Anno tricesimo

Georgii II. Regis.

An Act to explain and amend an Act made in the Eighteenth Year of His present Majesty's Reign, to prevent the Misbehaviour of the Drivers of Carts in the Streets in *London*, *Westminster*, and the Limits of the Weekly Bills of Mortality; and for other Purposes in this Act mentioned.



WHEREAS by an Act made and passed in the Eighteenth Year of His present Majesty's Reign, intituled, An Act to repeal a Clause in an Act made in the Third Year of the Reign of King *William* and Queen *Mary*, relating to Carts used by Persons inhabiting within the Limits of the Weekly Bills of Mortality; and to allow such Carts to be drawn with Three Horses; and to prevent the Misbehaviour of the Drivers of Carts in Streets within the said Limits; there- Preamble, reciting Act 18 *Geo.* II.

in reciting (amongst other Things) that great Inconveniencies had arisen from the irregular Behaviour of Carmen, Draymen, and other Persons driving Carts, Drays, and other Carriages, within the Cities of London and Westminster, and Suburbs thereof, the Borough of Southwark, and other Streets within the Bills of Mortality, by their misusing and hindering the Passage of His Majesty's Subjects through the said Streets and Highways, and committing other Disorders of the like Kind; for Remedy whereof it was thereby enacted, That from and after the Twenty ninth Day of September, One thousand seven hundred and forty five, no Person or Persons whatsoever should drive any Cart, Car, or Dray, of any Kind whatsoever, within the Limits aforesaid, unless the Master or Owner of such Cart, Car, or Dray, should place upon some conspicuous Part of such Cart, Car, or Dray, the Name of the Owner of such Cart, Car, or Dray, and the Number of such Cart, Car, or Dray, so belonging unto him, in Order that the Driver of such Cart, Car, or Dray, might the more easily be convicted for any Disorder or Misbehaviour committed by him as aforesaid; and it was thereby further enacted, That every Owner of such Cart, Car, or Dray, residing within the Limits aforesaid, should enter his Name and Place of Abode with the Commissioners for licensing Hackney Coaches, for which Entry he should pay the Sum of One Shilling and no more; and the said Commissioners were thereby required to receive and register such Entry as aforesaid; and it was thereby also enacted, That in case any Person or Persons should drive any such Cart, Car, or Dray, within the Limits aforesaid, not marked, numbered, and entered as before directed, every such Person so offending should forfeit the Sum of Forty Shillings, and it should be lawful for any Person or Persons to seize and detain the Cart, Car, or Dray, or any of the Horses drawing the same, and them to detain until such Penalty should be paid: And whereas no Provision is made by the said Act, to whom the Money forfeited shall go and be paid, or to sell the Cart, Car, Dray, or Horse, as shall be seized in Pursuance of the said Act, to raise the Forty Shillings forfeited; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Con-

sent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That One Moiety of the Money which shall be forfeited by the Driver of any Cart, Car, or Dray, under the said Act, shall go and be paid to the Person or Persons who shall apprehend and prosecute to Conviction any Offender or Offenders against the said Act; and that the other Moiety thereof shall go and be paid to the Overseers of the Poor, if there shall be any, of the Parish or Place in which the Offence shall be committed; and if there shall be no Overseers in such Parish or Place, then to some other Officer of such Parish or Place, for the Use of the Poor of such Parish or Place; and if the Offender or Offenders, on being convicted of any Offence against the said Act, before any Justice of the Peace within his Jurisdiction, shall not, within the Space of Twenty four Hours after any such Conviction, pay the Forty Shillings forfeited, then the same shall be raised by Sale of the Cart, Car, Dray, or Horse, which shall be seized; and every Justice of the Peace within his Jurisdiction, is hereby authorized and required to issue his Warrant under his Hand and Seal, directed to the Constable, or some other Peace Officer of the Parish or Place in which the Cart, Car, Dray, or Horse seized shall be, to cause Sale to be made thereof with all convenient Speed, for raising the Money which shall be forfeited for any such Offence or Offences as aforesaid; rendering to the Offender or Offenders, the Overplus (if any there shall be) after deducting the Charges of the Sale of any such Cart, Car, Dray, or Horse, and also the Expences the Party or Parties who shall have made the Seizure shall be at by detaining or housing thereof, or keeping any Horse seized, until Sale shall be made thereof in pursuance of this Act, or the Money forfeited shall be paid.

