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Volume 7.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY DECEMBER 30, 1840.

Number 23



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 the fourth Tuesday in December instant; I have thought fit further to prorogue the said GENERAL ASSEMBLY, and the same is hereby prorogued to Wednesday the twentieth day of January next, then to meet at Fredericton for the despatch of business.

Given under my Hand and Seal at Fredericton, the fourth day of December 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.

The following tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday, the 1st day of February 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.

150 acres, Northumberland, at the mouth of Wild Cat Brook, east side of the North West Miramichi River. Upset price, 3s. per acre.

130 acres, Westmorland, Lot K, on the North Branch of Petiteodiac River. Upset price, 3s. per acre.

100 acres, King's, being Lot No. 1, Northwest of Smith's Creek, near the Jordan Mountain. Upset price, 3s. per acre.

200 acres, Queen's, being Lot No. 8, in rear R. M. Farlane, Long Creek, Washademoac. Upset price, 3s. per acre.

150 acres, Carleton, Lot No. 23, 4th tier, Wicklow. Upset price, 3s. per acre.

200 acres, Carleton, between the grants to Moses Snow and George West, Wicklow. Upset price, 3s. per acre.

100 acres, Carleton, being half of Lot No. 16, on the north side of the River Beagumie with half the front. Upset price, 3s. per acre.

130 acres, Carleton, being the vacancy between Mm. Wilson & Geo. McKenzie, Richmond. Upset price, 4s. per acre.

JOHN S. SAUNDERS,

Surveyor General.

Crown Land Office, December 3, 1840.

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.

3d. 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.

CROWN LAND OFFICE,

NOVEMBER 26TH, 1840.

Agreeably to Notice given in the Gazette of the 11th instant, a part of the tract of Land near the Hanwell Lake, on the new Road to Saint Andrews, which was lately relinquished by Beverly Robinson, Esquire, has been surveyed into lots for settlement.

The content of each lot is as follows, viz:—

1st. West side of the Road, 120 acres.

2d. ditto, 115 "

3d. ditto, 105 "

4d. ditto, 100 "

5d. ditto, 100 "

6d. ditto, 100 "

7d. ditto, 100 "

8d. ditto, 100 "

9d. Crossing the Road, 90 "

10d. ditto, 100 "

" 8. East side of the Road,	110 "
" 7. ditto,	110 "
" 6. ditto,	110 "
" 5. ditto,	110 "
" 4. ditto,	105 "
" 3. ditto,	90 "
" 2. ditto,	90 "

The above lots will be offered for sale at Public Auction, at this Office, on Monday the 4th of January next, sale to commence at 12 o'clock noon. Upset price, three shillings per acre, and £1 10s. additional will be charged on each lot to cover the expense of Deputy Jonett's survey.

TERMS.—Ten per cent of the purchase money to be paid at the time of sale, and the remainder within fourteen days after.

JOHN S. SAUNDERS,

Surveyor General.

SHERIFF'S SALES.

County of York.

To be sold by Public Auction, on Tuesday the 4th day of May next, at the Sheriff's Office, in Fredericton, between the hours of one and three o'clock, P. M.:

ALL the right, title and interest which Isaac Woodward and John G. Woodward have or had at the time of the registering of the memorial of the judgment obtained against them by the Plaintiff, at whose suit the same has been seized and taken, of, in and to Lots Nos. 3 and 6, on the south side of the Hanwell Road, together with a Lot in rear thereof in the Parish of Kingsclear, containing 500 acres, more or less: The same having been taken by virtue of an Execution issued out of the Supreme Court, at the suit of Augustus W. Whipple.

Also at the same time and place,

All that certain Farm or tract of Land, in the Parish of Queensbury, belonging to the Estate of the late Peter Muzeroll, deceased, adjoining next below Lands owned by Joseph Muzeroll: the same having been taken by an Execution issued out of the Supreme Court, at the suit of Joseph Stephens.

