

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 JULY 15, 1840.

Number 51



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 Tuesday the twenty third day of June instant; I have thought fit further to prorogue the said GENERAL ASSEMBLY, and the same is hereby prorogued to the fourth Tuesday in September next.

Given under my Hand and Seal at Fredericton, the nineteenth day of June, in the year of our Lord one thousand eight hundred and forty, and in the third year of Her Majesty's reign.

By His Excellency's Command,
W. F. ODELL.HEAD QUARTERS, FREDERICTON,
6th July, 1840.
MILITIA GENERAL ORDERS.

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

3d Battalion King's County.

Lieutenant George Sprague to be Captain, vice John Davis resigned, dated 6th July 1840.

TO BE LIEUTENANTS.

Ensign Caleb Sprague, vice G. Hughson deceased, 6th July.

Ensign James Seelye, vice E. Fairweather left the County, 7th July.

Isaac Raymond, Gent., vice Dickey left the Province, 8th July.

Thomas W. H. Malowney to be 2d Lieutenant, vice M'Cready deceased, 6th July.

TO BE ENSIGNS.

William Kitchen, Gent., vice Seelye, promoted 6th July.

Simon Hays, Gent., vice Baxter, resigned 7th July.

2d Battalion Saint John County.

TO BE CAPTAINS.

Lieutenant Ephraim Sentill, vice Jordan retired, 6th July, 1840.

Lieutenant W. O. Cody, of a new Company, 7th July, 1840.

Lieutenant Stephen Moshier, of a new Company, 8th July, 1840.

TO BE LIEUTENANTS.

Ensign W. R. Sentill, vice E. Sentill, promoted, 6th July, 1840.

Ensign Philip Moshier, of a new Company, 7th July, 1840.

Ensign James Moran, 8th July, 1840.

William Jordan, Gent., 9th July, 1840.

James Ormand Cody, Gent., 10th July, 1840.

TO BE ENSIGNS.

Edward Marter, Gent., vice Sentill, promoted, 6th July.

Edward Sentill, Gent., 7th July.

Robert Long, Gent., 8th July.

Simon Vaughan, Gent., 9th July.

William Fownes, Gent., 10th July.

George Fownes, Gent., 11th July.

1st Battalion Saint John County.

Captain John Cunard is permitted to retire, in consequence of lameness.

3d Battalion Westmorland.

Solomon Stiles, Gent., to be 2d Lieutenant of Artillery, vice Joseph Rogers, deceased, 6th July.

James Roger, Gent., to be Quarter Master, with the rank of Lieutenant, vice George Rogers, resigned, dated 6th July 1840.

3d Battalion York, (Light Infantry.)

Ensign John Carter, to be Quarter Master, with the rank of Lieutenant, vice Howe who resigns.

By Command,
GEO. SHORE, A. G. M.

IN COUNCIL, 2d JULY, 1840.

William Foshay, to explore a road from Cumberland Bay to Coal Creek; £15 having been granted for that service.

William Girvan to expend £70 in the improvement of the Ferry Landing on the North side of the Richibucto River, in the place of William Chandler, Esquire, as on the Gazette of 13th May last.

George L. Hannington to expend the sum of £20 granted for the improvement of the road from Shediac to the French Settlement.

This Affidavit is re-published in consequence of a mistake in the first publication, by

inserting the word Deponent instead of Defendant, where that word now appears in Italics.

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 Defendant] 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.

IN COUNCIL, July 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 8th day of September next, and five shillings additional will be charged on each purchase, for postage, &c.

NORTHUMBERLAND.

Cornelius Mahoney, 3s. per acre, down.

Dennis Donovan, do. do.

John L. Steeves, 3s. per acre, down.

Robert M'Bryde, do. do.

Hugh M'Monagle, 3s. per acre, down, he paying his proportion of the expense of survey.

John Neish, 3s. per acre, down.

Alexander Hunter, do. do.

Thomas Magwood, do. do.

Daniel Belding, 3s. per acre, down.

