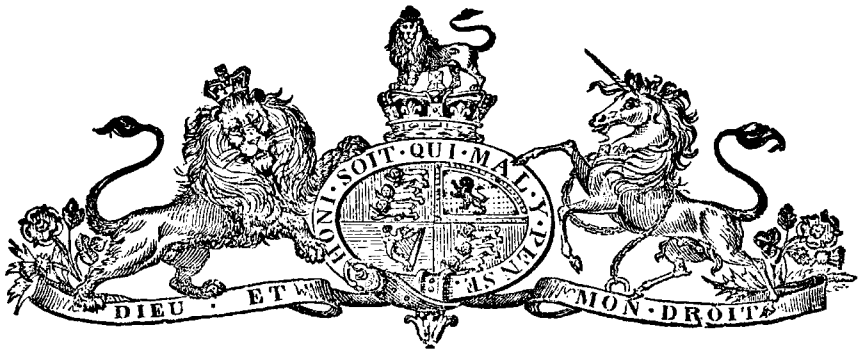


ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXIX.

An Act to provide for the Formation of Tramways on Turnpike and Statute Labour Roads in *Scotland*.

[1st *August* 1861.]

WHEREAS it would be of great public and local Advantage if Provision were made for the Formation of Tramways on Turnpike and Statute Labour Roads in *Scotland*: 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 Tramways (*Scotland*) Act, 1861."

Interpretation of Terms.

2. The following Words in this Act shall have the several Meanings hereby assigned to them:

The Word "Trustees" shall mean the Trustees for the Time being appointed and acting under any Local Turnpike or Statute Labour Road Act in *Scotland*:

The Word "Clerk" shall mean the Clerk for the Time being to such Trustees:

The Word "Tramways" shall mean and include any Tramroad or Tramway, whether temporary or permanent, formed of Iron, Stone, or other Material, and laid down level with the Surface on any Turnpike or Statute Labour Road under the Provisions of this Act.

With respect to the Formation of Tramways on Turnpike Roads:

Special Meeting of Trustees may be called to consider the Expediency of laying down Tramways.

3. Any Two Trustees may, by a Requisition under their Hands, require the Clerk to call a Special Meeting of the Trustees for any Day and Hour specified in such Requisition, not being earlier than Twenty-one Days after the Date thereof, for the Purpose of considering the Expediency of forming Tramways on the Roads under their Management, or any Part thereof; and within Three Days after the Receipt of such Requisition the Clerk shall call such Special Meeting, to be held at the Time specified therein, and at the Place where the Meetings of the Trustees are usually held; and Notice of such Meeting, and of the special Purpose thereof, shall be given by Advertisement inserted once in each of Two successive Weeks in a Newspaper published in the County in which such Roads are situated, or if there be no Newspaper published therein, in a Newspaper published in an adjoining County.

Trustees may remit to their Surveyor or to an Engineer to prepare Plans of Tramways and Estimate of Expense.

4. If the Trustees present at such Special Meeting shall resolve that it is expedient to form Tramways on the Roads under their Management, or any Part thereof, they may remit to their Surveyor, or to any Engineer to be named by them, to prepare Plans of the proposed Tramways, showing the Extent thereof, and the Mode in which the same are to be formed, and the Portions of the Roads to be occupied thereby, with an Estimate of the Expense of such Tramways; and such Plans and Estimate of Expense shall be lodged with the Clerk, for the Inspection of the Trustees, at least One Month previous to the General or Special Meeting before which the same are to be laid.

Plans and Estimate to be laid before General or Special Meeting of Trustees.

5. The Plans and Estimate of Expense prepared by such Surveyor or Engineer shall be laid before any General Meeting of the Trustees convened under the Provisions of the General Turnpike Road Act for *Scotland*, First and Second *William* the Fourth, Chapter Forty-three, or of any Local Act under which the Trustees are appointed and acting, or before a Special Meeting of the Trustees to be called in the Manner provided by the said General Turnpike Road Act; and the Trustees present at such General or Special Meeting may approve or disapprove of such Plans and Estimate of Expense, or may direct such Alterations to be made thereon as they may deem necessary, and may resolve to proceed or not to proceed with the Formation of the Tramways as they may think fit.

