

### In the Supreme Court in Equity.

Between Henry R. Emmerson, Executor and Trustee under the last Will and Testament of Thomas Keillor, deceased, Plaintiff; and

A. Clarke Brownell, William Brownell, James Brownell, Margaret Russell, Elizabeth McLellan, Sarah Wood, Matthew L. Wood, Martha Thompson, Whitman Thompson, Jeremiah Brownell, Annie McMillan, Hugh McMillan, Albert Brownell, Chauncey Brownell, Percy Brownell, Maud Miller, John M. Miller, Lyda Brownell, Lulu Brownell, Nellie Brownell, Francis Brownell, Joseph A. McQueen, Alice E. Allen, and Charles A. McQueen, individually and as Administrator of the personal estate and effects which were of Angus McQueen, deceased, Defendants.

WHEREAS it has been made to appear to the satisfaction of me, the undersigned, one of the Judges of the Supreme Court, that the above defendants, William Brownell, James Brownell, Jeremiah Brownell, and Albert Brownell, do not reside within the Province so that they cannot be served with a Summons, and that their respective places of residence cannot be ascertained by the plaintiff, and that the above plaintiff has good prima facie grounds for filing a Bill against the above named defendants, and that the said defendants are necessary parties to this suit by reason of being next of kin of David Brownell, deceased, who was the owner of and intitled unto the Equity of Redemption in the mortgaged lands and premises hereinafter mentioned, and who died intestate, without issue, and without having conveyed or in any way disposed of his Equity of Redemption in the said lands and premises.

I do hereby order, that the said defendants, on or before the twentieth day of June next, do enter an appearance in this suit (if they intend to defend the same), wherein a Bill will be filed against the above named defendants by the above named plaintiff, for the foreclosure of the Equity of Redemption in and the sale of certain lands and premises situate in the Parish of Westmorland, in the County of Westmorland, mentioned, described and conveyed in a certain Indenture of Mortgage bearing date the fifteenth day of September, A. D. 1879, made between David Brownell, of the said Parish of Westmorland, Farmer, since deceased, of the one part, and Angus McQueen, of the same place, Merchant, since deceased, of the other part, duly registered in the office of the Registrar of Deeds in and for the County of Westmorland, in Libro B. 4. of Records for the said County, at page 1, by the No. 39,567, on the fifteenth day of September, A. D. 1879, which said Indenture of Mortgage was afterwards duly assigned and transferred by the said Angus McQueen, since

deceased, unto Mary Jane Keillor (since deceased) and the said Henry R. Emmerson, Executrix and Executor under the last Will and Testament of Thomas Keillor, deceased, by Indenture of Assignment bearing date the 31st day of July, A. D. 1891, duly registered in the office of the said Registrar of Deeds in Libro U. 5, of the said Records at page 614, by the No 58441, on the fifth day of August, A. D. 1891, default having been made in the payment of the principal moneys and interest secured by the said Indenture of Mortgage.

And unless such an appearance is so entered the Bill may be taken pro confesso and a decree made.

Dated the ninth day of April, A. D. 1902.

D. L. HANINGTON, J. S. C. in Equity.

This order is granted on the application of James Friel, of Dorchester, in the County of Westmorland and Province of New Brunswick, Barrister-at-Law, Plaintiff's Solicitor in this suit and is indorsed to claim \$1000.00 as principal on the above mentioned mortgage and \$243.00 for interest thereon from the 27th day of September A. D. 1898 to the date of the Summons in this suit.

D. L. HANINGTON, J. S. C. in Equity.

JAS. FRIEL, Plaintiff's Solicitor.

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