

NEW

SERIES

# THE ROYAL GAZETTE.

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Volume G.

FREDERICTON, NEW BRUNSWICK, MARCH 25, 1840.

Number 35



By Authority.

## PROVINCIAL APPOINTMENTS.

John Hazen, Esquire, to be Sheriff of the County of Sunbury.

Henry Jones, to be a Coroner in the County of York.

Samuel Fry, and David W. Jack, Esquires, to be Members of the Board of Education in Charlotte County.

James H. Street and William Babcock, Esquires, to be Members of the Board of Health at Saint Andrews.

HEAD QUARTERS, FREDERICTON,  
17th March, 1840.

## MILITIA GENERAL ORDERS.

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

*New Brunswick Regiment of Artillery.*  
2d Lieutenant John C. Allen, to be Adjutant, with the rank of Lieutenant, vice E. Pick, deceased.

The Christian name of the Gentleman appointed to the Artillery Company, stationed at Woodstock, in the Gazette of the 9th December last, is *Walter D.* and not *Walter J. Bedell.*

## 1st Battalion Carleton Militia.

Ensign William Shaw, to be Lieutenant, vice Dickinson, deceased.

## TO BE ENSIGNS.

Elisha Shaw, Gent. vice William Shaw, promoted, dated 17th March.

Allen Estabrooks, Gent. 18th March.

James Lockwood, Gent. 19th do.

John S. Macbeth, Gent. to be Quartermaster of the Troop of Cavalry, attached to 1st Battalion Carleton.

## 1st Battalion Charlotte.

Captain James Boyd, to be second Major.

James Rait, Gent. to be Quartermaster, with the rank of Lieutenant, vice Jack, resigned.

The resignation of the following Officers have been accepted, and who are permitted to retire with their respective Rank in the Militia.

Captain Ralph Carter, } 2d Battalion  
Joseph Bowser, } Westmorland.

Lieut. William Carter, } do. do.

Also, Ensign Morris Wootten, St. John County Militia.

## By Command,

GEO. SHORE, A. G. M.

## IN COUNCIL, March 3, 1840.

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 May, next, and five shillings additional will be charged on each purchase, for postage, &c.

## RESTIGOUCHE.

Gavin K. Crooks, 3s. per acre, down.

Michael Turner, 2s. 6d. per acre down, or 3s. by instalments.

## GLOUCESTER.

Joseph LeClare, 3s. per acre, down.

Henry Crawford, 3s. per acre, down.

Michael Kehoe, do. do.

## KENT.

Joseph Martin, 3s. per acre, down.

## WESTMORELAND.

John Allward, Sen. 2s. 6d. per acre, down.

C. Horsman, 3rd, 3s. per acre, down.

M. Wortman, do. do.

Charles Lean, do. do.

Robert Butler, 2. 6d. per acre, down.

Robert Butler, Jr. do. do.

On his paying Thomas Crowe, a reasonable sum for the house.

Alexander M'Kay, Jr. 3s. per acre, down.

Edward Berry, 2s. 6d. per acre, down.

James M'Farlane, 3s. per acre, down.

## SAINT JOHN.

Anthony M'Geach, 3s. per acre, down.

Timothy M'Carthy, do. do.

Dennis M'Carthy, do. do.

Robert Moore, do. do.

William Moore, do. do.

Robert Moore, Jr. do. do.

Thomas Lloyd, do. do.

James Lloyd, do. do.

## KING'S.

James M'Inespy, 3s. per acre, down.

Malcolm Campbell, do. do.

John Mills, do. do.

John Coy, do. do.

James Caruth, 2s. 6d. per acre, down.

William Marr, do. do.

## QUEEN'S.

Peter Gray, 3s. per acre, down.

John Ward, do. do.

Thomas Ward, do. do.

William Peppers, do. do.

## SUNBURY.

Edward Burpe, 2s. 6d. per acre, down.

CARLETON.  
Isaac Graham, 3s. per acre, down.  
John M. Burpe, do. do.  
James Monaghan do. do.

The lands applied for by the undermentioned persons, will be offered at Public Auction at this Office on Monday the 4th day of May next, (see advertisement.)

Robert Ferguson,  
Lewis Ache,  
Archibald Simpson,  
Samuel Davis,  
John M'Kay,  
George Bleakney,  
Daniel Lean,  
William Lean,  
Andrew Alcorn,  
Benjamin Allen,  
Levi Vinson,  
Robert White,  
Robert Graham,  
Hugh Montgomery.