6. On

Tramways may be laid down according to Plans.

6. On such Plans and Estimate being finally approved by the Trustees at any General or Special Meeting, as the Case may be, it shall be lawful for the Trustees to form and lay down the Tramways in the Manner described on such Plans, and on the Roads included therein, or on the Sides of such Roads.

Tramways to form Part of Roads.

7. The Tramways shall be laid down on the Surface of the Roads or on the Sides thereof, and shall form Part of the Roads, and, subject to the Provisions of this Act, all the Enactments of the said General Turnpike Road Act, and of any Local Act relating to the Road on which the Tramways are laid down, shall be applicable to the Tramways, in the same Manner and to the same Effect as such Enactments are applicable to such Roads.

Expense of forming and maintaining Tramways, how to be defrayed.

8. The Expense of forming and laying down the Tramways, and incidental thereto, shall be defrayed out of the Tolls and Revenues of the Roads under the Management of the Trustees, or out of Money to be borrowed on the Credit of such Tolls and Revenues; and it shall be lawful for the Trustees to borrow Money for the Purpose of defraying such Expense, and to grant Assignations of such Tolls and Revenues in Security of the Payment of the Money so to be borrowed, in the Manner provided by the said General Turnpike Road Act, any Provision or Restriction with respect to the Power of borrowing Money contained in any Local Act relating to such Roads to the contrary notwithstanding; and the Expense of maintaining, managing, and repairing the Tramways shall be defrayed by the Trustees out of the Tolls and Revenues of such Roads: Provided that it shall not be lawful for the Trustees to apply any Part of such Tolls and Revenues in defraying the Expense of forming the Tramways, or to borrow Money for that Purpose on the Security of such Tolls and Revenues, without the Consent in Writing of the Persons entitled to Two Thirds of the Money borrowed and remaining due on the Credit of such Tolls and Revenues.

Tolls for Use of Tramways.

9. It shall be lawful for the Trustees, with the Powers and Authorities and subject to the Provisions and Exemptions contained in the said General Turnpike Road Act, and in any Local Act relating to the Roads on which the Tramways are formed, to demand and take or cause to be demanded and taken, for and in respect of all Carts, Waggons, and Carriages using or passing over the Tramways, the same Tolls as are levied for the Time being under the Provisions of such Acts for and in respect of Carts, Waggons, and Carriages using or passing over such Roads; and the Tolls levied and received on and

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in respect of the Tramways shall be held and applied by the Trustees for the same Uses and Purposes as the Toll Duties levied and received on and in respect of such Roads: Provided always, that any Cart, Waggon, or Carriage using or passing over the Tramways for any Distance exceeding One hundred Yards shall be liable to the same Toll as if such Cart, Waggon, or Carriage had passed through a Toll Gate on such Roads; and the Tolls payable for and in respect of Carts, Waggons, and Carriages so using or passing over the Tramways, and not passing through a Toll Gate, may be sued for and recovered in the same Manner as Toll Duties may be sued for and recovered under the Provisions of the said General Turnpike Road Act, which are hereby made applicable to the Tolls payable for and in respect of the Use of the Tramways: Provided also, that any Cart, Waggon, or Carriage using or passing over the Tramways or any Part thereof, and thereafter passing through a Toll Gate on the Road on which the Tramways are formed, shall only be liable to pay a single Toll, in the same Manner as if such Cart, Waggon, or Carriage had used or passed over such Road.

Trustees may compound for Tolls on Tramways.

10. It shall be lawful for the Trustees to compound and agree, for any Term not exceeding One Year at any One Time, with any Person or Company using the Tramways or any Part thereof exceeding One hundred Yards in Length, for the passing of his or their Carts, Waggons, or Carriages over the Tramways: Provided that such Compositions and Agreements shall be subject to all the Provisions with respect to Compositions for Tolls contained in the Fifty-third Section of the said General Turnpike Road Act.

Trustees may make Regulations for Use of Tramways.

