ANNO PRIMO

GEORGII IV. REGIS.

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C A P. LXXXVIII.

An Act to continue, until the Thirty-first Day of *January* One thousand eight hundred and twenty-four, an Act of the Fifty-seventh Year of His late Majesty, for letting to farm the Post Horse Duties, and to amend the Acts relating to the Post Horse Duties. [24th *July* 1820.]

WHEREAS by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for letting to farm the Post Horse* 57 G.3. c.59. *Duties, and for better securing and facilitating the Recovery of the said Duties,* the Duties granted by an Act passed in the Forty-fourth Year of the Reign of His said late Majesty, intituled *An* 44 G.3. c.98. *Act to repeal the several Duties under the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper, in* Great Britain, *and to grant new and additional Duties in lieu thereof,* are now let to farm under the Authority of the said Act passed in

the Fifty-seventh Year of the Reign of His said late Majesty, for a Term of Years which will expire on the Thirty-first Day of *January* One thousand eight hundred and twenty-one: And whereas it is expedient that the said Duties, so granted by the said Act of the Forty-fourth Year of the Reign of His said late Majesty, should be let to farm for a further Term: Be it therefore 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 passing of this Act, it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, for the Time being, and they are hereby empowered, from Time to Time as it shall be necessary, either by themselves, or by the Commissioners of Stamps, in *Great Britain*, or any Three or more of them, for the Time being, to let to farm the said several Duties granted by the said Act of the Forty-fourth Year of the Reign of His said late Majesty, for and in respect of Horses, Mares, and Geldings hired in the Manner therein mentioned, to such Person or Persons as shall be willing to farm the same, after the Expiration of the present Leases thereof, in such separate and particular Districts, and for such Term or Terms as shall be deemed proper and convenient, and under and subject to the Regulations and Restrictions contained in an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty, intituled *An Act to enable the Lord High Treasurer, or Commissioners of the Treasury for the Time being, to let to farm the Duties granted by an Act made in the Twenty-fifth Year of His present Majesty's Reign, on Horses let to hire for travelling Post, and by Time, to such Persons as should be willing to contract for the same*, with regard to the Duties hereby authorized to be let to farm, so far as the same are applicable, and not altered by the said Act of the Fifty-seventh Year of the Reign of His said late Majesty: Provided always, that none of the said Duties shall be let to farm for any longer Term or Time than until the Thirty-first Day of *January* One thousand eight hundred and twenty-four.

Treasury may, by the Commissioners of Stamps, let to farm the Post Horse Duties, subject to the Regulations of

27 G. 3. c. 26.

Not to be let for a longer Term than until Jan. 31, 1824.

II. And be it further enacted, That all and every the Powers, Provisions, Clauses, Regulations, and Directions contained in and prescribed by the said Acts of the Twenty-seventh, Forty-fourth, and Fifty-seventh Years of the Reign of His said late Majesty, shall respectively be deemed and taken to be in full Force and Effect with respect to the said Duties hereby allowed to be let to farm, and to the letting of the same, and to the Farmers thereof, and to all other Persons, Matters, and Things relating thereto,

Provisions contained in recited Acts of 27 G. 3. c. 26. 44 G. 3. c. 98. 57 G. 3. c. 59. extended to this Act.

as far as the same are or shall be applicable, and not altered by or repugnant to the express Provisions of this Act, as fully and effectually as if the same had been herein repeated and specially enacted with reference to the said Duties hereby allowed to be farmed.

The Duty of 1*s.* 9*d.* per Day imposed by 44 G. 3. c. 98. on Horses, shall be deemed to attach to Cases where Distance is unascertained:

III. And to prevent Doubts which have arisen respecting Horses, Mares, and Geldings let to hire to be used in travelling in *Great Britain* by the Day; be it further enacted and declared, That from and after the passing of this Act, the Duty of One Shilling and Nine-pence *per* Day imposed by the said herein-before mentioned Act, of the Forty-fourth Year of the Reign of His late Majesty upon every Horse, Mare, or Gelding, hired for drawing on any Public Road any Coach or other Carriage as mentioned in the said Act, shall be deemed to attach and be payable for and in respect of every Horse, Mare, or Gelding which shall be hired to be used in travelling in *Great Britain*, in all Cases where the Distance shall not at the Time of such Hiring be ascertained, and that when the Distance shall be ascertained, the Duty of One Penny Halfpenny for every Mile of such Distance shall be charged in respect of every such Horse, Mare, or Gelding.

But where Distance is ascertained 1½*d.* per Mile shall be paid.

Any Justice may determine Offences where the Penalty does amount to 50*l.*

IV. Provided always, and it is hereby enacted, That it shall and may be lawful to and for any Justice of the Peace residing near the Place where the Offence shall be committed, to hear and determine any Offence against this Act, or an Act made and passed in the Twenty-fifth Year of the Reign of His said late Majesty, relating to the Duties on Post Horses, or any of the Acts herein mentioned, which subject Offenders to any pecuniary Penalty not amounting to Fifty Pounds, which said Justice of the Peace is hereby authorized and required, upon any Information exhibited or Complaint made in that Behalf, to summon the Party accused, and also the Witnesses on either Side, and to examine into the Matter of Fact, and upon due Proof made thereof, either by the voluntary Confession of the Party, or by Oath of One or more credible Witness or Witnesses, to give Judgment or Sentence of Dismissal, or for the Penalty or Forfeiture, according as in and by the said Act of the Twenty-fifth Year of the Reign of His said late Majesty is directed as to Penalties or Forfeitures, and to award and issue out his Warrant under his Hand and Seal for the levying any pecuniary Penalties or Forfeitures so adjudged on the Goods of the Offender, and to cause Sale to be made thereof, in case they shall not be redeemed within Six Days, rendering to the Party the Overplus, if any, and where the Goods of such Offender cannot be found, sufficient

