

THE ROYAL GAZETTE.

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Volume 6.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY JULY 22, 1840.

Number 52



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. M. F. ODELL.

HEAD QUARTERS, FREDERICTON, 13th July, 1840. MILITIA GENERAL ORDERS.

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

4th Battalion Charlotte County.

Major Nehemiah Marks to be Lieutenant Colonel, vice Mowatt, retired with his rank.

Cavalry attached to 4th Battalion Charlotte. 1st Lieutenant William R. Buchanan to be Captain, vice Albee, retired.

2d Lieutenant David Woodcock, to be 1st Lieutenant, vice Cotterell, retired.

John Young, Gent., to be 2d Lieutenant. Jacob Libbee to be Quarter Master, vice Albee, retired.

1st Battalion Saint John City Militia.

The resignation of Lieutenant John Sandall is accepted.

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

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.

WESTMORELAND.

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

Robert M. Brydie, do. do.

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

CHARLOTTE.

John Neish, 3s. per acre, down.

Alexander Hunter, do. do.

Thomas Magwood, do. do.

KING'S.

Daniel Belding, 3s. per acre, down.

William Carson, do. do.

Allan Carson, do. do.

Alexander Bell, do. do.

John Bell, Junr. do. do.

QUEEN'S.

George Vance, 3s. per acre, down.

John F. Mullin, do. do.

CARLETON.

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 McIntosh.

Donald McLeod.

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'Geoch, 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 Flagler'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, Monquet River.

George Marsh, Prince William.

James S. Mitchell, Burnt Hill Brook.

John Henneberry, Salmon River.

Coles Green, Jr., Petricodine River.

Estabrooks M'Neil, Salmon River.

John M'Lean, Cumberland Stream.

George Porter, Ed River.

Amos Dickinson, Begaquimic River.

Thomas E. Perley, Carleton.

Arthur Ritchie, Restigouche.

John Munro, Cains 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 per cent 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 Butternut 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 Presqu Shore Settlement. Upset price, 3s. per acre.

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

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

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

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

JOHN S. SAUNDERS, Surveyor General.

Crown Land Office, July 4, 1840.

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 DeBos. 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 Petricodine River, Hillsborough. Upset price, 3s. per acre.

300 acres, King's, Lots 14, 15 and 16, third tier, Parish of No. ton. 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 Studholme'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 Presqu Shore Settlement. Upset price, 3s. per acre.

100 acres, Carleton, part of Lot No. 14, third tier, Big Presqu Shore 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.

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, 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 one 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 terms 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.

DAVIDA 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 the said Thomas E. Perley, to be seized and attached, and that unless the said Thomas E. Perley 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 Thomas E. Perley, will be sold for the payment and satisfaction of the Creditors of the said Thomas E. Perley. Dated at Fredericton, the sixteenth day of June, 1840.

W. BOTSFORD.

[First Published in Gazette, June 24, 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, of 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 John Pollok 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 John Pollok, Arthur Pollok, Alexander Rankin, Robert Rankin, James Gilmour, Allan Gilmour, Junior, and John Pollok, Junior, will be sold for the payment and satisfaction of the Creditors of the said John Pollok, Arthur Pollok, Alexander Rankin, Robert Rankin, James Gilmour, Allan Gilmour, Junior, and John Pollok, Junior. Dated at Fredericton, the sixteenth day of June, 1840.

W. BOTSFORD.

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

By the Honorable Ward Chipman, Chief Justice of the Supreme Court of Judicature for the Province of New Brunswick.

To all 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, of the said John Rhodes, to be seized and attached, and that unless the said John Rhodes 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 John Rhodes, will be sold for the payment and satisfaction of the Creditors of the said John Rhodes. Dated at Fredericton, the tenth day of June, A. D. 1840.

WARD CHIPMAN.

