CHAPTER 58.

An Act for further regulating the use of Locomotives on Highways in Scotland. [16th August 1878.]

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 as the Locomotives Amendment (Scotland) Act, 1878.

Application and duration of Act.

2. This Act shall apply to Scotland only, and shall remain in force so long only as the Locomotive Act, 1865, continues in force.

Weight of locomotives and construction of wheels. 24 & 25 Vict. c. 70. 28 & 29 Vict. c. 83.

3. Section three of the Locomotive Act, 1861, and section five of the Locomotive Act, 1865, are hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted that it shall not be lawful to use on any highway a locomotive constructed otherwise than in accordance with the following provisions; (that is to say,)

(1.) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and

(2.) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased; but in such case the width of such tires shall not be less than fourteen inches; and

(3.) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided; and

(4.) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches.

(5.) The exact and true weight of a locomotive, including necessary water and coals, shall be legibly written in letters of not less than one inch in length, and affixed to some conspicuous part of the locomotive.

The owner of any locomotive used contrary to the foregoing provisions shall for every such offence be liable to a fine not exceeding five pounds: Provided that the road authority of any county or burgh may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any highway within the areas respectively above mentioned, or part of any such highway, under such conditions (if any) as to them may appear desirable: Provided also, that sub-section (2.) of this section shall not apply to any engines in use at the time of the passing of this Act, the owner of which notifies in writing, within six calendar months of the passing of this Act, to the road authority of the county or burgh in which such engine is in use that it was in use at that time.

Amendment of section three of 28 & 29 Vict. c. 83.

4. The paragraph numbered "secondly" of section three of the Locomotive Act, 1865, is hereby repealed, so far as relates to Scotland, and in lieu thereof the following paragraph is hereby substituted; namely,

"Secondly, one of such persons, while the locomotive is in motion, shall accompany the "locomotive on foot, and shall in case of need assist horses, and carriages drawn by "horses, passing the same."

Steam locomotives to consume their smoke.

5. Section eight of the Locomotive Act, 1861, is hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted, that every locomotive used on any highway shall be constructed on the principle of consuming its own smoke; and any person using

any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, shall be liable to a fine not exceeding five pounds for every day during which such locomotive is used on any such highway. 24 & 25 Vict. c. 70.

6. Section eight of the Locomotive Act, 1865, is hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted, that the road authority of any county or burgh may make byelaws as to the hours during which locomotives are not to pass over the highways situate within the areas respectively above mentioned, the hours being in all cases consecutive hours and no more than eight out of the twenty-four, and for regulating the use of locomotives upon any highway, or preventing or regulating such use upon every bridge where such authority is satisfied that such use would be attended with damage to the public from the narrowness, inclination, or imperfect construction of such highway or bridge respectively; and any person in charge of a locomotive acting contrary to such byelaws shall be liable to a fine not exceeding five pounds. Road authority may make byelaws as to hours during which locomotives may pass over roads. 28 & 29 Vict. c. 83.

7. A byelaw made under this Act, and any alteration made therein and any repeal of a byelaw, shall not be of any validity until it has been submitted to and confirmed by the Secretary of State. Confirmation of byelaws.

A byelaw made under this Act shall not nor shall any alteration therein or addition thereto or repeal thereof be confirmed until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the authority making the same in one or more local newspapers circulating in their county or district.

8. All penalties under this Act may be recovered, together with the expenses of process, at the instance of the procurator fiscal, or of the clerk of the road authority, as the case may be, upon the testimony of one or more credible witnesses, before the sheriff or any justice of the peace of the county or magistrate of the burgh, as the case may be, in which the same shall have been incurred, under the provisions of the Summary Procedure Act, 1864; and all the jurisdictions, powers, and authorities necessary for this purpose are hereby conferred on sheriffs and justices of the peace, and magistrates of burghs, and their decision shall be final, save only that the provisions of the Summary Prosecution Appeals (Scotland) Act, 1875, shall apply to the same. Recovery and application of penalties. 27 & 28 Vict. c. 53. 38 & 39 Vict. c. 62.

