



ANNO TRICESIMO NONO

GEORGI III. REGIS.

Cap. 58.

An Act for regulating the Rates of Porterage to be taken by Innkeepers and other Persons within the Cities of *London* and *Westminster*, the Borough of *Southwark*, and Places adjacent. [21st June 1799.]

WHEREAS great Exactions and Abuses are daily practised in the Porterage or Delivery of Boxes, Baskets, Packages, Parcels, Trusses, Game, and other Things, within the Cities of *London* and *Westminster*, and the Borough of *Southwark*, and the Suburbs and Liberties thereof respectively, and other Parts contiguous thereto, brought by Stage Waggon, Carts, Public Stage Coaches, or Carriages: And whereas the Laws now in being are insufficient for the Prevention of such Exactions and Abuses; May it 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 Fifth Day of *July* One thousand seven hundred and ninety-nine, no Innkeeper, Warehousekeeper, or other Person, to whom any Box, Basket, Package, Parcel, Truss, Game, or other Thing whatsoever, not exceeding Fifty-six Pounds Weight, is brought by any Stage Waggon or Cart, or any Public Stage Coach or Carriage, or any Porter, or other Person employed by such Innkeeper, Warehousekeeper, or other Person, in the Porterage or Delivery of any such Box, Basket, Package, Parcel, Truss, Game, or other Thing, within the Cities of *London* and *Westminster*, and the Borough of *Southwark*, and the Suburbs and Liberties thereof respectively, and other Parts contiguous thereto, not exceeding the Distance of Half a Mile from the End of the Carriage Pavement in the several Streets and Places

No Person to charge more than certain Rates for Porterage.

[*Loc. & Per.*]

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within

within the said Cities, Borough, and Liberties, shall ask or demand, or receive or take, in respect of such Porterage or Delivery, any greater Rate or Price than the several Rates or Prices herein-after mentioned; (that is to say),

Rates.

For any Distance not exceeding a Quarter of a Mile, the Sum of Three-pence :

For any greater Distance than a Quarter of a Mile, but not exceeding Half a Mile, the Sum of Four-pence :

For any greater Distance than Half a Mile, but not exceeding One Mile, the Sum of Sixpence :

For any greater Distance than One Mile, but not exceeding One Mile and a Half, the Sum of Eight-pence :

For any greater Distance than One Mile and a Half, but not exceeding Two Miles, the Sum of Ten-pence ; and so in like Manner the additional Sum of Three-pence for every further Distance not exceeding Half a Mile.

Penalty on taking more than the Rates.

II. And be it further enacted, That if any Porter or other Person employed in the Porterage or Delivery of such Boxes, Baskets, Packages, Parcels, Trusses, Game, or other Things as aforesaid, shall ask or demand, or receive or take, of and from any Person or Persons, in respect of such Porterage or Delivery, any greater Sum or Sums than the Rates or Prices herein-before fixed in that Behalf, such Porter or other Persons shall for every such Offence forfeit a Sum not exceeding Twenty Shillings nor less than Five Shillings.

Tickets to be made out and given to the Porters.

III. And be it further enacted, That before any such Box, Basket, Packet, Package, Parcel, Truss, Game, or other Thing whatsoever, is sent from the Inn, Warehouse, or other Place to which the same is brought or conveyed, there shall be made out and given to the Porter or other Person employed in the Delivery thereof, a Card or Ticket, whereon shall be distinctly printed, written, or marked the Name and Description of the Inn, Warehouse, or other Place from whence the same is sent, and the Sum due for the Carriage thereof, and also the Sum due for the Porterage or Delivery thereof, according to the Rates and Prices aforesaid, and the Christian Name and Surname of the Porter or other Person employed in such Delivery, which Card or Ticket shall be delivered by the Porter or other Person employed as aforesaid, at the same Time and together with such Box, Basket, Packet, Package, Parcel, Truss, Game, or other Thing ; and if any such Box, Basket, or other Article shall be sent from any Inn, Warehouse, or other Place without such Card or Ticket as aforesaid, every such Innkeeper, Warehousekeeper, or other Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Five Shillings ; and any Porter or other Person employed in the Delivery of any such Box, Basket, or other Article, who shall not at the Time of such Delivery leave therewith such Card or Ticket as aforesaid, or who shall wilfully alter, obliterate, or deface any thing written or expressed thereon, shall for every such Offence forfeit and pay the Sum of Forty Shillings ; and if any such Porter or other Person shall, upon the Delivery of such Box, Basket, or other Article, ask or demand, or take or receive any larger Sum for the Carriage of such Article than is written or expressed as aforesaid, every such Porter or other Person shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