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

By the Honorable Ward Chipman, Esquire, Chief Justice 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 Joshua Gidney, late of Waterborough, in Queen's County, (which said Joshua Gidney is departed from and without the limits of this Province, with intent and design to defraud the said Joshua Gidney, to be seized and attached, and that unless the said Joshua Gidney 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 Joshua Gidney, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Joshua Gidney. Dated at the City of Saint John, this first day of June, 1840.

WARD CHIPMAN, Attorney for Petitioning Creditor.

[First Published in Gazette, June 10, 1840.]

NEW BRUNSWICK IN CHANCERY.

Tuesday the seventh day of July, in the year of our Lord one thousand eight hundred and forty.

Between Charles L. Francis E. Beckwith, and Henry B. Rainsford, Plaintiffs, and

Thomas Baillie, William Hall, Robert Power, Robert W. Crookshank, William Walker, Peter Duff, John M. Wilnot, the President, Directors and Company of the Central Bank of New Brunswick, and Robert Rankin, Arthur Pollok, John Pollok, Allan Gilmour, James Gilmour and Alexander Rankin, Defendants.

FORASMUCH as this Court was this present day informed by Mr. Wilnot, being of Plaintiffs' Counsel, that the Plaintiffs on the second day of June last had filed their Bill in this Court against the Defendants, as by the Certificate of the Registrar appears, and took out process of Subpoena, requiring the Defendants to appear to and answer the same, but that William Hall, one of the said Defendants, resides in Devonshire, England, and has never been in this Province, and that the said William Hall cannot be served with such process, as by Affidavit appears, and the said Certificate and Affidavit being now read, it is ordered, that the said Defendant, William Hall, do appear to the Plaintiffs Bill on or before the first day of January next; and it is further ordered that this order be published in the Royal Gazette for the space of three months.

By the Court, D. LUDLOW ROBINSON, REG.

NEW BRUNSWICK IN CHANCERY.

Saturday the eleventh day of July, in the year of our Lord one thousand eight hundred and forty.

Between Mary Nichols, Administratrix of the last will and testament of Samuel Nichols, deceased, Plaintiffs, and

David Hatfield, Peter Hatfield and Robert Ray, Defendants.

FORASMUCH as this Court was on Tuesday last informed by Mr. Kinnear being of Plaintiffs' Counsel that the Plaintiffs on the sixth day of April last, had exhibited their Bill in this Court against the Defendants, as by the Certificate of the Registrar appears, and took out process of Subpoena requiring the Defendants to appear to and answer the same, but that Peter Hatfield one of the Defendants left the Province some time in or about the year of our Lord one thousand eight hundred and thirty eight, and has not since resided within the jurisdiction of this honorable Court, and that from the best information the Plaintiffs can obtain, the said Defendant, Peter Hatfield is now residing at Sierra Leone, in Africa, as by Affidavit appears, and the said Certificate and Affidavit having been read, His Honor doth this present day order that the said Defendant Peter Hatfield do appear to the Plaintiffs' Bill on or before the first Tuesday in July next; and it is further ordered that this order be published in the Royal Gazette for the space of four months.

By the Court, D. LUDLOW ROBINSON, REG.

[First Pub. 8th July, 1840. 4m lwc.]

NEW BRUNSWICK IN CHANCERY.

Saturday the eleventh day of July, in the year of our Lord one thousand eight hundred and forty.

Between Francis E. Beckwith, Plaintiff, and John Hilditch and Mary Hilditch, his Wife, Defendants.

FORASMUCH as this Court was this present day informed by Mr. Robinson, being of the Plaintiffs' Counsel, that the Plaintiff on the fourteenth day of May last filed his Bill in this Court against the Defendants, and sued out process of Subpoena, requiring the Defendants to appear to and answer the same, but that the said Defendants are now residing and for a long time past have resided at or near Montreal, in the Province of Lower Canada, and cannot be served with such process, all which by Affidavits appears; and the said Affidavits being now read, it is ordered that the said Defendants do appear to the Plaintiff's Bill, on or before the thirty first day of October next; and it is further ordered that this order be published in the Royal Gazette for the space of three months.

By the Court, D. LUDLOW ROBINSON, REG.

