

No. 7. SUBPENA.

by the Justice before whom the cause is pending.
County, ss.
To E. F. J. N. G. H. I. M. S. R. T. V. you, and every of you are required to appear before me, at my Dwelling House, in the Parish of _____, on the _____ day of _____, at the hour of _____ in the _____, to give evidence on the part of _____, in a suit now pending between _____, Plaintiff, and C. D. Defendant. And you are required to bring with you a certain promissory note, describe the paper, book, or whatever it may be, and take notice that in case you neglect to appear and testify, you will be liable to the said _____ for all damages he may sustain by reason of such neglect. Dated the _____ day of _____ 183____.

N. M. J. P.

Ticket of Memorandum of Subpena.

(A. B. Plaintiff,
Between _____ and
C. D. Defendant.)
E. F. is required to give evidence in this suit on the part of the _____ before me at my Dwelling House in the Parish of _____ on the _____ day of _____ at _____ o'clock in the _____ noon.

N. M. J. P.

To E. F. and G. H. whereas there is a suit pending between A. B. Plaintiff, and C. D. Defendant, and to be tried before N. M. Esquire, one of His Majesty's Justices of the Peace for the County of _____ at his Dwelling House, in the Parish of _____ on the _____ day of _____ at _____ o'clock in the _____ noon, you and each you are hereby required to appear and give evidence in the said suit, at the time and place aforesaid, on the part of the _____ (if a duces tecum add here "and you the said E. F. &c." as before) and take notice, that if you neglect to appear and testify, you will be liable to the said _____ for all damages he may sustain by reason of such neglect. Dated the _____ day of _____ 183____.

Y. Z. Justice of the Peace for the County of _____

(A. B. Plaintiff,
Between _____ and
C. D. Defendant.)

E. F. is required to give evidence in this suit, on the part of the _____ before N. M. Esquire, Justice of the Peace, at his Dwelling House, in the Parish of _____ on the _____ day of _____ at _____ of the Clock in the _____ noon.

Y. Z. J. P.

No. 8. VENIRE AND RETURN.

County, ss.
To any Constable of the Parish of _____ you are hereby required to summon three persons duly qualified to sit as Jurors, and who are not of kin to either of the parties to come before me, at my Dwelling House, in the Parish of _____ on the _____ day of _____ at _____ of the Clock in the _____ noon to make a Jury between A. B. Plaintiff, and C. D. Defendant. Dated the _____ day of _____ 183____.

N. M. J. P.

I have summoned the following persons as Jurors for the trial of the within cause, G. H. J. K. and L. M.

O. P. Constable.

No. 9. FORMS OF OATHS.

You shall truly say whether you have an interest, or can gain or lose by the event of this trial, and shall truly answer make to all such questions as shall be asked of you touching your interest in this cause.

So help you God!

The evidence you shall give to the Court (or to the Court and Jury sworn, as the case may be) touching the matter in question shall be the truth, the whole truth and nothing but the truth.

So help you God!

You shall well and truly try this cause between A. B. Plaintiff, and C. D. Defendant, and a true verdict give according to the evidence.

So help you God!

You shall keep every one of this Jury sworn in some convenient place without meat or drink, you shall not suffer any person to speak to them or either of them, neither shall you speak to them yourself, except it be to ask if they are agreed on their verdict, without leave of the Court.

So help you God!

No. 10. EXECUTION AND RETURN.

County ss.
To any Constable of the Parish of _____ You are hereby required to levy of the goods and chattels of C. D. within your Parish _____ shillings which A. B. recovered against him in the Court before me for _____ and also _____ costs, amounting in the whole to _____ besides the costs of levying this Execution, and have the money before me at my dwelling house, on the _____ day of _____ to be rendered to the said A. B. for want of goods and chattels whereon to levy you will take the body of the said C. D. and deliver him to the keeper of the Gaol of the said County; and the said keeper will take the said C. D. into his custody, and him safely keep for _____ days, unless the said _____ and costs be sooner paid, and how you shall have executed this precept make return to me at the day and place aforesaid.

N. M.

Justice of the Peace for the County of _____
Note. If the Execution be against two or more, and all have not been served with process or appeared, the execution will only be against the body of him who was served or appeared.

