



CHAP. cxvi.

An Act to confer additional powers on the London, Chatham, and Dover Railway Company for the construction of works, and otherwise in relation to their own undertaking and the undertakings of other companies ; and for other purposes. A.D. 1869.
[12th July 1869.]

WHEREAS it is expedient that power should be granted to the London, Chatham, and Dover Railway Company (in this Act called "the company") to construct the works and to effect the purposes herein-after mentioned ; (that is to say,)

To widen the bridges respectively carrying the company's railway over the Old Fleet Lane in the parish of Saint Sepulchre, and over the lane constructed by the company as a diversion of the Old Fleet Lane in the parish of Saint Bride, both which bridges are situate in the city of London and county of Middlesex ;

To stop up and discontinue so much of the road known as Penge Lane in the parish of Beckenham in the county of Kent, leading from Lower Sydenham towards the Royal Naval Asylum, as crosses the main line of the company's railway upon the level thereof, at or near to the company's Penge station, and to stop up and discontinue as a public thoroughfare and appropriate to the purposes of the company so much of the said road as is to be stopped up ;

To construct the road herein-after authorized in lieu of so much of the said road as is to be stopped up as aforesaid ;

To stop up and discontinue and to appropriate to the purposes of the company certain occupation roads for the use of the farm known as Frognall Farm in the parish of Teynham in the county of Kent, in so far as the same cross the main line of the company's railway on the level thereof, and to construct under the railway the two bridges herein-after authorized, with approaches thereto, for the use and accommodation of the said farm and the tenants thereof :

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And whereas plans and sections of the roads, bridges, and works by this Act authorized, and of the lands required for the purposes thereof, and books of reference to such plans, have been deposited with the respective clerks of the peace for the several counties within which those works respectively will be constructed :

And whereas it is expedient that the time limited by "The London, Chatham, and Dover Railway (New Lines) Act, 1864," for the completion of the works thereby authorized for the widening and improvement of Green Walk in the parish of Christchurch in the borough of Southwark and county of Surrey, and for carrying into effect the powers contingent and consequent thereupon granted to the company by that Act and by "The London, Chatham, and Dover Railway (Various Powers) Act, 1865," should be extended :

And whereas it is expedient that the company and the Great Western Railway Company, or either of them, on the one hand, and the London and South-western and the Midland Railway Companies, or either of them, on the other hand, should be empowered to enter into and carry into effect arrangements and agreements with respect to the user by the companies parties to such arrangements or agreements of the portion of the station and railway of the Victoria Station and Pimlico Railway Company now in the occupation of the company and the Great Western Railway Company, and of the lines and approaches thereto, and of the conveniences connected therewith :

30 & 31 Vict.
c. ccix.

And whereas by "The London, Chatham, and Dover Railway (Arrangement) Act, 1867," herein-after called "the Arrangement Act, 1867," it is recited that questions have arisen as to the mutual rights and liabilities of the several undertakings and sections of the undertaking of the company, and as to the priorities of the several capitals, and as to the validity of certain leases and working agreements, and that numerous proceedings had at the time of the passing of the said Act been taken in the Court of Chancery with reference to the matters in dispute, and that by reason of the complications of interests and the large number of persons interested it was expedient that special powers should be conferred upon the said court, and by the thirty-third and thirty-fourth sections of the said Act especial powers are vested in the Court of Chancery for hearing and determining the matters defined in the thirty-third section :

And whereas, owing to the multiplicity and to the complicated nature of the claims brought before the court, no final order has yet been made, and in the meanwhile the accruing profits of the company have not been applied to the discharge of interest on mortgages

or to the discharge of the general debts of the company existing at the time of the passing of the said Act; and such profits have been accumulating, and are likely to continue to accumulate for a considerable period, and the claims of mortgagees and others will remain unsatisfied, and grave injury will continue to be inflicted on a multitude of persons unless some more speedy method is established for determining the relative rights of the parties constituting the company, or being mortgagees of the general undertaking of the company, or of particular sections thereof:

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And whereas the present revenues and property of the company are undoubtedly inadequate to satisfy the legal claims of the mortgagees and of the preference and other shareholders of the company, or of sections of the company, even when the relative rights of those parties have been ascertained; and, in order to render the revenues of the company in some degree available to the parties having claims thereon, it is indispensable that discretion should be placed in arbitrators specially constituted for the purpose, to determine not only the rights of the several parties aforesaid, but also the most equitable method of rearranging, modifying, fusing, and reconstituting the capital of the company, and of providing for the satisfaction of the legal and equitable rights and liens of general creditors as defined by the third section of the Arrangement Act, 1867, and of the legal and equitable rights and claims of the company against any person or persons, and for the settlement of all matters and questions relating to the affairs of the company, as fully and effectually as could be done by Act of Parliament:

And whereas the Most Honourable Robert Arthur Talbot Marquess of Salisbury and the Right Honourable Hugh McCalmont Lord Cairns have consented to become such arbitrators, and to exercise the powers herein-after granted to them, and it is expedient that the said powers should be conferred upon them:

And whereas it is expedient that, subject to the conditions herein-after expressed, the company should be authorized to raise further monies in manner and upon the terms herein-after expressed:

And whereas it is expedient that some of the powers and provisions of the existing Acts relating to the company should be altered, amended, extended, and enlarged, and such further powers granted to the company as are herein-after mentioned:

And whereas the several purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

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A.D. 1869. with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows ; (that is to say)

Short title. 1. This Act may be cited for all purposes as "The London,
Chatham, and Dover Railway (Arbitration) Act, 1869."

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106.,
and Parts 2
and 3 of
26 & 27 Vict.
c. 92. incor-
porated. 2. The following Acts and parts of Acts are, except where
expressly varied by this Act, incorporated with and form part of
this Act ; (that is to say,)

"The Lands Clauses Consolidation Act, 1845 :"

"The Lands Clauses Consolidation Acts Amendment Act, 1860 :"

"The Railways Clauses Consolidation Act, 1845 :"

"The Railways Clauses Act, 1863," Part II. (relating to
extension of time) and Part III. (relating to working
agreements).