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

NEW BRUNSWICK IN CHANCERY.

Thursday the seventh day of May, in the year of our Lord one thousand eight hundred and forty.

Between James Allanshaw, Plaintiff, and Samuel Thompson, and Charlotte Thompson, his Wife, Angus D. M'Master and Ann Catherine Allanshaw, Defendants.

FORASMUCH as the Court was this present day informed by Mr. Solicitor General, of Council for the Plaintiff, that the Plaintiff had exhibited his Bill in this Court against the Defendants on the eighth day of June last, as by the Certificate of the Registrar appears, and have sued out process of Subpoena against the Defendants to compel them to appear and answer the same, but that the Defendants, Angus D. M'Master and Ann Catherine Allanshaw, reside out of the limits of this Province, and cannot be served with such Subpoena; that the said Angus D. M'Master resides at Liverpool, in England, and the said Ann Catherine Allanshaw, at Boston, in the United States of America, as by the Affidavits of Joseph Dallimore and Peter Smith, now read, appears; and the said Certificate and Affidavit being read, and the truth of the above allegation being made out to the satisfaction of the Court, it is Ordered, That the said Defendants Angus D. M'Master and Ann Catherine Allanshaw, do appear to the Plaintiff's Bill on or before the thirtieth day of November next; and it is further ordered, That this Order be published in the Royal Gazette for the space of three months.

By the Court, D. LUDLOW ROBINSON, REGISTRAR.

H. L. STREET, Plaintiff's Solicitor.

[First Published in Gazette, 13th May, 1840.]

NOTICE is hereby given, that we the subscribers have been duly appointed Trustees for all the Creditors of John Towse, late of Hopewell, in the County of Westmorland, 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 John Towse, on or before the first day of June next, ensuring the date hereof, to pay us, or some one of us, all such sums of money or other debt, duty or thing, which they owe to the said John Towse, and deliver the said effects of the said John Towse, which they, or any one of them may have in his, or their hands, power, or custody, to us or some one of us as aforesaid, and we do also desire all the creditors of the said John Towse, on or before the first day of July next, to deliver to us, or some one of us as aforesaid, their respective accounts and documents against the said John Towse, in order that right and justice may be done, agreeable to the form of the said Act of Assembly, in such case made and provided. Given under our hands at Dorchester in the County of Westmorland, the twenty third day of April, in the year of our Lord one thousand eight hundred and forty.

ANDREW WELDON, 3d.

JOHN ROBB, WILLIAM K. CHAPMAN.

CHRISTOPHER MILNER, Attorney.

[First Published in Gazette, May 13, 1840.]

NEW BRUNSWICK IN CHANCERY.

Thursday the ninth day of April, in the year of our Lord one thousand eight hundred and forty.

Between William H. Robinson and Beverley Robinson, Complainants, and

Mark Needham, Thomas Brown, John R. Partelow, Henry Bliss, Peter Fraser, Robert W. Crookshank, and Thomas Barlow, Defendants.

FORASMUCH as this Court was this present day informed by Mr. Robinson, being of Plaintiffs' Counsel, that the Plaintiffs had on the tenth day of February, in the year of our Lord one thousand eight hundred and thirty eight, exhibited their Bill in this Court against the Defendants as by the Certificate of the Registrar appears, and had sued out process of Subpoena, returnable the seventeenth day of February, then next following, but that the said Thomas Brown and Henry Bliss, two of the said Defendants, do not either of them reside within this Province, but have known place of residence in Great Britain; that the said Henry Bliss resides at number eleven, King's Bench Walk, Temple, London, and the said Thomas Brown, in Yorkshire, in that part of the United Kingdom of Great Britain and Ireland, called England, and that the said Thomas Brown and Henry Bliss cannot be served with the process of this Court, as by the Affidavit of James T. Hanford, now read, appears, and the said Certificate and Affidavit being read and the truth of the above allegations being made out to the satisfaction of the Court, it is Ordered, that the said Defendants, Thomas Brown and Henry Bliss, do