The Justice must insert the number of days of imprisonment, being one day for every two shillings due on the judgment: If part of the money have been levied, a memorandum shall be endorsed on the Execution stating the Balance due and the days of imprisonment, thus:
Balance due thirteen shillings.
Days of imprisonment, six.

County ss.
To any Constable of the Parish of _____ You are hereby required to levy of the goods and chattels of C. D. within your Parish _____ which A. B. recovered against _____ in the Court before me for debt, or damages, and also _____ costs, amounting in the whole to _____ besides the costs of levying this execution, and have the money before me at my dwelling house on the _____ day of _____

of _____ to be rendered to the said A. B. and have there then this precept.

Given under my hand the _____ day of _____ 183____ N. M.
Justice of the Peace for the County of _____
The return of the within execution is enlarged to the _____ day of _____ dated _____ day of _____ 183____ N. M. J. P.

I have levied the damages and costs as within directed.
O. P. Constable.
For want of goods and chattels whereon to levy, I have taken the body of the within named C. D. and delivered him to the keeper of the Gaol, as within directed.

O. P. Constable.
I could not find any goods or the body of the said C. D.

O. P. Constable.
The separate property of the within E. F. is not to be levied on.

No. 11.
SUMMONS AGAINST CONSTABLE.

For not returning execution, or not paying over money levied.
County ss.

To any Constable of the Parish of _____ Whereas on the _____ day of _____ an execution for _____ damages and _____ costs on a Judgment recovered by A. B. against C. D. before me, was delivered to O. P. one of the Constables of the said Parish of _____ returnable on the _____ day of _____: And whereas the said O. P. has not made return of the said execution, as by Law directed; you are hereby required to summon the said O. P. to appear before me at my dwelling house in the said Parish on the _____ day of _____ at _____ of the clock in the _____ noon to answer to the said A. B. for the said damages and costs with interest.

And make return hereof forthwith according to Law.

Dated the _____ day of _____ 183____ N. M. J. P.

Note. If the suit is for not having paid over the money, omit the words between brackets, and say levied and not paid over the money.

No. 12.
SUMMONS AGAINST BAIL.

County ss.
To any Constable of the Parish of _____ You are hereby required to summon R. S. to appear before me, at my dwelling house in the Parish of _____ on the _____ day of _____ at _____ of the clock on the _____ noon to answer the demand of A. B. for (state the sum for which the Bail is liable, namely, the amount sworn to in the original action and costs awarded) which the said A. B. lately recovered in the Court before me against C. D. and for which sum the said R. S. is liable as Bail for the said C. D. as is alleged; and make return hereof forthwith as by Law directed.

Dated the _____ day of _____ 183____ N. M. J. P.

No. 13.
FORMS OF PROCEEDING ON REVIEW.

To N. M. Esquire, one of His Majesty's Justices of the Peace, within the County of _____ Whereas C. D. hath made it appear unto me the Honorable W. C. Esquire, one of the Justices of the Supreme Court for the Province of New Brunswick, that in a cause lately pending in the Court before you wherein A. B. was Plaintiff and the said C. D. Defendant, substantial justice has not been done to the said C. D. by the judgment rendered in the said cause, and he is desirous that the said judgment and proceedings should be reviewed, I do therefore in pursuance of the Act of Assembly, in such case made and provided, hereby require you to return to me forthwith distinctly and openly under your hand, the proceedings in the cause aforesaid with all things touching the same, in order that right and justice may be done in the premises, and that you do answer the allegations in the affidavit of the said C. D. contained.

Dated the _____ day of _____ in the year of our Lord _____ and in the _____ year of His Majesty's Reign.

Whereas C. D. hath made it appear unto me the Honorable W. B. Esquire, one &c. that he was lately impleaded by A. B. in a cause before you, for a matter not within your jurisdiction as such justice, and he is desirous &c. (as in the aforesaid).

No. 14.
Know all men by these Presents &c. (Common form.)

Whereas upon the application of the above bounden C. D. an order has been made by the Honorable W. C. one of the Justices of His Majesty's Supreme Court for the Province of New Brunswick, for removal before the said Justice (or before the said Court) of the proceedings had in a cause lately pending before N. M. Esquire, one of His Majesty's Justices of the Peace for the County of _____ wherein the above named A. B. was Plaintiff and the said C. D. Defendant: Now the condition of the above obligation is such, that if the said C. D. shall well and truly pay or cause to be paid unto the said A. B. all damages, costs and expenses which shall be awarded to the said A. B. by the said Supreme Court or any one of the Judges thereof then the above obligation to be void, otherwise to stand and remain in full force.

No. 15.
In the Court before N. M. Esquire, J. P.

Between A. B. Plaintiff and C. D. Defendant,
On Judgment for _____

Damages and costs _____

The Constable to whom the execution in this cause was delivered, is hereby required to suspend further proceedings on the same, and return the said execution to me.

Dated the _____ day of _____ 183____ N. M. J. P.

No. 16.
WARRANT TO LEVY A FINE FOR CONTEMPT.

County ss.

To any Constable of the Parish of _____ Whereas X. Y. has been guilty of insolent behaviour toward me, in the trial of a cause between A. B. Plaintiff and C. D. Defendant, tending to interrupt the proceedings in the said cause, and was thereupon adjudged to pay a fine of _____ shillings for such contempt, to the uses hereinafter mentioned: you are hereby required forthwith to distrain the goods and chattels of the said X. Y. for satisfying the said sum of _____ shillings, and in case the said sum should not be paid within six days next after the making of the said distress, that you cause the said goods and chattels to be appraised and sold, and out of the money arising from such sale, you pay to the Overseers of the Poor of the said Parish of _____ to the use of the said poor, the said sum of _____ shillings as by Law directed, and that you render the overplus arising from such sale (if any be) the necessary charges of making and selling, such distress being first deducted to the said X. Y. and make return hereof to me.

Given under my hand and seal the _____ day of _____ 183____

N. M. J. P.

Justice of the Peace for the County of _____

Note. The Justice will alter the statement of the offence in the foregoing forms, so as to suit the facts of the case, taking care to state the offence according to the regulations.

No. 17.
WARRANT OF COMMITMENT FOR CONTEMPT.

County ss.

To any Constable of the Parish of _____ Whereas X. Y. has been guilty of insolent behaviour towards me, in the trial of a cause between A. B. Plaintiff and C. D. Defendant, tending to interrupt the proceedings in the said cause, and was thereupon for such contempt, adjudged to be imprisoned _____ days in the Common Gaol of the said County: These are therefore to require you the said Constable to take the said X. Y. and convey his body to the Gaol of the said County, and there deliver him to the keeper of the said Gaol together with this warrant; and you the said keeper are hereby required to keep in your custody the said X. Y. for the said term of _____ days, and hereof fail you not.

Given under my hand and seal the _____ day of _____ 183____

N. M. J. P.

Justice of the Peace for the County of _____

Note. The Justice will alter the statement of the offence in the foregoing forms, so as to suit the facts of the case, taking care to state the offence according to the regulations.

No. 18.
TABLE OF FEES.

To be taxed and allowed in Civil actions, before Justices of the Peace, and on the removal thereof.

TO THE JUSTICES.

Summons, £0 0 9

Each copy of summons, 0 0 3

Capias, 0 0 9

Each copy of Capias, 0 0 3

Affidavits whereupon to grant Capias and swearing, 0 1 0

Appointment of next Friend or Guardian, 0 0 6

A Subpena, 0 0 4

Each copy or ticket thereof, 0 0 2

Every adjournment made at the instance of either party, 0 0 6

Trial and Judgment, 0 1 3

Swearing each Witness and Constable, 0 0 3

Swearing Jury, 0 0 6

Venire, 0 0 8

Copies of particulars and all other papers which may be required from a Justice, per 100 words, 0 0 6

Return to Judge's order for removal, 0 0 6

Taking Bail and Justifying, 0 1 0

Taking Deposit, 0 1 0

Execution, 0 0 9

If against joint Debtors requiring any special endorsement, 0 1 0

Certificate to suspend execution, 0 0 3

Judgment by default and assessing damages, 0 1 0

On money paid into Court by a Defendant pending a suit before trial or judgment two and a half per cent. or sixpence on the pound, but no per centage to be charged for receiving money on deposit in lieu of Bail, or upon execution.

