

CAP. 36

AN ACT IN ADDITION TO AND IN FURTHER AMENDMENT OF "THE PROBATE COURTS ACT."

Passed 6th April, 1911.

Be it enacted by the Lieutenant-Governor and Legislative Assembly, as follows:

1. When, on the passing of the accounts of an Executor, Administrator, Trustee or Guardian, a sum of money is found by the Judge to be due, by such Executor, Administrator, Trustee or Guardian, to a certain person or persons, or his or their representatives, and it shall appear to such Judge, that by reason of the address of such person or persons or representatives being unknown to such Executor, Administrator, Trustee or Guardian, or for other reason it is impossible to make such payment, or in case a sum of money is found by the Judge to be due by such Executor, Administrator, Trustee or Guardian, and it is also found by the Judge that there are bona fide doubts which cannot be immediately determined as to the person or persons to whom such sum of money should of right be paid, or, in case a sum of money is found by the Judge to be due to an infant, and there is no Guardian or other person qualified to receive such sum, or where a sum of money is, under the terms of a will, payable to a person on his attaining the age of twenty-one years, such person then being an infant, or in case a sum of money is found to be due by the Judge to a person of unsound mind, for whose estate a Committee has not been appointed, or in case a sum of money is ordered by the Judge to be paid to a person and such person declines to accept the same, the Judge in any and either of such cases, may order or decree such sum to be paid to the Receiver General of the Province forthwith, who shall give a receipt therefor, and forward a copy thereof to the Registrar, to be filed by him, and the Registrar shall make a note thereof in his records; and thereupon the liability of the Executor, Administrator, Trustee or Guardian therefor shall cease.

2. The Receiver General shall keep a separate account of the moneys paid into the credit of each estate or infant, and shall allow upon all such moneys as remain on deposit with him more than six months, interest at the rate of three per cent. per annum, from the time when such moneys have been paid to him under the provisions of this Act, and shall hold the moneys of such account, subject to the order of the Court, and no moneys so received by him shall be paid out, except by the order of the Judge, countersigned by the registrar.

3. The Judge, at any time, upon application of any party claiming to be entitled to a portion or the whole of such moneys so paid to the Receiver General, as herein provided, may issue a citation to be served as he shall direct upon the parties he deems interested, to show cause why the money should not be paid to the applicant.

Upon return of the citation, the Judge shall receive such evidence as may be produced before him, and hear the parties and make such order as he deems just. Should an order be made for the payment of the whole, or a portion of such money, such order shall be countersigned by the Registrar, and on receipt of such order by the Receiver General the money or moneys so ordered to be paid, shall be paid by him to the party or parties named in such order.

The costs of the application for such payment, as well as the costs of parties appearing entitled to costs, may be ordered by the Judge to be paid out of the money to the credit of such estate.

2. Section 37 of Chapter 118 of the Consolidated Statutes, 1903, is hereby amended, by striking out the fourth line thereof on page 1345, and the succeeding portion of such section, and by inserting in lieu thereof the following:

"Where the Judge is satisfied, by affidavit, that it is impossible to ascertain the address of any party, he may order that service shall be made upon such party in lieu of personal service, by publication in the Royal Gazette, at least once a week for three months before the return of such citation, and should he think it desirable, in such additional newspaper and for such period as he shall direct. The citation shall be served personally in all cases when the Judge so directs."

3. Sub-section (1) of Section 76 of Chapter 118 of the Consolidated Statutes, 1903, is hereby amended, by adding after the word "Trustee," in the second line thereof, the words "or Guardian." And such Section is further amended, by adding a sub-section at the end of Sub-section (h) as follows:

"(i) or where a sole Trustee or Guardian dies."

And by adding Sub-sections at the end of Sub-section (V) as follows:

"(VI) In the case of a Guardian, remove him and appoint in his stead a new Guardian."

"(VII) In the case of the death of a sole Trustee or Guardian, may appoint a new Trustee or Guardian in the place of such deceased Trustee or Guardian."

4. The title to Section 78, and Sections 78 and 79 are hereby amended, by striking out the word "attachment" so often as it appears therein, and substituting the word "commitment" in its stead.

MORTGAGE SALE.

JOHN W. SEARS and Lauretta his wife, mortgagors; the Honorable Josiah Wood, holder of mortgage. Freehold in the Parish of Sackville, Westmorland County. Notice of sale given by the above holder of mortgage. Sale on the Twenty-Ninth day of June, A. D., 1911. See advertisement in the Semi-weekly Post, published in the town of Sackville.

