

Special Board

21st Octr. 1862

Present: Mr Law in the Chair
Mr Lulham
Mr McNamara
[Mr] Martelli
[Mr] Armani
Mr Laver

and Mr Kent on the invitation of the Board

3586 *Saloon Arbitration - Award submitted*

Read letter dated 21st inst. from Mess. Wilkinson and Co. enclosing the Arbitrator's Award in the long pending suit between the late Metropolitan Saloon Omnibus Company Limited and the Company of which the following is the text:-

“As to the action ‘the Metropolitan Saloon Omnibus Company “Limited against Macnamara [McNamara] Carteret and Willing’ I “find that it was a matter in difference between the Plaintiffs and “the London General Omnibus Company referred to me by the “said Agreement of Reference. It was an Action for Compensation “in Damages for Injuries alleged to have been done as described “in the said Statement of the Saloon Company and the said “particulars given by them. The Writ had never been served, but “had been issued before the date of the Agreement for Reference; “after a previous Notice of an intention to issue it.

“Generally (unless otherwise shewn by the Context) the Parties “litigant will hereinafter be treated as two; and be described as ““The Saloon” and “The London General’

“Now know ye that I the said Arbitrator having heard the said “parties and their Counsel and having deliberately weighed the “Evidence on both sides Do make my Award as follows:-

“As to the Prosecution

“The Charge of Conspiracy was not established in Evidence. Each “of the parties charged, whether by name, or by other description, “is thereof by me acquitted.

“Assuming it to be within my authority so to do, I find that the “charge was made without any malice; and in a Belief that it was “true and could be proved.

“I order that the said Arthur Macnamara [McNamara], James “Willing and Felix Carteret do at their own expense make seal and “deliver a Deed of Covenant, properly stamped and attested, “reciting the said Agreement of Reference and this Award; and “covenanting with Mr James Talley Vining, the Solicitor of the “Metropolitan Saloon Omnibus Company Limited, that they will “indemnify him and the said Company and their Officers in respect “of any Action or Actions for malicious prosecution which may be “brought by any or either of the persons (except Thomas Hawkins) “against whom the said charges of Conspiracy was preferred and “the Costs and Damages (if any) in such Action or Actions. And “that the said covenanting parties cause such deed to be delivered “to Mr Vining within one Calendar month from the publication of “this my Award.

“As to the Action

“I find that there was never any Cause of Action - I order that all “further Proceedings be stayed.

“As to the other matters in difference -

“No one of the several Averments by the Saloon against the “London General was established in Evidence, and each is by me “negatived. The Saloon proved no case against the London “General, calling either for Compensation or for the exercise by me “(save as in this Award exercised) of any of the powers given to “me by the Agreement of Reference.

“As to Costs

“Having given due consideration to the matters bearing on this “question I award and order as follows;

“That the litigant parties bear their own Costs of the several “matters aforesaid and their own Costs of the Reference

“As to the Costs of the Award

“During the progress of this Reference, the litigant parties paid “each (in equal amount) sums of money on Account of the Costs. I “desired that the remainder of the Costs (amounting to “£719,, 5,, 0) should be paid

before the publication of the Award, "and the London General upon notice from me to do so, paid the "same before the Publication hereof. I order that the said litigant "parties bear the said Costs by them paid except as to £250 part "of the said last mentioned sum paid by the London General; which "£250 I order to be borne by the Saloon. And I order that the "Metropolitan Saloon Omnibus Company Limited do forthwith pay "the said sum of £250 to the said Arthur Macnamara [McNamara], "James Willing and Felix Carteret, or to Messrs. Wilkinson Stevens "and Wilkinson their Attornies. No other matter in difference was "brought before me on occasion of the said Reference."

Resolved that Mess. Wilkinson & Co. be instructed to do what is requisite to comply with the terms of the award; - the Secretary exhibited a brief paragraph in the Newspapers announcing the result of the Arbitration, which he had sent to the Editors - the same was approved.

3587 Mr Hider attended with a message from Mr Parker explaining his inability to attend in consequence of another engagement.

Messrs. Baker, Cane & Bennett attended; Mr Britton, the Accountant, assisted.

3588 *Horse Inventories (S.W. District) Mr Kent's report read - enquiry adjourned – instructions to Mr Britton*

Read report dated 18th inst. from Mr Kent giving the result of the Stock taking of the Horses in the South Western District pursuant to Minute No. 1334 of Works Stores and Traffic Committee of 18th ult., showing that there was on 1st September a deficiency of 24 horses as compared with the number standing chargeable to the District on the books of the Company - A very lengthened enquiry ensued with a view if possible to trace the missing horses but without any really practical result. Resolved that the enquiry be adjourned - that Mr Britton be instructed to pursue his enquiries into the matter and report again to the Board, that it be further considered at a future Meeting where Mr Parker is present - that Mr Britton, the Accountant, be instructed to consider and submit to the Board a plan for general adoption in every District for the better control of the Company's horse Stock.

[Signed] F John Law