

T A S M A N I A



1860.

ANNO VICESIMO-QUARTO

VICTORIAE REGINÆ,

No. 25.

AN ACT to amend the Act for the Regulation
of Stage Coaches. [4 October, 1860.]

WHEREAS the Act now in force for the regulation of Stage Coaches, 6th William 4th, No. 12, requires amendment: Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 If any person shall act as Driver of any Stage Coach, unless such person shall have obtained a Licence to do so as hereinafter mentioned, and such Licence shall then be in force, any such person shall, for every such offence, forfeit and pay a penalty not exceeding Ten Pounds; and in any proceeding for any offence against this Section it shall not be necessary to prove that such Licence has not been obtained or is not in force, but the onus of proof that such Licence has been obtained, and is in force, shall lie upon the Defendant.

2 It shall be lawful for any two Justices in Petty Session assembled in the District from or through which the Coach for driving which a Licence is sought shall be intended to pass, upon payment to the Clerk of such Petty Sessions of the fee of Five Shillings for the same, to grant any such Driver's Licence; and every such Driver's Licence shall be in the form and contain the several particulars mentioned in the Schedule, and shall be signed by such Justices in Petty Session

Driver's Licences
may be granted
by Justices in
Petty Session.

To be entered in a Book.

as aforesaid, and shall be in force until the Thirty-first day of *December* then next, except during any suspension thereof, and unless forfeited as hereinafter provided, and shall be entered by such Clerk in a book to be provided for that purpose, in which book shall be contained columns of places for entries to be made of offences committed by licensed Drivers; and any person may, at any reasonable time, inspect such book without fee or reward.

Mode of obtaining Driver's Licence.

3 Before any such Driver's Licence shall be granted, a requisition for the same, endorsed by the Proprietor of the Coach which such person is intended to drive, and accompanied with such a certificate of his ability to drive, and of his good character, as shall be satisfactory to the Justices, shall be made and signed by the person to whom such Licence is requested to be granted; and in every such requisition there shall be truly specified and set forth the proper name and surname, and place of abode, of such person; and if any person applying for a Driver's Licence shall make or cause to be made any false representation in regard to his name or abode, or if he shall not truly answer all questions which shall be demanded of him in relation to such application for a Licence, or if any person to whom reference shall be made shall, in regard to such application, wilfully or knowingly make any misrepresentation with the intention of deceiving such Justices, every person so offending shall, for any such offence, forfeit and pay a penalty not exceeding Five Pounds; and it shall be lawful for any Justice of the Peace, upon proof of such offence, to revoke any Driver's Licence which shall have been granted under such false representation.

Driver's Licence may be suspended or forfeited.

4 It shall be lawful for any Justice of the Peace before whom the Driver of any Stage Coach shall be convicted of any offence, if such Justice in his discretion shall think proper, to suspend for any period not exceeding Two months the Licence granted to such Driver; and it shall also be lawful for any Two Justices of the Peace, upon proof that the Driver of any Stage Coach has been convicted of felony, or upon the conviction before them of any such Driver for a second offence against this Act, or the Act 6th *William*, No. 12, now in force for the regulation of Stage Coaches, if such Justices in their discretion shall think proper, to revoke the Licence granted to such Driver.

Coaches may be inspected from time to time, and if found unfit for use, Licence suspended or revoked.

5 It shall be lawful for any two or more Justices in Petty Session assembled in any District through which any Stage Coach passes to cause an inspection to be made as often as they shall deem necessary of any such Coach, and of the horses used in drawing the same; and if any such Stage Coach, or any horse used in drawing the same, shall at any time be in a condition unfit for public use, the Justices shall give notice in writing accordingly to the proprietor of such Stage Coach, which notice shall be personally served on such proprietor or delivered at his place of residence; and if, after notice as aforesaid, any proprietor shall use, employ, or drive such Stage Coach, or use or employ such horse whilst in a condition unfit for public use, it shall be lawful, upon complaint in that behalf made, in a summary way, for any Justice of the Peace to suspend the Licence granted for such Coach for any period not exceeding Two months, or any Two Justices of the Peace to revoke the Licence granted for such Coach.

