

NEW

SERIES.

THE ROYAL GAZETTE.

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Volume 4.

FREDERICTON, NEW BRUNSWICK, DECEMBER 20, 1837.

Number 26.



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 stands prorogued to Tuesday, the nineteenth day of December instant, and it is highly expedient for divers weighty considerations, arising out of the state of affairs in Lower Canada, that the said General Assembly should meet at an early period: I do therefore hereby summon the said General Assembly to meet at Fredericton on Tuesday the twenty eighth day of December instant, for the despatch of business.

Given under my Hand and Seal, at Fredericton, the eighth day of December, 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.

HEAD QUARTERS, FREDERICTON, 11th December, 1837.

MILITIA GENERAL ORDERS.

His Excellency the Lieutenant Governor and Commander in Chief has been pleased to make the following promotions, &c.

2d Battalion Saint John County.

TO BE CAPTAINS.

Lieutenant William Vail, vice Black, appointed Adjutant, dated 6th December, 1837.
Lieutenant Samuel Abbot, vice Partelow, deceased, 7th December, 1837.
Lieutenant Nathan Godso, of the African Company, 8th December, 1837.

TO BE LIEUTENANTS.

Ensign Geo. W. Marsters, vice Vail, promoted, dated 6th December, 1837.
Ezekiel Fitzgerald, Gent. vice Stewart, removed from the Province, 7th December.

TO BE ENSIGNS.

James Moran, Gent. vice Marsters, promoted, dated 6th December.
3d Battalion York Light Infantry.

James B. Tolderry, M. D. to be Surgeon, dated 6th December, 1837.
1st Battalion Charlotte County.

TO BE CAPTAINS.

Lieutenant Thomas Berry, vice Stubs, left the Province, dated 6th December, 1837.
Lieutenant John Grant, vice Walton, who retires with his rank, from ill health and long service, 7th December.

TO BE LIEUTENANTS.

2d Lieutenant Samuel H. Whitlock, vice Whitlock, promoted, dated 6th December.
2d Lieutenant Samuel Getty, vice Berry, who retires, 7th December.

TO BE LIEUTENANTS.

2d Lieutenant Thomas B. Wilson, vice T. Berry, promoted, 8th December.
Ensign John McCurdy, vice Grant, promoted, 9th December.

TO BE 2d LIEUTENANTS.

Henry Frye, Gent. vice Wilson, dated 6th December, 1837.
Charles Walter Wardlaw, Gent. vice Getty, dated 7th December, 1837.
James Stinson, Gent. vice Campbell, transferred, 8th December.

William Malony, Gent. (See Fencibles,) dated 9th December.

TO BE ENSIGNS.

John Parkinson, Gent. vice Walton, removed from the Parish, dated 6th December, 1837.
Thomas Sime, Jun. Gent. vice Buckstaff, dated 8th December.

Henry Hitchings, Gent. vice McCurdy, dated 9th December.
George Simpson, Gent. vice McCurdy, dated 10th December.

By Command.

GEO. SHORE, A. G. M.

Crown Land Office.

November 22d, 1837.

A Lease to expire on the 20th day of April, 1852, of two Lots of Land in the neighbourhood of the Great Falls, will be offered at Public Auction, at this office, on Monday, the 8th day of January, 1838. Upset price, one pound per annum on each lot.

The first tract, containing 36 acres, to comprise the mouth of Little River.

The second tract, containing 34 acres, on the east side of the River Saint John, at the foot of the Falls.

The plan of the above may be seen at this office.

THOS. BAILLIE,
Com. & Sur. Gen. of Crown Lands.

By the Honorable James Carter, Esquire, one of Her Majesty's Justices of the Supreme Court for the Province of New Brunswick.

To all whom it may concern, Greeting:

NOTICE is hereby given, that upon the application of Thomas B. Smith, of Fredericton, in the County of York, 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 Jacob Whitlock, late of Saint Mary's, in the said County, Farmer, (which said Jacob Whitlock hath departed from and without the limits of this Province, or concealed himself within the same, with intent and design to defraud the said Thomas B. Smith, and the other Creditors of the said Thomas B. Smith 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 Jacob Whitlock 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 Jacob Whitlock within this Province, will be sold for the payment and satisfaction of the Creditors of the said Jacob Whitlock.