IV. And be it further enacted, That every Box, Basket, Package, Parcel, Truss, Game, or other Thing brought to any Inn, Warehouse, or other Place, by any Public Stage Coach or Carriage other than Stage Waggon, for the Purpose of Delivery within the Limits aforesaid (except where the same shall be directed to be left till called for), shall be delivered according to the Direction thereof within Six Hours after the Arrival of any such Box, Basket, or other Article at such Inn, Warehouse, or other Place, unless such Arrival shall be between the Hours of Four in the Evening and Seven in the Morning, and in that Case every such Delivery shall be made within Six Hours after such Hour in the Morning; and in default thereof, every Innkeeper, Warehousekeeper, or other Person to whose Inn, Warehouse, or other Place such Box, Basket, or other Article shall be brought as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings nor less than Ten Shillings.

Parcels brought by Coaches to be delivered within certain Periods.

V. And be it further enacted, That every Box, Basket, Package, Parcel, Truss, Game, or other Thing brought to any Inn, Warehouse, or other Place, by any Public Stage Waggon for the Purpose of Delivery within the Limits aforesaid (except where the same shall be directed to be left till called for), shall be delivered according to the Direction thereof within Twenty-four Hours after the Arrival of any such Box, Basket, or other Article at such Inn, Warehouse, or other Place, and in default thereof every Innkeeper, Warehousekeeper, or other Person, to whose Inn, Warehouse, or other Place such Box, Basket, or other Article shall be brought as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings nor less than Ten Shillings.

Parcels brought by Waggons to be delivered within a certain Time.

VI. And be it enacted, That every such Box, Basket, Package, Parcel, Truss, Game, or other Thing brought to such Inn, Warehouse, or other Place as aforesaid, which shall be directed to be left till called for, shall, upon the Demand of the Person properly authorized to receive the same, be delivered to such Person without any Charge or Demand whatsoever, other than what is justly due for the Carriage thereof, and the additional Sum of Two-pence for the Warehouse Room thereof; and if the same be not delivered to such Person upon such Demand, or any Charge other than as aforesaid be made or received in respect thereof, every Innkeeper, Warehousekeeper, or other Person, to whose Inn, Warehouse, or other Place such Box, Basket, or other Article shall be brought as aforesaid, shall forfeit and pay for every such Offence or Overcharge, any Sum not exceeding Twenty Shillings nor less than Ten Shillings.

Parcels directed to be left till called for, to be delivered to Persons to whom the same shall be directed, on Payment of Carriage and Warehouse Rent.

VII. Provided nevertheless, That if such Box, Basket, or other Article so directed to be left till called for, be not sent for from such Inn, Warehouse, or other Place, before the End of One Week after the same is brought to such Inn, Warehouse, or other Place, it shall be lawful to and for such Innkeeper, Warehousekeeper, or other Person to charge and receive the further Sum of One Penny for the Warehouse Room thereof, and so in like Manner if the same be not sent for before the End of the Second or any subsequent Week to charge the further Sum of One Penny Weekly.

If not sent for till the Expiration of One Week, Warehouse Rent to be charged.

VIII. Pro-

VIII. Provided also, That if any such Box, Basket, or other Article brought to such Inn, Warehouse, or other Place as aforesaid, which is not directed to be left till called for, shall, before the same is sent for Delivery from such Inn, Warehouse, or other Place, be demanded by any Person properly authorized to receive the same, such Box, Basket, or other Article shall be thereupon delivered to such Person so demanding the same; and it shall in such Case be lawful to and for such Innkeeper, Warehousekeeper, or other Person to charge and take the Sum justly due for the Carriage thereof, and also the Sum of Two-pence for the Warehouse Room thereof; but if the same be not delivered to such Person upon such Demand, or any Charge other than as aforesaid be made or received in respect thereof, every Innkeeper, Warehousekeeper, or other Person, to whose Inn, Warehouse, or other Place such Box, Basket, or other Article shall be brought as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings nor less than Ten Shillings.

Preventing
Misbehaviour of
Porters.

IX. And for the preventing the Misbehaviour of Porters, or other Persons employed in the Porterage or Delivery of such Boxes, Baskets, Packages, Parcels, Trusses, Game, or other Things as aforesaid, be it further enacted, That upon Complaint made of any Non-delivery, Neglect, Misconduct, or Misbehaviour in such Employment, to any Justice of the Peace within whose Jurisdiction the Offence has been committed, or the Offender shall be or reside, it shall and may be lawful to and for such Justice of the Peace to grant a Warrant to bring before him the Person against whom such Complaint shall be made, and upon Proof made upon Oath (which Oath such Justice is hereby empowered to administer) of any such Non-delivery, Neglect, Misconduct, or Misbehaviour of such Porter or other Person, to impose a Fine or Penalty upon such Porter or other Person not exceeding the Sum of Twenty Shillings nor less than Five Shillings.

