

NEW

SERIES.

# THE ROYAL GAZETTE.

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Volume 7.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY FEBRUARY 10, 1841.

Number 29



By Authority.

SECRETARY'S OFFICE,  
30th January, 1841.

It appearing from a Report of the Board of Education for the County of Westmorland, that Theophilus Cowdell, a Licensed Schoolmaster, has been dismissed by the Trustees of Schools, for the Parish of Sackville, for highly improper conduct in his School; the Licence granted to the said Theophilus Cowdell, is therefore withdrawn and cancelled. By Order of His Excellency the Lieutenant Governor.

The following tracts of vacant Crown Land will be offered at Public Auction, at this office, on Monday the 1st day of March next. Sale to commence at 12 o'clock, noon.

Trans.—10 per cent. to be paid at the time of Sale, and the remainder within 14 days after. 100 acres, Northumberland, at the Forks of Burnt Church River. Upset price, 3s. per acre.

144 acres, Westmorland, west side of the Maclellan road, Moncton, as Surveyed for Abner Jones. Upset price, 3s. per acre.

200 acres, Westmorland, (same situation as the above), as Surveyed for Lewis Constantine. Upset price, 3s. per acre.

100 acres, Westmorland, as Surveyed for Pharez Constantine, Block No. 4, Pollett River. Upset price, 3s. per acre.

300 acres, Westmorland, on the north side of the new Road to New Canaan River, as Surveyed for James D. Murphy. Upset price, 3s. per acre.

200 acres, Westmorland, as Surveyed for Mariner Lecman on the east side of Coverdale River. Upset price, 3s. per acre.

200 acres, Westmorland, as Surveyed for George Taylor in Block No. 5, Pollett River. Upset price, 3s. per acre.

100 acres, Charlotte, Lot No. 3, east side of the New Road to Woodstock. Upset price, 3s. per acre.

JOHN S. SAUNDERS,

Surveyor General.

Crown Land Office, January 9, 1841.

## SHERIFF'S SALES.

### County of York.

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:

THREE 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.

Also, 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, with 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 Baillie, 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.

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

E. W. MILLER, Sheriff.

Sept. 30, 1840.

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. 5 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 Muzzall, deceased, adjoining next below Lands owned by Joseph Muzzall: the same having been taken by an Execution issued out of the Supreme Court, at the suit of the Plaintiff.

Also, All the right, title and interest and claim of William Hazen, of, in and to Lots No. 179 and 180, fronting on the river Saint John, in the Parish of Dumfries: The same having been taken by an Execution issued out of the Supreme Court, at the suit of Adam D. Allan.

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.

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 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 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 last 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 22,700 acres, being Block 6, 7, 8, 9, 10 and 11, on the north east side of the River Nashwaak, above the New Brunswick Land Company's purchase, granted to William J. Bedell, Esq.

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, 30th day of July, 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 M. Nabb, to that Farm on the Eastern side of the River Nashwaak, in the Parish of Saint Mary's, granted to the late James Nabb, in the grant to the late 42d Regiment, and whereon the said Patrick M. Nabb 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.

### County of Gloucester.

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

ALL the Estate, right, title, and interest of John Henry, of, in and to that piece or parcel of Land and Premises, on which he now resides, in the Parish of New Brandon, being the centre third part of Lot number seventeen in the front tier of Lots bounded in front by the Bay de Chaleur, Western by a portion of said Lot occupied by one Joseph Miller, in the rear by ungranted Lands, and Eastern by the remaining one third of said Lot number seventeen, and containing one hundred acres more or less, together with all the Houses, Out-Houses, Buildings and improvements to the same belonging or appertaining: The said Property having been seized by me to satisfy two several Executions issued out of the Supreme Court of this Province against the said John Henry.

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 A. 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.

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 distinguished as lot No. 13, containing one hundred acres, bounded northerly by lands granted to Joseph Athanate Boudro; southerly by lands granted to Charles Doucet; and in front by the Bay de 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 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 Fidelity, of, in and to certain Upland and Marsh Land, situate on the Road leading through Sheepdy, 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 said Fidelity at Sheriff's Sale, and conveyed to him by Deed from the Sheriff, dated 9th September, 1835, and registered the same day; and all other the Real Estate of said William Fidelity, wheresoever in my Bailwick,—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 Fidelity.

W. P. SAYRE, Sheriff.

Dorchester, 17th September, 1840.

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 the said John Kelly, 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. Wilnot.

W. P. SAYRE, SHERIFF.

Dorchester, 17th October, 1840.

### County of Carleton.

To be sold at Public Auction, at the Court House in Woodstock, on Saturday the 31st day of July next, between the hours of 12 and 4 o'clock, P. M.:

ALL the right and title of Benjamin Tibbets, to a certain piece or parcel of Land, situate in the Parish of Andover, County of Carleton, being Lots No. 100 and 101, containing 200 acres, more or less; with two large and commodious dwelling Houses, two large Barns, a Store, and a number of convenient out-Houses thereon, together with a first-rate Grist Mill, dwelling House and Fannery; likewise 200 acres of Land, more or less, situate on the road leading from Tobique settlement to the Restock, in the rear of the front Lots: taken by virtue of an Execution issued out of the Supreme Court, at the suit of Stephen Wiggins and Frederick Wiggins, against the said Benjamin Tibbets.

JOHN F. W. WINSLOW,

Woodstock 27th January, 1841.

### 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 George 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 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 Reynold, 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 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. Ackerly and James H. Ackerly, in and to two certain Lots or Tracts of Land, situate, lying and being on the Northwest side of the Washademoak Lake, in Queen's County, known and distinguished in the grant thereof from the Crown to William Ackerly, by the Numbers 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 Ackerly, George S. Ackerly and James H. Ackerly, at this suit of Leveret H. DeVeber. Dated at Gagetown, 18th November, 1840.

N. H. DEVEBER, SHERIFF.

INDENTURES for Sale at this Office. Feb. 11.

IN THE SUREGATE 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 expense of Inquest, Funeral and Administration amount to the sum of £11 3s. 3d., making in the whole £101 14s. 4d., debts against the said Estate, and that after fully administering all 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 200 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 £30; 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 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 for that purpose; and in case no cause shall be shown 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.

NEW BRUNSWICK, IN CHANCERY.

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

Between Beverly Robinson, Executor of the last Will and Testament of Peter Fraser, deceased, Plaintiff, and

Roswell Drown, Defendant.

FORASMUCH as the Court was this present day informed by Mr. G. Botsford, being of the Plaintiff's Counsel, that the Plaintiff had exhibited his Bill in this Court against the Defendant, and sued out process of Subpoena, directed to the said Defendant, and requiring him to appear to, and answer the same: but that the said Defendant departed from this Province some time in the year of our Lord one thousand eight hundred and thirty three, and has not since resided within this Province, and cannot be served with the process of this Court, all which by Affidavit appears; and the said Affidavit being now read: It is ordered, that the said Defendant, Roswell Drown, do appear to the Plaintiff's Bill on or before the thirty first day of May next.

By the Court.

D. LUDLOW ROBINSON, Regr.  
[First Published, 23d Dec., 1840.]

NEW BRUNSWICK, IN CHANCERY.

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

Between James Rait, Plaintiff, and

Henry Seelye, and Randall Whidden, Defendants.

FORASMUCH as the Court was this present day informed by Mr. G. Botsford, being of the Plaintiff's Counsel, that the Plaintiff had exhibited his Bill in this Court against the Defendants, on the thirteenth day of March last, as by the Certificate of the Registrar appears; and had sued out process of Subpoena, requiring the Defendants to appear to, and answer the same: but that the Defendant, Randall Whidden, now resides, and for more than three years last, past, hath resided out of the jurisdiction of this honorable Court, to wit, at Calais, in the State of Maine, one of the United States of America, as by Affidavit appears; and the said Certificate and Affidavit being read: It is ordered, that the said Defendant, Randall Whidden, do appear to the Plaintiff's Bill on or before the thirty first day of March 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, 23d Dec., 1840.]

NEW BRUNSWICK, IN CHANCERY.

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

Between Robert Rankin, Arthur Pollok, Allan Gilmour, James Gilmour, Alexander Rankin, Allan Gilmour, Junior, and John Pollok, Junior, Plaintiffs, and

Nathaniel Blake, Joseph Blake, Eli Hoskins, and Oliver Smith, Defendants.

FORASMUCH as the Court was this present day informed by Mr. G. Botsford, being of the Plaintiff's Counsel, that the Plaintiffs on the twenty fifth day of September last, exhibited their 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, Nathaniel Blake, and Joseph Blake, did, on or about the sixth day of June last, clandestinely leave and depart from this Province, to avoid being served with the process of this Court, and still remain without the limits of this Province, and cannot be served with the process of this Court, as by Affidavit appears; and the said Affidavit being now read: It is ordered that the said Defendants, Nathaniel Blake, and Joseph Blake, do appear to the Plaintiff's Bill, on or before the thirtieth day of April next.

By the Court.

D. LUDLOW ROBINSON, Regr.  
[First Published, 23d Dec., 1840.]

NEW BRUNSWICK, IN CHANCERY.

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

Between Charles Lee, Francis E. Beckwith, and

Henry B. Rainford, 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, James Gilmour, and Alexander Rankin, Defendants.

FORASMUCH as the Court was this present day informed by Mr. Wilnot, being of the Plaintiff's Counsel, that the Plaintiffs, on the second day of June last, exhibited their Bill in this Court against the Defendants, as by the Registrar's Certificate appears; and took out process of Subpoena, requiring the Defendants to appear to, and answer the same: but that William Hall, one of the Defendants, resides in Devonshire, (England,) and has never been in this Province, and that the said Defendant, 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 thirty first day of May 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, 23d Dec., 1840.]

## PROSPECTUS.

THE MONTHLY REVIEW,  
DEVOTED TO THE  
CIVIL GOVERNMENT OF THE CANADAS.

THE Canadas have been united under an amended constitution—the foundation has been laid for an improved system of government. The success of that constitution will greatly depend upon a correct understanding and a just appreciation of its principles; and the advantages of the new system of government will be essentially influenced by the views and feelings of the inhabitants of the Canadas themselves. At a period so eventful, and under circumstances so peculiar, it is of the utmost importance that the principles of the constitution should be carefully analysed, and dispassionately expounded; that the relations between this and the mother country, and the mutual advantages connected with those relations, should be explained and illustrated; the duties of the several branches of the government and the different classes of the community stated and enforced; the natural, commercial, and agricultural resources and interests of these provinces investigated and developed; a comprehensive and efficient system of public education discussed and established; the subject of emigration practically considered in proportion to its vast importance; the various measures adapted to promote the welfare of all classes of the people originated and advocated; and a taste for intellectual improvement and refinement encouraged and cultivated.

Such are the objects of the MONTHLY REVIEW; objects which it is intended to pursue with views and feelings as unbiased and comprehensive as those of the government itself. Such a publication is a desideratum in the Canadas. The subjects to which its pages will be devoted require, at the present juncture, a more elaborate discussion than is suitable to the columns of a newspaper, and ought to be embodied in a convenient and permanent form. The topics discussed, and the subjects introduced, will become more varied as the immediate objects which have called the publication into existence shall have been accomplished. A monthly retrospect of public affairs, containing notices and observations respecting the measures of the government, and the leading events and questions of the day, will appear in each number.

The MONTHLY REVIEW will, for the time present, be conducted under the supervision of JOHN WAUDBY, Esquire, late Editor of The Upper Canada Herald, assisted by several able writers in the two Canadas. A general invitation is also given to Gentlemen of talents and acquirements to contribute to the columns of the REVIEW. Each number will contain from 60 to 80 pages, royal octavo, double columns, small type and fine English paper. Each volume will contain not far from seven hundred pages, and furnish about as much reading matter as is contained in three common octavo volumes of five hundred pages each.

TERMS.—Price 20s. per year, including postage, payable in advance. As the work is undertaken with no view to emolument, it will be enlarged and improved in proportion to the amount of available subscriptions. It will not be sent to any Subscriber without payment of six months subscription in advance. No subscription received for less than six months. All Post Masters are respectfully requested to act as Agents. Any Post Master or other person forwarding the names of six Subscribers, with the subscriptions, will receive a copy, gratis, during the same period. The first Number will appear on the first day of January, 1841. All communications must be addressed to the Editor of the MONTHLY REVIEW, Toronto, and be post paid.

The Editor is permitted and authorised to add, that the MONTHLY REVIEW has been undertaken with the sanction and under the patronage of His EXCELLENCY THE GOVERNOR GENERAL; although the writers alone will be responsible for the matter which it may contain. Toronto, Nov. 4, 1840.