

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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C A P. CXIII.

An Act for the further Amendment of the Acts relating to the *Dublin* Police.

[4th *September* 1848.]

WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of *Dublin* Metropolis, and the said Act was amended by an Act passed in the Fifth Year of the Reign of King *George* the Fourth: And whereas another Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, whereby a new and more efficient System of Police was established within the Limits of the said District: And whereas by several Acts passed in the First Year, and in the Sessions of Parliament holden respectively in the First and Second, Second and Third, and Third and Fourth Years of Her present Majesty's Reign, the Limits of the said District were altered, and divers Enactments made in reference to the said District, and for the more effectual Maintenance and Regulation of the Police therein: And whereas by an Act of the Fifth Year of Her said Majesty's Reign, intituled *An Act for improving the* Dublin *Police*, further 5 & 6 Vict. c. 24.

Provisions were made relating to the same: And whereas it is expedient to amend certain of the Provisions of the said Acts in manner following: And whereas an Act was passed in the Parliament of *Ireland* in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to Hackney and other Carriages plying in the City of* Dublin, *its Suburbs and Liberties, and within Seven Miles thereof*, which Act has been amended by several subsequent Acts: And whereas by the said recited Acts of the Thirty-seventh and Forty-eighth Years of the Reign of His late Majesty King *George* the Third it is, amongst other things, provided, that the Superintendent Magistrate and Divisional Justices appointed under the said Acts respectively shall retain and employ certain Clerks and other Officers, under the Regulations therein mentioned, and it is expedient to amend the said Provisions: Be it therefore enacted by the Queen'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,

37 G. 3. (I.)

Appointment of Clerks and Officers in Dublin Police Offices vested in the Chief or Under Secretary of Lord Lieutenant.

That from and after the passing of this Act the Power of Appointment of all such Clerks and Officers as aforesaid, and of all other Clerks in the Police Department of the Police District of *Dublin* Metropolis, or in the Department relating to such Hackney or other Carriages as aforesaid, or to the Receipt of Rents, Fines, Penalties, or Monies in respect of the same, shall be vested in the Chief Secretary or the Under Secretary for the Time being of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and not in the Divisional Justices or any of them.

Immediate Lessor rated under 2 & 3 Vict. c. 78. may be described as the "Immediate Lessor" in certain Cases.

II. And whereas by the said recited Act of the Second and Third Years of the Reign of Her present Majesty it is, amongst other things, enacted, that in any Case where the Value of any House or Tenement assessed under the said Act shall not amount to Five Pounds, if the Occupier and his Immediate Lessor, by any Writing under their Hands, shall require, and if the said Justices shall by a Minute agree thereto, such Immediate Lessor shall be rated instead of such Occupier, and such Rebate from the Rate may be made (not exceeding Ten *per Centum*) as the said Justices shall by such Minute allow, and subject to such further Regulations as in the said Act contained: Be it enacted, That in any Case where the Immediate Lessor of any House or Tenement may under the said recited Act be rated instead of the Occupier, if at the Time of making any Rate the Name of such Immediate Lessor be not accurately known to the Persons making the Rate it shall be sufficient to describe him therein as "the Immediate Lessor," with or without any Name or further Addition; and such Rate shall be held to be duly made on him or her by such Description, and shall be recoverable from him or her accordingly, notwithstanding any Error or Defect in his or her Name or Description, or the entire Omission of such Name therein.

Powers for the Recovery of Police Tax.

III. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the several Collectors authorized or appointed to receive the Police Tax or Rate under the Provisions of the said recited Acts or any of them (after such Demand made

made as in the said recited Act of the Second and Third Years of Her present Majesty's Reign mentioned,) in addition to all other Modes and Powers heretofore provided by any former Act or Acts, to collect, levy, sue for, and recover the said Police Tax or Rate, or any Part of the same, from all and every Persons and Person who now are or is or hereafter shall be liable to pay the same, by all the Ways and Means, and with the like Remedies and Powers in case of Nonpayment, as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be collected and levied in any County in *Ireland*; and the Divisional Justices of the Police District of *Dublin* Metropolis, or any One of them, shall, for the Purposes of raising, levying, or enforcing Payment of such Police Tax or Rate, have and exercise the same Powers, Authorities, and Jurisdiction within the Police District of *Dublin* Metropolis as any Justice or Justices of the Peace of any County in *Ireland* has or have or can or shall lawfully have or exercise within his or their respective County with respect to any Grand Jury Cess to be raised within the same.

