

IN THE SUPREME COURT IN EQUITY.

Between Richard C. McQuinn, Plaintiff;
and

Catherine Barry, widow of Thomas Barry, Frank Barry, Kate Barry, Mary Barry, and Nellie McGraw wife of Joseph McGraw, 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 the above defendant, Frank Barry, does not reside within the Province, so that he cannot be served with a summons, and that his place of residence cannot be ascertained by the plaintiff, and that the above plaintiff has good prima facie grounds for a filing a Bill against the above named defendant.

I Do HEREBY ORDER, That the said defendant, on or before the fourth day of JANUARY next, do enter an appearance in this suit, (if he intend to defend the same), wherein a Bill will be filed against the above named defendant by the above named plaintiff, for foreclosure and sale of and under a mortgage made by Thomas Barry, deceased, in his lifetime, and said Catherine Barry, his wife, to George H. Barnes, his executors and assigns, and bearing date the 19th day of July, A. D. 1893, and which mortgage, the principal moneys and interest thereby secured and lands thereby mortgaged, together with a bond given therewith, were by said George H. Barnes assigned to the plaintiff by indenture bearing date the 9th day of February, A. D. 1903, and whereunder the plaintiff claims one thousand dollars for principal and interest at the rate of six per cent. per annum from the 9th day of February, A. D. 1902, the said defendants being interested as follows, that is to say: said Catherine Barry as widow of said mortgagor, and the other defendants as his children and heirs-at-law; and unless such an appearance is so entered, the bill may be taken pro confesso and a decree made.

Let this order be published for two months in the Royal Gazette.

Dated this 20th day of October, A. D. 1903.

FRED. E. BARKER,
Judge Supreme Court.

A. S. WHITE, Plaintiff's Solicitor.

10ins

COLLECTOR'S NOTICE.

THE UNDERMENTIONED non-resident ratepayers of the Parish of Andover, in the County of Victoria, are requested to pay to the undersigned Collector of Rates, the amount as set opposite their names respectively, for County, Road and Poor Tax, together with cost of advertising, within two months from the date hereof, otherwise the real estate will be sold or other proceedings taken to recover the same:—

| | 1903. |
|----------------------------|--------|
| Coffin, John, Estate,..... | \$5 50 |
| O'Donnell, Thomas..... | 1 50 |
| Reynold's Estate,..... | 0 90 |

JOSEPH B. PORTER, Collector.

Dated at Andover, 26th October, 1903. 9ins

COLLECTOR'S NOTICE.

THE UNDERMENTIONED non-resident ratepayers of the Parish of Gordon, in the County of Victoria, are hereby requested to pay to the undersigned Collector of School rates the amounts set opposite their name, together with the cost of advertising, within two months from the date hereof, otherwise the real estate will be sold or other proceedings taken to recover the same:—

| | 1901. | 1902. | 1903. |
|-----------------------------|---------|----------|---------|
| The Gypsum Mining Co.,..... | \$35 00 | \$110 00 | \$40 00 |

Dated at Plaster Rock, Victoria County, Oct. 23rd, 1903.

ARTHUR W. RIDGEWELL,
Collector.

9ins

New Timber Applications.

CROWN LAND OFFICE, November 11th, 1903.

LICENSES to expire on the 1st August, 1904, for the following Timber Berths, for the purpose of cutting all classes of Lumber, will be sold at this Office, at noon, on Wednesday the 25th day of November instant, subject to existing Regulations.

Upset price, \$8 per square mile, in addition to Stumpage.
No Refund of Mileage.

Not to interfere with any lots of land now actually occupied and improved to the value of forty dollars, nor with any lots which have been approved of under the "Labor Act," within one year previous to the date of License, nor with any lots applied for for which Returns of Survey have been received at this Office previous to the date of application.

All Timber, Logs or other Lumber cut upon Unlicensed Crown Land or which may be cut by any person beyond the limits of his own Berth shall be seized and forfeited to the use of the Crown; and no Timber or Lumber shall be cut on any Berth applied for until it shall be purchased at Public Auction.

| No. | Situation. | Sq. M. | Name. |
|------|--|-------------------------------|-------|
| 18 | North Forks Coal Branch, Kent Co.: N. E. $\frac{1}{2}$ block 4, range 5, and vacancy in E. $\frac{1}{2}$ block 4, range 6, (excepting surveyed lots), | 3 $\frac{1}{2}$ C. C. Stiles. | |
| (2w) | | A. T. DUNN, Sur. Gen. | |

DOMINION OF CANADA—PROVINCE OF NEW BRUNSWICK.

IN THE SUPREME COURT IN EQUITY.

Between Annie Ellis, Plaintiff;
and

John Bain, Mary Olivia Bain, Mary Barton, Thomas Barton, Janet Reid, Thomas Reid, William George Verner, Isabella Verner, William Manette, Alfred E. Lair, Bertie A. Lair, The Trustees of School District No. 1, in the Parish of Saint Martins, in the County of the City and County of Saint John, The Canada Permanent and Western Canada Mortgage Corporation, Elizabeth Bain and William Ellis, Defendants.

