



CHAPTER ccxxxvii.

An Act to authorise the Construction of the Forth Bridge A.D. 1873.
Railway. [5th August 1873.]

WHEREAS the making and maintaining of the railways herein-
after described and the carrying into execution of the powers
of this Act would be of public and local advantage :

And whereas the said railways with the railway system of the
North British Railway Company would form new and improved
routes between the north and south of Scotland, and would render
continuous the railway route which is now interrupted at or near
Queensferry by the Firth of Forth :

And whereas the persons herein-after named, with others, desire
to be incorporated into a company to carry the undertaking into
execution :

And whereas plans and sections showing the lines and levels
of the railways, together with books of reference to such plans
containing the names of the owners or reputed owners, lessees or
reputed lessees, and of the occupiers of the lands and property
required or which may be taken for the purposes of the undertaking,
have been deposited for public inspection in the offices of the
principal sheriff clerks of the counties of Edinburgh, Linlithgow,
and Dunfermline respectively, and those plans, sections, and books
of reference are herein-after referred to as the deposited plans,
sections, and books of reference :

And whereas the objects aforesaid cannot be effected 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 :

[Ch. ccxxxvii.] *The Forth Bridge Railway* [36 & 37 VICT.]
Act, 1873.

A.D. 1873.

Short title.

Provisions
of general
Acts herein
named in-
corporated.

1. This Act may be cited for all purposes as "The Forth Bridge Railway Act, 1873."

2. "The Companies Clauses Consolidation (Scotland) Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863" (relating respectively to the cancellation and surrender of shares, and to debenture stock), "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (Scotland) Act, 1845," and Part I. of "The Railways Clauses Act, 1863" (relating to construction of a railway), are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpre-
tation of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; "the Company" means the Company incorporated by this Act; the expression "the railways," or "the undertaking" means the railways or undertaking by this Act authorised, or any part thereof; the expression "the undertakers" or "the promoters of the undertaking" means the Company.

Company
incorporated.

4. William Patrick Adam, James William Barclay, James Cox, William Miller, John Ronald, John Stirling, James Yeaman, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the railways, and for the other purposes of this Act; and for those purposes shall be incorporated by the name of "The Forth Bridge Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
ways ac-
cording to
deposited
plans.

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

(First.) A railway (herein-after referred to as Railway No. 1) three miles seven furlongs or thereabouts in length, commencing in the parish of Dalmeny and county of Linlithgow, by a junction with the Queensferry branch of the North British Railway, crossing the Firth of Forth by a bridge, and terminating in the parish of Inverkeithing, otherwise Inverkeithing and Rosyth, in the county of Fife: A.D. 1873.

(Second.) A railway (herein-after referred to as Railway No. 2) 6 miles 6 furlongs and 4·50 chains or thereabouts in length, commencing in the parish of Inverkeithing and county of Fife, by a junction with Railway No. 1 at its termination, and terminating in the parish of Burntisland in the county of Fife by a junction with the North British (Edinburgh, Perth, and Dundee) Railway:

(Third.) A railway (herein-after referred to as Railway No. 3) 3 miles 4 furlongs and 2·55 chains or thereabouts in length, commencing in the parish of Inverkeithing, otherwise Inverkeithing and Rosyth, in the county of Fife, at the termination of Railway No. 1, and terminating in the parish of Dunfermline in the county of Fife by a junction with a railway authorised by and constructed under the powers of "The North British (Edinburgh, Dunfermline, and Perth) Railway Act, 1863," and forming a portion of the railway in that Act referred to as Railway No. 8:

(Fourth.) A railway (herein-after referred to as Railway No. 4) 4 furlongs and 0·60 chains or thereabouts in length, commencing by a junction with Railway No. 3 in the parish of Inverkeithing, otherwise Inverkeithing and Rosyth, and county of Fife, and terminating by a junction with Railway No. 2 in the said parish and county.

6. In constructing the railways and works by this Act authorised, the Company may deviate from the line and levels defined on the deposited plans and sections to such extent as they think fit, not exceeding laterally the limits of deviation defined on the deposited plans, and not exceeding vertically the limits prescribed by "The Railways Clauses Consolidation (Scotland) Act, 1845," except so far as relates to Railway No. 1, with respect to which the Company may deviate to any extent they think fit from the levels as referred to the common datum described on the deposited sections not exceeding ten feet, or so far as relates to the bridge across the Forth such extent as may be prescribed by the Board of Trade. Limits of deviation.

