

NEW BRUNSWICK—YORK, TO-WIT.

[L.S.] To the Sheriff of the County of York, or any Constable within the said County, Greeting:

WHEREAS application by Petition has been made to me by James Humble, of Stanley, in the County of York, alleging that Ellen Humble, late of the said Parish of Stanley, departed this life on the fifteenth day of November last past, having executed a certain Instrument bearing date the eighteenth day of September, A. D. 1884, as and for her last Will and Testament, and having also on the first day of October, A. D. 1884, executed another Instrument bearing date the said first day of October, A. D. 1884, as and for her last Will and Testament, and in and by the said Instruments respectively, nominated and appointed the Reverend William Jaffrey, Executor thereof, which said Reverend William Jaffrey hath renounced all right and title to Administration and Letters testamentary under the said Instruments, or either of them; and whereas the said James Humble has propounded for proof the first named Instrument, bearing date the eighteenth day of September, A. D. 1884, as being the last Will and Testament of the said Ellen Humble, and not the said last named Instrument, bearing date the first day of October, A. D. 1884, which said last made Instrument he alleges is invalid for the reasons set forth in his said Petition, and has prayed that Letters of Administration, *cum testamento annexo*, of the said first made Instrument, bearing date the eighteenth day of September, A. D. 1884, may be granted to him, and that the heirs, devisees, legatees, and next of kin of the said Ellen Humble, deceased, and all other persons interested in the said Instrument, bearing date the first day of October, A. D. 1884, or in the Estate of the said Ellen Humble, deceased, may be cited to prove the said last made Instrument in solemn form.

You are therefore required to cite Albert M'Neill and Mary Ann M'Neill his wife, George Humble, Thomas Arnold and Isabella Arnold his wife, Edward Humble, Charles Humble, William M'Lean, James Scott, John Andrew Humble, and Robert Scott, all of Stanley aforesaid, George R. Waltham and Margaret Waltham his wife, residing at Stillwater, in the State of Minnesota, one of the United States of America, the Reverend William Jaffrey, of Saint Mary's, in the said County of York, Ralph Scott, residing at the River Tyne, between Newcastle and Shields, Selby Fairterne and Margaret Fairterne, his wife, residing at Woller, Durham, and Sicily Scott, residing at Newcastle, in England, to appear before me at a Court of Probate to be held at my Office in the City of Fredericton, in the County of York, on Thursday the second day of July next, at eleven of the clock in the forenoon, to prove the said last made Instrument, dated the first day of October, A. D. 1884, in solemn form, as being the last Will and Testament of the said Ellen Humble, deceased, and on failure of proving the said Instrument, dated the 1st day of October, A. D. 1884, as the last Will and Testament of the said Ellen Humble, deceased, then to shew cause, if any they have, why the said James Humble should not be admitted to prove the Instrument, dated the eighteenth day of September, A. D. 1884, in solemn form, as being the last Will and Testament of the said Ellen Humble, deceased, and why Letters of Administration, *cum testamento annexo*, thereof, should not be granted to the said James Humble.

Given under my hand and the Seal of the said Court, this sixth day of March, A. D. 1885.

G. F. H. MINCHIN, *Surrogate*
and Judge of Probate for County of York.

F. A. H. STRATON, Reg. of Probates for York County.

NOTICE.

THERE will be sold by Public Auction, on Friday the 24th day of April next, at Chubb's Corner, in the City of Saint John, under license from the Probate of the City and County of Saint John, the following Lots of Land belonging to the Estate of the late John Anderson, deceased:—

"A tract of land situate in the Parish of Studholm, in the County of Kings, in the Province of New Brunswick, and bounded as follows, to-wit: Beginning at a post standing in the northeasterly angle of lot number forty-nine in Cornhill, granted to John C. Price; thence running by the magnet of year one thousand eight hundred and fifty four, south one degree and thirty minutes west along the western line of said grant seventeen chains to a post; thence north eighty degrees and thirty minutes west fifteen chains to a post; thence north one degree and thirty minutes east sixty seven chains to the southern side of a reserved road at a post; thence along the same south eighty eight degrees and thirty minutes east fifteen chains to a hemlock tree; and thence south one degree and thirty minutes west fifty chains to the place of beginning, containing one hundred acres more or less, distinguished as lot number fifty in Cornhill."

"All that certain lot, piece or parcel of land, situate, lying and being in the Parish of Hampton, (now Parish of Rothesay) in the County of Kings, in the said Province of New Brunswick, the same being a part or portion of lot number twelve (12) described in a certain deed bearing date the eleventh day of September, in the year of our Lord one thousand eight hundred and forty one, and made between Guilford Flewelling and others, of the one part, and Joshua A. Scribner, of the other part, and in a deed from Eleanor Scribner, Executrix of the

said Joshua Scribner, to the said John Anderson, dated July the twenty fifth, A. D., 1860, as bounded and described as follows, that is to say—Being bounded northeasterly by lands belonging to LeBaron Drury, northwesterly by the river Kennebecasis, southeasterly by the fence running along the south-eastern side or line of the European and North American Railway, and containing twenty five acres more or less."

