

Printed and published by John Simpson, Printer to the Queen's Most Excellent Majesty, at his Office near the Province Building.

D'allerance G.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY, APRIL 15, 1840.

Number 38



By Anthority.

PROVINCIAL APPOINTMENTS. The Honorable William Black to be Mayor, James White, Esquire, to be Sheriff, and William Bayard, Esquire, to be Coroner of the City of Saint John, for the ensuing year. Robert F. Hazea, Esquire, to be a Master

in Chancery. Henry Fisher to be a Coroner for the County of York.

Robert Ferguson, John Montgomery and solemnizing Marriages in the County of Res- perceded for neglect of duty.

John Montgomery, Dugald Stewart, Chipman Botsford and Andrew Barberie, Esquires. to be Trustees for the Grammar School in the County of Restigouche.

Robert Ferguson, John Montgomery, Peter Stewart, Dugald Stewart, Arthur Ritchie, Joseph Hunter, William Fleming, Archibald Ramsay, Adam Ferguson, Robert Ritchie and Andrew Barberie, Esquires, to be a Board of Health for the County of Restigouche.

John Jordan, Esquire, to be associated with Benjamin L. Peters, Esquire, as Supervisor from Saint John to Hayward's Mills and from

Saint John to the head of Bellisle. William Wilson, Esquire, of Dorchester, William M'Leod, Esquire, of Richibucto, and George Kerr, Esquire, of Miramichi, to be Commisioners for certifying a Line of Stage Coaches from Dorchester to Miramichi.

James Robertson and Moses Welling, Commissioners for the Stage Coach from the Bend of Peticodiac to Shediac.

William Wilson, Esquire, of Dorchester, and Moses H. Perley, Esquire, Commissioners for certifying the running of the Victoria Coach from Saint John to the Nova Scotia Line

William End and Henry Cunard, Esquires, Commissioners for certifying the Stage Coach from Miramichi to Bathurst.

The following persons to be Registers of the

Court of Probates :-· A. K. S. Wetmore, Esquire, for Carleton.

John C. Allen, Esquire, for York. Nathaniel Hubbard, Esquire, for Sunbury. H. S. Peters, Esquire, for Queen's. Gould Pickett, Esquire, for King's. Charles Drury, Esquire, for Saint John. George D. Street, Esquire, for Charlotte.

Thomas S. Savre, Esquire, for Westmorland. Honorable J. W. Weldon, Esquire, for Kent. John Fraser, Esquire, for Gloucester. George Kerr, Esquire, for Northumberland. Andrew Barberie, Esquire, for Restigouche.

Peter Etter, Richard Lawrence and Thomas ed, and his Commission in the Militia is can-Gilbert to be special Commissioners of Sewers | celled accordingly. for the Aboideaux over the Aulac River.

HEAD QUARTERS, FREDERICTON, 2d April, 1840. MILITIA GENERAL ORDERS.

Commander in Chief has been pleased to make plied for by them on the following terms, if the following promotions and appointments, &c. payment be made before the 8th day of June, 1st Battalion Kent.

Colonel, vice M'Kean, left the Province. Captain George Pagan, to be Major, vice

M'Almon. Lieutenant William Fitzgerald, to be Cap-

tain, vice Wm. Roach, deceased.

TO BE LIEUTENANTS. Ensign James Gallagher, vice Fitzgerald, promoted, dated 2d April. Ensign Robert M'Almon, vice Weldon, de-

ceased, dated 3d April. TO BE ENSIGNS.

William M'William, Gent., vice Gallagher, promoted, 2d April.

John Rankin, Gent., vice M'Kay, left the Province, dated 3d April. David Foster, Gent., vice Graham, left the Province, dated 4th April.

Peter Muzeroll, Gent., vice M'Almon, promoted, dated 5th April.

3d Battalion Carleton.

TO BE CAPTAINS, Lieutenant Joseph Cere, vice Beckwith, deceased, dated 2d April. y Lieutenant Thomas Nugent, vice Coombs,

promoted, dated 3d April. Lieutenant Raphael Martin, vice R. Michaud, who retires with his rank, dated 4th April Lieutenant A. B. Hammond, vice F. Violett, who retires with his rank, dated 5th April.

