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 6. FREDERICTON, NEW BRUNSWICK, DECEMBER 18, 1839. *Number 22.*

By Authority.

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.*

J. HARVEY, *Lt. Governor.*

A PROCLAMATION.

WHEREAS the GENERAL ASSEMBLY of this Province stands prorogued to the third Tuesday in December instant; I have thought fit further to prorogue the said GENERAL ASSEMBLY, and the same is hereby prorogued to Tuesday the twenty eighth day of January next, then to meet at Fredericton for the dispatch of business.

Given under my Hand and Seal at Fredericton, the fifth day of December, in the year of our Lord one thousand eight hundred and thirty nine, and in the third year of Her Majesty's reign.

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

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.*

J. HARVEY, *Lt. Governor.*

A PROCLAMATION.

WHEREAS notwithstanding repeated public notice heretofore given, by which all Her Majesty's subjects within this Province were strictly charged and commanded to abstain from cutting Timber, or otherwise in any manner trespassing on any part of the lands within this Province, at present in dispute between the Governments of Great Britain and the United States of America, commonly called "The Disputed Territory," individuals have heretofore from time to time been guilty of cutting and making Timber thereon, I do hereby repeat my prohibition against the same; And I do hereby strictly enjoin and charge all Her Majesty's subjects within this Province to abstain from cutting Timber of any description, or in any quantity, however small, on the same Territory, or any part thereof, on the pain and peril which may fall thereon: And all such Her Majesty's subjects within this Province are hereby notified, that I have given command and authority and I do hereby give command and authority unto James A. Maclauchlan, Esquire, the duly appointed Warden of the said Territory, to arrest, seize, take and destroy all Timber which may be cut in violation of this Proclamation, and forthwith to remove and drive off all persons that he may find so offending. For which purpose, I have authorized and do hereby authorize the said Warden to employ and take with him on his visits of examination such sufficient force or posse of assistants as may enable him to carry into effect the object and intention of this Proclamation.

And I do hereby call upon and direct as well all Peace Officers as all other liege subjects of Her Majesty within the Province, to be aiding and assisting in all things within their power, to enable the said Warden to discharge his duty in the premises.

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

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

PROVINCIAL APPOINTMENT.

David W. Jack, Esquire, to be Deputy Treasurer at the Port of Saint Andrews.

BYE ROAD COMMISSIONER.

Ephraim Sentell, to expend £15, granted last winter, for examining a new line of Road from the Forks of the old Westmorland Road or Marsh Road to Loch Lomond.

IN COUNCIL, December 4th, 1839.

The undermentioned applicants for the purchase of Crown Lands, may have the lands applied for by them on the following terms, if payment be made before the 11th day of February next, and five shillings additional will be charged on each purchase, for postage, &c.

GLOUCESTER.

John Callaghan, 3s. per acre, down.
William Alexander, 3s. do. do. for 100 acres only.
Archibald Alexander, 3s. per acre, down, for 100 acres only.

NORTHUMBERLAND.

John Robinson, 3s. per acre, down.
T. J. Stephens, do. do.
Roderick Ryan, 2s. 6d. per acre, down, for 100 acres, on the west side of the stream, to cover his improvements.
Michael Blanch, 3s. per acre, down.

KENT.

John Graham, 3s. per acre, down.
Alexander Robertson, do. do.

WESTMORLAND.

Letitia Sutherland, 2s. 6d. per acre, down.
Daniel M'Lean, do. do.
David M. Steves, 3s. per acre, down.
T. W. Steves, do. do.
George H. Steves, do. do.
Benjamin A. Steves, do. do.
Joseph D. Steves, do. do.
Robert M. Steves, do. do.
David Bleakney, do. do.

CHARLOTTE.

John Reid, 3s. per acre, down.

KING'S.

Thomas Miller, 3s, per acre, down.
Robert Vinson, 2s. 6d. do. do.
Thomas W. Coates, 3s. per acre, down.
Charles M'Davit, do. do.
John Abraham, 100 acres at 2s. 6d. per acre, down, and the remaining 50 acres at Auction. Upset price, 3s. per acre.
James Tribe, do. do.
James D. Beach, 3s. per acre, down.
Dennis Shea, do. do.
Edward Tinling, Jun. do. do.
John Schoales, do. do.