Interpreta-
tion of terms. 3. In this Act the several words and expressions to which
meanings are assigned by the Acts wholly or partially incorporated
herewith have the same respective meanings, unless there be some-
thing in the subject or context repugnant to such construction ;
(that is to say,)

"The company" shall mean the London, Chatham, and Dover
Railway Company :

"The Victoria Station Company" shall mean the Victoria Station
and Pimlico Railway Company :

"The Great Western Company" shall mean the Great Western
Railway Company :

"The South-western Company" shall mean the London and
South-western Railway Company :

"The Midland Company" shall mean the Midland Railway
Company :

"The Kent Coast Company" shall mean the Kent Coast Railway
Company :

"The Sevenoaks Company" shall mean the Sevenoaks, Maidstone,
and Tunbridge Railway Company :

"The Crystal Palace Company" shall mean the Crystal Palace
and South London Junction Railway Company :

The expression "superior courts" or "court of competent juris-
diction," or any other like expression in this Act or any Act
wholly or partially incorporated herewith, shall be read and
have effect as if the debt or demand with respect to which the
expression is used were a common simple contract debt, and
not a debt or demand created by statute :

The words "mortgage," "mortgagee," "shareholders," and "general creditors" shall have the meanings assigned to them respectively by "the Arrangement Act, 1867." A.D. 1869.

4. The company may widen to an extent not exceeding twenty feet the bridge carrying the company's railway over the Old Fleet Lane situate in the parish of Saint Sepulchre, and may also widen to an extent not exceeding twenty feet on the western side thereof the bridge carrying the company's railway over the lane constructed by the company as a diversion of the Old Fleet Lane situate in the parish of Saint Bride; and the archways for widening the said bridges shall be formed of a width not less than the width of the archways of the existing bridges, and so as to span over the whole of the said lanes respectively, and so that no part of the abutments or piers of the said bridges respectively, or any other obstruction, shall stand upon any part of the carriage or foot way respectively.

Power to widen the railway bridges over Fleet Lane, and the diversion of Fleet Lane.

5. The company may make in the line and according to the levels defined on the deposited plans and sections relating thereto the alteration or deviation of road following; (that is to say,)

Power to deviate Penge Lane.

A road commencing by a junction with the road known as Penge Lane in the parish of Beckenham in the county of Kent, leading from Lower Sydenham to the said Royal Naval Asylum, at a point sixty-five yards or thereabouts, measuring in a north-easterly direction, from the railway of the company where the same is at present crossed upon the level thereof by that road as aforesaid, and terminating by a junction with the road or lane known as Old Penge Lane at a point five yards or thereabouts, measuring in a north-easterly direction, from the north-eastern side of the bridge carrying the said railway over the said Old Penge Lane in the hamlet of Penge, parish of Saint Mary Battersea and county of Surrey;

and may, on the completion and opening for public traffic of such alteration and deviation, stop up and discontinue as a public thoroughfare, and may appropriate to the purposes of the company, so much of the said road known as Penge Lane as crosses the main line of the company's railway upon the level thereof at or near to the company's Penge station, and as is within forty feet on each side of the centre line of the railway.

6. Subject to the provision herein-after contained, the company may stop up and discontinue and extinguish all rights of way over three of the four occupation roads for the use of the farm known as Frognall Farm in the parish of Teynham in the county of Kent, in so far as the same cross the main line of the company's railway

Power to stop up accommodation roads which cross the company's railway at

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Frognall
Farm on
the level.

upon the level thereof, and may limit the use of the fourth of those roads as after mentioned: Provided always, that they shall have previously constructed and opened for the use and accommodation of the said farm and the occupiers thereof two bridges under the company's railway, with approaches thereto, in such position and courses within the limits of deviation defined on the deposited plans as the company and the owners of the said farm agree upon; provided also with respect to the road at the crossing described on the deposited plan as Number Three Crossing on the level, that the company shall not erect a continuous fence across the same, but, after the construction and opening of the said bridges and approaches, shall inclose the same by gates of which the keys shall be delivered to and retained by the occupier for the time being of Great Frognall Farmhouse, who shall be at liberty to use and shall permit all the occupiers of the said farm to use the said crossing for any purposes for which any bridges and approaches from time to time constructed in accordance with this Act are not suitable, but subject always to such regulations as to the time and manner of crossing as the company and the owners, and, for the term of their occupation, the present occupiers of Frognall Farm may from time to time agree upon, or, in default of agreement, as may be determined at the expense of the company by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference, and his decision shall be final and binding on all parties in difference; and any use of the said crossing in violation in any respect of such regulations shall subject such occupiers or any other person so using the same to a penalty not exceeding forty shillings for every offence, recoverable in manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the recovery of penalties.

Power to
take lands
for purposes
of Act.

7. Subject to the provisions of this Act and of the Acts incorporated herewith, the company may from time to time, for the purposes of the several works by this Act authorized, enter upon, take, use, and appropriate all or any of the lands defined on the plans and described in the books of reference deposited as aforesaid.

Extending
provisions of
28 & 29 Vict.
c. cclxix. as
to sewers
and streets
in city of
London.

8. The sections numbered respectively thirty-one and thirty-two of "The London, Chatham, and Dover Railway (Various Powers) Act, 1865," (relating to the protection of the sewers and streets in the city of London,) shall extend and apply to the works in the city of London by this Act authorized, and to the powers by this Act given to the company in relation thereto, as fully and effectually as if those sections were in this Act re-enacted with especial reference to those works and powers.

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9. The powers by this Act granted for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

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Powers for compulsory purchases limited.

10. The works by this Act authorized shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the company for executing the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of works.

11. The time limited by "The London, Chatham, and Dover Railway (New Lines) Act, 1864," for the completion of the works thereby authorized for the widening and improvement of Green Walk in the parish of Christchurch in the borough of Southwark and county of Surrey, is hereby extended to the fourteenth day of July one thousand eight hundred and seventy-one, and the whole powers consequent upon such widening and improvement granted to the company by the said Act, and by "The London, Chatham, and Dover Railway (Various Powers) Act, 1865," shall take effect and may be put in force by the company as if the said fourteenth day of July one thousand eight hundred and seventy-one had been the date limited by "The London, Chatham, and Dover Railway (New Lines) Act, 1864," for the completion of the said works.

Extension of time for widening and improvement of Green Walk.

