

NEW

SERIES.

THE ROYAL GAZETTE.

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Volume 8.

FREDERICTON, NEW BRUNSWICK, WEDNESDAY, SEPTEMBER 15, 1841.

Number 8



By Authority.

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

W. M. G. COLEBROOKE.

A PROCLAMATION.

WHEREAS a Proclamation, bearing date the twenty ninth day of July last, was issued, commanding all Persons who have illegally occupied any Lands reserved by the Crown for the benefit of the Indians, forthwith to quit the same, and to abstain from cutting or removing Timber therefrom; And whereas it is expedient furthermore effectually to prevent the infraction of the prohibition; I do therefore hereby require and strictly command all Persons whatsoever to abstain from cutting or removing any Timber from the said reserved Lands without Licence, or from otherwise trespassing thereon upon any pretence whatsoever: And I do further require and command all seizing Officers to be vigilant in detecting any trespasses that may be committed on any of the said reserved Lands, and promptly to seize all Timber that may be found to have been cut thereon, without Licence for that purpose first obtained.

Given under my Hand and Seal at Fredericton, the sixteenth day of August, in the year of our Lord one thousand eight hundred and forty one, and in the fifth year of Her Majesty's Reign.

By His Excellency's Command,
WM. F. ODELL.



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

W. M. G. COLEBROOKE.

A PROCLAMATION.

WHEREAS a Proclamation, bearing date the twenty sixth day of July in the year of our Lord one thousand eight hundred and thirty seven, was issued by the Lieutenant Governor, forbidding all persons from occupying any part of the Wild Lands within this Province, comprehending the Territory in dispute between Great Britain and the United States of America, known under the denomination of the *Disputed Territory*, or trespassing thereon by cutting Timber or otherwise: And whereas by another Proclamation, bearing date the twenty second day of October in the year of our Lord one thousand eight hundred and thirty nine, this prohibition was repeated, and the Warden of the said Territory was duly appointed and authorized to arrest, seize, take and destroy all Timber which might be cut in violation thereof: And whereas it is deemed necessary that the aforesaid prohibition should continue to be strictly enforced; I do hereby call upon and direct all Peace Officers and other Liege Subjects of Her Majesty within this Province to be aiding and assisting in enforcing the same, and also in effecting the seizure of any Timber cut in violation of the aforesaid Proclamations by any persons whatsoever.

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

By His Excellency's Command,
WM. F. ODELL.



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

W. M. G. COLEBROOKE.

A PROCLAMATION.

WHEREAS the GENERAL ASSEMBLY of this Province stands prorogued to Tuesday the fifteenth day of June next, I have thought fit further to prorogue the said GENERAL ASSEMBLY, and the same is hereby prorogued to the third Tuesday in September next.

Given under my Hand and Seal at Fredericton, the thirty first day of May, 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.

AT THE COURT AT WINDSOR,

THE 11TH OF AUGUST, 1841.

PRESENT:

The QUEEN'S Most Excellent Majesty.
His Royal Highness Prince ALBERT.
The Marquis of Normanby, Viscount Melbourne,
The Lord Chamberlain, Viscount Duncannon,
Viscount Palmerston, Mr. Stanley.

WHEREAS the Lieutenant Governor of Her Majesty's Province of New Brunswick, with the Council and Assembly of the said Province, did, in the month of March, 1841, pass an Act, which has been transmitted, entitled as follows, viz:

No. 1341. "An Act for the Naturalization of Aliens in this Province;"

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Act should receive Her Majesty's special confirmation; Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified and finally enacted accordingly: whereof the Governor, Lieutenant Governor or Commander in Chief for the time being of Her Majesty's Province of New Brunswick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

ANNO QUARTO VICTORIÆ REGINÆ.

CAP. XLV.

An Act for the Naturalization of Aliens in this Province.

Passed 19th March 1841.

BE it enacted by the Lieutenant Governor, nor, Legislative Council and Assembly, That from and after the time when this Act shall come into force, all persons of Foreign Birth, who have inhabited and resided in this Province for the space of seven years or more, previous to the time when this Act shall come into force, and shall not have been during such period of seven years stated residents in any Foreign Country, and who shall at any time within three years after the time when this Act shall come into force, take and subscribe the Oath of Allegiance and residence, or (being one of the Persons allowed by Law to affirm in Civil Cases) affirmation, prescribed in the Schedule to this Act, if they be of full age of sixteen years at that time, and if not at the full age of sixteen years at the time when this Act shall come into force, then within three years from their attaining that age, before any Judge of the Supreme Court of this Province, shall be deemed adjudged and taken to be entitled to all the privileges of Her Majesty's Natural Born Subjects, to all intents, constructions and purposes, as if they and every of them had been or were born in Her Majesty's Dominions, which said Oath or affirmation and subscription any of the said Judges is hereby authorized and empowered to administer and take; and the taking and subscribing of every such Oath or affirmation, shall be before any such Judge in open Court, either at Bar or Nisi Prius, between the hours of nine and twelve in the forenoon, and such subscription shall be made in a Book to be kept for that purpose, and such Judge shall cause a Certificate or return thereof to be transmitted to the Office of the Secretary of the Province, and such Secretary shall cause an entry of such Certificate or return to be made in a Book to be kept for that purpose in his Office.

II. And be it enacted, That a Testimonial or Certificate under the Seal of this Province, of such Alien having taken and subscribed the said Oath or affirmation, shall be deemed and taken to be a sufficient Testimony and proof thereof, and of his or her being entitled to all the privileges of a Natural Born Subject of Her Majesty, to all intents and purposes and in all Courts whatsoever.

III. And be it enacted, That if any person taking and subscribing the Oath or affirmation required by this Act, shall falsely swear or affirm as to the fact of residence in such Oath or affirmation contained, such person so falsely swearing or affirming, shall be deemed guilty of perjury, and shall be liable to the pains and penalties incident by Law to the crime of perjury, and moreover upon conviction of such offence, shall be adjudged to have forfeited and lost, and shall forfeit and lose all the privilege of a Natural Born Subject, to which he or she might otherwise have been entitled by virtue of having been Naturalized under this Act.

IV. Provided also, and be it enacted, That this Act shall not be in force, until Her Majesty's Royal approbation be thereunto had and declared.

SCHEDULE.

Form of Oath.

I do swear (or being one of the Persons allowed by Law to affirm in Civil Cases do affirm) that I have resided seven years in this Province, without having been, during that time, a stated resident in any Foreign Country, and that I

will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as dependent thereon.

SO HELP ME GOD.

HEAD QUARTERS, FREDERICTON,

6th September, 1841.

MILITIA GENERAL ORDER.

The Lieutenant Governor and Commander in Chief has been pleased to make the following promotions, &c., in the 2d Battalion King's County Militia:—

Lieutenant John Burgess, to be Captain, vice John M'Lean.

Ensign Samuel Ketchum, to be Lieutenant, vice Thomas Harrison, superceded.

Jacob Hall, Gent., to be Ensign, vice Samuel Ketchum, promoted.

By Command.

GEORGE SHORE, A. G. M.

IN THE SURROGATE COURT.

QUEEN'S COUNTY,

Friday, 27th August, 1841.

In the matter of the Estate of James Howe, late of the Parish of Hampstead, in Queen's County, deceased.

NATHANIEL HUBBARD DEVEBER, Esq., Surrogate Judge of Probates.

Whereas Robert Howe, Executor of the Estate of the said James Howe, late deceased, has made application to file his final account of the said Estate, and for the passing and allowance thereof,

Whereupon it is ordered, That the Creditors and next of kin of the deceased, and all persons interested in the said Estate, do appear before the Surrogate of this Court, on Tuesday the 12th day of October next, at 11 o'clock in the forenoon, at the Office of the Register of this Court, in Gagetown, to attend the passing and allowance of such account.

And it is further ordered, That this order be forthwith published in the Royal Gazette, and continued therein for four weeks successively, and that copies thereof shall be posted up in three of the most public places in the County.

By the Court.

HENRY S. PETERS, Register of Probates, Queen's County.

IN COUNCIL, September 1, 1841.

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 9th day of November next, and five shillings additional will be charged on each purchase, for postage, &c.

NORTHUMBERLAND.

John Wilson, 3s. per acre, down.
John Hogan, do.
Richard Travers, Jr. do.
David Miller, do.
Alex. Cornack, do.
James Johnson, do.
John Hore, do.
John Edge, do.
John Connors, Jr. do.
Wm. Brown, Jr. do.
James Dignan, do.
Daniel Kenedy, do.

KENT.

J. E. Cutler, 3s. per acre, down.
R. B. Cutler, do.

WESTMORLAND.

James Mansfield, 3s. per acre, down.

KING'S.

Thomas Ross, 3s. per acre, down.
Robert Ross, do.
Patrick Breen, do.
Owen Breen, do.

QUEEN'S.

Benjamin Anning, 3s. per acre, down.
Geo. Wm. Anning, do.
John Kerr, Jr. do.

SUNBURY.

Walter M'Fawn, 3s. per acre, down.

YORK.

Peter Muzrall, 3s. per acre, down.
Joseph Muzrall, Jr. do.
G. Vanhorne, do.

CARLETON.