ALSO.—All the right, title and interest of Edmund P. Cliff, of, in and to the Lot of Land whereon he now resides, situate in the Parish of Queensbury, in the County of York: The same having been taken by virtue of several Executions issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

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

Will be sold by Public Auction, on Thursday the eleventh day of March, 1841, at the Sheriff's Office in Fredericton, between the hours of twelve and four o'clock, P. M.:

ALL the right, title and interest of Charles Nevins, of, in and to the following tracts or parcels of Land, viz: That certain tract of Land, granted to the late James Eccles, on the Eastern side of the River Saint John, in the Parish of Douglas, on which the late John Nevins formerly resided.

ALSO.—A tract of Land in the same Parish, conveyed to the said Charles Nevins, by John N. Foster, by Deed, dated 15th December, 1836, being 32 rods in width, on the River Saint John, bounded on the East by Land owned by Ichabod Grant, and on the West by Land owned by the late John Foster.

ALSO.—At the same time and place will be sold: All the right and title of Patrick McNabb, to that Farm on the Eastern side of the River Nashwaak, in the Parish of Saint Mary's, granted to the late James McNabb, in the grant to the late 43d Regiment, and whereon the said Patrick McNabb now resides: The said tracts of Land having been taken by virtue of several Executions issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

Sheriff's Office, Fredericton, Sept. 7, 1840

To be sold at Public Auction at the Market House in Fredericton, on Saturday the thirtieth day of January next, between the hours of eleven o'clock in the morning and four o'clock in the afternoon:

ALL the right, title and interest which Asa Dow has or had at the time of the registering of the several memorials of the Judgment obtained as well against him as against him and one Enoch Dow, by the several Plaintiffs, at whose suit the same has been seized and taken, in and to the following pieces, lots and parcels of Land, situate in the County of York, described as follows, to wit: Lots, 19, 20, 21, 22 and 23, in Block No. 4, in the grant to Isaac Atwood and others, in the Parish of Dumfries, bounded on the upper side by Lot No. 24, owned by Isaac Wasson, on the lower side by Lands owned by John R. Patterson, and in front by the River Saint John, and containing 925 acres more or less.

ALSO.—Lot No. 31, in the same Block, included in the same grant, in the said Parish of Dumfries, bounded on the upper side by Land owned by John Dow, on the lower side by Land owned by Charles Hartley, and in front by the River Saint John, and containing 200 acres more or less.

ALSO.—Lot 45 in the same Block included in the same grant, in the said Parish of Dumfries, granted to Gabriel Davenport, bounded on the East side by Land owned and occupied by James Dickinson, on the East side by Lot No. 46, and on the front by the River Saint John, and containing 200 acres more or less.

ALSO.—A Lot situate West of the Howard Settlement, in the Parish of Dumfries, known as the Mill Lot granted from the Crown to the said Asa Dow, containing 100 acres more or less.

ALSO.—Lots No. 16, 17 and 18, in the Parish of Southampton, containing 714 acres more or less, formerly owned by Benjamin Brooks, together with all improvements, buildings, privileges and appurtenances to the said pieces or parcels of Land belonging, or so much of the same as will satisfy the several Executions issued out of the Supreme Court, under which the same has been seized and taken.

E. W. MILLER, SHERIFF.

Fredericton, July 24, 1840.

To be sold at Public Auction at the Sheriff's Office, in Fredericton, on Thursday the eleventh day of February 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 southerly 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 Penack 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 Nashwaak River, bounded on the one side by lands owned by the Heirs of the late Cornelius M'Laughlin, 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 Weade, James Weade and John Weade, in the tract of land formerly owned by the late Philip Weade, 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 Gilman and Mary his Wife, or either of them, of, in and to the property aforesaid, the same having been conveyed to the said Joseph and Nathaniel Blake by the said James Gilman and Mary his Wife by Indenture, dated the 14th day of February, 1839.