Divisional Justices of Police District in Dublin to have same Powers within Dublin Metropolis as Justices have in any County in Ireland.

IV. And whereas by the said recited Act of the Parliament of *Ireland* passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to Hackney and other Carriages plying in the City of* Dublin, *its Suburbs and Liberties, and within Seven Miles thereof*, it is, amongst other things, enacted, that it shall be lawful for the Superintendent Magistrate, in case he shall see Occasion, from Time to Time to alter and increase the Fines to be paid or the Rents to be reserved upon the Licences by him granted under the said Act now in recital, provided the same be not increased above One Fourth Part more than the Fines and Rents therein-before particularly mentioned and expressed, and to make such Rules, Orders, and Regulations for the Purpose as to him shall seem meet, and to alter, vary, amend, or annul the same, provided every such Alteration, Rule, Order, and Regulation respecting the Fines or Rents so made by the Superintendent Magistrate shall be approved of by the Lord Chancellor or Lords Commissioners of the Great Seal, and the Chief Judges, or any Three of them: And whereas no Power is thereby given to reduce the said Fines or Rents, and it is expedient that such Power should be given: Be it therefore enacted, That it shall be lawful for the Divisional Justices of the said Police District, in case they shall think fit, with the Approval of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time to reduce the Fines to be paid or the Rents to be reserved upon the Licences heretofore granted or hereafter to be granted in respect of any Carriages under the said last-recited Act, or any Act amending the same, or afterwards from Time to Time, with like Approval, to increase the same as they may see fit, provided that any such Fines or Rents shall not be increased so as at any Time to exceed the Amount now payable for the same.

Power to Divisional Justices to reduce the Fines upon Licences in respect of Carriages under Irish Act 37 G. 3, and to increase the same again.

V. And be it enacted, That from and after the passing of this Act it shall be lawful for the Commissioners of Police of *Dublin*, with the

Power to Commissioners of

Police to alter Hackney Coach Stands.

the written Approval of the Chief or Under Secretary of the Lord Lieutenant of *Ireland*, from Time to Time to appoint or to alter, as Occasion may require, the Stands or Stations for Hackney or other Carriages, and also Stations commonly called Hazzards for the same, within the Borough of *Dublin* and the District adjoining the same, as defined in the said last-recited Act, or any Act amending the same.

Power to Commissioners of Police to license any Stage Carriage or Omnibus to ply in Dublin or the District adjoining.

VI. And be it enacted, That, notwithstanding anything in the said last-recited Act, or any Act or Acts, it shall and may be lawful for the said Commissioners of Police to license any Metropolitan Stage Carriage or Omnibus to ply or carry Passengers between any Part of the Borough of *Dublin* and any other Part of the said Borough or of the District adjoining the same as defined under the said recited Act of the Thirty-seventh Year of King *George* the Third, or any Act amending the same, or between any Part of the said District and any other Part of the said District, and to fix such Rates of Fines and Rents to be paid in respect of such Licence of any such Metropolitan Stage Carriage or Omnibus, as the said Commissioners shall deem fit, and as shall be approved by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; provided that such Rents and Fines shall not exceed the highest Rate of Rent or Fine now or for the Time being payable in respect of any other Hackney Carriage in *Dublin*, and no other Duty shall be payable for the same; and the Provisions of the said last-recited Act, and of any Act or Acts amending the same, shall extend and apply to such Carriages, and to such Rents and Fines, so far as the same are applicable and not repugnant to this Act.

Power to Commissioners to grant Licences to Drivers of Hackney Carriages, &c.

