

# THE ROYAL GAZETTE.

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Volume 6.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY, APRIL 8, 1840.

Number 37



By Authority.

## PROVINCIAL APPOINTMENTS.

COUNTY OF CHARLOTTE.

John Wilson, Esquire, Justice of the Common Pleas.

Charles R. Hatheway, William Babcock, George McKay, David A. Rose and John Robinson, Esquires, Justices of the Peace.

SUNBURY.

John M. Wilnot, Esquire, Justice of the Common Pleas.

John M. Wilnot, George Priestly, Thomas Nath. Gilbert, and William Burpe, Esquires, Justices of the Peace.

QUEEN'S.

Reuben Hoben, Jr. Mayes Case and Thomas Murray, Esquires, Justices of the Peace.

KING'S.

James Brittain, Esquire, Justice Common Pleas.

James Brittain, John H. Ryan, John Henderson, and Philip Nase, Esquires, Justices of the Peace.

WESTMORLAND.

Samuel Black and Philip Chapman, Esquires, Justices of the Peace.

NORTHUMBERLAND.

John Nesmith and Henry B. Allison, Esquires, Justices of the Common Pleas.

YORK.

George Minchin, Esquire, Justice Common Pleas.

James Taylor and Allan McLean, Esquires, Justices of the Peace.

CARLETON.

Charles Connell and Frederick Morehouse, Esquires, Justices of the Peace.

## CIVIL APPOINTMENT.

George Ansley Garrison, Esquire, a Notary Public in this Province.

HEAD QUARTERS, FREDERICTON,

26th March, 1840.

## MILITIA GENERAL ORDER.

With reference to the Militia General Order of the 17th October, 1839, a copy of which was transmitted by the Lieutenant Governor and Commander in Chief to the Queen's Government, with a full statement of all the circumstances which had given occasion for it, the Secretary of State has been pleased to direct, with a view to mark the sense which Her Majesty's Government entertain of the misconduct of Captain McKenzie, and of the other individuals concerned in the outrage in question, and in order that others may be deterred from conduct calculated to lead to such disastrous consequences between the two Countries, that Captain McKenzie be deprived of the Commission which he holds in the Militia Force of New Brunswick.

Captain McKenzie's Commission is therefore cancelled accordingly.

By His Excellency's Command,

GEO. SHORE, A. G. M.

**PUBLIC 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 Office.

Secretary's Office, 30th March, 1840.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction, at this Office on Monday, the 4th day of May 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.

204 acres, Restigouche, in rear of Samuel Lee's grant, at Old Church Point, and a small Island containing 4 acres, near Smith's Island, in the River Restigouche. Upset price, 3s. per acre.

164 acres, Gloucester, south side Tattagouche River, at Patrick's Landing. Upset price, 3s. per acre.

150 acres, Westmorland, east side of Square Lake, adjoining the grant to J. McDougall. Upset price, 3s. per acre.

100 acres, Westmorland, adjoining lands granted to John Reilly, Shemogue Road, Parish of Botsford. Upset price, 3s. per acre.

100 acres, Westmorland, adjoining Alexander McKay's grant, Parish of Botsford. Upset price, 3s. per acre.

200 acres, Westmorland, between J. Wort-

man and George Foster, Annagance River. Upset price, 3s. per acre.

150 acres, Westmorland, west of land applied for by William Lean, near Cape Tormentine. Upset price, 3s. per acre.

100 acres, Westmorland, north of land applied for by Charles Lean, near Cape Tormentine. Upset price, 3s. per acre.

140 acres, Westmorland, in rear of Thomas Brewster and others near Cape Enrage, Harvey. Upset price, 3s. per acre.

100 acres, Westmorland, in rear of Robert Seaman and east of R. T. Allen, Botsford. Upset price, 3s. per acre.

100 acres, King's, near the grant to Judge Chipman, Campbell Settlement, Sussex. Upset price, 3s. per acre.

50 acres, King's, North end of lot No. 6, Range A. head of Smith's Creek Sussex. Upset price, 3s. per acre.

220 acres, Queen's, lot No. 5, McDonald's Survey, Young's Creek, Grand Lake.

