

their successors, on the Tenth day of March next ensuing the date of this my award, between the hours of Twelve of the clock at noon, and Two of the clock in the afternoon of that day, at the office of Messrs Morrison and Sampson, in the City of Toronto, the sum of Five Thousand Pounds of lawful money of Canada, and that the said sum be received by the said Corporation of the Town of Barrie, in full satisfaction and discharge of; and for all the said matters in difference to me referred, as aforesaid.

6th. And I do further award, order, adjudge and direct that the said Northern Railway Company of Canada do, when requested so to do, by the said Corporation of the Town of Barrie, make and execute to them, a valid deed of conveyance in fee, of all those certain lands and tenements mentioned, and comprised in a certain Indenture of Bargain and Sale, made by one John Boon to the said Company, and dated the Eighteenth day of August, 1855, and shall, and do further, when so requested, as aforesaid, make and execute a general release of all claims in respect of the land and right of way conveyed to them, or agreed to be conveyed to them, by the several parties over whose lands the said branch line from the main track into the town of Barrie was to pass.

7th. And Seventhly, and lastly, I do further award, order, adjudge and determine, that the said Northern Railway Company of Canada do bear and pay the costs and charges of this reference, as well their own costs and charges, as also the costs and charges of the said Corporation of the Town of Barrie, the same to be taxed in the usual manner, and also the costs of this my award, which I assess at the sum of forty pounds:

That after the said award was published, the said Railway Company took exceptions to the same, and by their counsel moved the Court of Queen's Bench to set it aside on the ground of uncertainty; and that after argument the said Court of Queen's Bench by its judgment, confirmed the said award.

That immediately after the said Court of Queen's Bench had confirmed the said award, certain parties professing to be Bondholders of the said Railway Company, filed a Bill in the Court of Chancery for Upper Canada, and obtained an injunction against the said Railway Company preventing them from paying the said award, and restraining the said Corporation of Barrie from enforcing payment of the sum awarded by execution, "on the ground that the Act passed in 1859, the order of the Governor General in Council of the 11th May, 1859, and the confirmation Act of 1860, did not grant any provisions for the payment of the said award, as well as impeaching the authority of the Directors of the said Northern Railway Company to refer the said claim to arbitration.

That doubts have arisen whether the effect of the last mentioned Act, the Order of the Governor General in Council and the Confirmation Act of 1860, may not be construed as making the said Railway Company a new Company and as preventing or relieving them from being bound by the obligation arising out of the original agreement with the Corporation of Barrie or from being liable to pay the amount of the said award,—which doubts the said Corporation of Barrie pray may be removed: And whereas it is expedient to remove the same: Therefore Her Majesty declares and enacts as follows:

1. It was not the intention of the Legislature, by the said Act of 1859 to prevent or relieve the Railway Company which might be constituted under the said Act from being bound by any obligation contracted by the Northern Railway of Canada with the Corporation of the Town of Barrie before the passing of the said Act, and it was the intention of the Legislature by the Act of 1860, that the Railway Company in which, by the said Act, and the order in Council therein recited, the whole property and franchise of the Northern Railway

*Intention of the Legislature and rights of the Corporation of Barrie declared.*