

His Honor the Chief Justice

NEW



SERIES.

THE ROYAL GAZETTE.

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FREDERICTON, NEW BRUNSWICK, NOVEMBER 1, 1837.

NUMBER 19.



By Authority.

By His Excellency Major General Sir JOHN HARVEY, K. C. H. and C. B. Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c. &c. &c.

J. HARVEY, Lt. Governor.

A PROCLAMATION.

WHEREAS the General Assembly of this Province has been summoned to meet at Fredericton on Monday, the sixteenth day of October instant, I have thought fit to prorogue the said General Assembly, and the same is hereby prorogued to Tuesday, the nineteenth day of December next.

Given under my Hand and Seal, at Fredericton, the eighteenth day of August in the Year of our Lord one thousand eight hundred and thirty-seven, and in the first Year of Her Majesty's Reign.

By His Excellency's Command.

WM. F. ODELL.

CIVIL APPOINTMENTS.

Robert Rankin and Daniel Leavitt, Esquires, to be additional Commissioners of the Marine Hospital, Saint John.

IN COUNCIL, Oct. 12, 1837.

The Petitions of the undermentioned applicants are complied with, on the following terms.

Charles M'Laughlin, 2s. 6d. per acre immediate payment.

John Combe, 5s. immediate payment.

Samuel Grant, 3s. do. do.

John Love, 2s. 6d. do. do.

Joseph Love, do. do. do.

John Scofield, do. do. do.

Peter M'Gee, do. do. do.

John Reid, 2s. 6d. immediate payment for the whole of lot No. 45.

James Parks, 3s. per acre by instalments.

Samuel Hunter, Sen. 3s. per acre by instalments.

The payments due on the above are required to be made within 30 days from the date of this notice.

The petitions of the undermentioned applicants, are referred for a full statement of the improvements they have made, the time they have been located on the land applied for, and the other circumstances upon which they found their claims, and such applications must be verified by the affidavit of the party applying, accompanied by a certificate from some neighbouring Justice of the Peace or other person of respectability.

John Stewart, Edwin Marks.

Patrick Clary, William Thompson.

John E. Burpe, John Gartley, Sen.

John Gartley, Jun.

The lot applied for by Wm. M'Griggor cannot be sold at present.

Edward Caton, not complied with.

Thomas Price, not complied with.

John Ingram, John Ingram, Jun. and William Pomeroy, must make particulars selection of the lots they wish.

The following applications for timber or logs are complied with, agreeably to the regulations heretofore published.

CARLETON COUNTY.

Sherman Tapley, on the Monquat.

Robert Kerr, do. do.

Henry Lyons, do. Beguimik.

Charles Ingraham, do. Salmon River.

James Taylor, do. Muine.

do. do. Little River.

B. Beveridge, do. Tobique.

Eliza Sisson, do. do.

YORK COUNTY.

Wm. M'Kay, on the Burnt hill Brook.

Thomas Brown, do. Clear water Brook.

Lachlan Cameron, do. Maguadavic.

Warren Cundy, do. do.

Warren Cundy, do. Maguadavic River.

James Kelsoe, do. Kidron Lake.

Israel Smith, do. Kusagonis Creek.

Wm. Little, do. do.

Wellington Merrithew, do. do.

Luke Kelly, do. Garden's Creek.

Nathaniel Blake, do. Miramichi portage road.

Robert Ralston, on the Miramichi portage road.

SUNBURY COUNTY.

Richardson Tracey, on the Oromocto River.

CHARLOTTE COUNTY
James Vernon, on the Piskhegagan.

KING'S COUNTY.
Charles Clarke, on Studholm's mill stream.

QUEEN'S COUNTY.
Robert Hamilton, on the Salmon River.

James Price, do. Washademoak.

James Smith, do. Back Creek.

Thomas Wasson, do. Cumberland Bay.

Robert Bell, do. Gaspereau River.

Robert Hutchison, do. do.

do. do. do.

Ebenezer Scribner, do. Coal Creek.

William Colwell, do. do.

John Colwell, do. do.

WESTMORELAND COUNTY.

Benjamin Crandall, on North River.

NORTHUMBERLAND COUNTY.

Alexander M'Laggan, on the Renous River.

do. do. do.

Alexander Foster, do. do.

T. W. Underhill, do. Dungarwon.

Patrick Long, do. South West Miramichi.

Joseph Cunard, on the South West Miramichi.