12. Whereas, by the twenty-fifth section of "the Arrangement Act, 1867," it was enacted that the "A" debenture stock should have priority over all existing mortgages and the deferred dividend warrants issued in respect thereof, the holders of which mortgages should consent in writing, in the form set forth in the schedule to the said Act, or in a form to the like effect, to be postponed to the said debenture stock, but not over any such mortgages the holders of which should not consent to such postponement; and it was by the said section provided that the board should send by post to all mortgagees, at their last-known place of abode, a copy of the circular contained in Schedule III. to the said Act: And whereas the board did, in the month of August one thousand eight hundred and sixty-eight, send a copy of the said circular by post to all the mortgagees of the company as provided by the said Act, but none of the said mortgagees have consented to be postponed to the debenture stock, and it is not expedient that the board should be required to issue any notice to the mortgagees with respect to the further amount of that stock by this Act authorized: Therefore the said "A" debenture stock, and the increase thereof by this Act authorized, may, without further notice to the said mortgagees, be created and issued by the board.

"A" debenture stock may be issued without further notice to mortgagees.

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As to appli-
cation of
certain
revenues to
payment of
interest on
"A" debenture
stock.

13. Whereas by the thirty-first section of the Arrangement Act, 1867, it was provided that any increase of the net revenues of the company from all sources which would otherwise be applicable to payment of interest or dividend to holders of mortgages beyond the amount of such revenues, shown by the published accounts of the company to have been earned in the year ending the thirtieth day of June one thousand eight hundred and sixty-seven, shall, to the extent of thirty thousand pounds per annum, as well after as during the suspense period, be applied first in payment of interest to the holders of the "A" debenture stock by the said Act authorized to be created, until such interest shall be paid in full: And whereas it is expedient that the amount of such net revenues earned in the year ending the thirtieth day of June one thousand eight hundred and sixty-seven, as shown by the published accounts of the company, should be by this Act defined and declared: And whereas it is also expedient, with a view to enabling the board to raise the said "A" debenture stock, if the amount of the same shall be under the powers of this Act increased, that the said sum of thirty thousand pounds should also in that event be increased to the extent hereinafter authorized: Therefore be it hereby enacted and declared, that the amount of such net revenues for the year ending as aforesaid, as shown by the said published accounts, subject to the conditions as to the application of the same in the said recited section contained, was the sum of one hundred and sixty-three thousand one hundred and seventy-eight pounds nineteen shillings and fivepence, and that the said recited section shall be construed as if the said sum had been therein inserted, and any increase of the net revenues of the company from all sources beyond the said sum of one hundred and sixty-three thousand one hundred and seventy-eight pounds nineteen shillings and fivepence shall, to the extent of thirty thousand pounds, and of such further sum as shall be sufficient to secure the payment of interest at the rate of five pounds per centum per annum upon so much of the additional "A" debenture stock hereby authorized, or stock, if any, substituted by the arbitrators for the same, as may be hereafter actually created and issued, as well after as during the suspense period, be applied in payment of interest to the holders of "A" debenture stock, or any stock substituted for the same, until such interest shall be paid in full.

With respect
to mort-
gages issued
under
24 & 25 Vict.
c. ccxl.

14. Whereas by "The London, Chatham, and Dover Railway (Works) Act, 1861," the company were authorized to borrow on mortgage for the purposes of that Act any sum or sums of money not exceeding the sum of forty-three thousand pounds on the security of the general undertaking and general profits of the

company: And whereas, in pursuance of the powers in the said Act contained, and of a resolution of a general meeting of the company held upon the seventh day of May one thousand eight hundred and sixty-two, the company did borrow upon mortgage as aforesaid and apply to the purposes of the said Act the said sum of forty-two thousand nine hundred and fifteen pounds: And whereas the mortgages granted for the money so borrowed, while appearing upon the face thereof to be granted and issued under "The Various Powers Act, 1861," (being "The London, Chatham, and Dover Railway (Various Powers) Act, 1861,") were in fact granted and issued under "The London, Chatham, and Dover Railway (Works) Act, 1861," and the said mortgages were recorded in the books of the company as having been granted and issued under "The Works Act, 1861;" and they were also distinguished upon the face of the mortgages themselves by the letter (D) being prefixed to the denoting number of each of the mortgages (the said letter D being intended to denote the deviations by the said last-mentioned Act authorized: Therefore, with the view of removing doubts or disputes as to the said mortgages or the validity of the same, or the rights of the holders thereof, by reason of such mistake, it is hereby enacted and declared, that the said mortgages so granted and issued by the company in respect of the said sum of forty-two thousand nine hundred and fifteen pounds borrowed by them as aforesaid (and which mortgages are distinguished from the other mortgages granted and issued by the company by the letter D being prefixed to the denoting number of the said mortgages respectively) shall be deemed to have been, from the respective dates of the issue thereof and during the nonpayment and redemption of the same, as good, valid, and effectual to all intents and purposes whatsoever, and shall have and be entitled to the same rights, preferences, and privileges in all respects, as if on the face thereof they had been expressed to be issued under "The London, Chatham, and Dover Railway (Works) Act, 1861."

15. It shall be lawful for the company and the Great Western Company, or either of them, on the one part, and for the South-western Company and the Midland Company, or either of the said companies, on the other part, to make and enter into and carry into effect arrangements and agreements with respect to the user by the companies parties to such arrangements or agreements of that portion of the station and railway of the Victoria Station Company now in the occupation of the company and the Great Western Company, and of the lines and approaches thereto, and of the conveniences connected therewith, and generally to enter into and carry into

Power to enter into agreements with the Great Western Company and other companies as to Victoria Station, &c.

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effect such arrangements in reference to the rates, rent, or other remuneration to be paid for the use thereof as may be mutually agreed upon between the companies parties to such arrangements or agreements; and every such arrangement or agreement may contain such stipulations and provisions as may be mutually agreed upon between the companies parties thereto respectively: Provided always, if any such arrangement or agreement as aforesaid shall be made by the company or the Great Western Company separately with either of the said other companies, that in calculating the payments to be made by the company and Great Western Company to the Victoria Station Company in respect of the rent of the said station, and in any division of such payments, the trains of the other company or companies with whom such arrangement or agreement shall have been made shall count as and be deemed trains of the company or the Great Western Company, according as the arrangement or agreement shall have been made with the one or the other of these companies: Provided also, that the trains of the company and of the Great Western Company are to have priority and preference over the trains of any other of the said companies with whom an arrangement or agreement may be made as aforesaid: Provided also, that nothing in this Act contained, nor any arrangement or agreement to be made or entered into under and in pursuance of this section, shall prejudice or affect, diminish, or vary any of the rights or remedies of the Victoria Station Company, but such rights and remedies shall remain in full force and effect, notwithstanding this Act or any such arrangement or agreement.

