

ment proposed by this act, and in giving up the present evidences of indebtedness, and in accepting certificates of stock for arrear interest, and new bonds for the principal debt, and if their cestui que trusts shall at any time seek to hold such trustees to any accountability for so doing, such person may give this act in evidence as a bar to such attempt.

SEC. 4. *And be it enacted*, That all claimants to whom arrear interest shall be due, who shall not, on or before the first day of August, one thousand eight hundred and fifty-two, express, in writing, their dissent from the provisions of this act, shall be taken and considered to have assented thereto, as fully as if such assent had been given in writing, and if they do not surrender their evidences of indebtedness by the first day of October, one thousand eight hundred and fifty-two, it shall be the duty of the said company to pursue the course prescribed in the seventh section of this act, in relation to persons, who have assented but neglected to bring in their evidences of debt, and the same consequences and advantages shall ensue as are therein prescribed.

SEC. 5. *And be it enacted*, That any creditor of said company, who shall have assented to the provisions of this act, shall, as against the non-assenting creditors, notwithstanding the surrender of their evidences of debt, and the acceptance of stock for their arrear interest and new bonds for the principal of their debt, continue to be entitled to all the benefits and advantages and legal rights that now belong to them, as fully as if such stock had not been received, and as fully as the non-assenting creditors are or may be, until all the creditors of the said company to whom arrears of interest may be due, shall have assented to this act, and no such non assenting creditor shall by any means be benefitted, or the position of his claim be improved by the action of those assenting to the provisions of this act, but in any judgment, order or decree of any court, made or given in favor of such non-assenting creditor, the proportion that his claim would have borne to the whole, and the position it would have occupied, if none had assented thereto, shall be assigned to such non-assenting creditor, and in case of suit by any non-assenting creditor, the company is hereby authorised to appear in court in behalf of all or any of the assenting creditors, and in their place, and as their agent, to urge the claims of such assenting creditors, as fully as they in person might or could do if no such assent had been given.

SEC. 6. *And be it enacted*, That the said company shall be authorised to pay to the said assenting creditors pay

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Claimants not expressing in writing, their dissent, shall be taken to have assented, &c.

Non-assenting creditors claim.

Authority to