

NEW

SERIES.

THE ROYAL GAZETTE.

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Volume 5.

FREDERICTON, NEW BRUNSWICK, SEPTEMBER 26, 1838.

Number 14.



By Authority.

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.



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

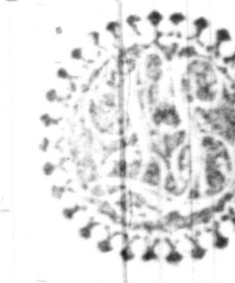
A PROCLAMATION.

J. HARVEY, Lt. Governor.

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

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

By His Excellency's Command, W. M. ODELL, Deputy Secretary.



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

A PROCLAMATION.

J. HARVEY, Lt. Governor.

PUBLIC NOTICE is hereby given, That the several Commissioners for erecting the Courts of Justice and appointing Justices and the other officers for the County of Restigouche have been issued; and that the said County is now erected and established as by law directed, whereof all persons concerned will take due notice and govern themselves accordingly.

Given under my Hand and Seal at Fredericton, the eighth day of September, in the year of our Lord one thousand eight hundred and thirty eight, and in the second year of Her Majesty's reign.

By His Excellency's Command, W. M. ODELL, Deputy Secretary.

Crown Land Office, September 14, 1838.

The following is published for the information of persons desirous of obtaining leases of Mines and Minerals in New Brunswick.

All persons wishing to obtain a lease of Mines and Minerals, must apply by petition to His Excellency the Lieutenant Governor, which petition must state particularly the district in which the applicant wishes to work, and what means he possesses to enable him to do so, and to what extent he intends working. Whether he owns the land upon which he wishes to work, or whether if owned by another person he has made any and what arrangements with that person, and to produce evidence of these facts.—The petition must be accompanied by a sketch of the ground applied for.

Should the Lieutenant Governor in Council, decide upon leasing the Mines applied for, the district will be submitted to auction as directed by Law, subject to the conditions which have been before published in the Royal Gazette.

THOMAS BAILLIE, Commissioner of Crown Lands.

IN COUNCIL, SEPTEMBER 5, 1838.

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

GLOUCESTER.

Hugh Munro, as applied for.
NORTHUMBERLAND.
William Blake, 2s. 6d. per acre, down.
Cavan Brophy, 3s. per acre, down.
John M. Laughlin, 3s. per acre, down.
John Dunn, 3s. per acre, down.

KENT.

Eva Barnes, 3s. per acre, down.
James Dunlay, 3s. per acre, down; not to interfere with J. Stewart's application.
WESTMORLAND.
Pollette Legere, 3s. per acre, down.
B. Chappelle Raworth, 3s. per acre, down.
Charles Marnie, complied with, provided he makes it appear that he owns no land in the Province.

CHARLOTTE.

Nedebiah Bent, 3s. 6d. per acre down.

KING'S.

John Lawson, 3s. per acre, down.
P. Halewood, do. do.
J. Halewood, do. do.

QUEEN'S.

Andrew Gibson may have half the lot applied for, (not to interfere with G. & W. Irvine,) at 3s. per acre, by instalments.

B. Muldoon, 3s. per acre, down.

YORK.

John Garty, 3s. per acre, down.

Peter Garty, 2s. 6d. per acre, down.

CARLETON.

Charles M'Dougall, 3s. 6d. per acre, down.
Robert Welch, 3s. 6d. per acre, down.
The lands applied for by the undermentioned, will be offered at Public Auction, at this office on Monday the fifth day of November next, (see advertisement, in which each person will recognize the lot applied for by him.)

William Gracey, Alexander M'Beath.
Michael Clark, John Starkey.
Michael Shea, Thomas Phillips.
William Morrow, Ezekiah Hoyt.

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

Patrick Mackey, John Tower.
Nathaniel Tower, Daniel Estler.
Mac M'Pherson, Mac M'Pherson.
Wm. Blagdon, John Patterson.
George Kirkpatrick, William Cummins.
D. M'Donald, A. Cameron.

John M'Cracken is allowed 200 acres, to be made up in rear of his present allotment, on paying the original grant fees, £6 7s. 6d.

The Petition of the Governor and Trustees of the Madras School is complied with.

The Petition of Beverly Robinson is referred, for further information, to be furnished by the Commissioner of Crown Lands.

The Petition of Richard Wagner is complied with.

The Petition of George Morehouse is complied with.

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.

Richard Lawler, Alexander Gillespie.
Henry Ryan, C. Patterson.
Wm. Patterson, Wm. Cummins.

The Petitions of the undermentioned Applicants for Wild Meadows are complied with, as follows:

Hugh M'Raw, may have the Meadows applied for by him, for this year only, for the sum of £3, paid down.

