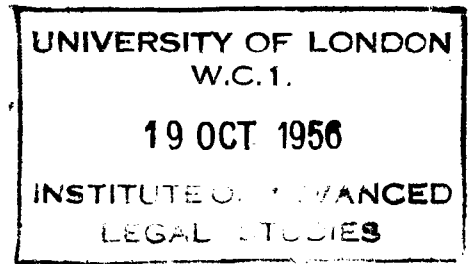


8, 1897



PETITION OF APPEAL

**In the Privy Council.**

No. 21 of 1896.

***On Appeal from Her Majesty's Court of Queen's  
Bench for Manitoba.***

BETWEEN

FRANCIS DOUGLAS GREY and SIR JOHN ROBERT  
HERON MAXWELL - - - - - *Appellants,*

AND

THE MANITOBA AND NORTH WESTERN RAILWAY  
COMPANY OF CANADA. - - - - - *Respondents.*

**To** THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

**The Humble Petition** of FRANCIS DOUGLAS GREY late of East Sheen in the County of Surrey and now of 38 York Terrace Regents Park in the County of Middlesex Lieutenant-Colonel and SIR JOHN ROBERT HERON MAXWELL late of Hamilton House Tooting in the County of Surrey and now of No. 1 St. James' Street Pall Mall in the County of Middlesex aforesaid Baronet.

**Sheweth ;—**

1. That by a Judgment of the full Court of the Court of Queen's Bench in Equity for Manitoba pronounced on the 10th of February, 1896 on the matter of the rehearing by the Defendants of the decree pronounced by the Honorable Mr. Justice Killam on the 17th of April, 1895 on the hearing of a cause in which the above named Francis Douglas Grey and Sir John Robert Heron Maxwell were Plaintiffs and the above-named Manitoba and North Western Railway Company of Canada were

Defendants the said full Court varied the said Decree of the Honorable Mr. Justice Killam of the 17th of April, 1895 in the words following (that is to say) :—

1. That the said Decree of the 17th of April, 1895 be and the same is hereby reversed so far as it directs a sale of any portion of the Defendants' Railway other than the personal property.
2. That the Mortgage by the Defendant Company to the Plaintiffs referred to in the Bill of Complaint herein of the revenues freights tolls incomes rents issues and profits of the first division of the Defendant Company's Railway and Telegraph were mortgaged to the Plaintiffs subject to the payment in priority to the said mortgage of the working expenses of the Defendant Company's entire Railway and Telegraph and that the appointment of the Receiver herein to receive the revenues freights tolls incomes rents issues and profits of the first division of the Defendant Company's Railway and Telegraph be varied and the said Receiver is hereby declared to be and since his appointment to have been Receiver of so much of the revenues freights tolls incomes rents issues and profits of the Defendant Company's Railway and Telegraph as may be applicable to the first division of the Company's Railway and Telegraph and subject to and after the payment of the working expenses of the said Defendant Company's entire Railway and Telegraph but this Court does not see fit at the present to declare the rights of any parties in respect of such priorities after any sale of the first division of the Railway.
3. That the said Decree of the 17th of April, 1895, in so far as it directs the payment of costs by the Defendant Company to the Plaintiffs be reversed and that there be no costs to either party up to and including the hearing of this cause and the proceedings hereinbefore taken under the said Decree in the Master's Office and that the Plaintiffs do pay to the Defendant Company their costs of this Appeal forthwith after taxation thereof.

2. That your Petitioners feeling themselves aggrieved by the said Judgment of the said full Court made an application to the Court for leave to appeal to Your Majesty in Council against the said Judgment of the said full Court and by Orders of the said Court dated respectively the 11th and 26th of March 1896 such leave was accordingly granted on the usual conditions which have since been duly complied with by your Petitioners and the said Order of the 10th of February 1896 has been transmitted to Your Majesty in Council together with a transcript of the proceedings in the said Cause.

YOUR PETITIONERS therefore most humbly pray.

That Your Majesty in Council will be pleased to take their said Appeal into your most gracious consideration and to grant them Your Majesty's Order of Summons upon the said Respondents to appear and put in their Answer thereto and that service of the said

Order of Summons upon the Agent of the said Respondents may be deemed good service and that an early day may be appointed for the hearing of the said Appeal and that the said Judgment of the said full Court of the 10th of February 1896 may be reversed altered or varied and that Your Petitioners may have such further and other relief in the premises as to Your Majesty in your great wisdom shall seem meet.

AND your Petitioners will ever pray &c.

## In the Privy Council.

---

*On Appeal from Her Majesty's Court of  
Queen's Bench from Manitoba.*

GREY and ANOTHER - - *Appellants.*

THE MANITOBA AND NORTH-  
WESTERN RAILWAY COMPANY  
OF CANADA - - - - *Respondents.*

---



---

## Petition of Appeal.

---



---

NORTON, ROSE, NORTON & CO.,  
57½, Old Broad Street, E.C.,

---

*A. P. Blundell, Taylor & Co., 173, Upper Thames Street, E.C.*