Dated at Fredericton, the twenty seventh day of November, 1837.

J. CARTER.

CHARLES FISHER, Attorney for Petitioning Creditors.
[First published in Gazette, Nov. 29, 1837.]

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

To all whom it may concern, Greeting:

NOTICE is hereby given, that upon the application of John Pollok, Allan Gilmour, Arthur Pollok, James Gilmour and Alexander Rankin, of Miramichi, in the County of Northumberland, conducting business under the style and firm of Gilmour, Rankin and Company, 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 William Robinson, late of Blissfield, in the said County, Tavern keeper, (which said William Robinson hath departed from and without the limits of this Province, or concealed himself within the same, with intent and design to defraud the said Gilmour, Rankin and Company, and the other Creditors of the said William Robinson, 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 William Robinson 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 William Robinson within this Province, will be sold for the payment and satisfaction of the Creditors of the said William Robinson.

Dated at Newcastle, the twentieth day of September, 1837.

W. BOTSFORD.

STREET & KERR, Attorneys for Petitioning Creditors.
[First published in Gazette, Nov. 8, 1837.]

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 Bartlett, late of the Parish of Northesk, (which said Judah Bartlett 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 Bartlett 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 Bartlett within this Province, will be sold for the payment and satisfaction of the creditors of the said Judah Bartlett.

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.]

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 Ludden, 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 Ludden, 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.]

SHERIFFS SALES.

COUNTY OF YORK.

To be sold by Public Auction, at the Market House, Fredericton, on the first Saturday in March next, between the hours of 12 and 5 o'clock in the afternoon.

ALL the real estate of Charles Quin, situate in the Parish of Queensbury, County of York, and described as Lot letter B. beginning at a stake on the east side of the River Saint John, at the southern angle of Lot letter C, granted to Joseph Muzeroll, thence by the magnet north seven degrees west five chains (of four poles each) to a marked hemlock tree, thence north thirty chains to a stake, thence north 35 degrees, west 60 chains to a stake on the south side of a road, thence south 41 chains and 50 links to the said River St. John.

Also—That other tract of land known and described as Lot letter H. and bounded as follows: beginning at the south west angle of Lot letter I. granted to Joseph Muzeroll, thence north 256 chains, thence south 2 degrees west 60 chains, thence south 226 chains to the boundary line of Lot letter F. being part of Lot 73, granted to Peter Muzeroll, thence east one chain and 64 links to the place of beginning. All that other tract of land known as part of Lot 73, bounded on the upper side on the bank of the river Saint John, by the lower line of Lot letter C. and described in the plan of Survey made by Deputy Surveyor Foulis in the year 1828, on reference to which the true bounds of this Lot will more plainly appear: The same being taken by virtue of different executions issued out of the Supreme Court against the said Charles Quin.

E. W. MILLER, Sheriff.

To be sold by Public Auction, at the Market House, Fredericton, on the last Saturday in February next, between the hours of twelve and five in the afternoon.

ALL the real estate of T. B. Smith, situate at the mouth of the Pennycook Stream, consisting of two houses, one and a half story high, finished 40x20 with out buildings, &c. to each; a convenient Barn, a Blacksmith shop, with three hundred Acres of Land—all situated round the Mills, forty acres of the Farm is under meadow and cultivation, about one half interval, and all of the very best quality; the high land part is well covered with hard wood and Mill Lumber. There is attached to the Mills a reserve of ten thousand acres of Timber Land, on which no Lumber has ever been cut. Also a Farm next adjoining the above described property, containing 150 acres, more or less, with a new House and Barn thereon, a considerable quantity of this Farm is interval, it at present cuts from eight to ten Tons of Hay; the upland is under good fence and tillage. Also a Farm half a mile above the Mills, containing 250 acres, more or less—40 acres of which are interval, and the whole Farm cuts from 25 to 30 Tons good Hay; the upland is well covered with Hard Wood, Spruce and Pine—on which is