QUEEN'S.

Andrew M'Cready, 3s. per acre, down.

YORK.

John Gartley, Jun. 2s. 6s. per acre, down.

CARLETON.

Thomas Palmer, 3s. per acre, down.

The lands applied for by the undermentioned persons, will be offered at Public Auction at this Office on Monday the 3d of February next, (*see advertisement.*)

Moses Hovey.
Thomas Coughlan.
Jeremiah Hallahan.
Matthew F. Coates.
Donald J. M'Queen.
William Stevens.

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

Alpin M'Dougal.	James Palmer.
Joshua Alexandre.	Henry Oldfield.
Daniel Coughlan.	Martin O. Donell.
David Miller.	Thomas Bayl.
William Brown.	Thomas Hannay, Jr.
Michael Hewitt.	James M'Inespie.
Joseph Rigley.	Thomas Leper.
Thomas Bleakney.	Levi Vinson.
Anth'y. M'Laughlin.	John C. Coates.
John Brown.	Thomas Parlee.
Edward Keating.	Charles Miller.
James Beny.	Thomas Hamilton.
Anthony M'Geoach.	James Lindsay.
Jeremiah Shea.	William Phillips.

The answers to the Petitions of the undermentioned Persons are as follows.

John Elleg,	not complied with.
James Bennison,	do. do.
John Pond,	do. do.
Daniel M'Laughlin,	do. do.
Samuel Cunningham,	do. do.
George H. Giberson,	do. do.
James Bulyea,	do. do.
James M'Auley,	complied with.
Thomas M'Carthy,	do.
Thomas Wetherall,	do.
James Willox,	do.
George Pitfield,	do.
R. R. Ketchum,	do.
John Stultz,	do.
James Lewis,	do.
Richard Hutchinson,	do.
Abraham B. Close,	do.

William Smith. Ordered, That unless Mr. Peters comply with the order in Council of the 4th January, 1839, within three months from this date, the land be granted to the Petitioner.

Charles Miller. Ordered, That Petitioner furnish James Miller with a copy of his Petition for James Miller's reply thereto.

Ezekiel Fitzgerald. Approved that Petitioner have a free grant as prayed for.

David Hatfield. Ordered, That a grant issue in the name of John Mathews.

Amos Dickinson. Approved on payment of double duty.

Thomas Fraser, Sen. Approved in such situation as will least interfere with Robert Ralston.

John M'Lean. Referred for further information from Deputy Rainsford.

Hugh Ramsay to be allowed to take away the timber on payment of double duty.

Charles Connell. A Petition must be lodged in the usual manner.

The applications of the undermentioned persons, for licence to cut timber and Logs on Crown Land, are complied with on payment of the duty before the 11th day of February next.

Joseph Parrant, Dumfries.
L. R. Coombs, Grand River.
B. B. Jewett, Gaspereaux River.
J. T. Williston, Big Tracady River.
J. F. Estabrooks, Little River.
John F. Price, New Canaan River.
John Perry, do. do.
Thomas Bestan, Sabbie's River.
W. M'Master, Barnabies River.
John Porter, Oyster River.
James Johnston, Tracady River.
Daniel Small, Cain's River.
Converse Brown, Bartlett's Mill Stream.
John Welch and John Kearas, St. Nicholas River.
J. M'Namara, Salmon River.
Arthur Ritchie, Hunter's Brook.
J. A. Phillips, Tobique River.
Samuel Reynolds, New Canaan River.
Jonathan White, Richmond.
William Cromwell, Washademoak Lake.
Joseph Connell, River St. John.
John M'Millan, Buctouche River.
John Firth, S. W. Miramichi River.
Birdsell Carpenter, Newcastle River.
Arthur Ritchie, Upsalquitch River,
John Bedell, Beeaguimec River.
David Brown, Nashwaak River.
William Brown, River St. John.
George Pitfield, Anagance River.
Gilderoy Carr, Geary Stream.
A. M'Laggan, Bartholomew's River.
Melzer Drake, Gaspereaux River.

The answers to the Petitions of the undermentioned persons are complied with, on payment of all arrears due by them.

