

## SUPREME COURT—EQUITY SIDE.

TRINITY TERM, 19th VICTORIA, A.D. 1856.

## GENERAL ORDERS.

IT is Ordered, in and by the authority of the Act made and passed in the seventeenth year of the Reign of Her Majesty intituled "An Act relating to the administration of Justice in Equity," as follows:—

1. Upon any suit being commenced against any defendant, if it shall be made to appear upon affidavit that such defendant doth not reside within the Province, but has a known place of residence without the limits thereof, an order may be made for the appearance of such defendant at a certain day therein named, and a copy of such order shall within one year be served upon such defendant, either personally or by delivering the same at the residence of the said defendant to some adult person belonging to his family, and if such defendant do not appear within the time limited by such order, or such further time as the Court may appoint, the plaintiff shall be entitled to the like decree as in case of non-appearance when the defendant is served with Process within the Province; Provided that in case the defendant reside in any part of Europe or the West Indies, such service be made three calendar months before the day of appearance; and if such defendant reside in any part of the United States of America, or in any of the British North American Colonies, such service shall be made two calendar months before the day of appearance; and if in any other part of the world, such service shall be made six calendar months before the day of appearance.

2. The proof of such service may be made by affidavit sworn before any Judge of any Superior Court in the Country where the same is made, or the Mayor or other Chief Magistrate of any City, Borough, or Town Corporate, in any part of Her Majesty's dominions; provided always, that where the same is sworn in any Country not part of Her Majesty's dominions, it shall be authenticated by a certificate under the hand and seal of the British Ambassador, Envoy, Minister, Consul, or Vice-Consul; and if in any part of the British dominions, by a certificate under the hand and seal of a Public Notary.

3. The provisions contained in the fourteenth Section of the second Chapter of the Act relating to the Administration of Justice in Equity, are hereby rescinded.

4. The order for hearing the cause in the manner provided for by the fifteenth Section of the last named Chapter of the said Act, instead of the time therein appointed, may be made within one calendar month after the cause shall be at issue, on service of notice and of a copy of the affidavit on which the application is to be made, on the opposite party, ten days before such application, the time for hearing which shall have been previously appointed by the Judge to whom the same is to be made; provided that in cases which are already at issue, the order may be made within one calendar month from the Saturday next after the second Tuesday in the present Term.

J. CARTER,  
N. PARKER,  
R. PARKER,  
L. A. WILMOT,  
W. J. RITCHIE.

By the Court.

D. LUDLOW ROBINSON, *Clerk in Equity.*

## SHERIFFS' SALES.

## County of Kent.

To be sold by Public Auction, at the Court House, in the Town of Richibucto, on the second Wednesday in March next, between the hours of twelve and five o'clock, P. M.

ALL the right, title, interest, property, claim, and demand of Thomas Elliott, to the following lots, pieces, or parcels of Lands, situate in the Parish of Wellington, in the County of Kent, described as follows:—Commencing at a Spruce Post near the Big River Bridge, and running along the south side of the Post Road leading from Little Buctouche Bridge to a stake; thence eighty nine degrees west to the River; thence along the River to the place of beginning; containing half an acre, more or less, with a House and all buildings thereto belonging, and now in the occupation of the said Thomas Elliott:

Also one other lot, piece, or parcel of Land, situated and being in the Parish of Wellington, in the County of Kent, on the north side of the Mahalawodiack River, known as lot number two, bounded and described as follows:—On the east by Land granted to Francis King, and on the west by Land granted to Fidelle Leshare, the same containing one hundred acres, more or less, and deeded by Henry M'Cullough to the said Thomas Elliott, bearing date 27th day of August 1851:

Also one other lot, piece, or parcel of Land, situated, lying, and being in the Village of Glenelg, and Parish of Wellington, in the County of Kent, being part of a lot of Land originally granted to John Morrison, and distinguished on the Plan as lot number two, and bounded as follows:—On the south side by a road leading up through the Settlement, on the west by a part of the same lot owned by Albert B. Smith, on the east by Land occupied by Finlay M'Neil, and on the rear by French Grants, containing eighty two acres and a half, more or less: The same having been seized and taken by virtue of an Execution issued out of the Supreme Court at the suit of Charles Devine and Patrick M'Cullough vs. Thomas Elliott.

JOSEPH WETMORE, SHERIFF.

Sheriff's Office, Richibucto, 4th day of September, 1855.

The sale of the above Properties is hereby postponed until Saturday the 19th July next, between the hours of twelve and five o'clock, P. M.

JOSEPH WETMORE, *Sheriff.*

Sheriff's Office, Richibucto, 27th Feb. 1856.

To be sold by Public Auction, at the Court House in the Town of Richibucto, on the first Wednesday in July next, between the hours of twelve and five o'clock, P. M.

ALL the right, title, interest, property, claim and demand of John Cairns, to all that piece, parcel, or tract of Land situated in the Parish of Dundas, in the County of Kent, and bounded on the east by Lands in possession of Louis Gougan, on the north by the line of Lands granted to one Thomas Peters and others, by the rear line of Lands granted to Humphrey Gilbert and others, and by the rear line of Lands granted to Milcent Nevers; on the west by Lands granted to one John Chrystal; and on the south by the Cocaigue River and Lands owned by George W. Ferral; containing by estimation two thousand acres, more or less; the same being Lands purchased by the said John Cairns from the Honorable Thomas Peters, Bradford Gilbert, White Boone, and Milcent Boone, his Wife; also all other real estate of the said John Cairns, wheresoever situated within my Bailiwick: The same having been seized and taken by virtue of an Execution issued out of the Supreme Court at the suit of William M. S. Evans vs. John Cairns.