POWELL BENNETT & TRITES,

Sackville, N. B.,
Solicitors for Mortgagees.

2 in.

NOTICE.

NOTICE is hereby given, that application will be made by the applicants hereinafter named, to the Honourable the Lieutenant-Governor-in-Council for a grant of Letters Patent under the Great Seal of the Province of New Brunswick, under the provisions of the New Brunswick Joint Stock Companies' Act and the Acts in amendment thereof, incorporating and constituting the applicants and such other persons as may become shareholders in the proposed Company, a body corporate and politic under the name and for the purposes hereinafter mentioned.

1. The proposed Corporate name of the Company is "Canadian Realty Company, Limited."

2. The objects for which the incorporation is sought are as follows:

(a) To carry on the business of buying, selling and dealing in real estate in the Province of New Brunswick, and to do all things necessary or incidental to the carrying on of such business.

(b) To purchase and acquire by deed, lease, grant or otherwise, lands, tenements and hereditaments and interests therein, and any rights and easements in respect thereto in the Province of New Brunswick, for the purposes of the business and operations of the Company, and to mortgage, lease, sell, convey alienate and otherwise deal with the same.

(c) To purchase and acquire by deed, lease, grant or otherwise, lands, water rights and water powers and any rights and easements in respect thereto for the purposes of the business and operations of the Company.

(d) To apply for, purchase, acquire, hold, use, occupy and possess, licenses to search, prospecting licenses, rights to work mining licenses, mining leases, minerals, mining and other rights and interests, including mining licenses, leases and rights already issued under any Act of Assembly of the Province of New Brunswick, and to carry on the business of mining and operating mines, and the acquisition, development, work, purchase and sale of mining rights, leases, areas, lands and premises and licenses, rights and privileges in the Province of New Brunswick.

(e) To sell and dispose of the whole or any part of the property, assets or undertakings of the Company to any other company or person.

(f) To acquire by original subscription or otherwise to purchase, hold, sell or otherwise dispose of the shares, stock, debentures, bonds or other obligations of any other company carrying on or authorized to carry on any business or undertaking within the objects of the proposed Company, or with like objects.

To construct, purchase, acquire, maintain and operate any plant, buildings, works, factories, mills and other undertakings for the purposes of the Company or incidental to its operations or connected therewith or necessary or expedient for any of the purposes of the Company, and from time to time to mortgage, lease, sell, convey and otherwise deal with the same or any part of the same.

(g) To do all and everything necessary, suitable, convenient or incidental to the carrying on of the business of the Company, or the accomplishment of any of the purposes or objects herein enumerated or incidental thereto, or which shall at any time appear expedient for the business or operations of the Company.

3. The Head Office or chief place of business of the Company is to be at the City of Moncton, in the County of Westmorland, in the Province of New Brunswick.

4. The amount of the capital stock of the Company is to be five thousand dollars, divided into two hundred shares of the par value of twenty-five dollars each.

5. The name in full, address and calling of each of the applicants is as follows:

William H. Irvine, of the City of Centralia, in the state of Illinois, United States, Real Estate Dealer.

Martin L. Myers, of Centralia aforesaid, Real Estate Dealer.

William R. Chandler, of the City of Moncton, in the County of Westmorland and Province of New Brunswick, Canada, Solicitor.

Austin A. Allen, of the City of Moncton aforesaid, Solicitor.

Alexander Amos, of the Parish of Moncton, in the County of Westmorland, Clerk.

The said William H. Irvine, Martin L. Myers and William R. Chandler are to be the first or provisional directors of the Company.

Dated the 19th day of April, 1911.

2 in.

CAP. 48

AN ACT TO AMEND THE "HIGHWAY ACT, 1908."

Passed 13th April, 1911.

Be it enacted by the Lieutenant-Governor and Legislative Assembly, as follows:

1. The "Highway Act, 1908," as amended by Chapter 44 of the Acts of the Legislative Assembly, 9 Edward VII., is hereby amended, as follows:

Strike out the words "out of the road tax fund in their hands," in the sixth line of Sub-section (3) of Section 14, and substitute therefor the following: "out of any fund in their hands."

2. All payments heretofore made by any Highway Board to Assessors for the services mentioned in said Sub-section (3) out of any fund in their hands are hereby confirmed.

3. Sub-section 1 of Section 4 of the "Highway Act, 1908," as enacted by Section 1 of the Act, 9 Edward VII., Chapter 44, is hereby amended by striking out the words "the Lieutenant-Governor-in-Council" in the fourth line thereof, and inserting in lieu thereof the words "The Board of Public Works."