William Carson, do. do.

Allan Carson, do. do.

Alexander Bell, do. do.

John Bell, Senr. do. do.

John Bell, Jun. do. do.

George Vance, 3s. per acre, down.

John F. Mullin, do. do.

Robert Starratt, 100 acres, of No. 14 at 3s. per acre, down, and the remaining 40 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 7th day of September next, (see advertisement.)

Alexander Morton, Kent.

James M'Fee, Westmorland, (with the exception of 100 acres improved upon by H. M'Monagle.)

Matthias Summers, Westmorland.

Caleb J. Stuart, King's.

J. D. Worden, Queen's.

Robert Quin, Carleton.

George Connell, do.

Francis Flannagan do.

William Kitchen. do.

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

David M'Intosh.

Donald M'Leod.

Alexander Boyd.

Bela Packard.

John A. Street.

Peter Campbell.

Bernard Campbell.

Sylvester Hanson.

Robert Turner.

Patrick Flannagan.

John Ash.

Dennis Quirk.

John Campbell.

Samuel Young.

Charles Connell.

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

George Mersereau, referred for further information.

James O'Leary, do. do. do.

John Hay, complied with.

Anthony M'Geach, complied with, on the terms of his former Petition, viz. 3s. per acre, down.

John Alexander and others, postponed for further consideration.

R. M'Cutchen, deferred until Deputy Flaglor's report is received.

James Langen, complied with on payment of the balance of purchase money at the rate of 3s. per acre.

B. Wolhaupter, postponed for further consideration.

John Street, complied with.

John M'Lean, single duty only to be exacted on 56 tons.

Charles Connell, complied with.

Francis Hunter, do.

John Fish, single duty only to be exacted on payment of the seizing officers dues.

James Taylor, (for Timber cut on 5 years licence No. 5,) complied with, Mr. Taylor satisfying the lessee for his claim.

James Taylor (for Timber cut on Little Salmon River,) complied with.

James Taylor, (for Timber cut on 5 years licences, Nos. 39 and 8,) referred to the Surveyor General; subject to the opinion of the Crown Officers.

James Cliff, not complied with.

James Allanshaw, postponed for further consideration.

Trustees of Duncan Barber, referred for the opinion of the Crown officers to report fully thereon.

L. Coombs and A. B. Hammond, recommended that this suit be discontinued on payment of the legal costs already incurred and that the Bond be cancelled.

R. R. Ketchum, to stand over.

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 8th of September next.

John Humphrey, New Canaan River.

John Shea, Tobique River.

Sherman Tapley, Manquat River.

George Marsh, Prince William.

James S. Mitchell, Burnt Hill Brook.

John Henneberry, Salmon River.

Coles Green, Jr., Petitcodiac River.

Etabrooks M'Neil, Salmon River.

John M'Lean, Cumberland Stream.

George Porter, Eel River.

Amos Dickinson, Becaguimie River.

Thomas E. Perley, Carleton.

Arthur Ritchie, Restigouche.

John Munro, Cairns River.

Charles Connell, Carleton.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday, the 7th day of September next. Sale to commence at 12 o'clock, noon.

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

100 acres, Kent, North side of the West Branch of St. Nicholas River, as surveyed for A. Morton, in Johnston's Mill reserve. Upset price, 3s. per acre.

400 acres, Westmorland, being lots 12, 13, 14 and 15, East of John Keillor, North Mountain Settlement. Upset price, 3s. per acre.

300 acres, Westmorland, on the North east side the Road leading from the North River to the Battenut Ridge, and South east of Thomas Hope, (not to interfere with Hugh M'Monagle.) Upset price, 3s. per acre.

85 acres, King's, lot No. 10 second tier South of the Kennebecasis River. Upset price, 3s. per acre.

50 acres, Queen's, adjoining the lot improved upon by J. D. Worden, South east of the "Narrows" of the Washademoac Lake. Upset price, 3s. per acre.