11. The Trustees may make such Regulations for and with respect to the Use of the Tramways as they think fit; and such Regulations shall be published by printed Copies thereof being affixed on Boards to be set up at each End of the Tramways or at the Toll Gates nearest thereto; and every Person who commits any Breach or Contravention of such Regulations shall be liable to a Penalty not exceeding Five Pounds for each Offence; and such Penalties may be sued for, imposed, and recovered in the Manner provided by the said General Turnpike Road Act.

With respect to the Formation of Tramways on Statute Labour Roads:

Tramways may be formed on Statute Labour Roads.

12. In the event of any Application being made to the Trustees of any Statute Labour Road by any Person or Company desiring to form Tramways on such Road, the Trustees may, at any General or Special Meeting convened under the Provisions of the General

General Statute Labour Road Act for *Scotland*, Eighth and Ninth *Victoria*, Chapter Forty-one, or of any Local Act under which the Trustees are appointed and acting, authorize such Person or Company to form the Tramways; and on such Authority being granted it shall be lawful for such Person or Company, at his or their own Expense, to form and lay down the Tramways to such Extent, in such Manner, and on such Terms as shall be agreed upon and approved by the Trustees or their Surveyor.

Tramways to form Part of Roads.

13. The Tramways shall be laid down on the Surface of the Roads or on the Sides thereof, and shall form Part of the Roads, and may be used by all Carts, Waggons, and Carriages passing over the Roads; and, subject to the Provisions of this Act, all the Enactments of the said General Statute Labour Road Act and of any Local Act relating to the Roads on which the Tramways are laid down shall be applicable to the Tramways, in the same Manner and to the same Effect as such Enactments are applicable to such Roads; and the Expense of maintaining, managing, and repairing the Tramways shall be defrayed by the Trustees out of the Funds and Revenues under their Management, or by the Person or Company by whom the same were laid down, or jointly by the Trustees and such Person or Company, as may be agreed upon.

Trustees may make Regulations for Use of Tramways.

14. The Trustees may make such Regulations for and with respect to the Use of the Tramways as they think fit; and before taking effect such Regulations shall be published by printed Copies thereof being affixed on Boards to be set up at each End of the Tramways; and every Person who commits any Breach or Contravention of such Regulations shall be liable to a Penalty not exceeding Five Pounds for each Offence; and such Penalties may be sued for, imposed, and recovered in the Manner provided by the said General Statute Labour Road Act.

Tramways may be removed.

15. It shall be lawful for the Person or Company by whom the Tramways on any Statute Labour Road were laid down, or his or their Heirs or Successors, and they are hereby required to take up and remove the same at such Time as shall have been agreed on with the Trustees: Provided that on the Tramways being so removed the Road on which the same were laid down shall, to the Satisfaction of the Trustees or their Surveyor, be restored by such Person or Company, or his or their Heirs or Successors, at his or their own Expense, to the same State and Condition, as nearly as may be, in which such Road was at the Time of laying down the Tramways.

16. Nothing

Tramways not to be laid down in Burghs without Consent of Magistrates and Council.

16. Nothing in this Act contained shall authorize the Trustees to form or lay down Tramways within the Municipal or Parliamentary Boundaries of any Royal or Parliamentary Burgh, without the Consent in Writing of the Magistrates and Council of such Burgh first had and obtained.

Tramways to be kept in constant good Order, and Trustees may acquire Right to them when proposed to be removed.

17. The Person or Company by whom the Tramways on any Statute Labour Road shall have been laid down, and their Heirs and Successors, shall maintain such Tramways, while unremoved, in constant good Order for Traffic at the Sight and to the Satisfaction of the Surveyor; and when they shall propose to remove the same as aforesaid, the Trustees shall be entitled to acquire all Right therein belonging to such Person or Company, or their Heirs and Successors, on Payment to them of such Sum as the same may be valued at by Valuators agreed on by the Trustees and such Person or Company, or their Heirs and Successors, or, failing such Agreement, by any Valuator or Valuators appointed by the Sheriff of the County on the Application of either Party.

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