



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. CCXXXV.

An Act for facilitating the carrying into effect of the Act for the Amalgamation of the Undertaking of the *Mid Kent* Railway Company with the Undertaking of the *South-eastern* Railway Company. [16th July 1866.]

WHEREAS by "The *Mid Kent* Railway Act, 1855," the *Mid Kent* Railway Company, in this Act called "the *Mid Kent* Company," were incorporated, and authorized to make the *Mid Kent* Railway from the *Farnborough* Extension of the *West London and Crystal Palace* Railway in the Parish of *Beckenham* in the County of *Kent* to the *North Kent* Line of the *South-eastern* Railway, near the *Lewisham* Station thereof: And whereas by "The *Mid Kent* Railway (*Addiscombe* Extension) Act, 1862," the *Mid Kent* Company were authorized to make the *Addiscombe* Extension from the *Mid Kent* Railway in the said Parish of *Beckenham* to *Addiscombe* in the County of *Surrey*: And whereas by "The *Mid Kent* Railway Act, 1863," the *Mid Kent* Company were authorized to raise a further Sum of Money by the Creation of Shares: And whereas the *Mid Kent* Railway was made and completed by the *Mid Kent* Company, and has been for some Years open for public Traffic: And whereas subsequently to the Completion of the *Mid Kent* Railway, and during

18 & 19 Vict. c. clxix.
25 & 26 Vict. c. cliii.
26 & 27 Vict. c. cxxxviii.

[*Local.*] 36 E the

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27 & 28 Vict.
c. cccxi.

the Construction of the *Addiscombe* Extension, the *Mid Kent* Company and the *South-eastern* Railway Company (in this Act called the *South-eastern* Company) entered into Heads of Agreement for an Amalgamation between the Two Companies, and by the Twelfth of those Heads Provision was made for the Reference to and Determination by Arbitration as therein expressed of Differences between the Two Companies touching the Agreement, or anything to be done thereunder: And whereas by "The *South-eastern* Railway (*Mid Kent*) Act, 1864," the Heads of Agreement were confirmed, and it was enacted that full Effect should be given thereto, and the Undertaking and Property of the *Mid Kent* Company were transferred to and vested in the *South-eastern* Company for all Purposes whatsoever as Part of and amalgamated with their Undertaking, and Provision was made for the winding up of the Affairs of the *Mid Kent* Company and the Dissolution of that Company: And whereas Differences have arisen between the Two Companies with respect to the carrying into effect of the Agreement: And whereas the Two Companies are desirous that all Differences between them touching the Agreement, or anything to be done thereunder, instead of being referred to and determined by Arbitration as provided by the Twelfth of the Heads of Agreement, should be referred to and determined by *John Bullar* Esquire, Barrister-at-Law, as the single Arbitrator in that Behalf, and they have made and executed the Reference to him as Arbitrator which is set forth in the Schedule to this Act annexed: And whereas a Question has been raised whether, by reason that "The *South-eastern* Railway (*Mid Kent*) Act, 1864," enacted that full Effect should be given to the Agreement, any Award made under that Reference to Arbitration would be binding, and the Two Companies are desirous and it is expedient that every Award made under that Reference should be valid and binding: And whereas the Objects of this Act cannot be attained 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 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:

Short Title.

1. This Act may for all Purposes be cited as "The *South-eastern* Railway (*Mid Kent* Amalgamation Completion) Act, 1866."

Reference to
Arbitration
in Schedule
and Award
thereunder
to be
binding.

2. The Reference to Arbitration which is set forth in the Schedule to this Act annexed, and any or every Award made thereunder, shall be as valid and effectual to all Intents and Purposes as if that Reference to Arbitration had originally been substituted for the Twelfth of the Heads of Agreement, and had accordingly been confirmed by "The *South-eastern* Railway (*Mid Kent*) Act, 1864:" Provided that
in

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in the event of the Death, Incapacity, or Failure to act of any Arbitrator under that Reference to Arbitration, a single Arbitrator to supply his Place may from Time to Time be appointed by the Two Companies, or if they fail to agree, then on their or either of their Application by the Board of Trade.

3. Nothing in this Act contained shall exempt the Railways of the *South-eastern* Company from the Provisions of any General Act relating to Railways, or to 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 the Acts relating to the *South-eastern* Company.

Railways not exempt from Provisions of present and future General Acts.

4. 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 as the Arbitrator acting under this Act awards.

Expenses of Act.

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Act, 1866.*

SCHEDULE to which the foregoing Act refers.

THIS AGREEMENT, made the Fourth Day of June One thousand eight hundred and sixty-six, between the South-eastern Railway Company (herein-after called the South-eastern Company) of the one Part and the Mid Kent Railway Company (herein-after called the Mid Kent Company) of the other Part: Whereas in or about the Year One thousand eight hundred and sixty-four an Agreement, conditional upon the necessary Powers being obtained from Parliament, was come to between the South-eastern Company and the Mid Kent Company (herein-after called the Two Companies) for the Purchase by the South-eastern Company from the Mid Kent Company, at the Price of Two hundred and twenty thousand Pounds (subject to Reduction in a certain specified Contingency), and upon certain specified Conditions, of the Mid Kent Railway as then constructed, with its Addiscombe Extension as then authorized, and of the Mid Kent Company's Property, Rights, Powers, and Obligations: And whereas by the "South-eastern Railway (Mid Kent) Act, 1864," in a Schedule to which the said Agreement between the Two Companies was set forth, that Agreement was confirmed, subject to the Provisions in that Act contained, and by the same Act certain other Enactments were made with reference to the said Agreement: And whereas since the passing of the said Act the Addiscombe Extension of the Mid Kent Railway has been constructed by the Mid Kent Company as they allege properly, but as the South-eastern Company allege not properly, and the Mid Kent Railway, with its Addiscombe Extension, is now in the Possession of and worked by the South-eastern Company, but a Portion only of the said Purchase Money or Sum of Two hundred and twenty thousand Pounds has as yet been paid: And whereas Differences have arisen between the Two Companies as to whether anything and what remains to be done by the Mid Kent Company in performance of their Part of the said Agreement, as to whether any, and if any what, Abatement ought to be made from the said Purchase Money or Sum of Two hundred and twenty thousand Pounds on account of imperfect Construction of the said Railways or incompleted Purchases of Lands or subsisting Incumbrances affecting the purchased Undertaking or the Property thereof, or upon any other Account, and as to what Debts and Liabilities of the Mid Kent Company ought to be discharged

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discharged by them out of the said Purchase Money, and what, if any, Security for such Discharge they ought to give to the South-eastern Company, and how the Purchase Money or the Balance thereof ought to be paid or satisfied, and whether wholly by any and what Stock of the South-eastern Company, or wholly by Cash, or partly by Stock and partly by Cash, and upon divers other Matters touching the respective Rights and Obligations of the Two Companies under the said Agreement and Act of Parliament: And whereas the Mid Kent Company are promoting in the present Session of Parliament, and with reference to the Differences aforesaid, a Bill, intituled "A Bill to make further Provision for completing Amalgamation of the Mid Kent Railway Company with the South-eastern Railway Company, and for other Purposes;" but it has now been arranged between the Two Companies that the Matters in difference between them as aforesaid shall be referred to and determined by Arbitration in manner hereinafter provided: Now these Presents witness, that it is hereby agreed and declared between and by the Two Companies, as follows:

The Bill introduced into Parliament by the Mid Kent Company shall be amended so as to give effect to any or every Award made under these Presents.

All Matters whatsoever now in difference between the Two Companies, or which, pending this Reference, shall come in difference between them, touching their respective Rights and Obligations under the said Agreement and Act of Parliament, shall be and the same hereby are referred to the Award and final Determination of John Bullar, of 11, King's Bench Walk, Temple, Esquire, (hereinafter called "the Arbitrator,") and these Presents shall be an Agreement for a Reference to him as a single Arbitrator under "The Railway Companies Arbitration Act, 1859," and a Reference to him accordingly, and his Award or Awards shall accordingly have full Effect under that Act and the Act for which the Bill is now pending.

The Mid Kent Company shall, if and as and when directed by the Arbitrator, deliver to the South-eastern Company, at their Law Clerk's Office, No. 6, St. Thomas's Street, Southwark, an Account or Accounts showing the Incumbrances, Debts, and Liabilities of or affecting the Mid Kent Company, or the Railways, Undertaking, and Property purchased as aforesaid by the South-eastern Company.

The Arbitrator shall make and publish his Award or Awards in Writing, and signed by him, of and concerning the Matters referred, ready to be delivered to the Parties, or either of them, within such Time as he thinks fit.

The Arbitrator shall be at liberty to order and determine what shall be done by the Two Companies, or either of them, respecting the Matters referred, and to make either One Award or more than One respecting such Matters as to him shall seem fit, and it shall not be an

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Objection to any latter Award that it is repugnant to or inconsistent with any prior Award.

In witness whereof the Companies have hereunto caused their respective Common Seals to be affixed the Day and Year first above written.

L.S.

L.S.

LONDON:

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