

NOTICE OF APPOINTMENT OF ARBITRATOR BY NEW ZEALAND MIDLAND RAILWAY COMPANY (LIMITED).—SECOND REFERENCE.

To the Right Honourable the Earl of Glasgow, Governor of the Colony of New Zealand, or other the Governor for the time being of the said colony, on behalf of Her Majesty the Queen.

TAKE notice that the New Zealand Midland Railway Company (Limited) disputes the right of the Governor of the Colony of New Zealand, on behalf of Her Majesty the Queen or otherwise, to take possession of or assume the management of the said Company's railway, its rolling-stock, or other property of the Company, or any part thereof, and maintains that in taking possession of the said railway and other property of the said Company, of which possession has lately been taken, you have acted illegally, and that consequently further disputes, differences, and questions, in addition to the disputes and differences which had arisen at the date of the notice to appoint an arbitrator, delivered to you by or on behalf of the New Zealand Midland Railway Company (Limited), dated the 30th day of November, 1894, have arisen touching the construction, meaning, and effect of the contract made and entered into on the 3rd day of August, 1888, between Her Majesty the Queen of the one part, and the said New Zealand Midland Railway Company (Limited) of the other part; and in particular a question as to whether the taking possession of the said railway and other property, or any part thereof, and whether or not the assumption of the management of the said railway by you on behalf of the Queen or otherwise was or is lawful and authorised by the said contracts and the Acts therein referred to; and, if not, as to the damages or compensation the said Company is entitled to by reason of possession having been taken as aforesaid, or by reason of anything done by you on behalf of Her Majesty the Queen or otherwise in connection therewith, and also as to the footing upon which you on behalf of Her Majesty the Queen or otherwise should account to the said Company, and as to when and upon what terms possession of the said railway and property, or any part thereof, ought to be restored to the said Company, and generally as to the rights of the said Company under the said contracts and Acts in the events which have happened: And further, take notice that the New Zealand Midland Railway Company (Limited) desires that all such disputes, differences, and questions be referred to arbitration in accordance with the provisions of clause 47 of the said contract: And also take notice that the New Zealand Midland Railway Company (Limited) has this day appointed Sir Bruce Lockhart Burnside, Q.C., to be Arbitrator for the purpose of such arbitration, and requires you to appoint an arbitrator for the like purpose within three calendar months from the service of this notice: And further, that, if you shall refuse or neglect to appoint an arbitrator within the time aforesaid, that the said Sir Bruce Lockhart Burnside will proceed to hear and determine the matters in difference as if he were an arbitrator appointed by both parties for that purpose.

Dated the 13th day of July, 1895.

Sealed with the seal of the New Zealand Midland Railway }
Company (Limited).

HENRY V. HART DAVIS, }
C. SHIRREFF B. HILTON, } Directors.
ÆNEAS R. McDONNELL, Secretary.

APPOINTMENT OF ARBITRATOR BY THE CROWN.—SECOND REFERENCE.

WHEREAS by appointment, dated the 28th day of March, 1895, the Honourable Sir Charles Lilley, Knight, late Chief Justice of the Colony of Queensland, was appointed Arbitrator on behalf of Her Majesty the Queen in respect of certain disputes, differences, and questions alleged to have arisen under and arising out of the contract dated the 3rd day of August, 1888, made between Her said Majesty the Queen of the one part and the New Zealand Midland Railway Company (Limited) of the other part: And whereas it is alleged by the said New Zealand Midland Railway Company (Limited) that certain other differences, disputes, and questions have arisen since the said 28th day of March, 1895, under and arising out of the said contract: And whereas the said New Zealand Midland Railway Company (Limited) has appointed an arbitrator on its behalf in respect thereof, and it has thereby become requisite and necessary to appoint an arbitrator on behalf of Her said Majesty:

Now, therefore, I, David, Earl of Glasgow, G.C.M.G., Governor of the Colony of New Zealand, do hereby appoint the said Honourable Sir Charles Lilley, Knight, to be Arbitrator in respect of the said alleged last-mentioned disputes, differences, and questions on behalf of Her said Majesty.

Dated at Wellington, this 21st day of September, 1895.

Signed by His Excellency the Governor, and sealed with the }
seal of the Colony of New Zealand, at the Government }
House, at Wellington, in the presence of—

GLASGOW, Governor.

G. GATHORNE HARDY,
Assistant Private Secretary to His Excellency.

PARTICULARS OF CLAIM DELIVERED BY THE COMPANY.

IN ARBITRATION.—THE NEW ZEALAND MIDLAND RAILWAY COMPANY (LIMITED) AND HER MAJESTY THE QUEEN.

THE New Zealand Midland Railway Company (Limited) refers to arbitration, as provided by clause 47 of the contract dated the 3rd day of August, 1888, and made between the parties, all matters