ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

****

CAP. CXXXVI.

An Act to alter and amend Two Acts, made in the Twenty-eighth and Thirtieth Years of His present Majesty, for limiting the Number of Persons to be carried on the Outside of Stage Coaches, or other Carriages, and regulating the Conduct of the Drivers and Guards thereof.

[22d *July* 1806.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for limiting the Number of Persons to be carried on the Outside of Stage Coaches, or other Carriages:* 28 G. 3. c. 57. And whereas another Act was passed in the Thirtieth Year of His present Majesty, intituled, *An Act to alter, explain, and amend an Act made in the Twenty-eighth Year of the Reign of His present Majesty,* 30 G. 3. c. 36. *intituled, ' An Act for limiting the Number of Persons to be carried on the Outside of Stage Coaches, or other Carriages,' and for regulating the Conduct*

Conduct of the Drivers and Guards thereof: And whereas the Regulations and Penalties eſtabliſhed and impoſed by the ſaid recited Acts have proved inſufficient to anſwer the uſeful and important Purpoſes thereby intended, and it is expedient to have ſome additional Proviſions and Regulations regarding the ſame, and to fix the Number of Paſſengers to be conveyed not only on the Roof but alſo on any Part of the Outſide of Stage Coaches or other Carriages, and the Luggage to be conveyed on the Roof thereof: And whereas it is alſo expedient to extend the Proviſions of the above recited Acts, and of this preſent Act, to that Part of *Great Britain* called *Scotland:* May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King'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 from and after the Firſt Day of *September* One thouſand eight hundred and ſix, it ſhall not be lawful for the Drivers or the Owner of any Coach, Chaiſe, or other Carriage of the like Sort, going or travelling for the Purpoſe of conveying Paſſengers for Hire, to and from different Places in *Great Britain*, to permit and ſuffer, in any Manner or Way, where ſuch Carriage is drawn by leſs than Four Horſes, more than Five Perſons at one and the ſame Time, to ride or go as Outſide Paſſengers on or about the Outſide of any ſuch Coach, Chaiſe, or Carriage, excluſive of the Coachman and Guard to the ſame; and if ſuch Coach, Chaiſe, or Carriage, ſhall be drawn by Four or more than Four Horſes, more than Ten Perſons at one and the ſame Time to ride or go as Outſide Paſſengers on or about the Outſide of any ſuch Coach, Chaiſe, or Carriage, from the Twenty-ninth Day of *September* in every Year to the Firſt Day of *April* in the ſucceeding Year, excluſive of the Coachman and Guard to the ſame; and if ſuch Coach, Chaiſe, or Carriage, ſhall be drawn by Four or more Horſes, more than Twelve Perſons at one and the ſame Time to ride or go as Outſide Paſſengers, on or about the Outſide of any ſuch Coach, Chaiſe, or Carriage, from the Firſt Day of *April* to the Twenty-ninth Day of *September* in every Year, excluſive of the Coachman and Guard to the ſame; under the Fines, Penalties, and Puniſhments, contained in the ſaid recited Act of the Twenty-eighth Year of the Reign of His preſent Majeſty, for limiting the Number of Perſons to be carried on the Outſide of Stage Coaches or other Carriages: Provided always, that nothing in this Act contained ſhall authorize the carrying of more than One Perſon on the Coach Box with the Coachman.

Limiting the Number of Perſons to ride on the Outſide of Stage Coaches.

II. And be it further enacted, That in caſe the Driver of any ſuch Coach, Chaiſe, or Carriage of the like Sort, going or travelling for Hire, and conveying a greater Number of Perſons, in any Manner or Way, on or about the Outſide of any ſuch Coach, Chaiſe, or other Carriage of the like Sort, than are allowed by this Act, not being known, or being known cannot be found, or cannot be produced by the Owner or Owners, Proprietor or Proprietors of any ſuch Coach, Chaiſe, or other Carriage, that in every ſuch Caſe the Owner or Owners,

Owners of Stage Coaches ſhall be liable to Penalties in caſe Drivers cannot be found.

Owners, Proprietor or Proprietors of any ſuch Coach, Chaiſe, or other Carriage of the like Sort, going or travelling for Hire, ſhall be liable to all ſuch Fines, Penalties, or other Puniſhments, as if ſuch Owner or Owners, Proprietor or Proprietors, had been the Driver of any ſuch Coach, Chaiſe, or other Carriage of the like Sort, at the Time that ſuch Offence was committed.

Summons left with Book-keeper, &c. to be good Service.