Recovery of
Rates of
Porterage.

X. And be it further enacted, That if any Person to whom any such Box, Basket, Package, Parcel, Truss, Game, or other Article as aforesaid shall be directed, shall, upon the Delivery thereof, neglect or refuse to pay to the Porter or other Person employed to deliver the same the Money justly due for the Carriage thereof, and also due for the Porterage or Delivery thereof, according to the Rates aforesaid, or for the Warehouse Room thereof, as the Case may be, it shall and may be lawful to and for any Justice of the Peace within whose Jurisdiction such Neglect or Refusal shall be made, or the Person charged with such Offence shall reside, upon Complaint thereof made, to grant a Warrant to bring before him the Person against whom such Complaint shall be made, and upon Proof thereof made upon Oath (which Oath such Justice is hereby empowered to administer) to award reasonable Satisfaction to the Party grieved, for his Damage and Costs, and for his Loss of Time in recovering the same; and on Nonpayment of the Sum so awarded, by Warrant under his Hand and Seal to levy the same by Distress and Sale of the Goods and Chattels of the Offender, rendering to such Offender the Overplus of such Distress, if any there be, after deducting the Charges of making the same.

Information
to be laid
within a cer-
tain Period.

XI. Provided always, and be it further enacted, That no Person shall be prosecuted for any Offence against this Act, unless Information of such

such Offence be given to a Justice of the Peace within Fourteen Days next after the Commission of such Offence.

XII. Provided also, That nothing in this Act contained shall extend or be construed to extend to authorize the Employment of any Porter or other Person in the Porterage or Delivery of Parcels within the City of London, contrary to the Laws and Usages of the said City.

Porters not to be employed contrary to the Usage of the City of London.

XIII. And, for the speedy Recovery of all and every the Penalties and Forfeitures which shall be incurred under this Act, be it further enacted, That it shall and may be lawful for any One or more Justice or Justices of the Peace within whose Jurisdiction any Offence or Offences against this Act shall be committed, or the Person charged with such Offence shall reside, upon Complaint or Information to him or them made, to summon the Party or Parties accused, and also the Witnesses on either Side, to appear before him or them at a certain Time and Place in such Summons to be specified, and upon the Appearance of the Party or Parties accused, or in Default of his, her, or their Appearance according to such Summons (due Proof being made of the Service of such Summons), to proceed to hear and determine the Matter in a summary Way, and upon due Proof made of the Offence, either by the voluntary Confession of the Party or Parties accused, or by the Oath of One or more credible Witness or Witnesses (which Oath or Oaths the said Justice or Justices is or are empowered to administer), to convict the Party or Parties, and to award and adjudge the Penalties imposed by this Act to be paid by such Offender or Offenders, together with reasonable Costs and Charges attending such Conviction; and upon Nonpayment of the Sum so awarded, either immediately or at such Time as the said Justice or Justices shall appoint, not exceeding Seven Days, such Justice or Justices before whom such Conviction shall be had, is or are hereby empowered and authorized to issue his or their Warrant for apprehending such Offender; and in case such Offender shall escape or go out of the Jurisdiction of such Justice or Justices, it shall and may be lawful for any other Justice of the Peace of the County or Place where such Offender shall be found, by Indorsement of such Warrant, to authorize the Execution thereof within the Jurisdiction of such Justice; and the Justice or Justices who granted such Warrant may, upon the Offender being brought before him or them, commit such Offender to some Public Prison or House of Correction of the City, County, or Place in which such Offence shall have been committed, or such Offender shall have resided, there to remain without Bail or Mainprize for any Term, not exceeding One Calendar Month or less than Fourteen Days from the Day of every such Commitment, unless such Offender shall sooner pay the Sum to be mentioned in every such Warrant of Commitment.

Recovery of Penalties.

XIV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any such Justice or Justices of the Peace touching any Matter contained in this Act, and shall have had a reasonable Sum of Money paid or tendered to him for his Loss of Time and Expences, and shall neglect or refuse to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such his or their Neglect or Refusal, to be

Enforcing Attendance of Witnesses.