a very comfortable dwelling House. Also a Lot containing 250 acres, three miles up the stream, part of which is interval; on this Lot is a first rate Mill privilege, and at a very trifling expense twenty feet head of water could be raised, and the whole neighbourhood is covered with Mill Lumber of every description. Also a large quantity of Timber Land, well covered with Hard Wood, Pine and Spruce, convenient to the Mill Stream; the greater part of which is excellent land for cultivation. Also a lot in Fredericton, adjoining the property of the Hon. John S. Saunders, and fronting in Queen Street. Taken by virtue of different Executions issued out of the Supreme Court against the said T. B. Smith.

E. W. MILLER, Sheriff.

Fredericton, August 15, 1837.

To be sold by Public Auction, at the Market House, Fredericton, on the second Saturday in May next, between the hours of 12 and 5 in the afternoon:

ALL the right, title, interest, claim and demand of James Golder, of, in and to the certain tract or parcel of land, situate in the Parish of Douglas; known as Lot No. 1 in the Bird settlement, and containing 50 Acres. The same being levied on by virtue of an Execution issued out of the Supreme Court at the suit of George, Henry and Whitman Estey.

E. W. MILLER, Sheriff.

Fredericton, 1st November, 1837.

COUNTY OF WESTMORLAND.

To be sold by Public Auction, on the twentieth day of April next, between the hours of twelve and five o'clock in the afternoon, at the County Court House.

THE right, title, claim and demand of Mary Scott, of, in and to a moiety or an undivided half part of the Farm or tract of land situate at Westcock, so called, in Sackville, formerly belonging to Thomas Harrison, deceased, estimated to contain fifty acres, more or less: The same having been taken by virtue of an execution against the said Mary Scott.

W. P. SAYRE, Sheriff.

Dorchester, 12th October, 1837.

To be sold by Public Auction, on the twenty eighth day of March next, between the hours of twelve and five o'clock in the afternoon, at the County Court House:

ALL the right, title, interest, claim and demand of John MacRea, of, in and to a certain tract or parcel of land, with a Saw Mill thereon, situate, lying and being in the Township of Hillsborough, bounded on the East by the River Petitcodiac, containing twenty acres more or less: The same having been levied upon by virtue of several executions issued out of the Supreme Court.

W. P. SAYRE, Sheriff.

Dorchester, September 14, 1837.

To be sold by Public Auction, on the ninth day of February next, between the hours of twelve and five o'clock in the afternoon, at the Court House, in Dorchester:

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 having been taken and seized by virtue of an execution issued out of the Supreme Court at the suit of Francis Emerson.

W. P. SAYRE, Sheriff.

Dorchester, 3d August, 1837.

COUNTY OF KENT.

To be sold by Public Auction, at the Court House, Richibucto, County of Kent, on the first Tuesday in January next, between the hours of twelve and five o'clock in the afternoon of the same day:

ALL the right, title, interest, property, claim and demand of Elijah Ayres to certain tracts of land situate, lying and being in Buctouch, in the County and Province aforesaid, as follows: lot number one, containing two hundred and twenty acres, more or less, situate, lying and being on the Mahalawadick River, being one hundred rods in width, and commencing at a spruce on the shore, and running North forty five, West ninety six chains, originally granted to the said Elijah Ayres; and one of the third tracts in the Parish of Wellington, commonly called the meadow lot, containing fifty four acres, more or less, originally granted to Daniel Ward; also twenty acres adjoining to Thomas Ostle, Esq. on one side, commencing at the other one rod and a half to the south west of the house commonly called William Ward's house, and running a parallel line back so far as to contain twenty acres, being part of Phinehas Ward's lot: The same having been seized and taken by virtue of an execution of testatum fieri facias at the suit of Thomas E. Smith against the said Elijah Ayres.

Also—at the same time and place: All the right, title, interest, property, claim and demand of, in and to a piece or parcel of land situate in the Parish of Wellington, on the south side of the Mahalawadick River, in

the County of Kent, bounded on the West by lands granted to Francis Robicheaux, and on the East by lands occupied by Andrew Weldon, containing one hundred acres more or less: Taken by virtue of an execution at the suit of William Crane, Charles F. Allison and Joseph F. Allison against Sidney F. Chapman.

