

NEW

SERIES.

THE ROYAL GAZETTE.

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Volume 5.

FREDERICTON, NEW BRUNSWICK, AUGUST 8, 1838.

Number 7.



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.

A PROCLAMATION.

J. HARVEY, Lt. Governor.

WHEREAS the GENERAL ASSEMBLY of this Province stands prorogued to Tuesday the twelfth day of June, instant, I have thought fit further to prorogue the said GENERAL ASSEMBLY, and the same is hereby prorogued to the second Tuesday in September next.

Given under my Hand and Seal at Fredericton, the sixth day of June, in the year of our Lord one thousand eight hundred and thirty eight.

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

The following Warrant, under Her Majesty's Sign Manual, is published for the information of all concerned.

VICTORIA R.

WE do hereby authorize and appoint you to enlist and attest in New Brunswick any Soldiers or Persons desirous of enlisting or re-enlisting, into the service of Us, our Heirs and Successors, in execution of the provisions contained in an Act passed in the 1st year of Our Reign for the punishment of Mutiny and Desertion, or which may be contained in any future Act which may be passed for the like purpose.

Given at Our Court at Buckingham Palace, this 9th day of May, 1838, in the first year of Our Reign.

By Her Majesty's Command,
HOWICK.

To the Justices of the Peace and other Civil Magistrates for the time being in New Brunswick.

IN COUNCIL, JULY 17, 1838.

The Petitions of the undermentioned Applicants, for the purchase of Crown Lands, are complied with on the following terms.

COUNTY OF NORTHUMBERLAND.

Charles F. M' Rae, 3s. per acre, by instalments.

William Butler, for the sum of £20 10s.

A. & W. Loggie, 2s. 6d. per acre, down.

KING'S COUNTY.

Martin Craig, 3s. per acre, by instalments.

QUEEN'S COUNTY.

James Broad, 3s. per acre, by instalments.

John Lipsett, 2s. 6d. per acre, down.

John Armstrong, 2s. 6d. per acre, down.

SUNBURY.

Stephen Buckingham, 3s. per acre, by instalments.

Robert M'Lean, 3s. per acre, by instalments.

Orlo Hoyt, 2s. 6d. per acre, down.

Patrick M'Laughlin, 3s. per acre, by instalments.

James M'Laughlin, 3s. per acre, by instalments.

John M'Farlane, 2s. 6d. per acre, down.

William Thompson, 2s. 6d. per acre, down.

YORK.

Geo. H. Kitchen, 2s. 6d. per acre, down.

George W. Nevers, 2s. 6d. per acre, down.

Robert Stares, 4s. per acre, by instalments.

CARLETON.

James Ryan, 3s. per acre, by instalments.

John Sullivan, 3s. do.

WESTMORELAND.

Edwin Marks, 2s. 6d. per acre, down.

Thomas Hodgsons, 2s. 6d. per acre, down.

James Christy, 2s. 6d. per acre, down, or 3s. by instalments.

CHARLOTTE.

James Cumming, 4s. per acre, by instalments.

The lands applied for by the undermentioned, will be offered at Public Auction, at this office, on Monday, the 31 day of September next, (see advertisement, in which each person will recognize the lot applied for by him.)

John Corrigan, Elijah Lefurgy.

William Anderson, Alexander Love.

Timothy Keoghne, John Munro.

Jackson Webb, Alexander M'Beath.

The Petitions of the undermentioned are not complied with, for want of Survey

Duncan Hay, Junr. John Clem.

Jonathan Hosford, Peter Vanderstein.

Thomas Foster, Luke Brewster.

Jermiah Gallery, Thomas Roach.

William Roach, James Barry.

Alexander Moore, John Dougherty.

Dennis Meehan, James M'Garrigle.

William Hoyt, Senr. Choir Hoyt.
George Hoyt. George Mott.
James Doran. William H. Malone.
Daniel Robinson. Thomas Connolly.
Amos Dickenson. Thomas Briggs.
Joseph Brewster. Patrick M'Donough.

The Petition of Duncan Hay, Senr. is postponed for further consideration as to the rights of the Fishery.

In the case of John Dempsey, and Loretta Dempsey, the land occupied under Location Ticket to be granted to Loretta Dempsey, in trust, for the benefit of her children by her late husband.

Alexander M'Beath, complied with for lots 86 and 87, to be sold at Auction, upset price 2s. 6d. per acre, and further recommended that the lot No. 85 be granted to Phillip Picket, at 3s. per acre, by instalments.

Andrew Irving's purchase money can now be received.

Henry Rider can have half the lot, with half the front, at 3s. per acre, by instalments.

William Langen, not complied with, but may have the 100 acre lot at 2s. 6d. per acre, down.

