

NEW

SERIES.

THE ROYAL GAZETTE.

Printed and published by JOHN SIMPSON, Printer to the QUEEN'S Most Excellent Majesty, at his Office near the Province Building.

Volume 5.

FREDERICTON, NEW BRUNSWICK, JANUARY 16, 1839

Number 30.



By Authority.

The following Warrant, under Her Majesty's Sign Manual, is published for the information of all concerned.

VICTORIA R.
We do hereby authorise and appoint you to enlist and attest in New Brunswick any Soldiers or Persons desirous of enlisting or re-enlisting, into the service of Us, our Heirs and Successors, in execution of the provisions contained in an Act passed in the 1st year of Our Reign for the punishment of Mutiny and Desertion, or which may be contained in any future Act which may be passed for the like purpose.

Given at Our Court at Buckingham Palace, this 9th day of May, 1838, in the first year of Our Reign.

By Her Majesty's Command.

HOWICK.

To the Justices of the Peace and other Civil Magistrates for the time being in New Brunswick.

AT THE COURT AT WINDSOR,
the 5th of November, 1838.
PRESENT.

The Queen's Most Excellent Majesty.
Lord Steward. Viscount Palmerston.
Lord Chamberlain. Viscount Melbourne.
Earl of Surrey. Mr. Chancellor of the
Exchequer.

Whereas the Governor of Her Majesty's Province of New Brunswick, with the Council and Assembly of the said Province, did in the month of March, 1838, pass an Act which has been transmitted, entitled as follows, viz.:

No. 1158. "An Act to amend the Laws relating to the solemnizing of Marriage," and whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Act should receive Her Majesty's special confirmation; Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified and finally enacted accordingly, whereof the Governor, Lieutenant Governor or Commander in Chief, for the time being, of Her Majesty's Province of New Brunswick, and all other persons whom it may concern are to take notice and govern themselves accordingly.

C. GREVILLE.

ANNO PRIMO VICTORIÆ REGINÆ.

CAP. XLII.

An Act to amend the Laws relating to the solemnizing of Marriage.

Passed 9th March 1838.

WHEREAS it is expedient to amend the Laws relating to the solemnizing of Marriage in the following manner:

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That any ordained Person, Minister or Teacher, duly authorised, or licenced to solemnize Marriage, either under an Act passed in the thirty first year of the Reign of King George the Third, intituled "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication," or under an Act passed in the fourth year of the Reign of King William the Fourth, intituled "An Act to extend the privilege of solemnizing Marriage to all Ministers and Teachers of the several Religious Congregations in this Province," may solemnize Marriage between any persons whether or not such persons be of the communion or denomination of the ordained Person, Minister or Teacher solemnizing the Marriage, any thing in either of the said recited Acts to the contrary notwithstanding; subject nevertheless, in all other respects to the respective regulations and provisions of the said recited Acts.

II. And be it enacted, That this Act shall not come into operation until Her Majesty's Royal Approbation be thereunto first had and declared.

IN COUNCIL, JANUARY 4, 1839.

The undermentioned Applicants for the purchase of Crown Land, may have the lands applied for by them on the following terms if paid within sixty days, and 5s. for postage, &c. will be charged on each purchase in addition to the stated price, per acre.

NORTHUMBERLAND.

Thomas Mathewson, 3s. per acre, down.
Robert Morrow, (50 acres,) 3s. per acre, down.

John Chalmers, 2s. per acre, down, upon the requisite affidavit been furnished, as to his occupation and improvement.

John Shanahan, 3s. per acre, down.

Patrick Walsh, 3s. per acre, down.

William Sparrow, 3s. per acre, down.

Mathew Lamont, 3s. per acre, down.

Richard Jardin, 3s. per acre, down.

Hugh Parker, 3s. per acre, down.

Joseph Tweedy, Jr. the 2d. 3s. per acre, down.

James N. Moores, 4s. per acre, down.

WESTMORLAND.

Michael Govang, 3s. per acre, down.

KING'S.

Edward Price, Sen. 2s. 6d. per acre, down, on producing the requisite certificate and affidavit of settlement.

John Sheedy, 3s. per acre, down.

Thomas C. Wallace, 3s. per acre, down.

John Wallace, 3s. per acre, down.

Jonathan B. Dobson, 3s. per acre, down.

Andrew Stockton, 3s. per acre, down.

Henry R. Coates, 3s. per acre, down.

Robert Stockton, 3s. per acre, down.

CARLETON.

James Hale, 3s. per acre, down.

QUEEN'S.

William Lunnin, 3s. per acre, down.

Archibald Dolan, 3s. per acre, down.

P. M. Calvey, 3s. per acre, down.

James Wilson, 3s. per acre, down.

Daniel Wilson, 3s. per acre, down.

