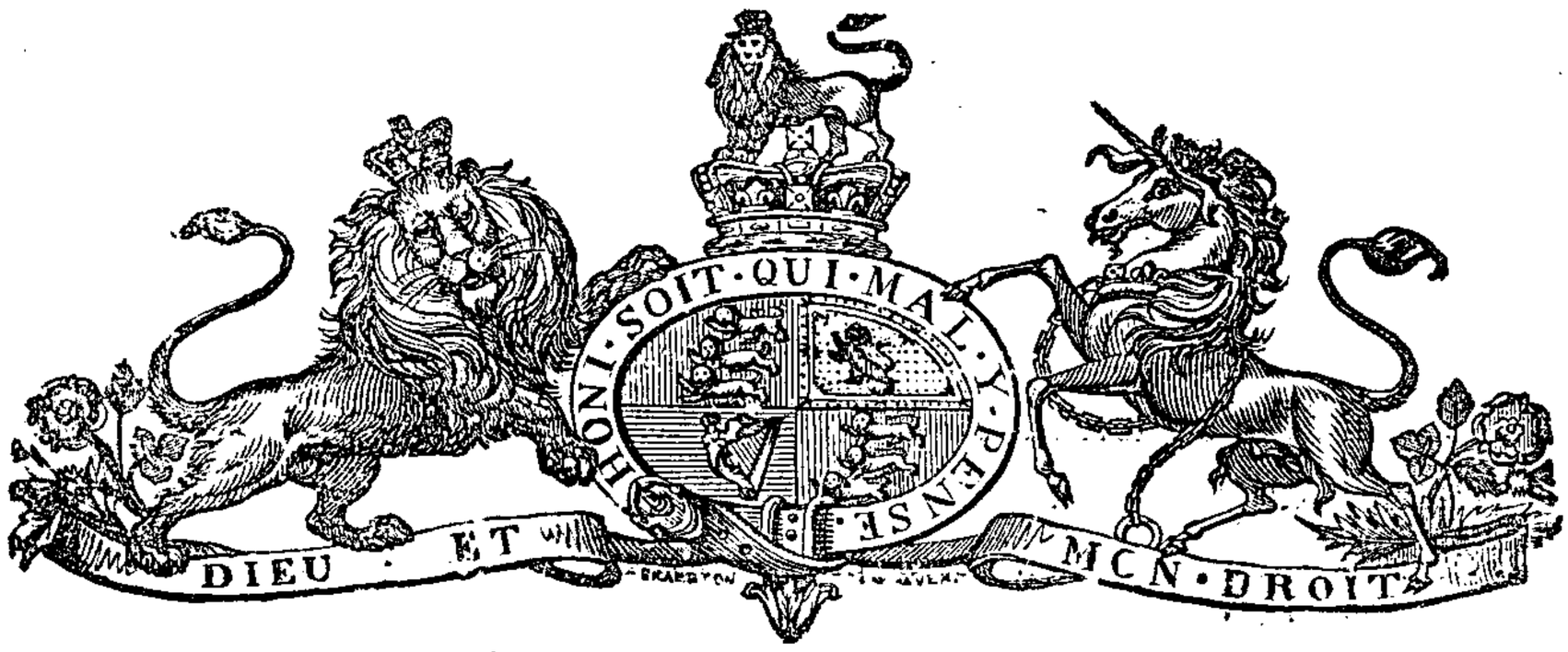


ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxxxiv.

An Act for Removal of Toll Bars beyond the Parliamentary Boundaries of the City of *Edinburgh*; and for other Purposes.

[3d *July* 1854.]

