



# THE ROYAL GAZETTE.

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Volume 5.

FREDERICTON, NEW BRUNSWICK, JUNE 26, 1839.

Number 49



By Authority.

## Notice to Supervisors and Commissioners of Roads.

As by the arrangements made for prompt payment at the Treasury, the Warrants for sums appropriated for the Great and Bye Roads throughout the Province, will in future be paid as the money may be required for those services, the Supervisors and Commissioners are hereby directed, in drawing on the Province Treasury for the monies intrusted to them, to state in their orders or drafts that the sums so drawn for are actually due for work performed, and they will in all cases be held responsible for the correctness of these statements.

By order of His Excellency the Lieutenant Governor.

Secretary's Office, 18th June, 1839.

## SAINT JOHN COUNTY BYE ROAD COMMISSIONERS.

Hugh Ryan and John Johnston to expend the following sums:

£10 on the road towards Hammond River near Beattie's; and

£10 on the road from Malier's west line to Harding's Mill.

George Morrison and James Brown to expend the following sums:

£20 on the road from Cody's to the School House in the Hibernia Settlement; and

£15 on the road from the School House in the Hibernia Settlement to the Forks of the road opened by Brown and others, towards Tynemouth.

Crown Land Office, June 4, 1839.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office, on Monday, the 5th day of August 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 fourteen days after.

100 acres, Restigouche, being in rear of lot No. 22, Parish of Beresford. Upset price, 3s. per acre.

5 acres and 2 roads, being Pasture Lots, Nos. 69 and 84, in the Town Plat of Dalhousie, Restigouche. Upset Price, £12 10s. per lot.

200 acres, Gloucester, being on the west side of the Road leading from Caraquet to Pockmouche River, as surveyed for Isaac Ache. Upset price, 2s. 6d. per acre.

100 acres, Northumberland, north west of Bay du Vent River, as surveyed for R. Grogan, in rear of the first tier. Upset price, 3s. per acre.

30 acres, Northumberland, as surveyed for John Porter, on the north west branch of Little Bartibog River. Upset price, 2s. 6d. per acre.

30 acres, Northumberland, as surveyed for Adam Gordon, on Coltart's Brook, Bartibog River. Upset price, 2s. 6d. per acre.

100 acres, Westmorland, as surveyed for Amos Wilson, on the west branch of Coverdale River. Upset price, 5s. per acre.

100 acres, Westmorland, being the lot surveyed for Stephen Trenholm, near Square Lake, Parish of Botsford. Upset price, 3s. per acre.

100 acres, Westmorland, being in rear of lot No. 8, purchased by John Blackstock, on the road from Shemogue to Cape Bear, Parish of Botsford. Upset price, 3s. per acre.

300 acres, Westmorland, as surveyed for Joshua Steeves, on the head of Coverdale River, above the granted lands. Upset price, 5s. per acre.

100 acres, King's, being one half of the lot lately surveyed for John Parlee, in rear of the Studville Grant, Sussex, (not to interfere with J. Parlee's improvements.) Upset price, 3s. 6d. per acre.

70 acres, King's, being the lot surveyed by Samuel F. Ryan and James Roach, in rear of the Studville Grant, Sussex, and north of John Parlee. Upset price, 3s. 6d. per acre.

200 acres, King's, being lots 2 and 3, south east of the Studholm's Mill Stream Grant second tier and near the grant to H. J. Gosline. Upset price, 3s. per acre.

200 acres, Queen's, second tier, north west of the Washademoac Lake, and between the grants to Thomas Gilbert and Thomas Peppers. Upset price, 3s. per acre; the purchaser to pay Thomas Gilbert the value of the improvements thereon.

200 acres, Charlotte, being the lot surveyed for John Bell, on Winder's Mill Stream, and north of the grant to Peter Goss. Upset price 2s. 6d. per acre; the purchaser also paying for the improvements thereon.

24 acres, Queen's, being in rear of lot No.

25, Upper Musquash Island. Upset price 5s. per acre.  
25 1/2 acres, Queen's, being in rear of lot No. 27, Upper Musquash Island. Upset price, 5s. per acre.

THOMAS BAILLIE,  
Commissioner of Crown Lands,  
Crown Land Office, May 4, 1839.

The undermentioned tracts of vacant Crown Land, will be offered at Public Auction, at this Office, on Monday the 1st day of July 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.

100 acres, Northumberland, South side Renous River, at Munson's landing. Upset price, 3s. per acre.

50 acres, Northumberland, next adjoining south of the grant to James Leary, on south branch, Napan River. Upset price, 3s. per acre.

