

In the Supreme Court of Civil Justice of Vancouver
Island

In Chancery

Between George Mason and Arthur Panster
Assignees of George Balls a Bankrupt
Plaintiffs -

and
William Rowland and others
Defendants

I Robert Bishop of Victoria Vancouver
Island Solicitor make oath and say as follows
that is to say -

- 1 I am now the Solicitor to the Plaintiffs in the
above suit -
- 2 In the year one thousand eight hundred and
sixty three a Bill in Equity was filed and suit
instituted in this Honorable Court by the then
Plaintiffs George Mason and George Balls who
were partners and who claimed as Equitable
Mortgages against the Defendant William
Rowland, the owner of certain freehold
premises in Rae Street Victoria - the Plaintiffs
alleging that a sum of Four thousand
dollars and upwards was due to them from
the Defendant on his Bond and on an
equitable Mortgage made by him to
them and Plaintiffs prayed for an account
and that Defendant Rowland and the other
Defendant should be ordered to make and
execute deeds of Confirmation of Title of the
Premises to the Plaintiffs

His Honor the late Chief Justice Cameron 3
in or about the month of January one
thousand eight hundred and sixty seven (1867) R.W.
made an order in favor of the Plaintiffs
pursuant to the prayer of the Petition but
the further prosecution of the suit was not
then followed up by the ^{then} Solicitor to the
Plaintiffs W^r George Deimes, who afterwards
left the Colony, and in the year one thousand
eight hundred and sixty seven I was
appointed Solicitor to the Plaintiffs in the
place of the said George Deimes. -

In the month of May — one thousand
eight hundred and sixty seven the said
George Balls one of the said Plaintiffs was
adjudicated a Bankrupt and the said
Arthur Bunster was afterwards appointed
Trade assignee of his Estate and effects and on
the Twentieth day of November one thousand
eight hundred and sixty seven the name
of the said Arthur Bunster was substituted
for the said George Balls as one of the Plaintiffs
in this suit. -

In the month of December one thousand 5
eight hundred and sixty seven an order was
made by this Honorable Court vesting the Estate
of the said Defendant Rowland in the said
Plaintiffs George Mason and Arthur Bunster
as such assignee of the Estate of Balls. -

In the year one thousand eight hundred 6
and sixty eight hundred and sixty eight
several attempts were made to sell the said
premises, the subject of the said suit, at

public Auction for the benefit of Mason and the assignees of Balls and as mutually agreed on between the parties but without success in consequence of certain supposed difficulties in the Title; a sale was however at length effected for the sum of six hundred dollars and the amount of the purchase money duly brought into court to the credit of the cause. -

7 That it appears by the Certificate of the Registrar of this Honorable Court that the sum of Four thousand two hundred and twenty one dollars was on the Twenty fourth day of February one thousand eight hundred and sixty ^{three} ~~seven~~ due to the Plaintiffs from the Defendant Rowland in respect of the said suit. -

8 That the Costs of the Plaintiffs Solicitors to the suit have been Taxed and paid out of the funds in Court realized from the said sale; and after such payment and also other necessary disbursements on account of the said sale the sum of Three hundred and fifty eight dollars remained in Court to the credit of the said George Mason and of the assignees of the Estate of the said George Balls being the sum of one hundred and seventy nine dollars ^{and fifty cents} for each of the said parties

9 That the sum of one hundred and seventy nine dollars ^{and fifty cents} the said portion due or coming to the Estate of the said George Balls has been duly applied for the benefit of his creditors and the sum of one hundred and seventy nine dollars, now

remains in Court to the credit of the said
George Mason as his portion of the said
purchase, as will appear by the Certificate
of the Registrar of the Court hereto annexed.

Sworn by the said Robert Brothick
at the Registrar's Office James
Bay Victoria this Fifth day
of April A.D. 1869

Before me.

Richard Woods
Deputy Registrar

Robert Brothick

filed
5 April 1869
R Woods

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