Amos Dickinson, 2s. 6d. per acre, down, (Squatter.)

The lands applied for by the undermentioned persons, will be sold at Public Auction at this Office on Monday the 1st day of November next, (see advertisement.)

George Kerr. John Hennessy.
John Sinclair. David Caldwell.
Wm. Toplin. Michael Quigg.
John Rogers. John B. Goodman.
W. Bannister. A. Carpenter.
F. Burk. Thomas Nesbit.
John Sprague.

The Petitions of the undermentioned persons are deferred for want of Survey.

H. M'Laughlin. P. Hayes.
J. M'Carty. P. Lantain.
Jas. M'Neil. M. Lousier.

J. M'Elroy. J. L. Lousier.
R. M'Elroy. A. Gennoit, Jr.
H. Porter. J. D. Pierre.
J. M'Laughlin, Jr. J. Dwerong.
A. M'Donald. J. Gennoit, Jr.
M. Moore. E. Gennoit.
J. Morton, Jr. J. Dunham.
S. Ledurnay. G. Henderson.
F. Ache. D. Leary.
R. Bulger. J. Potter, Jr.
W. F. Barker. J. Kingstone.
F. W. C. Beavan. J. Doak.
F. Breedo, the 3d. C. S. Griffiths.
D. Brady. J. Patterson.
M. Crowley. J. Ullock.
J. Preston. D. Richard.
G. Walton. A. Hudson, Jr.
A. Wright. W. Collins.
J. Thompson. J. Clark, Jr.
A. Smiley. T. Johnson, Jr.
G. Sprague. J. Holland.
W. Stevens. M. Handlan.
R. Simpson. R. Lutz.
G. Sivert, Sr. O. M'Garvie.
M. Robicheaux. P. Hartnett.
P. Wheeler. J. Williams.
A. Ache. S. Ledurnay.

The answers to the Petitions of the undermentioned persons are as follow:—

Robert M'Farlane, to stand over for a further description.

Charles Riley, 3s. per acre, down, provided petitioner does not own any Land.

David Vaughan, not allowed.

James Davidson, allowed.

Isaac Garcelon, do.

Edward Whalen, do.

B. Beveridge, do.

E. Fitzgerald, do.

A. Logan, do.

Captain Charles Rainsford, not allowed.

Flora Beaton, 3s. per acre, down.

T. W. Underhill, the recommendation of the Surveyor General to be complied with.

R. R. Ketchum, not allowed, but the proceeds of the sale of the Timber, deducting all expenses, to be paid over to the Central Bank, to whom the Land has been granted.

B. B. Jonett, allowed on payment of the Seizing Officer's dues, together with single duty.

C. M'Pherson, ordered, that the ground be offered at Public Auction, and Petitioner be allowed to remove the Timber manufactured, on payment of usual duty.

J. & F. Beckwith, allowed on payment of 3s. 6d. per 1,000 feet.

R. R. Ketchum, not allowed.

Pickard and M'Keen, allowed.

Henry Jones, do.

A. B. Sharp, referred to the Surveyor General for further information.

B. P. Griffiths, not allowed.

The applications of the undermentioned persons for licence to cut Timber and Logs on Crown Lands, are complied with, on payment of the duty before the 9th day of November next.

Stephen Orser, Tobique.

Robert Dunn, Lake Stream.

John M'Donald, New Canaan.

Ezra Scribner, do.

Jos. M'Namara, Salmon Creek.

James Taylor, P. William, Nashwaak, Tobique.

A. Rankin, Dunganron, Nepisiquit, Miramichi, Tracadie.

A. Dickinson, Cold Stream, Tobique.

S. Linton, New Canaan.

H. Sypher, Newcastle.

W. Tobin, Jr., River Saint Croix.

T. J. Donald, S. W. Miramichi.

T. Campbell, Bolton Brook.

N. S. Taylor, New Canaan.

J. Williams, River Saint Croix.

J. & A. Smith, New Canaan.

W. Wheaton, Pollet River.

J. T. Williston, S. W. Miramichi.

W. Doherty, Nicholas River.

A. Ritchie, Upsalquitch, Eel River, Charlo.

J. Cunard, Portage River.

H. M'Raw, Sabbies River.

A. B. Sharp, Serpentine River.

J. Doherty, Baetouche Road.

A. M'Intosh, Baetouche.

D. Keswick, Bass River.

J. Harnett, Kouchibouguasis.

C. Day, Salmon Creek.

G. & J. Munro, Tobique.

A. M'Laggan, Dunganron and Renous.

E. M'Neil, Salmon River.

J. M'Keen, Little River.

D. M'Donald, Nashwaak.

S. F. Price, New Canaan.

A. M'Lean, Little River.

W. Fraser, Nashwaak.

John S. Taylor, New Canaan.

