

Hon. C. J. Chipman

NEW



SERIES.

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Number 41.



By Authority.

GOVERNMENT HOUSE, TORONTO,
March 6, 1838.

SIR—It is with very sincere pleasure that I transmit to Your Excellency Resolutions from the Legislative Council and House of Assembly, in reply to those forwarded to me in Your Excellency's obliging communication of the 6th of January.

Besides these documents, I beg you will be so good as to convey to your Legislature my thanks for the honor it has conferred upon me, by connecting my name with the Province of New Brunswick, which in Her Majesty's North American Provinces has always been so conspicuous for its loyalty and for its noble attachment to the principles of the British Constitution.

I have the honor to be
Your Excellency's
most obedient
humble Servant,

F. B. HEAD.

His Excellency Major General Sir John Harvey,
K. C. H. Lieutenant Governor of New Brunswick.

To His Excellency Sir Francis Bond Head,
Baronet, Knight Commander of the Royal
Hanoverian Guelphic Order, Knight of the
Prussian Military Order of Merit, Lieutenant
Governor of the Province of Upper Canada,
&c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,
The Legislative Council have adopted the
accompanying Resolutions, which we respectfully
pray Your Excellency will be pleased to transmit to
His Excellency the Lieutenant Governor of New Brunswick.

J. B. ROBINSON, Speaker.
Legislative Council Chamber,
27th February, 1838.

Resolved, That the thanks of the Legislative Council be presented to His Excellency Sir John Harvey, Lieutenant Governor of New Brunswick, whose gallant and distinguished services in this Province are most gratefully remembered, for the warm interest which he has taken, in the affairs of Canada at the present eventful period, and for his generous offer to lead a portion of the loyal Militia of New Brunswick to assist in subduing rebellion, and in maintaining the integrity of the British Empire.

Resolved, That the Legislative Council, in common with their fellow subjects in Upper Canada, regard the Legislature and the people of the loyal Colony of New Brunswick with affection and admiration, for the unanimity, zeal and spirit with which they have made common cause, and avowed a common feeling with Her Majesty's subjects in these Provinces, who are bravely struggling to support the authority of the Crown, and to defend their rights as British subjects.

Resolved, That the Legislative Council desires to convey an expression of their thanks, for the encouragement and animation which have been thus afforded to the people of Upper Canada, in their good cause, with the assurance upon which their fellow subjects in New Brunswick may rely, that in any conflict which it may become necessary to engage in for the preservation of British laws and British freedom, the people of this Province will do no discredit to the great Empire to which it is their pride to belong, but will prove to the world that they set a just value upon Institutions, which none of Her Majesty's people reverence more sincerely than Her Colonial subjects.

Resolved, That a copy of these Resolutions be communicated to His Excellency the Lieutenant Governor, with a request that they may be sent to His Excellency the Lieutenant Governor of New Brunswick.

Truly extracted from the Journal of the Legislative Council.

G. POWELL,
Clerk Legis. Council.

To His Excellency Sir Francis Bond Head,
Bart. Knight Commander of the Royal
Hanoverian Guelphic Order, Knight of the
Prussian Military Order of Merit, Lieutenant
Governor of the Province of Upper Canada,
&c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,
We, Her Majesty's dutiful and Loyal
Subjects, the Commons of Upper Canada,
in Provincial Parliament assembled, having
passed sundry resolutions on the subject of
the resolutions of the Legislative Council
and Assembly of the Province of New Brunswick,
transmitted to this House by Your
Excellency, humbly request that Your
Excellency will be pleased to transmit the same
to His Excellency Sir John Harvey, Lieute-

nant Governor of New Brunswick, in order
that the same may be laid before the Legis-
lative Council and House of Assembly of
that Province.

ALLAN N. MACNAB,
Speaker.

Commons House of Assembly,
13th day of February 1837.

House of Assembly, Upper Canada,
8th February, 1838.

1. Resolved unanimously, That this House
sincerely thanks the Legislative Council and
House of Assembly of New Brunswick, for
their resolutions of the 5th of January last,
transmitted to this House by Message from
His Excellency Sir Francis Bond Head
Lieutenant Governor of this Province.

2. Resolved unanimously, That the spirit
of loyalty and attachment to the British
Throne which pervades the said resolutions,
is felt and duly appreciated by the inhabi-
tants of this Province, who, in common with
their brethren of the Sister Colony of New
Brunswick, are determined to maintain the
happy connexion which exists between them
and the Mother Country "and to support
and defend the liberty they enjoy under British
Laws and Institutions."

