

# THE ROYAL GAZETTE.

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FREDERICTON, NEW-BRUNSWICK, SEPTEMBER 17, 1834.

NUMBER 12.

## By Authority.



By His Excellency Major General Sir ARCHIBALD CAMPBELL, Baronet, G. C. B. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c.

ARCH. CAMPBELL.

## A PROCLAMATION.

WHEREAS the General Assembly of this Province stands prorogued to Monday the first day of September next, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the First Monday in December next, ensuing.

Given under my hand and seal, at Fredericton the twenty-seventh day of August, in the year of our Lord One thousand eight hundred and thirty-four, and in the fifth year of His Majesty's Reign.

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

## HEAD QUARTERS,

Fredericton, 5th September, 1834.

## MILITIA GENERAL ORDER.

AT a General Court Martial, held at Fredericton, on the 19th August, 1834, and continued by Adjournments, to the 23rd of the same Month, Captain JOHN HUMBERT, of the Third Battalion King's County Militia, was arraigned upon the undermentioned Charges, viz:—

"FIRST CHARGE.—For highly improper conduct, as a Militia Officer, on the 8th day of July, 1834,—when the Third Battalion of King's County Militia, was duly assembled on that day, at Hampton Ferry, in King's County, for the purpose of Inspection and improving in Martial Exercises,—by quitting the Parade Ground himself, and allowing the Company under his command to disperse and leave the said Ground immediately on the appearance of Lieutenant Colonel TURNER, the Inspecting Field Officer; such conduct being very prejudicial to the Discipline of His Majesty's Militia Forces in the Province—in violation of his duty as Captain having charge and command of the said Company—and against the Act of the General Assembly in such case made and provided.

"SECOND CHARGE.—For disobedience of Orders on the said 8th day of July, 1834, when the said Battalion was duly assembled at Hampton Ferry, in King's County, for the purpose of Inspection and improving in Martial Exercises in not marching his Company back to the Field of Inspection, when ordered so to do by Lieutenant Colonel TURNER, the Inspecting Field Officer, then and there present,—which order was conveyed to him by the Commanding Officer and Adjutant of the Battalion; such conduct being subversive of the Discipline of His Majesty's Militia Forces—a violation of his duty, as a Militia Officer, having charge and command of the said Company—and against the Act of the General Assembly in such case made and provided.

"THIRD CHARGE.—For highly insubordinate and improper conduct on the said 8th day of July, 1834, when the said Battalion was so duly assembled at Hampton Ferry, in King's County, for the purpose of Inspection and improving in Martial Exercises, in declining to march the Company under his command to the post assigned them in the said Battalion, by direction of His Excellency the Commander in Chief, when repeatedly ordered so to do by Lieutenant Colonel TURNER, the Inspecting Field Officer, then and there present; such conduct being subversive of the Discipline of His Majesty's Militia Forces in the Province—in violation of his duty, as a Captain in the said Battalion, having charge and command of the said Company—and against the Act of the General Assembly in such case made and provided."

Upon which Charges, the Court came to the following Decision:—

"The Court having maturely weighed and considered the Evidence in support of the Charges against the Prisoner, Captain JOHN HUMBERT, and his Defence, is of opinion that Captain John Humbert is GUILTY of the several Charges preferred against him, in breach of the Act of Assembly in such case made and provided, and doth

therefore adjudge him, the said Captain John Humbert, to be cashiered.

"The Court having thus performed the painful duty of awarding punishment in strict conformity to the 24th Section of the Militia Law, by which they are deprived of all discretionary power, beg leave to recommend the Prisoner's case to the merciful consideration of His Excellency the Commander in Chief, upon the following grounds viz:—

"1st. Captain Humbert has exhibited a most exemplary and praiseworthy zeal as Captain of a Rifle Company, which was formed, clothed, and disciplined by his exertions, and has always, during Eight years, until the unfortunate occurrence brought before the Court, received the unqualified approbation of his Senior Officers.

"2nd. Captain Humbert's conduct appears to have arisen not from any disobedient or mutinous disposition, but by feelings much excited, by being suddenly removed from a Post he had been directed to occupy, as a mark of honor, and of the approbation of the distinguished Officer who then commanded the Militia.

"The Court further beg leave to remark on the very temperate, fair, and impartial manner in which this Prosecution has been conducted, on the part of the Prosecutor, Lieutenant Colonel Turner, not less creditable to him than his mild and gentlemanly, but at the same time firm and Officer like conduct at the time of the offence. The conduct of the Prisoner also, before the Court, has been gentlemanly, temperate, and submissive, exhibiting an anxiety to expedite and facilitate its proceedings; And the Court have, therefore, the more pleasure in thus recommending him to the merciful and favourable consideration of the Commander in Chief."

At the same Court Martial, Lieutenant BENJAMIN CROMWELL, of the third Battalion King's County Militia, was arraigned upon the undermentioned Charge, viz:—

"CHARGE.—For insubordinate and improper conduct, as a Militia Officer, on the 8th day of July 1834, when the Third Battalion of the King's County Militia was duly assembled on that day at Hampton Ferry, in King's County, for the purpose of Inspection and improving in Martial Exercises, in declining to take the command of the Rifle Company in that Battalion, to which he was attached, and march the said Company to the Post assigned it in the Battalion—although expressly ordered so to do by Lieutenant Colonel Turner, the Inspecting Field Officer, then and there present; such conduct being subversive of the Discipline of His Majesty's Militia Forces in the Province—in violation of his duty as a Militia Officer—and against the Act of the General Assembly in such case made and provided."

"The Court having maturely weighed and considered the Evidence in support of the charge against the Prisoner Lieutenant Benjamin Cromwell, and his defence, is of opinion that the said Lieutenant Benjamin Cromwell, is GUILTY of the charge preferred against him, in breach of the Act of Assembly in such case made and provided, doth therefore, adjudge him the said Lieutenant Benjamin Cromwell to be cashiered.

"The Court having thus discharged its duty, and being deprived by the 24th Section of the Militia Law, of all discretionary power in awarding punishment, beg leave to recommend the Prisoner's case to the merciful consideration of His Excellency the Commander in Chief, particularly as the Prisoner appears to the Court to have acted by no mutinous or insubordinate disposition, but from a diffidence arising from the inexperience of the Prisoner, and a want of proper information as to his duty and responsibility, as a Subaltern Officer, under the circumstance of his Captain being under arrest."

The Commander in Chief has been pleased to approve and confirm the Sentences and finding of the above Courts Martial; but in consideration of the hitherto zealous and very exemplary good conduct of Captain Humbert, the Officers, and Soldiers of the Rifle Company, attached to the third Battalion King's County Militia, as fully and frequently reported by the Inspecting Field Officers, added to the strong recommendation of the Court, and the sincere feeling of contrition expressed by Captain Humbert, in a memorial forwarded to head Quarters since the closing of the Court, the Commander in Chief has been pleased to remit the sentences awarded to the Prisoners.

The Commander in Chief has however to remark, that he could not reconcile to himself, or think himself justified in the eyes of the Public, in thus extending his favorable consideration to an Act so outrageously subversive of every principle of good Order and Discipline, did he not feel convinced that the Sentences passed by the Court, will be

deemed as fully upholding the Dignity of the Laws of the Country; and that the Militia of New Brunswick do not require the severity of example to keep them to the honorable, zealous, and loyal discharge of their duty.

The Commander in Chief directs that the foregoing Charges, and Charge, preferred against Captain HUMBERT and Lieutenant CROMWELL, together with the finding and Sentences of the Court, with the Commander in Chief's Commands thereon, shall be entered in the General Order Book, and read at the Head of every Militia Regiment in the Province.

By His Excellency's Command,  
GEORGE SHORE, A. G. M. F.

## HEAD QUARTERS,

Fredericton, 6th Sept., 1834.

## MILITIA GENERAL ORDERS.

The Commander in Chief has been pleased to make the following Promotions, &c.:

## First Battalion York Militia.

## TO BE LIEUTENANTS.

Ensign D. W. Hart, vice D. H. Smith, left the Province, 6th September.

Wm. Needham, vice N. M. Hazen, left the County, 7th September.

## TO BE ENSIGNS.

Bernard Carroll, Gent. vice Hart, 6th Sept.

Samuel D. M'Pherson, " vice Needham, 7th "

## First Battalion Saint John City Militia.

## TO BE SECOND LIEUTENANTS.

Harry W. Peters, vice Haggerty, 6th Sept.

John W. Smith, " vice Robertson, 7th "

William Robertson, vice E. Ketchum, attached to the African Company, 8th September.

## Second Battalion York Militia.

## TO BE CAPTAINS.

Lieut. Judah Hammond, vice Morehouse, left the County, 6th Sept.

Witter Davidson, vice William Davidson, promoted, 7th do.

David Philips, vice Lockwood, left the County, 8th do.

## TO BE LIEUTENANTS.

Ensign Richard E. Barker, vice Hammond, promoted, 6th Sept.

Edward Garden, vice Davidson, promoted, 7th do.

Henry Jones, vice Phillips, promoted, 8th do.

Thomas Parent, 9th do.

## TO BE ENSIGNS.

John C. Allen, Gent. vice Barker, promoted, 6th Sept.

Benjamin Heustis, Gent. vice Jones, 7th do.

Joseph Allen, Gent. vice Garden, 8th do.

John Ingraham, Jan. Gent. vice Saunders, retired, 9th do.

Jacob M'Keen, Ensign, 10th do.

## Sunbury Militia.

## TO BE MAJOR.

Captain George Hayward.

## TO BE CAPTAINS.

Lieut. Geo. Nevins, vice Hayward, 6th Sept.

Linus Seely, vice Hoyt, 7th "

Henry Loder, vice Tilley, who retires with the rank of Major, 8th Sept.

## TO BE LIEUTENANTS.

Ensign John Bailey, vice Seely, 6th Sept.

Wm. Kimball, vice Nevins, 7th "

## TO BE ENSIGNS.

Thomas Mesereau, Gent. vice Bailey, 6th Sept.

Samuel Nevins, Jun. vice Kimball, 7th "

## By command,

## GEORGE SHORE,

## Adjutant General Militia.

## ERRATUM.—In the Militia General Orders

of the 2d instant, for Major W. Davidson, appointed to the 3d Battalion, read 2d Battalion.

## List of Warrants in course of Payment at

the Province Treasurer's Office:

No. 467, in favor of Benjamin Parlee, £15 0 0

468, " Stephen Peabody, 15 0 0

469, " Wm. Smart, 15 0 0

470, " Wm. Spears, 15 0 0

471, " George Harding, 15 0 0

472, " Flewelling & Richards, 30 0 0

480, " Trustees of Schools—

482, " Chatham, 20 0 0

484, " " ditto, 20 0 0

485, " " ditto, 20 0 0

486, " " ditto, 20 0 0

488, " " ditto, 20 0 0

490, " " ditto, 20 0 0

492, " " ditto, 20 0 0

493, " " ditto, 20 0 0

501, " Nelson, 20 0 0

503, " Northesk, 20 0 0

504, " " ditto, 20 0 0

505, " " ditto, 20 0 0

506, " Thomas Pomphrey, 10 0 0

507, " William Flaherty, 20 0 0

508, " John Gillies, 25 0 0

509, " Stephen Burpe, 20 0 0

510, " Justices of St. John, 132 4 11

511, " Clerk of the Peace, Northumberland, 23 5 0

Nos. 473, 474, 475, 476, 477, 478, 479, 481, 483, 487, 489, 491, 494, 495, 496, 497, 498, 499, 500, and 502, have been paid.—Nos. 480, 482, 485, 486, 488, 490, 492, 493, 501, 503, 504, 505, and 511, will be paid by the Deputy Treasurer at Miramichi.

