

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. 1858, 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. 1848, 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 hereinbefore described 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 Pugsley's Building, Princess Street, in the City of Saint John, in said Province, the Plaintiff's Solicitor in the said case.

12ins

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

PROBATE COURT OF WESTMORLAND COUNTY.

[L.S.] To the Sheriff of the County of Westmorland, or any Copy. Constable within the said County,—GREETING:

WHEREAS, James Buck, of Dorchester, in the County of Westmorland, Farmer, Executor of the last Will and Testament of William Yates, late of Dorchester aforesaid, in said County Farmer, deceased, has prayed that the account filed in this Court by the said James Buck, of the administration by him of the estate of said deceased may be passed and allowed:

You are therefore required to cite the said James Buck as such Executor, and all others interested in the estate of said deceased to appear before me at a Court of Probate to be held in and for the said County, in the office of the Registrar of Probates of said County, at Dorchester aforesaid, on the twenty-fourth day of NOVEMBER next, at the hour of eleven o'clock in the forenoon, to attend the passing of said account, or to shew cause why said account should not be passed and allowed and why an order of distribution should not be made as prayed for.

Given under my hand and the Seal of the said Court, the eleventh day of August, A. D. 1903.

Signed F. W. EMMERSON,

Judge of Probate, County of Westmorland.

Signed CHAS. E. KNAPP,
Registrar of Probates, County of Westmorland.

14ins

COLLECTOR'S NOTICE.

THE UNDERMENTIONED non-resident ratepayers of the Parish of Northfield, are hereby required to pay to the undersigned Collector of Rates, the amounts 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.	
	Poor Rates.	Road Tax.	Poor Rates.	Road Tax.	Poor Rates.	Road Tax.
Beckwith, Chas.	\$0 57	\$0 50	\$0 69	\$0 50	\$0 88	\$0 50
Beckwith, Harry	0 57	0 50	0 69	0 50	0 88	0 50
Beckwith, Adolphus	0 57	0 50	0 69	0 50	0 88	0 50
Brown, James Est.	0 57	0 50	0 69	0 50	0 88	0 50
Collin, Dennis	0 79	...	0 98	...	1 25	...
Curry, James Est.	0 57	0 50	0 69	0 50	0 88	0 50
Dunn, Wm. B.	0 95	0 50	...	...	1 77	0 50
Gleason, Patrick Est.	0 57	0 50	0 69	0 50	0 88	0 50
Gregory, Albert J.	...	...	0 69	0 50	0 88	0 50
Geary, Daniel	0 57	0 50	0 69	0 50	0 88	0 50
McDonald, Robt. Est.	2 28	0 50	2 76	0 50	3 54	0 50
McMann, Robt. Est.	0 57	0 50	0 69	0 50	0 88	0 50
McKey, F. S.	0 57	0 50	0 69	0 50	0 88	0 50
Parks, Joseph Est.	0 57	0 50	0 69	0 50	0 88	0 50
Randolph, A. F.	...	...	0 69	0 50	...	...
Speedy, James	...	...	0 69	0 50	0 88	0 50
Stewart, John Est.	0 57	0 50	0 69	0 50	0 88	0 50
Tracey, Francis	1 52	0 50	1 84	0 50	...	...
Wholly, Patrick	0 57	0 50	0 69	0 50	0 88	0 50
Purdy, J. D.	...	...	...	...	1 18	0 50
McKenzie, Peter Est.	0 95	0 50	1 15	0 50	1 47	0 50

SCHOOL TAX.

	1896.	1897.	1898.	1899.	1900.	1901.	1902
Beckwith, Harry,	\$0 57	\$0 72	\$0 60	\$3 41
Beckwith, Chas.	0 72	0 60	3 41
Beckwith, Adolphus	...	\$1 05	\$1 28	0 57	0 72	0 60	3 41
Beckwith, John A. Est.	...	1 05	1 28	0 57	0 72	0 60	3 41
Brown, James Est.	\$1 20	1 05	1 28	0 57	0 72	0 60	3 41
Dunn, William B.	4 50
Gleason, Patrick Est.	0 60	3 41

DUNCAN E. BETTS,

Collector of Rates.

Dated Northfield, Sunbury Co., 16th Sept. 1903.

9ins

CITATION.

IN THE PROBATE COURT OF KING'S COUNTY.

[L.S.] To the Sheriff of the County of King's, or any Constable within the said County of King's,—GREETING:

WHEREAS George B. Jones, Administrator of the Estate of Thomas O'Brien, late of the Parish of Studholm, in the County of King's, deceased, hath prayed that all parties interested in said Estate may appear and shew cause why a License should not be granted to him to sell the Real Estate of which the said Thomas O'Brien died seized or possessed, for the payment of the debts owing by the said deceased.

You are therefore required to cite the heirs, next of kin and all others interested, to appear before me at a Court of Probate to be held at the Court House in Hampton, within and for the said County of King's, on THURSDAY the twenty-first day of JANUARY next, at half-past two o'clock in the afternoon, to shew cause why License should not be granted to the said Administrator to sell the real property of which the said deceased died seized or possessed for the payment of his debts.

Given under my hand and the Seal of the said Court this first day of October, A. D. 1903.

(Sgd) GEO. G. GILBERT,

Judge of Probate.

(Sgd) ROBERT MORISON, Registrar of Probates.

H. H. PARLEE, Proctor for Petitioner.

15ins.