

invite a careful perusal of the latter most important document. (See Appendix C.)

The Vice-Chancellor, after reviewing the whole case, there declares that the claim of the town of Barrie is illegal and untenable, and that were the directors to appropriate any of the moneys of the company either to the construction of the branch, or to the payment of the award, they would be guilty of "a plain breach of trust," of which the court would take cognizance; and, (referring to the bills introduced by Mr. Morrison during the sessions of 1861 and '62, for the purpose of establishing and enforcing the claim of the town of Barrie,) the Vice-Chancellor significantly adds, "I have only to say, that if the bills had become law, the passing of which it is suggested were stayed by the agreement to arbitrate, my judgment would have been the same as it is."

The conclusion of the judgment is in the following words: "The plaintiffs" (Dunn and others) "are entitled to an injunction restraining the railway company and its directors from paying the amount of the award in favour of the municipality of the town of Barrie, or any part thereof; or in any way satisfying the claim of the municipality out of the earnings of the railway; and restraining the municipality from receiving such payment or satisfaction out of such earnings, and from enforcing such payment by levying upon the railway or any rolling stock thereof, or anything else necessary to, or ordinarily used in, the working, repairing, or managing the same."

Yet, regardless of such judgment and injunction, Mr. Morrison (acting as "solicitor for the town of Barrie,") has since viz., on the 30th December last, urged the directors to "pay all costs of suits, disbursements and liabilities incurred by the town of Barrie; and to build and construct the branch line," threatening in the event of their refusal to "give notice of the bill" (now before the legislature) and to publish such notice "in the London Times, England, and the local papers forthwith."

So extraordinary a demand, indicating as it did an entire contempt for the orders and powers of the Court of Chancery, was immediately referred by the directors to their counsel, whose opinion was given as follows: