

NEW

SERIES.

# THE ROYAL GAZETTE.

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Volume 7.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY SEPTEMBER 2, 1840.

Number 6



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. F. ODELL.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday, the 5th day of October 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, Saint John, being lot No. 4, north of Andrew Ellis, north of Quaco. Upset price, 3s. per acre.

50 acres, Charlotte, being the west half of lot No. 8, south of the Baillie settlement. Upset price, 3s. per acre.

An Island known by the name of the "Farmer," near Long Island, east side of Grand Manan, Charlotte. Upset price, £25 for the Island.

JOHN S. SAUNDERS,

Surveyor General.

Crown Land Office, August 8, 1840.

CROWN LAND OFFICE,  
August 11, 1840.

The right of working the Coals, and other Minerals in the following described Districts in the County of Westmorland, subject to the following regulations and conditions, will be offered at Public Auction at this Office on Monday the 5th day of October next, at the upset price of Fifty Pounds on each District. Sale to commence at 12 o'clock, noon.

## MINING LOTS IN THE COUNTY OF WESTMORLAND.

## DESCRIPTION OF THE LOTS.

The first Lot to extend from the junction of the Petitediac and Memramcook Rivers, north till it meets a prolongation of the lower side line of Lot No. 45, granted to Peter LeBlanc in Dorchester, and to extend eastward from the Petitediac River to the rear line of the first tier of Lots on the east side of the Memramcook, and to be bounded on the south by the lower side line of Lot No. 14, granted to Charles Dixon, containing 30 square miles, more or less.

The second Lot to extend from the Petitediac River, easterly to the rear line of the first tier of Lots on the east side of the River Memramcook, to be bounded on the South by the lower line of Lot No. 45, (granted to Peter LeBlanc,) and its prolongation; and to be bounded on the north by the lower line of the escheated DesBarres Tract, and its prolongation, containing 18 square miles, more or less.

The third Lot to extend from the Petitediac across to the Memramcook River, to be bounded on the south by the lower line of the escheated DesBarres Tract, and on the north by a line to be run due east (true east) from the mouth of Hall's Creek, (at the Bend of the Petitediac,) till it strikes the River Memramcook, containing 40 square miles, more or less.

## REGULATIONS AND CONDITIONS.

1st. That the upset price on each lot be £50 (fifty pounds), and the whole amount of the purchase money on each lot to be paid on the day of sale to the Receiver General, or other person authorized to receive the same.

2d. That the right of Mining on each Lot be separately put up for the term of twenty five years, at a fixed rent of five per cent on the value of the minerals raised, with the exception of Coal, on which a duty of one shilling currency per chaldron shall be paid quarterly, on the 1st January, 1st April, 1st July and 1st October, in each year to the Receiver General, or an Agent for that purpose to be appointed by the Government.

3rd. That two years be given to each purchaser from the day of sale to explore and select his Mining ground, within the Lot purchased by him, which ground so to be selected is in no case to exceed three miles square. But no mining operations are to be commenced or prosecuted until the lease be taken out.

4th. That the purchaser of each Lot, after having explored and selected his ground, shall cause a Survey and Plan thereof to be made by some duly authorized Deputy Surveyor of the Province, and filed in the office of the Surveyor General; and that after such plan shall have been confirmed at the said office, a lease of the mines comprised therein shall be forthwith made out in accordance therewith.

5th. That after the said lease is executed and delivered, the lessee shall be allowed to work the said mines for three years, free of any rent or charge.

6th. That if the lessee shall not have actually commenced mining within two years after the date of the lease, the same shall be forfeited.

7th. That if the rent be behind or unpaid for the space of thirty days after the same shall become due, the lease shall be forfeited.

8th. That the lease contain a clause of renewal; and that the Government may take the improvements at a valuation to be made by arbitrators mutually chosen by the Surveyor General for the time being, and by the lessee or his assigns.

9th. That in no case shall a lease be executed for more than three miles square.