40 acres, Carleton, being the East part of the North half of lot No. 15, fourth tier Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 10, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 11, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 12, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 13, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 14, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 15, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 16, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 17, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 18, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 19, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 20, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 21, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 22, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 23, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 24, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 25, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 26, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 27, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 28, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 29, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 30, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 31, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 32, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 33, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 34, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 35, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 36, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 37, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 38, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 39, third tier, Presquille Settlement. Upset price, 3s. per acre.

220 acres, Carleton, lot No. 40, third tier, Presquille Settlement. Upset price, 3s. per acre.

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, Adding-ton, above the Flat Lands. Upset price, 3s. per acre.

JOHN S. SAUNDERS,
Surveyor General.

Crown Land Office, June 5, 1840.

NOTICE is hereby given, that we the Subscribers have been duly appointed Trustees for all the Creditors of Benjamin F. Waite, late of Saint Stephen's, in the County of Charlotte, 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 Benjamin F. Waite, on or before the twenty fifth day of July next ensuing the date hereof, to pay us or some one of us, all such sums of money or other debt, duty or thing, to which they owe to the said Benjamin F. Waite, and deliver the said effects of the said Benjamin F. Waite, which they or any or either of them may have in his or their hands, power, or custody, to us or some one of us; and we do also desire all creditors of the said Benjamin F. Waite, on or before the first day of August next, to deliver to us or some one of us as aforesaid, their respective accounts and documents against the said Benjamin F. Waite, that right and justice may be done agreeably to the form of the said Act of Assembly. Given under our hands at Saint Stephen, in the County of Charlotte, the 18th day of June, A. D. 1840.

DAVID A. ROSE,
WILLIAM WATSON,
DANIEL SULLIVAN.

G. J. THOMSON, Att'y. for Petitioning Creditor.

By the Honorable William Botsford, Esquire, one of Her Majesty's 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 Thomas E. Perley, 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 of Carlos Copeland, late of Wakefield, in the County of Carleton, and Province aforesaid, (which said Carlos Copeland has departed from and without the limits of this Province with intent and design to defraud the said Thomas E. Perley, and other Creditors of the said Carlos Copeland, 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 seized and attached, and that unless the said Carlos Copeland do return and satisfy his said debt or debts within three months from the publication hereof, all the Estate as well real as personal, of the said Carlos Copeland, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Carlos Copeland. Dated at Fredericton, in the County of York, this twenty second day of June, A. D. 1840.

W. BOTSFORD.

[First Published in Gazette, June 24, 1840.]

By the Honorable Ward Chipman, Chief Justice 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 John Rhodes, to me duly made, according to 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 Joseph Blake and Nathaniel Blake, late of Saint Mary's, in the County of York, (which said Joseph Blake, and Nathaniel Blake are departed from and without the limits of this Province, with intent and design to defraud the said John Rhodes and others, Creditors of the said Joseph Blake and Nathaniel Blake, 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 them,) to be seized and attached, and that unless the said Joseph Blake and Nathaniel Blake do return and discharge their said debt or debts within three months from the publication hereof, all the Estate as well real as personal of the said Joseph Blake and Nathaniel Blake, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Joseph Blake and Nathaniel Blake. Dated at Fredericton, the tenth day of June, A. D. 1840.

WARD CHIPMAN.

[First Published in Gazette, June 17, 1840.]

By William Botsford, Esquire, one of the Justices of Her Majesty's 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 John Pollok, Arthur Pollok, Alexander Rankin, Robert Rankin, James Gilmour, Allan Gilmour, Junior, and John Pollok, Junior, 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 James Balloch, late of the City of St. John, in the Province of New Brunswick, (which said James Balloch is departed from and without the limits of this Province, with intent and design to defraud the said John Pollok, Arthur Pollok, Alexander Rankin, Robert Rankin, James Gilmour, Allan Gilmour, Junior, and John Pollok, Junior, if any such 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 James Balloch 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 James Balloch, within this Province, will be sold for the payment and satisfaction of the Creditors of the said