Affidavit of service of summons and swearing, 0 0 6

Preparing affidavit to be taken by Attorney or Agent and swearing same, 0 1 0

The same fee to be allowed to any other requisite affidavit not specially provided for and swearing.

TO THE CONSTABLE.

For serving a summons and making a return thereto, £0 0 6

For serving a Capias, do. do. 0 1 0

Taking Bail if entered into before Constable, 0 0 3

Return of Non est, 0 0 3

Serving a warrant to commit, 0 1 0

Summoning a Jury, 0 1 0

Attending at the trial, 0 0 6

Summoning each additional Juror if there are not sufficient by standers, 0 0 3

Serving a subpoena on each witness, 0 1 0

Serving an execution on the goods, for the first pound or less, 0 1 0

Do. do. all above one pound, for each pound, 0 0 6

Serving an execution on the body, 0 1 0

If the money is paid, for each pound, 0 0 6

Every mile (when the distance is more than one mile) going from Constable's residence to place of service when serving a Summons, Capias or Execution, bringing Defendant before Justice; from place of service to Justice's residence; taking Defendant to Gaol: the Constable to be allowed for such necessary travelling both going and returning, 0 0 3

TO WITNESSES.

To every necessary witness for each day's attendance, 0 1 3

Travelling if over one mile going and returning each mile, 0 0 3

JURORS.

Each Juror who shall be sworn in a cause, if a verdict be given, 0 1 0

TO A JUDGE OF THE SUPREME COURT.

Every application for an order to remove cause, 0 2 6

For every order to remove, 0 2 6

Hearing the cause upon return of the Order and his Judgment thereon, 0 10 0

Every Affidavit, 0 1 0

Taking a Bill of Costs, 0 2 0

Every attachment, summons or other order, made in the course of any proceeding before him, 0 2 6

TO ATTORNEY OF THE SUPREME COURT.

Drawing every affidavit or other paper, per folio of one hundred words, 0 1 0

Copy of the same per folio, 0 0 6

Every Order to remove and copy thereof, 0 6 8

Attendance on Judge for his allowance, 0 3 4

Every other necessary attendance, 0 3 4

Upon every appeal heard or argued before the Judge, not less than eleven shillings and eight pence, and not exceeding two pounds six shillings and eight pence at the Judge's discretion.

If argument be heard before the Court such fee, not exceeding three guineas, as may be allowed by the Court.

Preparing Bond, 0 5 0

Every attachment, 0 5 0

Every Notice or Summons and service on the adverse party, 0 2 0

ROYAL GAZETTE.

FREDERICTON, APRIL 23rd, 1834.

ALMS HOUSE AND WORK HOUSE.

Commissioner for next week, D. L. ROBINSON, Esq.

SAVING'S BANK.

Trustees for HENRY G. CLOPPER, Esq.

JAMES TAYLOR, Esq.

HENRY SMITH, Esq.

Secretary's Office, 17th February 1834.

The following list containing the numbers of the Warrants now in the Treasury, with the names of the Persons to whom they are payable, is published for the information of all concerned.

No. 784, Wm. G. Cody, Bye Road.

785, do, do, do.

786, Isaac W. Joubert, Esq., Oat Mill.

787, Wm. Kennedy, Donation.

788, Francis Beverly, Binding &c.

789, Geo. Ledingham, Esquire, Deacons.

790, John M. Robinson Esq., Bear Bounty.

791, Geo. F. S. Berton Esq., do.

The Warrants issued are No. 791, of which those from No. 1 to No. 155 inclusive, are already paid by the Treasurer. In future, notice will be given monthly in The Royal Gazette, of the last number paid, in order that

the holders of subsequent numbers may be enabled, as far as practicable, to judge of the probable time of Payment.

Married.

On the 27th ult. by the Rev. Samuel D'Lee Street, Mr. W. M'Keen, of the Parish of Woodstock in the County of Carleton, to Hannah Catharine, Eldest daughter of Mr. Joseph Bedell, of the same place.

On the 31st ult. by the same, Joseph Stewart, to Elena Welch, all of the Parish of Wicklow, in the County of Carleton.

