CHAPTER cxiv.

An Act to enable the Forth Bridge Railway Company to construct a substituted Railway across the Firth of Forth to amend the Acts relating to the Company and for other purposes. [12th July 1882.]

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WHEREAS by the Forth Bridge Railway Act 1873 (in this Act called "the Act of 1873") the Forth Bridge Railway Company (in this Act called "the Company") was incorporated and was authorised to make and maintain a railway by means of a bridge across the Firth of Forth and other railways in connexion therewith and was authorised to raise a share capital of one million two hundred and fifty thousand pounds and to borrow four hundred and sixteen thousand six hundred and sixty-six pounds:

36 & 37 Vict. c. cexxxvii.

And whereas by the Forth Bridge Railway Act 1876 (in this Act called "the Act of 1876") the Forth Bridge Railway Act 1878 (in this Act called "the Act of 1878") and the Forth Bridge Railway Act 1879 (in this Act called "the Act of 1879") further powers were conferred on the Company and the other companies in the Act of 1878 mentioned with reference to the undertaking and capital of the Company:

39 & 40 Vict. c. lxxxiii. 41 & 42 Vict. c. lxiv. 42 & 43 Vict. c. xvi.

And whereas it is expedient that the Company should be authorised to make and maintain the deviation or substituted railway herein-after described in lieu of the railway No. 1 authorised by the Act of 1873:

And whereas it is expedient that the Company should be authorised to abandon and relinquish the construction of the railways authorised by the Act of 1873 and to transfer to the North British Railway Company all the powers of the Company with respect to the making and maintaining of the portion herein-after described of railway No. 2 authorised by the Act of 1873:

And whereas the Company have created and issued the share capital authorised by the Act of 1873 (other than the one hundred

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and thirty-four thousand pounds herein-after mentioned) at a premium of two pounds per share:

And whereas out of the said premium a sum for payment of interest on the calls paid on such shares from the date of payment thereof until the completion of the railway has been set apart (in this Act called "the interest fund"):

And whereas it is expedient that the Company should be authorised to raise further share capital and to borrow further moneys:

39 & 40 Vict. c. cxxxv.

And whereas by the North British Railway (Fife Railways) Act 1876 (in this Act called the North British Act 1876) the Company were required to appropriate and set aside shares for a sum not exceeding one hundred and thirty-four thousand pounds to be applied exclusively to the construction of railway No. 2 and railway No. 4 authorised by the Act of 1873 and by the Act of 1876 it was enacted that the said sum should form a separate capital and provision was made for the issuing and allotment thereof:

And whereas no shares for raising the said sum of one hundred and thirty-four thousand pounds have been issued, and it is expedient that the provisions contained in the North British Act 1876 and the Act of 1876 with respect to the said capital should be repealed and that the capital of the Company should be proportionately reduced:

And whereas by the Act of 1878 powers were conferred on the North British Railway Company with regard to the maintenance use and working by that Company of the railways by the Act of 1873 authorised and the Midland Railway Company the North-eastern Railway Company and the Great Northern Railway Company were empowered to run over and use the railways of the Company and certain of the railways of the North British Railway Company and it is expedient that the provisions herein-after contained should be made with reference to these powers:

And whereas by the Act of 1878 provisions were made as to the tolls to be paid to the Company by the four before-named Companies and the guarantee by those Companies of certain sums so as to secure a dividend on the capital of the Company And it is expedient that the provisions herein-after contained should be made with reference to such tolls and guarantee:

And whereas it is expedient that the Forth Bridge Acts should in other respects be amended:

And whereas plans and sections showing the line and levels of the railway 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 or under the powers of

this Act have been deposited for public inspection in the offices of the principal sheriff clerks of the counties of Linlithgow and Fife respectively and are herein-after referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act 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:—

Short title.

1. This Act may be cited for all purposes as the Forth Bridge Railway Act 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106. 8 & 9 Vict. c. 33. 26 & 27 Vict. c. 92. 8 & 9 Vict. c. 17.

2. 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. (relating to the construction of a railway) of the Railways Clauses Act 1863 and the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act. 26 & 27 Vict. c. 118.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated here-

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with have the same respective meanings unless there be something in the subject or context repugnant to such construction.

