie, " 1st do. do.  
Murphy Giberson, " 2d do. do.

#### TO BE LIEUTENANTS.

Ralph Ketchum, from 1st Carleton Militia.  
J. A. C. Phillips, " " do. do.  
Wm. McDonald, " 2d do. do.  
R. D. Beardsley, " 1st do. do.  
Henry Baird, " 2d do. do.

#### TO BE ENSIGNS.

C. Wolhaupter, from 1st Carleton Militia.  
George M. Kenzie, " " do. do.  
Abner Bul, " " do. do.  
Charles Upton, " 2d do. do.  
G. S. Tompkins, " " do. do.  
Adjutant—Robert Woodward, (Captain).  
Paymaster—James R. Topper.  
Surgeon—LeBaron Botsford.  
Quarter Master—Patrick Murphy.

By Command,

GEORGE SHORE, A. G. M.

#### HEAD QUARTERS,

FREDERICTON, 17th February, 1839.

### MILITIA GENERAL ORDERS.

The Lieutenant Governor and Commander in Chief has been pleased to order a Draft to be made from the following Battalions of Militia to the extent hereinafter mentioned, viz:—

From the 1st, 2d and 3d Battalions York County, one hundred men each, exclusive of Non-Commissioned Officers.

From the Regiment of Saint John City Militia, one hundred and fifty men, exclusive of Non-Commissioned Officers; that is to say:—Seventy five men from the 1st Battalion, and the like number from the City Rifle Battalion.

From the 1st and 4th Battalions, Charlotte County, fifty men each, exclusive of Non-Commissioned Officers.

His Excellency has further been pleased to appoint the following Officers:—

Lieutenant Colonel John Robinson, (3d York Light Infantry.)

#### CAPTAINS.

D. L. Robinson, 1st York.  
George Clements, 3d do.  
George Long, 2d do.  
John McGibbon, 3d do.  
John Yerxa, 2d do.

#### LIEUTENANTS.

Jacob McKeen, 2d York.  
Thomas Bowden, 1st do.  
James Carman, 3d do.  
Thomas Campbell, 3d do.  
Benjamin Wheeler, 2d do.

#### ENSIGNS.

James Nelson, 2d York.  
D. S. Kerr, 1st do.  
William McLean, 1st do.  
John McLean, 3d do.  
Alex. Campbell, Junior, 3d do.

Adjutant and Captain George Priestly, from Sunbury Militia.

Paymaster, Thomas Howe,  
Surgeon, William Woodford,  
Quarter Master, B. Wolhaupter, 1st York.

#### SAINT JOHN, CITY.

Captain Charles Drury, 1st Battalion.  
T. B. Millidge, Rifle Battalion.  
Lieutenant Douglas Clarke, 1st Battalion.  
Charles Johnston, Rifle Battalion.

2d Lieutenant Thomas Nesbitt, Junior, 1st Battalion.  
Ensign, G. F. Wilmont, Rifle Battalion.  
Adjutant, T. W. Peters, 1st Battalion.

By Command,

GEORGE SHORE, A. G. M.

Adjutant General Militia.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction, at this Office, on Monday, the 1st day of April next, sale to commence at 12 o'clock, noon. Terms, ten per cent of the purchase money to be paid at the time of sale, and the remainder within 14 days after.

110 acres, Northumberland, second tier, north of Miramichi River, and in rear of Wm. Ritchie, Parish of Newcastle. Upset price, 3s. per acre.

20 acres, Kent, lots 2, 3, 4, and 5, first division St. Nicholas Point, southside Richibucto River. Upset price, 10s. per acre.

60 acres, Kent, adjoining the grant to John McMillan at Big Creek, north side of Buctouche River. Upset price, 3s. per acre.

13 acres, Westmorland, being the eastern part of the lot lately surveyed for Thomas Blacklock, Jr. near Little Shemogue Harbor. Upset price, 3s. per acre.

100 acres, Westmorland, as surveyed for Adam M. Kee, west side road from Shemogue to Cape Bear. Upset price, 3s. per acre.  
300 acres, Westmorland, lot No. 2 second tier, east of the Battered Ridge. Upset price, 3s. per acre, and the value of the improvements which may be thereon.