WHEREAS an Act was passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually making, repairing, and maintaining the Turnpike Roads in the County of* Edinburgh, by which Act the Turnpike Roads of the said County were divided into certain Districts therein mentioned, in order to their due Repair and Maintenance: And whereas another Act was passed in the same Year and Reign, intituled *An Act for futher regulating the Statute Labour and repairing the Highways and Bridges in the County of* Edinburgh; and another Act was passed in the Ninth and Tenth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for further regulating the Repair and Maintenance of the Roads, Streets, and Bridges within the Middle District of the County of* Edinburgh, *and the Assessments payable in respect thereof, and for other Purposes relating thereto*; under Authority of which Two last-recited Acts the Repair and Maintenance of the Statute Labour Roads of the said County, and of the Roads, Streets, and Bridges of the District called the Middle District, comprehending therein the City of *Edinburgh* within the Toll Bars next adjacent thereto, excepting as

5 & 6 W. c. lxii.

5 & 6 W. 4. c. lxviii.

9 & 10 Vict. c. ccclxv.

in the said last-recited Act mentioned, have respectively been regulated: And whereas under Authority of the first-recited Act the Trustees of the several Districts of Turnpike Roads of the said County have erected and continue to maintain Toll Bars on their Roads within the Parliamentary Boundaries of the City of *Edinburgh*, and on certain of their Roads beyond the said Boundaries but adjacent to the said City, which has been found to be inconvenient, and it would be attended with public Advantage if the said Toll Bars were removed, those within the said Boundaries to Sites on the Line of the said Boundaries or beyond the same, and those beyond the said Boundaries to other Sites at greater Distances from the said City; and it is also expedient that further Regulations should be made for the Repair and Maintenance of the Roads, Streets, and Bridges within the said Middle District, and the Assessments payable in respect thereof, and for other Purposes relating thereto, and that some of the Provisions in the said Acts should be altered, amended, or repealed, and other Provisions be made, and other and farther Powers be granted; but the said Purposes cannot be effected without the Aid and 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 Authority of the same, in manner following; (that is to say,)

Short Title.

I. In citing this Act it shall be sufficient to use the Expression "The *Edinburgh* Roads Act, 1854."

Construction of Terms.

II. In the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Constructions; (that is to say,)

The Word "Person" shall include Company and Corporation, whether sole or aggregate:

The Word "Sheriff" shall mean the Sheriff of the County of *Edinburgh*, or any of his Substitutes:

The Words "Paving Board" shall mean the Trustees of the Middle District of Roads in the County of *Edinburgh*, or the City of *Edinburgh* Paving Board:

The Word "Street" shall include any Square, Bridge, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, within the Parliamentary Boundaries of the City, open and patent to be used by Carts and Carriages:

The Words "private Streets" shall include those Streets the Burden of maintaining which rests or heretofore rested upon the Proprietors of Houses in or of Lands adjoining the same.

III. The

Power to erect Toll Bars within Parliamentary Boundaries of Edinburgh not to be applicable.

III. The Powers conferred by the first-recited Act, or by the General Turnpike (*Scotland*) Act of the First and Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter Forty-three, extended and applied to the said Act, to erect and maintain Toll Bars and Check Bars, and to demand and take thereat Tolls, Rates, and Duties, shall, from and after the Term of *Whitsunday* One thousand eight hundred and fifty-five, not be and the same are hereby declared not to be applicable in so far as regards the whole District included within the Boundaries of the City of *Edinburgh*, as defined by an Act passed in the Second and Third Year of the Reign of His said Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People of* Scotland.

Trustees to remove Toll Bars.

IV. The Trustees on whom Powers to erect such Tolls Bars and Check Bars are conferred by the said Acts, or either of them, shall, at or before the Term of *Whitsunday* One thousand eight hundred and fifty-five, remove all existing Toll Bars and Check Bars and Appurtenances, and cease to levy Tolls, Rates, and Duties, within any Part of the District aforesaid: Provided always, that nothing in this Act or in any of the Acts recited or referred to contained shall prevent the said Trustees from erecting and maintaining Toll Bars and Check Bars, and Toll Houses and Appurtenances, within the *Cramond* District, on any Road forming a Part of the Parliamentary Boundaries of the Burgh of *Edinburgh*, although the said Boundaries may run along the Middle of such Road, or across the Junction of the *Dean Dykes* Parish Road with the Turnpike Road between *Dean Park* Farm House and *John Watson*'s Institution, although the said Junction is situated a short Distance within the said Parliamentary Boundaries, or from demanding and collecting Tolls, Rates, and Duties at such Bars; and provided also, that on the Removal of the *Whitehouse* Toll Bar no other shall be erected across or on the Road whereon the same is situated nearer to the said City than the East Side of the Road leading to *Dalry* Mills near to the Village of *Coltbridge*.

