

NEW

SERIES.

THE ROYAL GAZETTE.

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Volume 7.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY NOVEMBER 25, 1840.

Number 18



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

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

By His Excellency's Command,
WM. F. ODELL.

SECRETARY'S OFFICE,
November 17, 1840.

These are to give Public Notice, that the MOURNING for Her late Royal Highness Princess Augusta Sophia, is to cease on Sunday the 22d November instant.

By Command,
WM. F. ODELL.

SECRETARY'S OFFICE,
Fredericton, 12th November, 1840.

His Excellency the Governor General having appointed Messrs. Edward Dowling, T. A. Stayner and John Davidson, to be Commissioners to enquire into the present administration of the Post Office, within the Provinces of British North America,—His Excellency the Lieutenant Governor is pleased, with a view to facilitate the Enquiries upon this important subject, to require and direct all the Servants of the Crown, in the Province of New Brunswick, to return the fullest and most explicit answers in their power, to any applications relating thereto, which they may receive from the Commissioners.

By His Excellency's Command,
WM. F. ODELL.

PROVINCIAL APPOINTMENTS.

William McIntosh and Church Meigs, Esquires, to be Justices of the Peace in the County of Charlotte.

HEAD QUARTERS, FREDERICTON, 16th November, 1840.

MILITIA GENERAL ORDERS.

Much difficulty and inconvenience having been experienced by the Staff Adjutant in obtaining a sufficient number of Arms for the purpose of Drill, from some of the Militia Battalions which were visited by him during the present year, notwithstanding they had previously been supplied with the requisite quantity for that purpose:—The Commander in Chief has been pleased to direct that Commanding Officers of every Battalion of Militia in the Province do without delay transmit to the Quarter Master General of the Militia Forces, correct Returns of the number, state and condition of all the Arms in possession of their respective Corps, when, and from whom received, and also report if any, and what measures may have been adopted by them for their care and safety:

And as frequent applications are made to the Lieutenant Governor for sums of money to defray the expense of cleaning and taking charge of Arms, though it appears upon reference to the Inspection Returns that ample funds, not only for that purpose, but also for providing suitable places of deposit and security for the same, might legally be acquired in each Battalion, by collecting the fines arising from wilful absentees and Aliens,

His Excellency has therefore directed me to impress upon Commanding Officers the importance and necessity of enforcing the collection of fines from all Delinquents and Aliens, in order that they may be applied to their legitimate object; and unless it be satisfactorily shown to His Excellency that these fines have been enforced, he will not feel himself at liberty to authorize the issue of any further sum of money from the Provincial Funds for such services.

PROMOTIONS, &c.

1st Battalion Westmorland Militia.

TO BE CAPTAINS.

Lieutenant John N. Chapman, vice James Chapman, whose resignation has been Gazetted, dated 16th November, 1840.

Lieutenant William Milne, vice Neviers, deceased, 17th November.
Lieutenant John Stultz, vice M. Somers, superceded for non-attendance, 18th November.
Lieutenant John Scott, vice Robert Stiles, resigned, 19th November.
Richard Bell, Gent., of a new Company, 20th November.

TO BE LIEUTENANTS.

Ensign Samuel S. Wilmot, vice Scott, promoted, 16th November, 1840.
Ensign Thomas Welling, to a new Company, 17th November.
Ensign R. D. Chapman, vice J. N. Chapman, promoted, 18th November.
Ensign Samuel Mills, vice Stultz, promoted, 19th November.
Ensign James Welling, vice Milne, promoted, 20th November.
Jacob Trites, Gent., vice John Jones, superceded, 21st November.
Charles Lockhart, Gent., vice John M'Corrick, retired, 22d November.
Rufus Smith, Gent., vice Bateman, resigned, 23d November.

TO BE ENSIGNS.

Gay Gilbert, Gent., 16th November, 1840
Horatio Smith, Gent., 17th do. do.
John Welling, Jr., Gent., 18th do. do.
Benjamin Welling, Gent., 19th do. do.
George Harper, Gent., vice James Welling, promoted, 20th November, 1840.
Charles S. Theal, to be Surgeon.
Thomas C. Sharpe, Assistant Surgeon.

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

SUPREME COURT,

MICHAELMAS TERM, 4TH VICTORIA.

Francis A. H. Stratton, John Campbell Allen, and John M. Johnston, Junior, Attorneys of this Court, are called to the Bar, and admitted, sworn and enrolled Barristers.
Andrew C. Black, James A. Harding, W. T. Wier, William C. Hare, Allan A. Davidson, and James P. Wetmore, Gentlemen, having produced the requisite certificates of study and of moral character, and having been examined as to their fitness and capacity, are admitted, sworn and enrolled Attorneys of this Court.

