



1853.

No. 19.

An Act to provide for the regulation and licensing of Public Conveyances, and to prevent the wanton ill treatment of Horses and Cattle.

[Assented to, December 9, 1853.]

*Amended by
No. 1 - 1854.*

WHEREAS it is expedient to provide for the due management and control of public conveyances, and vehicles plying for hire, and to limit the number of passengers which may be carried by any such conveyance or vehicle—Be it therefore Enacted, by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. No vehicle plying for hire, if drawn by one horse only, shall be allowed to convey at any one time, including the driver, more than six adult passengers, with not exceeding fourteen pounds weight of luggage or goods for each passenger.

Number of passengers by one-horse cart.

2. No vehicle on two wheels, plying for hire, if drawn by two or more horses, shall convey at any one time more than nine adult passengers, including the driver, with not exceeding fourteen pounds weight of luggage or goods for each passenger.

Number of passengers by vehicles drawn by two horses.

3. No vehicle on four wheels, plying for hire, if drawn by not less than four horses, shall convey at any one time more than eighteen adult passengers, including the driver, with fourteen pounds weight of luggage or goods for each passenger; and if any vehicle on four wheels shall be drawn by three horses only, then the number of adult passengers to be carried thereby shall be only twelve, including the driver, with luggage as aforesaid; and if any vehicle on four wheels shall be drawn by two horses only, then the number of adult passengers to be carried thereby, shall be only eight, including the driver, with luggage as aforesaid.

Number of passengers by vehicles with four wheels, drawn by four horses.

Number of passengers when drawn by three horses.

Number of passengers when drawn by two horses.

4. Every driver or conductor of any vehicle plying for hire, who shall carry or convey in or upon such vehicle a greater number of passengers

Penalty for carrying more than the authorized number of passengers.

passengers, or a greater quantity of luggage than is hereby authorized, shall, upon conviction thereof, forfeit and pay for every passenger in excess of the number so authorized, and for every additional quantity of luggage of the weight of fifty-six pounds, any sum not exceeding Ten Pounds and not less than Two Pounds, or in default of payment shall be imprisoned for a period not exceeding two calendar months.

Name of owner and number of passengers by each conveyance.

5. Every vehicle plying for hire, and carrying passengers or goods, shall have on the back or side, or other conspicuous part of the same, the name of the owner thereof written, together with the number of passengers which the same shall be licensed to carry, and the number of the licence, painted in Roman letters of the size of not less than one inch in the shortest diameter of the same, in white letters on a black ground, or in black letters on a white ground, or in other equally distinct and conspicuous colors.

Penalty of plying for hire without licence.

6. From and after the first day of January next, no vehicle shall ply for hire, unless duly licensed according to this Act, and every owner of any vehicle who shall cause or permit the same to ply for hire in carrying passengers or goods without having first obtained such licence, shall be liable to a penalty not exceeding Five Pounds, or in default of payment thereof to be imprisoned for the term of thirty days.

Price for licence.

7. Licences shall be issued by the Commissioner of Police or other officer appointed by the Governor, in the form and upon payment of the respective sums fixed in the Schedule hereunto annexed, and shall be numbered in rotation from one upwards, and every such licence shall be in force for the period of six calendar months; and no licence shall be granted until the owner of the vehicle intended to be licensed shall have deposited with such Commissioner or other officer, a statement in writing of the Christian and surname, and place of abode of the owner, and of the drivers, or intended drivers of such vehicle; and if during the currency of such licence, the owner of any vehicle so licensed shall change the drivers, he shall give notice to the Commissioner of Police, or such other officer in writing, of such change, and shall deposit with such Commissioner or officer the name and address of such newly-appointed drivers, and shall produce the licence for such vehicle, in order to the insertion therein of the name of such last-mentioned driver, and in default thereof, shall be liable to a fine not exceeding Two Pounds, or fourteen days' imprisonment.

Character of driver.

Name of drivers to be registered.

