

THE SUPREME COURT IN EQUITY.

Between The Halifax Banking Company, Plaintiff; and
James W. Smith, Albert J. Smith, Simon A. Smith, Ansley Smith, Abner R. M'Clellan, and William H. Newcomb, Executors of the last Will and Testament of Barnaby H. Newcomb, deceased, Defendants.

And by Amendment—

Between The Halifax Banking Company, Plaintiff; and
James W. Smith, Albert J. Smith, Simon A. Smith, Ansley Smith, Abner R. M'Clellan, William H. Newcomb, Executor of the last Will and Testament of Barnaby H. Newcomb, deceased, Charles A. Peck, Paul R. Tingley, Henry R. Emmerson, and Watson Reid, Defendants.

WHEREAS it has been made to appear by Affidavit to the satisfaction of me, the undersigned, one of the Judges of the Supreme Court, that Ansley Smith, Paul R. Tingley, and Watson Reid, three of the above named defendants, do not reside within the Province, so that they cannot be served with a Summons, and their respective places of residence are unknown to the plaintiff, and that the above named plaintiff has good *prima facie* grounds for filing a Bill against the above defendants: I do therefore order, that the said defendants, Ansley Smith, Paul R. Tingley, and Watson Reid, on or before the twentieth day of December next, do enter an appearance in this suit. (if they intend to defend the same), wherein a Bill has been filed against the above named defendants by the above named plaintiff, for the foreclosure and sale of certain mortgaged Lands and Premises situate in the County of Albert, mentioned and comprised in a certain Indenture of Mortgage, bearing date the fourteenth day of October, in the year of our Lord one thousand eight hundred and eighty six, and made between the said James W. Smith, Albert J. Smith, and Simon A. Smith, of the one part, and the said The Halifax Banking Company of the second part, and also for the setting aside and declaring fraudulent and void as against the plaintiff a certain Deed of Conveyance made by the said Albert J. Smith to the defendant, Watson Reid; and also a certain other Deed made by the defendant, Simon A. Smith, to one Charles S. Turner; and also a certain other Deed from said Charles S. Turner to one Albert D. Smith; also a certain other Deed from Albert D. Smith to the defendant, Ansley Smith; and also a certain other Deed of Conveyance made by the defendant, James W. Smith to the defendant, Ansley Smith; and for a Declaration and Decree that the said Lands and Premises in said Deeds severally mentioned and described are subject to the said Mortgage so made to the plaintiff; and also that certain Lands and Premises mentioned and referred to in certain Deeds of Conveyance from the Sheriff of the County of Albert to the defendant, Albert J. Smith and to the defendant, Ansley Smith, were and are subject to the said Mortgage of the plaintiff, and that a certain Mortgage made by the said defendant, Albert J. Smith to the defendant, Abner R. M'Clellan, professing to convey said Lands so conveyed to said Albert J. Smith by said Sheriff be postponed to said Mortgage of the plaintiff, and that certain Deeds of Conveyance from said James W. Smith to one John Peck, and from said John Peck to the defendant, Albert J. Smith, professing to convey said last mentioned Lands, or a part thereof, be also set aside and declared fraudulent and void as against the plaintiff; and for an Injunction Order restraining the said defendants, Albert J. Smith and Abner R. M'Clellan from selling, assigning, transferring or encumbering said last mentioned Lands and Premises; and restraining the defendants, Simon A. Smith and Ansley Smith from selling, assigning, transferring or encumbering the Lands mentioned in said Deed from said Simon A. Smith to said Charles S. Turner; and the defendant, Ansley Smith from selling, assigning, transferring or encumbering the Lands mentioned in said Deed to him from said James W. Smith.

And unless such an appearance is so entered, the Bill may be taken *pro confesso*, and a Decree made.

Dated this fourth day of September, A. D. 1888.

W. H. TUCK, J. S. C.

HARRINGTON, TEED & HEWSON, Plaintiff's Solicitor.

To James Toner, of the Parish of Burton, in the County of Sunbury, and Province of New Brunswick, Farmer, and Catherine Toner his wife, and all others whom it may concern.

NOTICE is hereby given, that under and by virtue of a Power of Sale, contained in a certain Indenture of Mortgage, dated the eleventh day of April, A. D. 1883, registered in Book C 2 of the Sunbury County Records, pages 159, 160, 161, and 162, and made between the said James Toner and Catherine his wife of the one part and Thomas Jones, of the City of Fredericton, County of York, and Province aforesaid, Esquire, (now deceased), of the other part, there will, for the purpose of satisfying the moneys secured thereby, default having been made in the payment thereof, be sold at Public Auction, at Phoenix Square, in the City of Fredericton aforesaid, on Thursday the twenty ninth day of November next, at twelve o'clock, noon, the Lands and Premises mentioned and described in said Mortgage as follows:—A tract of Land situate in the Parish of Burton, in the County of Sunbury, Province of New Brunswick and bounded as follows, to-wit—Beginning at a birch tree

