

NEW

SERIES.

THE ROYAL GAZETTE.

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Volume 7.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY OCTOBER 14, 1840.

Number 12



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.

CIVIL APPOINTMENTS.

William Garnett, Esquire, to be appointed an appraiser of dutiable Goods at St. Andrews.
John Bedell, David L. Dibblee and William T. Wilnot, Esquires, to be added to the Board of Education for the County of Carleton.

IN COUNCIL, October 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 7th day of December next, and five shillings additional will be charged on each purchase, for postage, &c.

RESTIGOUCHE.
R. McIntosh, 3s. per acre, down.
GLOUCESTER.
William Forien, 3s. per acre, down.
NORTHUMBERLAND.
T. Cunningham, 3s. per acre, down.
James McKie, 3s. per acre, down.
Placide Gray, 2s. 6d. per acre, or 3s. by instalments.
M. Brinsfield, 3s. per acre, down.
KENT.
D. Dunavan, 2s. 6d. per acre, down.
WESTMORLAND.
M. McSweeney, 5s. per acre, down.
John D. B. Wells, 3s. per acre, down.
KING'S.
D. C. Dunham, 3s. per acre, down.
S. C. Dunham, do. do.
QUEEN'S.
N. Clarke, 2s. 6d. per acre, down.
J. F. Price, do. do.
Hugh Boyd, 3s. per acre, down.
John Gregg, do. do.
James McDonald, 100 acres at 3s. per acre, down, not to interfere with George Vance.

YORK.
R. Little, 3s. per acre, down.
CARLETON.
S. R. Emery, 3s. per acre, down.
Mary Chase, do. do.
The lands applied for by the undermentioned persons, will be offered at Public Auction at this Office on Monday the 7th day of December next, (see advertisement.)
D. McKenrick.
John Shannon.
G. H. Hart.
G. & J. Munro.
M. McNally.
J. Gallivan.

The Petitions of the undermentioned persons are deferred for want of survey.
C. McEachan. J. McEachan.
D. Campbell. S. Brown.
J. Oakes. G. Price.
G. Gillespie. J. Knowles.
P. Conroy. H. McIntyre.
L. Gray. M. Glen.
J. Guise. J. Marshall, Jr.
M. Guequen. D. Sypher, 3d.
F. Maillet. S. Ledurnay.
D. McEachan.

The answers to the Petitions of the undermentioned Persons are as follows:—
John Brinsfield, not complied with.
Michael Woods, Ordered, That Allan Carter be notified of this application and in default of his completing his purchase, Petitioner will be allowed to purchase at 10s. per acre, down.
John Niles, Ordered, That Paul Niles be notified of his application.
John McCann, Ordered, That the Islands be reserved for the use of the Crown and that the Survey money be returned to the Petitioner.
Charles Wright, not complied with.
M. McMackin. do. do.

D. McDonald, complied with.
R. Gibson, do.
Eli Richard, do.
Thomas Hanna, do.
J. H. Faulkner, do.
Edward Maghney, do.
W. Quin & W. Fry, not complied with.
Beverly Robinson, complied with, and that the land be thrown open to applicants after the 15th October.

Michael McNally, to have a remission of £100 towards the purchase of 400 acres at Auction. Upset price, 5s. per acre.
John McCann, referred to the Justices at the next General Sessions of the County of Charlotte to report whether it will be advisable to lease the lot and also to report as to its value &c.
C. McDougal, allowed on producing sufficient evidence of her husband's title from Whelan.
William Porter, allowed, on payment of £91 17s. 6d.

John Johnston, allowed, on satisfying the Seizing Officer.
James Thomas & J. King, do. do. do.
Messrs. Gilmour, Rankin & Co. not complied with.
A. G. Foster, (respecting Bond,) not complied with.

A. G. Foster, (respecting 600 tons timber,) deferred for further consideration.
James Taylor, Ordered, That the timber be released on paying 8s. per ton immediately.
John Foy, complied with.
Thomas Brown, do.
W. Gilmour, allowed for a Mill reserve on the North side of the North Branch.

Charles Shumper, a new Bond at three months to be taken for the duty on 91 M.
J. Bleakney, not complied with.
Joseph Moore, do.
John Porter and G. M. Porter, Ordered, That the sum of £161 17s. 6d. be received and placed to Petitioners general credit, and the payment of the Bond be extended to the 1st of January, 1841.

John Rider, to stand over until Deputy Arnold's report be received.
K. G. Robinson, not complied with.
Amos Crockett, allowed, on payment of the money due on the Bond from June, 1839.

John D. B. Wells, the logs to be released, and the Bond cancelled, upon Mr. Wells shewing that he has paid Mr. Palmer for the expense of his investigation.
John S. Taylor, not allowed.
Duncan Barber, do.
A. T. Coburn, complied with, on payment of all arrears.

