

THE ROYAL GAZETTE.

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Volume 7.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY JULY 29, 1840.

Number 1



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.

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 Keiller, North Mountain Settlement. Upset price, 3s. per acre.

300 acres, Westmorland, on the North east side of the Road leading from the North River to the Bottenut Ridge, and South east of Thomas Hope, (not to interfere with Hugh McMonagle.) Upset price, 3s. per acre.

85 acres, King's, lot No. 10 second tier South of the Kennebecas 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 Washademoak 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. 16, 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 Pockmouche 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 Pettedoc 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 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 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, Addition, 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.

To be sold at Public Auction, at the Sheriff's Office, in Fredericton, on Thursday the twenty first day of January next.

ALL the right, title and interest of Joseph Blake and Nathaniel Blake, or of either of them, of, in and to the following tracts and lots of land and premises, viz:

All the rest, residue and remainder of the term unexpired of, in and to all the lower or southern moiety or half part of that tract of land situated in the Parish of St. Mary's, in the said County, formerly granted to George Agnew and Urban G. Agnew, and known as lot No. 3, the whole lot containing 600 acres, (excepting 60 acres of the said moiety heretofore sold to Henry Smith, Esquire,) the said moiety conveyed to the said Nathaniel Blake by Christopher Murray and Wife for the term of 999 years by Indenture, dated the 1st day of October, 1835, together with all Mills, Mill Dams and appurtenances, and subject to the rent of one peppercorn.

Also,—All that tract of land in the Parish of St. Mary's aforesaid, granted to one Thomas Wright, situate on the Penyaek Stream and containing about 900 acres, the same having been conveyed to the said Nathaniel Blake, by one John Turner, by Deed, dated the 31st day of December, 1838, together with all buildings, &c.

Also,—All that certain lot in the Parish aforesaid, situate on the north west side of the Nashwalk River, bounded on the one side by lands owned by the Heirs of the late Cornelius McLaughlin, and being part of the aforesaid grant to George and Urban G. Agnew, commonly called the Holly Brook Farm, containing 100 acres, together with all buildings, &c., the same having been conveyed to the said Nathaniel Blake by William J. Bedell by Indenture, bearing date the 8th day of May, 1837.

Also,—All the right of shares of George Weale, James Weale and John Weale, in the tract of land formerly owned by the late Philip Weale, deceased, situate in the Parish aforesaid the said shares having been purchased by the said Joseph and Nathaniel Blake at Sheriff's Sale, and conveyed to them by the Sheriff of York, by Deed dated the 27th day of January, 1840.

Also,—All the shares of James Gilmour and Mary his Wife, or either of them, of, in and to the property last aforesaid, the same having been conveyed to the said Joseph and Nathaniel Blake by the said James Gilmour and Mary his Wife, by Indenture, dated the 14th day of February, 1839.

The above Properties having been seized and taken by virtue of several Executions issued out of the Supreme Court. Sale to commence at 1 o'clock, P. M.

E. W. MILLER, Sheriff.

Sheriff's Office, Fredericton, 14th day of July, 1840.

To be sold by Public Auction at the Sheriff's Office, on Friday the first day of January, 1841, between the hours of one and four o'clock, P. M.

ALL the right, title and Property of James Sutherland, in and to Lot No. 21, in the Parish of Kingsclear, granted to the late George Sproule, containing 450 acres, more or less; the same having been taken by virtue of an Execution issued out of the Supreme Court at the suit of George Sutherland. E. W. MILLER, Sheriff.

Sheriff's Office, Fredericton, July 1, 1840.

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 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.

Sheriff's Office, Fredericton, June 1, 1840.

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.

Sheriff's Office, Fredericton, April 4, 1840.

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 Peter 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.

Sheriff's Office, Fredericton, 14th April, 1840.

Will be sold at the Market House, in Fredericton, on Thursday, the 10th day of September next,

THE several Tracts of Land, hereinafter mentioned, the Property of one Hunter Barker, 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 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, or Fairley Brook, made in the year 1835.

No. 5, A Farm in Prince William, containing 550 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 at 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.

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

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 as the Reel 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 thereto, appertaining, and about 12 acres of Land immediately opposite the Hermitage Lot, and lately occupied by Mr. W. H. Galt.

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.

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 Nackewickack 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.

To 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 A. 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.

Sheriff's Office, Fredericton, May 19, 1840.

King's County.

On the second Tuesday in January next, will be sold at Public Auction, at the Court House in Kingston.

ALL the Real Estate of Ezraiah Wetmore, in my Bailiwick, consisting of two acres of Land, on which the said Ezraiah Wetmore now resides, with the dwelling House, Barns, and all other out buildings to the same belonging.—Also, a commodious Blacksmith Shop, standing near the said premises, the same having been taken by virtue of several Executions issued out of the Supreme Court against the said Ezraiah Wetmore, at the suits of Henry Blaislee and Edward L. Thorne.

Sale to commence at 2 o'clock, P. M.
A. DAVIDSON, SHERIFF.

Sheriff's Office, June 12, 1840.

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 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 Witherow, at the suit of Charles Ketchum, Esq.—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 18th day of March, 1840.

A. DAVIDSON, SHERIFF OF KING'S

County of Westmorland

To be sold at Public Auction on the twenty second day of January next, between the hours of twelve and five o'clock in the afternoon, at the Court House in Dorchester.

