

Saint John City and County Registry Office, Saint John, NB, Book N1, p. 65
William S. Oliver to Joseph Canby, Inst. No. 1792

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William S. Oliver)
 to) No. 1792.
Joseph Canby)

This Indenture made the twenty Second day of April in the year of our Lord one thousand eight hundred and Twelve, between William S. Oliver Esquire High Sheriff of the City and County of Saint John of the one part, and Joseph Canby of the City and County of Saint John and Province of New Brunswick Merchant of the other part, Whereas William Goodall & John Turner of the City of London Merchants and Copartners in Trade, in the Supreme Court of Judicature of Our Lord the King before the King himself for the Province of New Brunswick at Fredericton in Michaelmas term in the fiftieth year of the Reign of Our Lord One thousand eight hundred and ten by the Judgment of the said Court recovered against William Whitlock the sum of Two thousand eight hundred and Seventy seven pounds fourteen shillings and five pence, which in the same Court were adjudged to the said William Goodall and John Turner for their damages which they had sustained as well by reason of the not performing certain promises and undertakings then lately made by the said William Whitlock to the said William Goodall & John Turner as for their cost and charges by them about their suit in that behalf expended, whereof the said William Whitlock was convicted as by the record of the said Judgment on file in the office of the Clerk of the same Court at Fredericton aforesaid may more fully and at large appear, and Whereas the record of the said Judgment was duly Inspected by the Honorable Ward Chipman Esquire one of the Judges of the said Court, and it was therein Certified by him that he had inspected the same and that no error therein was apparent to him, and the said Judgment with such Certificate therein was thereupon duly recorded in a Book by the said Clerk of the said Court kept for that purpose agreeably to the form of the Act of Assembly in such case made and provided, and whereas a Certain Writ of our said Lord King of Testatum fieri facias was duly issued out of the said Court upon the Judgment aforesaid returnable at Easter term in the Fifty first year of the reign of our said Lord the King at Fredericton aforesaid directed to the said Sheriff of the City and County of Saint John, by which writ the said Sheriff was commanded that of the goods and Chattels Lands and Tenements of the said William Whitlock in his Bailiwick he should cause to be made the said two thousand eight hundred and seventy seven pounds fourteen shillings and five pence the damages aforesaid, and that the said Sheriff should have that money before our said Lord the King in the said Court at Fredericton on a Certain day now past to render to the said William Goodall & John Turner for their Damages as aforesaid, And Whereas the said writ of Testatum fieri facias was duly inspected by the Honorable Ward Chipman aforesaid one of the Judges of the said Court as aforesaid and it was therein certified by him that he had inspected the same and that no error was therein apparent to him and the same writ with such Certificate thereon was thereupon duly recorded in a Book by the said Clerk of the said Court for that purpose, agreeably to the form of the Act of Assembly in such case made and provided, and Whereas the said William Whitlock at the time of signing the Judgment aforesaid was seized and possessed in his own right of all that Piece Parcel and Lot of ground being that part of Lot Number Nine lying and being in the City of Saint John which lyes to the Westward of Saint John Street fronting on said Street Twenty five feet and from thence extending back the same width to the line of low water mark which said peice(sic) parcel or tract of land being the Westernmost part of the said Lot Number Nine by Indenture of Lease bearing date the Ninth day of August in the year of Our Lord One thousand seven hundred and Eighty six was granted by the Corporation of the said City of Saint John to one Henry Thomas and by the said Henry Thomas assigned to Abel Flewelling, and by the said Abel Flewelling conveyed to the said William Whitlock, and Whereas the said Sheriff in pursuance and by virtue of the same writ of Testatum fieri facias to him directed as aforesaid for want of sufficient goods chattels and personal Estate in his Bailiwick of the said William Whitlock whereof to make the Damages as aforesaid did Seize and take in Execution the said peice parcel and tract of ~~Land~~ Ground being the Westernmost part of the said Lot Number Nine with all and Singular the Dwelling house Stores Wharves Buildings and Ereccion standing thereon, and all the Estate right, title, Interest property claim and Demand of the said William Whitlock of in and to the same, and afterwards to wit on the fourteenth day of March in the said year of Our Lord one thousand eight hundred and twelve at the City of Saint John in the County of Saint John aforesaid, having first advertized the time and place of sale six months agreeably to the Act of Assembly in such case made and provided, did set up and expose the same to sale to the highest bidder and the said Joseph Canby bidding therefore the sum of Sixteen hundred pounds Lawful Money of New Brunswick and no other person bidding so much or more the same was Struck off by Public Outcry between the hours of twelve and five in the afternoon of

