



CHAPTER cxcii.

An Act for making a railway from the South Kensington Railway Station to the Royal Albert Hall, and for other purposes. A.D. 1872.
[10th August 1872.]

WHEREAS the construction of a railway from the South Kensington Railway Station to the Royal Albert Hall would be of public and local advantage :

And whereas the several persons herein-after named, together with other persons, are willing at their own expense to carry such undertaking into execution if authorised so to do :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas plans and sections describing the lines and levels of the railway and works authorised by this Act, and of the lands and property which may be required to be taken for the purposes of the undertaking, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed railway and works, or within the limits of deviation as defined on the plans, have been deposited with the clerk of the peace for the county of Middlesex (which are in this Act referred to as the deposited plans, sections, and book of reference) :

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 ; (that is to say,)

1. This Act may be cited as "The South Kensington Railway Act, 1872." Short title.

2. The following enactments (as far as the same respectively are applicable for the purposes of and not varied by or inconsistent with Provisions of general Acts herein named incorporated.
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A.D. 1872. this Act) are hereby incorporated with this Act; (namely,) "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Companies Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares and debenture stock, and Part I. of "The Railway Clauses Act, 1863," relating to construction of a railway.

Interpreta-
tion of terms.

3. In this Act, and in the Acts incorporated herewith,—

"The Company," "the undertakers," "the promoters of the undertaking," mean the Company incorporated by this Act:

"The Metropolitan Company" means the Metropolitan Railway Company:

"The District Company" means the Metropolitan District Railway Company:

The "railway" and the "undertaking" mean respectively the railway and the undertaking by this Act authorised, or any part thereof:

Terms to which meanings are assigned in any enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings; and for the purposes of this Act, in any enactment incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt and not a debt or demand created by statute; and the term "superior court" shall include any court of competent jurisdiction.

Company in-
corporated.

4. Lord Henry Charles George Gordon Lennox, Richard Baxter, Alfred Rhodes Bristow, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the railway and works herein-after described, with proper stations, works, and conveniences thereto belonging, according to the provisions of this Act, and for the other purposes of this Act, and for those purposes shall be incorporated by the name of "The South Kensington Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and shall have power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make railway
according to

5. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the

deposited plans and sections the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is :

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deposited plans.

A railway four furlongs three chains or thereabouts in length, commencing on the south side of the South Kensington Station of the Metropolitan Railway and the Metropolitan District Railway, in the parish of Saint Mary Abbot, Kensington, in the county of Middlesex, and terminating on the eastern side of the building which unites the Royal Albert Hall with the conservatory of the Royal Horticultural Society, in the parish of Saint Margaret, Westminster, in the same county.

6. In the construction and maintenance of so much of the railway as is intended to be made under lands of which the Commissioners for the Exhibition of 1851, in this section called "the commissioners," are or claim to be owners, and which lands are numbered 5 to 10 inclusive on the deposited plans, and as to the station to be erected on such lands, the Company shall, notwithstanding anything contained in this Act, or in the deposited plans, be subject to the following conditions and regulations :

Protecting lands of the Commissioners for the Exhibition of 1851.

(1.) The Company shall not be entitled to any estate in the lands of the commissioners, but the Company may purchase and the commissioners shall grant, upon such terms as may be agreed upon between them, or failing agreement as may be settled by arbitration, an easement to the Company through, in, or on the lands of the commissioners for the purposes of the construction and maintenance of a tunnel or covered way and station :

(2.) The railway shall, where directed by the commissioners, be made in a tunnel or covered way of such strength as may, in the opinion of the commissioners, be sufficient for the effectual support of any buildings which the commissioners may desire to erect over the same, and the Company shall pay to the commissioners all the additional cost which may from time to time be occasioned in order to render effectual the drainage of all houses and buildings which may be erected on the lands of the commissioners, the drainage of which houses and buildings shall have been rendered more costly or difficult by the construction of the said tunnel :

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- (3.) The Company shall not at any time, without the previous consent in writing of the commissioners, make any ventilating shaft on the lands of the commissioners :
- (4.) The tunnel or covered way through which the railway is constructed shall not exceed in its internal dimensions as to breadth ten feet and six inches, and as to height eleven feet, and unless otherwise agreed to by the commissioners there shall be at least seven feet between the external surface of the crown of the tunnel and the surface of the land of the commissioners, and the tunnel shall not permanently interfere with the footpath or the soil under the footpath on the western side of the Exhibition Road alongside the land of the commissioners, excepting where the tunnel crosses under the said footpath :
- (5.) The rails in the tunnel or covered way in and under the lands of the commissioners shall be so laid, bedded, and maintained as may be from time to time found best adapted to prevent noise and vibration :
- (6.) The plans and specifications of the proposed railway and station shall be submitted to the commissioners for their approval at least one month before the Company shall enter on the lands of the commissioners, and the commissioners shall within one month after the said plans and specifications have been so submitted to them signify their approval thereof or the modifications which they may desire therein, and the whole of the works shall be executed to the reasonable satisfaction of the commissioners in all respects :
- (7.) The railway of the Company on the lands of the commissioners, and the station thereon, shall be completed and open for traffic within eighteen months from the date of the passing of this Act, unless the commissioners consent to a prolongation of the said period :
- (8.) Excepting during the construction of the railway, and so far as shall be necessary for the purpose of such construction, the Company shall not, without such consent as aforesaid, use any engine for pumping or any other purpose on the lands of the commissioners, and they shall not use any locomotive engine on the said railway :
- (9.) The Company shall, within twelve months after they have broken any ground of the commissioners for the purposes of their undertaking, restore the surface of it, and also restore any building which may have been removed by