Application of the Forfeiture.

On Nonpayment within 24 Hours, Distress may be sold.

Overplus to be returned, after deducting all Charges.

And be it further enacted by the Authority aforesaid, That every Time the Property of any Cart, Car, or Dray, which is or shall be entered with the said Commissioners for licensing Hackney Coaches in pursuance of the said recited or this present Act, shall be altered, the new Owner or Owners thereof shall, from time to time, within Seven Days next after he, she, or they, shall become Owner or Owners thereof, cause the Name or Names of the former

On changing the Property, new Owner's Name to be affixed on the Cart,

Owner or Owners thereof to be taken off from every such Cart, Car, or Dray, and the Name or Names of the new and real Owner or Owners thereof to be put or painted in large and legible Characters upon some conspicuous Part thereof, and also to be entered with the said Commissioners for licensing Hackney Coaches; and if any Omission shall be made in doing thereof, and any Person shall drive any such Cart, Car, or Dray, within the Limits aforesaid, not having the Name or Names of the real Owner or Owners thereof painted or put thereon, in some conspicuous Part thereof, and also entered with the said Commissioners for licensing Hackney Coaches as herein before is directed, every such Person so offending in the Premisses, shall forfeit for every such Offence the Sum of Forty Shillings on being thereof convicted, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the County, City, Division, or Place, where any such Offence shall be committed; and the said Money so forfeited, shall go and be applied, in like Manner as the Forty Shillings forfeited for any Offence committed against the said herein before recited Act is hereby directed to go and be applied; and every such Cart, Car, and Dray, and any Horse drawing the same, is and are hereby subjected and made liable to be seized by any Person or Persons, and also to be sold, to raise and answer the Money which shall be forfeited in pursuance of this Act, together with the reasonable Charges of every such Sale, and of housing the Cart, Car, or Dray, which shall be seized under this Act, and keeping the Horse which shall be also seized under this Act, until Sale shall be made thereof, or the Money forfeited shall be paid.

and to be entered;

and in Default thereof,

Offender to forfeit 40*s.*

and the Cart and Horse may be seized and sold for Payment thereof, with the incident Charges.

And whereas some Doubt hath been made whether the Justices of the Peace of the City of London are authorized to ascertain at their General or Quarter Sessions of the Peace in London, the Rates or Prices of Goods taken up in London, and carried for Hire out of London into the City of Westminster, and other Places contiguous to London, by the Carts, Cars, or Carrooms licensed to work in London, and to compel Persons who shall work any such Carts, Cars, or Carrooms, licensed to work in London, to carry Goods from

from any Parts of the said City of London, into the said City of Westminster, and other Parts adjacent to London; and to enforce Payment to the Carmen for their Labour and Carriage of Goods, according to the Rates or Prices which shall be set or ascertained at the said General or Quarter Sessions of the Peace in London, and by reason thereof many Inconveniencies have happened to Merchants and others; be it therefore further enacted by the Authority aforesaid, That the Justices of the Peace of the said City of London for the time being, shall have Power and Authority, and they are hereby enjoined and required at the next General Sessions of the Peace which shall be holden for the said City of London after the Twenty fourth Day of June, One thousand seven hundred and fifty seven, and so afterwards at the General Sessions of the Peace which shall be holden for the said City of London, next after the Twenty fourth Day of June in every Year, as Occasion shall require, to assess and rate reasonable Rates and Prices for the Carriage of all Goods taken up in the said City of London, and carried by any such licensed Carts, Cars, or Carrooms, as well in the said City of London, as from the said City of London into the said City of Westminster, or any other Place or Places, not exceeding the Distance of Three Miles from the said City of London; and to make, frame, and set down in Writing, such reasonable Rules, Orders, and Ordinances, for governing and regulating such Carts, Cars, and Carrooms, and the Drivers thereof, and to compel Payment for Carriage of Goods by such Licensed Carts, Cars, or Carrooms, according to the Rates or Prices which shall be rated, assessed, or set, at any such Sessions of the Peace in London as aforesaid; and to annex reasonable Penalties for Breach of any such Rules, Orders, or Ordinances, not exceeding Five Pounds for any One Offence, as to the major Part of the Justices at any such Sessions of the Peace in London assembled, shall seem meet; and such Rules, Orders, and Ordinances, or any of them, from time to time, at any other such Sessions of the Peace as aforesaid in London, to alter and amend; and such new or other Rules, Orders, and Ordinances, touching the Matters aforesaid, with such reasonable Penalties and Forfeitures (not exceeding Five Pounds for any One Offence) to make, as to the major Part

