

NEW

SERIES.

THE ROYAL GAZETTE.

Printed and published by JOHN SIMPSON, Printer to the QUEEN'S Most Excellent Majesty, at his Office near the Province Building.

Volume 5.

FREDERICTON, NEW BRUNSWICK, AUGUST 1, 1838.

Number 6.



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.
W. F. ODELL.

AT THE COURT AT BUCKINGHAM PALACE,

The 15th of May, 1838.

PRESENT.

The Queen's Most Excellent Majesty.
Lord Chancellor. Viscount Palmerston.
Lord President. Viscount Melbourne.
Lord Steward. Viscount Howick.
Lord Chamberlain. Lord Glenelg.
Earl of Albemarle. Mr. Poulett Thomson.
Earl of Minto.

Whereas the Governor of Her Majesty's Province of New Brunswick, with the Council and Assembly of the said Province, did in the months of March and July, 1837, pass six Acts which have been transmitted, entitled as follows, viz:

No. 1114. "An Act relating to Bank notes."

No. 1122. "An Act to explain and amend an Act to incorporate the Saint John Mechanics' and Fishermen's Company."

No. 1128. "An Act to incorporate the Salmon Falls Bridge Company."

No. 1130. An Act to incorporate the Camp Bello Mill and Manufacturing Company."

No. 1136. "An Act to incorporate Sundry persons by the name of the New Brunswick Marine Assurance Company."

No. 1152. "An Act to enable the Proprietors or Shareholders of a Company called the Bank of British North America to sue and be sued in this Province in the name of the Manager or of any one of the local Directors for the time being of the said Company."

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honourable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation; Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said report: Whereof the Governor, Lieutenant Governor or Commander in Chief for the time being of Her Majesty's Province of New Brunswick, and all other persons whom it may concern are to take notice and govern themselves accordingly.

W. L. BATHURST.

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.

Province of
New Brunswick.

DURHAM.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith.

To CHARLES BULLER, Greeting:—

WHEREAS it is highly expedient and desirable, that the disposal of the extensive tracts of Waste Land, the property of the Crown, in our Provinces of Lower Canada, Upper Canada, Nova Scotia and New Brunswick, and our Islands of Prince Edward and Newfoundland, should be placed upon such

a footing as may most effectually conduce to the increase of population and wealth in the said Provinces and Islands, and the general prosperity thereof, and in particular to greatly increased Emigration from the Mother Country, both of Capitalists and Labourers, as permanent settlers; to the end that while the vast but imperfectly developed resources of the said Provinces and Islands should as soon as possible be made fully productive, a more intimate connexion between Britain and her Colonial Empire in North America, founded on common interests and productive of mutual advantages, may be established and permanently secured: And whereas We have ordered and directed each of our Lieutenant Governors of our Provinces of Upper Canada and Nova Scotia, and our Islands of Prince Edward and Newfoundland respectively, to affix the Great Seal of the Province or Island of which each is respectively Lieutenant Governor, to a Commission addressed by Us, to you, to the like effect and containing the like powers and authorities for enquiry, touching the Waste Lands, the property of the Crown, in each such Province or Island respectively as are hereinafter contained. KNOW YE, THEREFORE, that We, reposing great trust in your zeal, ability, and discretion, have nominated, constituted and appointed you, the said CHARLES BULLER, to proceed with the utmost despatch to enquire into the past and present methods of disposing of Waste Lands, Woods, Forests and other domains and hereditaments, the property of the Crown, in our Province of New Brunswick, and to collect information respecting the operation thereof in regard to the advancement of our said Province, and in particular to the promotion of Emigration thereto from the Mother Country. AND our Privy Council, WE AND PLEASURE is that you, after due examination of the premises, do and shall, as soon as conveniently may be, report to Us, under your hand and seal, what you shall think touching or concerning the premises upon such enquiry as aforesaid, and also that you shall suggest such alterations or modifications of the Laws and Regulations at present in force, as may appear likely to promote the objects aforesaid. And for the better discovery of the truth in the premises, We do by these presents give and delegate to him or them such power and authority to call before you such and so many of the Officers of the Crown Lands Department and Agents for Emigrants, in our said Province of New Brunswick, and such other Officers of the Crown, and other persons as you shall judge necessary, by whom you may be the better informed of the truth in the premises, and to enquire of the premises and every part thereof, by all other lawful ways and means whatsoever. And We do also give and grant to you full power and authority to cause all and singular the Officers aforesaid, in our said Province of New Brunswick, or any other person or persons having in their custody any records, orders, regulations, books, papers or other writings relating to or in any wise connected with the premises, to bring and produce the same before you. And for your assistance in the due execution of this our Commission, We do hereby authorize you to nominate and appoint such person or persons as you shall think fit to be Assistant Commissioners, or Assistant Commissioners, for the purpose aforesaid, or any of them, and to delegate to him or them such and so many of the powers hereinbefore vested in you as may seem expedient. And our will is, and We do hereby direct and ordain, that the person or persons so nominated by you shall possess and exercise any powers and authorities so as aforesaid delegated to him or them in as full and ample a manner as the same are possessed and may be exercised by you under the authority of these presents. And We do hereby further authorize and empower you, at your discretion, to appoint such person, as Secretary, to this our Commission, as to you shall seem proper, and to frame such temporary rules, orders and regulations with regard to the manner of disposing of such Crown Lands in our said Province of New Brunswick as may to you appear expedient, and from time to time at such like discretion to alter and vary the same, due regard being had in all such rules, orders and regulations to any Provincial Act or Acts, and to any Royal Instructions now in force in our said Province of New Brunswick, touching or concerning the disposal of the said Waste Lands or any part thereof. And We do hereby further authorize and empower you to give Instructions to the several Officers of the Crown Lands Department and Agents for Emigrants in our said Province, as to the performance of the duties of their respective Offices, subject nevertheless, to all such Provincial Acts or Royal Instructions as aforesaid, which Instructions shall be in all respects binding upon the Officer or Officers to whom the same shall be respectively addressed.

