

You further declare:—

“ That no such agreement as represented in said notification, requisition, and protest was ever entered into between the said Steamship Company and said Railway Company; and more especially, the said Grand Trunk Railway Company deny that they ever agreed that the said Steamship Company would not have, provide, or furnish any other or further accommodation for the carriage of freight from Portland aforesaid, to wit, Portland in the State of Maine, than the quantity of one hundred and fifty car-loads per week in the proportions in said notification.”

In support of the truthfulness of our allegations, and the consequent absence of foundation for your positive denials, we will confine ourselves for proof to the letters which passed between Mr. P. S. Stevenson, the General Freight Manager of your Company, and ourselves, in the early part of November.

The parts in this correspondence to which we would particularly call your attention have been italicized by us.

In his communication under date of 3rd November, referring to an interview had with our Mr. Allan and Mr. Smith on the previous Thursday, with reference to capacity of freight from Portland, during the then ensuing season of winter navigation, Mr. Stevens on writes:—

“ Referring to our conversation of Thursday last, I have thought it better to put what I understand to be the substance of it in writing so as to prevent any misunderstanding, and will you kindly put me right, if, on reading this letter, you find that I have not correctly gathered your meaning. In the first place, I think I intimated to you that there would be a large export business offered to us from the West, and that shipments would likely be large to Liverpool *via* Portland;—that if this was to be the case, upon giving you timely notice, I asked if you would be willing to give us carrying capacity for any excess of Boxed Meats, or other Western produce, which we might be able to bring to Portland, over and above what your regular Mail Steamers could carry, and if you would carry that excess at your present proportions of through rates for traffic from the West for Liverpool.”

To this, “ I understood you to say that, you would not be willing, at the present time, to say that you would take from us any more freight for Liverpool at Portland than the *capacity of your regular Mail Steamers*, which, in figures, we put down at an average of 150 cars for each steamer; and that of these 150 cars, I understood you to say, that you would require to reserve room for at least 70 cars which you yourselves wished to engage from Montreal. *That, therefore, would only leave us 80 cars per week which we were at liberty to engage from all local stations*