John Armstrong, the former order for sale to be cancelled, and the lot in question to be granted to the said John Armstrong, at 3s. per acre, by instalments.

Gerard Irvine, respecting the Petition of William Irvine, the original Petition of Gerard Irvine, with the Minute of Council, is required before a decision can be made.

The Petition of J. D. McQueen and Sarah Bliss, is complied with.

James Hasson, respecting a Mill Privilege on Ball's Stream, is complied with for 100 acres, to include the Mill Seat, at 2s. 6d. per acre, down, to be surveyed at Petitioner's expense, in such manner as the Surveyor General shall direct.

Case of W. W. Wiggins and George F. Owens, recommended that the land applied for by G. F. Owens, be granted to him on his paying up the instalments due thereon.

Daniel Cleaveland can have the vacant 50 acres, at 2s. 6d. per acre, down.

Israel Steeves, is postponed for further information as to the quality of the land and value of the Mill Site.

Isaac Turner's purchase money can now be received, as prayed for.

Joseph Swin's application is complied with, as prayed for.

D. & J. H. Dewitt's Petitions, not complied with, but the meadow land to be leased at Auction for the term of 5 years to the highest bidder.

Peter Stewart's Petition is not complied with.

John Lisherness, do. do.

William Arthurs, do. do.

James Cochrane, do. do.

James M'Guire, do. do., (description imperfect.)

James M'Laughlin, (for wild meadows,) Petition not complied with.

John M'Cormick, Petition not complied with.

George J. Lisherness, do. do.

The Petitions of the following Applicants for Timber and Logs are complied with, unless where otherwise expressed.

ARTHUR RITCHIE, Upsalquitch, complied with.

Elijah Lefurgy, Restigouche, not complied with.

NORTHUMBERLAND.

Miles M'Millan, Porter's Brook, complied with.

Thomas Cunningham, Salmon Brook, complied with.

Thomas M'Namara, Renous River, complied with.

Daniel Small, Cain's River, complied with.

James Donalds, South West Miramichi, complied with.

SAINT JOHN.

E. P. Huntington, Lepree River, complied with, (the bond for double duty to be cancelled and single duty only received.)

KING'S.

Charles Clark, Mill Stream, complied with.

John C. Vail, to be allowed to cut under licence obtained, March 1837, complied with.

QUEEN'S.

F. Cunningham, Salmon River, complied with.

Daniel Small, Newcastle River. Recommended that the bond for double duty be cancelled on payment to the Seizing Officer his portion of the duty under the existing regulations.

Enoch Lunt, Salmon River, complied with.

Do. do. do.

James Langan, Gaspereaux, complied with.

Do. do. do.

Robert Hutchison, do. do.

Robert Hamilton, Lake Stream, complied with.

Alexander Hamilton, Lake Stream, complied with.

YORK.

F. E. Beckwith, Garden's Creek, complied with.

David Dow, Eel River, complied with.

CARLETON.

William Connell, Little River, complied with.

Stephen Orser, Begaguinic, not complied with, (not vacant.)

James S. Segee, Skikithauk River, complied with.

Israel Merritt, Begaguinic, complied with.

C. Connell, Junr. Nackewicac, do.

Do. do. do.

Do. Salmon River, do.

QUEEN'S.

William Black, Salmon River, reserved for further information from Mr. Black, and that he be furnished with a copy of the Surveyor General's certificate endorsed on the Petition.

J. W. Wright, Southampton, complied with on payment of single tonnage duty.

CARLETON.

Robert Kerr, Monquac, complied with for single tonnage.

W. J. Badell, River Saint John, complied with on payment of double duty.

Richard S. Wherton, Carleton, complied with on his producing confirmation of his statement by Mr. Robertson.

Robert V. Hanson, to cancel five years Licence, not complied with.

Alexander Hamilton, praying to be allowed credit on this years transactions for 162 tons Timber duty, excess paid May 1837, over the quantity then taken to market by him. Recommended that the tonnage duty on the 162 tons of Timber be credited to the Petitioner as recommended by the Surveyor General.

J. E. Nicholson, Little River. Confirmation of T. E. Nicholson's statement required from J. T. Carman.

IN COUNCIL, JUNE 17, 1838.

John Smith and John Crocker's Petitions are complied with, and the former order in favour of Matthew Campbell is ordered to be cancelled, and the amount paid by him to be returned.

N. W. Foster will observe, that the land claimed by Graves, is ordered to be sold at Auction on the 3d of September next.

John Wilson is allowed to relinquish 5 years Licence, No. 141.

The Petition of James Ryan of Saint John's County is not complied with.

Joseph Ryan's Petition cannot be complied with.

Francis Ferguson will be allowed credit to the amount of £13, on this years Timber transactions as prayed for.

George Matthew's Petition is complied with, to the extent of £50, which will be returned as prayed for.

Samuel Hunter, D. Holmes and D. Blakney, are required to pay double duty on the Timber respectively cut by them on Crown Lands without Licence.

The Petitions of the undermentioned persons have not yet been submitted for the consideration of the Lieutenant Governor and Council as the deposit of £1, entrance money on each Petition has not yet been paid as required by the existing regulations.

James Johnson. Alexander Smiley.

John Drummond. Dennis Kennedy.

William Drummond. Robert Sharp.

Robert Levison. Moses Jordan, Junr.

Andrew Nesbitt. Jonas Getchell.

Crown Land Office, July 24, 1838.

The undermentioned tracts of Crown Land will be offered at Public Auction, at this office, on Monday, 3d September, 1838. Sale to commence at 11 o'clock, A. M.

150 acres, Beresford, Gloucester, north of Tattagouche River. Upset price, 2s. 6d. per acre.

200 acres, south side Ristigouche River, about one mile above the head of Long Island. Upset price, 5s. per acre.

50 acres, west side south branch Oromocto, between the grants to John Dewitt and Calvin Hatheway. Upset price, 2s. 6d. per acre.

50 acres, situate about three miles and three quarters from Tracy's Mills, called the Porcupine Meadows, a five years Lease of the meadows thereon.

50 acres, situate about three miles and three quarters from Tracy's Mills, called the Porcupine Meadows, a five years Lease of the Meadows thereon.

100 acres, east side south branch Oromocto, Sunbury, lot No. 4. Upset price, 2s. 6d. per acre.

100 acres, easterly side road from Oromocto to the Nerepis, being in rear of Alexander Carr and Asa Carr, Sunbury. Upset price, 2s. 6d. per acre.

100 acres, Burton, Sunbury, easterly side of the road from Oromocto to Geary, southerly of the grant to John Little, next adjoining Jackson Webb's application, and in rear of the grants to Edward Carr, and Ebenezer Farnham. Upset price, 2s. 6d. per acre.

50 acres, Burton, Sunbury, easterly side of the road from Oromocto to Geary, on the rear of the grants to John Mussieau and Farnham. Upset price, 2s. 6d. per acre.

100 acres, Hopewell, Westmorland, being lot No. 6, in the Herrington Cove survey, and situate between the lots of Joseph Tippin and Robert Rankin. Upset price, 2s. 6d. per acre.

THOMAS BAILLIE, C. C. L.

BYE ROAD COMMISSIONERS.

Charles F. Street, Esquire, to be joint Commissioner with George Hayward, Esquire,

to explore a new line of road from the highway in Burton, at or near Jacob B. Smith's to the Nerepis road, in the room of Nathaniel Hubbard, Esquire, resigned.

HEAD QUARTERS, FREDERICTON.

31st July, 1838.

MILITIA GENERAL ORDERS.

His Excellency the Lieutenant Governor and Commander in Chief has been pleased to make the following promotions in the 2d Battalion Charlotte County Militia, viz.

Ensign Peter M'Diarmid, to be Lieutenant, vice Carman removed from the County, 31st July.

Ensign Samuel Caffie, to be Lieutenant, vice M'Kenzie deceased, 1st August.

Richard M'Gee, Gent. to be Ensign, vice Caffie promoted.

The General Inspection of the 2d Division of the 3d Battalion York County Militia, to take place on the 26th September at William M'Pherson's near Young's on the Nashuaud, instead of M'Pherson's as formerly ordered.

By Command,
GEO. SHORE, A. G. M.

NEW BRUNSWICK IN CHANCERY.

Wednesday, the fourth day of July, in the year of our Lord one thousand eight hundred and thirty eight.

Between James Gilman and Alexander Rankin, Plaintiffs, and

Stephen Hamaker, Defendant.

FORASMUCH as the Court was this present day informed by Mr. Berton, of Counsel for the Plaintiffs, that the Plaintiffs on the sixth day December last, exhibited their bill in this Honorable Court, against the Defendant, as by the certificate of the Register appears; and took out process of Subpoena returnable the twelfth day of June last, requiring the Defendant to appear to and answer the same, but that the Defendant left this Province some time in the year one thousand eight hundred and twenty nine, or one thousand eight hundred and thirty, and hath not since returned to the Province, and that there is reason to believe that the Defendant is now living in some part of Great Britain, but that his place of residence is unknown as by Affidavit appears; and that he cannot be served with the process of the Court; and the said Certificate and Affidavit being now read: It is Ordered, That the Defendant do appear to the Plaintiffs Bill on or before the fourth day of January next. By the Court.

D. LUDLOW ROBINSON, Registrar.

[First published in Royal Gazette, July 11, 1838.]

NEW BRUNSWICK IN CHANCERY.