A. M'Lagan may have the Meadows on Big Hole Brook for this season, for £3, paid down, and those on Salmon Brook for £2, paid down.

Michael Burke's is complied with.

Washington Raymond's is complied with.

Samuel Boone may have the Meadows on the Rockwell and Grisley Brooks for this year, at £3, paid down.

Asa Carr may have the Meadows on the Mersereau and Lucille Brooks for this year, at £2, paid down.

James Porter may have the Meadows applied for by him for this year only, for £1 paid down.

George A. Mahood may have the Meadows applied for by him, for this year, at £2 3s., paid down.

The Meadows applied for by the undermentioned persons, will be sold at this office at Public Auction on Monday, the fifth November next. (See Advertisement.)

William M'Donald.

Thomas Powell.

William M'Leod.

Alexander M'Beath.

The Petitions of the undermentioned for licence to cut Timber and Logs on Crown Land, are complied with.

GLOUCESTER.

John Montgomery, Peter Stewart.
Hugh Ramsay, Arthur Ritchie.
Joseph Cunard, Robert Ferguson.

NORTHUMBERLAND.

Stephen Hilton, J. Cunard.
Alex. Rankin, J. T. Williston.
Peter Esson, Alex. Fraser.
J. J. Donalds, A. M'Laggan.

KENT.

Isaac Sowerby.

WESTMORLAND.

George Allingham.

QUEEN'S.

James Langan, James Fowler.
John Earle, Daniel Irvine.
E. M'Neal, Geo. Parker.

YORK.

James Taylor, G. E. Ketchum.
D. Barber, L. Cameron.

CARLETON.

Benjamin Tibbitts, Robert Kerr.
George Porter, Charles Connell, Jr.

David Suter's Petition is not complied with, the certificate being insufficient.

Robert V. Hanson is allowed to pay the usual duty, 3s. 6d. per M. on the Logs cut by him, on Little Lepore River.

The undermentioned persons are allowed to pay the usual duty on the Logs cut by them on paying the Seizing Officer his legal dues.

Laughlan Cameron, Charles Brockway.
R. Hutchinson, S. L. Blake.
Joseph Hill, G. W. Gilmour.
Wm. Smart.

The Petition of Isaac Davis is not complied with. Jonathan Lunn is required to pay the usual duty on 300 tons of Timber being the quantity cut by him near the Washademoak Lake.

Crown Land Office, Sept. 8, 1838.

The undermentioned tracts of vacant Crown Land, will be offered at Public Auction at this

office, on Monday the 5th of November next. Sale to commence at 12 o'clock in the forenoon. TERMS—Ten per cent. at the time of sale, and the remainder within fourteen days after.

100 acres, Gloucester, Lot No. 17, Addington, south side of the River Restigouche. Upset price, 3s. per acre.

100 acres, Gloucester, Addington, Lot No. 27, south side Restigouche River, (as surveyed by Deputy Hunter.) Upset price, 3s. per acre.

200 acres, Gloucester, Beresford, Lot No. 14, near Black Point. Upset price, 3s. per acre.

200 acres, Northumberland, Glenelg, Lots 86 and 87, east side of the Richibucto Road. Upset price, 2s. 6d. per acre.

100 acres, Queen's, Wickham, Lot No. 33, west side Washademoak River, above Coll's Island. Upset price, 3s. per acre.

50 acres, Sanbury, Blissville, on Coal Brook, one mile from the mouth. Upset price, 5s. per acre.

50 acres, Sanbury, Blissville, rear part of No. 9, east side of the River Oromocto. Upset price, 3s. per acre.

Also—At the same place and time, will be offered at Auction on the same terms of payment.

The grass growing on the Wild Meadows on Kouchibouguie River, Kent, for this season. Upset price, £5.

A 5 year licence of the grass growing on the vacant parts of the Salmon Bar Meadows, on Salmon River, Queen's, and extending up as far as the grant to George Goldfinch. Upset price, £5 per annum, subject to the usual regulations.

A 5 year licence of the grass growing on the M'Beath Meadows on Black River, Northumberland, being on Block 15, Range 11. Upset price, £4 10s. per annum, subject to the usual regulations.

THOMAS BAILLIE, Commissioner of Crown Lands.

Crown Land Office, August 4, 1838.

The undermentioned tracts of Crown Land will be offered at Public Auction, at this office, on Monday the 1st day of October next, sale to commence at 12 o'clock in the forenoon.

TERMS—10 per cent. at the time of sale and the remainder within 14 days after.

200 acres, Saint John County, lot No. 5, in the third tier, Parish of Saint Martin's. Upset price, 2s. 6d. per acre.

100 acres, Saint John County, lot No. 3, in the third tier, Parish of Saint Martin's. Upset price, 2s. 6d. per acre.