3. Resolved unanimously, That the alac-
rity and zeal which were manifested by
our fellow subjects of New Brunswick, in
recently tendering their services in behalf
of our loyal brethren in the Sister Province of
Lower Canada, must be a convincing proof
(if proof be wanting,) to Great Britain, and
indeed to the whole world, of their warm
attachment to British supremacy, and their
readiness to maintain and defend it even
at the sacrifice of their lives.

Truly extracted,
JAMES FITZGIBBON,
Clerk of Assembly.

House of Assembly,
8th February, 1838.

Resolved unanimously, That an humble
Address be presented to His Excellency the
Lieutenant Governor, praying that His Ex-
cellency will be pleased to transmit these
resolutions to His Excellency Sir John Har-
vey, Lieutenant Governor of New Brunsw-
wick, with a request that they may be laid
before the Legislative Council and House
of Assembly of that Province.

Truly extracted,
JAMES FITZGIBBON,
Clerk of Assembly.

HEAD QUARTERS, FREDERICTON,
26th March, 1838.

MILITIA GENERAL ORDERS.
His Excellency the Lieutenant Governor and Com-
mander in Chief has been pleased to order the for-
mation of a Troop of Cavalry at Fredericton, and to ap-
point thereto the undermentioned Officers.

TO BE CAPTAIN OF THE TROOP.
Captain L. A. Wilton, from 1st Battalion York
Militia, with the rank of Major.

TO BE 1ST LIEUTENANT.
Lieutenant Stephen Miller.

TO BE 2D LIEUTENANT.
William Fraser, Esquire.

TO BE CORNET.
Lieutenant Beverly Robinson, from 3d Battalion
York Militia.

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

COURT OF CHANCERY.

NOTICE is hereby given, that the Master of the
Rolls will sit in this Court on the first Tuesday
in May next, and on the first Tuesday in each suc-
ceeding month, until further order, for the hearing of all
matters then to be heard therein.

By Order of His Honor the Master of the Rolls.
D. LUDLOW ROBINSON, REGISTRAR.
Fredericton, 19th March, 1838.

Crown Land Office, March 13, 1838.

The undermentioned tracts of Crown Land, will
be offered at Public Auction, at this Office, on Mon-
day the 7th day of May next; sale to commence at
11 o'clock in the forenoon.

100 acres in the Parish of Botsford, Westmorland
County, bounded on the north east by land granted
to William Wells, on the south west by land granted
to Martin Oulton, and fronting on Bay Verte. Up-
set price 2s. 6d. per acre.

100 acres in the Parish of Moncton, Westmorland
County, between the Shediac and Cocagne Rivers,
and being lot No. 7, in a block recently surveyed by
Charles D. McCardy. Upset price, 3s. per acre.

100 acres in the Parish of Sussex, King's County,
on the north west side of Studholm's Mill stream, in
rear of the Gible lot, and south west of the grant to
Isaiah Kierstead. Upset price, 2s. 6d. per acre.

100 acres in the Parish of Sussex, King's County,
being lot No. 31, and part of No. 32, in the first tier
of Fairweather's Survey, north west of Studholm's
Mill stream, and in rear of James Snider's grant.
Upset price, 3s. per acre.

200 acres, Springfield Parish, King's County, be-
ing lot No. 5, in the Scotch settlement, east of the
road from Washdemack to Belleslie, and adjoining
the grant to Andrew Somerville. Upset price, 3s.
6d. per acre.

100 acres in the Parish of Glenelg, Westmorland
County, south of Napan River, and adjoining south
east of a grant of 200 acres to William Jardine, as
surveyed by Deputy Hunter. Upset price, 3s. per
acre, purchaser to repay the expense of survey.

312 acres in the Parish of Burton, Sunbury County,
in rear of lots fronting on the River Saint John, and
lying between Shank's Road, and the China Road,
so called, as surveyed by Mr. McDonald. Upset price,
2s. 6d. per acre, purchaser to pay the survey.

A lease of 5 years of the vacant wild meadows, on

the north branch of the Oromocto River, with those
on the Lyon Stream and Yoho. Upset price £2 per
annum, also the vacant wild meadows, on the south
branch and Shin Creek. Upset price £2 per annum.

150 acres in the Parish of Blissville, Sunbury County,
being lot No. 11, in the first tier west of the Back
Creek Road, in the Patterson Settlement. Upset
price, 2s. 6d. per acre.

150 acres in the Parish of Blissville, Sunbury
County, being lot No. 1, in the second tier, eastern
range of the Patterson settlement. Upset price, 2s.
6d. per acre.

