

monies and back interest, and that the only point for consideration was the period when the amount of the back interest should become payable. The records of the Executive Council Office, contain evidence to the like effect. Mr. Merritt's letter of the First of September, 1842, relating to this subject, speak of *waiting for the back interest* until the revenues reach certain amounts.—A draft of a Bill in Mr. Merritt's hand writing sent for the information of the Government amending the Act of 1841, provides in its fourth clause that the debentures mentioned in the second clause of the Act of 1841 were to issue without any alteration as to terms except being issued payable in London at five per cent if desired, consequently the amount to be issued *was to make up six per cent interest* upon the amount of Stock from the time the same was paid in the minute or memorandum of Council of Twentieth of May 1843, says after stating at length the case, and the desire of the Shareholders for a repeal of the Act of 1841, "It is therefore not thought expedient to move in the amendment of the Law as proposed by Mr. Merritt, unless the issue of Debentures for the payment of *back interest* shall be postponed until after the completion of the Canal, and until the tolls of one year shall amount to £45,000 Cy." Mr. Merritt in his letter of Twenty-second September 1843, transmits the memorial of the Stockholders dated Twenty-second July, of the same year, accepting the proposal, contained in the memorandum and thereupon the Act of 1843 was founded.

It is urged on behalf of the Shareholders that a liberal construction should be given to the act so as to favor their claim inasmuch as the improvement undertaken by them, has been of vast service to the country and therefore on equitable grounds they should be meet with the most favorable consideration. In that point of view a reference to the contents of a Despatch dated 9th July, 1842, from His Excellency the late Sir Charles Bagot, to the then Colonial Secretary Lord Stanley, is sufficient to shew the then opinion of the Government—that no claim can be founded upon such grounds,—and nothing has occurred, since the date of that Despatch, to place their claims on a more favourable footing.

With regard to the opinions of several eminent Professional men obtained by Mr. Merritt, it is remarkable that while some of these Gentlemen strain the sixth clause of the Statute of 1843, to shew that the words "six per centum per annum" may be construed to mean not *interest* but a mode of computing part of the purchase money of the Stock, and in order to arrive at such a conclusion travel out of the Statute and assume the intention of the Legislature to have been the very contrary of what in fact it was—yet Mr. Merritt and the Shareholders on every occasion speak of the six per cent as

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