Justices of the City to assess annually the Rates and Prices of Carriage of Goods,

and to make Rules and Orders for regulating Carts, and Drivers, and for Payment of their Fare,

and to annex Penalties for Breach of Orders;

they may also alter and amend the same, or make new Orders.

Part of the Justices at any such Sessions of the Peace assembled, shall, from time to time, seem meet, for the better putting this Act in Execution.

The said Rules to be printed and published.

Provided nevertheless, and be it enacted by the Authority aforesaid, That all such Rules, Orders, and Ordinances, so to be from time to time made at any such Sessions of the Peace in London, shall, within Thirty Days after the making the same, be printed and affixed up in some Publick Places of the said City of London, and be otherwise made Publick, in such Manner as the said Justices at their General or Quarter Sessions of the Peace shall think proper, and from time to time order.

Persons wilfully obstructing the Passage of the Streets, &c. with empty Casks, Carts, or Drays, &c.

And whereas His Majesty's Subjects are frequently interrupted and hindered passing on their lawful Occasions in the Publick Streets, Lanes, and open Passages, in the Cities of London and Westminster, and within the Weekly Bills of Mortality, by empty Pipes, Butts, Barrels, Casks, and other Vessels, and also by empty Carts, Cars, Drays, or other Carriages, standing or being placed there, and by other Obstructions; for Remedy whereof, be it further enacted by the Authority aforesaid, That no Persons, after the said Twenty fourth Day of June, shall wilfully obstruct the passing and repassing of His Majesty's Subjects in any such Publick Streets, Lanes, or open Passages, within the Limits herein before mentioned, or put or set any empty Pipes, Butts, Barrels, Casks, or other Vessels, in any such Publick Streets, Lanes, or open Passages, within the Limits aforesaid (except for such reasonable Time only as shall be necessary for the carrying or removing thereof to or from any House, Warehouse, Cellar, Vault, or other Place, or for the trimming thereof) or set or place any empty Cart, Car, Dray, or other Carriage, in any such Publick Street, Lane, or open Passage, within the Limits aforesaid, except only during such reasonable Time as any such Cart, Car, or other Carriage, shall be plying for Hire, in the Place or Places appointed or to be appointed for the standing thereof so to ply for Hire, by the Persons authorized to appoint such the Standings thereof, and except during such reasonable Time as any such Cart, Car, Dray, or other Carriage, shall be waiting in any such Publick Street, Lane, or open Passage, to load or unload Goods or Commodities, or to take

except while plying for Hire on their proper Stands,

or taking up, or setting down, a Fare,

up or set down a Fare; and that every Person offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the County, City, Division, or Place, where any such Offence shall be committed, shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings, and not less than the Sum of Five Shillings; or shall be committed to the House of Correction, or some other Prison of the County, City, Liberty, Division, or Place, in which the Offence shall be committed, or the Offender shall have been apprehended, there to remain and be kept to hard Labour for any Time not exceeding One Calendar Month, as any such Justice shall think fit and order.

liable to forfeit, not exceeding 20*s.* nor less than 5*s.* or to be committed.

And whereas the Passage from Westminster Bridge into the City of Westminster is greatly obstructed, and rendered unsafe, by the constant Stand of Hackney Coaches and other Carriages, plying for Hire near the said Bridge; be it therefore further enacted by the Authority aforesaid, That no Hackney Coachman, Carman, or other Person or Persons, shall, from and after the said Twenty fourth Day of June, ply for Hire with any Hackney Coach, Cart, or other Wheel Carriage, in Bridge Street, Parliament Street, Great George Street, Saint Margaret's Street, or Abingdon Street, in the City of Westminster, or any of the said Streets; or stop or stay in any of the said Streets with any such Coach, Cart, or other Wheel Carriage, any longer Time than shall be reasonable for such Coachman, Carman, or other Person, having the Care of any Wheel Carriage, to wait to take up or set down his Fare, or to load and unload Goods or other Commodities; and that every Coachman, Carman, or other Person, having the Care of any such Wheel Carriage, offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace for the City and Liberty of Westminster; which Oath such Justice is hereby impowered and required to administer, shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings, and not less than Five Shillings; or shall be committed to the House of Correction in Westmin-

