

IN THE SUPREME COURT IN EQUITY.

Before His Honor the Judge in Equity.

Monday, November 2nd, 1885.

Between Sarah M. Smith, Edward J. Smith, and Henry R. Emmerson, Executrix and Executors and Trustees under the last Will and Testament of Sir Albert J. Smith, deceased, and John W. Y. Smith, an Infant, by Sarah M. Smith his next friend, Plaintiffs; and
Julie Legere, Porie Legere, Thomas Legere, Delphine Legere, Melica Legere, Felicite Legere, and Beatrice Legere, Defendants.

UPON Motion made this day unto this Court by Mr. Chandler, being of Counsel with the Plaintiffs in this suit, and upon hearing read the Summons in this suit, and the affidavit of the service thereof, and the affidavit of W. H. Chapman, whereby it appears that certain of the above named defendants, namely, Porie Legere, Thomas Legere, Melica Legere, Felicite Legere, and Beatrice Legere, are infants: It is ordered, that unless the said infant defendants do respectively cause an appearance to be entered for them in this suit within twenty days from the date of this Order, that the plaintiffs shall be at liberty to prove their case against the said infant defendants by affidavit.

By the Court.

T. CARLETON ALLEN, Clerk in Equity.

W. H. CHAPMAN, Plaintiff's Solicitor.

W. J. RITCHIE,
Deputy Governor.

[L.S.] CANADA.

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

To all to whom these presents shall come, or whom the same may in anywise concern,—GREETING:

A PROCLAMATION.

GEO. W. BURBIDGE, } WHEREAS in pursuance of the Deputy of the Minister of } provisions of the Canada Justice, Canada. } Temperance Act of 1878, the following notice has been addressed to the Secretary of State for Canada, embodying the Petition therein set forth:

"To the Honorable the Secretary of State for Canada,—

"Sir,—We, the undersigned, electors of the City of Fredericton, in the Province of New Brunswick, request you to take notice, that we propose presenting the following petition to His Excellency the Governor General, viz:

"To His Excellency the Governor General of Canada in Council,—

"The petition of the electors of the City of Fredericton, in the Province of New Brunswick, qualified and competent to vote at the election of a Member of the House of Commons, in the said City;

"Respectfully sheweth,—

"That in the year eighteen hundred and seventy eight, and after the passing of 'The Canada Temperance Act, 1878,' a petition to His Excellency the Governor General of Canada in Council was embodied in a notice in writing addressed to the Secretary of State of Canada, duly signed by the electors of the City of Fredericton and duly forwarded and presented, praying that His Excellency would be pleased, by an Order in Council under the ninety-sixth Section of the said Act, to declare that the second part of the said Act should be in force and take effect in the said City, and desiring that the votes of all the electors of the said City, be taken for and against the adoption of the said petition; that such proceedings were thereupon had that such petition was adopted by the electors of the said City; and thereupon His Excellency the Governor General, by Order in Council, bearing date the third day of January, in the year eighteen hundred and seventy nine, made in due form of law and published in the *Canada Gazette*, declared that the second part of the said Act should be in force and take effect in such City, upon, from and after the day on which the annual or semi-annual licenses for the sale of spirituous liquors then at the date of such Order in Council in force in the said City would expire, provided such day be not less than ninety days from the day of the date of the said Order in Council, and if it were less, then on the like day in the following year;

"That the annual licenses for the sale of spirituous liquors then at the date of the said Order in Council in force in the said City expired on the first day of May, in the year eighteen hundred and seventy nine;

"That the second part of the said Act came into force and took effect in the said City upon the first day of May aforesaid, and has been in force in the said City ever since;

"That another petition to His Excellency the Governor General of Canada in Council was embodied in another notice in writing, addressed to the Secretary of State of Canada, dated the third day of July, in the year eighteen hundred and eighty two, duly signed by the electors of the City of Fredericton, and also duly forwarded and presented, praying that His Excellency would be pleased by an Order in Council to declare the said Order in Council bearing date the third day of January, eighteen hundred and seventy nine revoked, and desiring that the votes of all the electors of the said City be taken for and