10th. That if the lessee, or his assigns shall neglect to work the mines within his lease for any one year during the continuance thereof, the said lease shall be forfeited and revert to the Crown.

JOHN S. SAUNDERS,

Surveyor General.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday, the 7th day of September next. Sale to commence at 12 o'clock, noon.

TERMS—Ten per cent of the purchase money to be paid at the time of sale, and the remainder within 14 days after.

100 acres, Kent, North side of the West Branch of St. Nicholas River, as surveyed for A. Morton, in Johnston's Mill reserve. Upset price, 3s. per acre.

400 acres, Westmorland, being lots 12, 13, 14 and 15, East of John Keillor, North Mountain Settlement. Upset price, 3s. per acre.

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

85 acres, King's, lot No. 10 second tier South of the Kennebecasis River. Upset price, 3s. per acre.

50 acres, Queen's, adjoining the lot improved upon by J. D. Worden, South east of the "Narrows" of the Washademoak Lake. Upset price, 3s. per acre.

40 acres, Carleton, being the East part of the North half of lot No. 15, fourth tier Presquille Settlement. Upset price, 3s. per acre.

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

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

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

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

JOHN S. SAUNDERS,

Surveyor General.

Crown Land Office, July 4, 1840.

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, 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, 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, to appear at the Office of David S. Kerr, whose name is hereunto 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.

INDENTURES for Sale at this Office.  
Feb. 11.

## NEW BRUNSWICK IN CHANCERY.

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

Between Lenah Hendricks, and Samuel Hallett, Plaintiffs, and Edward Lake, Defendant.

FORASMUCH as the Court was this present day informed by Mr. G. Botsford, being of the Plaintiff's Counsel, that the Plaintiffs on the third day of October last filed their Bill in this Court against the Defendant, as by the Certificate of the Registrar appears, and took out process of Subpoena, requiring the Defendant to appear to and answer the same, but that the said Defendant departed from the Province after the cause of action upon which the Suits commenced accrued, and hath not since resided within the Province, as by Affidavits appears; and the said Certificate and Affidavits being now read, and the truth of the above allegations being made out to the satisfaction of the Court, it is ordered that the Defendant do appear to the Plaintiff's Bill on or before the thirtieth day of January next.

By the Court.

D. LUDLOW ROBINSON, REGR.

## NEW BRUNSWICK IN CHANCERY.

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

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

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

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

By the Court.

D. LUDLOW ROBINSON, REGR.

[First Published in Gazette, July 15, 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 Disbrow, Junior, Administrators, de bonis non of Samuel Nichols, deceased, Plaintiffs, and David Hatfield, Peter Hatfield and Robert Ray, Defendants.

By the Court.

FORASMUCH as this Court was on Tuesday last informed by Mr. Kinneir being of Plaintiff's 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 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 Plaintiff's 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. 8th July, 1840. 4m 1u.]

## NEW BRUNSWICK IN CHANCERY.

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

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

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

By the Court.

D. LUDLOW ROBINSON, REGR.

By the Honorable Ward Chipman, Esquire, Chief Justice of Her Majesty's Supreme Court of Judicature for the Province of New Brunswick.

TO all whom these presents shall come, Greeting: NOTICE is hereby given, that upon the application of James T. Handford, 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 Joshua Gidney, late of Waterborough, in Queen's County, (which said Joshua Gidney is departed from and without the limits of this Province, with intent and design to defraud the said James T. Handford, and the creditors of the said Joshua Gidney, 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 Joshua Gidney do return and discharge his said debt or debts, within three months from the publication hereof, all the Estate as well real as personal, of the said Joshua Gidney, will be sold for the payment and satisfaction of the Creditors of the said Joshua Gidney. Dated at the City of Saint John, this first day of June, 1840.

WARD CHIPMAN,

J. H. HARTY, Attorney for Petitioning Creditor. [First Published in Gazette, June 10, 1840.]

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 this 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 &amp; WILLISTON, Attys. for Pet. Creditor.

