

## CAP. XLIII.

## An Act in Addition to and in Further Amendment of "The Probate Courts Act" and Amendments Thereto.

(Passed 20th March, 1913.)

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

1. Section 37 of "The Probate Courts Act," Chapter 118 of The Consolidated Statutes, 1903, is hereby amended by adding the following sub-sections:

(a) If after the issue of a citation, and before the hearing on the return of such citation is concluded, it shall appear to the Judge that some person who has not been cited or served personally, should have been, or should be cited, or served personally, or if any error has been made in the ordering of the publication of a citation, or if any error has been made in the publication of a citation, the Judge may direct that such person be cited or served personally, and may, if necessary, enlarge such citation, and thereupon fix a day to which the return of such citation will be adjourned, and may amend his order, providing that such person shall be served or cited for the day to which the same is to be adjourned, or may be adjourned, or may amend his order for the publication of such citation, making the same returnable on the original return day, or may amend his order for the publication of such citation, making the same returnable on a day on which the same is to be, or may be, adjourned.

(b) In any case upon an application for administration, administration cum testamento annexo, administration de bonis non, or other limited administration, personal service of the citation upon any of the parties interested, whether domiciled within or without the Province, shall not be necessary unless ordered by the Judge.

2. Section 58 of "The Probate Courts Act" is hereby amended by adding the following sub-section:

(a) Sections 51 to 53 inclusive of this Chapter shall apply to a guardian of an infant's estate, or of infants' estates, where such guardian has been appointed by the Court.

3. The first sentence of Schedule "A" of the said "The Probate Courts Act" is hereby amended by adding thereto the following words: "And an additional fee shall not be charged for the certificate of the proof of the Will, or the swearing in of the executor or administrator, or for the filing of the Will."

4. The paragraph of Schedule "A" of "The Probate Courts Act" relating to "Counsel Fee on Hearing" is hereby amended by inserting after the word "costs" in the second line, the following words: "A fee not to exceed in each of the following cases, namely:—"

5. Sub-section (c) of Section 1 of the Act 1 George V., Chapter 36, is hereby repealed, and the following enacted in place thereof:

(c) The Judge, at any time, upon application of any party claiming to be entitled to a portion of the whole of such moneys so paid to the Receiver General as herein provided, on taking such evidence as may satisfy him, may make the order hereinafter provided, or if he deems the justice of the case requires, 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 said 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.

6. Section 4 of the Act 9 Edward VII., Chapter 6, is hereby repealed.

7. The second and third paragraphs of Schedule "A" of "The Probate Courts Act," entitled "Judges' and Registrar's Fees," are hereby amended to read as follows:

"Where the probate value of the estate does not exceed \$250.00, such fee shall be \$1.50; where such probate value is over \$250.00 and does not exceed \$500.00, such fee shall be \$3.00; is over \$500.00 and does not exceed \$750.00, such fee shall be \$4.00; is over \$750.00, and does not exceed \$1,000.00, such fee shall be \$5.00."

The seventh paragraph of said Schedule "A," relating to value of estates over \$50,000, is hereby amended by striking out "50 cents" and inserting in lieu thereof "\$1.00."

The eleventh paragraph of said Schedule "A," relating to petition for appointment of guardian, is hereby amended by striking out "\$7.00" in the third line and inserting in lieu thereof "\$3.00," and by striking out "\$15.00" in the fourth line and inserting in lieu thereof "\$5.00."

**PUBLIC NOTICE IS HEREBY GIVEN,** that the persons hereinafter named will apply to His Honour the Lieutenant-Governor-in-Council for a grant of Letters Patent of Incorporation under the Great Seal of the Province of New Brunswick, under the provisions of "The New Brunswick Joint

Stock Companies' Act" and several 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 "The Moose Home Company, Limited."

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

(a) To purchase, lease or otherwise acquire and hold freehold and leasehold lands and premises; to purchase, hire, build and erect houses, dwellings and buildings for rental, occupation or sale with power to sell, rent, lease, mortgage, pledge and hypothecate or otherwise dispose of any or all of the same.

(b) To purchase, hire or otherwise acquire, for use in connection with the business of the Company any and all kinds of chattels and personal property suitable to and for the business of the Company.

(c) To borrow money for the needs of the Company and to mortgage, pledge or hypothecate any or all assets of the Company, real or personal, in security for loans made to the Company, and to sell, lease, mortgage, pledge or otherwise dispose of or encumber the undertaking of the Company or any part thereof, or any real and personal property or other assets of the Company in such manner and upon such consideration as the Company may deem desirable, including shares, debentures and other securities of any other corporation, and to distribute among its shareholders the cash, securities or other considerations so received.

(d) To acquire by original subscription or purchase, or otherwise, and to hold, sell, mortgage or otherwise dispose of shares and stock, whether common or preferred, or any debentures, debenture stock or other interest in or other obligations of any company having objects altogether or in part similar to the objects of this Company.

(e) To pay for any property, franchises, rights, business or things required by or useful to the Company, or for services rendered to the Company after its incorporation or previous thereto, in preparation for its incorporation and organization or otherwise, in bonds, debentures or other securities or assets of the Company, or by issue of fully paid-up and non-assessable shares of its capital stock.

(f) To take, purchase, acquire, hold and operate all such real estate, buildings, franchises, rights or privileges as may be deemed necessary for the proper carrying on of the business of the said Company.

(g) To amalgamate or enter into working arrangements with any other company or companies or with any person or persons for the sharing of profits, union of interest, co-operation, joint adventure, reciprocal concession or otherwise.

(h) To promote any company for the purpose of acquiring all or any of the undertakings, assets, rights or liabilities of the Company.

(i) To do all such other things as are incidental to or necessary for the purposes of the Company, and to carry on any other business which may seem to the Company capable of being carried on in connection with any of the objects aforesaid, or calculated directly or indirectly to render profitable or enhance any or all of the Company's property or rights to the same extent and as fully as natural persons might or could do, and as well without as within the Province of New Brunswick.

3. The Head Office of the Company is to be in the City of Saint John, in the Province of New Brunswick.

4. The amount of the capital stock of the proposed Company is twenty thousand dollars (\$20,000.00) divided into four thousand (4,000) shares of five dollars (\$5.00) each.

5. The names in full and addresses and callings of each of the applicants, of whom the first four shall be the first or provisional directors of the Company, are:

Rupert W. Wigmore, of the City of Saint John, in the Province of New Brunswick, City Commissioner.

John A. Barry, of the City of Saint John, in the Province of New Brunswick, Barrister-at-Law.

Herbert J. Smith, of the City of Saint John, in the Province of New Brunswick, Barrister-at-Law.

James L. McAvity, of the City of Saint John, in the Province of New Brunswick, Manufacturer.

Blanchard Fowler, of the City of Saint John, in the Province of New Brunswick, Manufacturer.

Albert W. Covey, of the City of Saint John, in the Province of New Brunswick, Agent.

Dated at the City of Saint John, in the City and County of Saint John and the Province of New Brunswick, this twenty-seventh day of March, A. D. 1913.

HERBERT J. SMITH,

Solicitor for Applicants.

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## MORTGAGEE'S SALE.

**ROSARIO LETOURNEAU** and Valida Letourneau, Mortgagees; Joseph A. Ratte, Mortgagee and holder of Mortgage Freehold in Madawaska County. Notice of Sale given by the above holder of mortgage. Sale on the sixth day of June, A.D. 1913. See advertisement in "Victoria County News."

MAX D. CORMIER,

Solicitor for Mortgagee.

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