Toll Bars on Accesses to public Park to be removed.

V. If the Magistrates and Council of the City of *Edinburgh*, or other public Body with their Authority and Sanction, shall resolve to form a Park for public Recreation on the Farm of *Dean*, or on the Estate of the *Trinity* Hospital of *Edinburgh*, although beyond the said Parliamentary Boundaries, then in that Case, and so soon as the Formation of such Park shall be completed, the Toll Bar at *Dean Park* shall be removed to its former Position at *Blinkbonny* near to *Craigleith* Quarry, and thereafter there shall be no Toll Bar on the Turnpike Road leading from the City by *Dean Bridge* to the said former Position of the Toll Bar at *Blinkbonny*; provided always, that the only Horse or Carriage Entrance to the said Park shall be from the said Turnpike Road.

VI. The

Paving Board to levy Conversions for Statute Labour in new District.

VI. The City of *Edinburgh* Paving Board shall, from and after the Term of *Whitsunday* One thousand eight hundred and fifty-five, levy and collect from the Persons whose Dwelling Houses or Tenements by the Removal of the said Toll and Check Bars will, in virtue of the third-recited Act and this Act, come to be included within the Bounds of the said Middle District, such Assessment in respect of the Conversion of Statute Labour as is by the said third-recited Act authorized in regard to Dwelling Houses and Tenements within the present Bounds of the said Middle District; provided always, that it shall be lawful to the Paving Board to make such Compensation to the Trustees of any District of Roads who may remove their Toll Bars under their existing Powers before the Term of *Whitsunday* One thousand eight hundred and fifty-five, as to the said Board shall seem just.

The Paving Board to pay Proceeds of Assessment to District Trustees.

VII. The Paving Board shall, from and after the Term of *Whitsunday* One thousand eight hundred and fifty-five, make Payment yearly to the Trustees of such several other Districts of Roads whose Toll and Check Bars shall have been so removed, excepting the Trustees of the *Corstorphine* District of Roads, of the free Proceeds of the Assessment in respect of the Conversion of Statute Labour herein-before authorized which may be received in each such District, remaining after the Deduction of all Charges and Expenses of Assessment and Collection, the said free Proceeds to be applied by such Trustees in repairing, maintaining, and improving the respective Roads under their Care, including the Portions from which the Bars shall have been removed, the Trustees of such several other Districts of Roads whose Toll and Check Bars shall have been so removed having the Option and Power of appointing a Collector of the said Assessment, who shall account to them for the Proceeds of the same, after Payment by him to the said Paving Board of all Charges which may be incurred by them in imposing the said Assessment, and preparing the Surveys and Rentals for the same, and Assessment Rolls or Rentals, which Assessment Rolls or Rentals the said Paving Board shall furnish to the said Collector; or in lieu of such free yearly Proceeds the said Paving Board shall make Payment of such a fixed annual Sum as may be agreed on by them and the Trustees of any such District; or, in lieu of such free yearly Proceeds, or fixed annual Sum, the said Paving Board shall make Payment of such a Sum in Commutation and Redemption of the same as may be agreed upon by the said Paving Board and the Trustees of any such District.

Paving Board to maintain Maitland Street.

VIII. The Paving Board shall retain for the proper Use and Purposes of their own Trust the said Assessments to be levied and collected by them from and after the Term of *Whitsunday* One thousand eight hundred and fifty-five within that Part of the *Corstorphine* District of Roads which, by the Removal of the said Toll

Toll Bars, will come to be included within the Bounds of the Middle District, and in respect thereof shall from and after that Term undertake the Repair and Maintenance of that Portion of the Street or Roadway presently upheld by the *Corstorphine* District Trustees, extending along *Maitland Street* and *Shandwick Place* from the West End of *Princes Street* to the East End of *Atholl Crescent*, which Portion of Street or Roadway shall at the said Term be for all Purposes transferred to and included within the Middle District.

