



ANNO DUODECIMO

VICTORIÆ REGINÆ,

No. 6.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice of the Legislative
Council.*

*AN ACT to repeal the Act of Council of this Island
intituled An Act for the Regulation of Vehicles convey-
ing Passengers for Hire within the Towns of this
Island and to substitute other Provisions in lieu thereof.*

WHEREAS an Act of Council or Ordinance of this Island was passed in the sixth year of the reign of Her present Majesty intituled *An Act for the Regulation of Vehicles conveying Passengers for Hire within the Towns of this Island*—AND WHEREAS it is expedient that the same should be repealed and other provisions be substituted in lieu thereof in manner hereinafter provided—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that from and after the first day of November now next ensuing the said Act so intituled *An Act for the Regulation of Vehicles conveying Passengers for Hire within the Towns of this Island* shall be and the same is hereby repealed.

PREAMBLE.
6 Vict. No. 4.
6 Vict. No. 4 re-
pealed.

II. AND BE IT ENACTED that from and after the said first day of November now next ensuing if any person shall use or employ or be concerned as proprietor or part proprietor in using or employing any vehicle in conveying any passenger or passengers for hire within the City of Hobart Town or Town of Launceston or within four miles of such City or Town respectively without such vehicle being duly licensed in the manner hereinafter mentioned any such person shall for every such offence forfeit and pay a penalty not exceeding Ten Pounds.

Penalty for con-
veying passengers
for hire within
City of Hobart
Town or Town of
Launceston or
within four miles
thereof without
vehicle being
licensed.

III. AND BE IT ENACTED that every such licence for vehicles so plying for hire shall be granted by and upon application made in

Mode of obtaining
licence—fee for

same—and duration thereof.

writing to the Police Magistrate of the City or Town within which it is intended that such vehicle shall ply and such Police Magistrate is hereby required to grant such licence upon payment to him of the sum of Ten Shillings for the same—AND every such application shall contain the true name and residence of every proprietor or part proprietor of such vehicle and shall be signed by every proprietor thereof—AND such licence so granted shall continue in force for one year from the date thereof unless forfeited before such period as hereinafter provided—**PROVIDED ALWAYS** that any person who shall hold a licence as proprietor or part proprietor of any such vehicle under the said recited Act shall upon taking out such licence as is required by this Act be entitled to and shall have a reduction from the said sum of Ten Shillings in proportion to the period for which such licence under the said recited Act would but for the passing of this Act have continued in force.

Form of licence and mode of proceeding on alteration of proprietorship of vehicle.

IV. AND BE IT ENACTED that every such licence for every such vehicle shall be in the form and shall contain the several particulars mentioned in the Schedule to this Act annexed marked A which said Schedule shall be deemed and taken to be part and parcel of this Act and in case of any alteration taking place in the proprietorship of any such vehicle notice thereof shall be given to the Police Magistrate of the City or Town for which such licence shall have been issued who shall thereupon endorse upon such licence every such alteration and shall sign the same inserting the date upon which such endorsement is made and such endorsement shall from the date thereof be considered as part and parcel of such licence so far as it affects the proprietorship of the vehicle therein named and every person who shall appear by such licence or endorsement if any to be the proprietor or part proprietor of the vehicle mentioned in such licence shall be deemed and taken to be such proprietor or part proprietor for the purposes of this Act.

Drivers of licensed vehicles to be also licensed.

V. AND BE IT ENACTED that if from and after the said first day of November any person shall drive any vehicle used or employed in conveying any passenger or passengers for hire within the City of Hobart Town or Town of Launceston or within four miles of such City or Town respectively without such person being duly licensed in manner hereinafter provided such person shall for every such offence forfeit and pay a penalty not exceeding Five Pounds.

Mode of obtaining licence for driver of any licensed vehicle—fee for same and duration thereof.

VI. AND BE IT ENACTED that any person being desirous of obtaining a licence as the driver of any vehicle licensed under this Act shall make application in writing to the Police Magistrate of the said City or Town in which such person so intends to drive and such application shall state the number of the vehicle he so intends to drive and shall be endorsed by the proprietor or some one of the proprietors of such vehicle and upon the receipt of such application and the payment to such Police Magistrate of the sum of Two Shillings and Sixpence such Police Magistrate shall issue a licence to such driver accordingly which licence shall continue in force for one year from the date thereof unless forfeited before such period in manner hereinafter provided.