Joseph N. Clarke, do. do. do.
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 7th day of December next.
Archd. McLean, Little River.
Joseph Cunard, Kent.
A. Ritchie, Restigouche.
F. Ferguson, Gloucester.
G. E. Ketchum, Tobique.
A. Gibson, Northampton.
W. Barker, New Canaan.
A. McIntosh, Buctouche.
Wm. Albee, River St. Croix.
John Wilson, Lake George.
S. Gardner, Coal Creek.
J. Montgomery, Restigouche.
B. N. Underhill, Cain's River.
G. M. Porter, Palphrey Tract.
W. E. Perley, Sunbury.
T. W. Underhill, Sabbies River.
Jacob McKee, Andover.

James Holmes, Little S. W. Miramichi.
James Harnett, Kouchibouguacis.
D. McIntosh, New Galloway.
J. McDonald, New Canaan River.
J. Ferguson, Coal Creek.
P. Sutherland, Restigouche.
R. Coyle, New Canaan.
C. McKay, Jr. Canoose.
Jacob McKee, Restook Portage.
Joseph Parent, Howard Settlement.
W. Barker, New Canaan.
G. & J. Munro, Tobique.
A. McLagan, Bartholomew's.
A. B. Sharp, Tobique.
G. W. Turner, Shugomoc.
G. Porter, (No. 1111) Eel River.
E. Lunt, Salmon River.
R. Hutchison, Burnt Land Brook.
M. McKendrick, Little S. W. Miramichi.
C. Campbell, Salmon River.
James Ryan, King's.
J. Henneberry, Salmon River.
James Brien, Northumberland.
C. Mitchell, Northumberland.
S. Langan, Queen's.
W. McWilliam, Richibucto.
E. McNiel, Salmon River.
P. Stewart, Eel River.
A. Rankin, Burnt Church River.
A. Dickinson, Tobique.
A. Williamson, Magaguadavic.

The Petitions of the undermentioned are complied with on the payment of all arrears due by them.
Elijah Sisson, Tobique River.
A. C. Hammond, (Andover,) Carleton.
James Fowler, Sabbies River.

S. Linton, Gaspereau.
T. E. Perley, Wicklow.
John McLean, Little River.
Francis Dailey, complied with, unless Mr. Carman settles his arrears previous to the 24th instant.

Charles Hoben's Petition is complied with for that part only applied for by him, between the Hamilton Brow and Spring Brook.
A Licence to cut 100 tons White Pine Timber on the Berth applied for by A. J. Hammond and James Taylor, on Salmon River, will be offered at this Office for competition, between them only, on the 7th day of December next, at 12 o'clock, noon. Upset price, 2s. per ton.

The Petitions of the undermentioned persons for licence to cut Timber and Logs are not complied with.

W. Todd, Jr., Palphrey.
N. Lindsay, Palphrey.
J. Hitchings, Digdequash Brook.
Wm. Grant, Palphrey.
George Porter, (Marks Block,) Eel River.
Henry Lunt, Lake Erina.
C. Robertson, Palphrey Tract.
George Morrow, Lake Erina.
James Taylor, Lake Erina.
James Taylor, Palphrey.
James Taylor, Prince William.
J. Kilburn, Shugomoc.
L. Huestis, Palphrey & Shugomoc.
John Porter, Palphrey & Shugomoc.
J. Campbell, Sur., Palphrey & Shugomoc.
V. Pickard, Prince William.
T. E. Grant, Shugomoc.
J. H. McAllister, Shugomoc.
N. Gilman, Cranberry Lake.

CROWN LAND OFFICE,

October 9, 1840.

Petitions will be received at this Office, until the 15th instant, from Persons desirous of purchasing Land for settlement, or of obtaining Licence to cut Timber on the tract of Land formerly reserved for Beverly Robinson, Esq., on the new St. Andrew's Road, near the Haulwell Lake. And the Petitions of those Persons who have already applied will only be considered as received on that day.

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 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 Nashwaak. 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.

The undermentioned tracts of vacant Crown Land will be offered at Public Auction at this Office on Monday, the 2d day of November 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.

2 Lots of 100 acres each, Gloucester, on Bass River, above the Miramichi Road, (as surveyed for Thomas M. Deblois.) Upset price, 3s. per acre.

200 acres, Gloucester, on Bass River, (above the Miramichi Road in rear of the First tier.) Upset price, 3s. per acre.

239 acres, Westmorland, in rear of the Granted Lands at the Bend of Petticoadie River, next to R. Crossman's, and as surveyed for John Humphrey. Upset price, 3s. per acre.

300 acres, Saint John, being one half of the 600 acre tract surveyed in rear of the front lots at Quaco, for Simon Vaughan and to cover his improvements. Upset price, 3s. per acre.

100 acres, Queen's, between John Austin and Bernard Campbell, north side Salmon River. Upset price, 3s. per acre.

1154 acres, Carleton, being division No. 10, Block 4, Blair's Survey, on the head of the Cold Stream, Begaguinick. Upset price, 3s. per acre.