Appoint-
ment of
arbitrators.

16. For the purposes of determining the matters by this Act referred to arbitration, the said Marquess of Salisbury and the said Lord Cairns shall be and they are hereby appointed the arbitrators, whose decision in all matters shall be final and without appeal; and such arbitrators may at any time and from time to time appoint by writing under their hands an impartial and qualified person to act as umpire upon any special matter in which they shall be in difference; and the decision of one of the arbitrators and of the umpire, if and when appointed, shall have the full force and effect of and be deemed to be for the purposes of this Act a decision of the arbitrators; and in construing this Act the term "the arbitrators" shall be deemed to mean and be the arbitrators before mentioned, or their respective successors in office, or one of the arbitrators together with an umpire, if and when appointed and acting.

17. The matters by this Act referred to the arbitrators are the following: A.D. 1869.

—
Defining
objects of
arbitration.

- (a) The relative rights, liabilities, and interests, as between the several undertakings, sections, and capitals of the company, and against the company itself, of the various persons or classes of persons who are or claim to be mortgagees or shareholders of the company, and the order and priority of the mortgages, shares, or stock respectively, and the nature and particulars of the property, funds, and assets respectively comprised in and subject to the same mortgages:
- (b) The distribution and application of any available monies or stocks now in the hands of the company or in the hands of the Court of Chancery, standing either to the credit of the company or of receivers, or to any other account in any manner affecting the company or its property, and of the future net revenue of the company, in such manner as to the arbitrators shall seem most equitable:
- (c) The legal and equitable rights and interests of the company, and of companies or persons who have leased or contracted to lease their undertakings or portions of their undertakings to, or whose lines or portions of whose lines are worked by, the company, and the arrangements or agreements which ought to be made between any of such companies or persons and the company:
- (d) The legal and equitable rights, liens, and priorities of general creditors of the company, or any person or persons having or claiming any lien, charge, or incumbrance upon any lands in which the company is interested, and of the company against any other companies or persons; and the manner in which, and the funds, stocks, or other property out of which, the rights, liens, and priorities of such general creditors shall be discharged:
- (e) All matters in question as between all the parties in all actions and suits and other proceedings at law or in equity in which the company is a party, either as plaintiff, co-plaintiff, defendant or co-defendant, petitioner, co-petitioner, respondent or co-respondent:
- (f) The powers of the arbitrators shall extend not merely to ascertain and determine the matters aforesaid, but also, after the same shall have been so ascertained and determined, to fuse and consolidate upon such terms, and subject to such conditions, as they shall in the circumstances think most equitable and expedient, all or any of the separate

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undertakings, sections, divisions, and capitals of the company, and whenever and to any extent in which it shall appear to them that by so doing substantial benefit will accrue to all parties interested, or injury to them will be avoided, and the prosperity of the whole undertaking promoted, to arrange, abate, adjust, and reconstitute and capitalize the company's borrowed and share capitals, funds, rentcharges, separate stocks, interest, arrears of interest and dividend, deferred dividend warrants, debts, and liabilities of all kinds, as in the circumstances appears to the arbitrators most equitable and expedient; and to convert the same into such debenture, preference, or other stocks as the arbitrators shall direct; and such stocks shall be taken and accepted in lieu of the borrowed and share capitals, funds, rentcharges, separate stocks, interest, arrears of interest and dividend, deferred dividend warrants, debts, and liabilities, for which the same are substituted respectively, and the arbitrators shall also have power by their final award to settle a scheme for the reconstitution and future government of the company.

As to
Crystal
Palace and
South
London
Junction
Railway
Company.

18. Whereas the Crystal Palace and South London Junction Railway has, since the opening thereof, been worked and maintained by the company under certain agreements the validity of which is disputed, and it is expedient that the said railway should form part of the system of the company, and be worked and maintained by the company: Therefore the said Crystal Palace and South London Junction Railway, and any extension thereof authorized in the present session of Parliament, shall be worked and maintained by the company as an integral part of the company's undertaking, and all claims, disputes, questions, and differences subsisting between the companies, and when and how and out of what funds or stock any balance found to be due by one of the companies to the other should be paid, shall be referred to the arbitrators, and shall be by them determined; and the arbitrators shall further ascertain and determine what proportion of the net earnings accruing to the company from the local traffic of the Crystal Palace and South London Junction Railway, or traffic passing to or from the Crystal Palace and South London Junction Railway, or any portion of the system of the company, shall be attributed to the Crystal Palace Company as rental, and also how and in what manner any further capital required for the completion of all works necessary for the efficient conduct of the traffic of the said railway shall from time to time be provided by the Crystal Palace Company, and the arbitrators shall in forming

their decision have regard to all the circumstances of the case, and the company shall pay half-yearly to the Crystal Palace Company the amount which shall become due to them under the award of the arbitrators in respect of the traffic for the previous half year, and such half-yearly payments and the property of the Crystal Palace Company shall be subject, as respects the creditors of that company, to the same rights and remedies as could now be enforced against the tolls and property of that company.

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19. Whereas the Kent Coast Railway has since the opening thereof been worked and maintained by the company under an alleged agreement between the company and the Kent Coast Railway Company the validity of which is still under dispute, and it is expedient that the said railway should form part of the system of the company, and be worked and maintained by the company: Therefore the company shall work the Kent Coast Railway as an integral part of the company's undertaking, and the pending appeal or other proceedings in relation to the said alleged agreement shall be and the same are hereby stayed, and all the matters and questions in difference in the said suit, and all other claims, disputes, questions, and differences subsisting between the companies, and also the question when and how and out of what funds or stock any balance found to be due by one of the companies to the other shall be paid, shall be referred to the arbitrators, and shall be by them determined; and in the event of the said agreement not being upheld by the arbitrators, the arbitrators shall further ascertain and determine what proportion of the net earnings accruing to the company from the local traffic of the Kent Coast Railway, or from traffic passing to and from that railway, or any portion of the system of the company, shall be attributed to the Kent Coast Railway Company as rental, and also how and in what manner any further capital required for the completion of all works necessary for the efficient conduct of the traffic of the said railway shall from time to time be provided by the Kent Coast Railway Company; and the arbitrators in forming their decision shall have regard to all the circumstances of the case; and the company shall pay half-yearly to the Kent Coast Railway Company the amount which shall become due to them under the award of the arbitrators in respect of the traffic for the previous half year.

