

HALIFAX, SS.

Victoria, by the Grace of God of the United Kingdom of Great Britain
and Ireland, Queen, Defender of the Faith, &c.

To the Sheriff of the County of Halifax, or to any other of our Sheriffs:

We command you to summon the Western Counties Railway Company, and her Majesty's Attorney General for the Dominion of Canada, to appear in the Supreme Court, at Halifax, within ten days after the service of this writ, at the suit of the Windsor and Annapolis Railway Company, who say that on the second day of May, A. D., 1865, the Legislature of the Province of Nova Scotia, by an act of the said Legislature, provided for the construction of a line of Railway from Windsor to 10 Annapolis in the said Province; and on the 22nd day of November, A. D., 1866, under the authority of the said Act, the Commissioner of Railways for the Province of Nova Scotia entered into an agreement with Messrs. Pimhard, Barry & Clark, of London, G. B., for the construction of said Railway. It was, amongst other things, provided in the said agreement as follows; "And it is hereby mutually agreed that prior to the opening of the Railroad, a traffic arrangement shall be made between the said parties of the second part and the Provincial Government for the mutual use and employment of their respective lines of Railway, between Halifax and Windsor, and Windsor and Annapolis, including running powers or for the joint operations thereof, on equitable terms, to be settled by two arbitrators, to be chosen by the said parties in the 20 usual way in case of difference." On 7th day of May, A. D., 1867, by an Act of the Legislature of Nova Scotia, the members of the said firm of Pimhard, Barry & Clark, together with their associates, successors and assigns, were constituted a body corporate by the name of The Windsor Annapolis Railway Company, which is the Plaintiff Company herein; and by the said Act of Incorporation, the said Act first above referred to, and said agreement, were incorporated with, and made part and parcel of the said Act of incorporation.

On the 22nd day of September, A. D., 1871, in pursuance of the power and authority of the said Act of incorporation, the Government of Canada, who by due course of law became the successors of the Government of Nova Scotia, in relation to the line 30 of Railway between Halifax and Windsor, entered into an agreement with the said Plaintiff Company, which agreement is as follows:—

Agreement between the Windsor and Annapolis Railway Company, limited, and