Dated this 23rd day of March, A. D. 1885.

MARY ANN ANDERSON,
MARY ELIZABETH ANDERSON, } Executors.
JAMES ANDERSON.

J. A. BELYEA, Solicitor.—4w

THE SUPREME COURT IN EQUITY.

Between Mary A. Duncan, Plaintiff; and
Peter Besnard, John M'Keever, Thomas Leathem, Dennis Griffin, Patrick Taylor, Ellen Stanton, Joseph B. Stubbs, Jane Clarke, Ezekiel Hilton, Robert M'Cann, Mary M'Cann his wife, and Martha Burns, Administratrix of all and singular the goods, chattels and credits which were of James Burns, deceased, at the time of his death, Defendants.

WHEREAS it has been made to appear by affidavit to the satisfaction of me, the undersigned, one of the Judges of the Supreme Court, that Robert M'Cann, one of the above named defendants does not reside within the Province, so that he cannot be served with a Summons, and that his place of residence is unknown to the plaintiff, and that the above plaintiff has good *prima facie* grounds for filing a Bill against the said defendant: I do therefore hereby order, that the said defendant, on or before the fifth day of June next, do enter an appearance in this suit, (if he intend to defend the same), where in a Bill will be filed against the above named defendants by the above named plaintiff, for the foreclosure of a certain Indenture of Mortgage, dated the sixteenth day of April, A. D. 1864, and made between Thomas B. Wilson and Georgianna Wilson his wife of the first part, and John Owens and John Duncan of the other part, and for the sale of the Lands and Premises therein mentioned and described, default having been made in the payment of the principal and interest thereby secured, which Mortgage by certain assignments thereof, has become vested in the said plaintiff, and which said Mortgage is duly recorded in the Office of the Registrar of Deeds in and for the City and County of Saint John, in Book B No. 6 of Records, pages 388, 389 and 390; and unless such an appearance is so entered, the Bill may be taken *pro confesso*, and a Decree made.

Dated this twenty third day of February, A. D. 1885.

A. L. PALMER, Judge in Equity.
FORBES & MULLIN, Plaintiff's Solicitors.

INDORSED.

The Plaintiff claims for principal on the within mentioned Mortgage the sum of \$2,400.00, and for interest thereon from the 17th day of October, A. D. 1883 to the date of this Order for appearance, the sum of \$192—Total, \$2,592.00.

Dated the 23rd day of February, A. D. 1885.

FORBES & MULLIN, Plaintiff's Solicitor.

EQUITY SALE.

THERE will be sold at Public Auction, on Thursday the thirtieth day of April next, at eleven of the clock in the forenoon, at or in front of Dysart's Hotel, Cocagne, in the Parish of Dundas, in the County of Kent, and Province of New Brunswick, pursuant to the directions of a Decretal Order of the Supreme Court in Equity, made on Tuesday the twenty fifth day of November, A. D. 1884, in a certain cause therein pending, wherein Edward J. Smith, Stella M. Kaye, J. Sidney Kaye her husband, Ida R. M. DesBrisay, Lestock DesBrisay her husband, Helen A. Scovil, Cordelia A. S. Scovil, Gertrude C. Scovil, Elizabeth L. Scovil, Permella C. Thurgar, J. Venner Thurgar, her husband, R. Bruce Scovil and Richard C. Scovil, and the said Richard C. Scovil and Chipman W. Smith, surviving Executors of the last Will and Testament of Thomas E. Smith, deceased, Plaintiffs; and John James Sherwood, David H. Sherwood, Stephen H. F. Sherwood, Matilda Jane Osborne, Samuel Osborne her husband, Hannah Sherwood, Edward Sherwood her husband, Margaret L. Spencer and Albert Spencer her husband, Defendants, with the approbation of the undersigned Barrister, the mortgaged Premises described in the Plaintiff's Bill in said cause, and in the said Decretal Order as—

"Those two pieces or parcels of Land lying and being up the Big Buctouche River, known as lots forty four (44) and sixty three (63), in Middle Township; said pieces bounded as follows: On the west by lands applied by John James Sherwood, on the east by lands granted to James M'Phelim, on the north by lands granted to Morton, and on the south by lands occupied by Coats, two lots adjoining each other, and containing in the whole one hundred and seventy acres, be the same more or less, being all the lands granted to David Sherwood in the County of Kent aforesaid; together with all and singular the buildings and improvements, privileges and appurtenances to the said premises belonging.

For terms and other particulars apply to William J. Gilbert, Plaintiffs' Solicitor, at Shediac, N. B.

Dated this thirtieth day of December, A. D. 1884.

JAMES M. KNIGHT, Barrister.