Lots 1, 2 and 3, first tier, — of Deputy Allan's, survey north of Smith's Base line, County of Charlotte. Upset price, 3s. per acre.

100 acres, King's, south east part of lot No. 5, next to the grant to Gilbert Stockton head of Smith's Creek. Upset price, 3s. per acre.  
100 acres, Carleton, east half of No. 21, 5th tier, Williamston settlement. Upset price, 3s. per acre.

60 acres, Carleton, being lot A. in the fourth tier, Parish of Woodstock. Upset price, 3s. per acre.

#### THOMAS BAILLIE,

Commissioner of Crown Lands.

Crown Land Office, February 4, 1839.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction, at this Office, on Monday, the 4th day of March next, sale to commence at 12 o'clock, noon. Terms, ten per cent at the time of sale, and the remainder within 14 days after.

100 acres, Gloucester, Lot No. 79, west side of the Road from Bathurst to Miramichi. Upset price, 3s. per acre.

100 acres, Northumberland, Lot A, second tier, south of S. W. Miramichi River, as surveyed for James Donalds. Upset price, 3s. 6d. per acre.

100 acres, Northumberland, second tier, north of the S. W. Miramichi River, as surveyed for Jared Betts. Upset price, 3s. per acre.

100 acres, Northumberland, west of Williamston settlement, as surveyed for Jonathan Horsford. Upset price, 3s. 6d. per acre, with the usual front.

69 acres, Lots 22, 23, 12, 13, 14 and 15, north side St. Nicholas River, Kent, St. Nicholas Pt. Upset price, 10s. per acre.

23 acres, Lots 8, 9, 10, and 11, St. Nicholas Pt., and adjoining the grant to Eleanor Power. Upset price, 10s. per acre.

100 acres King's County, north half Lot 4, in Range A, near Kelsoe's corner, Parish of Sussex. Upset price, 3s. per acre.

100 acres, King's County, south east quarter of the Lot formerly surveyed for John Perry, Corn Hill settlement, Sussex. Upset price, 3s. per acre.

100 acres, King's County, South half of Lot 5, Range A, near Kelsoe's corner, Sussex. Upset price, 3s. per acre.

50 acres, Queen's County, front part of Lot 14, in rear of Samuel London, Parish of Wickham. Upset price, 3s. per acre.

40 acres, Queen's, in rear of the grant to Richard Y. Townsend, Shannon settlement. Upset price, 3s. per acre.

100 acres, Carleton, west half of Lot No. 21, 4th tier of Williamston settlement. Upset price, 3s. per acre.

A Town Lot in Gagetown, Queen's County, lying between the Glimor Creek and the front street, and extending 50 feet along the said street between the grant to T. R. Wetmore, and the school reserve. Upset price, 5s. per foot.

#### THOMAS BAILLIE,

Commissioner of Crown Lands.

Crown Land Office, January 9, 1839.

The following Warrants are payable on demand at the Treasury.

