

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 24, 1840.

Number 48.



By Authority.

IN COUNCIL, June 2, 1840.

The undermentioned applicants for the purchase of Crown Lands, may have the tracts applied for by them on the following terms, if payment be made before the 10th day of August next, and five shillings additional will be charged on each purchase, for postage, &c.

RESTIGOUCHE.

Edward Murphy, 3s. per acre, down.
Wm. Hamilton, Jr. do. do.
James M'Nair, do. do.
John Currie, do. do.
William M'Leod, 3s. per acre, down, for 100 acres, and the remainder at Auction. Upset price, 3s. per acre.

GLOUCESTER.

Amie Duggie, 3s. per acre, down.
Julian Maille, do. do.
Francis Ache, do. do.

NORTHUMBERLAND.

W. Dickens, Jr. 2s. per acre, down.
A. London, do. do.
John Woods, do. do.
Mary Hawn, do. do.
M. Morris, do. do. on his satisfying the Surveyor General that he owns no land.

John Dickson, 3s. per acre, down.
A. Murphy, do. do.
James M'Nair, do. do. besides the expense of Survey, to be repaid to Humphrey Littlefield.

WESTMORLAND.

William Bennett, 2s. 6d. per acre, down.
Charles Holsted, 3s. per acre, down.
Edward Reilly, 3s. per acre, by Instalments.
Daniel Steeves, 2s. per acre, down.

KING'S.

Charles Keith, Jr. 3s. per acre, down.
John Keith, Jr. do. do.
Wm. M'Farlane, do. do.
Daniel Whelan, do. do.
Alex. M'Farlane, Jr. do. do.
Garrett Wright, do. do.

QUEEN'S.

Isaac D. Worden, 2s. 6d. per acre, down, or 3s. by Instalments.
John Keith, 2s. 6d. per acre, down.

SUNBURY.

John M'Comb, 3s. per acre, down.

CARLETON.

Wm. M'Anley, 100 acres, at 3s. per acre, down, and the remainder at Auction. Upset price, 3s. per acre.
Owen Kelly, 100 acres, at 3s. per acre, down, and the remainder at Auction. Upset price, 3s. per acre.

RENT.

Henry Warman, 3s. per acre, down.
GLOUCESTER.
Thomas Rivers, 3s. per acre, down, for 100 acres, and the remaining 20 acres to be sold at Auction. Upset price, 3s. per acre.

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

Caleb M'Cully, Northumberland.
Alexander Steeves, Westmorland.
David Caldwell, King's.
J. W. Stockton, do.
J. M. Belding, do.
W. M. Spence, Westmorland.

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

Peter Nowlan.
P. Bredant, Jr.
J. M'Callum.
D. M'Callum.
J. Vanderstein.
D. Dunnivan.
Luke Thibideau.
Maximen D'Aigle.
Francis Richard.
Henry Renouard.
John Turner.
D. Belding.
Wm. Buzza.
Wm. Farley.

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

Peter Sales, required to shew that he is a British Subject.
Garret Wright, complied with.
Francis Harvey, not complied with.
Rev. H. N. Arnold, complied with.
James Byrns, do.
Thomas Griffs, not complied with.
Arch. M'Nair, not complied with.
Ann Forbes, complied with.
W. Cunningham, may have 100 acres, at 3s. per acre, down.
Lawrence Ryder, complied with, and a grant to issue forthwith.

Joseph Balmoer, complied with.
H. M'Cafferty, do. upon paying the balance due upon Lot No. 59.
Daniel Whelan, to have the land applied for by him, (100 acres), at 3s. per acre, down.
Michael Flood, not complied with.
John Keith, complied with.
B. Duffy and George Hoar, referred to the Surveyor General for further information.
B. Wolhaupter, complied with.
Thomas Dray, do.
David W. Jack, complied with, on paying £12 11s. 8d.
Paul Cormier and others, complied with.
James Ellis, do.
Samuel Watts, complied with, upon payment of the Instalments, and that he have time for so doing.

Arthur Ritchie's application, No. 768, Upsalquitch River, not complied with.
James Carruthers, not complied with.
Joseph Parent's application, No. 810, Shumoc, not complied with.
John E. Dow, complied with.
George Morrow, do.
John P. Ford, the reserve applied for not to be considered vacant to other applicants than Mr. Ford.

Henry Jones, the tonnage to be received and the reserve to be cancelled and no further payment to be required upon the condition of satisfactory proof being furnished that no other lumber or logs have been cut on this reserve.