VII. And be it enacted, That it shall be lawful for the said Commissioners to grant a Licence to act as Driver of Hackney, Job, and other Carriages licensed for the Accommodation and Conveyance of Passengers, or as Driver or as Conductor of Metropolitan Stage Carriages or Omnibuses, (as the Case may be,) to any Person who shall produce such a Certificate as shall satisfy the said Commissioners of his good Behaviour and Fitness for such Situation respectively; provided always, that no Person shall be licensed as such Driver as aforesaid who is under Sixteen Years of Age; and in every such Licence shall be specified the Number of such Licence, and the proper Name and Surname, and Place of Abode, and Age, and a Description of the Person to whom such Licence shall be granted; and every such Licence shall bear Date on the Day on which the same shall be granted, and shall continue in force until and upon the Thirty-first Day of *December* next after the Date thereof, or if granted in the Month of *November* or *December* in any Year, then to continue in force until and upon the Thirty-first Day of *December* in the Year next following that in which the same shall be granted, except in either Case the same shall be sooner revoked, and except the Time (if any) during which any such Licence shall be suspended; and on every Licence of a Driver or Conductor the said Commissioners shall cause proper Columns to be prepared, in which every Proprietor (if any) employing the Driver or Conductor named in such Licence shall enter his own Name and Address, and the Days on

on which such Driver or Conductor shall enter and shall quit his Service respectively; and in case any of the Particulars entered or endorsed upon any Licence in pursuance of this Act shall be erased or defaced, every such Licence shall be wholly void and of none Effect; and the said Commissioners shall, at the Time of granting any Licence, deliver to the Driver or Conductor to whom the same shall be granted an Abstract of the Laws in force relating to such Driver or Conductor, and of the Penalties to which he is liable for any Misconduct, and also a Metal Ticket, upon which there shall be marked or engraved his Office or Employment, and a Number corresponding with the Number which shall be inserted in such Licence.

At the Time of granting Licence an Abstract of the Laws and a Ticket to be given to Driver, &c.

VIII. And be it enacted, That there shall be charged upon and in respect of every such Licence to be granted under the Authority of this Act, except as herein-after provided, a Fee of Two Shillings and Sixpence, and upon every Renewal of such Licence a Sum of One Shilling, to be paid to the said Commissioners, and to be by them applied, after Payment of the Expense of such Ticket, for the Purposes of the said Police Tax or Rate.

A Fee of 2*s.* 6*d.* to be paid for Licences granted under this Act, and 1*s.* for every Renewal.

IX. And be it enacted, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-nine it shall not be lawful for any Person to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or Conductor of any Metropolitan Stage Carriage or Omnibus, whether such Person shall or shall not be the Proprietor of such Carriage, within the Limits of the said Police District, unless in each Case such Person shall have a Licence so to do, and a numbered Ticket granted to him under the Authority of this Act, and remaining in force; and after the Day last aforesaid every Person who shall act as such Driver or Conductor without such Licence and Ticket, and also every Person to whom a Licence and Ticket shall have been granted, who shall, except in compliance with the Provisions of this Act, transfer or lend such Licence, or permit any other Person to use or wear such Ticket, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and every Proprietor who shall knowingly suffer any Person not duly licensed under the Authority of this Act to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or as Conductor of any Metropolitan Stage Carriage or Omnibus, of which he shall be the Proprietor, shall for every such Offence forfeit a Sum not exceeding Forty Shillings: Provided always, that nothing herein-before contained shall subject to any Penalty any Proprietor who shall employ any unlicensed Person to act as such Driver or Conductor as aforesaid for any Time not exceeding Twenty-four Hours, or any unlicensed Person who shall be so employed for the said Time, upon Proof being adduced by the Proprietor, to the Satisfaction of the Justice before whom such Proprietor, Driver, or Conductor shall be required to attend to answer for such Offences respectively, that such Employment was occasioned by unavoidable Necessity; and that every Proprietor who shall so employ such unlicensed Driver or Conductor, and every such unlicensed Driver or Conductor, shall be subject to all the Powers, Provisions, and Proceedings of and under this Act for any Act done by such Driver

Penalty on Persons acting as Drivers, &c. without having Licence and Ticket;

and on Proprietors fering Persons to act as Drivers or Conductors not being licensed.

Proviso.

or Conductor during such Employment, in like Manner as if such Driver or Conductor had been duly licensed.

Persons applying for Licences to sign a Requisition, accompanied with a Certificate, for the same.

Penalty on Persons making false Representation.