IN TESTIMONY WHEREOF, We have caused these our Letters to be made Patent, and the Great Seal of our said Province of New Brunswick to be hereunto affixed. WITNESS our Right Trusty and Right Well Beloved JOHN GEORGE, Earl of DURHAM, Viscount Lambton, &c. &c. Knight Grand Cross of the Most Honourable Military Order of the Bath, one of our Most Honourable Privy Council, and Governor General, Vice Admiral and Captain General of all our Provinces within and adjacent to the Continent of North America, &c. &c. &c.

At our Castle of St. Lewis, in our City of Quebec, in our said Province of Lower Canada, the Eighteenth day of June, in the year of our Lord one thousand eight hundred and thirty eight, and in the first year of our Reign.

(Signed), CHARLES BULLER,

CHIEF SECRETARY.

CASTLE OF SAINT LEWIS,

QUEBEC, 18th June, 1838.

SIR,

IN the exercise of the powers vested in Me as Governor General of Her Majesty's Colonies in North America, and with a view to the permanent establishment of an improved system in the disposal of Waste Lands, the property of the Crown, in those Colonies, and the promotion of Emigration thereto upon the most extensive scale that circumstances will admit, I have prepared a Commission directing an immediate inquiry into the subject for each of the Provinces and Islands comprised in my General Government, and also authorising the Commissioner therein named to issue temporary rules and regulations for the disposal of Crown Lands in each Colony, and to give instructions to the Officers of the Crown Lands Department as to the performance of their duties. I inclose the Commission as prepared for the Province of New Brunswick, and have to direct that you will cause the Great Seal of that Province to be immediately affixed thereto, and that the Commission, together with a copy of this despatch, may be published in the usual manner.

As one of the incidental though not least desirable results of an improved system in the disposal of Lands, the property of the Crown, may, I hope, be a very considerable increase in the value of all lands which have become private property, and as the expectation

of such a result might lead to applicants for grants of land upon the terms now in force to such an extent as should defeat, or at least seriously impede the most beneficial operation of the improved system, and especially the very desirable result above mentioned, I have also to instruct you, that until further directions from Me, you will so far as it may be in your discretion under any Provincial Act or Royal Instructions or otherwise, abstain from alienating any Waste Lands, the property of the Crown. You may rely on receiving those further directions in so short a time as to prevent any inconvenience from the present suspension of your discretionary powers in this respect.

I have the honor,

&c. &c. &c.

DURHAM.

His Excellency Major General Sir JOHN HARVEY, K. C. H. and C. B.

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.

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

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

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

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

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

Robert McLean, 3s. per acre, by instalments.

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

Patrick McLaughlin, 3s. per acre, by instalments.

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

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

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

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

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

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

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

John Sullivan, 3s. do. do.

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.

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 3d 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 Keoghue. John Munro.

Jackson Webb. Alexander McBeath.

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.

Jeremiah Gallery. Thomas Roach.

William Roach. James Barry.

Alexander Moore. John Dougherty.

Dennis Mehan. James McGarrigle.

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 McDonough.

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 Lucretia Dempsey, the land occupied under Location Ticket to be granted to Lucretia Dempsey, in trust, for the benefit of her children by her late husband.

Alexander McBeath, 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 Pickett, 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 Langren, 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 80 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 Cochran, do. do.

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

James McLaughlin, (for wild meadows,) Petition not complied with.

John M'Comick, 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.

Miles McMillan, Porter's Brook, complied with.

Thomas Cunningham, Salmon Brook, complied with.

Thomas McNamara, Renous River, complied with.

Daniel Small, Cain's River, complied with.

James Donalds, South West Miramichi, complied with.

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

Charles Clark, Mill Stream, complied with.

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

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.

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Robert Hutchison, do. do.

Robert Hamilton, Lake Stream, complied with.

Alexander Hamilton, Lake Stream, complied with.

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

David Dow, Eel River, complied with.

William Connell, Little River, complied with.

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

James S. Segee, Skititauk River, complied with.

Israel Merritt, Begabumic, complied with.

C. Connell, Jun. Nackewicac, do.

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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 Mussegu and Farnham. Upset price, 2s. 6d. per acre.

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

THOMAS BAILLIE, C. C. L.

PROVINCIAL APPOINTMENTS.

The Honorable Harry Peters and the Honorable Hugh Johnston, to be Commissioners for examining and reporting upon a site for a Bridge over the Oromocto River.

The Reverend Alexander C. Somerville and Thomas M. DeBlois, Esquire, to be added to the list of Trustees of the Grammar School in Gloucester.

BYE ROAD COMMISSIONERS IN WESTMORLAND.

Sylvan Babinot to expend the following sums in the place of Charles Tibbido, resigned.

£5 for the Road from P. Gaiton's to the Dorchester Road.

£10 for the Road from Cook Smith's in Dorchester to Sackville town line.

£25 for the Road from Ralph Carter's to the Peticoudiac River.

£5 for the Road from the Road at the Chapel, Dorchester, to the Cove.

George Pittfield, Esquire, to expend the following sums, instead of Samuel Holstead, resigned.

£10 from Daniel Wheaton's to Robert Dobson's.

£1