276. J. A. MacLachlan and Asa Dow, £300 0 0

277. G. E. Ketchum and F. E. Beckwith, 50 0 0

280. Justices of Westmorland, 40 0 0

281. Hon. E. B. Chandler, 27 15 0

282. Jas. McPherson, 15 0 0

285. B. L. Peters, 1100 0 0

286. Jas. Wallace, Jr. and John Nixon, 400 0 0

288. Sam. Nevers, 150 0 0

289. Benjamin Noble, 50 0 0

290. Sam. Easterbrooks, 50 0 0

291. Joseph Rideout, 40 0 0

292. James Sharpe, 70 0 0

293. Abner Bul, 80 0 0

294. Frederick Dibblee, 33 0 0

295. Ralph Beardsley, 47 0 0

297. William M. Kenzie, 52 10 0

298. John Dibblee, 75 0 0

299. Wm. Emsley, 180 10 0

300. Benjamin Tibbitts, 40 0 0

302. Chas. Beckwith, 45 0 0

303. Wm. McDonald, 55 0 0

306. Wm. Mallory, 25 0 0

309. Jas. McGraw, 30 0 0

310. Robert Lindsay, 30 0 0

312. Henry Sharp, 30 0 0

313. Ralph Ketchum, 120 0 0

316. Walter Hay, 40 0 0

317. Trustees of Schools, Dorchester, 70 0 0

318. do. Sackville, 100 0 0

319. do. Westmorland, 80 0 0

320. do. Hopewell, 180 0 0

321. do. Botsford, 70 0 0

322. do. Moncton, 80 0 0

323. do. Coverdale, 50 0 0

324. do. Shediac, 50 0 0

325. do. Hillsborough, 30 0 0

326. Nathan Lawrence, £145 0 0  
327. John Trenholm, 175 0 0  
331. Simon Legere, 35 0 0  
332. George Oulton, 40 0 0  
333. William Peacock, 25 0 0  
334. William Evans, 95 0 0  
335. John Palmer, 80 0 0

The intermediate numbers have been paid.  
B. ROBINSON, Province Treasurer.  
Treasury, Saint John, 16th Feb. 1839.

#### York General Sessions.

JANUARY TERM, 1839.

ORDERED, That the Gaol Limits of the County of York be enlarged according to the provisions of the Act of Assembly, 1st Victoria, Cap. 21.

Extract from the Minutes.  
GEO. J. DIBBLEE,  
Sw. Clerk of the Peace.

By Thomas W. Wier, Esquire, one of Her Majesty's Justices of the Inferior Court of Common Pleas, in and for the County of Charlotte, in the Province of New Brunswick.

To all whom it may concern, Greeting:

NOTICE is hereby given, that upon the application of Andrew Burgine, of the City of Saint John, Merchant, to me duly made, according to the form of the Act of Assembly, in such case made and provided, I have directed all the Estate, as well real as personal, within the County of Charlotte, in this Province of New Brunswick, of Hugh Quinn, late of the town of Saint Andrews, in the said County, Trader, (which said Hugh Quinn is departed from and without the limits of this Province, with intent to defraud the said Andrew Burgine and the other Creditors of the said Hugh Quinn, if any there be, of their just dues, or due to avoid being arrested by the ordinary process of the law, as it is alleged against him,) to be seized, and attached, and that unless the said Hugh Quinn do return and discharge his debt or debts within three months from the publication hereof, all the Estate as well real as personal of the said Hugh Quinn within this County of Charlotte will be sold for the payment and satisfaction of the Creditors of the said Hugh Quinn.

Dated at Saint Andrew's aforesaid the seventeenth day of December, A. D. 1838.

THOMAS WYER, J. C. P.

Geo. D. STREET Attorney for Petitioning Creditor.

[First published in Gazette December 26, 1838.]

NOTICE is hereby given, That we the Subscribers being duly appointed Trustees for all the Creditors of Dennis Tierney, late of the Parish of Portland, in the County of Saint John, and Province of New Brunswick, Grocer, an absconding debtor, and having duly sworn to the faithful execution of the said trust, pursuant to the directions of the Act of Assembly, in such case made and provided: And we do hereby require all persons indebted to the said Dennis Tierney, on or before the fourteenth day of April next, ensuing the date hereof, to pay to us, or some one of us, all such sum or sums of money or other debt, duty or thing, which they owe to the said Dennis Tierney, and to deliver all other effects of the said Dennis Tierney, which they, or any, or either of them have in their hands, power, or custody, to us, or some one of us as aforesaid; and we do also desire all the Creditors of the said Dennis Tierney on or before the same day of April next, to deliver to us, or some one of us as aforesaid, their respective accounts and demands against the said Dennis Tierney, in order that right and justice may be done, agreeably to the form of the said Acts of Assembly in such case made and provided.

Given under our hands this fourteenth day of January, A. D. 1839.

JAMES BOWES,  
WILLIAM HUGHSON,  
JOSEPH McPHERSON.

[First published in Gazette, January 23, 1839.]

In the matter of William Robinson, an Absconding Debtor.

NOTICE is hereby given, that a general meeting of all the Creditors of the above named William Robinson, is requested on Monday, the Eighth day of May next, at Hamilton's Hotel, Newcastle, in the County of Northumberland, to examine and ascertain the debts due to each person; at which all Creditors are expected to come forward prepared to substantiate their demands against the said William Robinson by proof, attestation, or otherwise, to the satisfaction of the Trustees.

Dated the 22d January, 1839.