As to the
Kent Coast
Railway
Company.

20. Whereas by "The Sevenoaks Railway Act, 1859," "The Sevenoaks, Maidstone, and Tunbridge Railway Act, 1862," and "The Sevenoaks, Maidstone, and Tunbridge Railway Act, 1864," the Sevenoaks company were empowered to make certain railways connecting the railways of the company in the parish of Sutton at Hone

For protec-
tion of the
Sevenoaks,
Maidstone,
and Tun-
bridge R

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27 & 28 Vict.
c. cxxix.

with the railways of the South-eastern Railway Company at Sevenoaks and with Maidstone, and to enter into certain agreements with the company relating to the working and maintaining by the company of the Sevenoaks company's railways and the division of profits arising therefrom: And whereas the railways of the Sevenoaks company to Sevenoaks, authorized by the Act of 1859, was opened in one thousand eight hundred and sixty-three, and has from the opening thereof been worked by the company, under and by virtue of certain agreements, dated respectively the thirty-first day of December one thousand eight hundred and fifty-nine and the eighteenth day of June one thousand eight hundred and sixty-three, and purporting to be made under the powers of the Acts of 1859 and 1862 respectively, and certain payments have been made in respect thereof by the company to the Sevenoaks company: And whereas the junction railway to join the railway of the South-eastern Railway Company, in the parish of Sevenoaks, which the Sevenoaks company were by the Act of 1862 authorized to make, is on the eve of completion, but the Sevenoaks company have not constructed their Maidstone line: And whereas by the Act of 1862 the Sevenoaks company were authorized to run over and use a certain portion of the South-eastern Railway Company's railways at Sevenoaks, and for the purpose of securing a through route for the traffic of the Sevenoaks company and the company respectively to or from Tunbridge, or any station on the Tunbridge Wells and Hastings line of the South-eastern Railway Company, full and ample provision was thereby made for (in an event which has happened) facilitating the transmission of all such traffic over the railways of the South-eastern Railway Company without undue interruption or delay, and for a mutual interchange of rolling stock, and for regulating their respective rights with regard to such traffic: And whereas the validity of the said agreements is in dispute, and a suit is pending in the High Court of Chancery relating thereto: And whereas the said agreements, if valid, are for a term of ten years certain, and (if sanctioned by the Board of Trade) for a further term of ten years respectively: Therefore the company shall work and maintain in such a manner as the arbitrators shall determine to be efficient, fair, and reasonable, regard being had to the provisions in the latter part of this section contained, the railways of the Sevenoaks company as an integral part of the company's undertaking, and shall fairly and fully use, exercise, and give effect to all the powers, stipulations, and provisions contained in sections forty, forty-one, forty-two, and forty-three of the Sevenoaks company's Act of one thousand eight hundred and sixty-two, and the proceedings in the said suit shall be and the same are hereby stayed, and

A.D. 1869.

all the matters and questions in difference in the said suit, and all other claims, disputes, questions, and differences subsisting between the companies, and also the question when and how and out of what funds or stock any balance found to be due by one of the companies to the other shall be paid, shall be referred to the arbitrators, and shall be by them determined; and the arbitrators shall further ascertain and determine what proportion of net earnings accruing to the company from the local traffic of the railways of the Sevenoaks company, or from traffic passing to or from the railways of the Sevenoaks company, or any portion of the system of the company, shall be attributed to the Sevenoaks company as rental, and also how and in what manner any further capital required for the completion of all works necessary for the efficient conduct of the traffic of the said railway shall from time to time be provided by the Sevenoaks company; and the arbitrators in forming their decision shall have regard to all the circumstances of the case, and the company shall pay half-yearly to the Sevenoaks company the amount which shall become due to them under the award of the arbitrators in respect of the traffic for the previous half year.

21. The proceedings under the arbitration shall, with respect to the matters in question in any action or suit in which the company are defendants, be initiated by the plaintiffs therein, and with respect to all other matters by the board, and they shall have the carriage and conduct of such proceedings, and within one month after the passing of this Act, or such further time as the arbitrators may direct, the board shall prepare and submit to the arbitrators a scheme or schemes for the reconstitution and future government of the company, the modification, readjustment, and fusion of its borrowed and share capitals, funds, rentcharges, and separate stocks respectively, the consolidation of its several undertakings, and the application of its revenue and other property: Provided that any three or more share directors or mortgage directors, as the case may be, who may dissent from the scheme or schemes of the said board, and, with the leave of the arbitrators, any person or persons holding any portion of the capital of the company or of the company's mortgages to an amount not less than five hundred thousand pounds, may at any time submit such a scheme or schemes as aforesaid.

Proceedings under the arbitration to be initiated by the board.

22. The arbitrators may, as between the company and all other persons, settle and determine all matters in question which may come before them under the provisions of this Act, not only in accordance with the legal and equitable rights of the parties as recognized in the courts of law and equity, but upon such terms and in such manner in all respects as they in their absolute and unfet-

Defining powers of arbitrators.

A.D. 1869. tered discretion may think most fit, equitable, and expedient, and as fully and effectually as could be done by Act of Parliament: Provided that in all matters referred to the arbitrators in which any persons other than the company are co-defendants with the company, nothing herein contained shall be construed to empower the arbitrators to settle and determine the same, as between the plaintiffs and such defendants other than the company, otherwise than in accordance with the legal and equitable rights of the parties as recognized in such courts of law and equity.

As to litigation pending when this Act comes into operation.

23. All actions, suits, motions, petitions, rules, and proceedings which at the time of the passing of this Act shall be pending in or under appeal from any court of law or equity in England in respect of matters or things declared by this Act to be subjects of arbitration, shall be transferred to, dealt with, and decided by the arbitrators as if the same had been originally instituted before the arbitrators: Provided always, that nothing in this Act contained shall alter or affect the right and liability of the company to sue and be sued in any court of law or judicature in respect of any matter or thing connected with the business of the company as common carriers of goods or passengers, neither shall the same affect any proceedings in any court of law or other judicature instituted or hereafter to be instituted against or by the company in respect of such business, or any petitions or other applications to and proceedings in the Court of Chancery as to the investment and payment of monies paid into the bank under the provisions of "The Lands Clauses Consolidation Act, 1845."