Every prosecution shall be begun within six calendar months after the penalty shall have been incurred and not afterwards.

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the road authority, as the sheriff or justice of the peace or magistrate shall direct.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff or justice of the peace or magistrate.

Every person found liable in any penalty recoverable under this Act shall, failing payment thereof, immediate or within a specified time, as the case may be, and expenses, be liable to be imprisoned for a term not exceeding sixty days; and the conviction and warrant may be in the form No. 3 of Schedule K. of the Summary Procedure Act, 1864. 27 & 28 Vict. c. 53.

9. In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction: Interpretation of terms.

"The Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State:

"Sheriff" shall include sheriff-substitute:

"County" shall mean the county, exclusive of any burgh wholly or partly situated therein, and shall not include a county of a city:

"Burgh" shall have the same meaning as it has in the Act of Parliament, as the case may be, regulating the management of the highway to which it is sought to apply the provisions of this Act:

"Road authority of a county" means, as respects counties in which tolls have been abolished or are not eligible, the trustees acting under the Roads and Bridges 41 & 42 Vict. c. 81.

(Scotland) Act, 1878, or under the Local Act for the county, as the case may be, and as regards other counties, the justices of the peace of the county in general or quarter sessions assembled:

"Road authority of a burgh" means the authority having the management of the highway within the burgh to which it is sought to apply the provisions of this Act:

"Highway" means and includes any road, street, or bridge maintained out of public funds derived from tolls or assessments or other sources of revenue.

CHAPTER 59.

An Act to amend the Law relating to the Drainage and Improvement of Land in Ireland. [16th August 1878.]

WHEREAS by reason of the absence of many proprietors, as well as the omission of others to sign the necessary assents even in cases where they do not wish to dissent, unnecessary difficulties have been thrown in the way of the formation of elective drainage districts, under the Drainage and Improvement of Lands Act, Ireland, 1863: And whereas it is expedient to remove these and other difficulties in the way of the formation of such districts:

26 & 27 Vict. c. 88.

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:

Short title.

1. This Act may be cited for all purposes as the Drainage and Improvement of Lands (Ireland) Act, 1878.

To apply to Ireland only.

2. This Act shall extend to Ireland only.

Shortening periods of notice prescribed by 26 & 27 Vict. c. 88.

3. In sub-section one of the sixth section of the said Act of 1863 the day to be named as the day on or before which objections shall be required to be transmitted to the petitioners shall be not sooner than six weeks from the publication and posting or service of the notice mentioned in the said sub-section, instead of two months as provided by the said sub-section; and in sub-section five of said sixth section of said Act of 1863 the period of twenty-one days shall be substituted for one month as the period within which objections in writing to the report of inspection or any part thereof may be served on or transmitted by post to Her Majesty's Commissioners of Public Works in Ireland.

Amount of assent of proprietors necessary in order to authorise provisional order.

4. In sub-section five of the sixth section of the said Act of 1863 the assents required shall be the assents of the proprietors of a moiety in value of the land in the proposed district, instead of the proprietors of two thirds in value of such land; provided always, that no provisional order shall be made under the provisions of this section in any case in which the proprietors of one-third part in value of such lands in the said district have, within six weeks after the lodging of the report of the inspector, expressed in writing their dissent to the formation of the drainage district.

This Act and former Acts to be read together.

5. The said Act of 1863 and the several Acts amending the same and this Act shall be read together as one Act.

CHAPTER 60.

An Act to make better provision for Idiots, Imbeciles, and other afflicted persons in Ireland. [16th August 1878.]

WHEREAS it is expedient that facilities should be given to guardians of the poor in Ireland to provide for the reception, maintenance, and instruction of poor afflicted persons in certain cases where they are not empowered to do so by the laws now in force: