

Am. Chief Justice

NEW

SERIES.



THE ROYAL GAZETTE.

PRINTED AND PUBLISHED BY JOHN SIMPSON, Printer to the King's Most Excellent Majesty, AT HIS OFFICE NEAR THE PROVINCE BUILDING.

VOLUME 2.

FREDERICTON, NEW BRUNSWICK, NOVEMBER 4, 1835.

NUMBER 19.



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 Tuesday the Fifteenth day of September instant, I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to the Third Tuesday in December next ensuing.

Given under my Hand and Seal at Fredericton, the Tenth Day of September, in the Year of Our Lord One thousand eight hundred and thirty five, and in the Sixth Year of His Majesty's Reign.

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

EXTENSIVE SALE OF CROWN LANDS.

UNDER the authority of His Excellency the Lieutenant Governor, a Public Sale of vacant Surveyed LANDS within the Province, will take place at the Crown Land Office, on MONDAY the 7th day of December next. Any person, therefore, wishing to purchase one Lot or more, can do so by requesting the Commissioner to submit such Lands to sale as he may be desirous of purchasing. Upset price, as, upwards.

Various Timber Berths, for Licenses to expire on the 1st of May, 1836, will be offered on the following day.

THOMAS BAILLIE,

Commissioner Crown Lands.

Crown Land Office, October 20, 1835.

List of Warrants in course of payment at the Province Treasurer's Office.

No.			
157,	in favor of	A. Goodfellow,	£100 0 0
158,	"	Joseph Read,	900 0 0
159,	"	D. McDonald,	15 0 0
160,	"	Hector McKennon,	7 10 0
161,	"	M. Campbell,	15 0 0
162,	"	Alex. Goodfellow,	100 0 0
163,	"	J. Gilmour and A. Goodfellow,	155 0 0
164,	"	J. Lowrie,	50 0 0
165,	"	J. Ledden,	50 0 0
166,	"	D. Perley and W. Joplin,	200 0 0
167,	"	W. Williston and J. McDonald,	35 0 0
168,	"	W. Dickson and R. Gegan,	30 0 0
169,	"	David Crook,	140 0 0
170,	"	A. McLaggan and T. Underhill,	90 0 0
171,	"	Dugald Stewart,	50 0 0
172,	"	Joseph Read,	360 0 0
173,	"	Robert Ellis,	140 0 0
174,	"	Geo. Scortt,	30 0 0
175,	"	Valentine Gibbs,	85 0 0

Treasurer's Office, St. John, N. B. 20th October, 1835.

R. SIMONDS, Province Treasurer.

SUPREME COURT.

James Paul, Esquire to be a Commissioner for taking Affidavits to be read in the Supreme Court; likewise for taking Special Bail for the County of Gloucester.

MICHAELMAS TERM, 6th WM. 4th. ANNO DOMINI, 1835.

GENERAL RULES.

I. It is Ordered, That there shall be Sittings of Nisi Prius for the County of York, after the respective Terms of this Court, on the following days in each and every Year, that is to say:— Sittings after Hilary Term, on the Third Tuesday in February. Sittings after Trinity Term, on the Fourth Tuesday in June.

Sittings after Michaelmas Term, on the Fourth Tuesday in October.

The said respective Sittings to continue for so long a time, as in the opinion of the Judge holding the same, may be necessary for the dispatch of the business depending.

II. It is further Ordered, That the Sheriff of the County of York do summon and return Grand Jurors and Petit Jurors, to attend at the several Sittings in that County, now appointed or hereafter to be appointed, in like manner as has been heretofore accustomed with regard to the Terms of this Court; and that hereafter no Jurors be summoned to attend at the Terms, without special order.

III. It is further Ordered, That all general Rules of this Court, which relate to the entering of Causes, the filing of Nisi Prius Records, or other proceedings at Nisi Prius, shall apply to, and be in force at, the Nisi Prius Sittings in the County of York.

IV. It is further Ordered, That in all Actions, in which the issue is made up and the Venue facias Juratores is awarded, as of the last return day, that is to say, the second Saturday after the first Tuesday, in any Term, such Writ of Venue facias Juratores may be awarded, and made returnable forthwith.

V. It is further Ordered, That the matters contained in the Crown Paper and Special Paper respectively, shall come on to be argued on the second day in each Term, any former rule to the contrary notwithstanding.

VI. It is further Ordered, That no motion for a new trial shall be made after the first Saturday in any Term.

VII. It is further Ordered, That in all cases, where application shall be made to a Judge in Vacation after judgment by default, to make inquiry or assessment, under the Act of Assembly 5 Wm. 4. c. 37, s. 9, there shall be produced to the Judge a certificate or memorandum, of the day on which interlocutory judgment was signed or judgment by default entered, signed by the Clerk of the Pleas or his deputy; and that no such inquiry or assessment shall be made, unless such certificate or memorandum be so produced.

VIII. It is further Ordered, That every meane process, in any Action, shall contain the names of all the Defendants, if more than one, in the Action.

IX. It is further Ordered, That the names of any number of Witnesses may be put in one Writ of Subpoena.

X. It is further Ordered, That in all Actions of Ejectment, the notice to appear, may be for any return day specifically, but when the notice to appear is for the Term generally, the day of appearance shall be the first day of the Term.

XI. It is further Ordered, That in all Actions of Ejectment, there shall be fourteen days exclusive between the day of serving the declaration and the day of appearance, whether the person served with the declaration lives within the County where the Court sits or not, any former Rule to the contrary notwithstanding.

XII. It is further Ordered, That when a Rule to shew cause is obtained to set aside an Award or Warrant of Attorney, or a judgment entered upon an Award or Warrant of Attorney, the several objections, intended to be insisted upon at the time of making such Rule absolute, shall be stated in the Rule to shew cause.

XIII. It is further Ordered, That any Attorney, who on his being admitted an Attorney, was a Graduate of any College, may be called to the Bar after the expiration of one year from the time of his admission as an Attorney.

XIV. It is further Ordered, That the above Rules shall take effect on the first day of January next.

WARD CHIPMAN, W. BOTSFOED, J. CARTER, R. PARKER.

NEW BRUNSWICK IN CHANCERY.

Monday the twenty seventh day of July in the year of our Lord one thousand eight hundred and thirty five.

Between William Hughson, Complainant, and Asa Jones, Defendant.

FORASMUCH as the Court was the present day informed by Mr. Kinnear of Counsel for the Complainant, that the Complainant had filed his Bill in this Honorable Court against the Defendant on the tenth day of July last, as by the certificate of the Register appears, and had taken out process of Subpoena returnable on the seventh day of February last; but that the said Defendant could not be found to be served with such process, although enquiry for the said Defendant had been made at his usual place of abode, and that there is full ground to believe that the said Defendant is gone out of the Province to avoid being served with the 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 Defendant do appear to and answer the Plaintiff's Bill on or before the fifth day of November next.

By the Court.

D. LUDLOW ROBINSON, Register.

[First published in Gazette, 29th July.]

NEW BRUNSWICK IN CHANCERY.

Saturday, the tenth day of October, in the year of our Lord one thousand eight hundred and thirty five.

Between Charles Connell, Junior, Complainant, and William Kirk, Defendant.

FORASMUCH as the Court was this present day informed by Mr. Fisher, being of Complainant's Counsel, that the Complainant had on the eighteenth day of October last filed his Bill in this Honorable Court against the Defendant, as by the certificate of the Register appears, and had taken out Process of Subpoena against the said Defendant, returnable on the eighteenth day of October last; but that the said Defendant now resides and hath for a long time past resided at Bangor in the State of Maine, one of the United States of America, and out of the Jurisdiction of this Honorable Court, and that the said Defendant could not be duly served with such Process, all which by affidavit now read 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, William Kirk, do appear and answer the Complainant's Bill on or before the third Tuesday in February 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, Register.

[First published in Gazette, 21st Oct. 1835.]

NEW BRUNSWICK IN CHANCERY.

Monday, the twenty sixth day of October, in the year of our Lord one thousand eight hundred and thirty five.

Between George Harding, Complainant, and Ezekiel Barlow, Thomas Barlow, Ezekiel Barlow, Junior, Thomas Hanford, Ann Hanford, William Stokes, Elizabeth Robertson, Alexander Robertson, Ann S. Robertson, Defendants.

FORASMUCH as the Court was this present day informed by Mr. Attorney General, of Counsel for the Complainant, that the Complainant had on the thirtieth day of September last, filed his Bill in this Honorable Court against the said Defendants, as by the certificate of the Register appears, and had taken out process of Subpoena against the said Defendants, returnable on the seventeenth day of October instant, but that on enquiry at his usual place of abode in this Province for William Stokes, one of the Defendants, he could not be found so as to be served with such process, and that there is full ground to believe that the said William Stokes is gone out of this Province, and that he departed therefrom after the cause upon which this suit commenced accrued, and has no fixed place of residence elsewhere, 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, William Stokes, do appear to answer the Complainant's Bill on or before the first Tuesday in June next.

By the Court.

D. LUDLOW ROBINSON, Register.

[First published in Gazette, 28th Oct. 1835.]

In the matter of AUGUSTUS CLARKE, } NOTICE is hereby given, that by the Court, on application to me, in due form of law made by Messrs. GILMORE, RANKIN and COMPANY, Creditors of AUGUSTUS CLARKE, late of Bathurst in the County of Gloucester, Lumberer. an absconding or concealed Debtor, I have directed all the Estate, real and personal, of him, the said Augustus Clarke, within this Province, to be attached and unless he the said Augustus Clarke shall return and discharge his debt or debts within three months after the publication of this notice, all his said Estate, real and personal, will be sold for the payment and satisfaction of his Creditors.

JOSEPH READ, J. C. P.

WILLIAM END, Solicitor for Petitioning Creditors.

Bathurst, September 19, 1835.

[First published in Gazette, Oct. 7, 1835.]

NOTICE is hereby given, That We, the Subscribers, have been duly appointed Trustees of all the Creditors of GEORGE BENNETT, late of Hopewell in the County of Westmorland, an absconding Debtor, and have been duly sworn to the faithful execution of the said trust pursuant to the directions of the Act of Assembly in such case made and provided; and do hereby require all persons indebted to the said George Bennett on or before the first day of February next ensuing the date hereof, to pay us, some, or one of us, all sums of money or other debt, duty or thing, which they

owe to the said George Bennett, and deliver all other the effects of the said George Bennett, which they or any of them have in his, her, or their hands, power or custody, to us, some, or one of us, as aforesaid; and We do hereby desire all Creditors of the said George Bennett, on or before the first day of February next, to deliver to us, some, or one of us, their respective accounts and demands against the said George Bennett, in order that right and justice may be done therein, agreeably to the directions of the Act of Assembly in such case made and provided.

Given under our hands at Hopewell, this eighth day of October, in the year of our Lord one thousand eight hundred and thirty five.

GEORGE ROGERS, } Trustees.
MOSES STEVENS, }
JOHN M'RAE, }

[First published in Gazette, 21st Oct. 1835.]

SHERIFF'S SALES.

COUNTY OF YORK.

On the first Monday in May next, will be sold by Public Auction, at the Market House in Fredericton, between the hours of twelve and five o'clock in the afternoon:—

ALL the right and title of Edward Elliott, of, in and to, the House and Premises where he now resides, situate in York Street, Parish of Fredericton: The same having been taken under and by virtue of an Execution issued out of the Supreme Court.

E. W. MILLER, Sheriff.

Fredericton, 20th October, 1835.

COUNTY OF CARLETON.

To be sold on Friday the 20th day of November next, between twelve and five o'clock in the afternoon at Harvey's Inn:—

ALL the right, title, and interest of John Reilly, to that certain piece or parcel of Land, and premises, situate, lying and being in the Parish of Kent, on the west side of the River St. John, bounded on the upper side by Land belonging to the Crown; and on the lower side by Lands owned by John Watson; being in the Military Grant, No. 133, containing one hundred acres more or less: The same having been taken by virtue of an Execution issued out of the Supreme Court at the suit of Messrs. Robert Rankin, & Co. against the said John Reilly.

J. F. W. WINSLOW, Sheriff of Carleton.

Woodstock, May 7th, 1835.

To be sold by Public Auction on Thursday the twelfth day of November next, at Harvey's Inn, between the hours of twelve and five in the afternoon:—

ALL the right, title, interest, claim and demand of William Peters, William Wilnot and Samuel Peters, to that certain tract or parcel of Land situate, lying and being in the Parish of Kent, County of Carleton, known as Lot No. 35, on the west side of the River Saint John—bounded on the north by land owned by Patrick Murphy and south by Edward Donley's land—containing one hundred acres, more or less: The same having been taken by virtue of several Executions issued out of the Supreme Court against the said William Peters, William Wilnot and Samuel Peters.

J. F. W. WINSLOW, Sheriff of Carleton.

Woodstock, April 7, 1835.

COUNTY OF KENT.

To be sold by Public Auction, at the Court House in Richibucto, on the fourth Tuesday in December next, between the hours of twelve and five of the clock of the same day:—

ALL the right, title, interest, claim and demand of Samuel L. Dixon to a tract of Land, situate on the south side of the Cocagne River, bounded on the north by land in the possession of Humphrey Gilbert, and on the west by lands granted to George Gibson, and on the east by lands granted to William Lenan, containing two hundred acres, more or less: The same having been taken by virtue of a writ of Testatum Fieri Facias, issued out of the Supreme Court at the suit of Thomas Barlow, Ezekiel Barlow, and Henry Blaksley.

THOMAS LANSDOWN, Sheriff.

Sheriff's Office, Richibucto, 16th June, 1835.

COUNTY OF GLOUCESTER.