VII. AND BE IT ENACTED that every such licence for a driver shall be in the form and shall contain the several particulars mentioned in the Schedule to this Act annexed marked B which said Schedule shall be deemed and taken to be part and parcel of this Act and in case any such licensed driver shall be desirous of driving any other vehicle than that named in such licence he shall give notice thereof in writing to such Police Magistrate as aforesaid which notice shall state the number of such other vehicle as such driver is then desirous to drive and shall be endorsed by the proprietor or some one of the proprietors thereof and thereupon such Police Magistrate shall endorse upon such driver's licence the number of the vehicle which is thereafter to be driven by such driver and if the proprietor of any licensed vehicle shall suffer or permit any person who is not licensed to drive as herein-before directed or if any person shall drive any such licensed vehicle without being so licensed as aforesaid or if any licensed driver shall drive any other vehicle than he shall be so authorised to do by such licence or endorsement if any every such proprietor person or driver shall forfeit and pay for every such offence any sum not exceeding Five Pounds— PROVIDED ALWAYS that nothing herein contained shall be deemed or construed to prevent or shall prevent any licensed driver of any licensed vehicle from driving any other licensed vehicle belonging to the same proprietor or proprietors.

Form of licence for driver and mode in which driver of licensed vehicle may be changed.

VIII. AND BE IT ENACTED that if upon the conviction of any proprietor or driver of any vehicle licensed under this Act for any offence against this Act it shall appear to the convicting Justice or Justices proper so to do it shall be lawful for such Justice or Justices and he or they is or are hereby empowered in addition to any sentence or penalty he or they may award for such offence to order and direct that the licence for any such vehicle so licensed as aforesaid or the licence of any such driver as aforesaid shall be suspended for any period not exceeding two calendar months if such conviction shall be the first recorded against such proprietor or driver and in case of a second conviction against any such proprietor or driver for any offence under this Act it shall be lawful for the convicting Justices not being less than two to order the licence of the driver or of the vehicle of the proprietor so convicted a second time to be forfeited altogether and every such order shall have the effect of depriving for the time therein specified or *in toto* as the case may be such driver or vehicle of the licence he or it may then hold or have and such driver or vehicle shall during such suspension or after such deprivation *in toto* be deemed and taken to be so far as relates to this Act an unlicensed driver or vehicle.

On first conviction under this Act Justice may suspend licence of vehicle or driver for two months and for second conviction two Justices may order it to be altogether forfeited.

IX. AND BE IT ENACTED that if any driver of any such vehicle as aforesaid shall be unknown to or cannot be identified by any person having any ground of complaint against him under the provisions of this Act the proprietor or proprietors of such vehicle shall be liable to the payment of any fine or penalty imposed on such driver in the same manner to all intents and purposes as if such proprietor or proprietors had personally been convicted of the offence for which such fine or penalty was imposed.

Proprietors liable for drivers' fines if driver unknown.

If driver not known summons served on proprietor good service on driver.

X. AND BE IT ENACTED that in case of any person so complaining of any driver of any such licensed vehicle and not being able to ascertain such driver's name or being unable to identify such driver it shall be sufficient for any such complainant in his information to state the number of the vehicle which the party he so complains of was driving at the time the offence complained of was committed and any summons issued by any Justice upon any such information shall be directed "To the Driver of the Vehicle Number []" as the case may be and the service of such summons duly proved upon any proprietor or part proprietor of such licensed vehicle shall be deemed and taken a good and sufficient service upon the driver of the vehicle referred to in such summons.

Number of licence to be placed on back of vehicle and also inside under a penalty for default.

XI. AND BE IT ENACTED that the number of the licence of every vehicle licensed under this Act painted white on a black ground in figures of not less than two inches in length and of a proportionate breadth shall be kept affixed in open view upon the back of such vehicle and such number shall also be legibly written or printed on a card and be placed open to view on some part of the inside of such vehicle and any proprietor part proprietor or driver of any such licensed vehicle which shall ply for hire not having the number of the licence so painted affixed written and placed as aforesaid shall be liable to a penalty not exceeding Five Pounds.

Magistrates to appoint stands and fix number of vehicles at each stand.