Jurisdiction of courts of law or equity over company in certain matters to be suspended during the arbitration.

24. From and after the passing of this Act, and until the final award of the arbitrators shall have been made as herein-after provided, all civil jurisdictions by any court of judicature in respect of matters or things declared by this Act to be subject of arbitration, and all powers and means of every such court of enforcing such jurisdiction, shall (except as regards proceedings by or against the company as common carriers of goods or passengers, or in respect of any claim or injury arising from loss or negligence) cease to be exerciseable.

Arbitrators may avail themselves of pending legal proceedings.

25. Notwithstanding anything in this Act contained, the arbitrators may allow any action, suit, motion, petition, rule, account, inquiry, or other proceeding which may be pending at the time of the passing of this Act to proceed to judgment or such other stage as they may think fit, and the arbitrators may in their discretion adopt any judgment, verdict, decree, order, or certificate made upon such action, suit, motion, petition, rule, account, inquiry, or other proceeding, and may adopt and avail themselves of all proceedings

and inquiries, and of any evidence taken therein, as they may think fit, and may make their award in pursuance either wholly or partially of any suit, judgment, verdict, decree, order, certificate, proceedings, or inquiry, and such award shall have the same force and effect as if it had been made in pursuance of a judgment or determination delivered by the arbitrators. A.D. 1869.

26. From and after the passing of this Act, and until a final award shall have been made, all civil jurisdiction now vested in or exerciseable by any court of judicature in or over the company, or the several persons, corporations, and others constituting or alleged to constitute the company, and the estate and effects of the company or persons, and in all causes, suits, and matters to which the company or persons are or but for this Act might be made a party or parties in respect of matters affecting the company, shall belong to and be vested in Her Majesty; and such jurisdiction, together with the jurisdiction conferred by this Act, shall be exerciseable in the name of Her Majesty by the arbitrators until they shall have made their final award: Provided always, that this Act, or anything done under it, shall not exempt any person or company from any penalty or prosecution that he or they may now be liable to, nor shall this Act prevent any person or company suing or being sued by the company in any proceeding in respect of the carriage of goods or passengers, or in respect of any claim or injury arising from tort, loss, or negligence.

Jurisdiction in matters connected with the company to be exercised by the arbitrators.

27. If and when any arbitrator acting under the authority of this Act shall die, resign, or from any cause be incapable of acting, or unwilling to act, another person shall be appointed in his place as follows; (that is to say,) an arbitrator in lieu of the said Marquess of Salisbury or any of his successors shall be appointed by the Lord President of the Council for the time being, and an arbitrator in lieu of the said Lord Cairns or any of his successors shall be appointed by the Lord High Chancellor of England for the time being, such last-mentioned arbitrator being a person who shall have filled the office of such Lord High Chancellor, or being any member of the Judicial Committee of Her Majesty's Privy Council who has been a judge of one of the superior courts of law or equity in England.

As to vacancies among arbitrators.

28. The arbitrators may make such general rules, regulations, and orders as they may from time to time think fit as to parties, mode of procedure, notices, evidence, or costs, and all matters and things whatsoever declared by this Act to be subjects of arbitration, and the orders, awards, and other instruments made and executed by the arbitrators shall have the same effect as regards all corpora-

As to proceedings and jurisdiction of arbitrators.

A.D. 1869.

tions and persons as the orders, decrees, or judgments of any court of law or equity, and the arbitrators shall have the like powers, jurisdictions, and authorities to require discovery from any party to summon any person before them to give evidence, or to bring and produce and to give inspection of documents, to punish persons failing, neglecting, or refusing to make discovery or to produce deeds, evidences, or writings, or refusing to appear or be sworn or make affirmation or declaration, or guilty of contempt, to administer or direct the administration of oaths, and to take or direct the taking of affidavits and declarations, and to enforce all orders or directions made or given by the said arbitrators under this Act in relation to the matters to be inquired into and done by or under their orders, and generally all such powers, jurisdictions, and authorities as might be exercised by any court of law or equity if the matters coming before the said arbitrators had come before such courts respectively, and a note under the hand of the arbitrators shall have the force and effect of a subpoena or process issued by any court of law or equity, and every person who, being examined under the authority of this Act, shall wilfully swear, affirm, or declare falsely in any viva voce evidence, affidavit, declaration, or deposition, shall be liable to the penalties and consequences of wilful and corrupt perjury.

Power to
make inter-
locutory
certificates
and final
award.

29. The arbitrators may from time to time make any certificate, award, order, or other instrument touching any one or more of the questions, matters, or things before them, or touching the validity, amount, or priority of any mortgages or claims, or classes thereof, and as to the application of any tolls or funds of the company, and as to all or any one of the matters hereby referred; and shall, within one year from the passing of this Act, or within such extended period as the arbitrators for the time being shall by writing under their hands name for that purpose, make a final award for the settlement of all matters according to the powers hereby conferred on the said arbitrators.

Awards and
instruments
to be en-
forced.

30. All awards, orders, certificates, or other instruments made by or proceeding from the arbitrators shall be sufficiently authenticated if under the hands of one of the arbitrators, and the same may be in writing, or partly in writing and partly in print; and all such awards, orders, certificates, and other instruments so authenticated shall be deemed to have been duly made and executed; and if the arbitrators so direct by writing, any award, order, certificate, or other instrument may be enforced in any court of law or equity that would have had jurisdiction but for this Act, and in the same manner in all respects as if such award, order, or other instrument had been an order or

judgment made or pronounced by the court, which the arbitrators may request in writing to enforce the same. A.D. 1869.

31. All awards, orders, certificates, and other instruments made or executed by the arbitrators shall be binding and conclusive on all parties to all intents and purposes whatever, and shall not be removed or removeable by certiorari or by any other writ or process into any of Her Majesty's courts of law or equity, and no such award, order, or certificate, or other instrument, shall be set aside for any irregularity or informality, or by reason of any matter referred being left undecided, and notwithstanding any of the provisions of the "Arrangement Act, 1867," all things by every award, order, certificate, or other instrument as aforesaid required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly, and the performance and observance thereof may, where the arbitrators think fit, be compelled by distress infinite on the person or persons, company or companies respectively, and their respective property, estate, and effects, and no such award, order, or proceeding shall be subject to review or appeal.

Orders or awards of arbitrators to be unimpeachable in courts of law or equity.