the Company to the satisfaction of the commissioners, and in case of default the commissioners may restore such surface or building, and recover the cost thereof from the Company, together with damages for any inconvenience the commissioners may sustain by reason of such default on the part of the Company :

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- (10.) Trains shall run each way every half hour throughout the day, from ten o'clock in the morning to twelve o'clock at night (Sundays excepted), if and when so required by the commissioners :
- (11.) So much of the railway as shall be made upon the lands of the commissioners shall not, unless with the consent in writing of the commissioners, be used otherwise than for the purpose of conveying passengers to and from the intended station of the railway at the Royal Albert Hall :
- (12.) If after the commencement of the railway and works on the lands of the commissioners the works thereof are left incomplete and not bonâ fide proceeded with for one year, or if after the completion of the railway the railway is disused for public purposes during one year, the commissioners may re-enter upon the lands of the commissioners and take possession of the railway, station, and other works of the Company in so far as such works are made through or on their lands, and upon such re-entry as aforesaid by the commissioners all right of the Company in, to, or in respect of the said lands or works shall be absolutely extinguished.

7. Nothing contained in this Act shall authorise the Company to enter upon, take, or use any of the lands, buildings, or works of the Metropolitan Railway Company, or of the Metropolitan District Railway Company, without the previous consent in writing of the joint committee of the said two companies.

Saving Metropolitan and Metropolitan District Railway Companies.

8. The capital of the Company shall be sixty thousand pounds, in six thousand shares of ten pounds each.

Capital.

9. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to be issued until one fifth part paid up.

10. One fourth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fourths of the amount of a share

Calls.

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Power to divide shares.

11. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of the dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred half shares to be paid out of the profits of the year only.

13. Each preferred half share shall be entitled out of the profits of every year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of the dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof:

Provided always, the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

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15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated in certificates.

16. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Forfeiture of preferred half shares.

17. No preferred half shares created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred half shares not to be cancelled or surrendered.

18. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, preferred or deferred, or one of each, held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty thousand pounds, but no part thereof shall be borrowed until the whole capital of sixty thousand pounds is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon

Power to borrow.

A.D. 1872. production to such justice of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

20. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than two thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock.

Interest on debenture stock.

22. Notwithstanding anything in Part III. of "The Companies Clauses Act, 1863," contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

23. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

24. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

25. The number of directors shall be three.

Qualification of directors.

26. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

27. The quorum of a meeting of directors shall be two.

First directors.

28. Lord Henry Charles George Gordon Lennox, Richard Baxter, and Alfred Rhodes Bristow shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845,"

Election of directors.

contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1872.

29. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed two acres. Lands for extraordinary purposes.

30. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands limited.

31. The railway 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 railway, 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.

32. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of two thousand two hundred and fifty pounds, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum of two thousand two hundred and fifty pounds so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorised to be made, either open the said railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the said railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as Deposit money not to be repaid until line opened or half the capital paid up and expended.

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Application
of deposit.

33. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivor or survivors of them: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall, from time to time and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

For protec-
tion of
streets.

34. The Company shall not break up or disturb any street or place or the pavement thereof under the control or direction of the Metropolitan Board of Works, unless at least twenty-one days previous notice in writing of their intention so to do, specifying the street, place, or pavement intended to be broken up or disturbed, be given to the engineer or surveyor of such board, or left for him at his office, or at the office of such board, and the Company shall attend to the directions of such engineer or surveyor, with a view to secure a free passage of traffic in such streets and places, and to prevent needless injury to the streets, and shall not open more of such streets or places at one time than such engineer or surveyor shall in writing authorise; and when the Company shall break up or disturb any such street, place, or pavement, they shall, so soon as

the works affecting it are completed, and at the furthest within three months from the day in which those works were begun, restore the street, place, or pavement to as good a condition as it was in when it was broken up or disturbed, under the superintendence and to the reasonable satisfaction of the engineer or surveyor of the board; and the Company shall save harmless and keep indemnified the said board and their successors against any expenses consequent on any such works; and if the Company fail to comply with the requirements of this Act, they shall forfeit to the said board a sum of twenty pounds for every offence, and an additional sum of twenty pounds for every day that the Company shall fail to comply with the directions of such engineer or surveyor, and the said board may, if they think fit, restore the street, place, or pavement broken up or disturbed, and recover the expense of such restoration and also the said sums so forfeited from the Company in an action or actions of debt.

