



# The Royal Gazette.

Official Notifications appearing in this Paper, duly authenticated, are to be received as such by all whom they may concern.

Vol. 74]

FREDERICTON, N. B., AUGUST 2, 1916

[Page 136

## PROCLAMATION.



By His Honour, Josiah Wood, D. C. L.,

Lt. D., Lieutenant-Governor of the  
Province of New Brunswick.

JOSIAH WOOD.

WHEREAS, the Legislative Assembly of this Province stands prorogued to Thursday the twenty-second day of June inst, and I have thought fit to further prorogue the said Legislative Assembly, and the same is hereby prorogued accordingly, to Thursday, Seventeenth day of August next.

Given under my hand and seal at Fredericton, the twenty-second day of June, in the year of our Lord one thousand nine hundred and sixteen, and in the seventh year of His Majesty's reign.

By command of the Lieutenant-Governor.

D. V. LANDRY.

## NOTICE

### JUDICATURE ACT, 1909.

#### Rules of Court.

THIS is to certify that pursuant to Section 50 of "The Judicature Act, 1909" the Lieutenant-Governor-in-Council by an order-in-council passed on the fourth day of July A.D. 1916 and upon recommendation of the majority of the Judges of the Supreme Court have made the following rules of Court in amendment and in addition to existing rules under the said Act.

J. HOWE DICKSON.

Clerk Executive Council.

#### PARTITION OF LANDS.

Rule 23 of Order LVI is hereby repealed and the following substituted in lieu thereof:

23. (1) All the tenants, tenants in common and co-parceners, and all parties entitled to dower or as tenants by the curtesy, and all parties whosoever interested in any lands, tenements and hereditaments may be compelled to make or suffer partition or sale of the said lands, or any part thereof, to be effected by the Court or Judge in any action brought for that purpose and the Court or a Judge shall have power in such action to decide all questions that may arise on the pleadings with respect to the title to the lands sought to be partitioned, or any part or parts thereof.

(2) When in any such action any lands are sold in which, or in part of which, any woman is entitled to dower whether the same has or has not been assigned or admeasured, or in which she has an inchoate dower interest, or in which any person is interested as tenant by the curtesy, or in which he would in the absence of any subsequent forfeiture become tenant by the curtesy upon surviving his wife, the Court ordering the sale may appraise the then present cash value of such dower or dower interest, curtesy or prospective curtesy, and in lieu thereof may award to such person so interested a gross sum to be paid out of the proceeds of the sale of the lands in such priority to other interests as to the Court shall appear just, and the same when so paid shall release the lands from all such dower, dower interest, curtesy or prospective curtesy.

(3) Whenever in any action for partition it is necessary to apply for an order for service of a writ of summons, or notice of a writ of summons, out of the jurisdiction, the affidavit required by rule 4 of Order XI, in addition to the other matters required to be stated, shall state the pro-

bable value of the property sought to be partitioned or sold.

(4) In any action of partition, on the Court of Judge being satisfied that a writ of summons or notice in lieu thereof cannot be served personally or under the provisions of either of sub-rules 2 and 3 of Rule 2 of Order IX upon any person interested in the property sought to be partitioned or sold without expense disproportionate to the value of the interest of such person in such property, or if there be any person interested in such property who is under disability, the Court or Judge may, if it or he thinks fit, on its or his own motion, or on the request of any of the parties interested in such property, and notwithstanding the dissent or disability of any others of them, dispense with personal service or service under such sub-rules 2 and 3 upon any such person, and may make such order for substituted or other service, or for substitution for service, of notice by advertisement or otherwise as may seem just.

(5) In any action of partition where the property sold or partitioned does not exceed in value the sum of four thousand dollars, the costs to be allowed to the counsel, solicitor and master shall be one-half the taxable costs exclusive of actual necessary disbursements.

Rule 8 of Order XI is hereby repealed and the following substituted in lieu thereof:

8. Where a defendant is to be served out of the jurisdiction with a writ of summons or notice in lieu thereof, the statement of claim, unless the same is specially endorsed upon the writ under Order III, Rule 6, shall not be served therewith unless the Court or a Judge otherwise order.

The following Order shall be added as Order LIX (a).

#### ORDER LIX (a)

##### Docket, Appeal Division.

1. The Registrar shall prepare for each Session of the Appeal Division a docket of all matters, causes and actions, except Common Motions, to be brought before such Division at such Session; and such docket shall be divided and arranged in the following order:

1. Motion Paper; 2. Crown Paper; 3. Appeal Paper; and the entries on the Appeal Paper shall be subdivided in the following order:—(a) County Court; (b) Probate Court; (c) Divorce Court; (d) King's Bench Division and (e) Chancery Division; and each of the said matters, causes and actions shall be entered upon the said docket under its appropriate heading; and in the event of there being any matter, cause or action which cannot be appropriately entered under any of the above headings then the Registrar shall cause the same to be entered under such heading and in such place upon the docket as may be by him deemed advisable.

2. All entries upon the docket for any Session of the Appeal Division shall be made not later than the Monday preceding such Session; and no entry shall afterwards be allowed without leave of the Court for good cause shown.

3. Whenever a matter, cause or action entered under this Order is standing on the docket of any Session and on being called is for any reason struck off, such matter, cause or action shall not be re-entered by the Registrar upon the docket for the same or any subsequent Session, unless the Court shall so order, notwithstanding the parties to such matter, cause or action, or their solicitors or counsel, shall consent to such re-entry.

TAKE NOTICE that the above rules of Court, Pursuant to sub-section 2 of Section 50 of the said "The Judicature Act, 1909" shall come into force on the thirtieth day from this twelfth day of July A. D., 1916.

J. HOWE DICKSON.

Clerk of the Executive Council of N. B.

4 ins.

THE undersigned nonresident ratepayer of District No. 6 in the Parish of Chipman and County of Queen's are hereby notified that unless the amount of District School Taxes as set opposite their names as given below, together with the cost of advertising is paid to the under mentioned secretary of Trustees for said District within two months