IN COUNCIL, November 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 12th day of January next, and five shillings additional will be charged on each purchase, for postage, &c.

GLOUCESTER.

Thomas Duke, 3s. per acre, down.
Benjamin Sullivan, do. do.
R. Richardson, 2s. 6d. per acre, down.

NORTHUMBERLAND.

Joseph Beek, Jun. 100 acres at 3s. per acre, down, and the remaining 24 acres at Auction.
Patrick Johnson, 3s. per acre, down.
James M'Corrick, do. do.
Thomas Monaghan, do. do.

KENT.

S. Richard, 5s. per acre, down.
Francis Matthews, 3s. per acre, down.

SAINT JOHN.

Isaac Cadman, 3s. per acre, down.
Hugh Moore, do. do.

CHARLOTTE.

Thomas M'Guire, 3s. per acre, down.

KING'S.

John Williamson, 3s. per acre, down.
John Harmer, do. do.
Thomas Leeper, do. do.
William Gray, Jun. do. do.
William Gray, do. do.

QUEEN'S.

E. Welton, 3s. per acre, down.

YORK.

A. W. Cockburn, 3s. per acre, down.
David Little, do. do.
Isaac Little, do. do.
William Little, do. do.
Matthew Little, do. do.

CARLETON.

Samuel Young, 3s. per acre, down.
William Kilburn, do. do.
George Susey, do. do.
John Street, do. do. with 60

Rods front.
William Hay, 3s. per acre, down.
George Sweet, do. do.

The lands applied for by the undermentioned persons, will be sold at Public Auction at this Office on Monday the 4th day of January next, (see advertisement.)

William Hopper.
Charles Colpitts.
John Allen.
Patrick Foley.
J. Oliver Arnold, Jun.

The Tract of Land on the new St. Andrew's Road, near the Hanwell Lake, applied for by the undermentioned Persons, will be immediately Surveyed into Lots on a new arrangement

and will be offered in separate Lots at Public Auction at this Office on Monday the 4th day of January next. Upset price, 3s. per acre, beside the expense of survey. As soon as the return of survey is received, an advertisement stating the number and contents of each Lot will be published.

John Johnston. Patrick Colter.
Thomas Giffin. P. Grieve.
David Esansa. Andrew Lata.
Michael Holland. Daniel Mooney.
E. W. Rainsford. John Grieve.
Thomas Nesbit. Matthew Stevenson.
Samuel Hunter. A. Stevenson.
Hugh Ward. John Thomas.
Wm. Cockburn.

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

John Lawlor. George Taylor.
John M'Lean. John Robicheau.
W. Letson. James D. Murphy.
P. Lynch. Lewis Constantine.
J. Norworthy. Samuel Hill.
James Nugent. Stephen Hill, Jun.
J. M'Namara. Andrew Scott.
John Y. Burk. John Y. Burk.
Thomas Scott. James Watters.
Beloni Johnson. R. M'egan.
Martin Flanagan. Joel Perkins.
Thomas M'Graw. David Perkins.

The answers to the Petitions of the undermentioned Persons are as follows:—

Paul Niles, and John Niles, referred to the Surveyor General.

Thomas Earls, not complied with, the Land having been previously applied for for settlement.

Laurence O'Leary, may have a Grant of the Land applied for, on payment of 2s. 6d. an acre, down.

The purchase money will now be received from Frederick and John Steeves on their applications for Land on Coverdale River.

John M'Bean, not complied with.
Clement Thiebaut and Hypolite Vantour, are allowed to have the Land formerly approved of to them at the reduced price of 2s. 6d. per acre, down.

Nehemiah Merritt, complied with.
Thomas Trueman, not complied with, the Land applied for having been reserved to the Church as a Glebe.

Robert K. Trueman, not complied with, the Land applied for being considered as a part of the School Lot.

John Marshall may have his Grant on payment of £3 1s. 3d.

John M'Lean, deferred for further consideration.

Hugh M'Carthy, complied with.
Joseph Cunard's application, No. 1,216, Black River, not complied with.

C. M'Pherson, Ordered, That the 5 year licence be cancelled, but not to have credit for the £24.

F. Dailey and A. S. Carman, referred to the Surveyor General for decision.

James Tibbits, ordered to stand over until the 1st of January.

Messrs. Crookshank & Walker, complied with.
S. P. Estabrooks, not complied with.

Daniel Hill, referred to the Surveyor General.
James A. Phillips, complied with, provided Petitioner gives satisfactory security.