X. And be it enacted, That before any such Licence as aforesaid shall be granted, a Requisition for the same, in such Form as the said Commissioners shall from Time to Time appoint for that Purpose, and accompanied with such Certificate as herein-before is required, shall be made and signed by the Person by whom such Licence shall be required, and in every such Requisition all such Particulars as the said Commissioners shall require shall be truly set forth; and every Person applying for or attempting to procure any such Licence, who shall make or cause to be made any false Representation in regard to any of the said Particulars, or who shall endeavour to obtain a Licence by any forged Recommendations, or who shall not truly answer all Questions which shall be demanded of him in relation to such Application for a Licence, and also every Person to whom Reference shall be made who shall in regard to such Application wilfully and knowingly make any Misrepresentation, shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and it shall be lawful for the said Commissioners to proceed for recovering of such Penalty before any Divisional Justice at any Time within One Calendar Month after the Commission of the Offence, or during the Currency of the Licence so improperly obtained.

When Drivers or Conductors change their Residence, they shall give Notice to Commissioners.

XI. And be it enacted, That as often as any Driver or Conductor shall change his Place of Abode he shall give Notice thereof in Writing signed by him to the said Commissioners, specifying in such Notice his new Place of Abode, and shall at the same Time produce his Licence to the said Commissioners, who shall endorse thereon a Memorandum specifying the Particulars of such Change; and every Driver or Conductor who shall change his Place of Abode, and shall neglect for Two Days to give Notice of such Change, and to produce his Licence in order that such Memorandum as aforesaid may be endorsed thereon, shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and it shall be lawful for the said Commissioners, or any Person employed by them for that Purpose, to sue for such Penalty at any Time during the Currency of such Licence.

Particulars of Licences to be entered in a Book at the Office of Commissioners, which shall be Evidence.

XII. And be it enacted, That the Particulars of every Licence which shall be granted as aforesaid shall be entered in Books to be kept for that Purpose at the Office of the said Commissioners; and in all Courts, and before any Divisional Justice of the Peace, and upon all Occasions whatsoever, a Copy of any Entry made in any such Book, and certified by the Person having the Charge thereof to be a true Copy, shall be received as Evidence, and be deemed sufficient Proof of all Things therein registered, without requiring the Production of the said Book, or of any Licence or of any Requisition or other Document upon which any such Entry may be founded; and every Person applying at all reasonable Times shall be furnished with a certified Copy of the Particulars respecting any licensed Person, without Payment of any Fee.

XIII. And

Licensed Drivers, &c. to wear their Tickets conspicuously.

XIII. And be it enacted, That every licensed Driver or Conductor shall at all Times during his Employment, and when he shall be required to attend before any Divisional Justice of the Peace, wear his Ticket conspicuously upon his Breast in such Manner that the whole of the Writing thereon shall be distinctly legible; and every Driver or Conductor who shall act as such, or who shall attend when required before any Justice of the Peace, without wearing such Ticket in manner aforesaid, or who, when thereunto required, shall refuse to produce such Ticket for Inspection, or to permit any Person to note the Writing thereon, shall for every such Offence forfeit the Sum of Forty Shillings.

Upon Expiration of Licence it shall be delivered up to Commissioners.

Penalty for Neglect.

XIV. And be it enacted, That upon the Expiration of any Licence granted under this Act the Person to whom such Licence shall have been granted shall deliver such Licence and the Ticket relating thereto to the said Commissioners; and every such Person who after the Expiration of such Licence shall wilfully neglect for Three Days to deliver the same to the said Commissioners, and also every Person who shall use or wear or detain any Ticket, without having a Licence in force relating to such Ticket, or who shall, for the Purpose of Deception, use or wear or have any Ticket resembling or intended to resemble any Ticket granted under the Authority of this Act, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for the Commissioners, or for any Person employed by them for that Purpose, to prosecute any Person so neglecting to deliver up his Licence or Ticket, at any Period within Twelve Calendar Months after the Expiration of the Licence; and it shall be lawful for any Constable or Peace Officer, or any Person employed for that Purpose by the Commissioners, to seize and take away any such Ticket, wheresoever the same may be found, in order to deliver the same to the said Commissioners.

When Tickets are defaced or lost, new ones to be delivered, on Payment of 2*s.* for the same.

If Ticket shall be found, to be delivered up to Commissioners.

Penalty for Neglect.

