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FREDERICTON, NEW BRUNSWICK, WEDNESDAY, MAY 27, 1840.

Number 44.



By Authority.

The following Notice published in the Gazette of the 19th June, 1839, is now re-published for the information of all concerned, who are required to pay particular attention thereto:—

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.

HEAD QUARTERS FREDERICTON, 18th May, 1840. MILITIA GENERAL ORDER.

His Excellency the Lieutenant Governor and Commander in Chief has been pleased to make the following promotions &c.

3d Battalion York (Light Infantry.)

Angus McBain, Gent., to be Captain of a new Company.

TO BE LIEUTENANTS.

Ensign George Nevers, vice D. Manson, whose Commission is cancelled, dated 18th May, 1840.

Ensign William Dayton, vice John Yerxa, whose Commission is cancelled, dated 19th May, 1840.

Ensign John McLane, vice McGibbon, retired, 20th May, 1840.

Ensign Alexander Campbell, Junior, of a new Company, dated 21st May, 1840.

TO BE ENSIGNS.

John Burpe, Gent., vice Nevers promoted, 18th May.

Peter McFarlane, vice Dayton promoted, 19th May.

John Carter, vice McLane, promoted, 20th May.

Samuel Estey, vice Campbell, promoted, 21st May.

Miles McMillan, of a new Company, dated 22d May.

William Clayton, Junior, vice G. M. Robinson, left the Province, 23d May.

Thomas Howe, Gent. to be Quarter Master with the rank of Lieutenant, vice Pickard who resigns the Quarter Mastership only.

By Command,

GEO. SHORE, A. G. M.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday, the 6th 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 ten days after.

100 acres, Westmorland, Parish of Botsford, in rear of the Grant to John Walton, and A. Bass. Upset price, 3s. per acre.

100 acres, north side north branch Peticoe, between D. Wheaton, and R. Walker, Westmorland. Upset price, 3s. per acre, the purchaser to pay Robert Harrison for the improvements thereon.

200 acres, Westmorland, on the Shemogue Road, as surveyed by Deputy Palmer, next to the grant to John Carter. Upset price, 3s. per acre.

50 acres, Westmorland, east end of lot No. 17, Coverdale River. Upset price, 3s. per acre.

100 acres, Saint John, in rear of grants to M. Moran, and James West, near Quaco. Upset price 3s. per acre, the purchaser to pay his proportion of survey.

100 acres, Saint John, north of the grant to Patrick Deering, north of Quaco. Upset price, 3s. per acre, the purchaser to pay his proportion of survey.

150 acres, King's lot No. 27, and east part of No. 26, south side Shepody Road. Upset price, 3s. per acre.

300 acres, Sunbury, at the Forks on the north side of Three Tree Creek. Upset price, 3s. per acre.

JOHN S. SAUNDERS,

Surveyor General.

Crown Land Office, May 4, 1840.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this

Office on Monday, the 1st day of June 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.

50 acres, Northumberland, north side of Barnabie River, in rear of lots 41 and 42. Upset price, 3s. per acre.

100 acres, Westmorland, south part of the lot formerly occupied by Robert Mann, eastern part of the lot of the Butterut Ridge. Upset price, 3s. per acre, the purchaser to pay for the improvements in addition.

100 acres, King's, south half of lot No. 2, second tier, north of the road from Butterut Ridge to Stadhof's Mill Stream. Upset price, 3s. per acre.

110 acres, Carleton, Lot No. 23, third tier, Lower Andover. Upset price, 3s. per acre.

1000 acres, King's County, lots 14, 15, 16, 17 and 18, in the second tier, of Deputy Fairweather's Survey, between the head of Smith's Creek, and Stadhof's Mill Stream. Upset price, 3s. per acre.

JOHN S. SAUNDERS,

Surveyor General.

Crown Land Office, April 3, 1840.

SHERIFF'S SALES.

County of York.