Town Lot, No. 38, in the Town Plat of Dalhousie, Restigouche. Upset price, £15.

120 acres, Northumberland, east side of the Road from Newcastle to Chaplain's Island, as surveyed for John Wright, Jun. Upset price, 3s. per acre.

240 acres, Northumberland, lot No. 1, south side Bartholomew's River, adjoining the grant to William Thomson. Upset price, 3s. per acre.

JOHN S. SAUNDERS.

Surveyor General.

Crown Land Office, March 7, 1840.

## IN CHANCERY,

HILARY 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:

Saturday, the 15th February, instant.  
The first Tuesday in March.  
The first Tuesday in April.  
And the first Tuesday in May.

By the Court,

D. LUDLOW ROBINSON, Register.

## NEW BRUNSWICK IN CHANCERY.

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

Between James Rait, Complainant, and Henry Seelye and Randal Whiddon, Defendants.

**FORASMUCH** as this Court was this present day informed by Mr. G. Botsford, being of the Plaintiff's Counsel, that the Plaintiff had exhibited his bill in this Honorable Court against the Defendants on the nineteenth day of March last, as by the Certificate of the Registrar appears, and had sued out process of Subpoena requiring the Defendants to appear to answer the same, but that Defendant Randal Whiddon now resides, and for more than three years last past hath resided out of the jurisdiction of this Honorable Court, to wit, at Calais, in the State of Maine, one of the United States of America, as by Affidavit appears, and the said Certificate and Affidavit being read, it is ordered that the said Defendant Randal Whiddon appear to the Plaintiff's Bill on or before the twenty eighth day of July next: And further Ordered, That this Order be published in the Royal Gazette for the space of three months.

By the Court,

D. LUDLOW ROBINSON, REGISTR.

[First Published, March 11, 1840.]

By the Honorable William Botsford, one of the Justices 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 John Kinnear and Harrison G. Kinnear, 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 within the Province of New Brunswick, of George Hartt, late of Fredericton, in the County of York, Merchant, (which same George Hartt is departed from without the limits of this Province, with intent and design to defraud the said John Kinnear and Harrison G. Kinnear, and the other Creditors of the said George Hartt,) if any 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 George Hartt 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 George Hartt, within this Province, will be sold for the payment and satisfaction of the Creditors of the said George Hartt. Dated at Saint John, the twenty eighth day of January, in the year of our Lord One thousand eight hundred and forty.

WM. BOTSFORD.

[First Published, February 5, 1840.]

By Robert F. Hazen, Esquire, Mayor of the City of Saint John, and one of the Justices of the Inferior Court of Common Pleas in and for the said City and County of Saint John.

To all whom it may concern, Greeting,—

**NOTICE** is hereby given, That upon the application of Mark Dole, of the said City, gentleman, 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, within this Province, of Cyrus Stockwell, late of the said City, Hotel Keeper, (which said Cyrus Stockwell is departed from and without the limits of this Province, with intent and design to defraud the said Mark Dole, and the other Creditors of the said Cyrus Stockwell, if any 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 Cyrus Stockwell 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 Cyrus Stockwell within this Province, will be sold for the payment and satisfaction of the Creditors of the said Cyrus Stockwell. Dated at the City of Saint John, the fourth day of February, in the year of our Lord one thousand eight hundred and forty.

ROBERT F. HAZEN, MAYOR, &amp;c.

M.H. PERLEY, Attorney for Petitioning Creditor.

[First Published, February 12, 1840.]

By the Honorable James Carter, Esquire, one of the 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 Henry Jackson 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, within this Province, of Edward N. Kendall and William P. Kay, late of Fredericton, Surviving Partners of the firm of Braithwaite, Kay and Company, in the County of York, and Province aforesaid, (which said Edward N. Kendall and William P. Kay have departed from this Province, and have not nor hath either of them resided within the Province for the term of six months now last past,) to be seized and attached, and that unless the said Edward N. Kendall and William P. Kay do return and discharge their debt or debts within six months after the publication hereof, all the estate as well real as personal of the said Edward N. Kendall and William P. Kay within the Province, will be sold for the payment and satisfaction of the Creditors of the said Edward N. Kendall and William P. Kay. Dated this twelfth day of November, in the year of our Lord one thousand eight hundred and thirty nine.