XV. And be it enacted, That whenever the Writing on any Ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any Ticket shall be proved to the Satisfaction of the said Commissioners to have been lost or mislaid, the Person to whom the Licence relating to any such Ticket shall have been granted shall deliver such Ticket (if he shall have the same in his Possession), and shall produce such Licence to the said Commissioners, and such Person shall then be entitled to have a new Ticket delivered to him, upon Payment of a Sum of Two Shillings, to be applied as aforesaid: Provided always, that if any Ticket which shall have been proved as aforesaid or represented to have been lost or mislaid shall afterwards be found, the same shall forthwith be delivered to the said Commissioners; and every Person into whose Possession any such Ticket as last aforesaid shall be or come who shall refuse or neglect for Three Days to deliver the same to the said Commissioners, and also every Person licensed under the Authority of this Act who shall use or wear the Ticket granted to him after the Writing thereon shall be obliterated, defaced, or obscured so that the same shall not be distinctly legible, shall for every such Offence forfeit the Sum of Forty Shillings.

XVI. And

Forgery of Licence or Ticket, or knowingly uttering a forged Licence or Ticket, deemed a Misdemeanor.

XVI. And be it enacted, That every Person who shall forge or counterfeit, or who shall cause or procure to be forged or counterfeited, any Licence or Ticket by this Act directed to be provided for the Driver of a Hackney or other Carriage as aforesaid, or for the Driver or the Conductor of a Metropolitan Stage Carriage or Omnibus, and also every Person who shall sell or exchange or expose to Sale or utter any such forged or counterfeited Licence or Ticket, and also every Person who shall knowingly, and without lawful Excuse (the Proof whereof shall lie on the Person accused), have or be possessed of such forged or counterfeited Licence or Ticket, knowing such Licence or Ticket to be forged or counterfeited, and also every Person knowingly and wilfully aiding and abetting any Person in committing any such Offence as aforesaid, shall be guilty of a Misdemeanor, and being thereof convicted shall be liable to be punished by Fine or Imprisonment, or by both, such Imprisonment to be in the Common Gaol or House of Correction, and either with or without hard Labour, as the Court shall think fit; and it shall be lawful for any Person to detain any such Licence or Ticket, or for any Constable or Peace Officer, or any Person employed for that Purpose by the said Commissioners, to seize and take away any such Licence or Ticket, in order that the same may be produced in Evidence against such Offender, or be disposed of as the said Commissioners shall think proper.

Proprietor to retain the Licence of Drivers or Conductors employed by him, and produce them in case of Complaint.

XVII. And be it enacted, That every Proprietor of a Hackney or other Carriage as aforesaid, and of every Metropolitan Stage Carriage or Omnibus, who shall permit and employ any licensed Person to act as the Driver or Conductor thereof, shall require to be delivered to him and shall retain in his Possession the Licence of such Driver or Conductor while such Driver or Conductor shall remain in his Service; and in all Cases of Complaint where the Proprietor of a Hackney or other Carriage as aforesaid, or of a Metropolitan Stage Carriage or Omnibus, shall be summoned to produce the Driver or Conductor of such Carriage before a Divisional Justice of the Peace, he shall also produce the Licence of such Driver or Conductor, if at the Time of receiving the Summons such Driver or Conductor shall be in his Service; and if any Driver or Conductor complained of shall be adjudged guilty of the Offence alleged against him, the Justice of the Peace before whom he shall be convicted shall in every Case indorse upon the Licence of such Driver or Conductor the Nature of the Offence and the Amount of the Penalty inflicted; and every Proprietor who shall neglect to require to be delivered to him and to retain in his Possession the Licence of any Driver or Conductor during such Period as such Driver or Conductor shall remain in his Service, or who shall refuse or neglect to produce such Licence as aforesaid, shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Magistrates to hear and determine Disputes.

XVIII. And be it enacted, That it shall be lawful for any such Divisional Justice to hear and determine all Matters of Complaint between any Proprietor of a Hackney or other Carriage as aforesaid, or Metropolitan Stage Carriage or Omnibus, and the Driver or Conductor of the same respectively, and to order Payment of any Sum of Money that shall appear to be due to either Party for Wages or for the

the Earnings in respect of any such Carriage, or on account of any Deposit of Money, and to order Compensation to the Proprietor in respect of Damage or Loss which shall have arisen through the Neglect or Default of any Driver or Conductor to the Property of his Employer intrusted to his Care, or in respect of any Sum of Money which such Proprietor may have been lawfully ordered by a Divisional Justice of the Peace to pay, and which has been actually paid pursuant to such Order, on account of the Negligence or wilful Misconduct of his Driver or Conductor, and to order such Compensation to either Party in respect of any other Matter of Complaint between them as to such Justice shall seem proper; and any Money ordered to be paid as aforesaid may be recovered in like Manner as any Penalty under this Act.