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35. Where any of the works to be done under or by virtue of this Act shall or may pass over, under, or by the side of, or so as to interfere with any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the said Board of Works, or with any sewers or works to be made or executed by the said Board of Works, or shall or may in any way affect the sewage or drainage of the districts under their control, the Company shall not commence such work until they shall have given to the engineer or surveyor of the said Board of Works twenty-one days previous notice at his office, or at the principal office of the said Board of Works, with a plan and section showing the course and inclination thereof, and other necessary particulars relating thereto, and until the said Board of Works shall have signified their approval, disapproval, or other directions within twenty-one days after service of the said plan, section, and particulars as aforesaid; and the Company shall comply with and conform to all directions and regulations of the said Board of Works in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as the said Board of Works may deem necessary for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the said intended works, or any part thereof, and shall save harmless the said Board of Works against all and every the expense to be occasioned thereby, and all such works may be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Board of Works, and at the costs, charges, and expenses in all respects of the Company; and all reasonable costs, charges, and expenses which the said Board of

For protection of sewers.

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A.D. 1872. Works may be put to by reason of the works of the Company, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to the said Board of Works by the Company on demand; and if any dispute shall arise between the Company and the said Board of Works as to the amount of such costs, charges, and expenses, the same shall be settled by two justices of the peace or a police magistrate, and be a debt due from the Company to the said Board of Works; and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the cost, charges, and expenses of the Company, under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said Board of Works as any sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said Board of Works or their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed: Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid, such matter or difference shall be referred to an arbitrator to be appointed by the Board of Trade, whose decision shall be final, and the costs of the arbitration shall be in the discretion of the arbitrator.

Company
empowered
to underpin
or otherwise
strengthen
houses near
railway.

36. And whereas, in order to avoid injury to the houses and buildings within one hundred feet of the railway, it may be necessary to underpin or otherwise strengthen the same, or execute other works in relation thereto: Therefore it shall be lawful for the Company, at their own costs and charges, to underpin or otherwise strengthen any such house or building, or with the consent of the owner, lessee, and occupier of such house or building to execute other works in connexion with the same: Provided that at least ten days notice shall (unless in case of emergency) be given to the owner, lessee, and occupier of the house or building intended to be underpinned or otherwise strengthened (each such notice to be left on the premises), and that the Company shall be liable to compensate the owner, lessee, and occupier of every such house or building for any inconvenience, loss, or damage which may result to them by reason of the exercise of the powers granted by this enactment: Provided also, that if the owner, lessee, or occupier of any such house or building shall give within seven days after that notice counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the neces-

sity shall be referred to an engineer to be agreed upon, or in case of difference to a civil engineer to be appointed at the instance of either party by the President of the Board of Trade for the time being, and such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him, and in the event of his deciding that such underpinning or strengthening is necessary, he may in his discretion prescribe the mode in which the same shall be executed, and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building, and the cost of such referee shall be paid by the Company, and the cost of the reference (other than the cost of the referee) shall be in the discretion of the referee: Provided that nothing in this enactment contained, nor any dealing with the property in pursuance of this enactment, shall relieve the Company from the liability to compensation under the sixty-eighth section of "The Lands Clauses Consolidation Act, 1845," or under any other Act: Provided also, that every case of compensation to be ascertained under this Act shall be ascertained according to the provisions contained in "The Lands Clauses Consolidation Act, 1845:" Provided also, that nothing in this section contained shall repeal or affect the ninety-second section of "The Lands Clauses Consolidation Act, 1845."

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37. Compensation for injuries occasioned to property by the Company acting under the last preceding section may be recovered from time to time as such injuries may accrue or be discovered, provided that the claim for such compensation be made within six months from such discovery.

Recurring injuries to be compensated.

38. The Company may from time to time demand and take for the use of the railway, including the use of carriages and of motive power, for all passengers any tolls not exceeding threepence, and for parcels under fifty-six pounds in weight any sum not exceeding twopence, and for parcels weighing fifty-six pounds and upwards any sum which the Company think fit.

Power to take tolls.

39. The Company on the one hand and the Metropolitan Company and the District Company, or either of them, on the other hand, may, subject to the provisions of Part III. of "The Railway Clauses Act, 1863," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

Power to enter into agreements with other companies.

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting companies, and the fixing and division between the said companies of the receipts arising from such traffic.

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Interest not
to be paid on
calls paid up.

40. The Company shall not, out of any money by this Act authorised to be raised by calls, debenture stock, or borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Act, 1845."

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

41. The Company shall not, out of any money by this Act authorised 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 authorising any company to construct any other railway, or to execute any other work or undertaking.

Railway not
exempt from
provisions
of present
and future
general Acts.

42. Nothing herein contained shall be deemed or construed to exempt the railway 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 authorised by this Act.

Expenses of
Act.

43. All costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation hereto, shall be paid by the Company.