XII. AND BE IT ENACTED that it shall be lawful for the Police Magistrate of the City or Town within which such vehicles shall be licensed to ply and they are hereby respectively required by notice under their hands to be published in the *Hobart Town Gazette* to appoint proper places or stands for such licensed vehicles as aforesaid such notice to state the number of such vehicles which may stand at any one time upon any such stand and such Police Magistrate may from time to time annul alter vary or amend such notice as to him shall seem fit and if the driver of any such vehicle shall after the publication of any such notice in order to ply for hire draw up or station his vehicle at any other place than that which shall be included in such notice or after the number authorised by such notice shall be already on such stand every such driver shall for every such offence upon conviction thereof forfeit and pay a penalty not exceeding Forty Shillings.

Fares to be fixed by Quarter Sessions and published in the *Gazette*.

XIII. AND BE IT ENACTED that it shall be lawful for the Justices sitting in Quarter Sessions for the Districts in which such City or Town is situate and they are hereby respectively required at the first sittings which shall be holden after the passing of this Act and thenceforth in the month of November in every succeeding year to regulate and fix by a table or tables to be by them for that purpose made the respective fares to be charged to passengers by the vehicles so licensed within such City or Town as aforesaid and the said fares to vary and alter from time to time and other fares in lieu thereof to fix and establish and such fares when so regulated and fixed or when so varied and altered shall be published in the *Hobart Town Gazette* and in some one newspaper published in such City or Town as aforesaid and shall be deemed to be the fares which from and after such publica-

tion may be lawfully taken and demanded by the driver or proprietor of any such licensed vehicle and if any such driver or proprietor shall ask or demand any higher fare than shall be so fixed and published as aforesaid he shall for every such offence forfeit and pay a penalty not exceeding Forty Shillings—PROVIDED ALWAYS that the driver of any such vehicle shall be authorised to demand and receive one half more than the fares so fixed and published as aforesaid for any period during which he shall be employed as such driver between the hours of ten o'clock at night and six o'clock in the morning.

XIV. AND BE IT ENACTED that if the driver of any vehicle licensed under this Act whilst plying for hire shall without lawful excuse to be determined by the Justice or Justices before whom the matter shall be heard refuse or neglect to convey any person desirous of hiring his vehicle (unless he shall have been hired by some other person) or if any such driver having agreed with any person to take such person as a fare at any specified time or from any specified place shall delay neglect or refuse so to do every driver so offending shall for every such offence forfeit and pay a penalty not exceeding Five Pounds—PROVIDED ALWAYS that in the case of any information against any such driver for any such offence as first aforesaid the onus of proof that such driver was so hired as aforesaid shall lie upon such driver and if such driver shall fail to establish the same to the full satisfaction of such Justice or Justices as aforesaid he or they is hereby required to inflict upon such driver the full amount of the said penalty of Five Pounds.

Drivers refusing to take passengers (unless engaged) or breaking engagements liable to a penalty.

Proof of such engagement to lie on the driver.

XV. AND BE IT ENACTED that if any question shall arise touching the distance for which any such driver may be entitled to charge the same shall and may be heard by complaint in that behalf preferred before any Justice or Justices of the Peace and such Justice or Justices is or are hereby authorised to determine the matter of such complaint and any expence not exceeding Forty Shillings which may be necessarily incurred in ascertaining such distance shall be deemed to be costs and be paid as such by the party against whom a decision shall be given by such Justice or Justices.

Disputes as to distance to be determined by Justices and necessary expences thereof to be paid as costs.

XVI. AND BE IT ENACTED that no driver of any such vehicle shall be compelled to go any greater distance than four miles from the boundary of the City or Town in which he may ply for hire but in the event of any such driver going beyond the said distance of four miles not having made any specific agreement as to the sum to be charged for such extra distance then and in such case the fare shall be regulated in proportion to distance or time according to the scale of fares fixed by the Quarter Sessions as aforesaid.

Drivers not compelled to go beyond four miles from City or Town but if they do and no agreement made fares to be in same proportion as in City or Town.

XVII. AND BE IT ENACTED that it shall not be lawful for the driver of any vehicle licensed under this Act to demand any payment for or on account of such vehicle returning empty to the place from whence such driver may have been hired but should any person hiring any such vehicle require to return in the same one half only of the fare which by this Act was payable by such person for going in such

No return fare allowed except person shall return when half fare to be paid.

vehicle shall be demanded for returning in the same to the place from whence the same was so hired.