By the Honorable William Botsford, Esquire, one of Her Majesty's Justices of the Supreme Court of Judicature for the Province of New Brunswick.

TO all to whom these presents shall come, Greeting: NOTICE is hereby given, that upon the application of Thomas E. Perly, 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 Carlos Copeland, late of Wakefield, in the County of Carleton, and Province aforesaid, (which said Carlos Copeland has departed from and without the limits of this Province with intent and design to defraud the said Thomas E. Perly, and other Creditors of the said Carlos Copeland, if any such 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 Carlos Copeland do return and satisfy his said debt or debts within three months from the publication hereof, all the Estate as well real as personal, of the said Carlos Copeland, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Carlos Copeland. Dated at Fredericton, in the County of York, this twenty second day of June, A. D. 1840.

W. BOTSFORD.

[First Published in Gazette, June 24, 1840.]

By William Botsford, Esquire, one of the Justices of Her Majesty's Supreme Court of Judicature for the Province of New Brunswick.

TO all to whom these presents shall come, Greeting: NOTICE is hereby given, that upon the application of John Pollok, Arthur Pollok, Alexander Rankin, Robert Rankin, James Gilmour, Allan Gilmour, Junior, and John Pollok, Junior, to me duly made, according to the form of the Acts of Assembly in such case made and provided, I have directed all the Estate as well real as personal, within this Province of James Balloch, late of the City of St. John, in the Province of New Brunswick, (which said James Balloch is departed from and without the limits of this Province, with intent and design to defraud the said John Pollok, Arthur Pollok, Alexander Rankin, Robert Rankin, James Gilmour, Allan Gilmour, Junior, and John Pollok, Junior, and the other Creditors of the said James Balloch, 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 James Balloch 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 James Balloch, within this Province, will be sold for the payment and satisfaction of the Creditors of the said James Balloch. Dated at Fredericton, the sixteenth day of June, 1840.

W. BOTSFORD.

W. JACK, Attorney for Petitioning Creditors. [First Published in Gazette, June 17, 1840.]

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

TO all whom these presents shall come, Greeting: NOTICE is hereby given, that upon the application of John Rhodes, to me duly made, according to the Acts of Assembly in such case made and provided, I have directed all the Estate as well real as personal, within this Province, of Joseph Blake and Nathaniel Blake, late of Saint Mary's, in the County of York, (which said Joseph Blake, and Nathaniel Blake are departed from and without the limits of this Province, with intent and design to defraud the said John Rhodes and others, Creditors of the said Joseph Blake and Nathaniel Blake, if any there be of their just dues or else to avoid being arrested by the ordinary process of the Law, as is alleged against them,) to be seized and attached, and that unless the said Joseph Blake and Nathaniel Blake do return and discharge their said debt or debts within three months from the publication hereof, all the Estate as well real as personal of the said Joseph Blake and Nathaniel Blake, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Joseph Blake and Nathaniel Blake. Dated at Fredericton, the tenth day of June, A. D. 1840.

WARD CHIPMAN.

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

NOTICE is hereby given, that all persons who have been cutting or taking, or who shall hereafter cut or take Logs or Timber from the Lands of the New Brunswick and Nova Scotia Land Company in this Province without direct Licence from the Commissioners so to do, will be proceeded against as trespassers.

And notice is further given, that the Messrs. Blakes, late of Nashwan Mills, had no authority to give leave or permission to any persons to cut or take Logs or Timber from any part of those Lands, and therefore those parties who may have been misled in that respect, will be allowed to pay a fair Stumpage for the Logs and Timber they have cut in satisfaction of the trespass, provided they do so on or before the first day of October next, after which time they will be proceeded against as trespassers.

R. HAYNE, Commissioner.

N. B. &amp; N. S. Land Company. Fredericton, July 27, 1840.

DEEDS, LEASES, Bonds and Mortgages.

For sale at this Office.

## BARRACK CANTEN.

OFFICE OF ORDNANCE,  
St. John, N. B. 3rd August, 1840.

