

Office wanted the power to change these hours at will, according to the seasons, the opening and extension of new routes, &c. ; and to regulate the speed and stoppages on all the routes. These postal luxuries raised the question of interference with the general traffic of the railway. They involved the question of running night trains when and where no passengers wanted to go ; and of keeping open, all night, railways which, but for the mail trains, would be closed all night. Moreover, an alteration of an hour or two in the starting of a passenger train, to accommodate the mails, might derange the traffic of the whole line to a serious extent.

In 1838, before any legislation was had, and when the idea of determining the payment by arbitration was first suggested, an experimental one was entered into with the London and Birmingham Company, represented by Robert Stephenson. Col. Harness, R.E., A.D.C. to the Queen, acted on behalf of the Post Office. Col. (then Major) Harness proposed to apply the principle upon which the Post Office was paying for their mails on the roads, to give a fair commercial profit to the Company as carriers ; but not to pay for the use of the road further than it was clear that the Post Office put the Company to actual expense. Stephenson assented to this principle, and an award was mutually agreed upon, of $7\frac{1}{2}$ d. per mile run, for the use of a whole carriage. The Railway Mails Act was thereupon introduced—but Sir James Graham representing the railways, proposed (for the purpose of doing away with the principle admitted by Stephenson) a clause, directing the arbitrators to include the value of the railway, in making their decision. Mr. Labouchere, who had charge of the Post Office Bill, threatened that if this were insisted upon, he would move a clause proposing the contrary principle. The consequence was, the Bill does not determine the principle on which the Post Office payments are to be calculated.

This Act, which the preamble states, is to provide for the conveyance of mails by railways "at a reasonable rate of charge to the public," gives the Postmaster-General absolute control over every railway in the Kingdom, with power to regulate the hour of starting, the speed and stoppages of every train carrying a mail-bag, and to demand a special train at will. Twenty-eight days' written notice must first be served on the Company, specifying the kind of accommodation needed ; and the same for every change required ; and the value of such service, on each occasion, if not agreed upon, is left to arbitrators, one chosen by each party ; and in case of disagreement between these, the whole question of compensation is left to an umpire chosen by them. Under this system there is no majority agreement of a court of arbitration ; but the umpire is the jury, and the two arbitrators the advocates of their respective views—the decision in most cases bearing no relation to the figures of