Charles Connell, Carleton.
James Taylor, Tobique River.
do. Narkewicac River.
Joseph Cunard, Nepisiguit River.
James Taylor, Little River.
Joseph Cunard, Pabineau River.
do. Black River.
do. Little Tracady River.
James Langin, Gaspereaux River.
Francis Ferguson, Nepisiguit River.
Peter Stewart, Restigouche River.
Alexander Rankin, Cain's River.
do. Tomogonops River.
do. Big Tracady River.
Robert Ralston, M'Collum's Creek.

Crown Land Office, December 5, 1839.

The undermentioned Tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday the 3d day of February next. Sale to commence at 12 o'clock, noon.

TERMS—10 per cent. of the purchase money to be paid at the time of sale, and the remainder within 14 days after.

100 acres, Northumberland, lot No. 73, north side S. W. Miramichi River. Upset price, 3s. per acre.

170 acres, Northumberland, lot No. 22, north side S. W. Miramichi, above Renous River. Upset price, 3s. per acre.

100 acres, Northumberland, lower half of No. 25, north side Renous River. Upset price, 3s. per acre.

100 acres, Kings, south west quarter of the lot formerly surveyed for John Perry, Corn Hill Settlement. Upset price, 3s. per acre.

100 acres, (in two tracts,) King's, being part of the lot formerly surveyed for John Abraham, south of Trout Creek, Sussex. Upset price, 3s. per acre.

650 acres, Carleton, upper Andover, lots 158 and 159, between M. Ferrin and W. Whitehead, lots 154, 153, 152, and the upper half of 151, south of the grant to J. D. Jouett. Upset price, 3s. per acre.

100 acres, Gloucester, lot No. 13, south side Tattigouche River. Upset price, 3s. per acre.

THOS. BAILLIE,
Commissioner Crown Lands.

Crown Land Office, December 5, 1839.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction, at this Office on Monday the 6th day of January next, sale to commence at 12 o'clock noon. Terms, 10 per cent. of the purchase money to be paid at the time of sale, and the remainder within 14 days after.

50 acres, Northumberland, Lot No. 55, Tabucintac Beach. Upset price, 5s. per acre.

158 acres, Northumberland, Lot No. 56, Tabucintac, Beach. Upset price, 5s. per acre.

26½ acres, Kent, Lots 1 and 2, adjoining E. Power, and the gore lying between W. Cochran, and No. 21, running back to the 3rd tier, St. Nicholas Point. Upset price, 10s. per acre.

150 acres, Westmorland, Gaspereau River, between Round and Square Lakes, Botsford, (as surveyed for S. Trenholm.) Upset price, 3s. per acre.

100 acres, Westmorland, Lot No. 17, Coverdale River. Upset price, 3s. per acre.

100 acres, King's, Parish of Sussex, between W. Gregg, and W. Creighton, middle tier, between Smith's Creek and Mill Stream. Upset price, 3s. per acre.

140 acres, Queen's, Lot No. 1, M'Donald's survey, Salmon Creek. Upset price, 3s. per acre.

200 acres, Queen's, Lot letter E. northwest side of the Washademoak Lake, below Pickett's Cove. Upset price, 3s. per acre.

60 acres, York, being the southwest part of Hardwood Island, second Chipetneticook Lake. Upset price, 3s. per acre, the purchaser to pay for the improvements.

100 acres, York, northeast side of the second Cnipetneticook Lake, opposite Hardwood Island. Upset price, 3s. per acre, the purchaser to pay for the improvements.

50 acres, Carleton, Parish of Northampton, between A. Rogers, and W. Hemphill. Upset price, 3s. per acre, the purchaser to pay for the improvements.

50 acres, Carleton, half of Lot No. 2, in the fourth tier Williamston Settlement. Upset price, 3s. per acre.

100 acres, Queen's, Lot No. 12, southeast side of the New Canaan River near the Flat Rock. Upset price, 2s. 6d. per acre, the purchaser to pay for the improvemonts.

THOMAS BAILLIE.
Commissioner of Crown Lands.

Crown Land Office, 5th November, 1839.

HEAD QUARTERS, FREDERICTON,
9th December, 1839.

MILITIA GENERAL ORDER.

The Lieutenant Governor and Commander in Chief has been pleased to appoint George Ball, Esquire, to be Captain in 2d Battalion Saint John County Militia: Also, Walter J. Bedell to be second Lieutenant in the Company of N. B. Regiment of Artillery stationed at Woodstock.