J. T. Williston, do. do.

Joseph Russell, do. Barnaby's River.

Alex. Rankin, do. do.

do. do. do.

David Stuart, do. Salmon River.

do. do. do.

Alex. Rankin, do. North West Miramichi.

Isaac Leighton, do. Little South West do.

George Parker, do. Cains River.

Hugh M'Kenzie, do. do.

George Parker, do. Muzroll's Brook.

John J. Donald, do. Otter Brook.

Hugh M'Kenzie, do. do.

James Fowler, do. Sabbies River.

David Stewart, do. do.

do. do. do.

do. do. do.

GLOUCESTER COUNTY.

John T. Williston, on the Tabusintac.

Francis Ferguson, do. Nepisquit.

Arthur Ritchie, do. Ussalquitch.

Arthur Ritchie, do. Jacques River.

do. do. do.

do. do. Benjamin River.

do. do. Ussalquitch do.

By the regulations heretofore published, the payments due on the above are required to be made within 30 days from the date of this notice.

The Petition of Donald M'Leod, respecting his timber berths is complied with.

The following petitions for timber or lumber are not complied with in consequence of prior applications.

Robert Ralston, on the Miramichi portage road.

Alexander M'Laggan, on the South West Miramichi River.

John Arbo, on the Cains River.

Charles Donnelly, do. do.

The Petition of the Honorable James Alanshaw for logs, on the Maguadavic River, is not complied with, in consequence of the very extensive reserves and five year licenses held by that Gentleman, in the neighbourhood of the berth applied for.

The lands applied for by the undermentioned persons are ordered to be sold at public Auction. (See Advertisement.)

Daniel Gilmour, Maurice O'Neal.

Richard Iman, Simon Nelson.

Thomas Power, Edward Power.

James Mathews, John D. Belding.

Edward Doyle, Samuel Hunter, Jun.

Crown Land Office, October 25, 1837.

Crown Land Office,

October 25th, 1837.

The undermentioned tracts of Crown Land will be offered at Public Auction, at this Office, on Monday the 4th day of December, at 11 o'clock in the forenoon.

The north half of lot No. 5, in McDonald's survey, in rear of the front lots in the Parish of Brighton, Carleton County, and adjoining land lately purchased by Richard Inman, containing 50 acres. Upset price 3s. per acre.

The west half of lot, No. 19, in the 2nd tier, on Bonny River, in the Parish of Saint George, County of Charlotte, 100 acres. Upset price 3s. per acre.

Lot No. 16, Macaulan's survey of Irish Town, Parish of Dorchester, County of Westmoreland, 100 acres. Upset price 2s. 6d. per acre.

The lot in rear of William Pywell's grant, on the north east side of the Nerepis Creek, in the Parish of Hampstead, Queen's County, 100 acres. Upset price 5s. per acre.

The north east half of lot No. 4, Hanwell Settlement, Parish of Kingsclear, County of York, 100 acres. Upset price 2s. 6d. per acre.

The south west half of lot No. 4, Hanwell Settlement, Parish of Kingsclear, County of York, 100 acres. Upset price 2s. 6d. per acre.

The lot adjoining above the grant to J. F. W. Winslow, on the north side of Renous River, Parish of Northesk, County of Northumberland, 100 acres. Upset price 2s. 6d. per acre.

Lot No. 1, 2nd tier, north west side of Studholm's mill stream, adjoining Jacob Scovil, Parish of Sussex, King's County. Upset price 3s. per acre.

Lot No. 11, Joubert's survey, beyond Hanwell, Parish of Kingsclear, County of York, 100 acres. Upset price 3s. per acre.

Lot No. 9, Joubert's survey, beyond Hanwell, Parish of Kingsclear, County of York, 100 acres. Upset price 3s. per acre.

Terms.—10 per cent to be paid at the time of sale, and the remainder within fourteen days.

THOMAS BAILLIE,
Commissioner Crown Lands.

Crown Land Office,
Sept. 27, 1837.

The undermentioned tracts of Crown Land will be offered at Public Auction, at this Office, on Monday the 6th of November, at 11 o'clock in the forenoon.

Lot 15, first tier, Dipper Harbour, County of Charlotte, 100 acres. Upset price, 3s. per acre.

Lot No. 3, 100 acres, Shediac River, County of Westmoreland, adjoining north-east of a grant to Abraham Taylor. Upset price, 3s. per acre.

Terms.—10 per cent. to be paid at the time of sale, and the remainder within fourteen days.