John M'Bean, not complied with.
John Rider, to have permission to remove 200 tons Timber cut by him last winter, on paying the expenses of Mr. Arnold, the Seizing Officer.

Peter Morrison, complied with, on paying the duty on 30 tons.

John M'Millan, to have a Mill reserve on his describing a particular tract according to Mr. Layton's survey of Blocks in 1838.

Joseph Barton and William Brown, allowed Mill reserves, of 5,000 each on their paying the expense of survey.

William E. Perley, complied with.
John Maxwell, not complied with.

Stephen Burpe, cannot be entertained.
John S. Taylor, complied with, subject to the Seizing Officer's dues.

John L. Marsh, Ordered, That the Timber be released on payment of single duty, the amount of which will be deducted from the £95, required to be paid by the former Order in Council.

Licences to cut Timber and Logs on the Berths applied for by the undermentioned persons will be offered for competition only between the respective applicants for each Berth at this Office on Monday the 4th day of January next. Sale to commence at 12 o'clock, noon.

Ten per cent of the duty must be paid on the day of sale, and the remainder within 14 days after. The Berths will be set up at the usual rates of duty.

1st. A Licence to cut Logs on the Berth applied for by John Estabrooks and James Jones, north of the Maquapit Lake, 50M. Lumber.
2nd. A Licence to cut Timber or Logs on the north part of the "Douglas" Block, Shugomoc, applied for by Isaac Kilburn, Lewis Huestis and J. H. M'Allister, provided Kilburn and M'Allister pay up their arrears.
3rd. A Licence to cut Timber on the 8,000 acre, "Moore" Block, Prince William, applied

for by James Taylor and Valentine Pickard, provided Pickard pays up his arrears.

4th. A Licence to cut Timber on the "Frink" Block, Palphrey, applied for by James Taylor, Lewis Huestis, and T. E. Grant.

5th. A Licence to cut Timber on the "Campbell" Block, Palphrey, applied for by James Taylor and William Grant.

6th. A Licence to cut Logs on the "Albee" Block, Palphrey, applied for by Camming Robertson, John Porter and James Albee.

7th. A Licence to cut Timber or Logs on the "Robertson" Block, near the Hanwell Lake, (not to interfere with the lands applied for settlement,) applied for by Henry Lunt, George Morrow, James Taylor and Abraham Long.

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 12th day of January next.

Joseph Cunard, Gloucester.
Joseph Cunard, N. W. Miramichi.
Joseph Cunard, Little S. W. Miramichi.
J. T. Williston, Eel River.
George Williston, Tabucintac.
A. Rankin, Northumberland.
R. M'Leod, Northumberland.
John Rider, (50 tons) New Canaan.
W. Smith, Douglas Valley.
J. Cronk, Nerepis.
C. Connell, River Saint John.
Levi Clark, New Canaan.
R. Hutchinson, Bathurst Road.
R. Ritchie, Restigouche.
A. Dickinson, Tobique.
O. Ward, Cocagne.
L. Halcrow, Shediac.
J. W. Buchanan, Canoose.
W. Strange, Jr. Canoose.
J. G. Hatheway, Grand River.
C. Connell, Tobique.
Thomas Little, N. W. Miramichi.
Thomas Shaw, Shugomoc.
W. Abrams, N. W. Miramichi.
W. Carr, Geary.
J. Taylor, Tobique.
J. Taylor, Carleton.
A. M'Eachran, Molus River.
W. Taylor, Richibucto.
D. Wright, Kent.
E. Lunt, Salmon River.
G. Perry, New Canaan.
R. Hutchinson, N. W. Miramichi.
G. Elkin, Salmon River.
G. Murray, Kent.
W. M'Dougal, Bass River.
R. Cutler, Kent.
W. M'William, Kent.
A. Ritchie, Restigouche.
J. Noble, Shin Creek.
J. Cunard, Bartibog.
D. Hopkins, Digdequash.
J. Hutchings, Digdequash Brook.
J. Taylor, "Stubbs" Block, Palphrey.
George Porter, Eel River.
William Lindsay, Palphrey Brook.
W. Todd, Jr., Palphrey Brook.
C. Robertson, "Pineo" Block, Palphrey.

The Petitions of the undermentioned are complied with, on payment by them of all arrears due by them.

Thomas E. Perley, Little River.
John M'Lean, Salmon River.
D. Small, 6 Mill Brook.
W. M'Leod, Kouchibouguac.
Charles Upham, Howard Settlement.

The following tracts of vacant Crown Land will be offered at Public Auction, at this office, on Monday the 4th day of January next. Sale to commence at 12 o'clock, noon.