James Taylor, to be allowed for duty on 125 tons in this years transactions.
Mannell Ingraham, complied with, on satisfying the Deputy, (Mr. Davidson) for his proportion of double duty.

B. A. Huestis, complied with, on good security being given additional.

S. G. Gilbert and others, complied with, for single duty and the Seizing Officer's claims.

Thomas Prince, complied with.
J. B. D. Wells, an investigation to take place at the petitioner's expense, and single duty only to be exacted.

William Mahood, complied with.
J. F. Estabrooks, do. do.
J. G. Woodward, the sale to be considered null, and the amount really paid to the Land Office, £150 to be allowed on account of lumber cut by Mr. Woodward, and that the land be considered open only to Mr. Woodward for licence to cut timber for his Mills on Little River.

James Allanshaw, referred until next month for investigation.
Charles Connell, do. do.
Smith & M'Donald, not complied with.
William Perley, do. do.
William Henan, do. do.
John Alexander and others, referred to the Surveyor General for a report.

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 10th day of August next, and on payment of all arrears now due by them.

Benjamin Tibbitts, Little River.
John Campbell, Sen. (No. 659,) Palphrey Tract.

Henry Day, Little River.
Robert Kerr, Munquart River.
A. S. Carman, Little River.
Charles Perley, Eel River.
Amos Plummer, (No. 826, application,) Salmon River.

A licence to cut 200 tons W. Pine Timber on the berth applied for by F. Ferguson and the Hon. J. Cunard at the 38 mile tree, north side Big Nepisquit River, will be offered at Auction at this Office, on Monday the 3d August next, for competition between them only. Upset price, 2s. per ton.

A licence to cut Mill Logs on the berth applied for by John Campbell, Sen. and John Williams, near Musquash Brook, York, will be offered at Auction at this Office, on Monday the 3d August next, for competition between them only. Upset price, 3s. 6d. per M. superficial feet.

A licence for Mill Logs on the berth applied for by Amos Plummer, Estabrooks M'Neal, and Daniel Irvine, on the Lake Stream, Queen's County, will be offered at Auction, on Monday 3d August next, for competition between them only. Upset price, 3s. 6d. per M. superficial feet.

The Petitions of the undermentioned persons for licence to cut Timber and Logs on Crown Lands, are complied with, and those who have not given Bonds, are required to pay the duty before the 10th August next.

James Taylor, York & Carleton.
J. F. Taylor, York.
Geo. H. Giberson, Three Brooks.
R. Jardine, Cocagne River.
Thos. Ward, Richibucto River.
J. Jardine, Kent.
W. Taylor, do.
A. Dixon, do.
M. M'Eachern, do.
E. M'Neal, Salmon River.
A. M'Lean, Sunbury.
E. Lunt, Queen's & Kent.
P. Stewart, Restigouche.
H. Montgomery, do.
J. do. do.
J. Langen, Queen's.

Henry Day, (No. 635,) Sunbury.
E. L. Burpe, Queen's.
A. Gilmour, Magaguadavic.
J. Campbell, York.
S. P. Estabrooks, Queen's.
J. Henneberry, do.
G. and J. Munro, Carleton.
W. Merrithew, York.
A. M'Laggan, Northumberland.
Thos. Pickard, Carleton.
B. B. Jewett, Queen's.
G. M. Porter, Charlotte.
Thos. Brown, Northumberland.
W. Todd, Jun. York.
Henry Jones, do.
Hugh M'Raw, Northumberland.
Joseph Cunard, Gloucester and Northumberland.

J. A. Beckwith, York.
W. Barker, do. & Sunbury.
T. M'Namara, Northumberland.
G. M'Lean, Queen's.
Ben. Coil, do.
John Parsons, do.
John Rider, do.
W. B. Hunter, do.
N. A. Price, do.
Converse Brown, Sunbury.
A. K. Ash, Charlotte.
Thos. Coughlan, Northumberland.
Chas. Carpenter, Queen's.
John Irvine, York.
Joseph Connell, Carleton.
Alex. Rankin, Northumberland and Gloucester.