III. And be it further enacted, That any Summons iſſued by any Juſtice of the Peace, commanding any Driver, Owner, or Proprietor of any Coach, Chaiſe, or other Carriage of the like Sort, travelling for Hire, to appear before him at ſuch Time or Place as to ſuch Juſtice ſhall ſeem meet, for any Offence committed againſt this Act, or the Acts before recited, ſhall be deemed good and ſufficient Service in caſe the ſame be left with the known or acting Book-keeper, or any other Perſon having the Care of any Office where Places are uſually taken or Parcels received for ſuch Coach, Chaiſe, or other Carriage, in any Town into or through which any Driver offending as aforeſaid, ſhall drive ſuch Coach, Chaiſe, or other Carriage.

Parcels above a certain Size not to be conveyed on the Roofs of Stage Coaches.

IV. And be it further enacted, That it ſhall not be lawful for any Driver, Owner, or Proprietor of any ſuch Coach, Chaiſe, or Carriage of the like Sort, going or travelling for Hire, to permit or ſuffer any Parcel or Parcels, or Luggage, to be conveyed on the Roof of any ſuch Coach, Chaiſe, or other Carriage of the like Sort, where any Outſide Paſſengers are conveyed on the Roof thereof, being more than Two Feet above the Roof of ſuch Coach, Chaiſe, or other Carriage (unleſs the ſame ſhall entirely conſiſt of empty Boxes or Baſkets); and every ſuch Driver ſo offending, and every Owner or Proprietor where ſuch Driver is not known, or cannot be found, being convicted of ſuch Offence, either by his own Confeſſion, the View of a Juſtice of the Peace, or the Oath or Oaths of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace, or other Magiſtrate, acting in and for the County, Riding, City, Town, Diviſion, or Place, where any Offence ſhall be committed (which Oath every ſuch Juſtice or Magiſtrate is hereby authorized and required to adminiſter) ſhall forfeit and pay the Sum of Twenty Shillings for every Foot exceeding Two Feet; and in caſe the Driver ſo offending ſhall be the Owner of ſuch Coach, Chaiſe, or other Carriage, the Sum of Forty Shillings, and in Default of Payment of the ſaid Penalties reſpectively, the Perſon and Perſons ſo offending ſhall be committed to the Common Goal or Houſe of Correction of the County, Riding, City, Town, Diviſion, or Place, where ſuch Offence ſhall have been committed, there to remain, without Bail or Mainprize, for the Space of One Month, unleſs ſuch Penalties ſhall be ſooner paid.

28 G. 3. c. 57. 30 G. 3. c. 36. to remain in force, except as by this Act repealed.

V. And be it further enacted, That the ſaid recited Acts, paſſed in the Twenty-eighth and Thirtieth Years of His preſent Majeſty, in ſo far as the ſame are not altered, varied, amended, or repealed by this Act, ſhall be, and are hereby declared to be and remain in full

full force; any Thing in this Act contained to the contrary notwithstanding,

Penalty on Drivers of Stage Coaches leaving their Horſes, or neglecting their Duty.

VI. And be it further enacted, That in caſe the Driver of any ſuch Coach, Chaiſe, or other Carriage of the like Sort, going or travelling for Hire, ſtopping at any Place or Places where Aſſiſtance can be procured, ſhall quit the Box of ſuch Coach, Chaiſe, or other Carriage, until a proper Perſon or Perſons ſhall hold the Horſes or Fore Horſes whilſt ſuch Carriage ſtops, ſo as to prevent them from running away, ſuch Perſon or Perſons to hold the ſame until the Driver has returned to his Box, and has in his Hands the Reins for guiding the ſaid Horſes; and if ſuch Driver ſhall neglect to attend to the ſame, or ſuch Perſon or Perſons ſhall quit holding the ſaid Horſes before the Driver has the Reins in his Hands, he and they, being duly convicted thereof by his or their Confeſſion, the View of a Juſtice or Juſtices, or by the Oath of One or more credible Witneſs or Witneſſes, ſhall be ſubject to, and forfeit and pay a Penalty of Forty Shillings for each Offence reſpectively, to be levied in the ſame Manner, and under the ſame Form of Proceedings, as are contained in the ſaid recited Act of the Twenty-eighth Year of His preſent Majeſty: Provided nevertheleſs, that nothing in this Section or Clauſe contained ſhall extend or be conſtrued to extend to Hackney Coaches or other Carriages being drawn by Two Horſes only.

Drivers incapable of driving, from Intoxication or otherwiſe, or ſhall not account for their Employers for Paſſengers and Parcels taken by them, ſhall be committed.