On Tuesday the 12th day of January next, will be sold by Public Auction at the Court House in Bathurst, between the hours of twelve and five o'clock in the afternoon:—

ALL the right, title, interest and claim of Francis Vianneau, of, in and to a certain Lot of Land, situate, lying and being in the Parish of Saumarez, on the west side of the Portage River, which empties into the Tracada, about eight miles from the Gully; bounded by the Tracada River on one side and the Portage River on the other—containing two hundred Acres, more or less, now in the occupation of Farnan Bonvey alias Antwin. Also—A Lot of Marsh Land on the north east side of the said Gully, commencing at the point: The same having been taken by an Execution issued out of the Supreme Court, at the suit of Jeremiah Coughlan.

W. CARMAN, Sheriff.

Bathurst, 8th June, 1835.

COUNTY OF WESTMORLAND.

To be sold by Public Auction, on Saturday the sixteenth 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 Thomas Edgett, situate in the Parish of Hopewell. The same having been taken by virtue of two Executions issued out of the Supreme Court.

W. P. SAYRE, Sheriff.

Dorchester, 8th October, 1835.

To be sold by Public Auction, on Friday the 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 Nicholas Pearson, Junior, situate in the Parish of Hopewell: The same having been taken in Execution. Also—All the right, title and interest of John Keating, of, in and to a certain Lot of Land, situate in the Parish of Dorchester, in the Irish Town Settlement, so called, originally granted to said John Keating, and containing 200 acres, more or less: The same having been taken by virtue of an Execution issued out of the Supreme Court.

W. P. SAYRE, Sheriff.

Dorchester, 1st October, 1835.

On the Twenty first day of November next, will be sold at Public Auction, at the Court Hse in Dorchester, between the hours of twelve and five o'clock in the afternoon:—

ALL the right, title, claim and demand of James Boyd, lately deceased, of, in and to that lot or tract of Land with the improvements thereon, and lately in his occupation, together with a Saw Mill, on or near the same, situate in the Parish of Dorchester, the same have been seized by virtue of an Execution issued out of the Supreme Court, at the suit of Francis Emerson.

W. P. SAYRE, Sheriff.

Dorchester, 14th May, 1835.

COUNTY OF SUNBURY.

To be sold at Public Auction, on the second Monday in April next, at the Court House in Burton:—

ALL the right and title of Thomas Bartlett, of, in and to that property on which he resides at Little River, in the Parish of Sheffield. Also—All his right and title in and to a Saw Mill, Mill Dam and Mill Privileges, situate on Little River aforesaid: The same having been taken by virtue of an Execution issued out of the Supreme Court, at the suit of Moses Coburn.

Sale to commence at 1 o'clock p. m.

J. HAZEN, Sheriff.

Burton, 2d October, 1835.

To be sold by Public Auction, on the first Monday in April next, at the Court House in Burton:—

ALL the right and title of James Tapley, of, in and to two several tracts of Land, situate on both sides of Little River, in the parish of Sheffield, granted to Thomas Taylor, Richard Land, and others—containing 2,700 acres, more or less. Also—a certain other tract of 200 acres, more or less, purchased by the said James Tapley from George Hume, situate on the west side of Little River aforesaid: The same having been taken by virtue of an Execution issued out of the Supreme Court, at the suit of Henry Loder, for the sum of £116 10 9.

J. HAZEN, Sheriff.

Burton, 26th September, 1835.

To be sold by Public Auction on the second Tuesday in January next, at the Court House in Burton:—

ALL the right and title of John Reilly, of, in and to two Lots of Land in the Grant to Charles Smith and others, situate in the Parish of Blissville on the north east side of the Saint Andrews Road, about six miles from the Block House, and known and described in said Grant as Lots No. 20 and 21, containing acres, more or less—together with all Buildings and Improvements thereon: Taken in execution at the suit of Robert Rankin and others.

—ALSO—

at the same time and place will be sold: ALL the right, title and interest of John Mills in and to that Farm on which he resides in the Parish of Lincoln, and bounded as follows:—southerly, by the River Oromocto; westwardly, north westwardly and easterly, by Land owned by Stephen Peabody, Esq. containing acres, more or less—together with all and singular the Buildings and Improvements thereon: The same having been taken by virtue of an Execution issued out of the Supreme Court at the suit of the Executors of Thomas L. Langan, deceased, against the said John Mills and Israel Mills. Sale to commence at 1 o'clock, p. m.

J. HAZEN, Sheriff.

Burton, July 4th, 1835.

NOTICE.

A Meeting of the Creditors of Edward Kermott is requested to be held at the Office of Mr. Samuel Grosvenor, in Woodstock, on Thursday the 24th December next.

RUFUS S. DEMILL, } Trustees.
JOHN S. M'BEATH, }
SAM'L F. GROSVENOR, }

Woodstock, 23d Sept. 1835.