50 acres in the Parish of Blissville, Sunbury
County, being lot No. 1, in the second tier, eastern
range of the Patterson settlement.

A lease for 5 years of the vacant wild meadows on
the Canoe stream, Charlotte County, from Hitch-
ing's meadow grant down to the mouth of the stream.
Upset price, £2 10s. per annum.

Also at the same time and place, will be offered a
lease for fifty years, of the mines and minerals com-
prised within the Parish of Lancaster, County of
Saint John, and Parish of Westfield, County of King's,
subject to the following conditions and restrictions.
Upset price, five pounds.

Conditions and Restrictions.

That the purchaser shall have five years to explore
and select his mining grounds, and open any shaft or
shafts; that after the expiration of the said five years,
the purchaser will be confined to such mines only as
he may have opened and worked, and shall then
have in operation, and should it happen that during
the said term of fifty years, any mines shall not be
worked for the space of twelve consecutive months,
the said mine so remaining unworked, shall revert to
the Crown, and that a per centage equal to one twen-
tieth of the produce of the mine or mines, to be opened
and worked under the authority of the said lease,
be exacted from and paid by the lessee or lessees,
after the expiration of ten years from the date of the
sale or lease.

THOMAS BAILLIE, C. C. L.

Regulations for preventing trespasses on Crown
Lands.

The Committee of Council appointed to
take into consideration the most effectual means
for preventing trespassing upon Crown Lands,
and for securing the duties upon Timber and
Logs cut upon the same, Report.

That they recommend that the Commission-
ers of Crown Lands should direct their Deputies
to inspect Timber Berths, and ascertain the
quantity of all Timber and Logs cut upon
Crown Lands, in the manner heretofore ob-
served, and adopt such measures as may be
deemed advisable for the prevention of tres-
passing, and the collection of the duties; and
that such Deputies shall receive twenty shil-
lings per diem when actually employed, inclu-
sive of all charges, except when it shall appear
absolutely necessary to employ assistants, who
shall receive at and after the usual rate of
wages that may be customary in the respective
Counties in which the same shall have been
performed; that the said Deputies shall keep
a distinct account of each day's service, the
nature of the duty performed, the names of the
places visited, and number of miles travelled
in each day, which accounts shall be duly at-
tested to before a Magistrate.

That the payment of forty five shillings up-
on each application for a licence to cut Timber
and Lumber, be required to be made by the
applicant as heretofore acted upon.

All Timber and Logs found without a mark,
or with any other mark than that mentioned
in the licence, and any Timber or Logs found
in the possession of any person having a licence,
marked with his mark, which shall exceed the
quantity mentioned in the licence, and it shall
appear that no licence has been applied for by
the person to cover such excess previous to
its having been cut, shall in all such cases be
liable to double duty, and in case of the party
or parties so trespassing, refusing to pay the
same, it shall be the duty of the Deputy to
seize the Timber or Logs so found, unless the
person claiming such surplus Timber or Logs
shall make it appear to the satisfaction of the
seizing officer that such surplus was cut upon
private property, provided that no double duty
be imposed until after the first day of April
ensuing.

That the Deputy shall receive one quarter
of all double duties collected, and in case the
Timber, Logs or Lumber be seized in default
of the payment of the duties, the seizing officer
shall be entitled to one third of the net pro-
ceeds of the sale of the same.

That the Deputies render a detailed account
of all double duties collected, and seizures
made by them, stating the name of the person
or persons trespassing, the quantities, and when
cut, whether in excess or without licence (as
the case may be); if in excess state the number,
date and quantity applied for in such licence.

The Committee recommend that the time
for the payment of purchase money, and du-
ties upon Timber and Lumber, should be ex-
tended to sixty days instead of thirty days,
required by the existing rules and regulations.

(Signed)
GEORGE SHORE,
W. CRANE,
HUGH JOHNSTON,
E. BOTSFORD.

February 2, 1838.

Read and approved in Council, 3d Februa-
ry, 1838.

WM. F. ODELL.

By the Honorable Robert Parker, Esquire, one of
the Justices of Her Majesty's Supreme Court of
Judicature, for the Province of New Brunswick.

To all to whom it may concern greeting:—
NOTICE is hereby given, that upon the applica-
tion of James Whitney, to me duly made accord-

ding 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 George
W. Potter, late of the City of Saint John, Commission
Merchant, (which said George W. Potter, is departed
from and without the limits of this Province, or keeps
concealed within the same with intent and design
to defraud the said James Whitney, and the other
Creditors of the said George W. Potter, 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 George W. Potter do return and discharge his
said debt or debts within three months from the pub-
lication hereof, all the John Keays, as well real as personal
of the said George W. Potter within this Province,
will be sold for the payment and satisfaction of the
Creditors of the said George W. Potter.