Treasurer's Office, St. John, N. B.

1st September, 1834.

R. SIMONDS, Province Treasurer.

## By Authority.

WHEREAS John La Coste lately died as it is stated, leaving Real and Personal Estate in the County of Kent in this Province, to which no Heirs or Claimants have yet appeared, Public Notice is therefore hereby given to the Heirs, if any such there be, or other Claimants of the said Estate of the said John La Coste, to appear and exhibit their Claims, in default of which, legal steps will be taken to revert the property in the Crown.

Secretary's Office, 4th Sept. 1834. 3m.

## Department for Crown Lands &amp; Forests,

Fredericton, 9th August, 1834.

ON the application of Thomas Johnson, a MILL RESERVE, comprising Five Thousand Acres on the West Branch of St. Nicholas River, in the County of Kent, will be offered to Public competition, at this Office, on the 20th of September next, at 12 o'clock.

CONDITIONS.—A Saw Mill must be built on the West Branch of St. Nicholas River, and put in operation by the 1st of June, 1835,—in consideration of which, the Reserve will continue in force for Ten Years from the period of Sale. The Purchaser must be ready to point out the particular Tract he wishes to occupy, within ten days after the Sale, when it will be forthwith surveyed at his expense.

The Proprietor of the Reserve must take out Licences thereon annually, at the existing rate of duty and in conformity to the existing general Regulations, and must comply with any alteration which may be made in the rate of Duty and in the Regulations. The Crown reserves the right of selling to persons intending to become actual Settlers, such portions of the Reserve as are eligible for settlement, in the ratio of One Hundred and Fifty Acres to each Settler, but in such case the Proprietor of the Reserve will be allowed to select a similar quantity of Timbered Land, and have it added to his Reserve.

Upset price, one pound per thousand acres.

By Command of His Excellency the

Lieutenant Governor.

(Signed) THOMAS BAILLIE,

Com. and Surv. General.

HAVING been reported to His Excellency the Lieutenant Governor, that sundry persons have it in contemplation to cut White Pine Timber on the disputed Territory, during the ensuing Winter, in violation of public Regulations, and of the agreement between His Majesty's Government and that of the United States, this is to forewarn all Persons from trespassing on the said Territory, and to give Public Notice, that in future no duty will be received from Trespassers for any Timber cut thereon; but that instructions are given to the Officer in charge, to seize all Timber he may find cut, and to have the same conveyed to Fredericton, to be sold at Public Auction on account of the Crown.

THOMAS BAILLIE,

Com. and Surv. General.

Fredericton, 21st August, 1834.

## NEW BRUNSWICK—IN CHANCERY.

Friday the eighteenth day of July, in the year of our Lord one thousand eight hundred and thirty-four.

Between George Sheeden, Complainant;—

and

Thomas Wyer, Andrew S. Ritchie, George Pagan, Edward De Wolfe, and Susan Maria Pagan De Wolfe, David Mowatt, and Miriam, his wife, Robert Melville, and Margaret Dunlop, his wife, Henry Graham, and Maria Martin, his wife, Defendants;

FORASMUCH as this Court was this present day informed by Mr. Attorney General, being of Plaintiff's Counsel, that the Plaintiff had on the twenty-third day of January last, filed his bill in this Honourable Court against the above defendants, as by the certificate of the Register appears;—and had taken out process of Subpoena against the said Defendants returnable on the eighth day of February last past; but that the said Defendant Andrew S. Ritchie is without the limits of this Province, and now resides at or near the Town of Annapolis in the Province of Nova Scotia, and cannot be served with process of this Court all which by affidavit appears; and the said certificate and affidavit being read and the truth of the above allegations being made out to the satisfaction of the Court: It is ordered, that the said Defendant, Andrew S. Ritchie, do appear to, and answer the Plaintiff's bill, on or before the first day of January next. And that this order be published in the Royal Gazette for the space of three months.

