

person or persons making such complaint: and it shall be lawful for any such justice of the peace to whom any complaint shall be made of any offence committed against this act, to summon the party complained of before him, and on such summons to hear and determine the matter of such complaint in a summary way, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing or in print shall have been exhibited or taken by or before such justice; and all such proceedings by summons without information shall be as good, valid and effectual, to all intents and purposes, as if an information in writing had been exhibited.

1 & 2 VICT. CAP. 80.

*An Act for the Payment of Constables for keeping the Peace near Public Works.*

[Amended by 51 & 52 Vict. c. 57, S.L.R.]

[10th August, 1838.]

*Whereas great mischiefs have arisen by the outrageous and unlawful behaviour of labourers and others employed on railroads, canals, and other public works, by reason whereof the appointment of special constables is often necessary for keeping the peace, and for the protection of the inhabitants and security of the property in the neighbourhood of such public works, whereby great expenses have been cast upon the public rates of counties and other districts chargeable with such expenses:—*

Preamble.

1. *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, that after the passing of this act, whenever any special constables shall be appointed under the authority of an act passed in the second year of the reign of his late majesty, intituled "An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace," or under the authority of an act passed in the sixth year of the reign of his late Majesty, intituled "An Act for enlarging the Powers of magistrates in the Appointment of Special Constables," and it shall be made to appear to any two or more justices of the peace of any county, riding, or division having a separate commission of the peace, or of any liberty, franchise, city, town, or borough, in England or Wales, on the oath of three or more credible witnesses, that the appointment of such special constables has been occasioned by the behaviour, or by*

Whenever the appointment of special constables under 1 & 2 Will. IV. c. 41, or 5 & 6 Will. IV. c. 43 has been occasioned by the behaviour of persons employed upon public works, the expenses thereof shall be paid by the companies carrying on such works.

reasonable apprehension of the behaviour, of the persons employed upon any railway, canal, or other public work made or carried on under the authority of parliament within the district or division for which such justices usually act, it shall be lawful for such justices as aforesaid, at any time not exceeding one calendar month next after such appointment, to make orders from time to time upon the treasurer or other officer who shall have the control or custody of the funds of any company making or carrying on such railroad, canal, or other public work, for the payment of such reasonable allowances for their trouble, loss of time, and expenses to such special constables who shall have so served or be then serving as to the said justices shall seem proper; and a copy of every such order shall be sent by the justices to one of her Majesty's principal secretaries of state, and such order, if allowed by the secretary of state, shall be binding on such company, and on every such treasurer and officer thereof: provided always, that nothing herein contained shall empower any such justices to order any allowance for any such special constables at the rate of more than five shillings daily to be paid to each special constable employed for the purposes aforesaid.

Secretary of state may disallow or reduce excessive orders.

2. *And be it enacted, that* if it shall appear to the secretary of state that there was no need for the appointment of such special constables, or that a greater number of special constables was appointed than was needed by reason of the behaviour, or reasonable apprehension of the behaviour, of the persons employed on such railroad, canal, or other public work as aforesaid, the secretary of state shall have power to disallow any such order, or to reduce the amount ordered to be paid by any such order, in such manner as to him shall seem just according to the circumstances of each case; and in such case the order shall be of no force, or shall be of force for such reduced amount only, as the case may be; and the whole of such expenses in case the whole shall be disallowed, or so much thereof as shall exceed such reduced amount if a part shall be allowed, shall be defrayed out of the public rates of such county, riding, or division, liberty, franchise, city, town, or borough, as if this act had not been made.

Amount ordered and allowed may be recovered by distress.

3. *And be it enacted, that* in all cases where such treasurer or other officer as aforesaid shall refuse or neglect, during three weeks next after demand thereof, to pay such sum of money as shall have been ordered by such justices, and allowed by the secretary of state as aforesaid, it shall be lawful for such justices to cause the

same to be levied by distress upon the goods and chattels belonging to such company.

4. *And be it enacted, that this act may be amended or repealed by any act to be passed in this session of Parliament.*

Act may be amended or repealed.

[Repealed by 37 & 38 Vict. c. 86, S.L.R.]

1 & 2 VICT. CAP. 98.

*An Act to provide for the Conveyance of the Mails by Railways.*<sup>[1]</sup> [14th August, 1838.]

[Amended by 51 & 52 Vict. c. 57, S.L.R.]

Preamble.

*Whereas it is expedient that provision should be made by law for the conveyance of the mails by railways at a reasonable rate of charge to the public :*

1. *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, That in all cases of railways already made or in progress, or to be hereafter made within the United Kingdom, by which passengers or goods shall be conveyed in or upon carriages drawn or impelled by the power of steam, or by any locomotive or stationary engines, or animal or other power whatever, it shall be lawful for the Postmaster-General, by notice in writing under his hand delivered to the company of proprietors of any such railway, to require that the mails or post letter bags shall, from and after the day to be named in any such notice, (being not less than twenty-eight days from the delivery thereof,) be conveyed and forwarded by such company on their railway, either by the ordinary trains of carriages, or by special trains, as need may be, at such hours or times in the day or night as the Postmaster-General shall direct, together with the guards appointed and employed by the Postmaster-General in charge thereof, and any other officers of the post-office; and thereupon the said company shall, from and after the day to be named in such notice, at their own costs, provide sufficient carriages and engines on such railways for the conveyance of such mails and post letter bags to the satisfaction of the Postmaster-General, and receive, take up, carry, and convey by such ordinary or special trains of carriages or otherwise, as need may be, all such mails or post letter bags as shall for that purpose be tendered to them, or any of their officers, servants, or agents, by any officer of the post-office, and also receive, take up, carry,*

*Conveyance of Mails.*

Postmaster-General may require railway companies to convey the mails.

See 7 & 8 Vict. c. 85, s. 11.  
See 31 & 32 Vict. c. 119, ss. 36, 37.

By the Post Office Act, 10 & 11 Vict. c. 85, s. 16, power is given to send mails without a guard.

[1 Short title: "The Railways (Conveyance of Mails) Act, 1838." See 55 & 56 Vict. c. 10. The provisions of this Act requiring any notice, requisition, or document to be under the hand of the Postmaster-General are repealed, 31 & 32 Vict. c. 119, s. 37. This Act as amended by 10 & 11 Vict. c. 85, s. 16, is applied to tramways in Ireland subject to certain provisions, 23 & 24 Vict. c. 152, s. 46.]