

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, WEDNESDAY, JUNE 3, 1840.

Number 45.



By Authority.

## BYE ROADS SAINT JOHN.

Simon Vaughan to be Commissioner to expend the sum of £75 on the Road from Quaco Creek to M'Comber's Hill, in the place of David Vaughan who is absent from the Province.

**ERRATUM.**—The Christian name of Captain Yerxa, whose Commission has been cancelled (last Gazette) is *Jonathan* and not John.

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 Petitcodiac, 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.

## 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 El Lake, as described in the part thereof to the said James Campbell. The above having been taken by virtue of *Venditionis Exponas*, at the suit of the Queen, ex. 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 of Land, situate 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 Nackewickack 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, 200 acres of Land, in the Parish of Dumfries, in the County of York, in three Tracts viz:

1st Tract, Lot No. 4, containing 500

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

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

2000

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

No. 5, A Farm in Prince William, containing 560 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 Glazier, 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 Baile, 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.

To be sold by Public Auction, on Monday the 23d day of November next, at the Sheriff's Office in Fredericton, between the hours of twelve and four o'clock P. M.

**ALL** the right and title, interest and claim of John Vanhorne, in and to the property on which he now resides, in the Parish of Saint Mary's, being part of the Estate of the late James French, Esquire, the same being taken by an Execution issued out of the Supreme Court at the suit of William Roberts.

E. W. MILLER, Sheriff.

Sheriff's Office, Fredericton, May 19, 1840.

To be sold on the first Wednesday in April next, at the Market House, in Fredericton, between the hours of twelve and five o'clock in the afternoon:

**ALL** the right and title of Christopher Hanson, being lot No. 3, situate in the Parish of Queensborough, on the western side of the Madame Keswick, containing two hundred acres: The same having been taken under and by virtue of an Execution issued out of the Supreme Court at the suit of Samuel A. Kerley.

E. W. MILLER, Sheriff.

Fredericton, October 1, 1839.

**The sale of the above property is postponed until the third Tuesday in June next.**

E. W. MILLER, Sheriff.

March 30, 1840.

### County of Sunbury.

To be sold by 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 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, 300 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. Wilmot and David S. Kerr, Esquires, for the sum of £41 4s. 3d.

J. HAZEN, Sheriff.

Burton, April 16, 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 life time, out of the Supreme Court of this Province, at the suit of William Filimore.

W. P. SAYRE, Sheriff.

Dorchester, 12th December, 1839.

### 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. DEVEBER, 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, 103 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 103 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 James Allanshaw, Plaintiff, and Samuel Thompson, and Charlotte Thompson, his Wife, Angus D. M'Master and Ann Catherine Allanshaw, Defendants.

**FORASMUCH** as the Court was this present day informed by Mr. Solicitor General, of Council 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. M'Master and Ann Catherine Allanshaw, reside out of the limits of this Province, and cannot be served with such Subpoena; that the said Angus D. M'Master 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 allegation being made out to the satisfaction of the Court, It is Ordered, That the said Defendants Angus D. M'Master 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 Whiddon, Defendants.

**FORASMUCH** as this Court was this present day informed by Mr. G. Rotsford, 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 Defendant Randal Whiddon now resides, and for more than three years last past hath 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, and the truth of the above allegation being made out to the satisfaction of the Court, It is Ordered, That the said Defendant Randal Whiddon do appear to the Plaintiff's Bill on or before the 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, REGISTRAR.

[First Published, March 11, 1840.]

### NEW BRUNSWICK IN CHANCERY.

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

Between William Franklin Odell, Plaintiff, and William Porden Kay, Edward Nicholas Kendall, John Kay and Thomas Baillie, Defendants.

**FORASMUCH** as the Court was this present day informed by Mr. Solicitor General, of Council for the Plaintiff, that the Plaintiff exhibited his bill in this Court against the Defendants on the twenty ninth day of November 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 William Porden Kay, Edward Nicholas Kendall and John Kay, do not reside within this Province, but have a known place of residence in that part of Great Britain and Ireland, called England; that the said William Porden Kay and John Kay, reside in London, and the said Edward Nicholas Kendall at Crofton in Surrey, and that the said Defendants, William Porden Kay, Edward Nicholas Kendall and John Kay, cannot be served with the process of this Court as by the Affidavit of George Frederick Street appears, and the said Certificate and Affidavit being read, and the truth of the above allegation being made out to the satisfaction of the Court, It is Ordered, That the said Defendants William Porden Kay, Edward Nicholas Kendall and John Kay, do appear to the Plaintiff's Bill on or before the first day of October next: And it is further Ordered, That the order be published in the Royal Gazette for the space of three months.

By the Court.

D. LUDLOW ROBINSON, REGISTRAR.

[First Published, March 11, 1840.]

### NEW BRUNSWICK IN CHANCERY.

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

Between William Franklin Odell, Plaintiff, and William Porden Kay, Edward Nicholas Kendall, John Kay and Thomas Baillie, Defendants.

