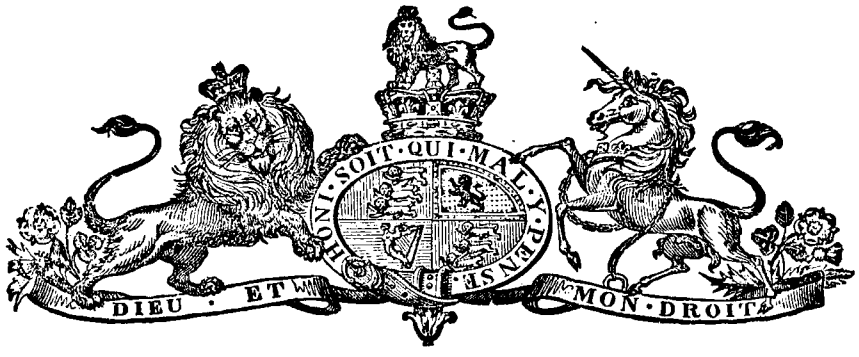


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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C A P. LXXXIII.

An Act for further regulating the Use of Locomotives on Turnpike and other Roads for agricultural and other Purposes.

[5th *July* 1865.]

WHEREAS by the "Locomotives Act, 1861," certain Provision was made for regulating the Use of Locomotives on Turnpike and other Roads, and it is expedient that further and fuller Provision should be made for that Object: Be it therefore 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: 24 & 25 Vict. c. 70.

1. This Act shall not come into operation till the First Day of *September* One thousand eight hundred and sixty-five, which Day is herein-after referred to as the Commencement of the Act, and shall cease and determine on the First of *September* One thousand eight hundred and sixty-seven. Commencement of Act.

2. After

Certain Sections of 24 & 25 Vict. c. 70. repealed.

2. After the Commencement of this Act, and so long as the same shall continue in force, the Fifth, Ninth, Eleventh, and Fifteenth Sections of the said recited Act, and all Orders made in pursuance of the said Fifth Section, are hereby repealed.

Rules for the Manner of working Locomotives on Turnpike Roads and Highways as herein stated.

3. Every Locomotive propelled by Steam or any other than Animal Power on any Turnpike Road or public Highway shall be worked according to the following Rules and Regulations; *viz.*

Firstly, at least Three Persons shall be employed to drive or conduct such Locomotive, and if more than Two Waggons or Carriages be attached thereto, an additional Person shall be employed, who shall take charge of such Waggons or Carriages:

Secondly, one of such Persons, while any Locomotive is in Motion, shall precede such Locomotive on Foot by not less than Sixty Yards, and shall carry a Red Flag constantly displayed, and shall warn the Riders and Drivers of Horses of the Approach of such Locomotives, and shall signal the Driver thereof when it shall be necessary to stop, and shall assist Horses, and Carriages drawn by Horses, passing the same:

Thirdly, the Drivers of such Locomotives shall give as much Space as possible for the passing of other Traffic:

Fourthly, the Whistle of such Locomotive shall not be sounded for any Purpose whatever; nor shall the Cylinder Taps be opened within Sight of any Person riding, driving, leading, or in charge of a Horse upon the Road; nor shall the Steam be allowed to attain a Pressure such as to exceed the Limit fixed by the Safety Valve, so that no Steam shall blow off when the Locomotive is upon the Road:

Fifthly, every such Locomotive shall be instantly stopped, on the Person preceding the same, or any other Person with a Horse, or Carriage drawn by a Horse, putting up his Hand as a Signal to require such Locomotive to be stopped:

Sixthly, any Person in charge of any such Locomotive shall provide Two efficient Lights to be affixed conspicuously, One at each Side on the Front of the same, between the Hours of One Hour after Sunset and One Hour before Sunrise:

Penalty on Non-compliance with Rules.

In the event of a Non-compliance with any of the Provisions of this Section, the Owner of the Locomotive shall, on summary Conviction thereof before Two Justices, be liable to a Penalty not exceeding

exceeding Ten Pounds; but it shall be lawful for such Owner, on proving that he has incurred such Penalty by reason of the Negligence or wilful Default of any Person in charge of or in attendance on such Locomotive, to recover summarily from such Person the whole or any Part of the Penalty he may have incurred as Owner.

Limit of Speed of Locomotives on Turnpike Roads and Highways.

4. Subject and without Prejudice to the Regulations herein-after authorized to be made by Local Authorities, it shall not be lawful to drive any such Locomotive along any Turnpike Road or public Highway at a greater Speed than Four Miles an Hour, or through any City, Town, or Village at a greater Speed than Two Miles an Hour; and any Person acting contrary thereto shall for every such Offence, on summary Conviction thereof, forfeit any Sum not exceeding Ten Pounds.

Size and Weight of Locomotives which may be used.

5. Subject to the Provisions of this Act, any Locomotive which shall not exceed Nine Feet in Width or Fourteen Tons in Weight may be used on any Turnpike Road or public Highway, provided that the Wheels of such Locomotive be constructed according to the Requirements of the said recited Act; and no Locomotive exceeding Nine Feet in Width or Fourteen Tons in Weight shall be used on any such Road, except subject to the Provisions contained in the Third Section of the said Act as to the Use of Locomotives exceeding Seven Feet in Width and Twelve Tons in Weight.

Restrictions as to the Use of Steam Engines within 25 Yards of Roads not to apply to Locomotives used for ploughing Purposes.

