

In Chancery.

BETWEEN

GEORGE HEPBURN,

Plaintiff,

AND

PATRICK HEPBURN, JOHN HEPBURN, JOSEPH ROBERT
McMASTER, ELIZABETH M. McMASTER, GEORGE
ALPHONSUS McMASTER, FRANCIS MARIA MURPHY,
JOHANNA DUFFY, ELLEN DUFFY, EDWARD DUFFY,
DENNIS HAYES, JAMES HENRY RYAN, FREDERICK
ROWLAND, ROBERT JOSEPH HAYES and FRANCIS
WILLIAM HAYES (the last two defendants being infants under
the age of twenty-one years),

Defendants.

City of Toronto.

To the Honorable the Judges of the Court of Chancery.

The Bill of Complaint of the above named plaintiff, George Hepburn, of the city of Edinburgh, in that part of Great Britain called Scotland, gentleman, sheweth as follows:

1. That the late John Hepburn, of the city of London, in the county of Middlesex, in the province of Ontario, gentleman, departed this life at the said city of London, intestate, on or about the fifth day of April, A. D. 1873, without leaving father, mother widow or issue, him surviving.

2. The Plaintiff was a brother of the said intestate; and the Defendants, Patrick Hepburn and John Hepburn are the children of the late Francis Hepburn, deceased, who was a brother of the said intestate; the Defendants, Joseph Robert McMaster, George Alphonsus McMaster, Francis Maria Murphy (widow), Johanna Duffy (widow), and Ellen Duffy, are respectively children of the late McMaster, deceased, who was a sister of the said intestate; the Defendant, Edward Duffy is the husband of the said Ellen Duffy, and the Defendant, Elizabeth M. McMaster is the wife of the said Joseph Robert McMaster; the Defendants, Robert Joseph Hayes and Francis William Hayes are the children of the late Margaret Hayes, deceased, who was a sister of said intestate; the Defendant Dennis Hayes was the husband of the said Margaret Hayes, and is the father of said infant Defendants.

3. Your Complainant and the said Defendants, Patrick Hepburn, John Hepburn, Joseph Robert McMaster, George Alphonsus McMaster, Frances Maria Murphy, Johanna Duffy, Ellen Duffy, Robert Joseph Hayes and Francis William Hayes, are the only heirs at law and next of kin of the said intestate.

4. The said Defendant, Edward Duffy, is the husband of the said Ellen Duffy, and claims some interest in the interest of his said wife in the lands hereinafter mentioned, as tenant by the curtesy or otherwise.

5. The said Defendant, Elizabeth M. McMaster, is the wife of the said Joseph Robert McMaster and claims dower in the said lands.

6. The Defendant, Dennis Hayes, claims to have an interest in said lands, as tenant by the curtesy in right of his said wife deceased.

7. Shortly after the death of the said intestate, the Defendant, James Henry Ryan, took out letters of administration to the estate and effects of the said intestate, and became and now is the personal representative of the said intestates estate, and the said Ryan took possession of the personal and real estate of the said intestate.

8. The said intestate was at the time of his death the owner in fee simple, and seized for his own use and benefit, of the lands and premises described as follows, that is to say: All and singular, that certain parcel or tract of land, situate, lying and being in the city of London, in the county of Middlesex, in the province of Ontario, containing by admeasurement one-fifth of an acre, more or less, being composed of lot number seven on the south side of Philip street, in the said city of