JOHN S. SAUNDERS,

Surveyor General.

Crown Land Office, September 3, 1840.

By permission we publish the following extracts from the General Orders issued by His Excellencies Lieutenant General Sir Colin Campbell, on his departure, and Major General Sir John Harvey, on his assuming the command of the Troops in the Lower Provinces.

HALIFAX, 3d October, 1840.
GENERAL ORDERS.

No. 1.—The Lieutenant General Commanding, being about to return to England, directs, in conformity with instructions from the General Commanding in Chief, that the following arrangements shall take effect on his departure, until further orders:—

1. The command of the Troops in Nova Scotia, New Brunswick and their Dependencies, will devolve on His Excellency Major General Sir John Harvey, K. C. B. & K. C. H., the Head Quarters of the Command being transferred to New Brunswick.

2. Colonel Smelt, 37th Regiment, will take charge of the Troops stationed in Halifax, &c.

3. The Heads of Departments at Halifax will report to and receive orders from Major General Sir John Harvey, on all subjects connected with the Service, in the command.

4. Lieutenant Arthur Wellington Campbell, 14th Regiment, who accompanies the Lieutenant General to England, will deliver over the charge of the Military Secretary's Office to Mr. A. G. Blair, First Clerk in the Department, until a Successor to Lieutenant A. W. Campbell shall be appointed by Major General Sir John Harvey.

The Lieutenant General cannot separate himself from the Troops he has so long commanded, without requesting His Excellency Major General Sir John Harvey, to accept his best thanks for the aid and assistance he has so often received from him. His best thanks are also due to the Heads of Departments, as well as to the other Officers, Staff and Regimental, for the zeal and attention they have uniformly displayed in the discharge of their respective duties; he will ever remember with satisfaction that, during a period of more than six years, the Officers serving under his orders have been distinguished—on some occasions, particularly in New Brunswick, under very trying circumstances—for zeal, judgement and discretion.

To the non-commissioned Officers and Soldiers the Lieutenant General Commanding desires also to express his high approbation of their general good conduct, qualified only by a feeling of deep regret for the proclivity that has at times prevailed among them, to desert the Standards of their Country—a crime at once disgraceful to them as Men, as Soldiers, and as Christians. This, with a disposition to indulge too freely in the use of spirituous liquors, to which most other irregularities may be traced, are the only serious crimes which the Lieutenant General has had to notice and repress during his command, and he now, at parting, earnestly and solemnly entreats the Troops to subdue propensities, which, while they destroy character, happiness and health, have thrown a shade over the bright and noble qualities for which the British Soldier has ever been distinguished.

The Lieutenant General now bids an affectionate farewell to the Troops under his command, and assures them, collectively and individually, that they will ever have his best wishes for their welfare and prosperity.

HEAD QUARTERS, Fredericton, 2
6th October, 1840.

GENERAL ORDERS.

No. 1. In obedience to the gracious commands of the Queen, conveyed through the General Commanding in Chief, and His Excellency the Commander of the Forces, Major General Sir John Harvey assumes the command of the Troops stationed in Nova Scotia, New Brunswick, and their Dependencies, upon the departure of His Excellency Lieutenant General Sir Colin Campbell, and directs that all Orders issued by the Lieutenant General may be considered in full force until further orders.

No. 2.—The Head Quarters of the Division are transferred to Fredericton.

No. 3.—Captain Tryon, 43d Light Infantry, is appointed Military Secretary, and Ensign F. C. Harvey, 34th Regiment, Aid-de-Camp to the Major General Commanding.

No. 5.—Colonel Smelt, C. B., 37th Regt. will take charge of the Troops at Halifax, with the rank and pay of a Colonel on the Staff, with one Aid-de-Camp, until further orders.

No. 7.—Major General Sir John Harvey invites the serious attention of the Troops to the advice so forcibly and affectionately given to them by His Excellency Lieutenant General Sir Colin Campbell, and earnestly hopes that nothing may occur to weaken the strength of the compliment to the general excellence of their conduct, with which that advice is accompanied; it will be the Major General's anxious endeavors to do all that may be in his power to promote their comfort, and he looks to no other return than a continuance of their general meritorious conduct, and an abandonment of those propensities alike injurious to themselves and detrimental to the Queen's service, to which his predecessor has so feelingly adverted.

By Command.

S. TRYON,
Military Secretary.

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.

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. Crookshank, William Walker, Peter Duff, John M. Wilnot, 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.

INFORMED by Mr. Wilnot, being of Plaintiffs' 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.

INFORMED by Mr. Kinner 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 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. Am. Inc.]

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.

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 are now residing and for a long time past have resided at or near Montreal, in the Province of Lower Canada, and cannot be served with such process, all which by Affidavits appears; and the said Affidavits 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 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.]

INDENTURES for Sale at this Office. Feb. 11.