

a breach of trust on the part of the directors to expend any moneys in fulfilment of any such obligation" as that alleged by the town of Barrie. (See Appendix B.)

The directors had a right to expect that such a judgment would relieve them from any further coercion in regard to the claim.

Much to their surprise, however, the bill withdrawn in 1860, was re-introduced by Mr. Morrison during the session of 1861, to which renewed opposition was offered by the company, resulting as before in the withdrawal of the measure, and the re-submission of the whole case to arbitration; for the directors, weary of parliamentary warfare, and of the disturbing influence of a local hostility, conceived it to the interest of the company to succumb to a limited exaction, however unjust, rather than to involve the whole issue of the bonds (£534,000 sterling) in the discredit of a ceaseless and mischievous agitation. The previous arbitration having resulted in the legal acquittance of the company, the only terms for peace now open to the directors were to consent to a reference apart from and independent of the law, and it was upon an agreement to that effect that the case finally went to the Hon. Mr. Harrison.

The directors gave exact and faithful effect to the conditions of that agreement, and the case was duly heard by Mr. Harrison, who on the 31st of January, 1862, made and published his award.

The pamphlet referred to professes to publish that award, but the whole preamble (containing the important paragraphs upon which the subsequent proceedings were based) has been omitted.

In that preamble Mr. Harrison thus expresses himself:

"That reference being had to the agreement in the said memorandum of agreement by which this award is to be made, as though the several acts of parliament therein referred to had not been passed, I award, adjudge and find, that the said claim of the said corporation of the town of Barrie, to have the said agreement performed, is still subsisting, and if not performed, their right to compensation in lieu thereof ought to be awarded."