

EQUITY SALE.

THE SUPREME COURT IN EQUITY.

Between George Wedd, a Bondholder in The European and North American Railway Company for extension from Saint John Westward, on the part of himself and other Bondholders in the said Company, and Samuel Leonard Tilley, Plaintiffs; and

The European and North American Railway Company for extension from Saint John Westward, The European and North American Railway Company, The Consolidated European and North American Railway Company, Benjamin E. Smith, Noah Woods, and Frank W. Cram, Defendants:

And by amendment—

Between George Wedd, a Bondholder in The European and North American Railway Company for extension from Saint John Westward, on the part of himself and other Bondholders in the said Company, and Samuel Leonard Tilley, Plaintiffs; and

The European and North American Railway Company for extension from Saint John Westward, The European and North American Railway Company, The Consolidated European and North American Railway Company, Benjamin E. Smith, Noah Woods, and Frank W. Cram, and Sophia Robertson, Duncan Robertson, James D. Lewin, and Charles Duff, Executors and Trustees under the last Will and Testament of John Robertson, deceased, Defendants.

THERE will be sold at Public Auction on SATURDAY the thirty first day of August next, at twelve o'clock, noon, at the Court House in the City of Saint John, pursuant to the direction of a certain Decretal Order made in the above cause on the nineteenth day of March last, with the approbation of the undersigned Barrister, in two separate Parcels, the Railway, Property, Rights, Lands and Premises mentioned in the Plaintiff's Bill and in the said Decretal Order, that is to say:

FIRST PARCEL—

"The continuous Railway and right of way over which the same is built and constructed by the Defendants The European and North American Railway Company for extension from Saint John Westward, situate in the Province of New Brunswick, in the Dominion of Canada, and extending from the City of Saint John westward eighty eight miles to the Boundary Line of the United States, being also the eastern boundary line of the State of Maine, together with all the Railway ways, right of way, sidings, tracks, depots, depot grounds, station houses and grounds, shops, engine houses, car houses, freight houses, and wood and water houses or tanks, and all buildings held and acquired and constructed for use in connection with the said line of Railway, or the business thereof, and all land and grounds on which the same stand or are connected with, and also all locomotives, engines, cars, tenders, and all other equipments and rolling stock, and all machinery, tools, implements, fuel and materials for the constructing, repairing, operating and maintaining or replacing said line of Railway or its appurtenances, or any part of the same, between the terminal points aforesaid, and all other rights and things of whatever name or nature necessary to build, continue, hold and operate the said line of Railway, and all and singular the rights, liberties, privileges, easements, franchises and equipments of the said The European and North American Railway Company for extension from Saint John Westward."

SECOND PARCEL—

"All those eight several lots, pieces and parcels of land, beach or flats, situate, lying and being in Guy's Ward, on the western side of the harbour, in the City of Saint John, called Carleton, and known and distinguished on the plan of the Water Lots then lately laid out there by the said Mayor, Aldermen and Commonalty of the City of Saint John, approved of in Common Council on the thirtieth day of July, A. D. 1840, and on file in the Office of the Common Clerk of the said City, by the numbers (2) two, (3) three, (4) four, (5) five, (12) twelve, (13) thirteen, (14) fourteen and (15) fifteen, in Block of Lots distinguished by the letter G, the said lots numbered two, three, four and five being each fifty feet front on a vacant space reserved for a wharf and highway, of thirty feet wide, on the south side of Nelson Slip, and extending back southwardly one hundred feet, and the said lots numbered twelve, thirteen, fourteen and fifteen being each fifty feet front on a wharf and highway of forty feet wide, there lately erected on the north side of Rodney Slip, and extending northwardly one hundred feet or to the rear of the first mentioned lots, with all and singular the rights, members and appurtenances to the same lots belonging or in any way appertaining; and also the right to use and occupy that part of the beach or flats reserved for a wharf and highway on the southwardly side of Nelson Slip as aforesaid, in front of the said lots numbered two, three, four and five, until the said Mayor, Aldermen and Commonalty of the City of Saint John or their successors should require the same to build upon and throw open for public accommodation, which the said Mayor, Aldermen and Commonalty of the City of Saint John or their successors might do at any time after fifteen years from the commencement of that lease."

"All those the said several eight lots, pieces and parcels of land, beach or flats, situate and being in Guy's Ward on the western side of the harbour of the said City, and known and distinguished upon the plan of water lots laid out there by the said

Mayor, Aldermen and Commonalty of the said City of Saint John, and approved in Common Council on the thirtieth day of July, A. D. 1840, and on file in the office of the Common Clerk of the said City, by the said numbers two, three, four, five, twelve, thirteen, fourteen & fifteen, in Block of Lots distinguished by the letter G, being the same lots named and described in and demised by the said in part recited Indenture of Lease, and also, the right to use and occupy that part or piece of the beach or flats reserved for a wharf and highway on the southerly side of Nelson Slip aforesaid, in part of said lots numbered two, three, four and five, until the said Mayor, Aldermen and Commonalty of the City of Saint John, or their successors, should require the same to be built upon and thrown open for public accommodation, which they might do at any time after fifteen years from the commencement of that lease."