"against the adoption of the said last mentioned petition; and such proceedings were had upon the said last mentioned petition, that pursuant to a proclamation duly issued, a vote of the electors of the said City was duly taken for and against the said last mentioned petition pursuant to the provisions of the Canada Temperance Act, 1878, on the twenty sixth day of October, in the year eighteen hundred and eighty two, and a majority of all the votes then polled was against the adoption of the said last mentioned petition;

"That your petitioners are desirous that the said Order in Council of the third day of January, in the year eighteen hundred and seventy nine should be revoked;

"Therefore your petitioners humbly pray that Your Excellency will be pleased by an Order in Council to declare the said Order in Council bearing date the third day of January, eighteen hundred and seventy nine revoked, and your petitioners will ever pray, &c.

"And that we desire that the votes of all the electors of the said City be taken for and against the adoption of this our said petition.

"Fredericton, 1885."

And whereas it appears by evidence to the satisfaction of the Governor General in Council that such notice has appended to it the genuine signatures of one fourth or more of all the electors of the said City of Fredericton, in the Province of New Brunswick, the number of the signatures to the notice proved to be genuine being two hundred and forty six, and that the other requirements of the Act have been observed;

And whereas an Order of the Governor General in Council has been passed, directing that the votes of all the electors of the said City of Fredericton be taken for and against the adoption of the said petition,—

Now Know YE, that We do hereby, and by virtue of the authority vested in Us by the said Act and Order in Council, proclaim and declare, that on Thursday the twelfth day of November next, a poll will be held in the said City of Fredericton, for taking the votes of the electors for and against the said petition. That such votes will be taken between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day and by ballot. That Alexander A. Sterling, Esquire, Sheriff of the County of York, has been appointed Returning Officer for the purpose of taking on that day the votes of the electors for and against the petition, and of afterwards summing up the same and making a return of the result to the Governor General in Council. That the said Returning Officer is empowered and required to appoint a Deputy Returning Officer at and for each polling place or station. That the Returning Officer will appoint persons to attend at the various polling stations and at the final summing up of votes, on behalf of the persons interested in and promoting or opposing, respectively, the adoption of the petition, at his Office at the said City of Fredericton, on Monday the ninth day of November next, at ten of the clock in the forenoon.

That the votes of the electors will be summed up and the result of the polling declared by the Returning Officer at his Office at the said City of Fredericton, at twelve o'clock, noon, on Saturday the fourteenth day of November next. And in the event of the petition being adopted by the electors, the Governor General in Council may, at any time after the expiration of sixty days from the day on which the same was adopted, and after the expiration of three years from the said twenty sixth day of October, one thousand eight hundred and eighty two (the day upon which the vote was taken upon the said petition dated the third day of July, one thousand eight hundred and eighty two, for the revocation of the said Order in Council of the third day of January, one thousand eight hundred and seventy nine), by Order in Council published in the *Canada Gazette*, revoke the said Order in Council of the third day of January, one thousand eight hundred and seventy nine, by which the second part of the Canada Temperance Act, 1878, was brought into force in the said City of Fredericton, as therein mentioned.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed. WITNESS, the Honorable Sir WILLIAM JOHNSTON RITCHIE, Knight, Deputy of Our Right Trusty and Entirely Beloved Cousin, the Most Honorable Sir HENRY CHARLES KEITH PETTY-FITZMAURICE, Marquis of Lansdowne, in the County of Somerset, Earl of Wycombe, of Chipping Wycombe, in the County of Bucks, Vicount Calne and Calnstone, in the County of Wilts, and Lord Wycombe, Baron of Chipping Wycombe, in the County of Bucks, in the Peerage of Great Britain; Earl of Kerry and Earl of Shelburn, Viscount Clanmaurice and Fitzmaurice, Baron of Kerry, Lixnaw and Dunkerron, in the Peerage of Ireland; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Governor General of Canada, and Vice Admiral of the same.

At Our Government House, in Our CITY of OTTAWA, this twenty ninth day of September, in the year of Our Lord one thousand eight hundred and eighty five, and in the forty ninth year of Our Reign.

By Command.

HECTOR L. LANGEVIN,
Acting Secretary of State.