

NEW

SERIES.

# THE ROYAL GAZETTE.

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Volume 7.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY, MAY 5, 1841.

Number 41



By Authority.

At the Court of Buckingham Palace, the 5th day of February, 1841.

PRESENT.

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS by the late Act of Uniformity which establisheth the Liturgy, and enacts that no Form or Order of Common Prayer be openly used, other than what is prescribed or appointed to be used in and by the said Book, it is, notwithstanding, provided that, in all those Prayers, Litanies, and Collects, which do anywise relate to the King, Queen, or Royal Progeny, the names be altered and changed from time to time, and fitted to the present occasion, according to the direction of lawful authority. Her Majesty was pleased this day in Council to declare Her Royal Will and Pleasure that, in all the Prayers, Liturgies, and Collects for the Royal Family, the words, "The Prince Albert" be inserted immediately after the words "Adelaide the Queen Dowager." And Her Majesty doth strictly charge and command, that no edition of the Common Prayer be from henceforth printed, but with this amendment; and that in the mean time, till copies of such edition may be had, all Parsons, Vicars, and Curates, within this Realm, do (for the preventing of mistakes), with the pen, correct and amend all such Prayers in their Church Books, according to the foregoing directions; and for the better notice hereof, that this Order be forthwith printed and published and sent to the several Parishes, and that the Right Reverend the Bishops do take care that obedience be paid to the same accordingly.

His Excellency Sir WILLIAM MACBETH, GEORGE COLEBROOKE, K. H., having been appointed to succeed His Excellency Sir JOHN HARVEY, K. C. B. and K. C. H. as Lieutenant Governor of the Province, came this day to the Council Chamber and presented his Commission, which being read, His Excellency took the usual Oaths, and assumed the Administration of the Government.



By His Excellency Lieutenant Colonel Sir WILLIAM MACBETH, GEORGE COLEBROOKE, K. H., Lieutenant Governor and Commander in Chief of the Province of New Brunswick.

W. M. G. COLEBROOKE.

## A PROCLAMATION.

HER Majesty having been pleased, by Her Royal Commission this day published, to constitute and appoint me to be Lieutenant Governor of this Province of New Brunswick, the Administration of the Government of which I have this day assumed, I do therefore publish this Proclamation, of which all persons concerned are required to take due notice and govern themselves accordingly.

Given under my Hand and Seal at Fredericton, this twenty seventh day of April, in the year of our Lord one thousand eight hundred and forty one, and in the fourth year of Her Majesty's Reign.

By His Excellency's Command.

WM. F. ODELL.

ALFRED READE, Esquire, to be Private Secretary to the Lieutenant Governor.

The Lieutenant Governor directs that until the departure of Major General Sir John Harvey, the customary honors may be paid to him by all Officers, Civil and Military, throughout the Province.

By order.

A. READE, Private Secretary.

The Lieutenant Governor calls attention to the printed Regulations, Chapter 12, Page 85, in regard to correspondence, and requests that all communications addressed to him may be written in a large and distinct hand and with dark ink.

By order.

A. READE, Private Secretary.

## PROVINCIAL APPOINTMENT.

William End, Esquire, to be one of Her Majesty's Law Council.

Secretary's Office, 19th April, 1841.

## CIVIL APPOINTMENT.

John Simpson, Esquire, to be Commissioner of the Alms House in Fredericton, in the room of Charles P. Wetmore, Esquire, resigned.

Secretary's Office, 27th April, 1841.

FREDERICTON, 26th April, 1841.

## MILITIA GENERAL ORDER.

His Excellency the Lieutenant Governor has been pleased to appoint 2d Lieutenant E. B. Peters, to be Quarter Master of the New

Brunswick Regiment of Artillery, with the rank of 1st Lieutenant, the notification of this appointment having been omitted in the General Order of 30th March last. Commission to be dated 30th March, 1841.

By Command.

GEO. SHORE, A. G. M.

## MINING LOTS IN WESTMORLAND.

Crown Land Office, March 29, 1841.

Public Notice is hereby given, that the following Districts in the County of Westmorland, viz.:

Beginning at the southwest angle of Mining Lot No. 1, (already leased to John Alexander and others,) about 3 miles northwest from the Town of Dorchester, thence running by the Magnet north 2° east 3 miles, thence north 88° west 12 miles, crossing the River Petitcodiac in that distance, thence south 2° west 6 miles, thence south 88° east 15 miles, again crossing the Petitcodiac River and passing to the southward of Dorchester, thence north 2° east 3 miles, and thence north 88° west 3 miles to beginning,—comprising a part of the Parish of Dorchester and the greater part of Hillsborough, will be marked off into Mining Lots or Blocks of three miles square, on each side of a centre base line to run north 88° west, from the southwest angle of Mining Lot No. 1 above mentioned, and numbering from Lot No. 1 to No. 10, agreeable to a Plan or Diagram of the same, to be seen either at this office or with the Clerk of the Peace in Dorchester.

The right of Mining on each Lot, separately, will be offered for sale at Public Auction at this Office on Monday the 5th day of July next, at 12 o'clock, noon, subject to the Regulations and Conditions herewith published, and any amendment or addition thereto which may be made by His Excellency the Lieutenant Governor in Council before the day of Sale, of which amendment or addition due notice will hereafter be given in the Royal Gazette.

The expense of Surveying or marking the base line will be proportionally divided immediately after the Sale, between the lots which may be sold; and the proportionate part of the expense of Survey will be required to be paid in addition to the purchase money, and at the same time.

JOHN S. SAUNDERS, Surveyor General.

## 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.

## MILL SITE IN NORTHUMBERLAND.

BY Order of His Excellency the Lieutenant Governor in Council, the Lot of Land in the County of Northumberland, embracing both sides of the Oxford Cove and Brook, on the north side of the northeast Branch of Miramichi, will be offered for sale by Public Auction at this Office, at 12 o'clock noon, on Monday the 7th of June next.

This Lot contains 195 acres, with a front of 100 Rods, it is part of the Indian Reserve on the north side of the River, only a few miles above the Town of Newcastle, and includes a Valuable Mill Site, on which the purchaser will be required to erect a good Grist Mill, to be completed, and ready for use, within 18 months after the day of Sale. Upset price, one hundred pounds.—Terms, ten per cent of the purchase money to be paid on the day of Sale, and the remainder within fourteen days after.

JOHN S. SAUNDERS, Surveyor General.

Crown Land Office, March 18, 1841.

## SHERIFF'S SALES.

### County of York.

To be sold by Public Auction, on Saturday the 16th day of October next, at the Market House in Fredericton, between the hours of 1 and 2 o'clock P. M.:

ALL the right, title and interest of John C. Ingraham, of, in and to Lots Numbers 92 and 94, granted to William Jones, on the western side of the River Saint John, in the Parish of Prince William: the same having been taken by virtue of an Execution issued out of the Supreme Court, at the suit of James E. McDonald.

E. W. MILLER, SHERIFF.

Sheriff's Office, Fredericton, April 14, 1841.

To be sold on Thursday the 19th day of August next, between the hours of two and four, P. M. at the Market House in Fredericton:

ALL the right and title of Mark Neekham, of, and to the following Lots, pieces and parcels of Land, in the Town of Fredericton, viz: The upper half of the Lot fronting on Queen's Street, adjoining the premises of George Woods, and the Lot fronting on King's Street, adjoining the rear of the Methodist Chapel Lot, and the Lot with the House and Buildings thereon, fronting on Brunswick Street, adjoining the residence of the Rev. Mr. Dollard. The same having been taken by an Execution issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

Sheriff's Office, Fredericton, Feb. 17, 1841.

To be sold by Public Auction on Wednesday the 11th day of August next, at the Market House in Fredericton, between the hours of 2 and 4 o'clock, P. M.:

ALL the right, title and interest of Edward Adams and William Adams, of, a Lot of Land on the South side of the South West Branch of the Miramichi River, in the Parish of Saint Mary's, bounded on the upper side by Lands owned by Thomas Adams, and on the lower side by a certain White Birch Tree: All the real Estate of Edward and William Adams, in the County of York.

Also,—At the same time and place will be sold: All the right, title and interest of George W. Smith, in his portion of the Estate of the late Henry Smith, Esquire, in the County of York.

The above Property having been taken by virtue of several Executions issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

Sheriff's Office, Fredericton, Feb. 9, 1841.

To be sold by Public Auction on Saturday the ninth day of October next, at the Market House, in Fredericton, between the hours of one and three, P. M.:

ALL the right, title and interest, of William McPherson, of, in and to Lots Numbers 67, 68, 69 and 70, on the River Nashwalk, in the Grant to Dougald Campbell and others of the late 42nd Regiment: The same having been taken by virtue of an Execution issued out of the Supreme Court.

E. W. MILLER, SHERIFF.

Sheriff's Office, Fredericton, April 5, 1841.

### County of Gloucester.

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 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. 15, containing one hundred 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 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 Lot: 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, Sheriff of Carleton.

Woodstock 27th January, 1841.

### King's County.

On Saturday the 11th day of September next, will be sold at Public Auction at the Inn kept by Andrew W. Hennigar, in the Parish of Hampton:

ALL the right, title and interest, of John Hennigar, Senior, in and to the following Lots of Land, (to wit.) The whole of the Lot No. 13, Timothy Wetmore's first Survey in the Grant to Abigail Waters, and others containing 200 acres, more or less.—Also, the Southwestern half of Lot No. 14, in said T. Wetmore's first Survey of Lots on the River Kennebecasis, with all the Buildings and improvements on said Lots: The same having been taken by virtue of an Execution issued out of the Supreme Court, against the said John Hennigar, at the suit of Richard C. Rodgers.—Sale to commence at 2 o'clock, P. M.

A. DAVIDSON, SHERIFF.

Sheriff's Office, Kingston, March 4, 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 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 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 in 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 Washademoak Lake, in Queen's County, known and distinguished in the grant thereof from the Crown to William Ackery, 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 Ackery, George S. Ackery and James H. Ackery, at the suit of Leveret H. DeVeber. Dated at Gagetown, 18th November, 1840.

N. H. DEVEBER, SHERIFF.

Dated at Gagetown, 18th November, 1840.

### NEW BRUNSWICK, IN CHANCERY.

Tuesday, the 6th day of April, A. D. 1841.

Between John Robinson and Eliza Robinson, Plaintiffs,

and William Till, Mary V. Paul, Richard Mott, The President, Directors and Company of the Commercial Bank of New Brunswick, and Moses H. Perley, Defendants.

FORASMUCH as the Court was this present day informed by Mr. Robinson, being of Plaintiffs' Counsel, that the Plaintiffs on the 5th day of December last, exhibited their Bill in this Court against the Defendants, as by the Certificate of the Registrar appears; and that process of Subpoena directed to the said Defendants, requiring them to appear to and answer the same; but that Mary V. Paul, one of the said Defendants, resides at Windsor, in the Province of Nova Scotia, and cannot be served with such process, as by Affidavit appears; and that said Certificate and Affidavit being now read: It is ordered that the said Defendant, Mary V. Paul, do appear to the Plaintiff's Bill, on or before the second day of August 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, REG.

[First Published, 14th April, 1841.]

### NEW BRUNSWICK, IN CHANCERY.

Tuesday, 6th April, 1841.

Between Robert Rankin, John Pollock, Arthur Pollock, Allan Gilmour, James Gilmour, Alexander Rankin, Allan Gilmour, Junior, and John Pollock, 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 Plaintiffs' Counsel, that the Plaintiffs on the twenty fifth day of September last, exhibited their Bill in this Court, against the Defendants, as by the Certificate of the Registrar appears; 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 Certificate and 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 nineteenth day of July next.

By the Court.

D. LUDLOW ROBINSON, REG.

[First Published, 7th April, 1841.]

### NEW BRUNSWICK, IN CHANCERY.

Wednesday, March 3, 1841.

Between Hugh Morrell, Plaintiff, and John Mullans, Defendant.

FORASMUCH as the Court was this present day informed by Mr. Robinson, being of the Plaintiff's Counsel, that the Plaintiff on the sixteenth day of April last, past, exhibited his Bill in this Court against the Defendant, as by the Certificate of the Registrar appears; and sued out process of Subpoena, requiring the said Defendant to appear to, and answer the same: but that the said Defendant, John Mullans, now resides at Terrydoo, in the County of Derry, in Ireland, out of the limits of this Province, and that the said John Mullans absconded from this Province after the cause of action upon which this suit was commenced and served, and hath been absent therefrom for upwards of three years, as by affidavit appears; and the said Certificate and Affidavit being now read: It is ordered that the said Defendant, John Mullans, do appear to the Plaintiff's Bill, on or before the first day of December 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, REG.

[First Published, 17th March, 1841.]

CITY AND COUNTY OF SAINT JOHN, PROVINCE OF NEW BRUNSWICK, ss.

By the Honorable Robert Parker, one of Her Majesty's Justices of the Supreme Court of Judicature of the Province of New Brunswick.

To all to whom these presents shall come, Greeting: NOTICE is hereby given, that upon the application of Edward W. Greenwood, to me duly made according to 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 the said David Bruce, late of the City of Saint John, Master Mariner, (which said David Bruce is departed without the limits of this Province, with intent and design to defraud the said Edward W. Greenwood and other Creditors of the said David Bruce, 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 David Bruce 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 David Bruce, within the Province, will be sold for the payment and satisfaction of the Creditors of the said David Bruce. Dated the 10th day of April, 1841.

R. PARKER.

Wm. M. GREENWOOD, Att'y. for Pet. Creditor. [First Published, 28th April, 1841]

By Thomas Wyer, Esquire, one of Her Majesty's Justices of the Inferior Court of Common Pleas, in and for the County of Charlotte, in the Province of New Brunswick.

To all to whom these presents shall come, Greeting: NOTICE is hereby given, That upon the application of Robert Cockburn, 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 the Province, of James Murphy, late of the Parish of Saint Patrick, in the County of Charlotte, (who departed from and without the limits of this Province, on or about the first day of April last past, and then went to live and reside at Calais, in the State of Maine, one of the United States of America, where he hath ever since resided, being a period of more than six months, and that he, the said James Murphy, was at the said time of his departure, and ever since hath been indebted to the said Robert Cockburn, in the sum of eighteen pounds and upwards,) to be seized and attached, and that unless the said James Murphy do return and discharge his said debt or debts within six months from the publication hereof, all the Estate, as well real as personal, of the said James Murphy, within this Province, will be sold for the payment and satisfaction of the Creditors of the said James Murphy. Dated at St. Andrews, the 3d day of April, 1841.

THOS. WYER, J. C. P.

JAMES W. CHANDLER, Att'y. for Pet. Creditor.

[First Published, 10th March, 1841.]

By the Honorable Robert Parker, one of the Justices of Her Majesty's Supreme Court of Judicature for the Province of New Brunswick.

To all whom it may concern, Greeting:

NOTICE is hereby given, That upon the application of Daniel O'Hara, 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 Henry S. Gault, late of the City of Saint John, Trader, (which said Henry S. Gault, is departed from and without the limits of this Province, or keeps concealed within the same, with intent and design to defraud the said Daniel O'Hara, and the other Creditors of the said Henry S. Gault, 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 him,) to be seized and attached, and that unless the said Henry S. Gault, 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 Henry S. Gault, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Henry S. Gault. Dated at Saint John, N. B., the sixteenth day of March, 1841.

R. PARKER.

M. H. PERLEY, Attorney for Petitioning Creditor. [First Published, 24th March, 1841.]

## THE SUBSCRIBER,

AT the solicitation of his friends, having been induced to change his intention of relinquishing his present line of business as advertised some time past in the different newspapers of the Province; now intimates to the public, that he will continue as heretofore to devote his time to the attention and comfort of those gentlemen who have and who may honour him with their support; and on the occasion of his re-commencement, begs to return thanks to all those who have at any time favoured him with their visits, and assures them and the public generally, that his establishment will be conducted on the principles of a Regular Hotel; when all matters connected with a house of that standing will be punctually and assiduously attended to. It will also be his endeavour to improve as far as possible upon the domestic comfort of the establishment, and so to render it second to none of the same kind in the Province.

A choice collection of LIQUORS of every kind will always be kept on hand, as also whatever luxuries can possibly be procured.

H. JACKSON.

Jackson's Hotel, Fredericton, April 17, 1841.

## NOTICE.

ALL persons having any legal demands against the Estate of HOLLON BRIDGES, late of Sheffield, deceased, are requested to render the same for payment, duly attested, forthwith; and all persons indebted to said Estate are desired to make immediate payment to either of the Subscribers.

THOMAS BRIDGES, } Executors.  
CHAS. M. BRIDGES, }  
JOHN T. SMITH, }

March 30, 1841.

DEEDS, LEASES, Bonds and Mortgages. For sale at this Office.