

1838, when it was ascertained that a certificate could be made, by estimating for a single track and a ^{single} plate rail, the act of 1837 was laid upon the table, the business for future rejection or acceptance was the interests of the company, might afterwards require. The business occurred at the certificate in November 1838, and at the last session, the act was passed changing the form of the stock, and delivering to the company such an amount of it, as would pay the same million subscription. The act directed the change and delivery of the stock, on the condition that the company should secure the payment of interest as therein described, and release the State from the contract, made by the commissioners under the act of 1836. Mr. La Roche states that application was made to the Legislature, to state the necessity of complying with certain stipulations which he enumerated; and that the law (the act referred to) "first" no doubt in the opinion of the board, was passed, placing the Sterling five per cent. bonds of the State at once in the hands of the Rail Road Company, in the entire subscription suspending thereby, with the six months notice, and without limit as to the price at which the bonds are to be sold. And he adds "that all the stipulations of the act of 1835, chap. 396, have either been complied with by the company, or provided by the ^{Legislation} of 1838 - and the bonds of the State are now or soon will be in the company's hands to be applied to whenever they can be made available and wherever the company deems best, and the law of 1837, ch. 214, remains a dead letter on the Statute book."

The Legislature certainly intended, by the act of last session, to pay the subscription in Sterling bonds, and to confer on the prudence and discretion of the company, as to the time of bringing them into market, and the terms on which they were to be sold. What else was applied for or intended to be granted I do not pretend to decide; but there is very little doubt from the representations that were made in Sterling stock, that the Legislature expected to sell at par, or very little below it; and from the general concern expressed, about the condition of the bonds already pledged, it can hardly be supposed, that a single member would have consented to place any other bonds in a train of hypothecation.

Mr. La Roche after showing that, by estimating for a single track and a plate rail. The funds of the company would be sufficient, as required by the law of 1835, proceeded to state their difficulties in the following words: "But while the 3^d & 4th stipulations of the act of 1835 chap. 395 were thus complied with, the 1st, 2nd, 5th and 6th, relating to the 20 per cent. premium - the six months notice - the payment of one million per annum - and the payments par passu with the stockholders, remained uncomplied with, and still effectually prevented the use of the State's subscription."

To state the necessity of complying with these stipulations, application was made to the Legislature at its last session and the law was passed, placing the Sterling 5 per cent. bonds of the State at once in the hands of the Rail Road Company. "But the company in its representation sensibly enquire? 'What has arisen to create distrust in their prudence? What has hitherto restrained them from making such sacrifices? Why have they refrained from selling the stocks, without recourse, both at home and abroad?'"

I answer upon the authority of Mr. La Roche, that the 1st, 2nd, 5th and 6th stipulations of the law of 1835, remained uncomplied with, and still effectually prean-