The expression "the railway" means the railway by this Act authorised or any part thereof;

"The Act of 1873" means the Forth Bridge Railway Act 1873;

"The Act of 1876" means the Forth Bridge Railway Act 1876;

"The Act of 1878" means the Forth Bridge Railway Act 1878;

"The Act of 1879" means the Forth Bridge Railway Act 1879;

The expression "the Forth Bridge Acts" means the four last-mentioned Acts;

"Railway No. 1" "railway No. 2" "railway No. 3" and "railway No. 4" mean respectively the railways authorised by the Act of 1873 and therein referred to as railway No. 1 railway No. 2 railway No. 3 and railway No. 4 respectively;

The expression "the Company" means the Forth Bridge Railway Company;

The expression "the North British Company" means the North British Railway Company;

The expression "the Midland Company" means the Midland Railway Company;

The expression "the North-eastern Company" means the North-eastern Railway Company;

The expression "the Great Northern Company" means the Great Northern Railway Company;

The expression "the four Companies" means the North British the Midland the North-eastern and the Great Northern Railway Companies.

Power to make railway.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected with such railway and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is:—

A railway four miles two furlongs in length in substitution of the railway authorised by the Forth Bridge Railway Act 1873 and in that Act called "railway No. 1" commencing in the parish of Dalmeny in the county of Linlithgow by a junction with the Queensferry branch of the North British Railway crossing by a bridge the Firth of Forth and terminating in the parish of Inverkeithing otherwise Inverkeithing and Rosyth in the county of Fife by a junction with the Dunfermline and Queensferry branch of the North British Railway.

Limits of deviation.

5. In constructing the railway 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 vertically 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 Provided always that notwithstanding anything contained in this Act the said bridge shall be constructed with two openings one on each side of the Island of Inch Garvie having each a clear span of not less than one thousand six hundred feet and a clear height above high water of ordinary spring tides of not less than one hundred and fifty feet for at least five hundred feet in the centre of each span and of not less than one hundred and twenty-five feet for at least nine hundred feet and of not less than one hundred feet for at least one thousand one hundred feet of each span All operations connected with the construction of the said bridge shall be conducted in such manner as to cause as little interruption impediment or inconvenience as practicable to the navigation of the Firth of Forth.

Providing for inspection of works.

6. The Board of Trade shall at successive intervals of three months during the construction of the bridge send one or more of their inspectors to inspect the works and such inspector or inspectors shall report whether in his or their opinion so far as such inspection enables him or them to judge the mode of construction the material and the work are satisfactory Such reports shall be laid before Parliament and otherwise published in such way as the Board of Trade may direct.

Period for compulsory purchase of lands.

7. 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.

Lands for extraordinary purposes.

8. The quantity of land to be taken by the Company under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed five acres and section 21 of the Act of 1873 shall be and is hereby repealed.

Power to make easements by agreement.

9. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over

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or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

Notice to be given of taking houses of labouring classes.

10. 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 the Company have made known their intention to take the same in manner herein-before required.

Company to procure accommodation for persons of the labouring classes to be displaced.

11. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless the Company and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by the sheriff The Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring class dwellings and may let or otherwise dispose of such lands and buildings.

Lights during construction of works.

12. During the whole time of the constructing altering or extending of the bridge over the Firth of Forth authorised by this Act the Company shall exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

Lights after completion of works.

13. After the completion of the bridge by this Act authorised the Company shall on or near the said bridge exhibit and keep burning from sunset to sunrise such light or lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct.

Additional deposit not to be repaid till line opened or half the capital paid up and expended.

14. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty chapter twenty a sum of thirty-three thousand three hundred and eighteen pounds ten shillings being five per centum upon the amount by which the estimate in respect of the railway by this Act autho-

rised will exceed the estimate of the expense of the "railway No. 1" by this Act authorised to be abandoned has been deposited with the Court of Exchequer in Scotland Be it enacted that the provisions of sections 28 and 29 of the Act of 1873 shall be applicable to and shall apply to the said sum and to the sum of fifty-three thousand one hundred and eighty-one pounds ten shillings the proportion of the sum deposited with the Court of Exchequer in Scotland applicable to the said "railway No. 1" and the said section 28 shall be read and have effect as if instead of the words "sixty-two thousand five hundred pounds" the sum of eighty-six thousand five hundred pounds had been inserted therein.

Period for completion of railway.

15. If the railway by this Act authorised is not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

New railway to be the Company's undertaking.

16. Subject to the provisions of this Act the lands and property from time to time acquired by the Company under this Act and the railway and works by this Act authorised shall for all purposes of tolls rates and charges and for all other purposes whatsoever be the undertaking railway works and property of the Company as if the Company had by the Act of 1873 been authorised to acquire make and maintain the same.

Transfer of powers of Company as to transferred undertaking to North British Railway Company.