No Coaches or Carts to ply for Hire in the several Streets here mentioned,

nor to stop there longer than to take up or set down a Fare;

on Forfeiture of a Sum not exceeding 20*s.* nor less than 5*s.* or being committed.

ster; there to remain and be kept to hard Labour for any Time not exceeding One Calendar Month, as any such Justice shall think fit and order.

Driver of any Carriage, by Negligence or Misbehaviour obstructing the Passage in any of the Streets or Ways within the Bills of Mortality,

And be it further enacted by the Authority aforesaid, That if the Driver of any Carriage whatsoever in the said Cities of London or Westminster, or in any Publick Street or Common Highways within the said Weekly Bills of Mortality, shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of His Majesty's Subjects, in any of the Publick Streets in London or Westminster, or in any Publick Streets or Common Highways within the said Weekly Bills of Mortality, every such Driver, being convicted thereof, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the County, City, Division, Liberty, or Place, wherein any such Offence shall be committed, and which Oath every such Justice is hereby impowered to administer, shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings; or shall be committed to the House of Correction, or some other Prison of the County, City, Liberty, Division, or Place, in which the Offence shall have been committed, or the Offender shall have been apprehended, there to be kept to hard Labour, for any Time not exceeding One Calendar Month, as any such Justice shall think fit and order.

forfeits any Sum not exceeding 20 *s.* or may be committed.

And, for preventing Obstructions in all the Publick Highways of this Kingdom; be it enacted by the Authority aforesaid, That if any Person, after the Twenty fourth Day of June, One thousand seven hundred and fifty seven, shall set, place, or leave, any empty Waggon, Cart, or any other Carriage, in any Publick Highway within this Kingdom, so as in any Manner to interrupt or hinder the free Passage of any other Carriage, or of His Majesty's Subjects, except only during such reasonable Time as such Waggon, Cart, or Carriage shall be loading or unloading, every Person so offending, and being convicted of such Offence, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace for the County, Riding, Division, City, or Place, where such Offence shall be committed; which Oath such Justice is hereby impowered and required to administer; shall, for every such Offence,

20 *s.* Penalty of obstructing the Passage of any of the Highways by empty Waggons, *&c.* except while they are loading or unloading.

forfeit and pay any Sum not exceeding Twenty Shillings, to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of any Justice of the Peace; and for want of sufficient Distress, such Justice is hereby impowered and required to commit such Offender to the House of Correction, or some other Prison, of the County, Riding, Division, City, or Place, in which the Offence shall be committed, or the Offender shall have been apprehended, there to remain, and be kept to hard Labour, for any Time not exceeding One Calendar Month.

to be levied by Distress and Sale;

and for want of Distress, Offender to be committed.

And be it further enacted by the Authority aforesaid, That if, after the said Twenty fourth Day of June, the Driver of any Waggon, Cart, Car, Dray, or other Carriage, on any Publick Highway, shall ride upon any such Carriage, not having some other Person on Foot or on Horseback to guide the same (such Carriages as are respectively drawn by One Horse only, or by Two Horses abreast, and are conducted by some Person holding the Reins of such Horse or Horses, excepted) or if the Driver of any Carriage whatsoever on any of the said Highways, shall, by Negligence, or wilful Misbehaviour, cause any Hurt or Damage to any Person passing or being upon such Highway; or shall, by Negligence, or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of His Majesty's Subjects on the said Highways; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage; every such Driver offending in any of the Cases aforesaid, and being convicted of such Offence, either by his own Confession, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the County, Riding, Division, or Place, where such Offence shall be committed (which Oath such Justice is hereby impowered and required to administer) shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings; to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of any Justice of the Peace; and for want of sufficient Distress, such Justice is hereby impowered and required to commit such Offender to the

20 s. Penalty on Driver riding on his Waggon or Cart, &c. without some other Person to conduct the same;

or by Negligence, or Misbehaviour, causing any Damage;

or obstructing the Passage;

or, being empty, not giving Way for Coaches, &c. or loaded Carriages;

to be levied by Distress and Sale;

and for want of Distress, Offender to be committed.

the House of Correction, or some other Prison, of the County, Riding, Division, or Place, in which the Offence shall be committed, or the Offender shall have been apprehended, there to remain, and be kept to hard Labour, for any Time not exceeding One Month.

Application of Forfeitures for Offences on the Highways.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures for Offences against this Act on the Publick Highways, shall be applied, One Moiety to the Informer, and the other Moiety to the Surveyor or Surveyors of the Highways in the Parish wherein such Offence shall be committed, to be by such Surveyor or Surveyors applied in the Repair of the Highways within such respective Parish.

Offender being apprehended, not discovering his Name and Abode, to be committed.

And be it further enacted by the Authority aforesaid, That if any Person who shall be apprehended for having committed any Offence against this Act, shall refuse to discover his Name, and Place of Abode, to the Justice or Justices before whom he shall be brought, such Person so refusing shall be immediately delivered over to a Constable, or other Peace Officer, and shall by him be conveyed to the Common Gaol, or House of Correction, of the County or Place where the Offence shall be committed, there to remain until he shall declare his Name and Place of Abode to the said Justice, or to some other Justice of the said County or Place.

Pecuniary Forfeitures, not before provided for, to be levied by Distress and Sale of the Offender's Goods.

Application thereof.

And be it further enacted by the Authority aforesaid, That the pecuniary Forfeitures by this Act incurred, and for levying whereof no Provision is herein before made, shall and may be levied by Distress and Sale of the Goods and Chattles of every such Offender (rendering to him the Overplus, after the Charges of the Distress and Sale shall be deducted) by Warrant under the Hand and Seal of the Justice before whom the Offender was convicted; and One Moiety of all which pecuniary Forfeitures, whereof the Application is not herein before directed, shall be paid to the Person or Persons who shall prosecute to Conviction any Offender or Offenders against this Act; and the other Moiety thereof shall be paid to the Overseers of the Poor, if there shall be any, of the Parish or Place in which the Offence shall be committed, or the Offender shall have been apprehended; and if there shall be no Overseers in such Parish or Place, then to some other Officer of

such Parish or Place, for the Use of the Poor of such Parish or Place.

Offenders may be apprehended by any Persons seeing the Offence committed.

And be it further enacted by the Authority aforesaid, That any Person or Persons who shall see any of the Offences herein before mentioned, and intended by this Act to be redressed, committed, shall and may, by the Authority of this Act, and without any other Warrant, apprehend the Offender or Offenders, and shall, with all convenient Speed, then afterwards convey or deliver every such Offender and Offenders to a Constable, or some other Peace Officer, of the County, City, or Place, in which the Offence shall be committed, or the Offender shall be apprehended, in order to be conveyed before some Justice of the Peace of such County, City, or Place, there to be dealt with according to Law.

Inhabitants of the Place where any Offence shall be committed, deemed legal Witnesses.

And be it further enacted by the Authority aforesaid, That in all Actions, Suits, Trials, and other Proceedings in pursuance of this Act, or in relation to any Matter or Thing herein contained, any Inhabitant of the Parish, Town, or Place, in which any Offence or Offences shall be committed, contrary to the true Intent and Meaning of this Act, or the said herein before recited Act, shall be admitted to give Evidence, and shall be deemed a competent Witness, notwithstanding his, her, or their being an Inhabitant of the Parish or Place in which any such Offence or Offences shall have been committed.

Offenders punished under this Act, not punishable for the same Offence by any other.

And be it further enacted by the Authority aforesaid, That no Person who, by virtue of this Act, shall be punished for any Offence or Offences by him, her, or them committed, shall be punished for the same Offence or Offences under any other Law or Statute; and that if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the Defendant or Defendants, in any such Action or Suit, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority, of this Act; and if it shall appear so to have been done, a Verdict shall be recorded for the Defendant or Defendants; and if the Plaintiff shall be Nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared;

General Issue.

peared; or if Judgement shall be given upon any Verdict, or Demurrer, against the Plaintiff, the Defendant or Defendants shall and may recover Double Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law for Recovery of his or their Costs.

Double Costs.

FINIS.