ALL the right, title and interest of Thomas Martin, of, in and to all that certain piece or parcel of Land, situate, lying and being in the Parish of Hopewell, in the County of Westmorland, on the largest of the Sister Creeks so called, in the second Tier of Lots, being Lot No. 3, granted to Robert Hawks and others, together with the Saw Mill, Mill privilege, buildings and improvements thereon, and of, in and to half an acre of Land on the East side of the said Mill, one quarter of an acre on the West side of the said Mill, to John Martins and the privilege of the Road as laid out to the Mill, with all other privileges and appurtenances to the said premises belonging, or in any wise appertaining: The same having been taken by virtue of an Execution, at the suit of John Kirby.

W. P. SAYRE, Sheriff of Westmorland.

Dorchester, July 10, 1840.

County of Gloucester.

To be sold by Public Auction in front of the Court House, in Bathurst, on the third Tuesday in December next, between the hours of twelve, and five o'clock in the afternoon.

ALL the Estate, title, right and interest of James Robertson, of, in and to that lot or parcel of Land on which he now resides, situate on the north side of Middle River Basin, in the Parish of Bathurst, and known and distinguished as lot No. 5, originally granted to James Robertson, Senior, containing two hundred and forty acres more or less, together with the Dwelling House, Barn, Out House, Mill, and water privileges, improvements and appurtenances to the same appertaining, seized to satisfy an Execution issued out of the Supreme Court of this Province at the suit of William Napier.

HENRY W. BALDWIN, SHERIFF.

Sheriff's Office, Bathurst, 7th July, 1840.

County of Sunbury.

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 that certain lot or tract of Land, situate in the Parish of Lincoln, and County of Sunbury: The same having been taken by virtue of an Execution issued out of the Supreme Court at the suit of L. A. Wilmot and David S. Kerr, Esquires, for the sum of £41 4s. 3d.

J. HAZEN, SHERIFF.

Burton, April 16, 1840.

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.

Queen's County.

To be sold at Public Auction at the House of Samuel Mays, Inn keeper, in Gagetown, on the first Saturday in February next, between the hours of twelve and five o'clock in 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 Barlow, Ezekiel Barlow and Edwin Ketchum. Dated at Gagetown, the 24th day of July, 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 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 is hereby given, that the Subscribers have been duly appointed Trustees for all the Creditors of George Hartt, late of Fredericton, Province of New Brunswick, an absconding debtor, and do hereby require all persons indebted to the said George Hartt, on or before the first day of August, to pay all such sums of money or other debt, duty, or thing, which they owe to the said George Hartt, and to deliver all other effects of the said Geo. Hartt, which he, she, or they may have in their hands, power or custody to said Trustees, and the said Trustees do hereby desire all the Creditors of the said George Hartt, on or before the said first day of August to deliver to the said Trustees, or any of them, their respective accounts and demands against the said George Hartt. Dated the tenth day of June, in the year of our Lord one thousand eight hundred and forty. N. S. DEMILL, C. H. JOUETT, JOHN W. MELOD.

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's, 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 of them or either 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 aforesaid, their respective accounts and documents against the said Benjamin F. Waite, that right and justice may be done agreeably to the form 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.

DAVID A. ROSE, WILLIAM WATSON, DANIEL SULLIVAN, G. J. THOMSON, Att'ys, for Petitioning Creditor.

NOTICE is hereby given, That we the Subscribers have been duly appointed Trustees for all the Creditors of Edward N. Kendall and William P. Kay, surviving partners of William Braithwaite, deceased, and have been duly sworn to the faithful execution of the said trust, pursuant to the directions of the Acts of Assembly in such case made and provided, and do hereby require all persons indebted to the said Edward N. Kendall and William P. Kay, as surviving partners as aforesaid, or to the said Edward N. Kendall, or the said William P. Kay, in their individual right, on or before the first day of September next, ensuing the date hereof, to pay 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 Edward N. Kendall and William P. Kay, either as surviving partners as aforesaid, or in their individual capacity, and to deliver all the effects of the said Edward N. Kendall and William P. Kay, as aforesaid, which they or any of them may have in his, her or their hands, power or custody, to us, or some one of us as aforesaid, and we also authorize and desire all the Creditors of the said Edward N. Kendall and William P. Kay, as surviving partners as aforesaid, on or before the first day of September next, to deliver to us at the Office of David S. Kerr, whose name is hereto subscribed, their respective accounts and discounts against the said Edward N. Kendall and William P. Kay, as surviving partners as aforesaid, in order that right and justice may be done, agreeable to the form of the Acts of Assembly in such case made and provided: Given under our hands this tenth day of July in the year of our Lord one thousand eight hundred and forty.

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

IN CHANCERY.

MONDAY, 27TH APRIL, 1840.

WHEREAS in and by an Act of the General Assembly, made and passed in the second year of the Reign of Her Majesty Queen Victoria, intitled, "An Act, for the improvement of the practice in the Court of Chancery," it is among other things enacted, That from and after the passing of that Act, it should and might be lawful for the Chancellor, by and with the consent of the Master of the Rolls, to prepare and make a proper Table of Fees for the Court of Chancery, in lieu of the Table of Fees established at the time of the passing of that Act, in the said Court, which Table of Fees, so to be made and established as aforesaid, should be in force and effect from the time notice thereof should be given by the Master of the Rolls in the Royal Gazette, until altered by any Legislative enactment in this Province: NOTICE is HEREBY GIVEN, That a Table of Fees for the said Court of Chancery, bearing date the twenty first day of April in the present year, has been duly made and established in pursuance of the direction of the said Act, which said Table of Fees so made and established, has been duly filed in the Registry of the said Court of Chancery.

By order of His Honor the Master of the Rolls. D. LUDLOW ROBINSON, REGR.

Printed copies of the above TABLE OF FEES may be had at the Office of the Royal Gazette.

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