17. Subject to the provisions of this Act all lands (if any) acquired or contracted for by the Company and all real and personal property (if any) of the Company and all rights powers privileges and authorities of the Company including the acquisition of lands the construction and maintenance of works and the levying of tolls and charges with respect to so much of the railway No. 2 as lies between a point thereon one mile or thereabouts from the commencement thereof as shown on the deposited plans referred to in the Act of 1873 and the termination of railway No. 2 (herein-after called "the transferred undertaking") shall be and are hereby as from the passing of this Act transferred to and vested in the North British Company and the North British Company with respect to the transferred undertaking may and shall have and exercise all the rights powers privileges and authorities and shall be subject to the liabilities and obligations of the Company under the Acts of 1873 1876 and 1879 as amended by this Act.

As to capital of £134,000.

18. The provisions contained in the North British Act 1876 and in the Act of 1876 with respect to the separate capital of one hundred and thirty-four thousand pounds are hereby repealed and

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the capital of the Company under the Act of 1873 is hereby to the extent of the said sum of one hundred and thirty-four thousand pounds reduced.

Authorised railways to be abandoned.

19. The Company shall abandon the construction of the railways and works authorised by and described in the fifth section of the Act of 1873 and the Company shall except only as is by this Act expressly provided be absolutely freed and discharged from all obligations with respect to the making and maintaining of the aforesaid railways and works and from all penalties and liabilities in respect of the non-completion thereof or any part thereof.

Compensation for damage to land by entry &c. for purposes of railways abandoned.

20. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of the Lands Clauses Consolidation (Scotland) Act 1845 for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company as the case may be to receive compensation in accordance with the provisions in that behalf of the Railways Clauses Consolidation (Scotland) Act 1845 for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such lands of any of the powers contained in the last-mentioned Act or in the Forth Bridge Acts.

Compensation to be made in respect of railways abandoned.

21. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railways or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation (Scotland) Act 1845 for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Providing for release of deposit.

22. Subject to the provisions of section 29 of the Act of 1873 with respect to the compensation of landowners or other persons

injured and for the protection of creditors the Court of Exchequer in Scotland may and shall on production of a copy of this Act and on application by the persons or the majority of the persons named in the warrant or order mentioned in section 28 of the Act of 1873 or the survivors or survivor of them or the heir of the last survivor by petition in a summary way order that the sum of nine thousand three hundred and eighteen pounds ten shillings the proportion attributable to the several railways the construction of which is by this Act authorised to be abandoned of the sum of sixty-two thousand five hundred pounds mentioned in that section or the stocks funds or securities in or upon which the same may have been invested and the interest or dividends thereof shall be transferred or paid to the person or persons so applying or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of money or stocks funds securities and any interest or dividends thereon shall be transferred or paid to such person or persons accordingly.

Repeal of section 10 of 39 & 40 Vict. c. cxxxv.

23. Subject to the provisions of this Act section 10 of the North British Railway (Fife Railways) Act 1876 is hereby repealed.

Power to Company to raise additional capital.

24. The Company from time to time may raise for the purposes of this Act and for the general purposes of their undertaking by the creation and issue of new shares or stock such additional capital as they think fit not exceeding in the whole the sum of six hundred and thirty-four thousand pounds and they may create and issue such new shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock or as deferred shares or stock as they may think fit.

Shares not to be issued until one-fifth paid.

25. The Company shall not issue any share under the authority of this Act of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof.

Power to Company to borrow.

26. The Company may in respect of the additional capital of six hundred and thirty-four thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage such sums as they think fit not exceeding in the whole two hundred and eleven thousand three hundred and thirty-three pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital 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 shares for the whole of such capital have

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been issued and accepted and that one-half of such capital 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 until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares 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.

Repeal of section 23 of Act of 1878.

27. Section 23 of the Act of 1878 as to consent of shareholders to exercise of borrowing powers is hereby repealed.

Provisions of Act of 1873 as to appointment of a judicial factor repealed.

28. The provisions of the Act of 1873 authorising the appointment of a judicial factor for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a judicial factor or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

For appointment of a judicial factor.

29. 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 judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Former mortgages to have priority.

30. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act.

Power to Company to create debenture stock.

31. 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 and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any

subsequent Act rank pari passu (without reference to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys raised by Company.

32. All moneys raised by the Company under the provisions of this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and to the general purposes of the Company to which capital is properly applicable and to no other purpose.

Power to Company to apply authorised capita to purposes of this Act.

33. Subject to the provisions of this Act the Company may apply to or towards all or any of the purposes of this Act any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Directors.