By Command.
GEO. SHORE,
Adjutant General Militia.

NEW BRUNSWICK, IN CHANCERY.

Wednesday the fouth day of December, in the year of our Lord, one thousand eight hundred and thirty nine.

Between Thomas Wyer, Complainant, and Jonathan Wallace, Jones Shaw, Robert W. Crookshank, William Walker, Richard Milton Andrews and John Wilson, Defendants.

FORASMUCH as this Court was this present day informed by Mr. G. Botsford, of Counsel for the Plaintiff, that the Plaintiff had filed his bill in this Honorable Court against the Defendants, on the thirtieth day of May last past, as by the certificate of the Registrar appears; and had sued out process of Subpœna, to compel them to appear to and answer the same, but that Jones Shaw, one of the said Defendants, does not reside within the Province, but has a known place of residence at North Port, in the County of Waldo, in the State of Maine, one of the United States of America, as by the affidavit of William Jack appears: And the said certificate and affidavit being read and the truth of the above allegations being made out to the satisfaction of this Court, It is Ordered, That the said Defendant Jones Shaw do appear to the Plaintiff's Bill on or before the fourth day of May next. And it is further Ordered, That this Order be published in the Royal Gazette for the space of three months.

By the Court,
D. LUDLOW ROBINSON,
Registrar.

[*First Published, December* 11, 1839.]

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

To all whom it may concern, Greeting:

NOTICE is hereby given, that upon application to me made by John Maxwell, 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 the Province of New Brunswick, of Benjamin F. Waite, ate of Milltown, in the Parish of Saint Stephen, in the County aforesaid, Merchant, (which said Benjamin F. Waite is departed from and without the limits of this Province, with intent to defraud the said John Maxwell, and other Creditors of the said Benjamin F Waite, if any such 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 siezed and attached, and that unless the said Benjamin F. Waite 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 Benjamin F. Waite, within the said County of Charlotte, will be sold for payment and satisfaction of the Creditors of the said Benjamin F. Waite.

Dated at Saint Andrews, this twenty second day of November, A. D. 1839.

THOS. WYER, J. C. P.

G. J. Thomson, Attorney for Petitioning Creditor.

[*First Published, December* 11, 1839.]

By William Wilson, Esquire, one of the Justices of the Inferior Court of Common Pleas, in and for the County of Westmorland, in the Province of New Brunswick.

To all to whom it may concern, Greeting:

NOTICE is hereby given, That upon the application of Christopher Milner, of Dorchester, in the County of Westmorland, Attorney at Law, 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 this Province of John Towse, late of Hopewell, in the County aforesaid, Yeoman, (which said John Towse is departed from without the limits of this Province, with intent and design to defraud the said Christopher Milner, and the other creditors of the said John Towse, if any their be, of their just dues, or else remains concealed within the same 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 John Towse 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 Towse within this Province, will be sold for the payment and the satisfaction of the creditors of the said John Towse. Dated at Dorchester, in the County aforesaid, the twentieth day of November, A. D. 1839.

W. WILSON, J. C. P.

Christopher Milner, Petitioning Creditor.

[*First Published, November* 27, 1839.]

By the Honorable James Carter, Esquire, one of the Justices of the Supreme Court of Judicature for the Province of New Brunswick.

To all to whom these presents shall come, Greeting:

NOTICE is hereby given, that upon the application of Henry Jackson to me duly made according to the form of the Acts of Assembly in such case made and provided, I have directed all the estate, as well real as personal, within this Province, of Michael Breen, late of Fredericton, in the County of York, (which said Michael Breen is departed from and without the limits of this Province, with intent and design to defraud the said Henry Jackson and others, creditors of the said Michael Breen, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of the Law as is alleged against him,) to be seized and attached, and that unless the said Michael Breen 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 Michael Breen, within this Province, will be sold for the payment and satisfaction of the creditors of the said Michael Breen. Dated at Fredericton the twelfth day of November, A. D. 1839.

J. CARTER, J. S. C.

BERTON and DIBBLEE,
Attornies for petitioning creditors.

[*First Published, November* 13, 1839.]

NEW BRUNSWICK, *to wit.*

By the Honorable William Botsford, one of the Justices of the Supreme Court of Judicature for the Province of New Brunswick.