Lieutenant Vetal Thibodeau, of a new Company, dated 6th April. Ensign Michael Mercure, vice Bellefoun-

taine, dated 7th April. TO BE LIEUTENANTS.

Ensign Romeo Violette, vice Nugent promoted, dated 2d April. Ensign Abraham Dufon, vice F. Durpos, retires with his rank, dated 3d April.

Ensign Joseph Michaud, vice Martin promoted, dated 4th April.

Ensign F. Thibodeau vice V. Thibodeau, promoted, dated 5th April. Ensign Regis Terris, Gent. promoted, 6th

Paul Cere, Gent. promoted, 7th April.

TO BE ENSIGNS. Abraham Coombs, Gent. dated 2d April. Joseph Cere, Jr. Gent., dated 4th April. Oliver Cerions, Gent., dated 6th April. James Kugan, Gent., dated 8th April. Francis Godine, Gent., dated 3d April. Simon Dufon, Gent., dated 5th April. Beloni Terrio, Gent., dated 7th April. James Smith, Gent., dated 9th April,

Paymaster Amiraux to have the rank of John Emerson, to be Quarter Master, with William Fleming, to be Commissioners for the rank of Lieutenaut, vice J. B. Souci, su-

Captain G. Cere, and Lieutenant Xavier Cere to retire with their respective rank. 2d Battalion Westmorland.

TO BE CAPTAINS.

Lieutenant Charles Dixon, Jr. vice Bowser resigned, dated 2d April. Lieutenant James Maxwell, vice S. Bulmer, resigned, dated 3d April.

Samuel F. Black, dated 3d April. Thomas T. Chapman, dated 4th April. William Bowser, vice C. Dixon, promoted, dated 5th April.

TO BE ENSIGNS. Thomas R. Sayre, Gent. 2d April. William B. Weldon, Gent. 3d April. Edwin Dixon, Gent. 4th April. Crane Charters, Gent. 5th April Thomas Weldon, Gent. 6th April. Gideon Maxwell, Gent. 7th April. James Cassidy, Gent. 8th April. Jonas Taylor, Gent. 9th April.

George Cochrane, Junr. Gent. 10th April. 1st Battalion King's.

TO BE CAPTAINS. Lieutenant Gabriel Worden, vice Flewelling resigned, 2d April, 1840. Ensign Thomas A. Flewelling, vice Prince, resigned, 3d April, 1840.

TO BE LIEUTENANTS. Ensign Isaac Vanwart, vice Worden, pro-

moted, 2d April. John L. Forrester, Gent. vice John Flewelling, who from infirmity and length of service due.

is permitted to retire with his rank.

TO BE ENSIGNS. John Vanwart, Gent. vice Isaac Vanwart, promoted, 2d April.

John H. Flewelling, Gent. vice T. A. Flewelling, promoted, 3d April. Lieutenant William Gorum, having refused to attend at Drill and Inspection, is discontinu-

> By His Excellency's Command, GEO. SHORE, A. G. M.

IN COUNCIL, April 1, 1840.

The undermentioned applicants for the pur-His Excellency the Lientenant Governor and chase of Crown Lands, may have the lands apnext, and five shillings additional will be Major David M'Almon, to be Lieutenant charged on each purchase, for postage, &c. Me

GLOUCESTER. Robert Young, 3s. per acre, down.

NORTHUMBERLAND. Martin Murphy, 2s. 6d. per acre, down, or 3s, by instalments.

John Tumay, 3s. per acre, down. Michael Whalen, do. Martin O'Donell, do. Thomas Nooney, Jr. do. do. Alexander Cameron, do. do. Roderick M'Donald, do. do. Michael Samuels, do. James Palmer, do. William Brown, do. do. James Sullivan, do. Thomas Hannay, Jr. do. do. Levi Parsons, do. do. William Hay, do. do. Alexander Gray, do, do.

KENT. Fabian Collett, 3s. per acre, down. William Cochrane, 10s. per acre, down. Thomas Stevenson, 2s. 6d. per acre, down. William Stevenson, 3s. per acre, down. George Collett, do. do. Michael Pickett. do. do. James Campbell, do. do. do. Helene White, do. David M'Intosh, 2s. 6s. per acre, down.

WESTMORLAND. Charles M'Fee, 3s. per acre, down. Thomas Bleakney, do. do. Edward O'Dougherty, do. do. Robert Cockes, do. do. George Hoar, do. do.

Edward Jones, 3s. per acre, down. William Grigg, 2s. 6d. per acre, down. James Leitch, 3s. per acre, down.

YORK.

L. A. Wilmot, 3s. per acre, down. The lands applied for by the undermentioned ersons, will be offered at Public Auction at this Office on Monday the 1st day of June Upset price, 3s. per aere.

next, (see advertisement.) Daniel O'Donnohew. T. Oliver Arnold, Jr. Gardner Corry. Henry Baird,

James Cudlip. The Petitions of the undermentioned persons re referred for want of survey.

Hames Hamilton, Restigouche. Hugh M'Kenzie, do. Edward Murphy, do. James Forien, Jr. Gloucester. William Forien, do. Samuel Proctor, do. W. C. Hall, do. Thomas Rivers. do. Mary Hawa, Northumberland. Cornelius Mahony, do. Dennis Dunovan,

John Hackett, Jr. do. Urban Brand, Kent. Allan Carter, do. Urban Cormier, do. James M'Fee, Westmorland. Alexander Steeves, do. Charles Holsted, Wm. M'Aughey, King's.

John Livingstone, do. Garnett Wright, do. William Quinn, Queen's. William Fry, do. John Comb, Sunbury.

The answers to the Petitions of the undermentioned Persons are as follows. Alexander M'Laggan, not complied with. Benjamin Wolhaupter, (for 50 acres land), not complied with.

John Keith, referred. Tobique Mill Company, referred. Thomas Falle, referred. John Marks, do. Richard Jardine, complie John Sullivan,

William Campbell, do. J. A. Street, (see answer in name of M. within 14 days after. Murphy.) Thomas Wetherall, complied with.

M. Brensfield, not compled with. him on A. C. Evanson's paying up the balance acre.

Patrick Deering, no further relief can be af-E. & H. O'Brien, referred.

James Cudlip, the tract applied for by him will be offered at Auction, and a remission to Upset price, 3s. per acre. be allowed him of £150 in the purchase money.

neral who will explain the circumstances to Charles Connell, referred.

Joseph Cunard, not complied with, the certificate being insufficient. Wm. J. Bedell, to stand over until Mr. Allan render his accounts.

John Street, complied with. James Taylor & J. Keen, not complied with. tine. Upset price, 3s. per acre. William Mahood, Warrant to issue for the sum of £10, 10s.

John M'Millan, for a Mill Reserve, to stand R. M'Leod, do. do. R. Crocker, do. do. do. Gilmour Rankin & Co. do. The Petitions of the undermentioned per-

sons, for licence to cut Timber and Logs on Crown Lands are complied with, on payment of the duty before the 1st day of May next. William Gill, Magaguadavic River. Robert Ferguson, Restigouche River. Thomas Johnston, St. Nicholas River. John Tweedie, Black River. Terence Curran, St. Nicholas River. John M'Lean, Cumberland Creek. Henry Kelly, Narkewicae River.

Gardner Corry, New Canaan River. John Bedell, County of Carleton. A. Rankin, Betts' Mill Brook. N. Hilton, Taxes River. C. K. Smith, Shediac River. Adam B. Sharp, Carleton. George Murray, Molus Kiver. Sherman Tapley, Munquart River. Sherman Tapley, Shekitihauk River. Robert Kerr, Munquart River, and on pay-

ment of arrears due before 1st May next. John C. Foster, Begaguinec, on payment of tonnage before the 1st May next, but not to be applied towards the purchase of his land. The Petitions of the undermentioned Persons for licence are complied with.

John Carson, Pokiok River. Thomas Brown, Nashwalk River. James Taylor, Three Brooks. J. M'Millan, Buctouche River. Crown Land Office, April 3, 1840.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office on Moneay, the 1st day of Jure next. Sale to commerce at 12 o'clock, noon. TERMS-Ter per cent of the purchase money within 14 days after.

50 acres, Northumberland, north side of Barnabies River, in rear of lots 41 and 42.