J. CARTER, J. S. C.

BERTON and DIBBLE.

Attorneys for Petitioning Creditor.

[First Published, November 13, 1839.]

## SHERIFF'S SALES.

County of York.

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 Neckwicksack 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 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, levied upon under extent directed to the Sheriff of York, and described in the inquisition returned on the Execution of the same Writ.

No. 1, containing one thousand acres, in the Parish of the County of York, adjoining Land located to Ninian Lindsay, in Deputy Jacob Allan's 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

2000

No. 3, 2500 acres in the said Parish, being the Block No. 3, in Deputy Allan's Survey, of Palmyre Brook, made in the year 1835.

No. 5, A Farm in Prince William, containing 500 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, 1833, containing --- acres more or less.

**ALSO**,—Will be sold at the Market House, between the hours of 12 and 4 o'clock on Saturday, the 10th day of October next.

**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.

Sheriff's Office, Fredericton, 2d March, 1840.

Will be sold at Public Auction, on the 10th day of April next, at the Market House, in Fredericton, between the hours of 12 and 4 o'clock.

**ALL** the right, title, interest, property, claim and demand of Joseph C. Rider, in and to a certain House, now occupied by him in Regent Street, Fredericton.

E. W. MILLER, Sheriff.

Fredericton, 15th 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** at the same time and place, A tract of Land in the said Parish, lying on the south east side of the Hanwell Road, being the lots No. 28 and 29, containing 200 acres with ten per cent allowance.

**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 Baile, 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.

To be Sold on the fourth Wednesday in May next, at the Market House in Fredericton, between the hours of 12 and 5 o'clock in the afternoon:—

**ALL** the right, title, interest, claim and demand of John B. Wheeler, in and to that certain piece or parcel of Land situate, lying and being in the Parish of Kingsclear, known as Lot No. 24, first tier, granted to Nathan Frink.

E. W. MILLER, Sheriff.

Fredericton, 5th November, 1839.

To be sold on the first day of May next, at the Market House in Fredericton, between the hours of twelve and five o'clock in the afternoon.

**ALL** the right, title, interest, claim and demand of John C. Ingraham, in and to that certain piece or parcel of Land situate in the Parish of Prince William, County of York, being Lots No. 75 and 76, and parts of Lots No. 77 and 78, containing 250 acres, more or less, with a new dwelling House and Barn, also within half a mile of the road, a new Saw Mill and Mill House, situate at the outlet of a Lake of inexhaustible water, together with a Rail Road and Rail Car leading to the River St. John. This property is situated in a most delightful part of the Parish of Prince William and good neighbourhood: the above-mentioned property has been taken by virtue of several Executions issued out of the Supreme Court.

E. W. MILLER, Sheriff.

Fredericton, November 27, 1839.

## County of Westmorland

To be sold by Public Auction at the Court House in Dorchester, on the tenth day of April next, between the hours of twelve and five o'clock in the afternoon:

**THE** real Estate of Courtney Kinnear, wheresoever situated in the County. The same having been seized by virtue of several Executions.

**ALSO** at the same time and place, The right, title, estate and interest of John Boyd, of, in and to a lot or parcel of land, situate in the Parish of Dorchester, on the Shediac Road, and known as lot number nine, in the Grant to John Hians, containing one hundred acres, more or less: Taken by virtue of an Execution at the suit of George Gibson.

**ALSO** at the same time and place, The real Estate of Alexander Brown, Jesse Mill's and David Mills, situate in the Parish of Moncton or elsewhere in this County: Seized and taken by virtue of an Execution at the suit of Henry Bakslee.

W. P. SAYRE, Sheriff.

Dorchester, Co. Westmorland, 3d October, 1839.