JOSEPH WETMORE, SHERIFF.

Sheriff's Office, Richibucto, 20th day of December, 1854.

The above sale of the property of John Cairns is hereby postponed until the first Wednesday in January next, between the hours of twelve and five o'clock, P. M.

JOSEPH WETMORE, *Sheriff.*

Sheriff's Office, Richibucto, 23rd June, 1855.

The sale of the above property is further postponed until the first Monday in September next.

JOSEPH WETMORE, *Sheriff.*

Sheriff's Office, Richibucto, Dec. 31, 1855.

To be sold at Public Auction at the Court House in the Town of Richibucto, on the last Saturday in September next, between the hours of twelve and five o'clock, P. M.

ALL the right, title, interest, property, claim, and demand of Lucean Bristol, to a Lot of Land situated in the Parish of Dundas, in the County of Kent, bounded as follows:—On the south by wilderness land owned or occupied by Ulare Lauret and others, on the north by lands occupied by Simon Lauret, on the east by a road or lands granted to Andrew M'Graw, and on the west or rear by lands in possession of Simon Landry; being about seventy rods wide, containing one hundred acres, more or less; said lot being applied for and improved by Lucean Bristol: The same having been seized and taken by virtue of an Execution issued out of the Supreme Court at the suit of Thomas E. Smith and Edward J. Smith vs. Lucean Bristol.

JOSEPH WETMORE, SHERIFF.

Sheriff's Office, Richibucto, 13th March, 1856.

To be sold by Public Auction, at the Court House in the Town of Richibucto, on Saturday the nineteenth day of July next, between the hours of twelve and five o'clock, P. M.

ALL the right, title, and interest which Thomas Elliott had at the time of the registering in the office of the Register of Deeds for the County of Kent, of a Memorial of a certain Judgment obtained against the said Thomas Elliott, at the suit of John Dever, or has had at any time since, in and to the several lots, pieces, and parcels of land hereinafter mentioned, situate in the Parish of Wellington, in the County of Kent, described as follows:—Commencing at a Spruce Post near the Big River Bridge, and running along the south side of the Post Road leading from Little Buctouche Bridge to a stake; thence eighty nine degrees west to the River; thence along the River to the place of beginning; containing half an acre, more or less, with a House and all buildings thereto belonging, and now in the occupation of the said Thomas Elliott:

Also one other lot, piece, or parcel of Land, situated and being in the Parish of Wellington, in the County of Kent, on the north side of the Mahalawodiack River, known as lot number two, bounded and described as follows:—On the east by Land granted to Francis King, and on the west by Land granted to Fidelle Leshare, the same containing one hundred acres, more or less, and deeded by Henry M'Cullough to the said Thomas Elliott, bearing date 27th day of August 1851:

Also one other lot, piece, or parcel of Land, situated, lying, and being in the Village of Glenelg, and Parish of Wellington, in the County of Kent, being part of a lot of Land originally granted to John Morrison, and distinguished on the Plan as lot number two, and bounded as follows:—On the south side by a road leading up through the Settlement, on the west by a part of the same lot owned by Albert B. Smith, on the east by land occupied by Finlay M'Neil, and on the rear by French Grants, containing eighty two acres and a half, more or less: The same having been seized and taken by virtue of an Execution issued out of the Supreme Court at the suit of John Dever vs. Thomas Elliott.

Richibucto, 8th January, 1856.

JOSEPH WETMORE, SHERIFF.

## County of Victoria.

To be sold at Public Auction on the second Tuesday in February next, at the Court House, Grand Falls, between the hours of twelve and five o'clock, P. M.

ALL the right, title, interest, claim, and demand of Richard Randolph Ketchum, of, in, and to all those pieces, parcels, or tracts of Land hereinafter described, with the quantities of acres therein mentioned, be the same more or less:—

100 acres of Land, lot 72, Military Grant, granted to Thomas Flanning, now occupied by James Doak, situated in the now Parish of Andover:

75 acres ditto, on the Restook Portage, Parish of Grand Falls, called the Stevenson Lot:

138 acres ditto, near the Grand Falls, front part occupied by Dudley Langan:

50 acres ditto, near the Grand Falls, occupied by Mrs. Harley:

100 acres ditto, lower half of Lot 29, in the Parish of Grand Falls, east side of River, known as the Dickson Lot:

75 acres ditto, being the lower half of Lots number seventeen east and seventeen west, near the Grand Falls, occupied by Michael and Hugh Toner:

98 acres ditto, east side of River, at the foot of the Grand Falls; Also all other real estate of the said Richard Randolph Ketchum, wheresoever situated within my Bailiwick: The same having been seized and taken by virtue of an execution issued out of the Supreme Court at the suit of the Central Bank against the said Richard Randolph Ketchum.

Grand Falls, 6th July, 1855.

F. E. BECKWITH, SHERIFF.

The sale of the above Properties is hereby postponed until Saturday the 12th August next, between the hours of twelve and five o'clock P. M.

F. E. BECKWITH, *Sheriff.*

Grand Falls, Feb. 12, 1856.