

In the High Court of Justice

QUEEN'S BENCH DIVISION.

Writ issued the 2nd day of December, 1885.

BETWEEN

CONMEE & McLENNAN,

Plaintiffs,

AND

THE CANADIAN PACIFIC RAILWAY COMPANY,

Defendants.

STATEMENT OF CLAIM.

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1. The plaintiffs are contractors, resident at the Town of Port Arthur.
2. The defendants' railway company is a corporation duly incorporated by an Act of the Parliament of the Dominion of Canada, passed in the 44th year of the reign of Her Majesty Queen Victoria, and chaptered one.
3. The object of the said corporation was to construct a line of railway connecting the seaboard of British Columbia with the railway system of Canada.
4. In or about the month of October, 1882, the plaintiffs entered into a contract with the said defendants to supply to the said defendant railway company ties, at the rate of 32 cents per tie, for the construction of some 67 miles of their line, beginning at Port Arthur and running east, to the number of 2,640 ties for each of the said number of miles, such ties to be subject to 20 inspection by the company.
5. In pursuance of this agreement the plaintiffs proceeded to supply said ties, and they arranged with the said defendant company to carry at plaintiffs' cost the ties for the first few miles from the place where they were stocked up, to the part of the line where they were required. The said defendant company then sent up their inspector, one Myles, to such place where ties were stocked, and he inspected same, and those which were passed were brought down to places where required, and the plaintiffs paid their sub-contractors for such ties so passed upon the faith and strength of such inspection, to the knowledge of the defendants.