7. Notwithstanding anything contained in this Act or the deposited plans, the number and position of the piers of the bridge Number and position of piers and

[Ch. ccxxxvii.] *The Forth Bridge Railway* [36 & 37 VICT.]
Act, 1873.

A.D. 1873. dimensions of openings of bridge to be prescribed by Board of Trade. across the Forth, and the width and the height of the spans or openings between the piers shall be such as shall be prescribed by the Board of Trade: Provided always, that the Company shall pay to the Board of Trade such expenses, if any, as they may incur in holding any inquiry which the Board may deem it necessary to make in order to enable them to prescribe the number and position of the piers and the width and height of the spans or openings between the piers of the said bridge, and it shall not be incumbent on the Board of Trade to exercise the powers conferred on them by this section unless the payment of such expenses is first secured or provided for to their satisfaction.

Capital; number and amount of shares. **8.** The capital of the Company shall be one million two hundred and fifty thousand pounds, divided into one hundred and twenty-five thousand shares of ten pounds each.

Shares not to issue until one fifth paid up. **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.

Calls. **10.** One fifth 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 four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts for persons under disability. **11.** The receipt of the guardian of the estate of any shareholder being a minor, or of the committee of the estate of any shareholder being an idiot, lunatic, or person non compos mentis, shall be a sufficient discharge to the Company for any money payable to such shareholder.

Power to borrow on mortgage. **12.** The Company may from time to time borrow on mortgage any sum or sums of money not exceeding in the whole four hundred and sixteen thousand six hundred and sixty-six pounds, but no part thereof shall be borrowed until the whole capital of one million two hundred and fifty thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of "The Companies Clauses Consolidation (Scotland) Act, 1845," before he so certifies, that the whole of such capital has been 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

[36 & 37 VICT.] *The Forth Bridge Railway* [Ch. ccxxxvii.]
Act, 1873.

before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such sheriff 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.

A.D. 1873.

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

Arrears may be enforced by appointment of a judicial factor.

14. The Company may create and issue debenture stock subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but notwithstanding anything therein 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.

Debenture stock.

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

Application of moneys.

16. The first ordinary meeting of the Company shall be held within three months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of January or February and July or August, respectively, as the directors may appoint.

First ordinary meeting.

17. The number of directors shall be seven, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than five.

Number of directors.

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

Qualification of directors.

19. The quorum of a meeting of directors shall be five, but when the number of directors is not more than three, the quorum shall be two.

Quorum.

20. William Patrick Adam, James William Barclay, James Cox, William Miller, John Ronald, John Stirling, and James Yeaman, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this

First directors.

[Ch. ccxxxvii.] *The Forth Bridge Railway* [36 & 37 VICT.]
Act, 1873.

A.D. 1873.

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 place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election, and may appoint additional directors; 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 (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the place of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation (Scotland) Act, 1845," 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.

Lands for extraordinary purposes.

21. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation (Scotland) Act, 1845," shall not exceed five acres.

Powers for compulsory purchases limited.

22. 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 completion of works.

23. The railways shall be completed within five years from the passing of this Act; and if the railways shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to alter levels of certain roads.

24. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY No. 2.			
177	Inverkeithing -	Public road -	1 in 15 on one side, level on the other.
1	Dalgaty - -	Turnpike road -	1 in 12 on one side, level on the other.
RAILWAY No. 3.			
70	Dunfermline -	Turnpike road -	1 in 25 on one side, 1 in 25 on the other.

[36 & 37 VICT.] *The Forth Bridge Railway* [Ch. ccxxxvii.]
Act, 1873.

25. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion with those roads respectively; (that is to say,)

A.D. 1873.

Height and span of bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height and Span.	
			Feet high.	Feet span.
RAILWAY No. 1.				
48	Inverkeithing - -	Road - - -	15	20
96	Inverkeithing - -	Street - - -	15	20
RAILWAY No. 2.				
59	Burntisland - -	Street - - -	14·3	30
RAILWAY No. 3.				
56	Dunfermline - -	Statute labour road -	14	25

26. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the Company shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that they have so made known their intention.

Notice to be given of taking houses of labouring classes.