Paving Board may maintain Roads.

IX. In the event of the Trustees of any other particular District of Roads preferring that, instead of the said Paving Board making Payment of the free Proceeds of the Assessment, or fixed annual Sum, or Sum in Commutation and Redemption thereof, as above provided, to the said Trustees, or of the Collector of the said Trustees collecting the said Proceeds, the said Paving Board should undertake the Repair and Maintenance of Portions of Roads belonging to such District, then the said Paving Board, if they shall agree thereto, may levy and retain the said Assessment, or that received within any particular District, as for the proper Use and Purposes of their own Trust, and in respect thereof undertake the Repair and Maintenance of such Portions of Roads belonging to such particular District nearest to the Roads of the said Paving Board as may be agreed on by the said Paving Board and the Trustees of such particular District of Roads; such Portions of Roads so to be repaired and maintained being, in such Case, for all Purposes transferred to and included within the Boundaries of the said Middle District.

Differences as to Boundaries and Assessments to be referred to Sheriff.

X. In the event of any Differences arising between the Paving Board and the Trustees of any particular District of Roads, or between the Trustees of any such District and the Trustees of any other District, in reference to the Boundaries of the Middle District or of any of the Districts, or in reference to the Rights of Parties relative to the Assessment in respect of the Conversion of Statute Labour leviable from the Occupiers of Dwelling Houses or Tenements that may be erected on Streets which are or may hereafter be made on Grounds situated beyond the present Positions of the Toll Bars and Check Bars, then and in either of such Cases it shall be lawful to the Sheriff of the County of *Edinburgh*, on the Application of the Paving Board or the Trustees of any particular District, to grant Warrant for citing the Parties interested before him, and on hearing them, and making such Investigation as to him may seem proper, to determine in a summary Way all such Differences, giving effect in the latter Case to the Principle that the respective Turnpike Road Trustees shall have Right to the said Assessment leviable by the Paving Board from all Persons whose Dwelling Houses or Tenements situated in the

several Districts of the said Trustees shall have an Access to the City of *Edinburgh* in whole or in part by any Turnpike Road, the said Access being beyond the present Positions of the Toll Bars and Check Bars; and the Decision of the Sheriff shall be final.

Paving Board and other Trustees may make Arrangements.

XI. The said Paving Board shall have Power to carry out, with the Trustees of any of the Districts of Roads, such Arrangements for the Care, Repair, Maintenance, and Improvement of Portions of Road in any of the said Districts, and to make Changes from Time to Time on such Arrangements as shall be expedient.

Paving Board may arrange with other Trustees for farther Removal of Toll Bars.

XII. The said Paving Board shall also have Power to enter into Arrangements, after the said Toll Bars and Check Bars shall have been removed near unto, or to, or beyond the Parliamentary Boundaries of the said City of *Edinburgh*, and from Time to Time, with the Trustees of the several Districts in the said County of *Edinburgh*, or of any of such Districts, for the Removal of Toll Bars and Check Bars within the County to Situations at greater Distances from the said City than the Situations of such Toll Bars and Check Bars at the Time, under Terms and Conditions similar to those herein-before mentioned, or under such other lawful Terms and Conditions as shall be considered expedient by the said Paving Board and the Trustees of such several Districts of Roads: Provided always, that due Compensation shall be made to the Trustees of the Statute Labour Roads of any Parish whose Funds shall be affected by such further Removal of Toll Bars or Check Bars, and such Compensation shall be payable out of the Conversions of Statute Labour that may become leviable by the Paving Board in consequence of such Removal of the Bars, or, in the Option of the Board, out of any Funds under their Charge.

Turnpike Trustees may adopt Statute Labour Roads.

XIII. Nothing in this Act contained shall prevent the Trustees of any of the said Turnpike Road Trusts from exercising the Power conferred by the first-recited Act of declaring any of the existing Parish Roads in their several Districts, so far as within the Parliamentary Boundaries of the City of *Edinburgh* presently maintained by Statute Labour, to be Turnpike; but they shall continue to be empowered to declare such Roads Turnpike, and may maintain any such existing Roads, as now laid out, as Turnpike accordingly.

Provisions of 8 & 10 Vict. c. cclxv., as to private Streets, extended to this Act.

XIV. The Provisions of the third-recited Act in regard to such Streets as at the passing of the said Act were maintained by the Proprietors of Houses in or of Lands adjoining the same, in the said Act called private Streets, shall be and the same are, as hereby varied and amended, extended and applied to all private Streets which now are or hereafter may be within the Parliamentary Boundaries of the City; and the said Paving Board shall have like Powers as are in the said

said Act contained as to the Maintenance of such Streets as may be brought under their Charge, and the Imposition and levying of an additional Assessment for the same, and the Commutation and Redemption thereof: Provided always, that nothing in the said third-recited Act or this Act contained shall be held or construed to compel the said Paving Board to assume the Charge and Maintenance of any private Streets within any District which, by the Removal of the Toll Bars and Check Bars, will, in virtue of the third-recited Act and this Act, come to be included within the Bounds of the said Middle District, and that the said Paving Board shall have the Option and Power of assuming or refusing to assume the Charge and Maintenance of any such private Streets.

Sections 44 and 49 of 9 & 10 Vict. c. cccixv. explained.

XV. And whereas by the Forty-fourth Section of the said third-recited Act it is enacted, that so soon as the Tenants, Occupiers, or Owners (as the Case may be) of Premises liable in the Burden of maintaining and upholding Streets shall in respect of such Premises have made Payment to the Trustees of the said Middle District of Fifteen annual Payments according to the Rates therein provided, the said Rates should thenceforth cease and determine: And whereas by the Forty-ninth Section of the said Act it is enacted, that in order to provide a Fund from the Income of which the said Paving Board may be enabled, along with the other Funds provided by the said Act for the Maintenance of the said Streets, to maintain the private Streets after the Lapse of the foresaid Period of Fifteen Years, when the additional Rates thereby provided were to cease and determine, it should and might be lawful to the said Paving Board, and they were thereby required, from the additional Rates or commuted Sums authorized by the said Act to be paid, to set apart and apportion annually such Part of the annual Amount thereof as to them might seem proper, until the Sums so set apart should amount to the Sum of Ten thousand Pounds Sterling, which Sums so to be set apart should from Time to Time, as the same were set apart, be invested in Name of the said Board in some One of the chartered Banks of *Scotland*, or in such other Security as to the said Paving Board should seem proper; and provided that nothing therein contained should be held or construed to prevent the said Paving Board from receiving and expending the Income arising annually for the Time from the Sums so set apart and invested; and that the foresaid Sum of Ten thousand Pounds should be fully set apart and invested before the Expiry of the foresaid Term of Fifteen Years: Be it enacted, That, notwithstanding that the foresaid Sum of Ten thousand Pounds shall be fully set apart and invested before the Expiry of the said Period of Fifteen Years from the passing of the said third-recited Act, the said additional Rates shall not cease and determine, in regard to all such private Streets, on the Lapse of the said Period of Fifteen Years, but in regard to the Premises only in such

Streets

Streets in respect of which such Fifteen annual Payments shall have been made; and also that the said Paving Board shall have Power from Time to Time to change the Security or Investment of the Sums set apart by them as to them shall seem proper.

Section 50 of 9 & 10 Vict. c. cccIxv. amended.

XVI. And whereas by the Fiftieth Section of the said third-recited Act it is provided that the Surveyor of Police shall be bound, before the First *Monday* of *August* in each Year, to furnish to the said Paving Board a Copy of the Surveys or Rentals therein mentioned: Be it enacted, That the said Surveyor shall not be bound to furnish such Copy before the said First *Monday* of *August* in each Year, but shall be bound to furnish the same to the Paving Board before the First *Monday* of *September* in each Year.