L. A. White, 3s. per acre, down.

The lands applied for by the undermentioned persons will be offered at Public Auction, at this office on Monday the 4th day of March next, (see advertisement, in which each person will recognize the lot applied for by him.)

Richard Carman. David Dickey.

James Donalds. W. H. Coates.

Jared Betts. Ralph London.

Jonathan Hosford. R. Y. Townsend.

Robert Clark. Jeffrey White.

John Rodgers. Robert P. Smyth.

J. H. Wilcox.

The Petitions of the undermentioned persons are referred for want of survey.

Alexander Copeland. William Mills.

Robt. Morrow, (2 lots.) James Hannay.

Michael Molloy. Thomas Moran.

James McDermott. Robert White.

J. M. Dermott, Jr. John Lindsey.

Patrick Farrell. Patrick King.

Daniel Murphy. W. Whelpley.

William Murray. John Moore.

James Morrison. William Cormac.

Jer. Glavin. Moses Spragg.

Joseph Cunard, for water front, Richibucto, referred for further consideration.

John Bell, Charlotte County, referred for further consideration.

Edward Reynolds, Jr. Charlotte County, complied with, on satisfactory proof being produced of the facts alleged by him.

Joseph Teakles, further information required as to the improvements, and by whom made.

William S. Teakles, referred for want of the requisite affidavit, and certificate of improvements, &c.

William D. Coates, King's, referred for further information, and that the requisite affidavit and certificate of improvements be furnished.

John Dobson, Jr. referred for further information.

Thomas W. Coates is informed that the north half only of the lot applied for by him, is vacant, and that it will be offered at Auction, (as see advertisement.)

William Pond's Petition is complied with.

J. A. C. Phillips' Petition on behalf of Joseph Drake, Wakefield, Carleton, is complied with on payment of 2s. 6d. per acre, down.

Abraham Gesner's Petition for a lease of Mines and Minerals, is postponed for further consideration.

The Salmon River Coal Company's Petition for a lease of Mines and Minerals is postponed for further consideration.

James Peters, Jr. may have a grant of the land applied for by him, in the Parish of Portland, at 3s. per acre, down; upon his paying William Smith a reasonable compensation for any improvements which he has made thereon.

William J. Bedell can have the money paid by him on account of C. Arseneau returned.

Michael M'Pherson can have a grant of the land surveyed for him at Little Le Prou on payment of 2s. 6d. per acre, down, and the former order in favour of Peter Gallagher is rescinded.

William Thompson's Petition, Point Le Prou, is not complied with.

The applications of the undermentioned persons for licence to cut Timber and Logs on Crown Land, are complied with upon payment of the duty within 60 days.

John Pott, Jr. Richibucto River.

Arthur Ritchie. Upsalquitch River.

Richard Suter. Cain's River.

A. M'Laggan. Bartholomews River.

Patrick Long. S. W. Miramichi.

Joseph Cunard. Little S. W. Miramichi.

John Jardine. Bass River.

do. do. St. Nicholas River.

John Hall. Magaguadavic River.

John Murchie, River St. Croix,
Thomas Dunfield, Salmon River.
C. W. Stockton, Smith's Creek.

E. L. Burpe, Gaspereau River.

Justus Austin, Newcastle River.

George Burpe, Burpee's Mill Stream.

C. Connolly, do. do.

Wm. Scott, Geary Stream.

John S. Taylor, Swan Creek.

R. R. Ketchum, Salmon River.

T. Pickard, Jr. do. do.

Thomas Boyd, River St. John.

Wesley Jacques, do. do.

Sherman Tapley, Monquait River.

T. H. Carman, Nackawic River.

Duncan Barber, Shugomoc Tract.

E. Wiggins, Newcastle.

A. Rankin, Dungarvon River.

James Langin's Petition is complied with on payment to the Seizing Officer of his dues.

Dow Brook's Petition is not complied with.

B. A. Huestis' Petition is complied with.

A Licence for 30 thousand superficial feet of Lumber on the ground on Eel River, York, applied for by L. W. Gall and Charles Perley, will be offered for competition between these applicants only, at this Office on Monday, 4th March next, at 12 o'clock, noon.

Crown Land Office, January 9, 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 Hosford. Upset price, 3s. 6d. per acre, with the usual front.

69 acres, Lots 22, 23, 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, 2s. 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 Grimross 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.

Crown Land Office, December 4, 1838.

The undermentioned Tracts of vacant Crown Land will be offered at Public Auction, at this Office, on Monday, the 4th day of February next. Sale to commence at 12 o'clock in the forenoon. Terms ten per cent at the time of Sale, and the remainder within fourteen days after.

100 acres, Moncton, Westmorland, adjoining west of the Grant to Abel Steeves. Upset price, 3s. per acre.