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

W. Hamilton, Jr. John T. L. Dickens,  
Felix Murray, C. Leb M'Gully,  
Robert M'Intosh, James Lamb,  
Julian Maillett, John Humphrey,  
Amie Duggie, J. Crandall Jr.,  
Luke Walsh, William Hopper,  
Zavier Daigle, Leard Bartlett, Sen.,  
Barney Gilligan, A. M'Farlane, Jr.,  
Gregorie Arceneau, John Keith, Jr.,  
Michael Peter, R. W. Stockton,  
Daniel Foley, Charles Keith, Jr.,  
W. M'Farlane, John Hanner,  
L. Ache, (30 acres.) Hugh M'Quiston,  
Ephraim Gay, Israel Grass.

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

Thomas Crowe, not complied with.  
Isaac Turner, do. do.  
Jacob Trites, 3d. complied with, on Petitioner relinquishing his present grant and paying all expenses of a new one.  
Edward Berry, complied with.  
James Berry, not complied with.  
John Dunlop, may have 100 acres as applied for by him.

Thomas Gilbert, not complied with, the lot having been previously applied for by William Peppers.

Charles Longhrey, complied with.

John Gordon and William Gordon, Jr. recommended with the usual fronts.

Mary O'Brien, may have until the 1st of March, 1841, for the payment of her land.

A. Barberie and P. Stewart, complied with.

James B. Lyon, do. do.

John Colling, a warrant to issue for the sum of Ten pounds.

Presbyterian Church, St. Patrick, Charlotte, Cannot be entertained.

Hugh Munro, not complied with.

Oliver Brine, a grant to pass on payment of such balance as shall appear to be due.

Isaac Turner, complied with.

James Kennedy, John Foley to pay James Kennedy, the value of the improvements on the lot, to be ascertained by the Surveyor General.

Alexander Steeves, a grant to issue on payment of forty shillings.

Daniel Whelan, the former order in favor of Michael Flood, to be stayed, and the matter referred to the Surveyor General to report.

John Edgett, Jr. Cannot be entertained.

A. Gibson, not complied with.

Grace Campbell, is allowed a further time of 2 years to pay for her land.

James Brittain, not complied with, the Petitioner owning the land already in his grant.

James Scott must apply to the Legislature for relief at the next Session.

W. M'Leod and W. Saunders, complied with.

W. Mahood, not complied with.

Thomas E. Perley, referred to the Legislature.

Charles Connell, to stand over for the report of the House of Assembly on arrears for excess of timber.

A. M'Laggan, complied with.

R. R. Ketchum, to be allowed for 230 acres overpaid in the year ending 1st of May, 1839, but not to be allowed for the ten per cent.

G. & J. Munro, may have licence until the 1st of May, 1840.

J. M. Connell, complied with on paying up all arrears to the 24th of June, 1839.

William Connell, not complied with.

Francis M'Donald, complied with.

Alexander Hamilton, complied with.

Nathaniel M'Nair, Junr. complied with, on payment of double duty.

Messrs. Scoullar and Partelow, complied with, but not to interfere with the application of C. Johnston and others for land.

T. W. Underhill, not complied with.

Enoch Lund, complied with.

Messrs. M'Pherson & Coy, not complied with.

John Wilson, not complied with.

John D. B. Wells, complied with on paying the Seizing Officer his dues.

G. M'Neal, complied with.

D. M'Kay, not complied with.

Ninian Lindsay, complied with, on paying all arrears.

Charles Perley, recommended that the Licences to Mr. Perley issue, and the account of arrears against him be referred to the Surveyor General to investigate and report thereon.

The Petitions of the undermentioned are referred for further information from the Surveyor General.

Thomas Griffiths,  
James Byrns,  
Tobique Mill Company,  
David Wark,  
Thomas Falle,  
William Smith,  
H. M'Carthy,  
John Hamilton,  
Thomas Cripps.

The Petitions of the undermentioned persons, for licence to cut Timber and Logs on Crown Lands are complied with, on payment of the duty before the 11th day of May next.

Solomon Hoar, Prices Brook.  
L. R. Coombs, Grand River.  
Arthur Ritchie, Upsalquitch River.  
J. Montgomery, Pollett River.  
W. M'Master, Barnaby's River.  
James Taylor, Prince William.  
R. Ketchum, Williamston.  
Francis Ferguson, Upsalquitch River.  
J. W. Underhill, Sabbies' River.  
John M'Lean, Nashwaak River.  
T. F. Trauman, Moncton.  
Allan K. Ash, River St. Croix.  
John Fish, Piskahagan River.  
John Smith, North River.  
James Taylor, Tobique River.  
Charles Perley, Eel River.  
Hugh M'Quiston, Carleton.

Crown Land Office, 7th March, 1840.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction, at this Office on Monday, the 4th day of May 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.

204 acres, Restigouche, in rear of Samuel Lee's grant, at Old Church Point, and a small Island containing 4 acres, near Smith's Island, in the River Restigouche. Upset price, 3s. per acre.