32. Applications to the arbitrators shall be made in such manner and form, and shall be heard and disposed of on the attendance of such parties or persons chosen as representatives of such parties, on such written or other statements, and on such evidence as the arbitrators by general regulations or otherwise may from time to time direct; and the costs of any such applications shall be in the discretion of the arbitrators, who may direct to or by whom and out of what fund the same shall be paid, and the opinion or decision of the arbitrators on any such application, or with respect to the costs thereof, or of any matter or thing within their jurisdiction, shall not be subject to review or appeal, and the amount of such costs shall be ascertained by taxation in the courts of law or equity as the case may be, by the taxing masters of such courts respectively.

Mode of conducting the reference.

33. When all matters hereby referred shall, in the opinion of the arbitrators, have been finally inquired into and settled as herein provided, they shall make a final award, and such final award as aforesaid, and any other award made in pursuance of this Act, shall be enrolled in the High Court of Chancery in England within three months after the execution thereof, and a copy thereof shall be deposited with the Board of Trade, and a copy thereof, certified by the proper officer, shall be evidence that it was duly made, and that all the requisitions of this Act in relation thereto were complied with.

Final award to be enrolled in Chancery.

[Ch. cxvi.] *The London, Chatham, and Dover* [32 & 33 VICT.]
Railway (Arbitration) Act, 1869.

A.D. 1869.

Final award
to have effect
of Act of
Parliament.

34. The said final award and all awards previously made by the arbitrators shall, from the date thereof, respectively be effectual to all intents and purposes, and binding upon all corporations and persons whomsoever without appeal, and shall have the like effect as if the same had been enacted by Parliament.

As to
suspense
period.

35. Notwithstanding anything contained in the Arrangement Act, 1867, the arbitrators may by their final award determine that the suspense period provided in the said Act shall cease at such time as may in the said final award be defined.

Publication
thereof in
the Gazette.

36. The fact that such final award has been made, and that a copy thereof has been deposited as aforesaid, shall be published in the London Gazette; and the company shall at all times after such publication keep at their principal office of business a true and complete printed copy of the said final award, and of any other award made in pursuance of this Act, and shall deliver a copy thereof to any persons applying for the same, at a price not exceeding five shillings, and if the company fail to keep such copies, or to deliver the same to any person applying for them, they shall forfeit twenty pounds for every such offence.

Powers of
arbitrators
to cease.

37. From and after the publication in the London Gazette of the said final award the duties and powers of the arbitrators shall cease and determine; and on such publication the jurisdiction of the courts of judicature, whether ordinary or under the Arrangement Act, 1867, shall be revived and restored, except so far as the said award shall otherwise direct.

Expenses of
the arbitra-
tors in all
things to be
borne by the
company.

38. The arbitrators shall have power to award such remuneration to and employ such assessors, examiners, and other assistance, engage clerks, and hire such rooms for meetings, and incur such other expenses as they may deem necessary, and such expenses as from time to time certified by the arbitrators shall on such certificate be paid by the company out of such of the funds of the company as the arbitrators shall from time to time direct.

Powers to
trustees and
others.

39. All trustees, executors, and administrators, and corporations holding or being entitled to or interested in any mortgage, share, or stock, and the guardians and committees respectively of any infants and lunatics respectively who may hold or be entitled to or interested in any mortgage, share, or stock, shall accept any debenture or other stock issued to them in lieu thereof under any award of the arbitrators; and such substituted stock shall pass so as to give effect to and not to revoke any will or other instrument disposing of or affecting the mortgage, share, or stock for which the same shall have been substituted.

40. The board may forthwith issue the "A" debenture stock by the Arrangement Act, 1867, authorized for the purposes therein prescribed; and if it shall appear to the arbitrators that it is expedient for satisfying any liens of general creditors on lands, not exceeding in amount the actual sale value of the lands included in such liens respectively, or other claims which it is just should be so met, that the amount of "A" debenture stock should be increased to any sum not exceeding, together with the six hundred thousand pounds of that stock authorized by the Arrangement Act, 1867, the sum of nine hundred and fifty thousand pounds, and the arbitrators shall issue a certificate or certificates to that effect under their hands, the board shall create and issue "A" debenture stock to such further amount, and subject to such terms as to redemption or otherwise as shall be directed by such certificate or certificates; and in that event all the enactments and provisions of the Arrangement Act, 1867, with reference to "A" debenture stock shall be read and construed and may be acted upon by the board as if nine hundred and fifty thousand pounds, and not six hundred thousand pounds, were the amount of the said stock by that Act authorized to be created and issued; and the certificate or certificates of the arbitrators authorizing such further issue shall be kept in the office of the secretary of the company and duly entered upon the minutes of the board, and the said certificate or certificates and the stock issued by the directors in pursuance thereof shall not be open to challenge or dispute on any ground whatsoever; and such further issue of "A" debenture stock shall rank *pari passu* with and be entitled to and confer the same rights, privileges, and priorities in every respect as the "A" debenture stock authorized by and issued in pursuance of the Arrangement Act, 1867: Provided always, that notwithstanding any provisions in the Arrangement Act, 1867, the net sale monies or rents derived from superfluous land after satisfying all claims of unpaid vendors of land against the company and costs incurred by the company with reference to the sale and purchase of such land, and all specific liens, charges, and incumbrances on any such superfluous land, shall be applied in the redemption of such last-mentioned "A" debenture stock as may be issued in pursuance of any certificate or certificates of the arbitrators as aforesaid: Provided also, that the directors shall not issue any further amount of "A" debenture stock beyond the sum of six hundred thousand pounds authorized by the Arrangement Act, 1867, without the consent of the arbitrators; and the arbitrators shall have power in substitution for the said further "A" debenture stock to authorize the creation of a stock to an amount not

A.D. 1869.

Power to create and issue under certain conditions a further sum of "A" debenture stock.

A.D. 1869. exceeding in the whole the sum of three hundred and fifty thousand pounds.

As to pay-
ment of
claim of
Messieurs
Lucas.