Dated at the City of Saint John, the thirteenth day
of March, in the year of our Lord one thousand eight
hundred and thirty nine.

R. PARKER.

M. H. PERLEY, Attorney for petitioning Creditors.
[First published in Gazette, March 21, 1838.]

In the matter of John Keays, an Absconding
Debtor.

NOTICE is hereby given, That we, the Subscrib-
ers, have been duly appointed Trustees for all the
Creditors of John Keays, late of Northesk in the
County of Northumberland, Lumberer, an abscond-
ing Debtor, and have been sworn to the faithful ex-
ecution of the said trust, pursuant to the directions of
the Acts of the General Assembly, in such case made
and provided; and we do hereby require all persons
indebted to the said John Keays, to pay to us, or to
some one of us, on or before the first day of June
next, all such sum or sums of money, or other debt,
duty or thing, which they owe to, or are chargeable
with, by the said John Keays; and we do further
require all persons whatever, having the charge, care,
custody or possession of any goods, chattels or effects,
belonging to the said John Keays, to deliver the same
forthwith to us, or to some one of us as aforesaid;
and we do also require all the Creditors of the said
John Keays, to deliver to us their respective accounts
and demands against the said Debtor, on or before the
said first day of June next, in order that right and jus-
tice may be done, agreeably to the form of the said
Acts of Assembly.

Given under our hands, at Newcastle, in the said
County, the eighth day of February, in the year
of our Lord one thousand eight hundred and thirty
eight.

DAVID STEWART,
JASA WILLARD,
ALEXANDER FOSTER.

In the matter of William Robinson, an Ab-
sconding Debtor.

NOTICE is hereby given, That we, the Subscrib-
ers, have been duly appointed Trustees for all the
Creditors of William Robinson, late of the Parish of
Blissfield in the County of Northumberland, Tavern
Keeper, an absconding Debtor, and have been sworn
to the faithful execution of the said trust, pursuant
to the directions of the Acts of the General Assembly,
in such case made and provided; and we do hereby
require all persons indebted to the said William Rob-
inson, to pay to us, or some one of us, on or before
the first day of June next, all such sum or sums of
money or other debt, duty or thing, which they owe
to, or are chargeable with, by the said William Rob-
inson; and we do further require all persons whatev-
er, having the charge, custody or possession, of any
goods, chattels or effects, belonging to the said Wil-
liam Robinson, to deliver the same forthwith to us,
or to some one of us as aforesaid; and we do further
require all the Creditors of the said William Robinson,
to deliver to us their respective accounts and demands
against the said Debtor, on or before the said first day
of June next, in order that right and justice may be
done, agreeably to the form of the said Acts of Assem-
bly.

Given under our hands, at Newcastle, the ninth
day of February, in the year of our Lord one
thousand eight hundred and thirty eight.

RICHARD HUTCHINSON,
ALEXANDER FOSTER,
F. HUNTER.

NOTICE is hereby given, That we, the Subscrib-
ers, have been duly appointed Trustees for all the
Creditors of ANGUS M'DONALD, late of Point
Le Nipin in the County of Gloucester, an abscond-
ing Debtor, and have been duly sworn to the faith-
ful execution of the said trust, pursuant to the direc-
tions of the Act of Assembly in such case made and
provided; and we do hereby require all persons in-
debted to the said Angus M'Donald, on or before the first
day of June next, to pay to us, or some one of us, all
such sum or sums of money, or other debts, duty or
thing, which they owe the said Angus M'Donald, or
other debts, duty or thing, which they owe the said
Angus M'Donald, and deliver the said effects of the
said Angus M'Donald 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 Angus M'Donald,
on or before the said first day of June next, to deliver
to us, or some one of us as aforesaid, their respec-
tive accounts and demands against the said Angus
M'Donald, in order that right and justice may be
done, agreeably to the said Act of Assembly.

Given under our hands, at Dalhousie, this twenty
ninth day of January 1838.

ARCHIBALD RAMSAY,
WILLIAM S. SMITH,
JAMES WANDS, Trustees.

AUCTION.

THE Subscriber will offer for Sale at Public Auc-
tion, on Monday 2d April next, the HOUSE
and LOT, belonging to Mr. ROBERT EGGAR, in
Northumberland Street, let on Lease from the Church.
This situation is convenient to the public landing,
most frequented by the Merchants from Woodstock,
Settlers and Country Boats from all parts of the river
above Fredericton; it must therefore soon become a
valuable stand for any kind of business to be done
with the interior settlements.