6. Any Provision in any Act contained prohibiting, under Penalty, the Erection and Use of any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto, within the Distance of Twenty-five Yards from any Part of any Turnpike Road, Highway, Carriageway, or Cartway, unless such Steam Engine, Gin, or other like Engine or Machinery be within some House or other Building, or behind some Wall, Fence, or Screen sufficient to conceal or screen the same from such Turnpike Road, Highway, Carriageway, or Cartway, shall not extend to prohibit the Use of any Locomotive Steam Engine for the Purpose of ploughing within such Distance of any such Turnpike Road, Highway, Carriageway, or Cartway, provided a Person shall be stationed in the Road, and employed to signal the Driver when it shall be necessary to stop, and to assist Horses, and Carriages drawn by Horses, passing the same, and provided the Driver of the Engine do stop in proper Time.

7. The

Name and Residence of Owner to be affixed to Locomotives.

7. The Name and Residence of the Owner of every Locomotive shall be affixed thereto in a conspicuous Manner. If it is not so affixed the Owner shall, on summary Conviction, be liable to a Penalty not exceeding Two Pounds.

Power to Local Authorities to make Orders as to Hours, &c. Locomotives may pass through Cities, &c.

8. The following Local Authorities, (that is to say,)

1. In the City of *London* and Liberties thereof, the Court of the Lord Mayor and Aldermen;
2. In the Metropolis, as defined by the Act of the Session of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty (except the City of *London*), the Metropolitan Board of Works;
3. In any Borough in *England* the Population of which shall have exceeded Five thousand at the last Census, the Council of the Borough;
4. In any Borough or Town in *England* the Population of which shall have exceeded Five thousand at the last Census, not within the Jurisdiction of a Council, but within the Jurisdiction of any Trustees or Improvement Commissioners appointed under any Public or Private Act of Parliament, the Trustees or Commissioners;
5. In any Borough or Town in *Scotland* the Population of which shall have exceeded Ten thousand at the last Census, within the Jurisdiction of a Town Council, the Town Council, and in any such Town in *Scotland* not within the Jurisdiction of a Town Council, but subject to the Jurisdiction of Police Commissioners, or of Trustees exercising under any Public or Private Act of Parliament the Functions of Police Commissioners, the Police Commissioners, or, where there are no Police Commissioners, then the Trustees,—

Penalty on acting contrary to such Orders.

may make Orders as to the Hours during which (and as to the Speed, not in any Case to exceed Two Miles an Hour, at which,) Locomotives are to pass through the City or Place subject to their respective Jurisdictions; and any Person in charge of a Locomotive acting contrary to such Regulations shall, on summary Conviction, be liable to a Penalty not exceeding Ten Pounds:

Every Order made in pursuance of this Section shall be reduced into Writing, and shall have affixed thereto the Common Seal of the Local Authority, where they have a Common Seal, and shall be signed by the Members of the Local Authority, or any Two of them, where they have not a Common Seal:

A Copy

A Copy of such Order shall be affixed to some public Place within the Jurisdiction of the Local Authority, and advertised in some Newspaper circulating within the Jurisdiction of the Local Authority, and the Production of a Newspaper containing such Advertisement shall be Evidence of the Copy having been advertised in pursuance of this Act.

In Ireland the County Surveyor to be deemed the Conservator of the Roads in his County, and Proceedings for Damage to be taken in his Name.

9. For the Purposes of this Act, the County Surveyor of each County in *Ireland* shall be deemed to be the Conservator of all the Roads in the County of which he is Surveyor, made or repaired by Grand Jury Presentment; and it shall not be lawful to use any Locomotive, other than those specially authorized by this Act, on any such Road in any County in *Ireland*, without the Consent in Writing of the County Surveyor thereof, approved of by One or more Justices sitting at Petty Sessions; and all Compensation for Damage done by any Locomotive to any Bridge, Gullet, or Arch, or any of the Walls, Buttresses, or Supports thereof, on any such Road in any County in *Ireland*, shall be recoverable in the Name of the County Surveyor thereof, for and on behalf of the County, from the Party liable to pay the same, such Compensation, if not exceeding Ten Pounds, to be recovered in a summary Way by Summons at Petty Sessions, and if over Ten Pounds to be recovered by Process in the Civil Bill Court.

How Penalties to be recovered and applied in Ireland.

10. Every Penalty imposed by the Provisions of this Act shall, in *Ireland*, be recoverable before a Justice or Justices of the Peace in Petty Sessions, subject and according to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," and any Act amending the same, and shall be applied according to the Provisions of "The Fines (*Ireland*) Act, 1851," and any Act amending the same.

Sect. 41. of 25 & 26 Vict. c. 93. not to be affected.

11. Nothing in this Act contained shall repeal, alter, or in any way affect the Provisions of the Forty-first Section of "The *Thames* Embankment Act, 1862."

Saving as to Actions at Law.

12. Nothing in this Act contained shall authorize any Person to use a Locomotive which may be so constructed or used as to be a public Nuisance at Common Law, and nothing herein contained shall affect the Right of any Person to recover Damages in respect of any Injury he may have sustained in consequence of the Use of a Locomotive.

13. This

Short Title.

13. This Act may be cited as "The Locomotives Act, 1865;" and "The Locomotives Act, 1861," and this Act, shall be construed together as One Act.

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