AND ALSO—All other the real Estate of the said Joseph Blake and Nathaniel Blake, or of either of them, and situate in the said County of York.

All the right and title of Joseph Blake, or Nathaniel Blake, to a Lot of Timber Land, containing 2200 acres, being Block 6, 7, 8, 9, 10 and 11 in the north east side of the River Nashwaak, above the New Brunswick Land Company's purchase, granted to William J. Bedell, Es.

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

E. W. MILLER, Sheriff.

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 3/4 acres, more or less, with an allowance of ten per cent for roads and waste.

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, 1/4 ten per cent allowance, and being known and distinguished as the Reed Grant.

The whole of the above property together with all and singular the other real Estate, of the Honorable Thomas Bide, within the County of York, having been taken in virtue of several Executions issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

The above Sale is postponed until the 1st Saturday in March, 1841.

E. W. MILLER, Sheriff.

Sep 30, 1840.

County of Gloucester.

To be sold by Public Auction on the second Tuesday in April, at the County Court House in Bathurst, between the hours of twelve and five o'clock in the afternoon:

ALL the right, title, and interest of John Hay, of, in and to that piece or parcel of Land and Prises, on which he now resides, in the Parish of Newandon, being the centre third part of Lot number eleven in the front tier of Lots bounded in front the Bay de Chaleur, Westerly by a portion of said Lot occupied by one Joseph Miller, in the rear by the said Lot number seventeen, and containing one third of said Lot number seventeen, and containing 100 acres more or less, together with all the uses, Out-Houses, Buildings and improvements thereon, and also, all the right, title and interest of the said John Hay, 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 24th 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 Bathurst, the 24th day of July, 1840.

HENRY W. BALDWIN, Sheriff of Gloucester.

Sheriff's Office, Gloucester, 15th Sept. 1840.

To be sold by Public Auction in front of the Court House in Bathurst, on the second Saturday in June 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 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.

And also, a certain other lot of land situated in the settlement of Little Roche, in the Parish of Beresford, in the County of Gloucester, known and acres, bounded northerly by lands granted to Joseph Atheneau Boudro; southerly by lands granted to Charles Doucet; and in front by the Bay of Chaleur; 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 Westmorland

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

ALL the Real Estate of John Kelly, situate in the Parish of Moncton: The same having been seized by virtue of several Executions against him issued out of the Supreme Court.

Also.—At the same time and place, the Real Estate of George M'Lane, situate in the Parish of Coverdale: The same having been taken by virtue of an Execution issued out of the Supreme Court, at the suit of James L. Wilmut.

W. P. SAYRE, SHERIFF.

Dorchester, 17th October, 1840.

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 privileges, buildings and improvements thereon, and of, in and to half an acre of Land on the East side of the said Mill, to John Martin 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.

To be sold at Public Auction, on the twenty fourth day of March 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 Benjamin A. Crandall, of, in and to certain Lands and Mills, called the North River Mills, together with all privileges, buildings and improvements thereto belonging, situate in the Parish of Salisbury, in the County of Westmorland,—the same having been seized by virtue of an Execution issued out of the Supreme Court, at the suit of Benjamin Harding.

Also, at the same time and place,—All the right, title, interest, property claim, and demand of William Fishery, of, in and to certain Upland and Marsh Land, situate on the Road leading through Shepody, at Hamilton's Creek, in the Parish of Hopewell, in the County of Westmorland, sold by James Hamilton and Nancy his Wife to John Smyth, and purchased by him by Deed from the Sheriff, dated 9th September, 1835, and registered the same day; and all other the Real Estate of said William Fishery, wheresoever in my Bailiwick,—the same having been seized by virtue of an Execution issued out of the Supreme Court at the suit of Henry Gilbert against the said William Fishery.

W. P. SAYRE, Sheriff.

Dorchester, 17th September, 1840.