Fare to be charged either by time or distance at option of hirer. If person return in same vehicle five minutes allowed to wait for every mile such person was conveyed.

XVIII. AND BE IT ENACTED that the payment of fare shall in no case be made partly by time and partly by distance but the hirer of any such licensed vehicle may elect to pay such fare either by time or by distance—PROVIDED that no such driver shall be compellable to wait at any place to which he may have conveyed any fare beyond the period of five minutes unless such fare shall intend to return in the same vehicle and if any person shall be so desirous of returning in the same vehicle from the place to which he was thereby conveyed such person may before so returning remain thereat for any period not exceeding five minutes for every mile such person may have been so conveyed to such place and no driver shall be entitled to charge or shall charge for the time during which such person shall so remain at such place as last aforesaid and any driver neglecting or refusing to remain with his vehicle so as to enable such person so to return as last aforesaid shall forfeit and pay a penalty not exceeding Forty Shillings.

Passengers to pay tolls and ferryage.

XIX. AND BE IT ENACTED that it shall be lawful for the driver of any vehicle licensed under this Act to demand and receive over and above his authorised fare the amount he may be required to pay and shall pay for any toll or ferry through or over which such driver may pass whilst conveying any person having hired such vehicle.

Drivers liable to penalty for misconduct.

XX. AND BE IT ENACTED that if any driver of any licensed vehicle under this Act shall whilst having the charge or care of such vehicle behave in a riotous or unseemly manner or shall make use of any obscene blasphemous threatening insulting or abusive language or shall in any way misconduct himself as such driver every such driver so offending shall forfeit and pay a penalty not exceeding Five Pounds.

Vehicles to have lamps kept lighted after sunset except on clear moonlight nights.

XXI. AND BE IT ENACTED that every vehicle licensed under this Act which shall ply for hire after sunset shall except on clear moonlight nights be provided with proper lamps which shall be lighted and kept lighted whilst such vehicle shall so ply as aforesaid and if any such vehicle shall be driven through any street or public place after sunset and before sunrise (except as aforesaid) without having such lamps properly lighted as aforesaid the proprietor or driver of such vehicle shall forfeit and pay a penalty not exceeding Forty Shillings.

Drivers to be in attendance on their vehicle and horses whilst plying for hire.

XXII. AND BE IT ENACTED that if any driver of any vehicle licensed under this Act whilst plying for hire shall not either by himself or by some other competent person acting for him be attendant upon the horses and vehicle of which he shall be such driver every such driver shall forfeit and pay a penalty not exceeding Forty Shillings.

Justices may enforce payment of fares in the same mode as penalties enforced.

XXIII. AND BE IT ENACTED that it shall be lawful for any Justice or Justices of the Peace to hear and determine any complaint made by any proprietor or driver of any vehicle licensed under this Act for non-payment of the proper fare for the use of any such vehicle or non-payment of such toll or ferryage as aforesaid and it shall also be lawful for any such Justice or Justices to compel payment of the said fare toll or ferryage by the same ways and means as by this Act such Justice or Justices may enforce the payment of any penalty awarded under the

authority of the same together with the expences and costs incident to any proceeding for the recovery of any such fare toll or ferryage including remuneration for loss of time by such proprietor or driver according to the discretion of such Justice or Justices but in case such Justice or Justices shall dismiss the matter of such complaint it shall be lawful for him or them to award that the expences and costs thereof shall be paid by such proprietor or driver so complaining as aforesaid.

XXIV. AND BE IT ENACTED that every driver of any such licensed vehicle shall have and shall upon demand produce a card or paper on which shall be legibly written or printed the fares authorised to be taken by such driver and if any such driver shall fail so to have or upon demand to produce such card or paper as aforesaid every such driver shall forfeit and pay a penalty not exceeding Forty Shillings.

Driver to carry and produce when required table of fares.

XXV. AND BE IT ENACTED that every vehicle drawn by one or more horses and ordinarily used solely for the conveyance of passengers shall be deemed to be a vehicle intended to be regulated by this Act and shall come within the meaning thereof—PROVIDED ALWAYS that this Act shall in no wise interfere with annul or affect any of the provisions of the Act of this Island intituled *An Act for the Regulation of Stage Coaches*.

What shall be deemed a vehicle under this Act.