Penalty for using Coaches or Horses unfit for use.

6 Every Proprietor or licensed Driver who shall use, employ, or drive any Stage Coach, or use or employ any such Horse, after unfit for use.

notice given to him as aforesaid by such Justices that such Coach or Horse was no longer in a fit and proper condition for public use, shall be liable to a penalty not exceeding Three Pounds for every day that he shall so use, employ, or drive such Coach, or use or employ such Horse, and in default of payment may be imprisoned for any period not exceeding One month.

7 Whenever any Justice or Justices of the Peace shall suspend or revoke any Licence granted under the authority of this Act, he or they shall forthwith cause a notice of such suspension or revocation, in such form as he or they shall think fit, signed by him or them, to be given to the person named in such Licence as such Driver, or to be left for him at his usual or last known place of abode.

Notice of suspension or revocation to be given.

8 Every Driver shall, during any such suspension, or after any such revocation as hereinbefore provided, of the Licence granted to such Driver under this Act, be deemed and taken to be a person not licensed to drive a Coach under this Act.

During suspension or after revocation of Licence Driver to be deemed unlicensed.

9 If the Driver of any Stage Coach shall be intoxicated whilst acting as such Driver, or shall by wanton and furious driving injure or damage any person in his life, limb, or property, or shall refuse or neglect to drive such Coach with all reasonable and proper expedition, or shall by loitering, or by any wilful misbehaviour, cause any obstruction in any public road, street, or place, or shall quit the box of such Coach without delivering the reins into the hands of some competent person, or before some competent person shall have been placed at the horses' heads, or shall permit any passenger to drive such Coach, or shall quit his Coach without reasonable occasion, or for a longer time than such occasion shall require, or shall suffer any person in a state of intoxication to be carried by such Coach, or having become intoxicated to remain in or on such Coach, or if any such Driver, or any Conductor or Guard of any such Coach, shall neglect to take reasonable care of any luggage carried or to be carried by such Coach, or shall by language or otherwise abuse or insult any person travelling or having travelled as a passenger in or on such Coach, such Driver, Conductor, or Guard in any case so offending shall forfeit and pay a penalty or sum of not less than Two Pounds nor more than Twenty Pounds.

Provides for certain offences committed by Drivers.

10 Every Stage Coach which shall be driven after sunset shall, except on clear moonlight nights, be provided with proper lamps, which shall be lighted and kept lighted while such Coach shall be so driven; and if any such Coach shall be driven through any street, road, or place after sunset or before sunrise, except as aforesaid, without having such lamps properly lighted as aforesaid, the Proprietor or Driver of such Coach shall incur a penalty not exceeding Forty Shillings.

Coaches to have lamps after sunset.

11 Section 10 of 6th *William 4*, No. 12, is hereby repealed.

Repeals Sec. 10 of 6th Wm. 4th, No. 12.

12 This Act and the said recited Act, 6 *William 4*, No. 12, shall be read and construed together as one Act.

Acts to be read together.

13 This Act to come into operation on the First day of *January*, 1861. Commencement of Act.

14 In referring to this Act it shall be sufficient to use the expression Short Title.
The Stage Coach Amendment Act.

S C H E D U L E.

WHEREAS [here insert name and residence of Driver] has applied to us, the undersigned, to grant him a Licence to act as the Driver of a Stage Coach to run between [state the extreme points of distance]. And whereas [insert name of Proprietor or Proprietors] has signified his wish that the said [here insert name of Driver] should become and act as Driver of such Stage Coach by endorsing such application of the said [here insert name of Driver], and we have received a satisfactory certificate of the ability of the said [Driver] to drive, and of his good character; we do hereby license the said [name of Driver] to be and act as Driver of the said Coach.

Given under our hands this

day of

A. B., } Justices of the Peace.
C. D., }