

Province of New Brunswick.

SUPREME COURT.

Barker, J.] BUCHANAN v. HARVIE. [June 4, 1904.

Practice—Security for costs—Foreclosure suit.

It is not a ground for refusing an order for security for costs, where plaintiff is resident abroad, that the suit is for foreclosure mortgage.

W. H. Trueman, for plaintiff. Kaye, for defendant.

Barker, J.] COOL v. COOL. [June 6, 1904.

Will—Construction—Maintenance clause—Lien.

Where testator by his will gave his estate, consisting of farm and dwelling house and personal property, to his son upon condition that he would maintain testator's widow and daughters, except in the event of their marrying or leaving home, and declared that they should have a home in the dwelling while unmarried, it was held that the estate was charged with their maintenance.

Hazen, K.C., for plaintiffs. Stockton, K.C., for defendants.

Barker, J.] [June 20, 1904.

CONTINENTAL TRUSTS CO. v. MINERAL PRODUCTS CO.

Priorities—Equitable mortgage—Mining licenses—Sheriff's sale—Judgment creditor—Purchaser—Notice.

Where a company made a mortgage of their lands, and of mining rights therein, the title to which at the time was in the Crown, mining licenses subsequently issued to them were held to pass to the mortgagee as against a judgment creditor of the company who with notice of the mortgage purchased the licenses at a sheriff's sale under an execution upon his judgment, and although he had paid to the Government overdue rent on the licenses and obtained an issue of the licenses to himself.

Semble, that this title would have been postponed to that of the mortgagee though he had been a purchaser without notice of the mortgage.

Hazen, K.C., and Stockton, K.C., for plaintiffs. Pugsley, A.-G., and Ewing for defendants.