For further particulars inquire of
MARK NEEDHAM,
Auctioneer.
Fredericton, 24th March, 1838.

NOTICE.

ALL persons having any legal demands against the
Estate of ZOPHER PHILLIPS, late of the
Parish of Lincoln, in the County of Sunbury, de-
ceased, are requested to present the same, duly at-
tested, within three calendar months from this date;
and all persons indebted to said Estate are desired to
make immediate payment to
THOMAS PHILLIPS,
Administrator.

Fredericton, County of York, 26th March, 1838.

SHERIFFS SALES.

COUNTY OF YORK.

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 de-
mand 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 Ex-
ecution issued out of the Supreme Court at the
suit of George, Henry and Whitman Estey.
E. W. MILLER, Sheriff.
Fredericton, 1st November, 1837.

KING'S COUNTY.

On the second Tuesday in May next, will be
sold at Public Auction, at the Tavern kept
by Daniel Johnston, in the Parish of Green-
wich:

ALL the real Estate of Daniel Coughlan,
in my Bailiwick, consisting of a Farm
of Land, situate in the said Parish, and bound-
ed as follows: (to wit,) on the North East by
the Yorkshire Road (so called,) on the North-
west by the Lot owned by the heirs of the late
James Linch; on the Southwest by land grant-
ed to James Menzies, and on the South east by
lands belonging to Samuel Moore, being fifty-
six rods or thereabouts in breadth, and in
length extending from the said Yorkshire road
to the rear of the Grant to Thomas Richards,
Wallis and others—containing by estimation
one hundred and twenty acres more or less,
with all the buildings and improvements to the
same belonging: The said lands and tene-
ments having been taken by virtue of an ex-
ecution issued out of the Supreme Court at the
suit of John Wayland. Sale to commence at
2 o'clock, P. M.

A. DAVIDSON,
Sheriff of King's.
Kingston, 30th October, 1837.

COUNTY OF WESTMORLAND.

To be sold at Public Auction, on Thursday the
thirty first day of July next, between the hours of
twelve and five o'clock in the afternoon, at the
Court House in Dorchester:—

ALL the right, title and interest of Alexander
Brown, of, in and to all those lands and premi-
ses, situate on the North side of the road leading from
the Bend to Shediac, with the Mill and other build-
ings thereon; purchased from Thomas Prince and
Michael Lutz, and containing 350 acres more or less:
Taken by virtue of several Executions issued out of
the Supreme Court.

Also—At the same time and place: All the right,
title and claim of John Edgett, of, in and to the
following lots and tracts of land, situate in the Parish
of Hillsborough, viz:—The premises on which he re-
sides, containing about five acres with the buildings
thereon, fronting on the River Petitcodiac. A lot of
diked marsh containing thirty acres with a Barn
thereon and two acres of upland adjoining;

A lot of upland on the West side of the road ad-
joining land of William Steeves, with a Log House
on the same, containing fourteen acres; two lots of
Wilderness land fronting on the river Petitcodiac,
containing — acres; and also all other the real
estate of the said John Edgett wheresoever in my
bailiwick: The same having been seized by virtue of
several Executions issued out of the Supreme Court,
against the said John Edgett.

W. P. SAYRE, Sheriff.
Dorchester, 18th January, 1838.

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 undi-
vided half part of the Farm or tract of land
situate at Westcock, so called, in Sackville,
formerly belonging to Thomas Harrison, de-
ceased, estimated to contain fifty acres, more
or less: The same having been taken by virtue
of an execution against the said Mary Scott.
Dorchester, 12th October, 1837.

W. P. SAYRE, Sheriff.

COUNTY OF GLOUCESTER.

To be sold by Public Auction, in front of the Court
House at Bathurst, on the last Tuesday in July next,
between the hours of noon and five P. M.

ALL the right, title, interest, property, claim and
demand of Michael Simmons, to that piece of land,
with the dwelling house thereon, at present occupied
by him, fronting on King Street, Bathurst, being
part of lot numbered on the Plan of said Town, 45,
and containing twenty two feet by one hundred,
more or less, with all the improvements attached there-
to: The same having been taken by me, by virtue of
a writ of execution issued out of the Supreme Court
of this Province, at the suit of Thomas Kennah, a-
gainst the said Michael Simmons.

HENRY W. BALDWIN,
Sheriff.
Bathurst, December 15, 1837.

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 Dal-
housie, containing one hundred by two hundred feet,
with the dwelling House, Barn, and other improve-
ments 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, 6th March, 1838.