

lost their apparent priority over your Orator's said mortgage, and that the same should be enquired into and declared by this Honourable Court in the Master's office.

Your Orator therefore prays that the said Indenture of Mortgage by the said William Ashwell Richard Ashwell, and George Ashwell, to your Orator may be referred, so that it shall accurately describe the said two acres of land firstly intended to be conveyed by the said Andrew Ferguson, and Charles Barfe Rudd respectively. And that an account may be taken of what is due to your Orator on the said Mortgage security, and of what, if anything is due to the said other Defendants, who are, or pretend to be judgment creditors of the said William Ashwell, Richard Ashwell, and George Ashwell, so far as their said judgments affect or encumber the said parcel of land and premises, and of the priorities of the said incumbrances and of your Orator. And that your Orator's said Mortgage may be declared to have been and be a valid and effectual charge on the said lands so intended to be conveyed, and to be prior to the said claims of the said defendants the judgment creditors whose judgments were registered after the execution of the said mortgage. And that your Orator may be permitted to redeem the said premises discharged of such of the said judgments as are proper liens on the said premises. And that what your Orator shall pay in redemption of the said premises, with subsequent interest computed thereon, may be added to what shall be found due to your Orator upon the said security. And that your Orator may be paid the whole of what shall appear to be due to him as aforesaid, and what he shall have paid as aforesaid, and his costs of this suit, and in default thereof that the equity of redemption of the said premises may be foreclosed.

And for that purpose that all proper directions may be given and accounts taken. And in the meantime that the said defendants, Robert W. Harris, Adam Hepe, The Bank of Montreal, Charles Tupper, Robert Croft, Samuel Tretheway, John Plummer, John Pacey, and William Gladstone may be restrained by the order and injunction of this Honourable Court from selling or attempting to sell, the said mill property and appurtenances so by them advertised to be sold, or any part thereof under their said judgments, or by virtue of the said several writs of *per fieri facias* lodged with the said Sheriff of Middlesex, or under their said advertisement. And that if such sale be at all allowed, the same may be continued unless continued, subject to the claims of your Orator, or his rights under the said views hereinbefore set forth. And that your Orator may have such further or other relief in the premises as to this Honourable Court shall seem meet.

JOHN MACARA.