Section 51 of 9 & 10 Vict. c. cccIxv. amended.

XVII. The General Meeting of the said Paving Board, which it is provided in the Fifty-first Section of the said third-recited Act shall be held on the First *Monday* of *August* in each Year, shall, after the passing of this Act, be held on the First *Monday* of *September* in each Year.

Section 57 of 9 & 10 Vict. c. cccIxv. repealed.

XVIII. The Fifty-seventh Section of the said third-recited Act shall be and the same is hereby repealed; and be it enacted in place thereof, That if any Person who shall be rated and assessed and liable, as in the said Act and this Act mentioned, shall refuse or neglect, on or before the last Day of *February* yearly, to pay the Conversions or the additional Rates payable under the said Act and this Act, the Collector of the said Paving Board shall make an Attestation in Writing, that the said Person has been deficient in paying the said Conversions or additional Rates, notwithstanding the same having been demanded from him by the said Collector by a printed Notice delivered to or left for the said Person on the Premises assessed; and such Attestation being made, it shall be lawful for said Paving Board and their Collector to make Application to the Sheriff, who, upon such Application, and Production therewith of such Attestation, shall grant summary Warrant against the said Person for Recovery of the said Conversions or additional Rates so remaining unpaid, and a Third Part more in name of Penalty and Expenses; which Attestation, Application, and Warrant shall be in the Form contained in the Schedule hereunto annexed.

Section 61 of 9 & 10 Vict. c. cccIxv. explained.

XIX. And whereas by the Sixty-first Section of the said third-recited Act it is enacted, that it shall not be lawful to commence any legal Process or Proceeding for the Recovery of any Sum due or leviable under the Provisions of the said Act after the Period therein mentioned: Be it enacted, That the said Enactment shall be held to apply to Proceedings for Recovery of the said Conversions and additional Rates only.

XX. And

Schedules to Act of 9 & 10 Vict. c. cccIxv. amended.

XX. And whereas in the several Forms of Deeds and Writings contained in the Schedules to the said third-recited Act annexed, Reference is made to the said Act, and to the Title thereof only: Be it enacted, That where in future any such Deeds and Writings shall be made and executed in the Terms contained in the said Schedules, under Authority of the said third-recited Act and of this Act, Reference shall be made therein to this Act or the Title hereof, as well as to the said third-recited Act or the Title thereof.

Causeway Mail reserved.

XXI. Nothing herein contained shall be held to impair the Right of the Paving Board to levy the Causeway Mail levied by them under Authority of the second-recited Act, and to apply the same as by the said second and third recited Acts directed.

Nothing to extend Provisions of 8 & 9 Vict. c. 41. to this Act.

XXII. Nothing in this Act contained shall be construed to extend or apply the General Statute Labour Act of the Eighth and Ninth Year of the Reign of Her present Majesty, Chapter Forty-one, hereto, or to the said third-recited Act, or to the Paving Board, or Roads or Streets which are or may be under their Charge.

Not to exclude future Act as to Conversions for Statute Labour.

XXIII. Nothing herein contained shall be held to exclude the Operation of any General Act relating to the Rating for Conversions in lieu of Statute Labour in *Scotland*, which may be passed in the present or any future Session of Parliament.

Expenses of Act.

XXIV. The Costs, Charges, and Expenses of obtaining and passing this Act and incident thereto shall be paid as follows; namely, Three Fifth Parts thereof by the said Paving Board, and Two Fifth Parts thereof by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*.

SCHEDULE referred to in the foregoing Act.

ATTESTATION by Collector, Application to Sheriff, and his Warrant, to be written at the End of each Volume of the Assessment Books.

