

The Debentures issued under the Sixth Section of this latter Act (1811,) being found unsaleable, the Shareholders brought the subject of its amendment before the Government, not for the purpose of making a new demand, but solely to enable them to sell their Debentures. Mr. Secretary Rawson drew up a memorandum for the information of the Executive Government, under date of the twenty first September, 1842, and he suggested a doubt as to whether the omission of the words "annual," or "per annum," as applied to interest in the sixth clause, did not nullify its provisions. This suggestion no doubt was considered by the framer of the Act of 1843, and the word "interest," omitted, and "per annum," inserted, to avoid the difficulty suggested in that Section of the Act of 1811.

See post Appendix P. 12

The circumstances above detailed under which these three Bills were introduced from time to time, and passed, clearly shew, that the original proposition of Mr. Merritt was the basis of all the legislation, and the different amendments made were introduced to carry out his views, and to set at rest all doubts as to the intention of the Government and the Legislature. The last proceeding of the Assembly, on the twentieth November, 1843, previous to the presentation of the Bill to the House, for its first reading, was the necessary resolution of a Committee of the whole House who resolved on that day relative to the back interest, "And further to provide that so soon after the completion of the Canal as the toll shall amount in any one year to £45,000 currency, other Debentures shall be issued to the private Stockholders for the interest on their stock for the time the said had been paid in." Upon this resolution the Bill of 1843 was introduced, passed its various stages without amendment, and received the Royal Assent.

Journals of Assembly for 1843, page 112. Appendix J. P. 32

As the Statute itself is a mere agreement between the Province and the Shareholders, relative to the purchase of their Stock, it will not be violating any rule of justice or equity to enquire further into and examine the circumstances and grounds upon which the bargain was arranged, for the purpose of ascertaining whether that, which the Shareholders now demand, formed part of the arrangement. Upon reference to the records of the Assembly, it will appear, that a Committee was appointed to consider a Message from the Governor General on the subject of the Act authorizing the purchase of the Private Stock, and appended to the report of that Committee are several documents (*inter alia*) a memorial of the President of the Company (Mr. Merritt) and the Directors intimating their desire to dispose of the private Stock, also, a report of a former Committee of the House on the subject of the memorial, who "having applied themselves to the consideration of such proposition to be made

Appendix to Journals of U. C. Assembly 1839 & 1840, Vol. 1, pt. 2, page 13.