W. M'Leod, Kouchibouguasis.

T. Pickard, Andover.

W. Connell, Nictau.

H. Williams, Palphrey Lake.

John Miller, Cumberland Creek.

J. A. Phillips, Tobique.

A. Dixon, Kouchibouguasis.

G. Thompson, Richibucto.

N. Branscombe, Coal Creek.

H. Montgomery, Upsalquitch.

J. Malcolm, Miramichi.

S. Langen, Gaspereau.

A. Plummer, Salmon River.

John Cole, Washademoak.

R. Ritchie, Charlo and Upsalquitch.

The right of Licence on the Timber Berth on the North Branch of the New Canaan River, applied for by Samuel Nevers and Stephen Linton, will be offered at Auction for competition between them only, at this Office on Monday the 1st of November next. Upset price being the usual rates of duty.

The right of Licence on the "Clarke" Block, so called, in the Palphrey, will also be offered for general competition at the same time and place.

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

TERMS.—Upset price, 3s. per acre,—ten per cent of the purchase money to be paid at the time of sale, and the remainder within 14 days after.

100 acres, Northumberland, between Napan and Black Rivers, South of Wm. Jardine.

200 acres, Northumberland, S. E. Branch of Black River, as surveyed for John Sinclair.

100 acres, Northumberland, South side of Napan River, next Lot 35.

100 acres, Westmorland, West Branch of Coverdale River, as surveyed for W. Bannister.

200 acres, Westmorland, Lots 6, 7, third tier, Des Barrés tract.

200 acres, King's, being Lot 3, North Branch of Studholm's Mill Stream, South of Hon. W. Chipman.

50 acres, King's, S. W. of Lot 6, Kennebekasis Island.

100 acres, King's, Lot 17, third tier, Parish of Norton.

50 acres, Queen's, West of Nerepis Road, in rear of Lots 6, 7.

300 acres, Queen's, Lots 4, 5, North side of Coal Creek, and Lot 9, South side ditto.

100 acres, Queen's, Lot 12, 4th tier, Parish of Wickham.

45 acres, York, N. E. part of Lot 2, S. E. side of St. Andrews Road, Garden's Creek.

14 acres, Kent, Lots 12, 13, third tier, St. Nicholas, Town Plat. Upset price, 10s. per acre.

JOHN S. SAUNDERS, Surveyor General.

Crown Land Office, September 6, 1841.

PUBLIC NOTICE

IS hereby given, That the right of License on the Tract of Land between Bear and Fork Brooks, Little River, Sunbury, formerly under 5 years license to John G. Woodward, to be divided into two blocks of about 4,000 acres each; will be offered at Auction, separately, for general competition, at this Office, on Monday the 4th of October next. Upset price, 2s. per ton for Timber, and 3s. 6d. per M. for Lumber.

The following Tracts of vacant Crown Lands will be offered for sale by Public Auction at this Office on Monday the 4th day of October next. Sale to commence at 12 o'clock, noon.

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

116 acres, Gloucester, West side of Grand Shippegan Harbour, surveyed for Thomas Falle.

60 acres, Gloucester, S. side of Shippegan Island, surveyed for Bruno Ache.

100 acres, Gloucester, Lot No. 6, East side of Grand Pokemouche River.

100 acres, Gloucester, in rear of Lot No. 55, on the West side of Shippegan Harbour.

50 acres, Northumberland, east side of Bartibog River, surveyed for Miles Carroll.

200 acres, Westmorland, north side of north branch of Peticotadiac, surveyed for William L. Eagles.

150 acres, Westmorland, lot B, north side of Road from New Canaan to North River.

145 acres, Westmorland, on the Road from New Canaan to North River, surveyed for R. Johnson.

200 acres, King's, lots 8, 9, fourth tier, below Sussex Vale, surveyed for James Gray.

125 acres, Queen's, lot 14, east of Washademoak Lake, in Wickham, surveyed for R. Craft.

540 acres, Carleton, on the proposed Road from Restook to Grand Falls, between the 8th and 10th mile trees.

200 acres, Carleton, in the 6th tier of Richmond Settlement, surveyed for George DeBeck.

200 acres, Carleton, in the 6th tier, Richmond Settlement, surveyed for W. Price.

200 acres, Carleton, next to the Presbyterian Church grant, in Richmond.

200 acres, Carleton, being the second lot south of the Presbyterian Church grant, in Richmond.

One Town Lot in Gagetown, Queen's, fronting Grimross Creek, being the vacancy between Lydia Scribner's grant and the School Lot, with