(1.) *Attestation by Collector.*

I, *A. B.*, Collector appointed by the Trustees of the Middle District of Roads in the County of Edinburgh, *or* City of Edinburgh Paving Board, do hereby represent and certify, that I have proceeded to levy and collect the Conversions in lieu of Statute Labour and additional Rates payable under the Provisions of the Act of 9th and 10th Victoriæ, Cap. 365, and of [*here refer to this Act*], for the Year from Whitsunday 18 to Whitsunday 18 , as contained in the Assessment Books delivered to me for that Purpose; which Conversions and additional Rates are payable to the Collector within his Office at the Term of Martinmas yearly, and were thus for the said Year payable at the Term of Martinmas, 18 ; but that certain of the Persons rated and assessed in the said Books have been deficient in paying the said Conversions and additional Rates on or before the last Day of February last, notwithstanding the same having been demanded from them by me by printed Notices delivered to or left for them on the Premises assessed. And I hereby farther certify and attest that the Persons who in this Volume have been and still are so deficient in Payment are those against whose Names respectively the Charges in this Volume remain unpaid or otherwise undischarged at this Date, and who, according to the Entries made therein, are or were the Occupiers or Owners of the Premises chargeable with the said Conversions and additional Rates respectively.

Edinburgh *A. B.*, Collector.

[*Here insert the Date.*]

(2.) *Application to Sheriff.*

To the Honourable the Sheriff of the County of Edinburgh or his Substitute.

The Petition of the Trustees of the Middle District of Roads in the County of Edinburgh, *or* City of Edinburgh Paving Board, and *C. D.*, their Collector,

Humbly Showeth,

That by the Acts of 9th and 10th Victoriæ, Cap. 365, and of [*here refer to this Act*], the Petitioners are empowered and directed to levy certain

certain Conversions in lieu of Statute Labour within the Middle District of Roads in the County of Edinburgh; also certain additional Rates for maintaining the Roadways in private Streets within the said District, which were in use to be maintained and upheld by the Owners of Houses and other Premises situated in such private Streets:

That, in Terms of the said Acts, we, the said Board, have caused a Rental or Assessment for levying the said Conversions and additional Rates for the Year from Whitsunday 18 to Whitsunday 18 to be made up and delivered to our said Collector, in order to his levying and collecting the Sums set opposite the Names of the Persons respectively therein entered, of which Rental or Assessment this is the [*insert the Number*] Volume:

That, by the Certificate and Attestation of the said Collector hereunto prefixed, it appears that certain of the Persons so rated and assessed have been deficient in paying the said Conversions and additional Rates on or before the last Day of February last, and that the Persons who in the said Volume have been and still are so deficient in Payment are those against whose Names respectively the Charges in the said Volume remain unpaid or otherwise undischarged at the Date of the said Certificate:

That in these Circumstances it becomes necessary to apply to your Lordship for Warrant to the following Effect:—

May it therefore please your Lordship to grant summary Warrant against the said Defaulters for Recovery of the Conversions and the additional Rates so remaining unpaid, and a Third Part more in name of Penalty and Expenses, and to authorize [*here insert the Messenger's Name*], or any other Messenger-at-Arms or Officer of Court, to enter the Houses or other Premises of the Persons who have been deficient in Payment as aforesaid, and to seize and take possession of so much of the Goods and Effects therein as shall appear to such Messenger or Officer to be sufficient for satisfying, by the Sale thereof, the said Conversions and additional Rates remaining unpaid, and a Third Part more as aforesaid, and to authorize the said Messenger or Officer, if the said Conversions and additional Rates and Third Part more shall not be paid within Three Days next after Seizure is made as aforesaid, forthwith to sell the said Goods and Effects so seized by public Roup at the Market Cross of Edinburgh, returning the Surplus of the Price, if any be, after Payment of the said Conversions and additional Rates and One Third Part more, together with the Costs and Charges incurred in carrying the said Warrant into execution, and of such Sale, to the Owner or Owners of the said Goods and Effects.

A. B., Clerk to the City of Edinburgh Paving Board.
C. D., Collector to the said Board.

(3.) *War-*

(3.) *Warrant by Sheriff.*

Edinburgh [*here insert Date*]. The Sheriff, (*or Sheriff Substitute,*) having considered the foregoing Application and Attestation, grants Warrant as craved.

[*To be signed by the Sheriff or Sheriff Substitute.*]

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