sufficient to answer the Penalty, to commit such Offender to Prison, there to remain for the Space of Six Months, unless such pecuniary Penalty shall be sooner paid and satisfied; and if any Person or Persons shall find himself or themselves aggrieved by the Judgment or Sentence of any such Justice, then he, she, or they shall and may (upon giving Security to the Amount of the Penalty or Penalties sought to be recovered, together with such Costs as shall be awarded by such Justice in case such Judgment or Sentence shall be affirmed), appeal to the Justices of the Peace at the next General Quarter Sessions for the County, Riding, or Place, who are hereby empowered to summon and examine Witnesses upon Oath, and finally to hear and determine the same; and in case the Judgment or Sentence of such Justice shall be affirmed, it shall be lawful for such Justices to award the Person or Persons to pay Costs occasioned by such Appeal, as to them shall seem meet: Provided always, that if the next General Quarter Sessions of the Peace shall fall within Six Days after such Judgment or Sentence, it shall and may be lawful for the Person or Persons so finding himself or themselves so aggrieved as aforesaid, if he or they shall think fit, giving such Security as aforesaid, to appeal to the next subsequent Quarter Sessions; and that no such Proceedings so to be had or taken shall be quashed or vacated for want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Appeal to Quarter Sessions.

Proceedings not to be quashed for want of Form, &c.

V. And be it further enacted, That from and after the passing of this Act, no Person or Persons shall commence any Action or Suit for the Recovery of any Penalty or Penalties incurred or to be incurred under any of the Acts of Parliament relating to the Duties on Horses, Mares, or Geldings let to hire pursuant to the before-mentioned Acts, or any of them, until the Expiration of Fourteen Days after such Person or Persons shall have delivered or caused to be delivered to the Person or Persons incurring such Penalties, or left for him, her, or them at his, her, or their Dwelling House, or usual or last Place of Abode, a Notice in Writing of the Intention of such Person or Persons to apply to the Commissioners of Stamps in *Great Britain* for Leave to commence such Action or Suit, and which Notice shall state the Offence or Offences committed, the Day of committing the same, and the Amount of each Penalty intended to be recovered; and that it shall not be lawful for such Person or Persons, at the Trial of such Action or Suit, to give in Evidence any Matter or Thing relating to any Offence not specified and set forth in such Notice.

No Action shall be commenced until after 14 Days Notice shall be given to the Person incurring the Penalty.

VI. And be it further enacted, That a Conviction, or a Judgment or Sentence of Dismissal, in the Form and to the Effect following, (*mutatis mutandis*) as the Case shall happen to be, shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case or the Facts or Evidence in any particular Manner; that is to say, Conviction and Judgment of Dismissal to be in the following Form.

'BE it remembered, That on the Day of in the Year of our Lord at in the County of *A. B.* came before me *C. D.* One of His Majesty's Justices of the Peace for the said residing near the Place where the Offence was committed, and informed me that *E. F.* of on the Day of at in the said did [*here set forth the Fact for which the Information is laid*] whereupon the said *E. F.* after being duly summoned to answer the said Charge, appeared before me on the Day of at in the said and having heard the Charge contained in the said Information, declared he was guilty of the said Offence [*or, as the Case may happen to be*] did not appear before me pursuant to the said Summons [*or*, did neglect and refuse to make any Defence against the said Charge]; but the same being fully proved upon the Oath of *G. H.* a credible Witness, [*or, as the Case may happen to be*] acknowledged and voluntarily confessed the same to be true; and it manifestly appearing to me that he the said *E. F.* is guilty of the Offence charged upon him in the said Information, I do hereby convict him of the Offence aforesaid, and do declare and adjudge that he the said *E. F.* hath forfeited the Sum of of lawful Money of *Great Britain* for the Offence aforesaid, to be distributed as the Law directs, according to the Form of the Statute in that Case made and provided: [*or, after stating the Summons and Non-appearance of the said Defendant, or, the Appearance of the Defendant, and that he was not guilty of the said Offence, as the Case may be,*] and it manifestly appearing to me that he the said *E. F.* is not guilty of the said Offence charged upon him by the said Information, I do therefore dismiss the said Complaint or Information. Given under my Hand and Seal the Day of .'

Provided nevertheless, that it shall and may be lawful to and for the said Justice, where he shall see Cause, to mitigate and lessen any such Penalties as he shall think fit, reasonable Costs and Charges of the Officers and Informers, as well in making the Discovery as in prosecuting the same, being always allowed over and Justice may mitigate Penalties.

Penalties not to be reduced to less than One-fourth, besides Costs.

above such Mitigation; and so as such Mitigation do not reduce such Penalties to less than One-fourth Part of the Penalty or Penalties incurred, over and above the said Costs and Charges; any thing contained in this or any other Act of Parliament to the contrary notwithstanding.

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