

Resolution adopted at the Special General Meeting of the Proprietary held on the 1st January last.
"Tree Extract" BENJ. HOLMES, V Pres

(Endorsed)

No. 2079—A. E. Kierskowski—Pliff vs The Grand Trunk Railway Company of Canada—
Defdis. Exhibit of the Defendants No 5. Filed at Enquête the 1st September 1857.

(Paraphed)

M C & P.

SCHEDULE No. 21.

PROVINCE OF CANADA, }
District of Montreal. }

SUPERIOR COURT FOR LOWER CANADA.

PRESENT: the Hon. Mr. Justice, MONDELET—

No. 2079.

A. E. KIERSKOWSKI,

Plaintiff

vs.

THE GRAND TRUNK RAILWAY COMPANY OF
CANADA,

Defendants

ON THIS first day of September in the
year of our Lord one thousand eight
hundred and fifty-seven

PERSONALLY CAME AND APPEARED,

WILLIAM HENRY ALLAN DAVIES, of the City and District of Montreal, Chief Accountant to the Grand Trunk Railway Company aged forty years, a witness produced on the part of the Defendants who being duly sworn, deposed and said:—I am not related, allied or of kin to any of the parties in this cause; I am not interested in the event of this suit. I know the parties in this cause as described in the Plaintiff's Declaration; I am in the employ of the Defendants in this Cause as Chief Accountant.

There is actually due by the Grand Trunk Railway on account of the Union or Amalgamation with the late St. Lawrence & Atlantic Railroad Company the following sums of money: 1^o. To the Provincial Government of Canada, four hundred & eighty six thousand, six hundred & sixty six pounds, thirteen shillings & four pence.—2^o. To the City of Montreal, one hundred & twenty five thousand pounds. 3^o. To the Seminary of Montreal, twenty five thousand pounds & 4^o. To the British American Land Company twenty five thousand pounds, making an aggregate amount of six hundred & sixty one thousand, six hundred & sixty six pounds, thirteen shillings & four pence.

The value of locomotives was set in an Inventory then made at the sum of forty six thousand, one hundred & eight pounds, eighteen shillings & one penny moreover Two snow ploughs valued at three hundred & seventeen pounds one shilling & five pence, currency.—The value of cars at forty six thousand & four pounds, ten shillings and seven pence, currency, & the value of fuel on hand four thousand five hundred & thirty six pounds, seventeen shillings & four pence; these four last mentioned sums forming an aggregate amount of ninety six thousand nine hundred & sixty seven pounds, seven shillings & five pence, said current money aforesaid. The value of the Rails & ties, to the best of my belief, at the time of the Amalgamation was as follows: On the section from Longueuil to the boundary line, one hundred & forty thousand four hundred & eleven pounds, four shillings, currency; on the section from the Boundary line to Island Pond, twenty thousand eight hundred & eighty nine pounds, twelve shillings, said current money aforesaid, forming, these two last mentioned sums an aggregate amount of one hundred & sixty one thousand, three hundred pounds & sixteen shillings, said current money aforesaid. The Rails rarely last more than ten years when they require to be taken up & re-rolled or otherwise repaired. The ties or sleepers do not last so long generally. The value of the works of embankment, drainage &c &c, at the time of the Amalgamation may be taken at six thousand four hundred & thirty six pounds per mile.

The value of the Stations at the time of the Amalgamation was forty four thousand, three hundred & fifty eight pounds, two shillings & two pence. The value of the bridges erected on the line of the road was seventy-seven thousand, seventy eight pounds, eleven shillings & four pence, currency. The above valuations are from Longueuil to the Boundary Line.

Exhibit No. 1, produced this day at Enquête is a copy of the Inventory of the Rolling Stock, locomotives & passenger's cars belonging to the late St. Lawrence & Atlantic Company, at the time of the said amalgamation. The Rails of a Railway and the Wheels of the Cars & locomotives must be made to suit each other. The ties are not fixed to the land; they are laid on the surface of the ground and are removable without taking the rails up. The rails are kept in their place on the ties by means of chains & spikes and they can be removed without disturbing the ties. The earthwork or embankments of a Railway cannot be said to improve the piece of ground upon which they are made; but they rather damage it for any other purpose. The earthworks including grading, drainage &c are generally very expensive. They constitute the chief expenditure of a Railway.

QUESTION.—Supposing that at the time of the Amalgamation of the Railway Companies mentioned in this cause, the Company Defendant had not become vested with the Corporate rights & privileges of the St. Lawrence & Atlantic Railroad Company, consisting amongst others in the right & privilege of conveying freight & passengers & of collecting tolls for such conveyance & also in the right of perpetual existence, of what value would have been for the Company Defendant the mere intrinsic value of the real property belonging to the St. Lawrence & Atlantic Railroad Company?

ANSWER.—There is no doubt that if it had not been for the purpose of becoming vested with the corporate rights & privileges of the St. Lawrence & Atlantic Railroad Company, it would have been of no advantage for the Company Defendant to have entered into the amalgamation above referred to. The intrinsic value of the road, without the Corporate rights of the St. Lawrence & At-