6 W. 4, No. 12.

XXVI. AND BE IT ENACTED that any breach whatsoever of any of the provisions of this Act for which a pecuniary penalty is imposed shall be deemed and taken to be and shall be an offence against this Act and all offences against this Act shall where no other mode or remedy is by this Act specifically provided upon information in that behalf exhibited be heard and determined in a summary way by and before any Justice or Justices of the Peace in the mode prescribed by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and all penalties or forfeitures incurred by or under this Act shall be imposed levied recovered and paid in the manner provided by the said Act so intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and every person aggrieved by any conviction under this Act may appeal therefrom in the manner provided by the said recited Act.

Offences to be heard and determined in a summary way.

XXVII. AND BE IT ENACTED that all fees for licences issued under the authority of this Act shall go and be applied towards the repair and maintenance of the streets of the City or Town respectively in which such fees shall be received and all fines and penalties received levied paid or recovered under the provisions of this Act shall as to one moiety thereof go and be applied to the use of the informer and the other moiety thereof shall go and be applied to the repair and maintenance of the streets of the City or Town respectively in which the licence shall have been issued to the proprietor or driver upon whom such fine or penalty shall have been imposed.

Appropriation clause.

XXVIII. AND BE IT ENACTED that it shall be lawful for His Excellency the Lieutenant-Governor or person for the time being lawfully administering the Government of this Colony by and with the advice of the Executive Council to extend from time to time by any proclamation or proclamations to be for that purpose issued the enactments

Lieutenant-Governor empowered to extend Act to other Towns.

and provisions of this Act to any Town or Towns that now are or hereafter may be in this Island or its Dependencies.

Duration of Act. XXIX. AND BE IT ENACTED that this Act shall continue in force until the end of the Session of the Legislative Council or Local Legislature of this Colony which shall be holden in the year of our Lord One thousand eight hundred and fifty-one and no longer.

W. T. DENISON.

Passed the Legislative Council, this second day of October, one thousand eight hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council.*

SCHEDULE A.

LICENCE FOR VEHICLE.

No.

WHEREAS [*here insert names and residences of proprietor or part proprietors as the case may be*] proprietor [*or proprietors as the case may be*] of a certain vehicle called a _____ has applied to me the undersigned to grant him [*or them as the case may be*] a Licence to keep use and employ such vehicle in conveying passengers within the City of Hobart Town [*or Town of Launceston as the case may be*] and within four miles thereof and has paid into my hands the sum of Ten Shillings I do hereby license the said [*here insert names of proprietor or part proprietor*] to carry and convey in and by such vehicle the number of [*insert the number the vehicle can conveniently contain*] Passengers and no more at any one time subject to the provisions of the Act of this Island intituled *An Act to repeal the Act of Council of this Island intituled An Act for the Regulation of Vehicles conveying Passengers for Hire within the Towns of this Island and to substitute other Provisions in lieu thereof.* This Licence unless previously forfeited to be in force for twelve calendar months from the date thereof and no longer.

Given under my hand this _____ day of _____ A. D.
[signed] _____ C. D.

SCHEDULE B.

LICENCE FOR DRIVER.

No.

WHEREAS [*here insert name and residence of driver*] has applied to me the undersigned to grant him a Licence as the driver of a certain licensed vehicle number [*here insert number of vehicle*] and has paid into my hands the sum of Two Shillings and Six-pence—AND WHEREAS [*here insert name and residence of proprietor or part proprietor who signed application for driver to receive Licence*] proprietor [*or part proprietor as the case may be*] of the said vehicle number [*here insert number of vehicle*] has signified his wish that the said [*here insert name of driver*] should become and act as Driver of the said licensed vehicle by signing such application of the said [*here insert name of driver*] I do hereby license the said [*here insert name of driver*] to be and act as Driver of the said licensed vehicle number [*here insert number of vehicle*] within the City of Hobart Town [*or Town of Launceston as the case may be*] and four miles thereof subject to the provisions of the Act of this Island intituled *An Act to repeal the Act of Council of this Island intituled An Act for the Regulation of Vehicles conveying Passengers for Hire within the Towns of this Island and to substitute other Provisions in lieu thereof.* This Licence unless previously forfeited to be in force for twelve calendar months from the date thereof and no longer.

Given under my hand this _____ day of _____ A. D.
[signed] _____ C. D.