To be sold at Public Auction on the nineteenth day of June next, between the hours of twelve and five o'clock in the afternoon, at the Court House in Dorchester:

**ALL** the lands and premises which the late John Pearson, deceased, died, seized and possessed of, within the Parishes of Harvey and Hopewell in the County of Westmorland, to satisfy an Execution issued against the said John Pearson in his lifetime out of the Supreme Court of this Province, at the suit of William Fillmore.

W. P. SAYRE, Sheriff.

Dorchester, 12th December, 1839.

## King's County.

On Saturday the twenty sixth day of September next, will be sold at Public Auction.

**ALL** the real Estate of James Witherow, 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 155 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 Witherow, 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.

Dated at Kingston, the 10th day of March, 1840.

A. DAVIDSON, Sheriff of King's.

## Queen's County.

To be Sold at Public Auction, at Samuel Mayes' 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 R. pids, 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.

## NOTICE.

**ALL** Persons having any just demands against the estate of GEORGE F. S. BERTON, Esquire, deceased, are requested to present their accounts within three months from this date, for adjustment; and those indebted to the said estate are requested to make immediate payment.

DELIA BERTON, Executrix.  
WILLIAM J. BERTON, Administrator.  
Fredericton, 19th February, 1840.

## NOTICE.

**ALL** Persons having legal demands against the Estate of C. L. BECKWITH, of Madawaska, deceased, are requested to present the same, duly attested, within three months from the date hereof, and those indebted to the same are desired to make immediate payment to

F. E. BECKWITH, Administrator.  
L. R. COOMBES, Executors.  
Fredericton, Feb. 24, 1840.—3m.

## NOTICE.

**ALL** Persons having any demands against the Estate of the late EDWARD PICK, deceased, are hereby required to send in their accounts, duly attested, within three months from the date hereof, and all persons indebted to the said Estate are desired to make immediate payment to

DEBORAH PICK,

Sole Administratrix.

Fredericton, February 5, 1840.

## FOR SALE.

**THE** Subscriber offers for Sale a Lot of LAND, situated a short distance below the Town Plat, near the residence of the Hon. George Shore, and bounded by lands owned by the Honorable W. F. Odell, and Mr. John Gregory. For particulars, apply to

CHRISTOPHER BROWN.

Fredericton, 12th February, 1840.

## FOR SALE.

**THAT** part of the Subscriber's Farm adjoining the property of the Honble. THOMAS BAILLIE, and situate between the former Post Road and the Hanwell Road, consisting of between 40 and 50 acres. If not disposed of at private sale, the said property will be sold by Public Auction in five or ten acre Lots to suit purchasers.

J. F. W. WINSLOW.

Woodstock, 4th Jan. 1840.

## FOR SALE OR LEASE, For One or a Term of Years.

The whole or a part of the following Property. **THE** Valuable SAW and GRIST MILL at Lake George, with a Dwelling House, BARN, &c., together with the LAND formerly owned by J. MORRIS containing 550 acres, of which about 25 acres are under mowing ground, well fenced, and the residue well covered with TIMBER and LOGS. Also.—The Irvine and Donnell lot, so called, of which 40 acres are cleared, and can readily be made a Good FARM, the residue of these lots containing 400 acres are plentifully covered with TIMBER and LOGS—there is a lease also of 8000 acres of LAND on the borders of Lake George, all of which afford ample supply of Logs for this Mill.

Also for Sale or Lease, the new SAW MILL at McGundy Stream, with

300 acres LAND called the West Lot.  
400 do. do. Gertly Lot.  
100 do. purchased of Government adjoining the West Lot, which are all well covered with Logs and Timber, yielding a plentiful supply for said Mill; there is on the Gertly Lot about 40 acres under Grass, well fenced, with a good Dwelling House and BARN, in which a family could be immediately accommodated with a comfortable residence—the whole or any part of the above property will be Sold or Leased in small parts, or the whole, on the most liberal terms, and payments made easy.

Apply to MARK NEEDHAM.

**NOTICE IS HEREBY GIVEN,** That any person removing any Logs or Timber from the above premises until the Stampage is paid, will be prosecuted as trespassers, and any persons cutting Timber or Logs on said Lands, will be prosecuted as the Law directs.

MARK NEEDHAM.

## ALSO ON SALE.