50 acres, Saint John County, Parish of Lancaster, lot A. in the second tier. Upset price, 2s. 6d. per acre.

210 acres, Northumberland, west side of the Chaplain Island road, as surveyed for James Ryan. Upset price, 2s. 6d. per acre.

Town lots 107, 111 and 112, in the Town Plat of Dalhousie, County of Gloucester. Upset price, £15 each lot.

THOMAS BAILLIE, Commissioner of Crown Lands.

NEW BRUNSWICK IN CHANCERY.

Tuesday the fourth day of September in the year of our Lord one thousand eight hundred and thirty eight.

Between Gilman D. King, Complainant, and Jeremiah Jackson, Defendant.

FORASMUCH as this Court was this present day informed by Mr. Solicitor General of Counsel for the Plaintiff, that the Plaintiff had, on the first day of June last past, exhibited his Bill in this Honorable Court against the above named Defendant, as by the certificate of the Registrar appears; and had taken out process of Subpoena directed to the said Defendant, returnable the sixteenth day of the said month of June last, but that the said Jeremiah Jackson does not reside within this Province, but has a known place of residence in the United States of America; that the said Jeremiah Jackson resides in the City of New York in the United States of America, as by the affidavit of Thomas L. Galvin appears, and that the said Jeremiah Jackson cannot be served with the Process of this Court; and the 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 Plaintiff's Bill on or before the fourth day of January 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.

HILL & ARNOT, St. Stephen's, Solicitors for Complainant.

First published in the Royal Gazette, Sept. 12, 1838.

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 Gilmour and Alexander Rankin, Plaintiffs, and Stephen Hardaker, 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 Registrar 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 thirty, and has not since returned to this 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 this 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 Beverly Robinson, Complainants, and Mark Needham, Thomas Brown, John R. 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 Registrar 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 Yorkshire in that part of the United Kingdom of Great Britain and Ireland called England, as by the Affidavit of James T. 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 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.]

By Thomas Wyer, Esquire, one of Her Majesty's Justices of the Inferior Court of Common Pleas for Charlotte County, in the Province of New Brunswick.

To all whom it may concern, Greeting:

NOTICE is hereby given, That upon application of Jacob Libbey, 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 County of Charlotte, in said Province of New Brunswick, of Daniel Wright, late of Saint Stephen, in said County, (which said Daniel Wright is departed from and within the limits of this Province, or concealed without the same, with intent and design to defraud the said Jacob Libbey and other creditors of the said Daniel Wright, 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 Daniel Wright do return and discharge his said debtor debts within three months from the publication hereof, all the estate as well real as personal of the said Daniel Wright within this County, will be sold for the payment and satisfaction of the Creditors of the said Daniel Wright.

Dated at Saint Andrews, in Charlotte County, this first day of September, A. D. 1838.

THOMAS WYER, J. C. P.

A. CAMPBELL, Attorney for petitioning Creditor.

[First published in Gazette, 5th September, 1838.]

cannot be served with the process of this 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 Beverly Robinson, Complainants, and Mark Needham, Thomas Brown, John R. 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 Registrar 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 Yorkshire in that part of the United Kingdom of Great Britain and Ireland called England, as by the Affidavit of James T. 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 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.]

By Thomas Wyer, Esquire, one of Her Majesty's Justices of the Inferior Court of Common Pleas for Charlotte County, in the Province of New Brunswick.

To all whom it may concern, Greeting:

NOTICE is hereby given, That upon application of Jacob Libbey, 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 County of Charlotte, in said Province of New Brunswick, of Daniel Wright, late of Saint Stephen, in said County, (which said Daniel Wright is departed from and within the limits of this Province, or concealed without the same, with intent and design to defraud the said Jacob Libbey and other creditors of the said Daniel Wright, 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 Daniel Wright do return and discharge his said debtor debts within three months from the publication hereof, all the estate as well real as personal of the said Daniel Wright within this County, will be sold for the payment and satisfaction of the Creditors of the said Daniel Wright.

Dated at Saint Andrews, in Charlotte County, this first day of September, A. D. 1838.

THOMAS WYER, J. C. P.

A. CAMPBELL, Attorney for petitioning Creditor.

[First published in Gazette, 5th September, 1838.]

SECRETS 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 Bate, 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 Cunard against the said William Bate, for £83 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 Rood, 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 £20 15s. 8d.

Henry W. Baldwin, Sheriff.

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

To be sold at 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 thereon: The same having been seized by me to satisfy an execution issued out of the Supreme Court of this Province, at the suit of John Pollok, Arthur Pollok, and others, against the said Robert Short.

Henry W. Baldwin, Sheriff.

Sheriff's Office, Bathurst, 5th March, 1838.