100 acres, St. Martin's, St. John County, second tier south of Hammond River, and east of Henry Heurahan. Upset price, 3s. per acre.

Lots 6, 5, and 7, 100 acres each, on the Campbell Road, third tier, south of Kennebecas River in the Parish of Norton, County of King's. Upset price, 3s. per acre.

189 acres, Lots 2 and 3, Springfield, King's County, third tier, northwest of Bellisle Bay, and in rear of Walter Drake. Upset price, 3s. per acre.

130 acres, St. Martin's, St. John, lot 5, on Tabor's Mill Brook. Upset price, 3s. per acre.

129 acres, St. Martin's, St. John, lot 4, on Tabor's Mill Brook. Upset price, 3s. per acre.

120 acres, St. Martin's, St. John, lot 3, on Tabor's Mill Brook. Upset price, 3s. per acre.

100 acres, Wickham, Queen's, lot No. 4, second tier, south east of the Washademoak Lake. Upset price, 3s. per acre.

THOMAS BAILLIE,
Commissioner of Crown Lands.

Crown Land Office, Nov. 23, 1838.

The vacant Crown Land on the new line of St. Andrew's Road, between the Maguadave and Digdegash Rivers, being now surveyed, those persons who lately applied for Settlement lots in that quarter, are required to make selection of the particular lots they wish to purchase, in order that their petitions may be laid before the Lieutenant Governor in Council.

The Petitions of the undermentioned persons have not yet been laid before the Lieutenant Governor in Council, as the deposit of £1 entrance money on each petition has not yet been paid, as required by the existing regulations.

Wm. Grant, Junr. Frederick Weaver,
James Murdoch. George D. Weaver,
THOMAS BAILLIE,
Commissioner of Crown Lands.

Crown Land Office, September 14, 1838.

The following is published for the information of persons desirous of obtaining leases of Mines and Minerals in New Brunswick.

All persons wishing to obtain a lease of Mines and Minerals must apply by petition to His Excellency the Lieutenant Governor, which petition must state particularly the district in which the applicant wishes to work, and what means he possesses to enable him to do so, and to what extent he intends working. Whether he owns the land upon which he wishes to work, or whether if owned by another person he has made any and what arrangements with that person, and to produce evidence of these facts.—The petition must be accompanied by a sketch of the ground applied for.

Should the Lieutenant Governor in Council, decide upon leasing the Mines applied for, the district will be submitted to auction as directed by Law, subject to the conditions which have been before published in the Royal Gazette.

THOMAS BAILLIE,
Commissioner of Crown Lands.

IN THE SUPREME COURT.

MICHAELMAS TERM, 2d VICTORIA, A.D. 1838.

GENERAL RULE.

IT IS ORDERED, That in future, in summary actions tried at Nisi Prius a copy of the Plea instead of the original Plea, may be filed in the Court of Nisi Prius as a part of the Record.

WARD CHIPMAN,
W. BOTSFOED,
R. PARKER.

By Thomas Wyer, 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 Bungeine, 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 Bungeine and the other Creditors of the said Hugh Quinn, if any there be, of their just dues, or else 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 25, 1838.]

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 Ritchie, 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 RITCHIE, Trs.
WILLIAM LIVINGSTON, Trs.
JAMES DUNN.

In the matter of John Keays, an absconding Debtor.

NOTICE is hereby given that a general meeting of all the Creditors of the above named John Keays, is requested on Friday the sixteenth day of February next, at Hamilton's Hotel, Newcastle, in the County of Northumberland, to examine and ascertain the debts due to each Person: at which time all Creditors are expected to come forward prepared to substantiate their demands against the said John Keays, by proof, attestation, or otherwise, to the satisfaction of the Surviving Trustees.

Dated Newcastle, 28th November, 1838.

ALEXANDER FOSTER, 2 Surviving
ASA WILLARD, Trs.

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 19th April 1833, together with all improvements, buildings, privileges, and appurtenances thereunto 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, of, 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 Whitte, of, 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.

SO much of 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.

County of Gloucester.

To be sold by Public Auction, at the Court House in Bathurst, on the third Tuesday in January next, between the hours of noon and five o'clock, p. m.

ALL the right, title, interest, property, claim and demand of Augustine Godine, of, in and to that piece or parcel of land, situate on Middle River, in the Parish of Bathurst, now in his occupation, being the southerly one half of lot number two, originally granted to one James Robertson, containing one hundred and seventeen acres more or less, together with the dwelling House, Barn, out houses, Water privileges and appurtenances thereunto belonging, or in any wise appertaining: The same having been seized to satisfy an Execution issued out of the Supreme Court of this Province, at the suit of Richard Blackstock and James Johnson, against the said Augustine Godine.

HENRY W. BALDWIN, Sheriff.
Sheriff's Office, Bathurst, 2d July, 1838.