100 acres, Westmorland, south part of the lot formerly occupied by Robert Mann, eastern part of the lot of the Butternut Ridge. Upset price, 3s. per acre, the purchaser to pay for the improvements in addition.

100 acres, King's, south half of lot No. 2, second tier, north of the road from Butternut Ridge to Studholm's Mill Stream. Upset price, 3s. per acre.

110 acres, Carleton, Lot No. 23, third tier, Lower Andover. Upset price, 3s. per acre. 100 acres, King's County, lots 14, 15, 16, 17 and 18, in the second tier, of Deputy Fairweather's Survey, between the head of Smith's Creek, and Studholm's Mill Stream. Upset price, 3s. per acre.

JOHN S. SAUNDERS, Surveyor General.

Crown Land Office, April 3, 1840. UBLIC NOTICE is hereby given, That in pursuance of regulations made by the Lords Commissioners of Her Majesty's Treasury, the Right Honorable the Secretary of State for the Colonies has announced that all Letters and Parcels accompanying the Lieutenant Governor's Dispatches which are not bona fide relating exclusively to the business of the Colonial Office, and bearing His Excellency's signature as attesting that fact, will be sent to the Post Office to be charged and delivered. And His Lordship has been pleased further to direct that even Letters on Her Majesty's Service addressed to other public Departments are not to be sent through that

Secretary's Office, 30th March, 1840.

to be paid at the time of sale and the remainder

164 acres, Gloucester, south side Tattaprice, 3s. per acre.

150 acres. Westmorland, east side of Square

100 acres, Westmorland, adjoining lands W. Skinner, cannot be complied with.

Edward Guest, referred to the Surveyor GeParish of Botsford. Upset price. 3s. per acre.

Commissioners: And We do hereby authorized to the Surveyor Ge
Commissioners And We do hereby authorized to John Reilly, Shemogue Road, "The Colonial Land and Emigration Commissioners." der M'Kay's grant, Parish of Botsford. Upset price, 3s. per acre.

> Upset price, 3s. per acre. 150 acres, Westmorland, west of land ap-

blied for by Charles Lean, near Cape Tormen-

tine. Upset price, 3s. per acre. vey. Upset price, 3s. per acre.

Upset price, 3s. per acre.

Chipman, Campbell Settlement, Sussex. Upset price, 3s. per acre.

Upset price, 3s. per acre. Survey, Young's Creek, Grand Lake.

Dalhousie, Restigouche. Upset price, £15. Road from Newcastle to Chaplain's Island, as such their said respective Commissions, and

side Bartholomew's River, adjoining the grant nothing herein contained shall alter or affect, to William Thomson. Upset price, 3s. per or shall be construed to alter or affect, any JOHN S. SAUNDERS.

Crown Land Office, March 7, 1840.

By Authority.

COLONIAL LAND BOARD.

RETURNS to an Address to the Honarable The House of Commons, dated 24th Janu ary, 1840; -for,

No. 1 .- COPIES of the Commission appointing T. F. Elliot and Robert Torrens, Esqrs. and the Honorable Edward E. Villiers, Land and Emigration Commissioners.

No. 2 .- Of the Instructions addressed by Lord John Russell to the Land and Emigration Commissioners.

to be paid at the time of sale and the remainder | No. 3. - Of a Commission revoking the existing Commission of the South Australian Commissioners, and appointing Robert Torrens and T. F. Elliot Esquires, and the Honorable Edward E. Villiers, Colonization Commissioners for South Australia.

(Signed) R. VERNON SMITH. Downing Street, January 27, 1840. 5

ROYAL COMMISSION AND INSTRUCTIONS.

-No. 1.-Copy of a Commission under the Royal Sign Manual, appointing T. F. Elliot and Robert Torrens, Esquires, and the Honorable Edward E. Villiers, Land and Emigration

Commissioners. VICTORIA R.

