

DOMINION OF CANADA—PROVINCE OF NEW BRUNSWICK.
IN THE SUPREME COURT IN EQUITY.

Between Annie Ellis, Plaintiff;
and

John Bain, Mary Olivia Bain, Mary Barton, Thomas Barton, Janet Reid, Thomas Reid, William George Verner, Isabella Verner, William Manette, Alfred E. Lair, Bertie A. Lair, The Trustees of School District No. 1, in the Parish of Saint Martins, in the County of the City and County of Saint John, The Canada Permanent and Western Canada Mortgage Corporation, Elizabeth Bain and William Ellis, Defendants.

WHEREAS it has been made to appear to me, the undersigned, one of the Judges of the Supreme Court, by affidavit, that John Bain, Farmer, departed this life on or about the fourteenth day of February, A. D. 1853, at the Parish of Saint Martins, intestate, and that at the time of his death he was seized or possessed in fee simple of all that tract of land granted by the Crown to him the said John Bain, under and by grant numbered 1927 on the twenty-seventh day of December, 1825, and described therein as "A tract of land in the Parish of Saint Martins and County of Saint John, bounded as follows, to-wit: Beginning at the northeast angle of land granted to Stephen Howard in the second tier south of the road leading from Loch Lomond to Quaco, thence by magnet south one degree west sixty chains of four poles each, thence north eighty-nine degrees west thirty-five chains, thence south one degree west thirty-five chains to Philip Mosher's north line, thence along the same and its prolongation south eighty-nine degrees east forty-five chains to land granted to Patrick Kennedy, thence north one degree east eighty-five chains to the rear of the Quaco Road lots, and thence north forty-five degrees west fourteen chains to the place of beginning, containing two hundred acres more or less, with an allowance of ten per cent. for roads and waste being wilderness land, and particularly described on the annexed plan."

Saving and excepting thereout a parcel of land conveyed by the said John Bain in his life time to Madras School Trustees, by Deed dated the eighteenth day of March, A. D. 1843, and recorded in the office of the Registrar of Deeds in and for the City and County of Saint John, in Book M, No. 3 of Records, pages 279 and following, and described as "A tract of land situate, lying and being on the road leading from the Quaco Road to Tynemouth Creek, and more particularly described as follows, viz.: To commence at the junction of the said road with the road leading from Nathaniel Floyd's to Quaco, thence running four poles along the road leading from Nathaniel Floyd's to the Tynemouth Creek Road before mentioned, thence running two poles in the direction of the Meeting House recently erected to the rear of the School House, thence four poles until it meets the Tynemouth Road, thence two poles to the place of beginning."

And also saving and excepting thereout a certain other parcel of land conveyed by the said John Bain in his lifetime and Hannah S. his wife to John Brown, James Brown, Jr., John Patterson, William Boyne, John Smith, George Smith, Daniel Smith, John Parker, Richard Lovett, Samuel Brown, Hugh Bell, John Porter, William Floyd, James Floyd, Sr., and James Floyd, Jr., by deed, dated the first day of October, A. D. 1857 and recorded in the office of the Registrar of Deeds in and for the City and County of Saint John in Book K Number 4 of Records, pages 153 and following, and described as—"The following parcel of land, namely, from the boundary of the School House Lot and running seven rods along the Ten Mile Creek Road, from thence at right angles twelve rods, from thence at right angles seven rods, and from thence at right angles twelve rods the place of beginning, and the whole area contained between these boundaries being eighty-four square rods more or less," and that the said John Bain, deceased, left him surviving the following heirs, namely: Annie Ellis, the plaintiff in this suit, a daughter, John Bain, one of the defendants in this suit, a son, Mary Barton and Janet Reid two of the defendants herein, daughters, and Edward Bain, now deceased, a son, whose widow, Elizabeth Bain, is joined herein as defendant, and that the said Mary Barton and Thomas Barton her husband are necessary persons to this suit.

And whereas it has been made to appear to me by said affidavit to my satisfaction that Mary Barton and Thomas Barton, two of the above named defendants, do not reside within the Province so that they cannot be served with a summons, and that their place of residence cannot be ascertained, and that the plaintiff has good prima facie grounds for filing a bill against the above named defendants: I do therefore hereby order that the said defendants, Mary Barton and Thomas Barton, on or before the eighteenth day of November next, enter an appearance in this suit, if they intend to defend the same, wherein a bill will be filed against the above named defendants at the suit of the above named plaintiff, for the partition and division between the plaintiff and those of the defendants thereto entitled of the lot of land hereinbefore described, saving the exceptions hereinbefore described, or in the alternative, for the sale of all said lot of land and premises hereinbefore described, saving the said exceptions and that the proceeds of said sale be divided amongst the plaintiffs and those of the defendants entitled thereto according to their several shares, proportions and amounts to which they may be entitled, and unless an appearance is so entered the bill may be taken pro confesso and a Decree made.

Let this Order be published in the Royal Gazette and in The Saint John Weekly Telegraph.

Dated this twenty-ninth day of August, A. D. 1903.

(Sgd) E. McLEOD, J. S. C.