Agreements between Drivers, &c. and Proprietors to be in Writing.

XIX. Provided always, and be it enacted, That it shall not be lawful, either in any Court of Law or before any Divisional Justice of the Peace, to enforce the Payment of any Sum of Money claimed from any Driver or Conductor by any Proprietor on account of the Earnings of any Hackney Carriage or other Carriage as aforesaid, or Metropolitan Stage Carriage or Omnibus, unless under an Agreement in Writing which shall have been signed by such Driver or Conductor in the Presence of a competent Witness; and no such Agreement shall be liable to any Stamp Duty.

Proceedings with respect to Licences on quitting Service.

XX. And be it enacted, That when any licensed Driver or Conductor shall leave the Service of any Proprietor, such Proprietor shall, upon Demand thereof, return to him his Licence: Provided always, that if the said Proprietor shall have any Complaint against the said Driver or Conductor it shall be lawful for such Proprietor to retain the Licence for any Time not exceeding Twenty-four Hours after the Demand thereof, and within that Time to apply to the Police Court of the District in which the said Proprietor shall dwell, for a Summons against him; and the said Proprietor, at the Time of applying for the Summons, shall deposit the Licence with the Clerk of such Police Court or Divisional Justice; and in case any Proprietor who, upon Demand thereof, shall have refused or neglected to deliver to any Driver or Conductor his Licence, shall not within Twenty-four Hours, exclusive of *Sunday*, or any Day on which the Police Court shall not sit, apply for such Summons, and deposit the Licence as aforesaid, or shall not appear to prosecute his Complaint at the Time mentioned in the Summons, it shall be lawful for such Driver or Conductor to apply at the same Police Court, or to some Divisional Justice as aforesaid, for a Summons against such Proprietor; and upon hearing and deciding the Case, the Justice, if he shall think there was no just Cause for detaining the Licence, or that there has been needless Delay on the Part of the Proprietor in bringing the Matter to a Hearing, shall have Power to order the said Proprietor to pay such Compensation to the said Driver or Conductor as the said Justice shall think reasonable; and Payment of such Compensation shall be enforced in the same Manner as any Penalty may be enforced under the said recited Act of the Fifth Year of Her Majesty's Reign; and the Justice shall cause the Licence to be delivered to the said Driver or Conductor, unless any Misconduct shall be proved against

him, by reason whereof the Justice shall think that such Licence shall be revoked or suspended; and so long as any Proprietor shall neglect to apply for such Summons and deposit the Licence, after Demand thereof, any Divisional Justice of the Peace may in like Manner from Time to Time order Compensation to be paid by him to the same Driver or Conductor; and no Proprietor shall, under any Pretence or by virtue of any Claim whatever, retain beyond the Time aforesaid the Licence of his Driver or Conductor.

Licences may be revoked or suspended by Justices.

XXI. And be it enacted, That it shall be lawful for any such Divisional Justice of the Peace before whom any Driver or Conductor shall be convicted of any Offence, whether under this Act or any other Act, if such Justice, in his Discretion, shall think fit, to revoke the Licence of such Driver or Conductor, and also any other Licence which he shall hold under the Provisions of this Act, or to suspend the same for such Time as the Justice shall think proper, and for that Purpose to require the Proprietor, Driver, or Conductor in whose Possession such Licence, and the Ticket thereunto belonging, shall then be, to deliver up the same; and every Proprietor, Driver, or Conductor who, being so required, shall refuse or neglect to deliver up such Licence and any such Ticket or either of them, shall forfeit, so often as he shall be so required and refuse or neglect as aforesaid, a Sum not exceeding Forty Shillings; and the Justice shall forthwith send such Licence and Ticket to the Commissioners, who shall cancel such Licence, if it has been revoked by the Justice, or if it has been suspended shall at the End of the Time for which it shall have been suspended redeliver such Licence, with the Ticket, to the Person to whom it was granted.

Penalty on Person acting as Driver, whether licensed or not, without Consent of Proprietor.