RICHARD HUICHISON, } Trustees.  
ALEXANDER FOSTER, }  
F. HUNTER, }

NEW BRUNSWICK, &c.

In the matter of Andrew S. Easton, an absconding Debtor.

WE the Subscribers, having been this day duly appointed by His Honor Mr. Justice Parker, Trustees, for all the Creditors of the said Andrew S. Easton, and having taken the oath for the faithful discharge of such trust as required by the Statute and Act of the General Assembly, do hereby give notice of such our appointment; and we do require all persons indebted to the said Andrew S. Easton, to pay to us, all sum or sums of money, or other debt, duty, or thing, which they owe to the said Andrew S. Easton, and to deliver up all other effects of the said Andrew S. Easton, which he, she, or they, may have in their hands, power, or custody, to us, on or before the fourth day of March, which shall be in the year one thousand eight hundred and thirty nine; and we do desire all the Creditors of the said Andrew S. Easton, to deliver to us, or either of us, on or before the day and year aforesaid, at the Office of William Johnston Rutledge, in the City of Saint John, their respective accounts and demands against the said Andrew S. Easton.

Dated the fourth day of December, A. D. 1838.

WILLIAM JOHNSTON RUTLEDGE, } Trus.  
WILLIAM LIVINGSTON, }  
JAMES DUNN, }

## SHERIFFS SALES.

County of York.

To be sold by Public Auction at the County Court House in Fredericton, on the third Tuesday in June next, the undermentioned property, between the hours of twelve and five o'clock in the afternoon:—

ALL the right, title, and interest of Thomas Moses, in and to the following lands and tenements:

All that lot or tract of land situate in the Parish of Douglas, described in the Grant thereof, to Charles P. Wetmore, Esquire, as lot No. sixteen, on the south west side of the River Nashwaak, containing Five Hundred Acres, more or less, with an allowance of ten per cent. for Roads and Waste. Also a certain other lot or tract of land situate in the said Parish of Douglas, adjoining the above mentioned tract containing Seventeen Hundred Acres, more or less, including an Island in the River Nashwaak, marked No. 1, lying in front of the same, originally granted by the Crown to the said Thomas Moses by Letters Patent, dated 10th April 1833, together with all improvements, buildings, privileges, and appurtenances thereto belonging.

The above Property having been taken by virtue of an Execution issued out of the Supreme Court.

Also,—At the same time and place, all the right, title, interest, claim and demand of John S. Cox, or, in and to the House and Premises where he now resides, situate in King Street, in the Town of Fredericton.

The above Property having been seized and taken under and by virtue of an Execution issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

Fredericton, December 11, 1838.

To be sold by Public Auction on the 1st Saturday in May next, at the Market House, in Fredericton, between the hours of twelve and five o'clock in the afternoon:—

ALL the right, title, interest, property, claim and demand of James Whited, or, in and to that Farm on which he now resides, situate in the Parish of Douglas: The same having been taken by virtue of an Execution issued out of the Supreme Court at the suit of Robert Rankin & Co.

E. W. MILLER, Sheriff.

Fredericton, 23d October, 1838.

## County of Westmorland.

To be sold by Public Auction on the ninth day of July next, between the hours of twelve and five o'clock in the afternoon at the Court House in Dorchester.

SU the real Estate of Catherine Bennett, situate in the Parish of Moncton, as will satisfy an Execution against her at the suit of William Wiley, Esquire.

Also,—At the same time and place will be sold, the Real Estate of William Tingley, situate in the Township of Hopewell, or so much thereof as will satisfy an Execution against the said William Tingley, at the suit of Isaac Turner.

W. P. SAYRE, Sheriff of Westmorland.

Dorchester, 27th December, 1838.

To be sold by Public Auction on the eighteenth day of June next, at the Court House in Dorchester, between the hours of twelve and five o'clock in the afternoon:—

ALL the real estate of Patrick Ritchey, situated in the Parish of Moncton: The same having been seized by virtue of several Executions against the said Patrick Ritchey.

W. P. SAYRE, SHERIFF.

Dorchester, 6th December, 1838.

## King's County.

On the fourth Tuesday in May next, will be sold a Public Auction at the Inn kept by John E. Sigart, in the Parish of Hampton.