TERMS.—10 per cent. to be paid at the time of Sale, and the remainder within 14 days after.

1st. 24 acres, Northumberland, rear part of Lot No. 49, north side S. W. Miramichi River, Blissfield. Upset price, 3s. per acre.

2d. 200 acres, Westmorland, east of Lot No. 3, Coverdale River. Upset price, 3s. per acre.

3rd. 250 acres, Westmorland, Coverdale River, adjoining north of John Parkin. Upset price, 3s. per acre.

4th. 100 acres, Westmorland, next to E. Allen, north shore of Bay Verte. Upset price, 3s. per acre.

5th. 250 acres, Kings, between R. W. Stockton and John Dobson, Smith's Creek. Upset price, 3s. per acre.

6th. 100 acres, Kings, Butternut Ridge, adjoining east of T. Oliver Arnold, Jr. Upset price, 3s. per acre.

JOHN S. SAUNDERS,
Surveyor General.
Crown Land Office, November 6, 1840.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday, the 7th day of December 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.

50 acres, Kent, in rear of lot No. 15, South west side of Bass River. Upset price 3s. per acre.

200 acres, Lot No. 26, on the West side of the Road from Gagetown to Nerepis, Queen's. Upset price, 3s. per acre.

100 acres, York, in rear of W. & Henry White, East side of the River Nashwalk. Upset price, 3s. per acre.

219 acres, Carleton, being Lots 23 and 24, 3rd tier, Parish of Andover. Upset price, 3s. per acre.

400 acres, being part of Lots 9, 10, 11, 12 and 13, in the 6th tier, Williamston, Carleton. Upset price, 5s. per acre.

100 acres, Lot No. 20, 5th tier, Jackson Town, Carleton. Upset price, 2s. 6d. per acre.

JOHN S. SAUNDERS,
Surveyor General.

Crown Land Office, October 5, 1840.

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 and Noah Dismore, Junior, Administrators, de bonis non 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, REGR.

[First Pub. 15th July, 1840. 4m 1w.]

By the Honorable Joseph Cunard, one of Her Majesty's Justices of the Inferior Court of Common Pleas for the County of Northumberland, in the Province of New Brunswick.

To all to whom these presents shall come, Greeting: NOTICE is hereby given, that upon the application of Pheneas Williston, William Williston and Alexander Williston, 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 Charles B. Brymer, late of Chatham, in the County of Northumberland, Black Smith, (which said Charles B. Brymer is departed without the limits of this Province, with intent and design to defraud the said Pheneas Williston, William Williston and Alexander Williston, and other Creditors of the said Charles B. Brymer, 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 Charles B. Brymer 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 Charles B. Brymer, within the Province, will be sold for the payment and satisfaction of the Creditors of the said Charles B. Brymer. Dated the 3d day of August, 1840.

JOSEPH CUNARD, J. C. P.

CARMAN & WILLISTON, Att'ys. for Pet. Creditor.
[First Published in Gazette, August 19, 1840.]

NEW BRUNSWICK IN CHANCERY.

MICHAELMAS TERM, 4TH VICTORIA.

Saturday, 10th October, 1840.

The following days are appointed for the Sitting of the Court, during the ensuing Vacation, viz:

The first Tuesday in November;

The first Tuesday in December; and

The first Tuesday in January.

By order of His Honor the Master of the Rolls.

D. LUDLOW ROBINSON, REGR.

NOTICE is hereby given, that we the Subscribers, have been duly appointed Trustees for the Creditors of James Balloch, late of the City of Saint John, 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 that case made and provided, and we do hereby require all persons indebted to the said James Balloch, on or before the first day of January next, ensuing the date hereof, to pay to us or some one of us, all such sum or sums of money, or other debt, duty or thing, which they owe to the said James Balloch, and to deliver all other effects of the said James Balloch, which they, or any, or either of them may have in his, her, or their hands and possessions or custody, to us or some one of us as aforesaid, and we do also desire all the Creditors of the said James Balloch, on or before the same first day of January next, to deliver to us, or some one of us as aforesaid, their respective accounts and documents against the said James Balloch, in order that right and justice may be done, agreeably to the form of the said Act of Assembly, in such case made and provided. Given under our hands at the City of Saint John, the twentieth day of October, 1840.

ROBT. D. WILMOT,

A. JACK,

JOHN H. GRAY.

W. JACK, Att'y. for Petitioning Creditors.

[First Published, October 28, 1840.]

JUST PUBLISHED,

And for sale at the Courier Office, by the Gross, Dozen, or single one:

CHUBB'S NEW BRUNSWICK

ALMANACK,

For 1841.

St. John, Nov. 14.