



ANNO TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

A.D. 1867.

## No. 12.

*An Act to regulate the Weights to be carried on certain Vehicles, and for other purposes.*

[Assented to, 19th December, 1867.]

**W**HEREAS great damage is caused to the roads by the carrying of heavy weights on vehicles with narrow wheels, and it is desirable to make provision for regulating the loads to be carried on such vehicles in manner hereinafter provided, and for that purpose to confer certain powers on certain persons—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. The word Commissioners shall mean the Central Board of Main Roads, or the Local Boards of Main Roads, as the case may be, as to Main Roads, the Municipal Council of any Municipal Corporation as to roads with the limits of such Corporation, the District Council of any district as to roads within such district, and as to all other public roads, the Commissioner of Public Works acting as Commissioner of Roads.

Definition clause.

2. No person shall carry on any public road, in any waggon, dray, cart, or other vehicle, a greater weight than that next mentioned, that is to say—for each wheel of any two-wheeled vehicle a total weight, including such vehicle, of eight hundred-weight avoirdupois, and for each wheel of any four-wheeled vehicle a total weight, including such vehicle, of nine hundred-weight avoirdupois, for each inch

Not more than eight hundred-weight to the inch of bearing surface to be carried in drays, &c.

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inch of width of bearing surface of the tire or felloe; the words "width of bearing surface," being taken to mean the actual width of the bearing surface of such tire or felloe, that would actually come in contact with, or bear upon, a hard, smooth, level surface, when the wheels are attached to the axle and ready for use: Provided that nothing in this clause shall be deemed to apply to the conveyance of any piece of heavy machinery which cannot be taken apart without great expense or loss.

Board may make by-laws for regulating weight by measurement.

3. The Central Board of Main Roads, or any Local Board of Main Roads, may make by-laws and regulations for declaring the weight of such kinds of goods and merchandize as to them may seem fit by measurement; and may from time to time alter or repeal such by-laws and regulations, and make others: Provided that such by-laws and regulations shall be confirmed by the Governor, and after such confirmation shall be published in the *Government Gazette*, for one calendar month before the same shall come into operation.

Persons carrying goods, &c., on request of officer, to allow same to be measured.

4. Every person in charge of any vehicle carrying goods or merchandize as aforesaid shall, upon being requested by any authorized inspector of weights and measures, or other officer of any Municipal Corporation or District Council, or Surveyor or other officer of the Central Board or Local Board of Main Roads, allow such officer to measure such goods with a view of ascertaining the weight thereof, in accordance with any such by-law to be made as aforesaid, and the result of such measurement shall be taken to be the actual weight of such goods and merchandize for the purposes of any information to be laid under the provisions hereof, unless the owner or driver thereof shall at the time give notice of his intention of having the same weighed, and shall forthwith at his own expense proceed to have the same weighed at the nearest or most convenient weighbridge.

Vehicles to have name of owner, &c, painted on conspicuous part.

5. Every vehicle carrying, or constructed to carry, goods or merchandize of any kind whatever, and every vehicle carrying passengers for hire, in actual use on any road, shall have the Christian and surname, and place of abode of the owner, or of the principal partner or owner thereof, and the weight of such vehicle, painted on some conspicuous part on the off side thereof, in white letters on a black ground, such letters not being less than two inches in length, and of a breadth in proportion; and the owner of any such vehicle who shall neglect to have such name, abode, and weight painted as aforesaid, or who shall have the same so painted incorrectly, shall forfeit and pay for each offence a sum of not less than Five Shillings nor more than Five Pounds: Provided that for every day that any such vehicle shall continue to be used as aforesaid, and to have the name, abode, and weight unpainted, or incorrectly painted as aforesaid, the owner thereof shall be deemed to have committed a fresh offence.

Penalty for carrying overweight or refusing to allow measurement.

6. Any person who shall, on request, refuse to allow goods so carried to be measured as aforesaid, or the vehicle and load to be weighed at the nearest or most convenient weighbridge, shall forfeit and

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and pay, for each offence, a sum not less than Forty Shillings nor more than Ten Pounds.

7. It shall not be lawful for any one to stop, weigh, or measure any vehicle or load thereon, unless such person be duly appointed; and no keeper of a weighbridge, unless also a keeper of a toll-bar, shall be appointed Inspector under this Act.

Persons authorized to examine.

8. Any person who shall carry in any vehicle a greater weight, including the vehicle, than that allowed by this Act, shall forfeit and pay for each offence the sum of One Shilling for each hundredweight or part of a hundredweight carried in excess of the quantity allowed by this Act.

Penalty on overweight.

9. Commissioners may, if they think proper, order and cause to be built and erected on any roads within their respective jurisdictions, or at such distance therefrom as shall be thought expedient, one or more machines or engines, with a suitable house or other building thereto, proper for the weighing of vehicles conveying any goods or merchandize whatsoever, or may license any such machines or engines if erected by private persons.

Power given for erecting weighing machines.

10. Commissioners, and every Surveyor of the roads, or other person acting by or under their authority, or any officer of any corporate city or town may measure and examine, or cause to be measured and examined, the wheels of every waggon, cart, or other vehicle in use on any public road.

Commissioner may examine wheels.

11. Subject to the laws in force relating to the making of by-laws by Corporations and District Councils respectively, it shall be lawful for any Municipal Corporation or District Council from time to time, in addition to the by-laws heretofore authorized, to make, alter or vary any by-law or by-laws for the better carrying this Act into effect.

Corporations and District Councils may make by-laws.

12. It shall not be lawful to present to the Governor for confirmation, or for the Governor to confirm any by-law or regulation made under the authority of this Act, until after the same shall have been laid before Parliament for the space of fourteen days.

By-laws to be laid before Parliament before confirmation.

13. All proceedings for offences against this Act in respect of which any fine or penalty is imposed, shall be had and taken, and may be heard and determined in a summary way, by any Special Magistrate or two Justices of the Peace, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Session, with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices of the Peace, with respect to summary convictions and orders, and all convictions and orders may be enforced, as in the said Ordinance is mentioned.

Summary procedure.

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Appeal to Adelaide  
Local Court of Full  
Jurisdiction.

14. There shall be an appeal from any conviction by any Special Magistrate or Justices of the Peace, for any offence against this Act, or from any order dismissing any information or complaint, or from any order for payment of money, whether for costs or otherwise; which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

No *certiorari*.

15. Save as herein provided, no conviction or order of any Special Magistrate or Justice of the Peace made under the authority of this Act, shall be appealed against or removed by *certiorari* or otherwise into the Supreme Court of the said Province.

Appropriation of fees,  
&c.

16. Except as hereinafter mentioned, every fine imposed for any offence against this Act shall be paid to the Treasurer, on behalf of Her Majesty, Her heirs, and successors, for the public uses of the said Province, and support of the Government thereof: Provided that when any such fine is imposed for any offence committed within the limits of any corporate city or town, or district constituted under the District Councils Act, 1858, one moiety of such fine shall be paid to the Corporation or District Council within the limits of whose city, town, or district such offence was committed.

Commencement of  
Act

17. This Act shall commence and take effect on the first day of July, 1868.

Short title.

18. This Act may be cited as "The Width of Tires Act of 1867."

In the name and on behalf of the Queen I hereby assent to  
this Act.

D. DALY, Governor.