the same day to the said Joseph Canby being the highest bidder as aforesaid at the said sum of Sixteen hundred pounds pursuant to the direction of the Act of Assembly in such case made and provided, and Whereas the said William Whitlock & Jane his wife by Indenture of Mortgage bearing date the twenty first day of August in the year of Our Lord one thousand Eight hundred and Nine did Mortgage the said peice parcel and tract of Land being the Westermost part of the said Lot Number Nine and the premises aforesaid unto John Waterbury & David Merritt of the City of Saint John aforesaid for the sum of Eight hundred & Sixty pounds lawful Money of New Brunswick, and Whereas there was due for Principal and Interest upon the said Mortgage at the time the said premises were put up to sale by the said Sheriff as aforesaid the sum of Nine hundred and Ninety Nine pounds fifteen shillings Currency and Whereas it was one of the Conditions of the said Sale that the said sum of Nine hundred and Ninety Nine pounds fifteen shillings so being due from Principal & Interest upon the said Mortgage should be first paid and discharged by the Purchaser or Purchasers out of the sum which he or they should ~~pay~~ bid for the said premises and the residue of the purchase money after deducting the amount of the said principal and Interest being the supposed Value of the Equity of Redemption should alone be paid to the said Sheriff upon or account of the aforesaid writ of Testatum Fiera Facias. Now This Indenture Witnesseth that the said William S. Oliver Sheriff of the City and County of Saint John as aforesaid by Virtue and in pursuance of the power and authority to him given by the Act of Assembly in that case made and provided for and in Consideration of the said Sum of Sixteen hundred pounds well and truly paid to him by the said Joseph Canby the receipt whereof he the said William S. Oliver Sheriff as aforesaid doth hereby acknowledge, Hath granted bargained ~~and~~ Sold, Assigned set over released and confirmed and by these presents doth grant bargain, sell, assign release and confirm unto the said Joseph Canby his heirs and assigns all the said peice parcel and tract of ground situate lying and being in the said City of Saint John, being the westernmost part of that lot known and distinguished on the general plan of the said city by lot number nine fronting on Saint John Street twenty five feet and extending westwards to low water mark being of the width of twenty five feet throu(sic) herein before described and taken in execution as aforesaid with all and singular the dwelling Houses Stores wharves, buildings & erections thereon and the hereditaments and appurtenances thereunto belonging and the rents issues and profits thereof and all the estate right title interest, property claim & demand whatsoever which the said William Whitlock at the time of signing the Judgment aforesaid had or now hath of in & to the same or any part or parcel thereof and all & every the deeds Leases, assignments of leases, writings & [?] whatsoever touching and concerning the said piece or parcel or tract of land and premises whatsoever, hereby granted or mentioned to be granted and every part and parcel thereof To have and to hold the said piece parcel and tract of ground being the western part of the said Lot number nine and all and singular the premises with the appurtenances and every part and parcel thereof unto the said Joseph Canby his heirs and assigns forever according to the form of the act of assembly aforesaid made and passed in the twenty sixth year of the Reign of our ~~Lord~~ Sovereign Lord the King intituled an act subjecting real estates in the Province of New Brunswick to the payments of debts and directing the Sheriff in his proceeding thereon subject nevertheless to the payment of five shillings per annum Ground rent to the Corporation of the said City of Saint John and subject to the payment of principal and interest due upon the Mortgage so as aforesaid made of the premises aforesaid by the said William Whitlock & Jane his wife unto the said John Waterbury and David Merritt. In Witness whereof the said William S. Oliver Sheriff as aforesaid hath hereunto set his hand and seal the day and year herein before written

Wm. S. Oliver LS

Registered the foregoing Deed this 22^d day of April 1812

John Chaloner Register

Thomas Hanford

W^m. Botsford

City and County)

of St. John) Be it remembered that on the twenty second day of April in the year of our Lord one thousand eight hundred and twelve personally came and appeared before me Thomas Hanford one of His Majesty's Justices of the Peace for the City and County of St. John the above named Jane Whitlock who being by me the said Justice examined separate // and apart from her said husband the above named William Whitlock acknowledged that she did sign Seal and deliver the foregoing written instrument Release as her free and voluntary act to and for the purposes therein mentioned without any threat fear or compulsion of or from her said Husband ~

Thomas Hanford. J Peace
Registered the foregoing release the 22d of April 1812
John Chaloner Register

Ex. d. d. d.

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William J. Olive }
to }
Joseph Canby -

No 5792 This Indenture made the twenty

Second day of April in the year of our
Lord one thousand eight hundred and Twelve, between
William J. Olive Esquire High Sheriff of the City and
County of Saint John of the one part, and Joseph Canby
of the City and County of Saint John and Province of New
Brunswick Merchant of the other part, Whereas
William Goodall & John Turnee of the City of London
Merchants and Copartners in Trade, in the Supreme
Court of Judicature of our Lord the King before the King
himself for the Province of New Brunswick at Fredericton
in Michaelmas term in the fiftieth year of the Reign
of our said Lord the King and in the year of our Lord
one thousand eight hundred and ten by the judgement
of the said Court recovered against William Whitlock
the sum of Two thousand eight hundred and Seventy
seven pounds fourteen Shillings and five pence, which
in the same Court were adjudged to the said William
Goodall and John Turnee for their damages which
they had sustained as well by reason of the not per-
forming certain promises and undertakings then lately
made by the said William Whitlock to the said William
Goodall & John Turnee as for their lost and Charges by
them about their suit in that behalf expended,
Whereof

whereof the said William Whitlock was convicted as by
the record of the said Judgment on file in the Office
of the Clerk of the same Court at Fredericton aforesaid
may more fully and at large appear, and Whereas
the record of the said Judgment was duly Inspected by
the Honorable Ward Shipman Esquire one of the Judges of the
said Court, and it was therein certified by him that he
had inspected the same and that no error therein was
apparent to him, and the said Judgment with such
Certificate therein was thereupon duly Recorded in a
Book by the said Clerk of the said Court kept for that
purpose agreeably to the form of the Act of Assembly in
such case made and provided, and Whereas a Certain
Writ of our said Lord the King of Testatum form facias
was duly issued out of the said Court upon the Judgment
aforesaid returnable at Easter term in the fifty first
year of the reign of our said Lord the King at Fredericton
aforesaid directed to the said Sheriff of the City and
County of Saint John, by which writ the said Sheriff
was commanded that of the goods and Chattels lands
and Tenements of the said William Whitlock in his
Bailewicks he should cause to be made the said two
thousand eight hundred and seventy seven pounds
fourteen Shillings and five pence the Damages aforesaid,
and that the said Sheriff should have that
money before our said Lord the King in the said Court at