ANNO TERTIO

VICTORIÆ REGINÆ.

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CAP. V.

An Act to repeal so much of an Act passed in the Thirteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to restrain and prevent the excessive Increase of Horse Races; and for amending an Act made in the last Session of Parliament, intituled 'An Act for the 'more effectual preventing of excessive and deceitful 'Gaming,'* as relates to the Subject of Horse Racing. [23d *March* 1840.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to restrain and prevent the excessive Increase* 13 G. 2. c. 19. *of Horse Races; and for amending an Act made in the last Session of Parliament, intituled 'An Act for the more effectual preventing of excessive and deceitful Gaming:'* And whereas Doubts have arisen as to the Meaning of certain Clauses in the said Act relating to the Subject of Horse Racing: And whereas several Persons, not intending to offend against the Provisions of the said Act, have been subjected to vexatious Proceedings at Law, and it is expedient to repeal so much of the said Act as relates to the Subject of Horse Racing: Be it enacted by the Queen's

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So much of recited Act as relates to Horse Racing repealed.

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 so much of the said Act made and passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Second as relates to the Subject of Horse Racing be and the same is hereby repealed.

Persons sued for Penalties under recited Act may apply to the Court from which any Suit has issued for an Order to discontinue it; and thereupon the Court may make such Order.

II. And be it enacted, That immediately after the passing of this Act it shall be lawful for any Person against whom any original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred under the said Act made and passed in the Thirteenth Year of His said late Majesty King *George* the Second, to apply to the Court in which such original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or if such Court shall not be sitting to any Judge of either of the Superior Courts at *Westminster*, for an Order that such original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge, as the Case may be, is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued: Provided always, that in all Cases in which any such Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out or commenced subsequently to the First Day of *March* One thousand eight hundred and forty, it shall be lawful for such Court or Judge as aforesaid to make such Order for discontinuing the same, without Payment of any Costs; and in every such Case, on the making of such Order, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued: Provided always, that nothing herein contained shall be deemed or taken to enable any Person to recover back any Money paid before the passing of this Act, in pursuance of any Judgment duly obtained under the Provisions of the said last-recited Act.

As to Actions commenced since 1st March 1840.

Not to enable Persons to recover back Money paid.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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