

Conveyance of Mails.

curred, shall and may hear and determine any offence against this act which may subject any company to a pecuniary penalty not exceeding twenty pounds; and a summons issued under the post-office acts by any such justice against any railway company for the recovery of any such penalty shall be deemed to be sufficiently served in case either the summons or a copy thereof be delivered to any officer, servant, or agent of such company, or be left at any station belonging to such company.

Act may be amended or repealed.

20. *And be it enacted, That this act may be amended or repealed by any act to be passed in the present session of Parliament.*

[Repealed by 37 & 38 Vict. c. 96, S.L.R.]

2 & 3 Vict. cap. 45.

[Amended by 37 & 38 Vict. c. 96, S.L.R.]

An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth relating to Highways.

[17th August, 1839.]

5 & 6 W. 4, c. 50.

Whereas by an act passed in the session of parliament holden in the fifth and sixth years of the reign of his late majesty king William the fourth, intituled "An Act to consolidate and amend the Laws relating to Highways in that part of Great Britain called England," it is amongst other things by the said act enacted, that whenever a railroad shall cross any highway for carts or carriages the proprietors of the said railroad shall make and maintain good and sufficient gates at each of the said crossings, and shall employ good and proper persons to attend to the opening and shutting of such gates, so that the persons, carts, or carriages passing along such road shall not be exposed to any danger or damage by the passing of any carriages or engines along the said railroad, and any complaint for any neglect in respect of the said gates shall be made within one month after the said neglect to one justice, who may summon the party so complained against to appear before the justices at their next special sessions for the highways, who shall hear and decide upon the said complaint, and the proprietor so offending shall forfeit any sum not exceeding five pounds and whereas it is also by the said act further enacted, that nothing in this act contained shall apply to any

turnpike roads, except where expressly mentioned, or to any roads, bridges, carriageways, cartways, horseways, bridlevays, footways, causeways, churchyards, or pavements which now are or may hereafter be paved, repaired, or cleansed, broken up or diverted, under or by virtue of the provisions of any local or personal act or acts of parliament: and whereas it is deemed expedient to amend the said provisions in the said act, and to extend the same to turnpike roads in England: 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,

1. That wherever a railroad crosses or shall hereafter cross any turnpike road or any highway or statute labour road for carts or carriages in Great Britain, the proprietors or directors of the company of proprietors of the said railroad shall make and maintain good and sufficient gates across each end of such turnpike or other road as aforesaid at each of the said crossings, and shall employ good and proper persons to open and shut such gates, so that the persons, carts, or carriages passing along such turnpike or highway shall not be exposed to any danger or damage by the passing of any carriages or engines along the said railroad; and any complaint for any neglect in respect of the said gates shall be made within one calendar month after the said neglect to any justice of the peace, or if in Scotland to the sheriff of the county, who may summon the party so complained against to appear before them or him at the next petty session or court to be holden for the district or division within which such gates are situate, who shall hear and decide upon the said complaint; and the proprietor or director so offending shall for each and every day of such neglect forfeit any sum not exceeding five pounds, together with such costs as to the justices or sheriff depute aforesaid before whom the conviction shall take place shall seem fit.

2. And be it further enacted, that the penalties by this act imposed, and the costs to be allowed and ordered by the authority of this act, shall in England be recovered and applied in the same manner as any penalties and costs under the said act, and in Scotland shall be recovered and applied to the maintenance of the statute labour roads within the district where the offence is committed.

Where any railroad crosses a highway, &c. proprietors of railroad shall maintain gates.

Recited by 5 & 6 Vict. c. 55, s. 9.

Penalty for each day's neglect, 5*l.*

Recovery and application of penalty, &c.

Commencement of act.
[Repealed
by 37 & 38
Vict. c. 96,
S.L.R.]

3. *And be it further enacted, that this act shall commence and take effect from and after the thirtieth day of September, one thousand eight hundred and thirty-nine.*

3 & 4 VICT. cap. 97.

An Act for regulating Railways.[1]

[10th August, 1840.]

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

Preamble.

WHEREAS it is expedient for the safety of the public to provide for the due supervision of railways :

Opening of
Railways.

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 two months from the passing of this act, no railway, or portion of any railway, shall be opened for the public conveyance of passengers or goods until one calendar month after notice in writing of the intention of opening the same shall have been given by the company to whom such railway shall belong, to the lords of the committee of her Majesty's privy council appointed for trade and foreign plantations.*

Repealed
by 34 & 35
Vict. c. 78,
s. 17.

Repealed
by 34 & 35
Vict. c. 78,
s. 17.

2. *And be it enacted, That if any railway, or portion of any railway, shall be opened without due notice as aforesaid, the company to whom such railway shall belong shall forfeit to her Majesty the sum of twenty pounds for every day during which the same shall continue open, until the expiration of one calendar month after the company shall have given the like notice as is hereinbefore required before the opening of the railway; and any such penalty may be recovered in any of her Majesty's courts of record.*

Returns to
be made by
Railway
Companies.

3. *And it be enacted, That the lords of the said committee may order and direct every railway company to make up and deliver to them returns, according to a form to be provided by the lords of the said committee, of the*

[1] Short title: "The Railway Regulation Act, 1840." See 55 and 56 Vict. c. 10. This Act is applied to tramways in Ireland subject to certain provisions by 23 & 24 Vict. c. 152, s. 46.]