27. If by reason of the construction of the Railway No. 1, or of the execution of the works by this Act authorised, the present coastguard buildings at North Queensferry shall, in the opinion of the Lords of the Admiralty, be rendered untenable, the Company shall, when and as required by them, and in accordance with plans and specifications to be approved by them, construct to their satisfaction suitable coastguard buildings in lieu of the buildings so rendered untenable.

For protection of coastguard station at North Queensferry.

28. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of sixty-two thousand five hundred pounds, being five per centum upon the amount of the estimate in respect of the railways authorised by this Act, has been deposited with the Court of Exchequer in Scotland in respect of

Deposit money not to be repaid until line opened or half the capital paid up and expended.

A.D. 1873.

the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the sum of sixty-two thousand five hundred 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 railways hereby authorised to be made, either open the said railways for traffic, 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 railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum so 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 aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

29. The said sum so deposited as aforesaid shall be applicable, and after due notice in the Edinburgh 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 said railways, 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 Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the said sum 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 either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Exchequer in Scotland thinks fit to

[36 & 37 VICT.] *The Forth Bridge Railway* [Ch. ccxxxvii.]
Act, 1873.

order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent, and has been ordered to be wound up, or a judicial factor has been appointed, shall wholly or in part be paid or transferred to such judicial factor, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum has been repaid to the depositors, or has 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.

A.D. 1873.

30. The Company may demand and take in respect of the railways by this Act authorised such tolls and charges as they think fit, not exceeding the rates of tolls and charges authorised to be taken by the North British Railway Company on the Border Union Line of the North British Railway under "The Border Union (North British) Railways Act, 1859," as modified by the second and third sections of the Schedule (B.) to "The North British and Edinburgh and Glasgow Railway Companies Amalgamation Act, 1865."

Tolls.

31. And whereas the length of the intended bridge crossing the River or Firth of Forth will be about one and a half miles, and the whole railways will be about fourteen miles six furlongs, and the estimated expense of the undertaking is one million two hundred and fifty thousand pounds: Be it enacted, that in addition to the tolls which the Company may demand and take in respect of the railways by this Act authorised for traffic passing over the railways, the Company may demand and take for the conveyance of passengers, animals, and things passing over the bridge, or any part thereof, including the tolls for the user thereof, and for carriages and locomotive power, and every other expense incidental to the conveyance, tolls and charges for nineteen miles in addition to the tolls and charges they may demand and take in respect of the railways by this Act authorised.

Additional toll in respect of bridge over Firth of Forth.

32. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's

Saving rights of the Crown in the foreshore.

[Ch. ccxxxvii.] *The Forth Bridge Railway* [36 & 37 VICT.]
Act, 1873.

A.D. 1873.

most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving of rights as to future accretions.

33. Whereas all lands to the seaward of the lands by this Act authorised to be reclaimed now are below the line of ordinary high-water mark: Therefore if any land to the seaward of the lands by this Act authorised to be reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly, or otherwise, so as to be above instead of below such line of ordinary high-water mark, the Company shall not, by virtue of the ownership of any lands which they are by this Act empowered to reclaim, have any estate, right, or interest in or to the lands so raised in height or reclaimed, by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works by this Act authorised, or otherwise. but the right and title to the soil and freehold of such land, when so raised or reclaimed, shall continue vested in the Queen's Majesty, or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued, as the same now is, subject to the flow and reflow of the ordinary tides.

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

34. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the said Firth of Forth belonging to Her Majesty shall be inned, gained, or reclaimed from the water, the said Company shall not have or exercise any right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed for any purpose whatsoever, without the consent in writing of the Board of Trade on behalf of Her Majesty, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, her heirs and successors.

Interest not to be paid on calls paid up.

35. The Company shall not, out of any money by this Act authorised to be raised, 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.

[36 & 37 VICT.] *The Forth Bridge Railway* [Ch. ccxxxvii.]
Act, 1873.

as is in conformity with "The Companies Clauses Consolidation (Scotland) Act, 1845." A.D. 1873.

36. 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 the Company to construct any other railway or to execute any other work or undertaking.

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

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

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

38. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned or reserved by sections twenty, twenty-one, and twenty-two of "The Crown Lands Act, 1866."

Saving rights under Crown Lands Act.

39. 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 by the Company.

Expenses of Act.