34. Sections 17 18 19 and 20 of the Act of 1873 shall be repealed and in lieu thereof the following provisions shall have effect:—

The number of directors shall be ten;

At the first ordinary meeting to be held after the passing of this Act the shareholders present in person or by proxy shall elect two persons being shareholders to be directors and at the first ordinary meeting to be held in every year thereafter the shareholders present in person or by proxy shall elect a person to supply the place of the director then retiring from office agreeably to the provisions in the Companies Clauses Consolidation (Scotland) Act 1845 and this Act contained and the persons elected at such meetings 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 said Acts;

One of the two directors the individual to retire being in each instance determined by ballot unless they otherwise agree shall retire from office at the end of the first year and at the end of the second and each succeeding year the director who has been longest in office shall go out of office.

Appointment of directors by the four Companies.

35. Within three months after the passing of this Act and annually in the month of July in each year thereafter the directors of the North British Company shall by resolution appoint two persons to be directors of the Company and the directors of the Midland Company shall in like manner appoint two persons to be directors of the Company and the directors of the North-eastern

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Company shall in like manner appoint two persons to be directors of the Company and the directors of the Great Northern Company shall in like manner appoint two persons to be directors of the Company And the directors appointed by the four Companies respectively shall unless removed as herein-after provided remain in office one year and their places shall be filled or they may be reappointed by the same means by which the original appointments were made.

As to vacancies in number of directors appointed by the four Companies.

36. The four Companies respectively may from time to time in like manner at their pleasure remove the directors so appointed by them respectively and may in like manner respectively fill up the vacancies occurring among such directors by removal death or resignation and any act done by the directors of the Company shall not be invalidated by reason of the failure of any of the four Companies to make such appointment or of any irregularity in any such appointment.

Quorum.

37. The quorum of the meetings of directors shall be five.

North British Company to work the railway and provisions as to maintenance of bridge and other parts of railway.

38. Section 5 of the Act of 1878 is hereby repealed and in lieu thereof the following provisions shall have effect :—

When and so soon as the railway shall have been constructed and shall have been approved by the Board of Trade the North British Company shall take possession thereof and shall for ever thereafter maintain in good working order and condition and work the railway in the same manner and with the same powers and obligations as if the railway formed part of the North British system and the Company shall maintain and keep in repair the structure of the bridge for carrying the railway over the Firth of Forth and all parts thereof except the permanent way thereon and the North British Company shall maintain and keep in repair all other parts of the railway including the permanent way upon the said bridge and all signals and signal appliances necessary for the working of the railway.

Extending running powers and facilities to the three Companies.

39. Sections six and seven of the Act of 1878 relating to the running powers and facilities of the Midland Company the North-eastern Company and the Great Northern Company shall apply to the railway by this Act authorised as well as to the portions of the North British Railway specified in those sections.

Payment by North British Company for traffic.

40. Sections 8 9 10 11 and 12 of the Act of 1878 are hereby repealed and in lieu thereof the North British Company shall from and after the opening of the railway account for and pay over to the Company the mileage proportion of receipts from all traffic of

the North British Railway (exclusive of traffic local to the railway) passing over the bridge across the Forth including bonus mileage as defined by the last-mentioned Act provided that if in any year the net amount of such mileage proportion after deduction of working expenses shall not amount to forty thousand pounds the North British Company shall pay the amount of such deficiency to the Company or if the bridge across the Forth shall not have been available for traffic during the whole year then the North British Company shall pay such a sum as will be at the rate of forty thousand pounds per year for the period during which the said bridge shall have been so available so that the Company shall in each year receive from the North British Company in respect of such traffic either the sum of forty thousand pounds or a sum at the rate of forty thousand pounds a year for the period during which the bridge across the Forth shall have been available for such traffic Provided also that in dividing the receipts from such traffic carried between stations south of the Tay on the one hand and stations situate either twenty-five miles south of the Ratho Junction or twenty-five miles east of the same junction or forty-five miles west of the same junction on the other hand the terminals to be deducted before ascertaining the mileage proportion of the rates due to the Forth Bridge Railway shall not be those usually allowed according to the practice of the Railway Clearing-house but shall be of such lesser amount as shall be agreed between the Company and the North British Company or in case of difference between them the same shall be settled by arbitration under the Railway Companies Arbitration Act 1859. 22 & 23 Vict. c. 59.

Guarantee by North British Midland Northeastern and Great Northern Railway Companies.