standing on the southeasterly line of granted lands, and in the northern angle of lot No. 28 in Farnham, granted to Timothy Harrington; thence running by the magnet of the year 1855 south forty one degrees east 25 chains along the northeasterly line of said grant to a maple tree standing in the easterly angle thereof; thence along the southeasterly line of the same south forty nine degrees west 8 chains to a pine tree; thence south forty one degrees east 25 chains to a stake; thence north forty nine degrees east 34 chains; thence north forty one degrees west 16 chains and 60 links to a stake standing on the southeasterly line of a grant to Archibald M'Lean; thence along the same south forty nine degrees west 15 chains to a stake standing in the southerly angle thereof; thence along the southwesterly line of the same north forty one degrees west 33 chains and 34 links to a maple tree standing in the westerly angle thereof, and on the southerly line of granted lands above mentioned; and thence along the same south forty nine degrees west 11 chains to the place of beginning, containing 100 acres more or less; being the same Lands granted by the Crown to the said James Toner by Grant dated June 11th, A. D. 1856, and registered under No. 7571; together with the buildings and improvements thereon and appurtenances to same belonging or appertaining, which said mortgage and the mortgage debt were on the eleventh day of June, A. D. 1888, duly assigned to the undersigned.

Dated this 24th day of September, A. D. 1888.

JAMES A. VANWART,

Assignee of Mortgagee.

J. A. & W. VANWART, Sols. for Assignee of Mortgagee.

TAKE NOTICE that there will be sold by Public Auction, in front of the Store now occupied by John Regan, situate in the Town of Woodstock, and Province of New Brunswick, on Thursday the first day of November next, at the hour of twelve o'clock, noon, pursuant to the authority given to the undersigned as Trustees, under Chapter 44 of the Consolidated Statutes of New Brunswick, all the right, title, interest, property, claim and demand whatsoever, either at law or in equity, of William C. Gaynor, late of the Parish of Richmond, an absconding, concealed or absent debtor, in and to all those certain leasehold Lands and Premises, situate, lying and being on the west side of Main Street, and on the south side of Water Street, in the said Town of Woodstock, and being the same Lands and Premises demised to one James M'Elroy by Ann Connell and others, by Indenture of Lease, bearing date the first day of November A. D. 1877, and recorded in the Carleton County Records, in Book C, No. 3, on pages 285, 286 and 287; which said Lease and the Lands and Premises thereby demised was afterwards assigned by the said James M'Elroy to the said William C. Gaynor by Indenture of Assignment, bearing date the twenty second day of October, A. D. 1886, and recorded in the said Carleton County Records, in Book G, No. 3, on pages 132, 133 and 134; together with all buildings and erections thereon, and all rights of way, easements, privileges and appurtenances thereunto belonging or in anywise appertaining; and also the said Indenture of Lease and the Assignment thereof, and all right of renewal thereof, and all other rights conveyed by said Lease and assignments to the said William C. Gaynor.

For terms of Sale and other particulars, apply to the undersigned Solicitor.

Dated the eleventh day of October, A. D. 1888.

JOHN T. P. KNIGHT,

GILBERT W. VANWART, } Trustees.

JOHN C. WINSLOW,

J. NORMAN W. WINSLOW, Solicitor to Trustees.

COLLECTOR'S NOTICE.

THE undermentioned non-residents, Ratepayers of District No. 1 of the Parish of Lepreau, County of Charlotte, are hereby notified to pay their County, Road and School Tax, as set opposite their respective names, together with the cost of advertising, (twenty seven cents each), to the undersigned, within two months from this date, otherwise legal proceedings will be taken to recover the same.

	1887.			1888.			
	County.	Road.	School.	County.	Road.	School.	Total.
Balcom, Joseph	..	..	..	\$1 08	\$0 40	..	\$1 48
Campbell, J. G. (Estate),	\$0 60	\$0 40	..	0 72	0 40	..	\$2 12
Garnet, Andrew	0 45	0 40	..	0 54	0 40	..	1 79
Demill, A. H.	0 60	..	..	0 72	..	..	1 32
Grant, Robert	0 30	0 40	..	0 36	0 40	..	1 46
Haley, John K.	0 90	0 40	..	1 08	0 40	..	2 78
Lawrence, B. R.	..	..	..	1 80	0 80	3 75	6 35
Littlejohn, Thomas	..	..	..	1 08	0 40	..	1 48
Pugsley Pugsley and Crawford,	0 45	0 40	..	0 54	0 40	..	1 79
Prescott, Gideon	..	..	..	1 80	0 80	3 75	6 35
Seeley, Richard	0 45	0 40	..	0 54	0 40	..	1 79
Starratt, A. L.	0 90	0 40	..	1 08	0 40	..	2 78

ROBERT SHAW, Collector.

Lepreaux, September 21, 1888