Tuesday, the fifth day of June, in the year of our Lord one thousand eight hundred and thirty eight.

Between William Henry Robinson and Beverley Robinson, Complainants, and

Mark Needham, Thomas Brown, John P. Partelow, Henry Bliss, Peter Fraser, Robert W. Crookshank and Thomas Barlow, Defendants.

FORASMUCH as this Court was this present day informed by Mr. Robinson, of Counsel for the Plaintiffs, that the Plaintiffs had on the tenth day of February last, exhibited their bill in this Honorable Court, against the above named Defendants, as by the certificate of the Register appears; and had taken out process of Subpoena directed to the said Defendants, returnable the seventeenth day of February last, but that the said Thomas Brown and Henry Bliss, two of the said Defendants, do not either of them reside within this Province, but have known places of residence in Great Britain: that the said Henry Bliss resides at No. 11, King's Bench Walk, Temple, London, and the said Thomas Brown, in York-street, in that part of the United Kingdom of Great Britain and Ireland called England, as by the Affidavit of James V. Hanford appears; and that the said Henry Bliss and Thomas Brown cannot be served with the process of the Court, and the said Certificate and Affidavit being now read, and the truth of the above allegations being made out to the satisfaction of the Court: It is Ordered, That the said Defendants, Henry Bliss and Thomas Brown, do appear to the Plaintiffs Bill on or before the first Tuesday in June 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, Registrar.

[First published in Royal Gazette, June 13, 1838.]

SHERIFFS SALES.

County of Gloucester.

To be sold by Public Auction, at the Court House in Bathurst, on the third Tuesday in January next, between the hours of noon and five o'clock, P. M.

ALL the right, title, interest, property, claim and demand of Augustine Godine, of, in and to that piece or parcel of land, situate on Middle River, in the Parish of Bathurst, now in his occupation, being the southerly one half of lot number two, originally granted to one James Robertson, containing one hundred and seventeen acres more or less, together with the dwelling House, Barn, out houses, Water privileges and appurtenances thereunto belonging, or in any wise appertaining: The same having been seized to satisfy an Execution issued out of the Supreme Court of this Province, at the suit of Richard Blackstock and James Johnson, against the said Augustine Godine.

HENRY W. BALDWIN, Sheriff.

Sheriff's Office, Bathurst, 2d July, 1838.

To be sold by Public Auction, at the Court House in Bathurst, on Saturday, the twenty ninth day of December next, between the hours of twelve and five o'clock, P. M.

ALL the right, title and interest of William Bateman, of, in and to out of a tract of Land at present occupied by him, situate in the Parish of Bathurst, and bounded as follows, viz: Commencing at the northeasterly angle of Lot number fifty four in the western range of Lots, on the Road from Miramichi to Bathurst, occupied by Peter Smith, thence running by magnet west one hundred chains of four poles each, thence north twenty chains, thence east one hundred chains, to the western side of the Road above mentioned, and thence along the Road in a southerly direction to the place of beginning--containing two hundred acres, more or less; together with the dwelling House, Barn, and all other Buildings and improvements thereunto belonging: The same having been taken to satisfy an Execution issued out of the Supreme Court of this Province, at the suit of Joseph Curran against the said William Bateman, for £23 15s. 10d.

HENRY W. BALDWIN, Sheriff.

Sheriff's Office, Bathurst, 18th June, 1838.

On the last Tuesday in October 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 and interest of Alexander Hamilton, and Peter Hamilton, to the following lands, granted to them by the Crown, and situate in the Town Plat of Dalhousie, viz: Town lots, numbers seventy seven and seventy nine, containing each one hundred by two hundred feet, fronting on William Street; also, pasture lots, numbers twenty three, twenty eight and twenty nine, fronting on Campbell Square and Ramsay Street, containing together eight acres and one Rod, more or less; or so much of the said described property, as will satisfy an execution issued out of the Supreme Court of this Province, at the suit of Hugh and John Montgomery, against the said Alexander Hamilton and Peter Hamilton, for £50 £ss. 8d.

HENRY W. BALDWIN, Sheriff.

Sheriff's Office, Bathurst, 31st March, 1838.

To be sold by Public Auction, at the Court House in Bathurst, on the first Saturday in October next, between the hours of twelve and five o'clock in the afternoon:

ALL the right, title and interest of Robert Short, of, in and to the lot of land, number sixty five, fronting on William Street, in the Town Plat of Dalhousie, containing one hundred by two hundred feet, with the dwelling House, Barn, and other improvements thereunto belonging: The same having been taken to satisfy an execution issued out of the Supreme Court of this Province, at the suit of John Pollock, Arthur Pollock, and others, against the said Robert Short.

HENRY W. BALDWIN, Sheriff.

Sheriff's Office, Bathurst, 5