41. Sections 19 20 and 21 of the Act of 1878 are hereby repealed and in lieu thereof the following provisions shall have effect :—

(A) The North British Company the Midland Company the Northeastern Company and the Great Northern Company shall in perpetuity as from the thirtieth day of June one thousand eight hundred and eighty-two be respectively and severally liable to pay and shall pay half-yearly (on the thirty-first day of December and the thirtieth day of June in each year) in the proportions herein-after mentioned to the Company the amount (herein-after called guarantee moneys) necessary to enable the Company to pay interest or dividend on their nominal share capital at present issued as from time to time called up at the rate of four per centum per annum by regular half-yearly payments and to provide for the annual cost of maintenance and repair of the structure of the said bridge across the Forth

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and the expenses of management so that the Company may continuously receive net and for distribution amongst their shareholders the amount required to provide for such interest or dividend on their share capital as aforesaid and the amount which the four Companies shall be respectively and severally liable to pay and shall pay as aforesaid shall be paid by them in the proportions following (that is to say) the North British Company (exclusive of the dividend guaranteed in respect of the portion of railway No. 2 transferred to that Company as by this Act provided) thirty per centum the Midland Company thirty-two and a half per centum and the North-eastern Company and the Great Northern Company each eighteen and three-quarters per centum;

(B) The four Companies shall also in perpetuity be respectively and severally liable to pay and shall pay half-yearly at the times and in the proportions and in the manner herein-before mentioned to the Company the amount (herein-after called guarantee moneys) necessary to enable the Company to pay all interest or dividend (other than that chargeable to capital) which may become payable on the nominal amount of the mortgages or debenture stock of the Company from time to time issued and of any additional share or loan capital which may with the consent of the four Companies be hereafter raised or issued by the Company under the authority of Parliament for the purpose of completing the railway;

(C) The interest fund as existing on the thirtieth day of June one thousand eight hundred and eighty-two after providing thereout for the accruing interest to that date shall belong to and be held in trust for the four Companies and the same shall be applied to or for their benefit respectively in relief of their said guarantees in the same proportions as those in which they are by this Act liable to guarantee the amount necessary to pay the interest or divi nd aforesaid as from the said thirtieth day of June one thousand eight hundred and eighty-two.

(D) Without prejudice to the rights of the Company against the four Companies in respect of the moneys to be respectively contributed by them as before mentioned if the North British Company shall at any time hereafter have paid dividends on their ordinary stock for four consecutive years at such rate as shall amount to an average of five per centum per annum for such four years the North British Company as between itself and the Midland Company the North-eastern Company and the Great Northern Company shall thenceforth in perpetuity pay in

addition to the thirty per centum herein-before made payable by them and shall indemnify those three Companies respectively against or from their payment of one-half of the proportion of all the guarantee moneys herein-before made payable by them respectively and the proportion of the guarantee moneys payable by the three last-mentioned Companies respectively shall be reduced by one-half accordingly.

(E) The four Companies shall in consideration of their guarantees herein-before expressed be entitled to receive and shall receive the net revenue from all sources of the railway and the amount of such revenue shall in each half-year be applied in manner following :—

(1) In repayment (after the interest fund with any additions thereto which may be sanctioned by Parliament has been exhausted) to the four Companies in the proportions of their respective guarantees as herein-before expressed of all guarantee moneys paid by them respectively before the opening of the railway for traffic together with interest thereon from the date or respective dates of payment at the rate of five per centum per annum until such guarantee moneys and interest shall be fully repaid ;

(2) In repayment to the Midland Company the North-eastern Company and the Great Northern Company rateably between themselves of all guarantee moneys from time to time paid by them respectively after the opening of the railway for traffic together with interest thereon at the rate of five per centum per annum ;

(3) The balance shall belong to and be paid over to the North British Company.

Classification table to be open to inspection and copies to be sold.

42. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges if any to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance

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over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section fourteen of the Regulation of Railways Act 1873.

36 & 37 Vict. c. 48.

Saving rights of the Crown in the foreshore.

43. 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 most Excellent Majesty in right of Her Crown and under the management of the Board of Trade 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 rights of Crown under Crown Lands Act.

29 & 30 Vict. c. 62.

44. 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 in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Interest not to be paid on calls paid up.

45. Subject to the provisions of this Act the Company shall not out of any money by this or any other 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 but nothing in this Act shall 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 Consolidation (Scotland) Act 1845.

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

46. The Company shall not out of any money by this or any other 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.

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Provision as to general railway Acts.

47. Nothing in this Act contained shall 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 any Act relating to the Company.

Costs of Act.

48. 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.

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