164 acres, Gloucester, south side Tattagouche River, at Patrick's Landing. Upset price, 3s. per acre.

150 acres, Westmorland, east side of Square Lake, adjoining the grant to J. M'Dougal. Upset price, 3s. per acre.

100 acres, Westmorland, adjoining lands granted to John Reilly, Shemogue Road, Parish of Botsford. Upset price, 3s. per acre.

100 acres, Westmorland, adjoining Alexander M'Kay's grant, Parish of Botsford. Upset price, 3s. per acre.

200 acres, Westmorland, between J. Wortman and George Foster, Annanage River. Upset price, 3s. per acre.

150 acres, Westmorland, west of land applied for by William Lean, near Cape Tormentine. Upset price, 3s. per acre.

100 acres, Westmorland, north of land applied for by Charles Lean, near Cape Tormentine. Upset price, 3s. per acre.

140 acres, Westmorland, in rear of Thomas Brewster and others near Cape Enrage, Harvey. Upset price, 3s. per acre.

100 acres, Westmorland, in rear of Robert Seaman and east of R. T. Allen, Botsford. Upset price, 3s. per acre.

100 acres, King's, near the grant to Judge Chipman, Campbell Settlement, Sussex. Upset price, 3s. per acre.

50 acres, King's, North end of lot No. 6, Range A. head of Smith's Creek Sussex. Upset price, 3s. per acre.

220 acres, Queen's, lot No. 5, M'Donald's Survey, Young's Creek, Grand Lake.

Town Lot, No. 38, in the Town Plat of Dalhousie, Restigouche. Upset price, £15.

120 acres, Northumberland, east side of the Road from Newcastle to Chaplain's Island, as surveyed for John Wright, Junr. Upset price, 3s. per acre.

240 acres, Northumberland, lot No. 1, south side Bartholomew's River, adjoining the grant to William Thomson. Upset price, 3s. per acre.

line on the Road from Oak Bay to Woodstock as surveyed for Robert White. Upset price, 3s. per acre.

200 acres, King's, Lots Nos. 12 and 13, third tier, North of the Shepody Road. Upset price, 3s. per acre.

200 acres, King's, Lots Nos. 12 and 13, fourth tier, Norton. Upset price, 3s. per acre.

100 acres King's, Lot No. 14, in the 4th tier, Norton. Upset price, 3s. per acre.

JOHN S. SAUNDERS,  
Surveyor General.

Crown Land Office, 8th February, 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. 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 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, it is ordered that the said Defendant Randal Whiddon 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, REGR.

[First Published, March 11, 1840.]

## IN CHANCERY,

HILARY TERM, 3d VICTORIA.

THE following days are appointed by His Honor the Master of the Rolls, for the Sitting of the Court, during the ensuing Vacation, viz:

Saturday, the 15th February, instant.

The first Tuesday in March.

The first Tuesday in April.

And the first Tuesday in May.

By the Court.

D. LUDLOW ROBINSON, Register.

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

To all whom it may Concern, Greeting:

NOTICE is hereby given, That upon the application of John Kinnear and Harrison G. Kinnear, to me duly made according to the form of the Act of Assembly in such case lately made and provided, I have directed all the Estate as well real as personal within the Province of New Brunswick, of George Hartt, late of Fredericton, in the County of York, Merchant, (which same George Hartt is departed from without the limits of this Province, with intent and design to defraud the said John Kinnear and Harrison G. Kinnear, and the other Creditors of the said George Hartt,) 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 George Hartt 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 George Hartt, within this Province, will be sold for the payment and satisfaction of the Creditors of the said George Hartt.

Dated at Saint John, the twenty eighth day of January, in the year of our Lord one thousand eight hundred and forty.

WM. BOTSFORD.

[First Published, February 5, 1840.]

By Robert F. Hazen, Esquire, Mayor of the City of Saint John, and one of the Justices of the Inferior Court of Common Pleas in and for the said City and County of Saint John.

To all whom it may concern, Greeting,—

NOTICE is hereby given, That upon the application of Mark Dole, of the said City, gentleman, 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 the said Cyrus Stockwell, late of the said City, Hotel Keeper, (which said Cyrus Stockwell is departed from and without the limits of this Province, with intent and design to defraud the said Mark Dole, and the other Creditors of the said Cyrus Stockwell, 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 Cyrus Stockwell 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 Cyrus Stockwell, within this Province, will be sold for the payment and satisfaction of the creditors of the said Cyrus Stockwell.—Dated at the City of Saint John, the fourth day of February, in the year of our Lord one thousand eight hundred and forty.

ROBERT F. HAZEN, Mayor, &c.

M. H. PERLEY, Attorney for Petitioning Creditor.

[First Published, February 12, 1840.]

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 Act 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