On the seventh instant by the same, Lieutenant George W. Patten of the United States Army, to Sarah Teresa, second daughter of Mr. Isaac Smith of Houlton in the State of Maine.

Deceased.

At Fredericton on Tuesday the 15th inst. Andrew Seymour, youngest son of Charles I. Peters Esq. His Majesty's Attorney General, aged 12 months.

NOTICE is hereby given, that we the subscribers have been duly appointed Trustees for all the creditors of Peter Gallagher, an absconding debtor, and have been duly sworn to the faithful execution of the said trust, pursuant to the directions of the Act of the Assembly in such cases made and provided, and do hereby require all persons indebted to the said Peter Gallagher, on or before the fifteenth day of July next ensuing the date hereof, to pay us, or some, or one of us, all such sums of money or other debt, duty or thing which they owe to the said Peter Gallagher, and deliver the said effects of the said Peter Gallagher, which they or any of them may have in his, her or their hands, power or custody, to us, or some, or one of us, as aforesaid: And we do hereby desire all Creditors of the said Peter Gallagher on or before the fifteenth day next, to deliver to us, or some or one of us, as aforesaid, their respective accounts and demands against the said Peter Gallagher, in order that right and justice may be done agreeably to the form of the said Act of Assembly.

Given under our hands at Dorchester, in the County of Westmorland, this 14th day of April in the year of our Lord one thousand eight hundred and thirty four.

ISAAC GRACE, WILLIAM GROSS, Wm. H. CARLISLE, Trustees.

On Saturday the first day of November next, will be sold by Public Auction, at Mr. Joseph Harvey's Hotel, in Woodstock, between the hours of 12 and 5 o'clock in the afternoon,

ALL the right, title, interest, claim and demand of Henry Smith, Esquire, of, in and to a certain tract or farm of Land, containing about 500 acres, situate in the Parish of Wakefield, on the North Branch of the Madawaska stream.

Also, at the same time and place,

ALL the right of the said Henry Smith, Esquire, to that farm or tract of land situate in the Parish of Woodstock, near the site for the public building, commonly called the Young property: The

said lots having been taken by virtue of an execution issued out of the Supreme Court at the suit of C. P. Wetmore, Thomas C. Leo, and Margaret Leo, Executors &c. of the late Thomas Wetmore, deceased, against the said Henry Smith.

J. F. W. WINSLOW, Sheriff.

Woodstock, 18th April, 1834.

On Saturday the twenty fifth day of October next, between the hours of twelve at noon and five of the clock in the afternoon, will be sold at the Market House, in Fredericton,

ALL the right, title, interest, property, claim and demand of Henry Smith, Esquire, of, in and to all the real estate belonging to the said Henry Smith, a trustee in my bailiwick: The same having been seized and taken under and by virtue of, and to satisfy the following executions, viz:—one at the suit of Charles P. Wetmore, Thomas C. Leo, and Margaret Leo, Executors, &c. of the late Thomas Wetmore, deceased, against the said Henry Smith, and the other at the suit of Cavalier H. Joubert, against the said Henry Smith.

E. W. MILLER, Sheriff.

Fredericton, 23rd April, 1834.

CARD.

MAJOR Groves and the Officers of the 34th Regiment beg to return their best thanks to the Free Wardens and Inhabitants of Fredericton for their very prompt and effective assistance at the Fire at the Officers' Mess House, on the night of the 16th instant, and consider that it is chiefly owing to their activity and exertions that they were enabled to save the remainder of the Barracks.

£10 REWARD.

WHEREAS Henry Cornwell and Patrick Ward, two of the Prisoners who were confined in the Dorchester Gaol on a charge of Felony, did on the night of the fourteenth instant break out, and escape from said Gaol: The above reward will be paid to any person or persons who will apprehend the said Henry Cornwell and Patrick Ward, or give such information as will lead to their apprehension. Cornwell is blind, a native of this Province, about 5 feet 9 inches high, sandy complexion, and about 37 years of age. Ward is an Irishman about 32 years of age, about 5 feet 9 inches high, blue eyes, light complexion, brown hair, rather stout, and active make, by trade a Carpenter.

Free pursuit and Hue and Cry is hereby levied