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allowed of by such Justice or Justices, every such Person shall forfeit or pay for every such Offence any Sum not exceeding Forty Shillings nor less than Twenty Shillings, to be levied and paid in such Manner and by such Means as herein-before directed with respect to other Penalties; and if any Person or Persons summoned as a Witness or Witnesses to give Evidence as aforesaid, shall appear at the Time and Place for that Purpose appointed, but shall refuse to answer any lawful Questions such Justice or Justices may think proper to put to him, such Justice or Justices may commit every such Person to some Prison or House of Correction of the City, County, or Place within the Jurisdiction of such Justice or Justices, for any Time not exceeding Fourteen Days from the Time of every such Commitment:

XV. And be it further enacted, That the Justice or Justices of the Peace before whom any Offender shall be convicted as aforesaid, shall cause the said Conviction to be made out in the following Form of Words, or in any Form of Words to the same Effect; (that is to say),

Form of
Conviction.

‘ to wit. } **BE** it remembered, That on this Day of
‘ } in the Year of His Majesty King
‘ } *A. B.* is convicted before me [*or us*]
‘ One [*or Two*] of His Majesty’s Justices of the Peace for the City of
‘ *London* [*or for the City and Liberty of Westminster, or for the County*
‘ of *as the Case may be*], for that the said *A. B.* on the
‘ Day of now last past did, contrary to the
‘ Statute in that Case made and provided [*here state the Offence against*
‘ *the Act*]; and I [*or we*] do declare and adjudge that the said *A. B.*
‘ hath forfeited the Sum of of lawful Money
‘ of *Great Britain*, for the Offence aforesaid. Given under my Hand and
‘ Seal [*or our Hands and Seals*], the Day and Year aforesaid.’

And the said Justice or Justices before whom such Conviction shall be had shall certify the same to the next General or Quarter Sessions of the Peace to be holden for the City, County, Liberty, or Place wherein such Conviction was had, to be filed and kept amongst the Records of the said General or Quarter Sessions; and such Conviction shall be good and valid in the Law to all Intents and Purposes, and shall not be quashed, set aside, or judged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari into His Majesty’s Court of King’s Bench, but shall be deemed and taken to be final to all Intents and Purposes whatsoever.

Allowing an
Appeal to the
Quarter
Sessions.

XVI. Provided nevertheless, and be it further enacted, That all and every Person and Persons who shall think him, her, or themselves aggrieved by the Judgment or Determination of any such Justice or Justices as aforesaid, may appeal to the Justices of the Peace for the City, Liberty, County, or Place where such Judgment shall be given, at their then next General or General Quarter Sessions of the Peace, unless such next General or General Quarter Sessions of the Peace shall happen to be holden within Six Days next after any such Conviction; and in such Case such Person or Persons may appeal to the Second General or General Quarter Sessions of the Peace which shall be holden for any such City, Liberty, County, or Place next after any such Conviction;

tion ; but no such Appeal shall be received, heard, or determined, unless the Appellant or Appellants shall first enter into a Recognizance with Two sufficient Sureties, before such Justice or Justices so convicting as aforesaid, in the Sum of Ten Pounds each, to appear and prosecute every such Appeal with Effect ; and the Justices of the Peace at such General or General Quarter Sessions of the Peace are hereby authorized and required, on every such Appeal being made, and on reasonable Notice thereof given to the other Party, finally to hear and determine the Matter of every such Appeal, and to make such Order and to award such Costs therein as they in their Discretion shall see meet, and which said Order and Determination shall be final and conclusive to all Parties, and no Certiorari shall be allowed to remove any such Proceedings or Determination.

XVII. And be it further enacted, That One Moiety of the Penalties by this Act imposed shall, when recovered, go and be paid to the Person or Persons who shall prosecute to Conviction any such Offender or Offenders, and the other Moiety to the Poor of the Parish in which the Offence shall be committed. Application of Penalties.

XVIII. And be it further enacted, That no Person shall be sued or prosecuted for any thing done in pursuance and in Execution of this Act after the Expiration of Six Months from the Time when the Offence was committed ; and every such Suit or Prosecution shall be brought in the City, County, or Place where such Offence shall have been committed, and not elsewhere ; and every Person so sued shall and may plead the General Issue (Not guilty), and may give this Act and the Special Matter in Evidence at any Trial to be had thereupon ; and if a Verdict shall be found for the Defendant or Defendants, or if the Plaintiff shall become Nonsuit, or discontinue his Action after the Defendant shall have appeared, or if Judgment shall be given upon a Demurrer against the Plaintiff or Plaintiffs, the Defendant or Defendants in every such Action shall receive Double Costs, and have the like Remedy for the same as Defendants have in other Cases for the Recovery of their Costs. Limitation of Actions.

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

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