WHEREAS it has been made to appear to me, the undersigned, one of the Judges of the Supreme Court, by affidavit, that John Bain, Farmer, departed this life on or about the fourteenth day of February, A. D. 1858, at the Parish of Saint Martins, intestate, and that at the time of his death he was seized or possessed in fee simple of all that tract of land granted by the Crown to him the said John Bain, under and by grant numbered 1927 on the twenty-seventh day of December, 1825, and described therein as "A tract of land in the Parish of Saint Martins and County of Saint John bounded as follows, to-wit: Beginning at the northeast angle of land granted to Stephen Howard in the second tier south of the road leading from Loch Lomond to Quaco, thence by magnet south one degree west sixty chains of four poles each, thence north eighty-nine degrees west thirty-five chains, thence south one degree west thirty-five chains to Philip Mosher's north line, thence along the same and its prolongation south eighty-nine degrees east forty-five chains to land granted to Patrick Kennedy, thence north one degree east eighty-five chains to the rear of the Quaco Road lots, and thence north forty-five degrees west fourteen chains to the place of beginning, containing two hundred acres more or less, with an allowance of ten per cent. for roads and waste being wilderness land, and particularly described on the annexed plan."

Saving and excepting thereout a parcel of land conveyed by the said John Bain in his life time to Madras School Trustees, by Deed dated the eighteenth day of March, A. D. 1848, and recorded in the office of the Registrar of Deeds in and for the City and County of Saint John, in Book M. No. 3 of Records, pages 279 and following, and described as "A tract of land situate, lying and being on the road leading from the Quaco Road to Tynemouth Creek, and more particularly described as follows, viz.: To commence at the junction of the said road with the road leading from Nathaniel Floyd's to Quaco, thence running four poles along the road leading from Nathaniel Floyd's to the Tynemouth Creek Road before mentioned, thence running two poles in the direction of the Meeting House recently erected to the rear of the School House, thence four poles until it meets the Tynemouth Road, thence two poles to the place of beginning."

And also saving and excepting thereout a certain other parcel of land conveyed by the said John Bain in his lifetime and Hannah S. his wife to John Brown, James Brown, Jr., John Patterson, William Boyne, John Smith, George Smith, Daniel Smith, John Parker, Richard Lovett, Samuel Brown, Hugh Bell, John Porter, William Floyd, James Floyd, Sr., and James Floyd, Jr., by deed, dated the first day of October, A. D., 1857 and recorded in the office of the Registrar of Deeds in and for the City and County of Saint John in Book K Number 4 of Records, pages 153 and following, and described as—"The following parcel of land, namely, from the boundary of the School House Lot and running seven rods along the Ten Mile Creek Road, from thence at right angles twelve rods, from thence at right angles seven rods, and from thence at right angles twelve rods the place of beginning, and the whole area contained between these boundaries being eighty-four square rods more or less," and that the said John Bain, deceased, left him surviving the following heirs, namely: Annie Ellis, the plaintiff in this suit, a daughter, John Bain, one of the defendants in this suit, a son, Mary Barton and Janet Reid two of the defendants herein, daughters, and Edward Bain, now deceased, a son, whose widow, Elizabeth Bain, is joined herein as defendant, and that the said Mary Barton and Thomas Barton her husband are necessary persons to this suit.

And whereas it has been made to appear to me by said affidavit to my satisfaction that Mary Barton and Thomas Barton, two of the above named defendants, do not reside within the Province so that they cannot be served with a summons, and that their place of residence cannot be ascertained, and that the plaintiff has good prima facie grounds for filing a bill against the above named defendants: I do therefore hereby order that the said defendants, Mary Barton and Thomas Barton, on or before the eighteenth day of November next, enter an appearance in this suit, if they intend to defend the same, wherein a bill will be filed against the above named defendants at the suit of the above named plaintiff, for the partition and division between the plaintiff and those of the defendants thereto entitled of the lot of land hereinbefore described, saving the exceptions hereinbefore described, or in the alternative, for the sale of all said lot of land and premises hereinbefore described, saving the said exceptions hereinbefore described and that the proceeds of said sale be divided amongst the plaintiffs and those of the defendants entitled thereto according to their several shares, proportions and amounts to which they may be entitled, and unless an appearance is so entered the bill may be taken pro confesso and a Decree made.

Let this Order be published in the Royal Gazette and in The Saint John Weekly Telegraph.

Dated this twenty-ninth day of August, A. D. 1903.

(Sgd) E. McLEOD, J. S. C.

H. A. McKeown, Plaintiff's Attorney.

This Order is granted on the application of Harrison A. McKeown of Pugsey's Building, Princess Street, in the City of Saint John, in said Province, the Plaintiff's Solicitor in the said case.

12ins

(Sgd) E. McLEOD, J. S. C.