

No 6418, Equity.  
Opinion  
Filed June 21-1904

No 6418 Equity.

The Bill in this case was filed on the 27th of May 1895 by Erav Gray and Sarah Gray, his wife, and others against George H Jones and others to procure a decree for the sale of certain real estate situated in Urbana District in Fordness County. It was alleged in the Bill that a certain Sarah Purtyman died intestate, seized and possessed of the real estate described in the proceedings and that the plaintiffs were her heirs at law. It was <sup>also</sup> alleged that the defendant Jones, claimed an interest in the same property. It appears that the property originally belonged to William J. Kindley and that at the time of Sarah Purtyman's decease no deed had been executed conveying it to her. Mr. Kindley was also made a party defendant to the case.

Answers were filed and the chief contention made was, that the property belonged to Jones and not to Sarah Purtyman. Subsequently to the filing of the Bill, that is to say, on the 20th of December 1885, Kindley and wife conveyed the same property to the defendant, Jones. The case came to a stand still shortly afterwards and nothing appears to have been done until quite recently. Jones died intestate a few months ago, leaving a widow and daughter surviving him. After his decease the widow and daughter were made parties defendant to this case and the case then proceeded, testimony being taken on both sides and the record has been submitted, without argument, upon the Bill, answers, exhibits and testimony.

It appears from the papers in the case that on the 18th of July 1887, a decree for the sale of the property was signed reserving all questions as to the ownership of the fund arising from such sale for the further consideration of the Court. Nothing has been done under that decree. Subsequently a petition was filed in the case asking that the decree be rescinded, but no action was ever taken thereon. Sarah Purtyman received from the United States Government in April or May 1885, the sum of \$20000 for a pension due to her as the widow