Will be sold on Thursday, the eighth day of October next, at the Market House in Fredericton, at 11 o'clock in the forenoon:

TWO Tracts of Land, situate in the Parish of Prince William, County of York, containing four hundred acres, known as Lot letter A, and letter B. Also, a tract of Land situate in the Parish of Kingsclear, County of York, containing sixteen hundred acres, the same being partly bounded by the Hanwell Road described in the part thereof as beginning at the south west angle of lot No. nineteen, north west side of the Hanwell Road, granted to Thomas Murphy: ALSO, Two Tracts of Land situate in the Parish of Dumfries, in the County of York, containing together six thousand eight hundred acres, more or less, and bounded partly on the second Eel Lake, as described in the part thereof to the said James Campbell. The above having been taken by virtue of *Venditioni Exponas*, at the suit of the Queen, vs. James Campbell.

E. W. MILLER, HIGH SHERIFF.

Sheriff's Office, Fredericton, April 4, 1840.

Will be sold at Public Auction, at the Market House, in Fredericton, on Thursday, the 15th October next, between the hours of 12 and 4 o'clock.

ALL the right and title of William Turner, to a lot of Land in the Parish of Kingsclear, bounded northerly and southerly by Lands owned by Michael Fisher and Thomas Phillips.

Also, The right and title of Peleg Trip, to a certain lot or farm of Land upon the Keswick Ridge.

Also, All that certain farm or tract of Land, in the Parish of Queensbury, belonging to the Estate of the late Eleazer S. Long.

Also, All the right and title of George W. Smith, to his portion of the Estate of the late Henry Smith, Esquire, in the County of York.

The above Properties having been taken in virtue of several Executions issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

Sheriff's Office, Fredericton, 14th April, 1840.

Will be sold at Public Auction, at the Market House, in Fredericton, between the hours of 12 and 4 o'clock, on Monday, the 21st day of September next.

ALL the right, title, interest, property, claim and demand of Benjamin A. Huestis, in and to a certain tract, piece or parcel of Land, situate on the Nackewickas Stream, in the Parish of Queensbury, being known and distinguished as the Huestis' Mill Property, together with the Double Saw Mill, Dwelling House, Barn and Out Houses thereon erected, with all the real estate belonging to the said Benjamin A. Huestis, in the County of York: The same being taken by virtue of an Execution issued out of the Supreme Court at the suit of Robert Rankin and Company.

E. W. MILLER, Sheriff.

Fredericton, 17th February, 1840.

Will be sold at the Market House, in Fredericton, between the hours of twelve and four o'clock on Thursday, the 10th day of September next.

THE several Tracts of Land, hereinafter mentioned, the Property of Duncan Barber, levied upon under extent directed to the Sheriff of York, and described in the inquisition returned on the Execution of the same Writ.

No. 1, containing one thousand acres, in the Parish of in the County of York, adjoining Land, Survey, on the Western side of Upper Trout Creek, a branch of the Magaguadavic River.

No. 2, 2000 acres of Land, in the Parish of Dumfries in the County of York, in three Tracts viz.: located to Ninian Lindsay, in Deputy Jacob Allan's 1st Tract, Lot No. 4, containing 500

2d do. Lots No. 1 & 2, do. 500

3d do. Lot No. 3, do. 1000

No. 3, 2500 acres in the said Parish, being the Block No. 3, in Deputy Allan's Survey, of Palfrey Brook, made in the year 1835.

No. 5, A Farm in Prince William, containing 500 acres, purchased from one Christopher Murray, by the said Duncan Barber, 30th July, 1835.

No. 6, The undivided half part of a Tract of Land in the Parish of Dumfries, in common with Robert Watson and conveyed to them by Benjamin Gillis, by deed dated 17th August, 1835, containing --- acres more or less.

Also, Will be sold at the Market House, between the hours of 12 and 4 o'clock on Saturday, the 10th day of October next.

That Extensive and Valuable Property, known as the Spring Hill property.

Also, A Tract of Land containing 4500 acres, part of a Tract of 7000 acres near to and partly adjoining the 1st and 2d Kedron Lakes.

E. W. MILLER, SHERIFF.

Sheriff's Office, Fredericton, 2d March, 1840.

Will be sold at Public Auction, at the Market House in Fredericton, between the hours of 12 and 4 o'clock, on Thursday, the 24th day of September next.

TWO lots of Land on the south east side of the Hanwell Road, being the lots No. 26 and 27, containing 500 acres more or less, with an allowance of ten per cent for roads and waste.