XXII. And be it enacted, That every Driver or Conductor authorized by any Proprietor to act as Driver of any Hackney or other Carriage as aforesaid, or as Driver or Conductor of any Metropolitan Stage Carriage or Omnibus, who shall suffer any other Person to act as Driver of such Hackney or other Carriage, or as Driver or Conductor of such Metropolitan Stage Carriage or Omnibus, without the Consent of the Proprietor thereof, and also every Person, whether duly licensed or not, who shall act as Driver or as Conductor of any such Carriage, without the Consent of the Proprietor thereof, shall forfeit the Sum of Forty Shillings; and every Driver or Conductor charged with such Offence, who, when required by a Divisional Justice of the Peace so to do, shall not truly make known the Name and Place of Abode of the Person so suffered by him to act as Driver or Conductor without Consent of the Proprietor, and also the Number of the Ticket of such Person (if licensed), shall be liable to a further Penalty of Forty Shillings; and it shall be lawful for any Police Constable, without any Warrant for that Purpose, to take into Custody any Person unlawfully acting as a Driver or as a Conductor, and to convey him before any Divisional Justice of the Peace, to be dealt with according to Law, and also, if necessary, to take charge of the Carriage and every Horse in charge of such Person, and to deposit the same in some Place of safe Custody until the same can be applied for by the Proprietor.

XXIII. And

XXIII. And be it enacted, That every Driver of a Hackney Carriage or other Carriage as aforesaid, or Driver or Conductor of a Metropolitan Stage Carriage or Omnibus, who shall be guilty of wanton or furious Driving, or who by Carelessness or wilful Misbehaviour shall cause any Hurt or Damage to any Person or Property, being in any Street or Highway, and also every Driver or Conductor who during his Employment shall be drunk, or shall make use of any insulting or abusive Language, or shall be guilty of any insulting Gesture or any Misbehaviour, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; or it shall be lawful for the Justice before whom such Complaint shall be brought, if in his Discretion he shall think proper, instead of inflicting such Penalty, forthwith to commit the Offender to Prison for any Period not exceeding Two Calendar Months, with or without hard Labour, as the Justice shall direct; and in every Case where any such Hurt or Damage shall have been caused, the Justice, upon the Hearing of the Complaint, may adjudge as and for Compensation to any Party aggrieved as aforesaid a Sum not exceeding Five Pounds, and may order the Proprietor of the Hackney Carriage or Metropolitan Stage Carriage the Driver or Conductor of which shall have caused such Hurt or Damage forthwith to pay such Sum, and also such Costs as shall have been incurred, and Payment thereof may be enforced against such Proprietor as any Penalty or Sum of Money may be recovered under and by virtue of this Act; and any Sum which shall be so paid by the Proprietor shall in like Manner be recovered in a summary Way before a Justice of the Peace from the Driver or Conductor through whose Default such Sum shall have been paid, upon Proof of the Payment thereof pursuant to the Order of the Justice; or it shall be lawful for the Justice, in the first instance, to adjudge the Amount of such Compensation to be paid by such Driver or Conductor to the Party aggrieved.

Punishment for furious Driving and wilful Misbehaviour.

XXIV. And be it enacted, That in every Case where there shall be more than One Proprietor of any Hackney or other Carriage as aforesaid, or Metropolitan Stage Carriage or Omnibus, it shall be sufficient, in any Information, Summons, Order, Conviction, Warrant, or any other Proceeding under the Provisions of this Act or of the said recited Act of the Reign of His late Majesty, to name One of such Proprietors, without Reference to any other or others of them, and to describe and proceed against him as if he were sole Proprietor.

Providing for Cases where there are more Proprietors than One.

XXV. And be it enacted, That all Complaints under this Act may be heard and all Penalties incurred under this Act may be recovered by or before One or more of the said Divisional Justices of the Peace in like Manner and subject to like Provisions as Penalties under the Provisions of the said recited Act of the Fifth Year of the Reign of Her Majesty may be recovered; and it shall be lawful for any Divisional Justice of the Peace by whom any Person shall be convicted of any Offence under this Act, or under the said recited Act of the Thirty-seventh Year of the Reign of King *George* the Third, or any Act or Acts amending the same, or relating to Hackney or other Carriages as aforesaid, or under any Rules, Orders,

Power to mitigate Penalties.

Orders, Bye Laws, or Regulations made pursuant to the said Acts or any of them, to lessen the Penalty or Term of Imprisonment in such Manner as he may think fit.

Act may be amended, &c.

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

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