THOMAS BAILLIE,
Commissioner of Crown Lands.

IN THE SUPREME COURT.

Michs. Term, 1st Victoria.

GENERAL RULES.

1st. Whereas it is expedient, that every person desirous of being admitted as an Attorney of this Court, should before such admission be examined as to his fitness and capacity to act as such Attorney: It is ordered, that the Judges of this Court, together with four Barristers of not less than five years standing, to be for that purpose appointed by Rule of Court in Hilary Term in every year, or any two of them, whereof a Judge to be one shall be competent to conduct the examination of any person who may have made application for admission as an Attorney of this Court in the form hereafter mentioned; and that from and after the next day of Hilary Term, subject to such appeal as hereafter mentioned, no person shall be admitted to be sworn an Attorney of this Court without the production of a Certificate, signed by such Examiners, testifying his fitness and capacity to act as an Attorney.

2nd. It is further ordered, that the said Examination shall be held at such times and places respectively, and under such Regulations as the Judges, or any three of them, may from time to time appoint.

3rd. It is further ordered, that in case any person shall be dissatisfied with the refusal of the Examiners to grant such Certificate, he shall be at liberty to apply for admission, by petition in writing to the Judges; which application shall be heard by not less than three of the Judges, at such time and place as they may appoint.

4th. It is further ordered, that every person who may desire to be admitted an Attorney shall, on or before the Thursday in the first week of the Term immediately preceding that at which he shall propose to be admitted, make application by Petition to the Court in the form hereunto annexed, or to the like effect, which Petition shall be accompanied by the requisite certificates of the age, moral character, and service of the applicant, and the certificate of the moral character shall be full, positive and explicit, and shall contain particular testimonials to the sober and temperate habits of the applicant, and the Court, if satisfied with the certificates will, during such Term, make order for the examination of such applicant.

5th. It is further ordered, that the foregoing Rules touching examination, shall extend to persons who may apply for admission upon certificates from any other part of Her Majesty's dominions, as well as to persons who may have pursued their studies in this Province, and any person coming from any other part of Her Majesty's dominions shall also produce a certificate from the Court in which he may have become a practitioner, or one of the Judges thereof, that he has conducted himself with credit and reputation since his admission there.

6th. It is further ordered, that no Attorney of this Court who shall have been absent from the Province, or have discontinued the practice of the Law for the space of five years together, shall hereafter be permitted to commence or resume practice as an Attorney until he be re-admitted and sworn.

7th. It is further ordered, that every Attorney who may desire to be re-admitted shall apply by Petition to the Court, stating therein the place or places in which he may have resided, and the business, profession or employment in which he may have been engaged or concerned since his first admission; which Petition shall be verified by the affidavit of the Petitioner, and shall be presented to the Court on or before the Thursday in the first week of the Term immediately preceding that at which he may desire to be re-admitted.

8th. It is further ordered, that every applicant for re-admission shall be examined as to his fitness and capacity to act as an Attorney, in the same manner as if applying for a first admission, unless the Court shall see fit in any case to dispense with such examination, and shall make order accordingly.

9th. It is further ordered, that from and after the present Michaelmas Term, no Attorney of any other part of Her Majesty's dominions shall be admitted as an Attorney of this Court, unless he shall have entered as a Student with one of the Attorneys of this Court, having the rank of Barrister and resident and practising in the Province, and shall have continued as such Student for one year; the entry of every such Student to be registered with the Clerk as in the case of other Students; and a certificate of such year's study from the Barrister with whom the same may have been performed shall be one of the testimonials necessary for the admission of such applicant.

10th. Whereas it is desirable that arguments on Rules for new Trials or the like, made in Cases tried at the Sittings for the County of York, should be heard and disposed of more speedily than can be done under the present practice of the Court. It is ordered, that in future any party intending, after the Trial had at the said Sittings, to move the Court for a Rule to shew cause why a new Trial should not be granted, or for any Rule of a like description, do give notice to the opposite party of such intention, together with a Note in writing, specifying the general grounds of the intended motion thirty days before the ensuing Term; and that Rules Nisi granted on such motions be made returnable in the same Term, unless the Court should see fit with the consent of parties, or for other good reason, to extend the time for showing cause to the ensuing Term.

WARD CHIPMAN,
W. BOTSFORD,
J. CARTER.

Form of Petition for admission as an Attorney.

To the Honorable the Chief Justice and Justices of the Supreme Court.

The Petition of A. B.