By the Court.

D. LUDLOW ROBINSON, Register.

First published in Gazette, 30th July 1834.

By Benjamin L. Peters, Esquire, one of the Justices of His Majesty's Inferior Court of Common Pleas of the City and County of St. John, in the Province of New Brunswick.

To all whom it may concern.—GREETING.

NOTICE is hereby given, that upon the application of Samuel Bustin 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 James M'Laughlan late of this City, Tallow-Chandler,—(which same James M'Laughlan is departed from and without the limits of this Province with intent and design to defraud the said Samuel Bustin and the other Creditors of the said James M'Laughlan, if any there be, of their just dues, or else to avoid being arrested by the ordinary process of the Law as it is alleged against him) to be seized and attached; and that unless the said James M'Laughlan 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 James M'Laughlan, will be sold for the payment and satisfaction of all the Creditors of the said James M'Laughlan. Dated at the City of Saint John, this thirty first day of May, in the year of our Lord one thousand eight hundred and thirty-four.

BENJAMIN L. PETERS,

Justice of Common Pleas.

H. N. H. LUGRIN, Atty. for Petitioning Creditor.

First published in Gazette 11th June 1834.

By John Fraser, Esquire, one of His Majesty's Justices of the Inferior Court of Common Pleas, in and for the County of Northumberland in the Province of New Brunswick.—

NOTICE is hereby given that upon the application of James Gillan, of the Parish of Northesk, in the County of Northumberland, Farmer, to me duly made according to the form of the Acts of the General Assembly in such case made and provided, I have directed all the Estate as well real as personal, within the Province, of Judah Bartilet, late of the Parish of Northesk, (which said Judah Bartilet is indebted to the said James Gillan in the sum of thirty-three pounds nineteen shillings and seven pence half penny, and has departed this Province since the said debt was contracted, and has not returned or resided therein for the last six months and upwards) to be seized and attached, and that unless the said Judah Bartilet 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 Judah Bartilet, within this Province, will be sold for the payment and satisfaction of the Creditors of the said Judah Bartilet.

Dated at Nelson, in the County of Northumberland, this third day of July, in the year of our Lord one thousand eight hundred and thirty-four.

JOHN FRASER, J. C. P.

James H. Peters, Atty. for Pet. Creditor.

First published in Gazette 16th July, 1834.

A GENERAL Meeting of all such Creditors of Joel Redard, late of Richibucto, in the County of Kent, Yeoman, (an absconding debtor), as shall choose to attend, is requested at the office of William Chandler, Esquire, in Richibucto, on Monday the twenty-seventh day of October next, to examine and see the debts due to each person ascertained.

Dated at Richibucto, County of Kent, this second day of August, in the year of our Lord one thousand eight hundred and thirty-four.

Wm. M'LEOD, Trustee.

JOHN M'KAY, for all the

SAMUEL M'KEAN, Creditors.

## AUCTION.

## EXTENSIVE SALE.

On MONDAY, the 22d inst. at 10 o'clock, a. m. the Subscriber will sell at the Store of Mr. Thomas Pickard, Phoenix Square, ALL HIS

## STOCK IN TRADE:

CONSISTING of a very extensive assortment of DRY GOODS, HARD, TIN, GLASS and EARTHEN WARES, GROCERIES, &c. &c. &c.

TERMS.—25 and under, Cash; from £5 to £20, ninety days Credit; £20 and upwards, six months Credit—upon approved endorsed Notes.

The Sale will be without reserve, and continued from day to day until the whole of the Goods may be disposed of.

ASA COY, AUCTIONEER.

Fredericton, 2d September, 1834.

## Notice.

THE Subscriber hereby informs his friends and the public, that he has for sale a variety of British Merchandise, very low for Cash, at his Store in Queen's Street, and solicits a share of their patronage.

JOSEPH SUTHERLAND.

Fredericton, 25th February, 1834.