41. And whereas, by "The Arrangement Act, 1867," it was enacted, that the monies raised by the issue of "A" debenture stock should be applied, amongst other things, in or towards such outlay on works and other expenses as the board in their discretion should deem to be of pressing importance for the efficient working, maintenance, and management and development of the undertakings of the company: And whereas the Messieurs Lucas, at the urgent request of the board of directors and the company, undertook and executed certain works of that description at or near the Victoria Station, in respect of which the sum of fifty-two thousand six hundred and seventy-eight pounds eighteen shillings and threepence with interest is now due, and took as security for the repayment of such sum and interest certificates of indebtedness which will shortly become due: And whereas doubts have arisen whether the company can legally apply any part of the said "A" debenture stock or of the monies raised by the issue thereof in payment and discharge of the said sum of fifty-two thousand six hundred and seventy-eight pounds eighteen shillings and threepence, inasmuch as the said works were executed wholly or for the most part before and not after the passing of the said Act: And whereas the whole of the said "A" debenture stock is required for other purposes: Be it therefore enacted, that the said Messieurs Lucas shall be entitled to payment of the said sum of fifty-two thousand six hundred and seventy-eight pounds eighteen shillings and threepence, or so much thereof as shall be due for works done after the twelfth day of July one thousand eight hundred and sixty-six, and interest, out of any further "A" debenture stock, or stock substituted by the arbitrators for the same, which may be issued under the powers of this Act, or the monies raised by the issue thereof, as if the said works had been wholly executed after and not before the passing of the said Act, and upon such payment the said certificates of indebtedness shall be delivered up to the company and cancelled.

Power to
apply funds
to purposes
of Act.

42. The company may apply to the cost of the works authorized by this Act so much of the "A" debenture stock authorized by the Arrangement Act, 1867, as may be necessary for such purpose.

Saving
rights of
Sitting-
bourne and
Sheerness

43. Nothing in this Act shall take away, lessen, prejudice, alter, or affect any of the estates, rights, interests, powers, claims, and demands of the Sittingbourne and Sheerness Railway Company, or any of their mortgagees or other creditors or shareholders, but the

same shall continue and be in all respects the same as if this Act were not passed; and nothing in this Act shall be construed to confer on the arbitrators any jurisdiction or powers in regard to the said estates, rights, interests, powers, claims, and demands, or any of them, or in regard to the "Sheerness rentcharge four and a half per cent. stock." A.D. 1869.
Railway
Company,

44. Nothing in this Act contained shall take away, prejudice, alter, or affect any of the rights, interests, powers, claims, and demands of Harry John Bigge, clerk, within the saving of the thirty-eighth section of "The London, Chatham, and Dover Railway (Arrangement) Act, 1867," but the same shall continue and be in all respects as if this Act had not been passed; and nothing in this Act contained shall be construed to confer upon the arbitrators any jurisdiction or powers in regard to the said rights, interests, powers, claims, and demands, or any of them. Saving
rights of
Reverend
H. J. Bigge.

45. It shall be lawful for the company and they are hereby required to pay out of any monies in their hands, or out of any monies standing to their credit with the Accountant General of the Court of Chancery, all the costs, charges, and expenses of the promoters of the Bill, "London, Chatham, and Dover Railway, No. 3," introduced in the session of one thousand eight hundred and sixty-seven, and incident thereto, and of and incidental to the passing of "The Arrangement Act, 1867," and the other proceedings in Parliament authorized by the company in the session of one thousand eight hundred and sixty-seven, and also all costs, charges, and expenses incurred by the company between the month of July one thousand eight hundred and sixty-six and the first day of September one thousand eight hundred and sixty-seven, in relation to the defending of actions and suits, or the general legal business of the company. Providing
for payment
of certain
costs.

46. Any court in which any action or suit shall be depending which shall not have been commenced before the twenty-fourth day of June one thousand eight hundred and sixty-nine, relating to any claim or demand against any person or persons for anything done or omitted before the twentieth day of August one thousand eight hundred and sixty-seven, relating to the affairs of the company, may, on the application of any of the parties thereto, at its discretion, at any time before the making of the final award of the arbitrators, by any rule or order, or by the order of any judge at chambers, refer such action or suit and all matters in question therein to the said arbitrators, and if the said arbitrators shall consent to entertain the matters so referred, then, but not otherwise, the same shall be deemed to be part of the matters hereby referred to the said arbitrators in the same manner as if the same had been so stated in this Act. Provision
for referring
to arbitra-
tors actions
or suits
depending
but not com-
menced
before 24th
June 1869,
relating to
claims
arising
before 20th
August 1867.

A.D. 1869.

Claims in respect of liabilities incurred on behalf of the company may be submitted to arbitrators.

As to payment of claim of Messieurs Neilson and Company.

Deposits for future bills not to be paid out of capital.

47. It shall be lawful for any person who has any claim against the company in respect of liabilities which he has incurred, or to which he has bonâ fide exposed himself, or is liable on behalf of or in conducting the affairs of the company, to appear before the arbitrators, and to submit such claim to the arbitrators, who shall have power as between such person and the company to make such provision out of the assets of the company for such liabilities, or for the indemnity of such person, as they may think fit.

48. Whereas in the year one thousand eight hundred and sixty-five Walter Montgomerie Neilson and James Reid, of Glasgow (herein-after called the contractors), entered into a contract with the company for the supply of fourteen locomotive engines, at a gross price of forty-six thousand nine hundred pounds, payable by fourteen half-yearly instalments, and after five of such engines had been delivered to the company the contractors declined, by reason of the embarrassed state of the company's affairs, to deliver the remaining nine engines, and in consequence of the urgent need of the company for those engines an arrangement was made under which the same, instead of being delivered to the company, were placed in the hands of the receivers appointed by the Court of Chancery, and an order was made by the said court authorizing the receivers to pay the unpaid instalments out of any monies which might come to their hands as such receivers: And whereas the functions of the receivers have now ceased, and it is just that the company should pay the monies still due under the said contract, and hold the said engines on the terms and subject to the rights upon and subject to which the same were held by the receivers: Therefore the company and the board shall, out of any monies coming to their hands, pay all the monies due and to become due since the twelfth day of July one thousand eight hundred and sixty-six under the said contract, pursuant to the provisions thereof, and the said engines shall, while in the possession of the company, be and continue subject to the same rights of the contractors thereto or therein as the same were subject to in the hands of the said receivers.

49. The company shall not, out of any money by this Act authorized to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorizing the company to construct any other railway or to execute any other work or undertaking.

50. Nothing herein contained shall be deemed or construed to exempt the railways of the company from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorized by any Act relating to the company.

A.D. 1869.
Railways
not exempt
from pro-
visions of
present and
future
general rail-
way Acts.

51. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid out of the income of the company.

Expenses of
Act.

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