VII. Provided nevertheleſs, and be it further enacted, That in caſe the Driver of any ſuch Coach, Chaiſe, or other Carriage, or the Perſon acting as Guard, ſhall become incapable of driving the ſame, or of properly attending to the Concerns thereof by reaſon of Intoxication or otherwiſe, whereby the Safety of the Paſſengers may be endangered in their Lives and Property, and not due Care or Protection afforded or given to the Property with which ſuch Driver or Guard, or either of them, may be entruſted; or if ſuch Driver or Guard ſhall not duly account to his or their Employers, or Perſons authorized by them to account with ſuch Driver or Guard, for all Monies received by him, them, or either of them, in reſpect of any Paſſenger or Parcel conveyed or taken by ſuch Coach, Chaiſe, or other Carriage; then and in every ſuch Caſe the Driver or Guard as the Caſe may be of ſuch Coach, Chaiſe, or other Carriage, ſo offending, and being convicted thereof by his own Confeſſion, the View of a Juſtice (in any Caſe applicable thereto) or the Oath or Oaths of One or more credible Witneſs or Witneſſes before any Juſtice or Juſtices acting in and for the County, Riding, City, Town, Diviſion, or Place, where any ſuch Offence ſhall be committed, ſuch Juſtice or Juſtices is and are hereby authorized to commit ſuch Offender to the Common Gaol or Houſe of Correction of the County, Riding, City, Town, Diviſion, or Place, where ſuch Offence ſhall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, nor leſs than Three Calendar Months, at the Diſcretion of the Juſtice or Juſtices by or before whom any ſuch Offender ſhall be convicted.

VIII. Provided always, and be it further enacted, That every Information to be exhibited or laid by virtue of this Act, shall be laid or exhibited within the Time or Space of Twenty-one Days from the Time of Day on which the Offence was committed; and in every Case where a Summons for the Party accused is left with any Book-keeper or other Person, as authorized by this Act, the same shall be left at the least Ten Days before the Day requiring the Party accused to appear before such Justice. Limitation of Actions.

IX. Provided nevertheless, and be it further enacted, That in case any Party or Person convicted of any Offence committed against this Act, shall think himself aggrieved by any Adjudication or Conviction of any Justice of the Peace or Magistrate, under the Authority and by virtue of the Powers of this Act, where any pecuniary Penalty attaches, it shall and may be lawful for such Party or Person so aggrieved to appeal to the next General Quarter Session of the Peace to be holden for the County, Riding, Town, Division, or Place, where such Offence was committed, against such Adjudication or Conviction; and such Justices assembled at such General Quarter Sessions of the Peace, shall hear and determine the Matter and Ground of the said Appeal, and shall have Power to make such Award, Order, and Determination in the Premises, as to such Justices so assembled shall appear just and reasonable, and may also award such Costs to be paid by such Party or Person as to them shall seem meet, to be levied and recovered in such Manner, in case of Non-payment, as are allowed in any Case wherein Justices at Sessions have Power to award Costs in Cases of Appeal had before such Justices at such Sessions. Appeal may be made to the Quarter Sessions.

X. And be it further enacted, That all and every the Regulations, Powers, Penalties, and Provisions contained in this Act, and also such of the same as are not by this Act repealed, varied, altered, or amended, and which are contained and mentioned in the above recited Acts of the Twenty-eighth and Thirtieth Years of His present Majesty's Reign, shall be, and are hereby enacted to be and extend to that Part of *Great Britain* called *Scotland*. Acts extended to *Scotland*.

XI. And be it further enacted, That the Penalties by the said first-recited Act, passed in the Twenty-eighth Year of His present Majesty's Reign, inflicted on Peace Officers refusing or neglecting to execute Warrants granted by Justices of the Peace, pursuant to the Directions of the said Act, shall extend to and be inflicted on all Peace Officers who shall refuse or neglect to execute any Warrants to be granted in pursuance of this Act; and that the Penalties and Forfeitures inflicted by this Act shall and may be levied, recovered, and applied, in such and the same Manner as by the said first recited Act is directed respecting the Recovery of the Penalties and Forfeitures thereby inflicted; and that the Forms of Proceedings relative to the several Matters contained in this Act, shall be the same as those contained in the Schedule to the said first recited Act, and shall be used on all Occasions, with such Additions or Variations only as may be necessary to adapt them to the particular Circum- Penalties how to be recovered.

ſtances of the Caſe; and that no Objection ſhall be allowed to be made, or Advantage taken, on Account of Want of Form only in any ſuch Proceedings.

Publick Act. XII. And be it further enacted, That this Act be deemed a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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