Also at the same time and place, A tract of Land in the said Parish, lying on the south east side of the Hanwell Road, being the lots No. 28 and 29, containing 200 acres with ten per cent allowance.

Also, A Tract of Land in said Parish, lying on the South East side of the Hanwell Road, containing 300 acres, with ten per cent allowance, and being known and distinguished as the Reed Grant.

Also, that beautiful tract of Land known as the Hermitage estate situate about one mile above Fredericton, together with the Dwelling House, Barn, Stables and Out Houses thereto appertaining, with a suitable quantity of Land.

Also, The Dwelling House, Barn, Stables and Out Houses thereunto, appertaining, and about 12 acres of Land immediately opposite the Hermitage Lot, and lately occupied by Mr. W. H. Gall.

Also, Several Houses, Out Houses, and Barns with a portion of Land attached to each, together with several Farm Lots adjoining, will be laid off and sold to suit purchasers.

The whole of the above property together with all and singular the other real Estate, of the Honorable Thomas Baillie, within the County of York, having been taken in virtue of several Executions issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

Fredericton, Feb. 18, 1840.

County of Westmorland

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

ALL the lands and premises which the late John Pearson, deceased, died, seized and possessed of, within the Parishes of Harvey and Hopewell in the County of Westmorland, to satisfy an Execution issued against the said John Pearson in his lifetime out of the Supreme Court of this Province, at the suit of William Filmore.

W. P. SAYRE, SHERIFF.

Dorchester, 12th December, 1839.

County of Sunbury.

To be sold at Public Auction at the Court House in Burton, between the hours of 12 and 5 o'clock in the afternoon, on Saturday the 24th day of October next.

ALL the right, title, interest, claim and demand of A. William Turner, of in and to that certain lot or tract of Land, situate in the Parish of Lincoln, and County of Sunbury, and bounded as follows, to wit: on the upper side by lands owned by George M. Adams, on the lower or easterly side by lands in the possession of Nicholas Sewall, and fronting on the river Saint John, containing by estimation, 500 acres more or less, together with all and singular the buildings and improvements thereon: The same having been taken by virtue of an Execution issued out of the Supreme Court at the suit of L. A. Wilnot and David S. Kerr, Esquires, for the sum of £41 4s. 3d.

J. HAZEN, SHERIFF.

Burton, April 16, 1840.

Queen's County.

To be Sold at Public Auction, at Samuel Mayes' Tavern, in Gagetown, Queen's County, on Saturday the Twenty Sixth day of September next, between the hours of twelve and five of the afternoon,

ALL the Right, Title, Interest, Property, claim and demand of Joseph C. Rider, in and to a certain Tract of Land and Mill Privilege, together with a Saw Mill and other Buildings and improvements thereon, situate, lying and being at or near the R. pids, on the Washademoak River, in Queen's County, about thirty miles from the entrance of the said River, seized and taken in and by virtue of an Execution issued out of the Supreme Court, at the suit of Samuel Reynolds, for the sum of one hundred and fifty two pounds, seventeen shillings and seven pence.

N. H. DEVERER,

Sheriff of Queen's County.

Gagetown, 5th March, 1840.

King's County.

On Saturday the twenty sixth day of September next, will be sold at Public Auction.

ALL the real Estate of James Witherow, in King's County, consisting of all his right, title, interest, claim and demand, in and to a certain Farm of Land, situate in the Parish of Springfield, in said County, known and described as follows, viz.: Beginning at a Cedar post at the Northern boundary of Lands occupied by Thomas Ketchum, Esq., thence running on the line of the road, 105 Rods to the North boundary of the Grant, thence South 75 degrees West, to the rear of the said Grant thence, on the line of the Grant 105 Rods and thence North 75 degrees East, to the first mentioned boundary, containing 250 acres, more or less, with all the buildings, and appurtenances to the same belonging: The same having been taken by virtue of an Execution issued out of the Supreme Court, against the said James Witherow, at the suit of Charles Ketchum.—Sale to take place at the Inn kept by Jesse Gillis near the Church at Springfield, at the hour of two o'clock on the day above mentioned.

Dated at Kingston, the 16th day of March, 1840.

A. DAVIDSON, SHERIFF OF KING'S.

NEW BRUNSWICK IN CHANCERY.

Thursday the seventh day of May, in the year of our Lord one thousand eight hundred and forty.

Between Robert Rankin, Plaintiff, and

William E. Nelson Deverer, Defendant.

UPON motion made unto this Court by Mr. George Botsford, being of the Plaintiff's Counsel, it was alleged that the Plaintiff had exhibited his bill in this Court, against the defendant on the eighth day of January last, as by the certificate of the Registrar appears, and had sued out process of Subpoena directed to the defendant and requiring the defendant to appear and answer the same; that the said Subpoena had been duly served on the said defendant and that the said defendant had appeared and answered the same; that the said defendant had not caused his appearance to be entered in this suit as by the Registrar's certificate also appears it was therefore prayed that the plaintiff's bill might be taken *pro confesso* against the defendant, which is ordered accordingly, unless the defendant appear in twenty days from the date of this order.

By the Court.

D. LUDLOW ROBINSON, REG.

[First Published in Gazette, 13th May, 1840.]

NEW BRUNSWICK IN CHANCERY.

Thursday the third day of March, in the year of our Lord one thousand eight hundred and forty.

Between James Rait, Plaintiff, and

Henry Seelye and Randal Whidden, Defendants.

UPON motion made unto this Court by Mr. G. Botsford, being of the Plaintiff's Counsel, it was alleged that the said Subpoena had been duly served on the defendant, Henry Seelye, on the twenty fourth day of March last, as by the affidavit of John B. Henderson, now read, appears; that the said Defendant, Henry Seelye, had not caused his appearance to be entered in this Suit, as by the certificate of the Registrar, also appears, it was therefore prayed that the plaintiff's bill might be taken *pro confesso* against the defendant, which is ordered accordingly, unless the defendant appear in twenty days from the date of this order.

By the Court.

D. LUDLOW ROBINSON, REG.

[First Published in Gazette, 11th May, 1840.]

NEW BRUNSWICK IN CHANCERY.

Thursday the seventh day of May, in the year of our Lord, one thousand eight hundred and forty.

Between James Rait, Plaintiff, and

Henry Seelye and Randal Whidden, Defendants.

UPON motion made unto this Court, by Mr. G. Botsford, being of Plaintiff's Counsel, it was alleged that plaintiff had exhibited his bill in this Court, against the defendants, on the fifteenth day of March, in the year of our Lord one thousand eight hundred and thirty nine, as by the certificate of the Registrar appears, and had sued out process of Subpoena directed to the said defendants and requiring them to appear and answer the same; that the said Subpoena had been duly served on the defendant, Henry Seelye, on the twenty fourth day of March last, as by the affidavit of John B. Henderson, now read, appears; that the said Defendant, Henry Seelye, had not caused his appearance to be entered in this Suit, as by the certificate of the Registrar, also appears, it was therefore prayed that the plaintiff's bill might be taken *pro confesso* against the defendant, which is ordered accordingly, unless the said defendant, Henry Seelye do appear in twenty days from the date of this order.

By the Court.

D. LUDLOW ROBINSON, REG.

ORDERS IN CHANCERY.

7th May, 1840.

IT IS ORDERED by His Excellency the Chancellor, by and with the advice and consent of His Honor the Master of the Rolls,

That in Petitions for the appointment of Guardians in cases where a reference to a Master will be required, no particular specification of the real estate nor specific inventory of the personal property of the Infant be inserted, but the locality of the real property and the value of both classes, be stated in general terms.

That no copy of such Petition be made for the use of the Judge to whom the same shall be presented unless particularly desired by him.

That no state of facts other than is contained in the Affidavit be laid before the Master to whom the reference shall be made.

That the Petitioner to confirm the Master's Report be in the form prescribed at the foot of these Orders, or as near thereto as the case may admit.

That in cases where it is made to appear on Affidavit that the whole property of the Infant does not exceed £300, a Guardian may be appointed on the presentation of the Petition without a reference, if the Judge to whom the same is presented shall think fit so to order.

That in Petitions to confirm Master's Report it shall in all cases suffice to advert shortly to the order of reference, and to state the fact and date of filing the Report without reciting the particulars of such Report.

J. HARVEY, Chancellor.

N. PARKER, M. R.

Form of Petition to confirm Report in cases of Guardianship.

IN CHANCERY.

To His Excellency the Chancellor [or His Honor the Master of the Rolls.]

The humble Petition of A. B., an Infant of the age of

Sheweth,

That by an order bearing date the day of A. D. made on the Petition of your Petitioner, Esquire, the Master to whom the matter of the said Petition was referred, was directed to make certain enquiries respecting the age, fortune and relations of your Petitioner, and approve a proper person for a Guardian for your Petitioner, [and to state what was proper to be allowed for the maintenance and education of your Petitioner.]

That the said Master hath duly made and filed his Report on the matters to him referred, the day of filing the same being the day of

Your Petitioner therefore prays that the same may be in all things confirmed, and that such further or other order may be made in the premises as to your Excellency [or your Honor] may seem meet.

And your Petitioner will ever pray.

Signed,

day of 18

NEW BRUNSWICK IN CHANCERY.

Thursday the seventh day of May, in the year of our Lord, one thousand eight hundred and forty.

Between James Allanshaw, Plaintiff, and

Samuel Thompson, and Charlotte Thompson, his Wife, Angus D. McMaster and Ann Catherine Allanshaw, Defendants.

INFORMED by Mr. Solicitor General, of Counsel for the Plaintiff, that the Plaintiff had exhibited his Bill in this Court against the Defendants on the eighth day of June last, as by the Certificate of the Registrar appears, and have sued out process of Subpoena against the Defendants to compel them to appear and answer the same, but that the Defendants, Angus D. McMaster and Ann Catherine Allanshaw, reside out of the limits of the Province, and cannot be served with such Subpoena; that the said Angus D. McMaster resides at Liverpool, in England, and the said Ann Catherine Allanshaw, at Boston, in the United States of America, as by the Affidavits of Joseph Dallimore and Peter Smith, now read, appears; and the said Certificate and Affidavit being read, and the truth of the above allegations being made out to the satisfaction of the Court, it is Ordered, That the said Defendants Angus D. McMaster and Ann Catherine Allanshaw, do appear to the Plaintiff's Bill on or before the thirtieth day of November 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.

H. L. STREET, Plaintiff's Solicitor.

[First Published in Gazette, 13th May, 1840.]

NEW BRUNSWICK IN CHANCERY.

Tuesday the third day of March, in the year of our Lord one thousand eight hundred and forty.

Between James Rait, Complainant, and

Henry Seelye and Randal Whidden, Defendants.

INFORMED by Mr. G. Botsford, being of the Plaintiff's Counsel, that the Plaintiff had exhibited his bill in this Honorable Court against the Defendants on the nineteenth day of March last, as by the Certificate of the Registrar appears, and had sued out process of Subpoena requiring the Defendants to appear to answer the same, but that the Defendants Randal Whidden now resides, and for more than three years last past has resided out of the jurisdiction of this Honorable Court, to wit, at Calais, in the State of Maine, one of the United States of America, as by Affidavit appears, and the said Certificate and Affidavit being read, it is ordered that the said Defendant Randal Whidden do appear to the Plaintiff's Bill on or before the twenty eighth day of July next; And further Ordered, That this Order be published in the Royal Gazette for the space of three months.

By the Court.

D. LUDLOW ROBINSON, REG.

[First Published in Gazette, 11th May, 1840.]

IN CHANCERY.

Monday, 27th April, 1840.

WHEREAS in and by an Act of the General Assembly, made and passed in the second year of the Reign of Her Majesty Queen Victoria, intituled, "An Act, for the improvement of the practice in the Court of Chancery," it is among other things enacted, That from and after the passing of that Act, it should and might be lawful for the Chancellor, or with the consent of the Master of the Rolls, to prepare and make a proper Table of Fees for the Court of Chancery, in lieu of the Table of Fees established at the time of the passing of that Act, in the said Court, which Table of Fees, so to be made and established as aforesaid, should be in force and effect from the time notice thereof should be given by the Master of the Rolls in the Royal Gazette, until altered by any Legislative enactment in this Province: NOTICE is HEREBY