NOTICE is hereby given, that the CANTEN in the Barracks at Fredericton, is to be Let upon the following conditions, for THREE YEARS, from the 1st October next, to the 30th September, 1843.

No person but of unexceptionable character, or who will not undertake, bona fide, to reside in the Canteen, and conduct the business thereof in his own person, will be approved; and two Sureties will be required for the regular payment of the Rent, and of all sums which may become due in respect of the said Canteen, and for the due performance of the several conditions and stipulations of the Lease.

The person whose proposal shall be accepted, and his Sureties, must execute the Indenture of Lease and Covenants relating thereto, the particulars whereof may be known by applying at this Office, or to the Barrack Master at Fredericton.

The names of two respectable persons, with their Christian names, professions and places of abode, who will join the Tenant in executing the Indenture, as his Sureties, must be inserted in the proposals; and the Ordnance Department does not undertake to procure the Tenant a Licence.

Sealed Proposals, addressed to the Respective Officers of Her Majesty's Ordnance, with the words "Tender for Canteen" written on the outside cover, will be received at the above Office, on or before twelve o'clock, at noon, of Friday the 11th September next,—after which hour any proposals received cannot be noticed.

By the Mutiny Act, Canteens are not liable to have Troops billeted on them.

All persons making Tenders, to specify the various descriptions of articles they will undertake to furnish of the best quality and at the general retail prices, and comprising every commodity usually in demand by the Troops; Samples to be produced if required, and they are to take notice that they will be held to the strict performance of the Covenants of their Leases and full payment of their rents without any remission or reduction further than the Covenants of the Lease itself set forth.

The form of the Tender to be as follows:

I hereby offer for the Canteen in the Barracks at Fredericton, for Three Years from the first October next, the Rent of Ten Pounds sterling per annum, for the House as a Dwelling, and the further Rent of sterling per Month, for every Ten Private Soldiers who may occupy the Barracks during that period, and propose Mr. of and Mr. of, as my Sureties for the same.

The Rent of the Canteen as a Dwelling is fixed at the sum stated above, therefore the bidders will be upon what is offered for every Ten Men occupying the Barracks. This number will be ascertained from the Barrack Master's Monthly Returns, which are made up on the first day of every month; and no changes in the occupation of the Barracks which may take place in the progress of the month, either for or against the Tenant, will be taken into account. No less number than ten will be charged against the Tenant, nor will any odd number be calculated; thus, if the Barracks should be occupied by 148 men on the first day of the month, only 140 will be calculated for that month. The bidders are also desired to introduce no fractional parts of a penny in their offers, as they will not be noticed, nor will any Tenders be noticed except such as are strictly according to the above Form.

The Rent to be paid in British Money, or Spanish or Mexican Dollars at the rate of 4s. 2d. each.

## Contract for Washing and Repairing Barrack Bedding.

OFFICE OF ORDNANCE,  
St. John, N. B., 3d August, 1840.

SEALED TENDERS will be received at this Office by the respective Officers of the Ordnance, until Friday 11th September next, at 12 o'clock, from persons disposed to enter into an agreement for one year, commencing on the 1st October next, for Washing and Repairing such quantities of the following Articles of Barrack Bedding as may be required at Fredericton, N. B.

The Tenders to express the rate in sterling for which each article will be Washed and Repaired.

Paillasses,	at each, sterling,	-
Bolsters,	do. do. do.	-
Blankets,	do. do. do.	-
Sheets,	do. do. do.	-
Rugs,	do. do. do.	-
Round Towels,	do. do. do.	-
Gowns, hospital,	do. do. do.	-
Waistcoats, do. do.	do. do. do.	-
Trowsers, do. do.	do. do. do.	-
Night Caps, do. do.	do. do. do.	-
Bed Sacking, do. do.	do. do. do.	-

The usual security will be required for the due performance of such contract as may be entered into, and any further information may be known on application at this Office, and at the Barrack Office, Fredericton.