100 acres, Northumberland, next to lot A. second tier, north of the S. W. Miramichi River, Blackville. Upset price, 3s. per acre.

100 acres, Northumberland, on Moore's Brook, Blackville, and north of the grant to John Bergen. Upset price, 3s. per acre.

80 acres, Northumberland, south of Napan River, and west of the grant to William Jardine. Upset price, 3s. per acre.

100 acres, Westmorland, lot No. 7, in the 5th tier of the Escheated Des Barres tract. Upset price, 3s. per acre.

418 acres on West River, Westmorland, adjoining next above the granted lands. Upset price, 3s. per acre.

100 acres, Westmorland, being lot 5 or 6, in the 6th Concession, Moncton, not to interfere with the improvements of J. Beck, Jr. Upset price, 3s. per acre.

400 acres, Westmorland, North Mountain Settlement, Parish of Moncton, West of the Grant to J. Weldon and others, (as surveyed for C. Horseman, Jr., John Horseman, 3d. and J. Horseman,) two different lots of 100 acres each and one lot of 200 acres. Upset price, 3s. per acre.

200 acres, Westmorland, Coverdale River, above the granted lands, (as surveyed for J. Garland, Jr.) Upset price, 5s. per acre.

200 acres, King's County, next adjoining north of the lots of D. and R. D. McLeod, on the head of Studholm Mill Stream. Upset price, 3s. per acre.

70 acres, King's County, on Studholm's Mill Stream, and adjoining northwest of the grant to Aaron Delong. Upset price, 4s. 6d. per acre.

450 acres, King's County, in three different lots as follows: lot No. 11, 135 acres; lot No. 3, and west half of lot No. 2, 150 acres; and lots 6 and 7, 165 acres; all in the second tier o lots south of the River Kennebecasis, in the Parish of Sussex. Upset price, 3s. per acre.

THOS. BAILLIE,  
Commissioner Crown Lands.

Crown Land Office, May 4, 1839.

## HEAD QUARTERS,

FREDERICTON, 18th June, 1839.

## MILITIA GENERAL ORDER.

The exemplary conduct of Mr. Elijah Briggs, James McClery, William Phillips, and others of the County of Carleton Militia, in the apprehension, on the morning of the 15th May last, of four Soldiers of Her Majesty's Service, in an attempt to desert into the United States, having been brought fully under the notice of the Lieutenant Governor and Commander in Chief in the minutes of the Court Martial by which these deluded men were tried,—His Excellency desires the Loyal and spirited individuals above referred to, to receive His public thanks, together with the small additional pecuniary acknowledgment, which His Excellency has directed to be remitted to them.

By Command,

GEO. SHORE, A. G. M.

## SERIES OF 1839.

The following list, containing the number of Warrants now in the Treasury, with the names of the persons to whom they are payable, is published for the information of all concerned.

No. 291. Lt. Col. Mowatt, cleaning arms,

No. 292. Isaac Garcelon, Oat Mill,

No. 293. Richard Turner, do.

No. 294. Harvey R. M. Coach Company,

No. 295. Lt. C. W. Wardlaw, Militia Pay, "

No. 296. do. do. do. Bounty,

No. 297. do. do. do. Sergt. Major Kyle,

No. 298. Capt. Edmonds, for soldiers wives,

No. 299. Hon. H. Peters, Road,

No. 300. Justices of Queen's, for a Courier,

No. 301. Geo. Anderson, Esq. balance due him.

No. 302. Hon. Geo. Shore and others, Province Hall,

No. 303. Hon. Geo. Shore and W. F. Odell, Secretary's Office,

No. 304. Lt. Col. Allen, Militia expenses,

No. 305. do. do. do. pay,

No. 306. do. do. do. do.

No. 307. do. do. do. do.

No. 308. do. do. do. do.

No. 309. Beverley Robinson, Esq. protection of revenue,

310. Bev. Robinson, Esq., John Abrams,

311. do. Tide Waiter,

312. do. do.