H. A. McKeown, Plaintiff's Attorney.

This Order is granted on the application of Harrison A. McKeown of Fugley's Building, Princess Street, in the City of Saint John, in said Province, the Plaintiff's Solicitor in the said case.

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(Sgd) E. McLEOD, J. S. C.

IN THE SUPREME COURT IN EQUITY.

Before His Honor Mr. JUSTICE BARKER, Judge in Equity.

Between Charles H. L. Johnston and Julia A. Johnston his wife, Plaintiffs;
and

J. Douglas Hazen, Administrator of all and singular the goods and chattels, rights and credits which were of Margaret A. Hazen, deceased, at the time of her death, David H. Anderson, George M. Anderson, Sarah H. Latta, Margaret T. O'Brien, Violet C. Wiggins, Nellie Anderson, Ella Anderson and Margaret Woodford, Defendants.

ON MOTION of Mr. J. Roy Campbell, of Counsel on behalf of the above-named plaintiffs, and it being duly proved by affidavit that Violet C. Wiggins, one of the above-named defendants, was personally served with a writ of summons in this suit on the sixteenth day of July, A. D. 1903; that the said Violet C. Wiggins is an infant, and that she has not appeared in this suit, and that the time limited for an appearance has expired: It is hereby ordered, that unless the said infant defendant, Violet C. Wiggins, do cause an appearance to be entered for her in this suit within twenty days from the date hereof, that the said plaintiffs shall be at liberty to prove their case against the said infant defendant by affidavit.

Dated this first day of September, A. D. 1903.

By the Court.

T. CARLETON ALLEN,

Clerk in Equity.

EARLE, BELYEA & CAMPBELL, Plaintiffs' Solicitors

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COLLECTOR'S NOTICE.

THE UNDERMENTIONED non-resident ratepayers of District No. 3, Parish of Johnston, Queen's County, are hereby requested to pay their Road, Poor and County Taxes, as set opposite their names, for the years 1900, 1901, 1902 and 1903, respectively, together with the cost of advertising, to the undersigned Collector of Taxes, within two months from date hereof, otherwise legal proceedings will be taken to recover the same:—

	1900.	1901.	1902.	1903.
Coggar, Patrick.....	...	...	\$1 02	\$1 11
Dunlop, James.....	\$1 64	\$1 02	1 02	
Graves, Charles.....	1 46	1 28	1 28	
Jenner, Mrs. Sarah.....	1 28	1 03	1 03	1 41
Johnston, John W.....	1 48	0 89	0 89	
Joins, Joseph.....	...	...	1 02	1 11
Lemmon, Andrew.....	...	...	0 76	0 11
Nelson, John B.....	1 46	0 89	0 89	0 96
Nelson, Thomas W.....	1 64	1 02	1 02	1 11
Perry, Alward, (Est.).....	...	...	1 02	1 11
Perry, Capt. Geo. H.....	...	...	0 76	0 81
Thorne, Jacob.....	...	0 89	1 28	1 41
Thorne, Elias.....	...	...	1 28	1 41
Wetherall, James.....	0 98	0 89	0 89	

T. E. A. PEARSON, Collector.

9ins

Highfield, N. B., August 31st, 1903.

Estate of Joshua Limerick.

NOTICE IS HEREBY GIVEN, That Joshua Limerick, of the City of Fredericton, in the County of York and Province of New Brunswick, Carpenter and Builder, made, on the twentieth day of August instant, an assignment to the undersigned, Sheriff of York County, of all his estate, property and effects for the benefit of his creditors, without preference, under the provisions of 58th Victoria, Chapter 6, and amending Acts, of the Province of New Brunswick; and that a meeting of the creditors of the said Joshua Limerick will be held at my office in the City of Fredericton on

SATURDAY the fifth day of SEPTEMBER next,

at 10 o'clock, a. m., for the appointment of Inspectors and giving directions with reference to the disposal of the said Estate.

All creditors are required to file their claims, duly proven, with the Assignee, within three months of the date of this notice, unless further time be allowed by a Judge of the Supreme or County Court; and that all claims not filed within the time limited, or such further time, if any, as may be allowed by any such Judge, shall be wholly barred of any right to share in the proceeds of the Estate; and the Assignee shall be at liberty to distribute the proceeds of the Estate as if no such claim existed, but without prejudice to the liability of the debtor therefor.

Dated at Fredericton, in the County of York, this twenty-fifth day of August, A. D. 1903.

A. A. STERLING,

Sheriff of the County of York,

Assignee.

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COLLECTOR'S NOTICE.

THE UNDERMENTIONED non-resident ratepayers of the Parish of Accadieville, in the County of Kent, are hereby requested to pay to the undersigned Collector of Rates, the amounts as set opposite their names respectively, together with the cost of advertising, within two months from the date hereof, otherwise the real estate will be sold or other proceedings taken to recover the same:—

	1901.	1902.	1903.
Alexander Gallant.....	\$1 29	\$1 07	\$1 36
John M. Smith.....	...	1 07	1 36

Accadieville, Kent Co., N. B., August 26th, 1903.

MAURICE ARSENEAULT,

Collector.

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