Humbly Sheweth,

That your petitioner was born in

on [state the place and day of birth], as by the accompanying certificate or affidavit will appear.

That on [state the day] he entered as a Student in the office of C. D. Esquire, a Barrister of this Court at

in this Province, and has continued as such from that time hitherto: during which time he has not absented himself without the permission of the said C. D. nor been engaged in any other profession, business or employment.

[If the applicant have studied part of the time with any other Barrister, or been absent without permission, or engaged in any other profession, business or employment since commencing his studies, he must state fully the reasons therefor, the particular time and length of such other study, or absence, or engagement in other pursuits, together with such other particulars as he may think advisable, explanatory of his conduct. If the applicant have not studied in this Province, he must state the particular grounds on which he applies for admission, the place or places in which he may have resided and practised since his admission by any other Court; and if he has been engaged or concerned in any other profession, business or employment, he must state the particulars of the same with any other matters explanatory of his conduct and pursuits as he may deem advisable.]

That your petitioner is at present resident at [state the place] and is desirous of being admitted an Attorney of this Honorable Court at the ensuing

Term, and prays that your Honors will make such order touching his examination or admission as by the Rules of the Court are required, or as to your Honors may seem meet.

Dated the 18

A. B.

*NOTE.—If the Petitioner's full time of study has not expired at the time of application, he must further state his intention to continue a Student in the Barrister's office until such time expires, and will be required to produce an additional certificate to that effect at the ensuing Term.

IN THE SUPREME COURT,

Michaelmas Term, 1st Victoria.

Stephen H. Hitchens, Newton W. Wallop,

Thomas B. Abbott, Christopher Milner, David S. Kerr, Henry S. Peters, and William T.

Wilmot, Esquires; Attorneys of this Court, are called to the Bar, and admitted, sworn and enrolled Barristers of this Court.

William Henry Lee, Charles Inglis Halburton, and John D. Kinnear, Esquires, Barristers and Attorneys of the Supreme Court of Nova Scotia, are called to the Bar, and admitted, sworn and enrolled Attorneys and Barristers of this Court.

John M'Mahon, Gentleman, having produced the requisite certificates, is admitted, sworn and enrolled an Attorney of this Court.

Jonathan M'Cully, Gentleman, an Attorney of the Supreme Court of Nova Scotia, is admitted, sworn and enrolled an Attorney of this Court.

By John Frazer, 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 sevenpence halfpenny, and has departed this Province since the said debt was contracted, and has not returned or resided therein for the last six months,) 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 second day of August in the year of our Lord one thousand eight hundred and thirty seven.

JOHN FRAZER, J. C. P.

JAMES H. PETERS, Attorney for Petitioning Creditors.

[First published in Gazette, August 16, 1837.]

NOTICE is hereby given, that we, the Subscribers, have been duly appointed Trustees for all the Creditors of Charles Carrick, late of Restigouche, an absconding debtor, and have been duly sworn to the faithful execution of the said trust, pursuant to the directions of the Acts of Assembly in such case made and provided; and do hereby require all persons indebted to the said Charles Carrick, on or before the first day of October next ensuing the date hereof, to pay us or some one of us, all such sums of money, debt or thing, which they owe to the said Charles Carrick, and deliver the said effects of the said Charles Carrick, in which they or any of them may have in his, her or their hands, power or custody, to us or some one of us as aforesaid, and we do also desire all the creditors of the said Charles Carrick, on or before the first day of December next, to deliver to us or some one of us as aforesaid, their respective accounts and documents against the said Charles Carrick, in order that right and justice may be done, agreeably to the Acts of the General Assembly in such case made and provided.

Given under our hands at Dalhousie, this fourteenth day of August, 1837.

PETER STEWART,

WM. HAMILTON,

A. BARBERIE.

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

To all whom it may concern, Greeting,

NOTICE is hereby given, that upon the application of James Ledden, of Newcastle in the County of Northumberland, Merchant, 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 John Keays, late of Northesk in the said County, Lumberer, (which said John Keays is departed from and without the limits of this Province, or is concealed within the same, with intent and design to defraud the said James Ledden, and the other creditors of the said John Keays, if any there be, of their just dues, also 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 John Keays 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 John Keays, within this Province, will be sold for the payment and satisfaction of the creditors of the said John Keays.

Dated at Newcastle, the twenty third day of September, 1837.

W. BOTSFORD.

[First published in Gazette, Oct. 11, 1837.]