LEBARON DRURY, High Sheriff.

Richibucto, 14th June, 1837.

COUNTY OF GLOUCESTER.

On the last Tuesday in November next, at the Court House in Bathurst, between the hours of 12 and 5 o'clock in the afternoon, will be sold by Public Auction:

ALL the right, title, interest, claim and demand of John Burk, of, in and to that certain Tract of Land, on which he resides situate in the Parish of Bathurst, bounded as follows: beginning at a marked white birch tree, at the south east angle of lot No. 1 on the western side of Middle River, granted to Peter Doucet, thence along the southerly line of said lot one hundred and forty eight chains, thence south twelve degrees and forty five minutes west fifteen chains, thence south seventy seven degrees and fifteen minutes east one hundred and forty eight chains, and thence north twelve degrees and forty five minutes east, crossing the north west branch of the said Middle River, fifteen chains to the place of beginning, containing 200 acres, more or less: The same having been taken under an execution issued out of the Supreme Court at the suit of John Fraser.

W. CARMAN, Sheriff.

Bathurst, 29th March, 1837.

The Sale of the above property is postponed until Saturday the thirtieth day of January next.

W. CARMAN, Sheriff.

Bathurst, Nov. 8, 1837.

To be sold by Public Auction, at the Court House in Bathurst, on Saturday the 30th day of December next, between the hours of twelve and five o'clock, p. m.

ALL the right, title, interest, property, claim and demand of William Jardine, of, in and to, two several pieces or parcels of land situate on the south side of the Restigouche River, and fronting on the same—bounded westerly by lands in possession of John Adams, Jun. and in the rear by lands in the possession of Allan Andrew, and the said John Adams, Jun. being parcels of Lot number thirteen, originally granted to John McGrigor, together with the buildings and improvements thereon: The same having been taken in execution by virtue of a Writ of test. fieri facias, issued out of the Supreme Court, at the suit of John Anderson and William Garrow, Assignees of William Carman, Esq. against the said William Jardine and Peter Sutherland.

HENRY W. BALDWIN, Sheriff.

Bathurst, 15th June, 1837.

COUNTY OF SUNBURY.

To be sold by Public Auction, on the third Tuesday in May next, at the Court House in Burton, between the hours of 12 and 5 o'clock in the afternoon.

ALL the right and title of Thomas B. Smith, of, in and to one half of lot No. —, situate on the North east side of Middle Island, so called, in the Parish of Sheffield, containing three acres, and one half acre, more or less, adjoining property owned by Stephen Burpee: The same having been taken by virtue of an Execution issued out of the Supreme Court at the suit of Asa Coy.

J. HAZEN, Sheriff.

Burton, County Sunbury, Nov. 3, 1837.

To be sold by Public Auction, on the second Thursday in January next at the Court House in Burton, between the hours of 12 and 5 o'clock in the afternoon:

ALL the right and title of Thomas Stennix, of, in and to that farm on which he resides, situate in the Parish of Burton, fronting on the Oromocto, and adjoining on the upper and lower sides by lands owned by Mr. John Wood, containing — acres, more or less, with all buildings and improvements thereon: The same having been taken by virtue of several Executions issued out of the Supreme Court.

J. HAZEN, Sheriff.

Burton, June 29, 1837.

QUEEN'S COUNTY.

On the fourth Tuesday in January next, will be sold at Public Auction at the house of Samuel Mayes, (Innkeeper), in Gagetown, between the hours of 12 and 5 of the afternoon.

ALL the right, title, and interest of Joseph McIntire, in and to a certain Tract of Land, situate on the north side of Cumberland Bay, in the Grand Lake, containing about fifty acres, or so much of the same as will satisfy at Execution issued out of the Supreme Court at the suit of John Granville, for thirty two pounds thirteen shillings.

Dated at Gagetown, the 4th day of July 1837.

N. H. DEVEBER, Sheriff.

INDENTURES for Sale at this Office. March 29.