W. J. Bedell, Carleton.
John Bedell, do.
Arthur Ritchie, Restigouche.
Francis Ferguson, Gloucester.
R. M'Leod, Northumberland.
R. Hutchinson, do.
Rowland Crocker, do.
James Vernon, Charlotte.
S. Wiggins, Carleton.
V. Pickard, York.
James Dunlap, Queen's.
William Connell, Carleton.
H. B. Allison, Northumberland.
J. E. Perley, York.
S. Crawford, King's.
S. Tapley, Carleton.
A. Dickinson, do.
James Lee, Charlotte.
John Earle, Queen's.
John Spence, York.
R. Ferguson, Restigouche.
G. Elkin, Queen's.
J. S. Mitchell, Northumberland and York.
J. M'Lean, Sunbury.
Jared Betts, Northumberland.
J. Barton, Queen's.
A. Brown, Northumberland.
G. Burpe, Sunbury.
L. R. Coombs, Carleton.
James Fowler, Northumberland.
H. Kelly, York.
R. Parent, (Nos. 808 & 809), York.
R. R. Ketchum, Carleton.
R. Lackey, Queen's.
R. Munroe, Northumberland.
J. Murray, Queen's.
J. M'Keen, Carleton.
A. M'Lean, Queen's and Sunbury.
H. M'Laughlin, Northumberland.
J. A. Phillips, Carleton.
S. Reynolds, Queen's.
W. Todd, Jr. Charlotte.
T. W. Underhill, Northumberland.
D. Irvine, Queen's.
J. R. Cliff, York.
J. Gorman, Westmorland.
J. Hoban, Sunbury.
J. Humphrey's, Queen's.
H. Ramsay, Restigouche.
P. Sutherland, do.
M. M'Millan, Northumberland.
Thomas Murphy, Queen's.
C. W. Stockton, King's.
M. Ingraham, York.
J. Russell, Northumberland.
J. T. Williston, Northumberland and Gloucester.

Phineas Williston, do. do.
C. Connell, Carleton.
S. F. Price, Queen's.
S. Munson, Charlotte.
P. Floiad, St. John.
G. W. Turner, York.
A. Gilmour, York.
R. M'Leod, Gloucester.
James Johnston, Gloucester.
Wm. Brown, Queen's.
Charles Day, do.
R. Bouvard, Queen's, not to interfere with Robert Lackey.
J. Cunard, (No. 889) not to interfere with R. M'Leod, on Big Tracadie River.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday, the 3d 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 14 days after.

50 acres, Northumberland, in rear of D. M'Donald, south side Napan River. Upset price, 3s. per acre.
125 acres, Westmorland, being the lower part of Lot No. 16, west side Petitcodiac River, Hillsborough. Upset price, 3s. per acre.
300 acres, King's, Lots 14, 15 and 16, third tier, Parish of Norton. Upset price, 3s. per acre.
100 acres, King's, northeast of Richard Stockton, head of Smith's Creek. Upset price, 3s. per acre.
100 acres, King's, in rear of the Belding grant, northwest side of Studholm's Millstream, Sussex, as surveyed for James M. Belding. Upset price, 3s. per acre.
80 acres, Carleton, part of Lot No. 15, third tier, Big Presquille Settlement. Upset price, 3s. per acre.
100 acres, Carleton, part of Lot No. 14, third tier, Big Presquille Settlement. Upset price, 3s. per acre.
36 acres, Westmorland, in rear of the grant to Timothy Lane, Parish of Botsford. Upset price, 3s. per acre.
150 acres, Restigouche, part of Lot No. 26, south side of the River Restigouche, Addition, above the Flat Lands. Upset price, 3s. per acre.

JOHN S. SAUNDERS,
Surveyor General.
Crown Land Office, June 5, 1840.

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.

SUPREME COURT,
TRINITY TERM, 3d VICTORIA, A. D. 1840.
GENERAL RULES.

Filing Writ and Affidavit.

I. IT IS ORDERED, That Interlocutory Judgment shall not be signed in any case, for want of appearance, until the Process with the requisite Affidavit of Service, and where the case requires it, the order of the Court or Judge for perfecting such service shall be filed.

Service of Process at Defendant's residence.
II. IT IS FURTHER ORDERED, That from and after the first day of Michaelmas Term next, when Service of Process is effected at the usual place of abode of the Defendant, pursuant to the Act, 7 W. 4, C. 14, S. 1, the Affidavit of such service shall be in the form following or to that effect, in order to entitle the Plaintiff to an order for perfecting such service.