313. do. protection of revenue,

314. do. Tide Waiter,

315. David McMillan, binding Laws,

316. Alex. Goodfellow, Great Road,

317. Justices, Saint John, Free School,

318. Nehemiah Gilman, Bridge,

319. Fras. Kilburn, Bye Roads,

320. Moses Lawrence, do.

321. John Henry, do.

322. John Scott, do.

323. Nathaniel Scott, do.

324. George Long, do.

325. John Jones, do.

326. Wm. Caverhill, do.

327. Ben. Beveridge, do.

328. John Earle, Adjutant, Queens,

329. Reuben Vantassel, Serjt. Major, Queens,

330. James Ketchum, Read,

331. H. J. Hansard, Esq. do.

332. Hugh Jamieson, do.

333. Wm. Love, do.

334. Robert McLean, do.

335. John S. Barker, do.

336. George Fox, do.

337. Lewis H. Henstis, Bye Roads,

338. Alex. Mitchell, do.

339. Matthew Graham, do.

340. David Burt, do.

341. Moses Pickard, do.

342. Daniel Duff, do.

343. Allan McLean, do.

344. Alex. Goodfellow, do.

345. Joseph Fleming, do.

346. H. Fisher and Jas. Biggs, Bye Roads,

347. Henry Fisher, do.

348. Israel Smith, do.

349. Andrew Little, do.

350. Wm. McKay, do.

351. Andrew Blair, do.

352. Indian Commissioners, York,

353. L. B. Rainsford and J. Brown, Jr. Road,

354. H. H. Carmichael, Esq. Deserters, 69th,

355. do. do. do. 36th,

356. Capt. Nugent, Barrack at Great Falls,

357. David Crocker, Roads,

358. Andrew Hay, do.

359. Robt. Chestnut, Militia expenses,

## SUPREME COURT,

TRINITY TERM, 2d. VICTORIA,

A. D. 1839.

George James Thomson, Gentleman, one of the Attorneys of this Honorable Court, is called to the Bar, admitted, sworn and enrolled a Barrister.

William M. Greenwood, Gentleman, George Lee, Junior, A. B. and Samuel James Scovil, A. B., having produced the requisite certificates, and having been examined as to their fitness and capacity, are admitted, sworn and enrolled Attorneys of this Honorable Court.

It is ORDERED, That the Examination of Students applying for admission as Attorneys at the next Michaelmas Term, shall take place at Fredericton on Saturday the fifth day of October next at the Province Hall.

GEORGE SHORE.

Arrangement of the Circuits to be holden in the ensuing Trinity and Michaelmas Vacations.

Hon. Mr. Justice BOTSFOED,  
Carleton, Tuesday, 24th September,  
Charlotte, " 29th October.

Hon. Mr. Justice CARTER,  
St. John, Tuesday, 6th August.  
Restigouche, " 27th August.  
Gloucester, " 3d September.  
Northumberland, Tuesday, 10th Sept.

Hon. Mr. Justice PARKER,  
Kent, Tuesday, 27th August.  
Westmorland, Tuesday, 2d September.  
St. John, " 14th January.

TRINITY TERM, 2d. Victoria, A. D. 1839.

## RULES

For the payment of money into Court under the Act 1st Victoria, c. 13, s. 3.

I. WHEREAS by an Act passed in the first year of Her Majesty's Reign, intituled "An Act for the further amendment of the Law," it is enacted, that it shall "and may be lawful for the Defendant in all "personal actions pending or to be brought "in the Supreme Court of this Province, (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest "or prosecution, criminal conversation or debauching of the Plaintiff's daughter or servant,) by leave of the said Court or a Judge of "such Court, to pay into the said Court a sum "of money by way of compensation or amends, "in such manner and under such regulations "as to the payment of costs, and the form of "pleading as the said Court or any three of "the Judges thereof shall, by any rules or orders by them to be from time to time made, "order and direct":—

It is ORDERED, That when money is paid into Court under the said Act, such payment shall be pleaded, and as near as may be in the following form, *Mutatis Mutandis*.

"C. D. And the said Defendant comes by ats "E. F. his Attorney," (or "in person, A. B. son, &c.") and says (or in case it be

pleaded as to part only add "as to being part of the sum in the Declaration or count of the Declaration mentioned" or "as to the residue of the sum of ) that the Plaintiff ought not further to maintain his action, because the Defendant now brings into Court the sum of ready to be paid to the Plaintiff, and the Defendant further says that the Plaintiff has not sustained damages (or in actions of debt "that he is not indebted to the Plaintiff") to a greater amount than the said sum of &c., in respect to the cause of action in the declaration mentioned" (or "in the introductory part of the plea mentioned") and this he the Defendant is ready to verify, wherefore he prays judgment, if the Plaintiff ought further to maintain his action thereof against him;" and no other plea shall be pleaded to the said action or to so much thereof as the said plea of payment into Court is applicable.

II. It is FURTHER ORDERED, That upon a Rule or Judge's order being made for paying money into Court under the said Act, the money shall be paid to the Clerk at the time of filing the plea, together with his poundage thereon, and the Clerk shall make a minute of such payment in the margin of the plea, and shall also give a memorandum of such payment to be delivered with the copy of the plea to the Plaintiff's Attorney; which sum shall be paid out to the Plaintiff's Attorney on demand.

