

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXX.

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

[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 Expences have been cast upon the Public Rates of Counties and other Districts chargeable with such Expences: 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

Whenever the Appointment of Special Constables has been occasioned by the Behaviour of Persons employed upon Public Works, the Expences

thereof shall be paid by the Companies carrying on such Works.

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 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 Expences 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 reduce excessive Orders.

II. 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 Expences 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.

III. 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.

IV. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.