

10. The last June Term of this Court was seventh term at which this cause was at issue.

11. I am of counsel with the defendants herein.

JAMES McG. STEWART.

Sworn at Pictou, in the County of Pictou, this  
26th day of October, A. D. 1880, before me,

DAVID MATHESON,

*Commissioner, Supreme Court, County of Pictou.*

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### Exhibit A.

IN THE SUPREME COURT, 1879.

PICTOU, SS.

DAVID S. FRASER, *Plaintiff*.

*vs.*

DUNCAN FRASER and FLORA FRASER, *Defendants*

I hereby undertake, on behalf of David S. Fraser, the above named plaintiff, to try the above cause at the next term of this Honorable Court at Pictou, and in default of the said plaintiff so proceeding to trial, I hereby agree, on behalf of the plaintiff, that the defendant shall be at liberty to enter judgment as of non-suit against the said plaintiff.

Dated at Pictou, the 5th day of November, 1879.

CHAS. D. McDONALD,

*For Plaintiff.*

### Exhibit B.

IN THE SUPREME COURT, 1880.

PICTOU, SS.

*Cause—*DAVID S. FRASER, *Plaintiff*.

*vs.*

DUNCAN A. FRASER and FLORA FRASER, Absconding  
Debtors, *Defendants*.

[H.W.S.]

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On motion of Counsel for the defendants for judgment of non pros in the above cause, and on hearing the affidavits in support of said motion, and the affidavits in reply, and on argument :

It is ordered,—Judgment, as in case of non pros, do pass against the plaintiff in this cause, and that the defendants do have judgment and execution for their costs of suit.

Pictou, June Term, 1880.

By the Court.

DAVID MATHESON, *Prothy.*

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