

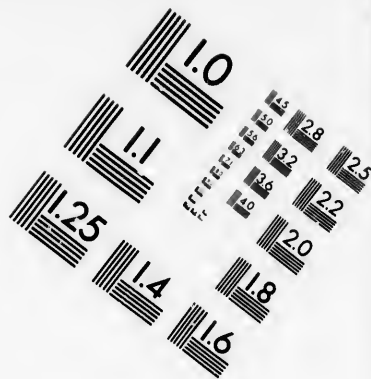
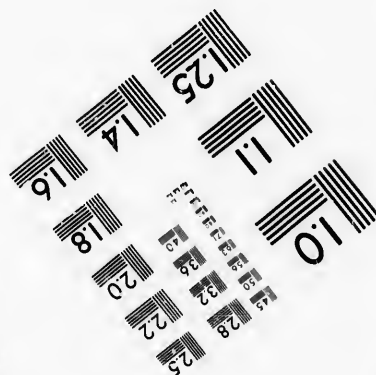
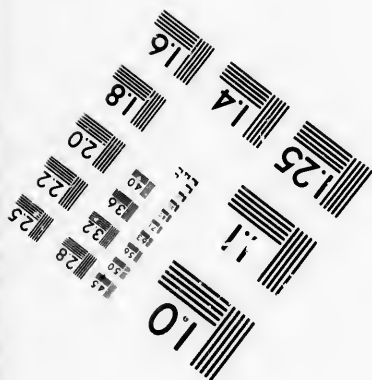
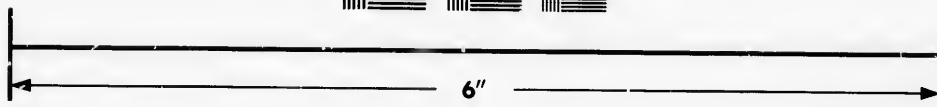
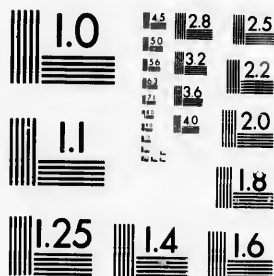


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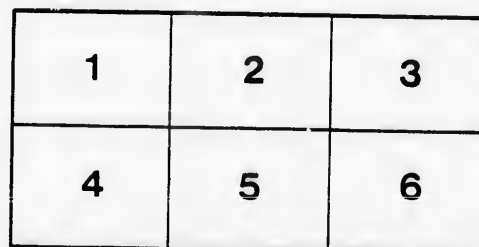
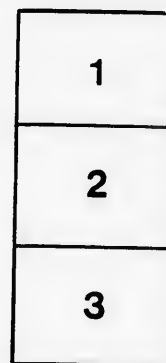
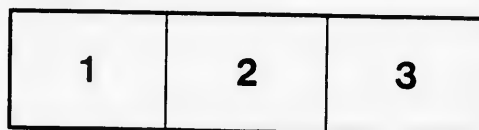
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In Chancery.

BETWEEN JAMES ABNER GARNER,

Plaintiff,

— AND —

MELISSA GARNER, SARAH CATHARINE MATHEWS, FRANCIS MATHEWS, ANNA MARGARET GARNER, ELIZANA HOLDITCH, WILLIAM ELLIOT HOLDITCH, GEORGE OSCAR GARNER, JULIETTA GARNER, FREDERICK FRANKLIN GARNER and VELMA ELLEN GARNER, the three last named being infants under the age of twenty-one years,

Defendants.

City of London.

To the Honorable the Judges of the Court of Chancery :

The Bill of Complaint of James Abner Garner, of the Township of Malahide, in the County of Elgin, yeoman, sheweth as follows :

1.—That Mathias Garner, late of the said Township of Malahide, yeoman, was in his lifetime and at the time of his death hereinafter mentioned, seized in fee simple or otherwise well and sufficiently entitled to the following lands and premises, that is to say : All and singular that certain parcel or tract of land and premises situate, lying and being in the said Township of Malahide, containing by admeasurement 91 acres, be the same more or less, being composed of the north half of Lot number 12, in the first concession of the said Township of Malahide, and buttet and bounded as follows : Commencing in rear of the said concession where a post has been planted at the north-west angle of the said lot, then south 45 chains 50 links, more or less, to where a post has been planted at the middle of said lot as to length ; thence east 20 chains, more or less, to the limit between Lots numbers 12 and 13 ; then north 45 chains 45 links, more or less, to the allowance for road in rear of the said concession ; thence west 20 chains, more or less, to the place of beginning.

2.—Being so seized, the said Mathias Garner departed this life on or about the twelfth day of December, in the year of our Lord 1877, without having made any last will or testament.

3.—The said Mathias Garner left him surviving his widow, the defendant Melissa Garner, and the following children, namely : Your complainant and the defendants Sarah Caroline Mathews (formerly Sarah Caroline Garner), Anna Margaret Garner, Elizana Holditch (formerly Elizana Garner), George Oscar Garner, Julietta Garner, Frederick Franklin Garner and Velma Ellen Garner, his only children and heirs-at-law.

4.—The defendants Julietta Garner, Frederick Franklin Garner, and Velma Ellen Garner, are infants under the age of twenty-one years, to wit, of the ages of sixteen, twelve, and nine years respectively.

5.—Your complainant, and the defendants, Sarah Caroline Mathews, Anna Margaret Garner, Elizana Holditch, George Oscar Garner, Julietta Garner, Frederick Franklin Garner, and Velma Ellen Garner, are each entitled to an undivided one-eighth share of the said lands, subject to the dower therein of the defendant, Melissa Garner.

6.—Your complainant is desirous that the said lands be sold under the direction of this Honorable Court, and the proceeds thereof distributed among the parties entitled thereto, and your complainant shows that by reason of the number of parties interested in the said lands a sale thereof would be more advantageous than a partition.



7.—The said Mathias Garner died possessed also of personal estate of or about the value of \$1000,00.

8.—By letters of administration bearing date on or about the twelfth day of January, 1878, the defendant Melissa Garner, was, by the proper Court in that behalf, duly appointed administratrix of all and singular the personal estate and effects, rights and credits of the said Mathias Garner.

9.—After the death of the said Mathias Garner the defendants Melissa Garner and George Oscar Garner remained, and now are in possession of the said lands and premises, and of the goods, chattels and effects which were of the said Mathias Garner.

10.—Your complainant is desirous that the personal estate of the said Mathias Garner should be administered under the guidance and direction of this Honorable Court.

11.—The defendants Francis Mathews and William Elliot Holditch were married to the defendants Sarah Catharine Mathews and Elizana Holditch before the passing of the Married Women's Property Act, 1872, and have some interest in the shares of their respective wives, and the plaintiff submits that they are necessary parties to this suit.

Your complainant therefore prays:

1.—That the personal estate of the said Mathias Garner may be administered under the direction of this Honorable Court.

2.—That the said lands may be sold under the direction of this Honorable Court, free from the dower of the defendant Melissa Garner, and the proceeds distributed among the parties entitled thereto, according to their respective shares and interests.

3.—That an allowance to the said defendant Melissa Garner, in lieu of her dower in the said lands, may be fixed under the direction of this Honorable Court and paid to her out of the proceeds of the said lands.

4.—That your complainant may be paid his costs of this suit.

5.—That for the purposes aforesaid all necessary directions may be given and accounts taken.

6.—That your complainant may have such further and other relief as the case may require.

And your complainant will ever pray.

TALBOT MACBETH,

Plaintiff's Solicitor.