"All those two several lots, pieces and parcels of land, beach and flats situate, lying and being in Guy's Ward on the western side of the harbour of the City of Saint John, called Carleton, and known and distinguished upon the plan of water lots then lately laid out there by the said Mayor, Aldermen and Commonalty of the said City of Saint John, approved of in Common Council on the thirtieth day of July, A. D. 1840, and on file in the office of the Common Clerk of the said City, by the numbers (1) one and (11) eleven in the Block of Lots distinguished by the letter G, the said lot number one being fifty feet front on a vacant space reserved for a wharf and highway of thirty feet wide, on the south side of Nelson Slip, and extending back southwardly one hundred feet, and the said lot number eleven, being fifty feet front on a wharf and highway of forty feet wide, then lately erected on the north side of Rodney Slip, and extending northwardly one hundred feet, or to the rear of the first mentioned lot, with all and singular the rights, members and appurtenances to the same belonging or in any ways appertaining; and also the right to use and occupy that part or piece of the beach or flats reserved for a wharf and highway on the southwardly side of Nelson Slip aforesaid, in front of lot number one, until the said Mayor, Aldermen and Commonalty of the City of Saint John, or their successors, shall require the same to be built upon and thrown open for public accommodation, which the said Mayor, Aldermen and Commonalty of the City of Saint John or their successors might do at any time after fifteen years from the commencement of that lease."

"All those two several lots, pieces and parcels of lands, beach or flats, situate, lying and being in Guy's Ward, on the western side of the harbour of the said City of Saint John, called Carleton, known and distinguished on the plan of the water lots then lately laid out there by the said Mayor, Aldermen and Commonalty of the City of Saint John, approved in Common Council on the thirtieth day of July, A. D. 1840, and on file in the office of the Common Clerk of the said City, by the numbers one (1) and eleven (11), in the Block of Lots distinguished by the letter G, the said lot number one having a front of fifty feet on a vacant space reserved for a wharf and highway of thirty feet wide, on the south side of Nelson Slip, and extending back southwardly one hundred feet, and the said lot number eleven, having fifty feet front on a wharf and highway of forty feet wide, then lately erected on the north side of Rodney Slip, and extending northwardly one hundred feet or to the rear of the first mentioned lot, with all and singular the rights, members and appurtenances to the same lots belonging or in any wise appertaining, and also the right to use and occupy that part or piece of the beach or flats reserved for a wharf and highway on the southerly side of Nelson Slip aforesaid, in front of the said lot number one, until the said Mayor, Aldermen and Commonalty of the City of Saint John or their successors should require the same to be built upon and thrown open for public accommodation, which they the said Mayor, Aldermen and Commonalty of the City of Saint John or their successors might do at any time after fifteen years from the commencement of that lease."

"All those eight several lots, pieces and parcels of land, beach, or flats, situate, lying and being in Guy's Ward, on the western side of the harbour, in the City of Saint John, called Carleton, and known and distinguished on the plan of water lots then lately laid out there by the said Mayor, Aldermen and Commonalty of the City of Saint John, approved of in Common Council on the thirtieth day of July, A. D. 1840, and on file in the office of the Common Clerk in the said City of Saint John, by the numbers six (6), seven (7), eight (8), nine (9), sixteen (16), seventeen (17), eighteen (18) and nineteen (19), in the Block of Lots distinguished by the letter G, the said lots numbered six, seven, eight and nine, being each fifty feet front on a vacant space reserved for a wharf and highway of thirty feet wide, on the south side of Nelson Slip, and extending back southwardly one hundred feet, and said lots numbered sixteen, seventeen, eighteen and nineteen, being each fifty feet front on a wharf and highway of ninety feet wide, then lately erected on the north side of Rodney Slip, and extending northwardly one hundred feet to the rear of the first mentioned lots in the last mentioned Indenture of Lease, with all and singular the rights, members and appurtenances to the same lots belonging or in any wise appertaining, and also the right to use and occupy that part of the beach or flats reserved for a wharf and highway on the southwardly side of Nelson Slip as therein aforesaid, in front of the lots aforesaid, number six, seven, eight and nine, until the said Mayor, Aldermen and Commonalty of the City of Saint John or their successors should require the same to be built upon and thrown open for public accommodation, which the said Mayor, Aldermen and Commonalty of the City of Saint John or their successors might do at any time after fifteen years from the commencement of that lease."