To all to whom it may concern, Greeting:

NOTICE is hereby given, that upon the application of James Kinne the First, 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 this Province of New Brunswick, of Daniel Lyman late of Harvey, in the County of Westmorland, (which said Daniel Lyman is departed from without the limits of this Province with intent and design to defraud the said James Kinne, and the other creditors of the said Daniel Lyman, if any there be, of their just dues, or else remains concealed within the same 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 Daniel Lyman 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 Daniel Lyman within this Province, will be sold for the payment and satisfaction of the Creditors of the said Daniel Lyman. Dated at Sackville in the County of Westmorland, the nineteenth day of September, in the year of our Lord, one thousand eight hundred and thirty nine.

3m W. BOTSFORD.

[*First Published, 9th October*, 1839.]

By the Honorable James Carter, Esquire, one of the Justices of the Supreme Court of Judicature for the Province of New Brunswick.

To all to whom these presents shall come, Greeting:

NOTICE is hereby given, that upon the application of Henry Jackson to me duly made according to the form of the Acts of Assembly, in such case made and provided, I have directed all the estate as well real as personal, within this Province, of Edward N. Kendall and William P. Kay, late of Fredericton, Surviving Partners of the firm of Braithwaite, Kay and Company, in the County of York, and Province aforesaid, (which said Edward N. Kendall and William P. Kay have departed from this Province, and have not nor hath either of them resided within the Province for the term of six months now last past,) to be seized and attached, and that unless the said Edward N. Kendall and William P. Kay do return and discharge their debt or debts within six months after the publication hereof, all the estate as well real as personal of the said Edward N. Kendall and William P. Kay within this Province, will be sold for the payment and satisfaction of the creditors of the said Edward N. Kendall and William P. Kay. Dated this twelfth day of November, in the year of our Lord one thousand eight hundred and thirty nine.

J. CARTER, J. S. C.

BERTON and DIBBLEE.
Attornies for petitioning creditor.

[*First Published, November* 13, 1839.]

To all to whom it may concern:—

NOTICE is hereby given, That we the Subscribers, have been duly appointed Trustees for all the Creditors of Jeremiah Murphy, late of Grand Manan, in the County of Charlotte, an absconding Debtor, and have been duly sworn to the faithful execution of the said trust, pursuant to the direction of the Acts of Assembly in that case made and provided, and we do hereby require all persons indebted to the said Jeremiah Murphy, on or before the fifteenth day of January next, ensuing the date hereof, to pay to us or some one of us, all such sum or sums of money or other debts, duty or thing, which they may owe to the said Jeremiah Murphy, and to deliver all other effects of the said Jeremiah Murphy, which they, or any or either of them, may 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 Jeremiah Murphy, on or before the same day of January next, to deliver to us, or some one of us as aforesaid, their respective accounts and demands against the said Jeremiah Murphy, in order that right and justice may be done, agreeably to the form of the said Act of Assembly in such case made and provided. Given under our Hands and Seals, at Grand Manan, in the County of Charlotte, the tenth day of October, 1839.

THOMAS REDMOND,
JOHN ELDRIDGE.

FIRE INSURANCE COMPANY.

Connecticut, United States.

Incorporated in 1810—with a Capital of $150,000

THIS long established Institution has for more than twenty five years transacted its extensive business on the most just and liberal principles—paying its losses with honorable promptness. During this period have settled all their losses, without compelling the insured, in any instance, to resort to a Court of Justice. The present Board of Directors pledge themselves, in this particular, fully to maintain the high reputation of the Company. It insures on the most favourable terms every description of property against LOSS OR DAMAGE BY FIRE, but takes no marine risks.

Application for insurance may be made either personally or by letter to the Secretary of the Company, or to its Agents, who are appointed to many of the principal Towns and Cities of the United States, and in the British Provinces.

PRESENT BOARD OF DIRECTORS.

Eliphalet Terry,	Samuel Williams,
James H. Wells,	F. J. Huntington,
S. H. Huntington,	Elisha Colt,
H. Huntington, Jun.,	R. B. Ward.
Albert Day,	

ELIPHALET TERRY, President.

James G. Bolles, Secretary.

☞THE Subscriber having been appointed Agen at Fredericton for the above mentioned Company, it now prepared to take risks on every description of Property against loss or damage by Fire.