

Barrie under the original charter of the Company? And it would have been clearly contrary to good faith to have legislated away these rights in the interval.

The Legislature being in session when Mr. Galt's opinion was given, Mr. Morrison, the member for North Simcoe, introduced a bill to rectify the alleged inadvertance of the Act of 1860, and compel the Railway Company to fulfil its obligation to build the Barrie Branch. A trinity of lobbying power was set in motion against this bill. Mr. Vice-President Cumberland, Mr. Secretary Beatty, and Mr. Grant, Manager, were all engaged in the serious duty of buttonholing members of the two branches of the Legislature. Finding that their measure of success was not very great, Mr. Cumberland proposed terms of accommodation. On the 16th May, 1861, he, acting under the authority of the Company, signed a reference of arbitration to Judge Harrison, by which both parties were bound that "The award of the said Samuel B. Harrison shall be final and binding upon the parties respectively"—the Railroad Company and the Town of Barrie. The Company fully endorsed what their Vice-President had done. On the 26th of Sept., 1860, the directors caused a bond to be executed, binding the Company in a penalty of £10,000 to carry out whatever award Judge Harrison might make. On the 10th March, 1862, the award was made, giving £5000 damages to the Town of Barrie—which had made a detailed claim of nearly £20,000—with costs.

Did the Company accept this award according to the agreement of Mr. Cumberland and his own bond ratifying that agreement? On the contrary—Mr. Cumberland was the prominent actor all through—it appealed to the Court of Queen's Bench to set aside the award, in the term during which the award was given. It is proper to state that there had been some change in the Directors, in the interval. The appeal did not proceed upon the ground of excessive damages, but upon an alleged verbal uncertainty as to whether the award gave the Company the option of paying the money or building the

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