

The defendants therefore pray that they may have judgment for their costs of suit herein,  
as in case of nonsuit.

JAMES McG. STEWART.

Sworn at Pictou, in the County of Pictou, the fifth  
day of November, A. D. 1879, before me,

RODERICK MCKENZIE,  
*Commissioner Supreme Court Co. Pictou.*

100

---

IN THE SUPREME COURT, 1879.

PICTOU, SS.

*Cause*—DAVID S. FRASER, *Plaintiff*.

*vs.*

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

I, David S. Fraser, of New Glasgow, in the County of Pictou, Merchant, make oath  
and say:

1. I am the plaintiff herein.
2. I seriously intend to proceed with the trial of this cause, and great injustice will be  
done me if a rule for non pros be granted to the defendants herein.
3. I further say that I have a good cause of action herein on the merits, and I do not ask  
for the postponement of this cause for the purpose of delay but that justice may be done  
herein.

110

D. S. FRASER.

Sworn at New Glasgow, in the County of Pictou, this  
third day of November, A. D., 1879, before me,

G. W. UNDERWOOD,  
*A Commissioner for taking Affidavits in the Supreme Court of Pictou.*

---

IN THE SUPREME COURT, 1880.

PICTOU, SS.

DAVID S. FRASER, *Plaintiff*.

*vs.*

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

[H.W.S.]

120

On motion of counsel for the defendants' for judgment of non pros in the above cause, and  
on hearing the affidavit in support of said motion and the affidavit in reply, and on argument it