**FORASMUCH** as the Court was this present day informed by Mr. Solicitor General, of Council for the Plaintiff, that the Plaintiff exhibited his bill in this Court against the Defendants on the twenty ninth day of November 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 William Porden Kay, Edward Nicholas Kendall and John Kay, do not reside within this Province, but have a known place of residence in that part of Great Britain and Ireland, called England; that the said William Porden Kay and John Kay, reside in London, and the said Edward Nicholas Kendall at Crofton in Surrey, and that the said Defendants, William Porden Kay, Edward Nicholas Kendall and John Kay, cannot be served with the process of this Court as by the Affidavit of George Frederick Street appears, and the said Certificate and Affidavit being read, and the truth of the above allegation being made out to the satisfaction of the Court, It is Ordered, That the said Defendants William Porden Kay, Edward Nicholas Kendall and John Kay, do appear to the Plaintiff's Bill on or before the first day of October next: And it is further Ordered, That the order be published in the Royal Gazette for the space of three months.

By the Court.

D. LUDLOW ROBINSON, REGISTRAR.

GEORGE FREDERICK STREET, Solicitor for Complainant.

[First Published in Gazette, April 15, 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, by and 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 given, That a Table of Fees for the said Court of Chancery, bearing date the twenty first day of April in the present year, has been duly made and established in pursuance of the direction of the said Act, which said Table of Fees so made and established, has been duly filed in the Registry of the said Court of Chancery.

By order of His Honor the Master of the Rolls.

D. LUDLOW ROBINSON, REGISTRAR.

Printed copies of the above TABLE OF FEES may be had at the Office of the Royal Gazette.

**NOTICE** is hereby given, that we the subscribers have been duly appointed Trustees for all the creditors of John Towse, late of Hopewell, in the County of Westmorland, an absconding debtor, and have been 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 do hereby require all persons indebted to the said John Towse, on or before the first day of June next, to pay the date hereof, to pay us, or some one of us, all such sums of money or other debt, duty or thing, which they owe to the said John Towse, which they, or any one of them may have in his, or their hands, power or custody, to us or some one of us as aforesaid, and we do also disavow the creditors of the said John Towse, on or before the first day of July next, to deliver to us, or some one of us as aforesaid, their respective accounts and documents against the said John Towse, in order that right and justice may be done, agreeable to the form of the said Act of Assembly, in such case made and provided. Given under our hands at Dorchester in the County of Westmorland, the twenty third day of April, in the year of our Lord one thousand eight hundred and forty.

ANDREW WELDON, 3d.

JOHN ROBB, WILLIAM K. CHAPMAN.

CHRISTOPHER MILNE, Attorney.

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

### NEW BRUNSWICK IN CHANCERY.

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

Between William H. Robinson and Beverley Robinson, Complainants, and Mark Needham, Thomas Brown, John R. Partelow, Henry Bliss, Peter Fraser, Robert W. Crookshank, and Thomas Barlow, Defendants.

**FORASMUCH** as this Court was this present day informed by Mr. Robinson, being of Plaintiff's Counsel, that the Plaintiffs had on the tenth day of February, in the year of our Lord one thousand eight hundred and thirty eight, exhibited their Bill in this Court against the Defendants as by the Certificate of the Registrar appears, and had sued out process of Subpoena, returnable the seventeenth day of February, next following, but that the said Thomas Brown, and Henry Bliss, two of the said Defendants, do not either of them reside within this Province, but have known place of residence in Great Britain; that the said Henry Bliss resides at number eleven, King's Bench Walk, Temple, London, and the said Thomas Brown, in Yorkshire, in that part of the United Kingdom of Great Britain and Ireland, called England; and that the said Thomas Brown and Henry Bliss cannot be served with the process of this Court as by the Affidavit of James T. Hanford, 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, Thomas Brown and Henry Bliss, do appear to the Plaintiff's Bill on or before the 30th 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.

[First published in Gazette, 22d April, 1840.]

### Good investment for Money.

PROVINCE SECURITY.

**BY** Virtue of an Act passed at the General Assembly of the Province of New Brunswick, on the 20th September, 1839, and confirmed by Her Most Gracious Majesty in Council on the 5th March, 1840—Notice is hereby given, that Treasury DEBENTURES will be issued as follows, in pursuance of this Act, after the 12th June next, viz:—

Class A—100 Debentures of £100 each;

Class B 20 Do. £250 each;

Class C 10 Do. £500 each;

bearing interest at a rate not exceeding six per cent, payable annually, on demand, at the Office of the Province Treasurer; the Principal to be paid at the expiration of eight years from the date of the Debenture.

Persons wishing to lend Money on the above security are requested to offer the same by Sealed Tenders, directed to the Province Treasurer, on or before Friday the 12th day of June next, at noon, stating the rate of Interest they require.

B. ROBINSON, Province Treasurer.

Treasury, St. John, May 8, 1840.

### NOTICE.

**ALL** Persons having any demands against the Estate of MOSES ESTEY, late of the Parish of Saint Mary, deceased, are requested to present their accounts, duly attested; and those indebted to the said Estate are requested to make immediate payment.

JOHN VANHORNE, } Executors.

SAMUEL ESTEY, }

April 22, 1840.—3m.

### FOR SALE OR LEASE.

For One or a Term of Years.

The whole or a part of the following Property.

**THE** Valuable SAW and GRIST MILL at Lake George, with a Dwelling House, Barn, &c., together with the LAND formerly owned by J. MORRIS containing 550 acres, of which about 25 acres are under mowing ground, well fenced, and the residue well covered with TIMBER and LOGS. Also.—The Irvine and Donnell lot, so called, of which 40 acres are cleared, and can readily be made a Good FARM, the residue of these lots