Queen's County.

To be sold at Public Auction, at Samuel May's Tavern in Gagetown, Queen's County, on the first Tuesday in July next, between the hours of twelve and five in 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 Rapids on the Washademoac 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 Reynold's, for the sum of one hundred and fifty two pounds, seventeen shillings and seven pence. Dated at Gagetown, the 12th day of October, 1840.

N. H. DEVEBER, Sheriff.

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 of 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 24th 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 by Public Auction at the house of Samuel Mays, Inn-keeper, in Gagetown, Queen's County, on the last Saturday in May next, between the hours of twelve and five of the afternoon:

ALL the right, title and interest of George S. Ackery and James H. Ackery, in and to two certain Lots or Tracts of Land, situate, lying and being on the Northwest side of the Washademoac Lake, in Queen's County, known and distinguished in the grant thereof from the Crown to William Ackery, by the Numberers twenty six and twenty seven, containing together four hundred acres, more or less: The same having been seized and taken in and by virtue of an Execution issued out of the Supreme Court against William Ackery, George S. Ackery and James H. Ackery, at the suit of Leveret H. DeVcher. Dated at Gagetown, 18th November, 1840.

N. H. DEVEBER, SHERIFF.

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 Blacklee and Edward L. Thorne.

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

A. DAVIDSON, SHERIFF.

Sheriff's Office, June 12, 1840.

IN THE SURROGATE COURT FOR THE COUNTY OF YORK.

Friday, 20th November, 1840.

In the matter of the Estate of Simon H. Estey, deceased, Intestate.

GEORGE F. STREET, Surrogate.

UPON reading the Petition of Nelson A. Cliff, (the Sole Administrator of the Estate of the said Simon H. Estey, who died Intestate), duly attested to and this day preferred, whereby, and by the Accounts and Inventory thereunto annexed, it appears that the whole personal Estate of the said Simon H. Estey, which has come to the hands of the said Administrator amounts only to the sum of £17 15s.; and there appearing by the Inventory filed in this Court to be no other personal Estate of the said deceased, and that the debts due from the Estate so far as they have yet been ascertained amount to £90 11s. 1d., and that the expenses of the said Administrator amounting to the sum of £11 3s. 3d., making in the whole £101 14s. 4d., debited against the personal Estate, and that after fully administering the personal Estate, there remains a balance of £83 19s. 4d. of debts due from the Estate, for the payment whereof there are no personal effects;—And it also appearing that the said Intestate left Real Estate in this Province, consisting of a Lot of Land in the Parish of Kingsclear, in the County of York, containing about 250 acres, ten of which are under cultivation, and the whole now in the possession and occupation of the said Petitioner, and which is valued in the Inventory at £80 of Current money; also a Lot of 100 acres in the Howard Settlement, in the said County of York, in a wilderness state, valued at £20; which said Petitioner prays a Licence to sell the said Real Estate, or so much thereof as may be sufficient to pay off the said balance of debts so remaining due from the said Estate;—and it also appearing by the said Petition that the Heirs of the said Intestate consist of Solomon Estey, David Estey and James Estey, all residing out of this Province in some part of the United States of America, also Abraham Estey, Hannah Barker and Rhoda Cliff, all residing in the said County of York;—

It is ordered, That all and every person or persons having any just cause to show, why the Licence so prayed for should not be granted, do file a statement thereof in writing under oath, with the Register of this Court, within three months after the publication of this order in the Royal Gazette, and have the same set down for hearing on a day to be then appointed within the time aforesaid, then such further order shall be made in the matter as may seem just. And it is further ordered, That this order be forthwith published in the Royal Gazette, and continued therein for three months consecutively; and that a copy of this order be also forthwith served on each of the said three heirs so residing within this Province as aforesaid, by leaving the same at the last places of their respective abodes in this Province.

By the Court,

JOHN C. ALLEN, REGISTER.

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, 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.]