III. It is FURTHER ORDERED, That the Plaintiff, after delivery of a plea of payment of money into Court, shall be at liberty to reply to the same, by accepting the sum so paid into Court in full satisfaction and discharge of the cause of action, in respect of which it has been paid in, and he shall be at liberty in that case to tax his costs of suit, and in case of non-payment thereof within ten days, to sign judgment for his costs of suit, or the Plaintiff may reply "that he sustained damages" (or "that the Defendant was and is indebted to him" as the case may be) to a greater amount than the said sum, "and in the event of an issue thereon being found for the Defendant, the Defendant shall be entitled to judgment and his costs of suit;" Provided that if the sum of money paid into Court in any action not summary would have been recoverable under the summary form, the Plaintiff, if he take the money out of Court in discharge of the action, shall not be entitled to more than summary costs, unless he obtain the order of the Court, or a Judge for the larger costs, upon good causes shewn therefor.

WARD CHAPMAN,

W. BOTSFOED,

J. CARTER,

R. PARKER.

ERRATA.

## NORTHUMBERLAND BYE ROAD COMMISSIONERS.

The appointment of William Williston and James Cameron, to expend £70 towards the erection of a Bridge across Taxes River, as stated in the Extra Gazette of the 5th and 12th inst. does not take place; Alexander Goodfellow being the Commissioner to expend the three Grants, (viz. £50 from the York County Bye Road money, £70 from the Northumberland and Bye Road money, and the special Grant of £50) made for the erection of that Bridge.

Attorney General's Office,  
Fredericton, 15th June, 1839.

THE Persons named in the Schedule hereunto annexed, debtors to the Crown for Land purchases, are hereby notified, that unless payment of the amounts severally due by each is made at the Office of the Receiver General, on or before the first day of September next, or satisfactory security given for the same, I am directed to institute legal proceedings at that time to enforce payment.

CHARLES I. PETERS,

Attorney General.

## SCHEDULE OF NAMES.

Abbott, Samuel  
Akerley, William N.  
Albee, James  
Armstrong, Barnabas  
Armstrong, James  
Arnold, Sandy  
Bagley, Samuel  
Barber, Duncan  
Blake, Sylvanus L.  
Blanchard, Augustine  
Boise, Angus  
Boyle, William  
Bradbury, Christopher C.  
and  
Webster, Ebenezer

Breen, John  
Brockway, Reuben  
Brown, John  
Brown, Robert  
Bubar, John  
Buckley, John  
Burghis, James  
Campbell, James,  
Campbell, Alexander  
Carey, David  
Carruthers, Archibald  
Carson, William  
Caughey, William  
Crawford, William  
Creaton, Brice  
Coram, Thomas  
Corey, Thomas  
Culbertson, Joseph  
Davidson, John  
Davis, Thomas  
Demill, Rufus S.  
Dickson, Henry  
Donahue, Patrick  
Donavan, John  
Dorrah, James  
Douglas, James  
Drake, Warren  
Dunn, William  
Everitt, Joseph  
Fillemore, William  
Flemming, John  
Fraser, James, Junr.  
Gall, Lawrence W.  
Garcelon, Isaac  
Gillespie, John  
Gowen, John  
Gregory, Thomas  
Griffith, Joseph  
Hatch, Harris  
Hemphill, William  
Hosford John  
Jouett, John D.  
Kerney, James  
Kirk, William  
Kirkpatrick, George  
Kirkpatrick, Thomas  
Laferty, George  
Lantaigne, Elroi  
Lantaigne, Peter, Jr.  
Lockwood, Anthony, Jr.  
Loiall, James  
London, James  
Lounsbury, John W.  
Maddison, Robert  
Manning, James  
Marks, John  
Meek, John  
Milton, Peter  
Montgomery, R. H.  
Montgomery, William  
Murphy, Timothy  
McCann, William  
McCarthy, John  
McCarthy, Michael  
McConnell, Charles  
McDonald, Paul  
McDonald William  
McGee, Michael  
McLauchlan, Daniel  
McLorinan, Francis  
McMaster, John  
McPherson, Charles  
Nisbett, Anne  
O'Keefe, John  
O'Kenny, John  
Perley, Thomas E.  
Pratt, Mary  
Rait, James  
Reardon, Martin  
Ritchie, John  
Robinson, Beverley  
Rodgers, William  
Rourke, Andrew  
Ryan, Dennis  
Ryan, Phillip  
Salter, James  
Scribner, Ezra  
Seely, Henry  
Sheridan, Patrick  
Sloot, Benjamin  
Smith, Patrick  
Sproule, James  
Stewart, Alexander  
Stewart, John  
Stewart, Peter