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith :- To Our trusty and well beloved Thomas Frederick Elliot and Robert Torrens, Esquires, and Edward Ernest. Villiers, Esquire (commonly called the Honorable Edward Ernest Villiers,) greeting:-WHEREAS there are within divers of Our Colonies, plantations and possessions abroad large tracts of waste land vested in Us in virtue of Our Royal prerogative, and subject to alienation at Our pleasure: And whereas by various Commissions under the Great Seal of Our said United Kingdom, addressed to the respective Governors of Our said several Colonies, plantations and possessions abroad, We have authorized and empowered the said respective Governors, in Our name and on Our behalf, to sell and dispose of such lands, subject nevertheless to all such rules and regulations as are comprised in Our instructions under Our Royal Sign Manual and Signet, accompanying Our said respective Commissioners, or which might be comprised in any further instructions to be issued by Us in that behalf: The undermentioned tracts of vacant Crown | And whereas We have judged it expedient that Land will be offered at Public Auction, at this provision should be made for carrying into ef-Office on Monday, the 4th day of May next. fect the powers so granted as aforesaid by the said several Commissions and Instructions to TERMS—Ten per cent of the purchase money | the said respective Governors, by the Establishment within this Our United Kingdom of a Board of Commissioners, duly authorized by 204 acres, Restigouche, in rear of Samuel Us in manner hereinafter mentioned, to act in Lee's grant, at Old Church Point, and a small the premises: Now know you, That We, Island containing 4 acres, near Smith's Island, reposing especial trust and confidence in the Thomas Cripps, the land to be granted to in the River Restigouche. Upset price, 3s. per loyalty, integrity and ability of you, the said Thomas Frederick Elliot, Robert Torrens, and Edward Ernest Villiers, have thought fit gouche River, at Patrick's Landing. Upset to constitute and appoint, and do hereby constitute and appoint you, the said Thomas Frederick Elliot, Robert Torrens, and Edward Lake, adjoining the grant to J. M'Dougal. Ernest Villiers, to be Our Commissioners, during Our pleasure, for the purpose hereinafter mentioned, under the style and title of 100 acres, Westmorland, adjoining Alexan rize and require you to execute this Our Commission in such manner and under and subject to all such instructions as shall from time to 200 acres, Westmorland, between J. Wort | time be addressed to you for your guidance man and George Foster, Annagance River. therein by one of Our Principal Secretaries of State; or by Our Commissioners of Our Treasury for the time being: And We do plied for by William Lean, near Cape Tormen- hereby authorize and empower you, subject to such instructions as aforesaid, in Our name, 100 acres, Westmorland, north of land ap- and on Our behalf, to contract with any person or persons for the sale of any such waste lands as aforesaid, and subject to such instruc-140 acres, Westmorland, in rear of Thomas tions as aforesaid, to apply the monies arising Brewster and others near Cape Enrage, Har- from any such sales towards defraying the expense of the removal of emigrants from this 100 acres, Westmorland, in rear of Robert Our United Kingdom to any Colony, planta-Seaman and east of R. T. Allen, Botsford. tion or possession abroad wherein the lands so sold may be situate: And we do further au-100 acres, King's, near the grant to Judge thorize and require you, subject to such instructions as aforesaid, to be aiding and assisting to the said respective Governors of Our 50 acres, King's, North end of lot No. 6, said respective Colonies, plantations and pos-Range A. head of Smith's Creek Sussex. sessions abroad, in applying towards the removal of emigrants from this Our United King-220 acres, Queen's, lot No. 5, M'Donald's dom to any such Colony, plantation or possession, any monies which may be raised by Town Lot, No. 38, in the Town Plat of any such sales of land effected by any such Governors within any of the said Colonies, 120 acres, Northumberland, east side of the plantations or possessions, in pursuance of any surveyed for John Wright, Jun. Upset price, the instructions under Our Royal Sign Manual and Signet as aforesaid: Provided always, and 240 acres, Northumberland, lot No. 1, south We do hereby declare Our pleasure to be, that appropriation now made, or hereafter to be Surveyor General. made, by law, or by the authority of Our said Commissioners of Our Treasury for the time being of any monies which may be produced by the sales of any such lands as aforesaid: Provided also, that nothing herein contained extends or shall be construed to extend to interfere in any manner with the due execution of any law made or hereafter to be made by the Legislature of any of Our said Colonies, plantations or possessions abroad in respect of the sale of waste lands therein situate, or in respect of the appropriation of the proceeds of any such sales : Provided also, and We do further declare Our pleasure to be, that nothing herein contained shall extend or be construed to extend to interfere with the execution of the statutes made for the colonization and govern-

ment of Our Province of South Australia, or