Form of Affidavit.
A. B. of [name, residence and addition of Deponent] maketh oath and saith, that he this Deponent did on the day of deliver true Copy of the annexed Writ or Process at the house of C. D. the Defendant named in such Writ or Process, [or the house of any other person, as the case may be] situate in the Parish of in the County of unto E. D. the Wife of such Defendant [or to G. H. an adult person residing in the said house, and known to this Deponent as a member or inmate of the family of such Deponent] and this Deponent further saith that the said house was at the time of such delivery the usual place of abode of such Defendant, and that the said Copy of the said Process was accompanied with an English Notice in writing to the Defendant of the intent and meaning of the service of such Process, pursuant to the statute in such case made and provided, and this Deponent further saith, that at the time of making such service of the said Process, the said Defendant was not, as he this Deponent verily believes, without the limits of the said County.

NOTE.—The clause as to the Notice may be omitted in the Service of Summary Writs.

Grounds of Demurrer.
III. IT IS FURTHER ORDERED, That where a General Demurrer shall hereafter be put in to any Declaration or other pleading; the party putting in the same shall deliver at the same time to the opposite party, a statement or minute of the grounds of such Demurrer; and if the opposite party intend to rely on any defects in the previous pleadings, he shall deliver with the Joinder in Demurrer, a statement or minute of such alleged defects; and such particulars shall be entered in the margin of the Books delivered to the Judges. This regulation to extend also to cases of special Demurrer, where other grounds are intended to be relied on than those specifically set out.

Trial by the Record.
IV. IT IS FURTHER ORDERED, That in any case of trial by the Record, it shall be sufficient for the party to make up and deliver to the Chief Justice one paper Book, instead of delivering Books to all the Judges, unless the Court should otherwise order, in any particular case.

Agents.
V. IT IS FURTHER ORDERED, That henceforth no Attorney of this Court do employ any Student in the office of a Barrister of this Court, as his Agent in any suit or matter pending in this Court; or in the transaction of any business before a Judge, or in the office either of the Clerk of the Crown or Clerk of the Pleas; and that no Barrister of this Court, do suffer any one of his Students to act as the Agent of any other Attorney: Provided that this Rule shall not extend to prevent the employment by a Barrister, who may himself be the Agent of any Attorney, of any Student in his office, in the professional business of such Attorney.

WARD CHIPMAN,
W. BOTSFORD,
J. CARTER,
R. PARKER.

Regulation as to Chamber Practice before a Judge.

The Judges will in future expect, that in the assessment of Damages in vacation, as well as in other matters brought before them out of Court (where the parties do not appear in person) they be attended by a Barrister or Attorney of the Court; or when this cannot conveniently be done, that the Clerk or Student employed to attend on behalf of any Attorney, be of competent experience and skill, and knowledge of the business entrusted to him.

WARD CHIPMAN,
W. BOTSFORD,
J. CARTER,
R. PARKER.

LAND FOR SALE, BY
ROBERT RANKIN, & Co.
THAT Valuable LOT and eligible stand for business, situate in Fredericton, between M'PHERSON & COY'S, and the Market House: A valuable Lot of LAND, containing 400 acres of Land, and improvements in the Parish of Northampton, near the Woodstock Ferry. A Lot of wilderness LAND in rear of JOHN DIBBLE, Esq. in the Richmond Settlement, Parish of Woodstock, containing 200 acres. A Lot of 100 acres, in the Salmon River Settlement, County of Carlton, granted to SMITH, joining JOHN WATSON'S. A Lot of 200 acres, in Hanwell, granted to BARRY. A Lot of 100 acres, in the Parish of Brighton, granted to READER GRAY. Also,—That valuable FARM, with extensive improvements, situate in the Parish of Perth, County of Carleton, lately owned and occupied by George Morehouse, Esquire, containing Six Military Lots of 100 acres each, in the whole, 600 acres with 10 per cent. allowance. Also,—Lot No. 50 in Block No. 4, near Eel River, in the Parish of Woodstock, joining Reuben Dickinson's. If the two last named Lots are not sold by the first of May, they will then be rented for one year. 800 acres of wilderness LAND, on Little River, Queen's County, granted to ESTABROOK, and others. For particulars apply to WM. J. BEDELL, at Fredericton. Fredericton, March 9, 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 VAN HORNE, } Executors. SAMUEL ESTEY, } April 22, 1840.—3m.

NOTICE.
ALL Persons are hereby cautioned against crediting my wife MARY ANN NASH on my account, as I will not be answerable for any debts contracted by her. THOS. H. NASH. Fredericton, June 8, 1840.—3wp