

THE ROYAL GAZETTE.

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FREDERICTON, NEW BRUNSWICK, WEDNESDAY JULY 8, 1840.

Number 50.



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, Wm. F. ODELL.

HEAD QUARTERS, FREDERICTON, 27th June, 1840. MILITIA GENERAL ORDER.

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

3d Battalion Northumberland. Ensign Allan Gilmour of the 1st Battalion Northumberland Militia to be Adjutant of the 3rd Battalion, with the rank of Lieutenant.

James Fowler to be Quarter Master, with the rank of Ensign.

1st Battalion St. John City Militia. Lieutenant William O. Smith to be Captain, vice Duff, who retires.

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

SUPREME COURT, TRINITY TERM, 3d VICTORIA, 1840.

George Lee, Junior, A. B., Samuel J. Scovil, A. B., and Charles Waller Wardlaw, Gent., Attorneys of this Court, are called to the Bar, and admitted, sworn and enrolled Barristers.

William Tyng Peters, Junior, Gent., having produced the requisite Certificates of Study and moral character, and having been examined, as to his fitness and capacity, is admitted, sworn and enrolled an Attorney of this Court.

The following Section of the Act in addition to the Acts for the amendment to the Criminal Law is re-published by desire.

II. And whereas in and by the fourth, fifth, sixth and seventh sections respectively of an Act made and passed in the first year of the Reign of His late Majesty King William the Fourth, intitled "An Act for improving the administration of Justice in Criminal cases," it is enacted, that the Justice or Justices or Coroner, as the case may be, by whom any examinations, informations, evidence, inquisitions, bailments and recognizances which are in and by the said respective sections of the said Act required, shall be taken, shall deliver or transmit the same to the proper Officer of the Court in which the trial is to be, before or at the opening of the Court; and whereas great inconvenience and detriment to the course of public justice are found to arise from the delays which occur in such delivery or transmission: for remedy whereof, Be it enacted, That the Justice or Justices or Coroner, as the case may be, by or before whom shall be taken any such examinations, informations, evidence, inquisitions, bailments or recognizances as are in the said respective sections of the said Act required or mentioned, shall deliver or transmit the same to the proper Officer of the Court where the trial is to be, forthwith after the same shall be taken, any thing contained in the said recited Act notwithstanding, upon pain of being deemed guilty of a contempt of such Court.

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.

20 acres, Gloucester, on the north side of Pockmonche River, adjoining next above the Grant of Dennis DeBoss. Upset Price, 3s. per acre.

50 acres, Northumberland, in rear of D. McDonald, south side Napan River. Upset price, 3s. per acre.

125 acres, Westmorland, being the lower part of Lot No. 16, west side Petticoe 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 Mill stream, 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, Addington, above the Flat Lands. Upset price, 3s. per acre. JOHN S. SAUNDERS, Surveyor General.

Crown Land Office, June 5, 1840.

SHERIFF'S SALES.

County of York.

Will be sold at Public Auction on Tuesday the first day of December next, at the Sheriff's Office, in Fredericton, between the hours of twelve and three o'clock.

ALL the right and title of William Clare, to a lot of Land in the Parish of Dumfries, known as lot No. Three, bounded northerly by Lands granted to John Hartley, and southerly by Lands granted to Samuel Gray, containing two hundred acres more or less, with a front of eighty Rods on the River Saint John: the same being taken by virtue of an Execution issued out of the Supreme Court at the suit of James Sommerville.

E. W. MILLER, SHERIFF.

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.

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.

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, lent upon under extent directed to the Sheriff of York, as described in the inquisition returned on the Execution of the same Writ.

No. 1, containing one thousand acres, in the Parish of Kingsclear, 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: 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 360 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 of 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.

Will 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.

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 Neckwackack 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 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, 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 Sunbury.

To be sold by Public Auction on Tuesday the 29th day of December next, at the Court House in Burton, between the hours of 12 and 5 o'clock in the afternoon.

ALL the right, title, interest, property, claim and demand whatsoever, of John Wood, in and to that Farm or tract of Land on which he now resides, together with all and singular the buildings and improvements thereon, situate at the French Lake, in the Parish of Burton: The same having been taken by virtue of an Execution issued out of the Supreme Court at the suit of Robert Rankin, & Co.

J. HAZEN, SHERIFF.

Burton, June 22, 1840.

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 a certain lot of Land, situate in the Parish of Linwood, 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 £11 4s. 3d.

J. HAZEN, SHERIFF.

Burton, April 16, 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 Withrow, 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 Withrow, 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.

A. DAVIDSON, SHERIFF OF KING'S.

Queen's County.

To be sold at Public Auction at the House of Samuel Mays, Inn keeper, in Gagetown, on the first Saturday in January next, between the hours of twelve and five of the afternoon.

ALL the right, title and interest of the Salmon River Coal Company, in and to that lot or tract of Land in the Parish of Chipman, in Queen's County, containing two hundred acres more or less, originally granted to Andrew Flemming by letters Patent, under the Great Seal, bearing date the 28th day of July, 1832, together with the buildings and improvements thereon; and also, all the right, title and interest of the Salmon River Coal Company, in and to a Crown Lease of all and every Mine or Mines of Coal in or under the said Land for the term of fifty years from the 2d day of October one thousand eight hundred and thirty five: The same having been taken in and by virtue of an Execution issued out of the Supreme Court, at the suit of Thomas Burton, Ezekiel Burton and Edwin Ketchum. Dated at Gagetown, the 26th day of June, 1840.

N. H. DEVEBER, Sheriff of Queen's.

To be Sold at Public Auction, at Samuel Mays' 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 Rapids, 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.

NEW BRUNSWICK, ss. In the matter of Edward N. Kendall and William P. Kay.

WE, the Subscribers, having been this day duly appointed by His Honor Mr. Justice Carter, Trustee for all the creditors of the said Edward N. Kendall and William P. Kay, and having taken the oath for the faithful discharge of such trust as required by the Statute and Act of the General Assembly, do hereby give notice of such our appointment, and we do require all persons indebted to the said Edward N. Kendall and William P. Kay, to pay to us all sum or sums of money or other debt, duty or thing which they owe to the said Edward N. Kendall and William P. Kay, or either of them, and to deliver up all other effects of the said Edward N. Kendall and William P. Kay, which he, she, or they may have in their hands, power or custody, to us on or before the first day of September next, and we do desire all the Creditors of the said Edward N. Kendall and William P. Kay, to deliver to us or either of us on or before the day and year aforesaid, at the Office of David S. Kerr, in Fredericton, their respective accounts and demands against the said Edward N. Kendall and William P. Kay. Dated this 13th day of June 1840.

JAMES TAYLOR, DAVID S. KERR, THOS. STEWART, Trustees.

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. Perly, 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. Perly, 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.

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, and the other Creditors of the said James Balloch, 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 James Balloch. Dated at Fredericton, the sixteenth day of June, 1840.

W. BOTSFORD.

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

NEW BRUNSWICK IN CHANCERY. TRINITY 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:

1st Tuesday in July. 1st Tuesday in August. 1st Tuesday in September.

By the Court, D. LUDUOW ROBINSON, REGISTRAR.

LAND FOR SALE, BY ROBERT RANKIN, & Co.

WHAT Valuable LOT and eligible stand for business, situate in Fredericton, between M'PHERSON & COV'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 DIBLEE, Esq. in the Richmond Settlement, Parish of Woodstock, containing 200 acres.

A Lot of 100 acres, in the Salmon River Settlement, County of Carleton, granted to SMITH, joining JOHN WATSON'S

A Lot of 200 acres, in Haawell, granted to BARRY.

A Lot of 100 acres, in the Parish of Brighton, granted to READEE 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 VANHORNE, SAMUEL ESTEY, Executors.

April 22, 1840.—3m.

NOTICE.

IF this should meet the eyes of SETH GRISWOLD and JOHN GRISWOLD, sons of JOHN GRISWOLD, late of Litchfield, in the State of Connecticut, and Grand Nephews of SETH GRISWOLD of Queensbury, in the County of York and Province of New Brunswick, deceased, and if they will come to this Province of New Brunswick, and apply to DAVID M'ROBERTS, IRA INGRAHAM or LEWIS HUESTIS, of the said Parish of Queensbury, Executors of the last Will and Testament of the said SETH GRISWOLD, deceased, they will hear of something to their advantage.

Queensbury, October 29, 1839.

FOR SALE.

FOUR BUILDING LOTS, each 40 by 132 feet, fronting on Westmorland Street.—Enquire of

JAMES P. A. PHILLIPS. Fredericton, May 13, 1840.

CHAMPAGN, HAMS, &c.

THE Subscriber has received 25 doz. of superior CHAMPAGN (Sillery Mouse) in doz. baskets;—50 Virginia HAMS, first article; Also, a few thousand Spanish CIGARS, and offered for sale at a low price on reasonable terms.

H. JACKSON. Fredericton, June 16, 1840.

FIRE INSURANCE COMPANY Connecticut, United States.

Incorporated in 1810—with a Capital of \$150,000.

THIS long established Institution has for more than twenty five years transacted its extensive business on the most just and liberal principles—paying its losses with honorable promptness. During this period have settled all their losses, without compelling the insured, in any instance, to resort to a Court of Justice. The present Board of Directors pledge themselves, in this particular, fully to maintain the high reputation of the Company. It insures on the most favourable terms every description of property against Loss or DAMAGE by FIRE, but takes no marine risks.

Application for insurance may be made either personally or by letter to the Secretary of the Company, or to its Agents, who are appointed to many of the principal Towns and Cities of the United States, and in the British Provinces.

PRESENT BOARD OF DIRECTORS. Eliphalet Terry, Samuel Williams, James H. Wells, F. J. Huntington, S. H. Huntington, Elisha Colt, H. Huntington, Jun., R. B. Ward, Albert Day, ELIPHALET TERRY, President, James G. Bolles, Secretary.

THE Subscriber having been appointed Agent at Fredericton for the above mentioned Company, it now prepared to take risks on every description of Property against loss or damage by Fire.

ASA COY.

A few copies of the RULES of the SUPREME COURT may be had on application at this Office.

Royal Gazette Office, June 3, 1840.

INDENTURES for Sale at this Office. Feb. 11.