Inspection of vehicles.

8. The Commissioner of Police, or other officer appointed to issue licences under this Act, shall inspect every vehicle prior to licensing the same; and if of opinion that the same is not sufficient in all respects for the purpose for which it is intended, shall withhold such licence for any such vehicle, until the same is made sufficient to his satisfaction.

9. It shall be lawful for the Commissioner of Police, or other officer appointed to issue licences as aforesaid, to refuse to issue any licence, to withdraw any licence issued, under the authority hereof, upon the ground of the unfitness or improper conduct of any driver, or of the unfitness of the vehicle: Provided that, in the event of any such refusal or withdrawal of a licence, it shall be lawful for the person applying for the same to appeal against the decision of such Commissioner or other officer to the Special Magistrate of the Local Court in the City of Adelaide, who shall inquire into the matter of such appeal, and at his discretion confirm the decision of such Commissioner or other officer, or direct the issue or continuance of a licence.

Commissioner may refuse or withdraw licences.

Form of appeal.

10. No licensed vehicle shall travel at any greater rate or speed than nine miles per hour, and the driver or conductor of any such vehicle, driving at any greater rate or speed than nine miles per hour, shall be liable to a fine not exceeding Ten Pounds, or in default of payment to be imprisoned for a space not exceeding one calendar month.

Speed per hour.

11. The owner of any licensed vehicle which shall be driven by any other person than the driver named in such licence as aforesaid, shall be subject to a fine of Two Pounds for every such offence, or in default of payment thereof, to fourteen days' imprisonment; and every vehicle shall be taken to be a vehicle plying for hire, which shall carry passengers on hire on more than three days in any one month: Provided that such fine shall not be payable if by accident or illness the driver named in such licence shall be unable to drive the same vehicle, if notice of such inability, and of the name of the person temporarily substituted as driver, shall be given to such Commissioner or other officer, within forty-eight hours after the occurrence of such inability.

Fine for driving drays and carts plying for hire without licence.

12. And to prevent wanton abuse and ill treatment of horses and other cattle—Be it Enacted, That any person who shall wantonly and cruelly beat, ill treat, abuse, or torture any horse, bullock, or other animal, which he may be riding or driving, shall be liable to a penalty of not more than Five Pounds, or to be imprisoned for a period not exceeding two calendar months; and it shall be lawful for any police constable or other person to take into custody any person so wantonly and cruelly beating, ill-treating, abusing, or torturing, any horse, bullock, or other animal, and to take such person before any Justice of the Peace, to be dealt with according to law.

Penalty for abusing animals.

13. All fines and penalties imposed by this Act shall be recoverable and enforced in a summary way before two or more Justices of the Peace for the said Province, and all pecuniary fines shall be paid, one-half to the person or persons procuring conviction by giving information, and the other half to Her Majesty, for the public use of the said Province.

Fine, to whom paid.

14. The

Interpretation clause. 14. The word horse, in this Act, shall mean and be taken to include the words mare, gelding, ass, or mule; and the word bullock, to include bull, and bull-stag.

Limits of Act. 15. So much of this Act as provides for the regulation and licensing of public conveyances shall be limited to the City of Adelaide, and to a distance of thirty miles from the external boundary thereof.

SCHEDULE.

Form of Licence.

No. _____ Police Office,
 A. B. is hereby licensed to keep, employ, and let to hire, a [describe the vehicle], to
 be drawn by _____ and to carry _____ passengers [and _____ lbs. weight of
 luggage]; such vehicle to be driven and conducted by [insert name and description
 of driver]; and this licence will remain in force until the _____ day of
 next.

A. B.,
 Commissioner of Police [or as the case may be].

Licence Fees.

	£	s.	d.
For every vehicle, on two wheels, drawn by not more than one horse	0	10	0
For every vehicle, on two wheels, drawn by two or more horses.....	0	15	0
For every vehicle, on four wheels, drawn by one horse	0	10	0
For every vehicle, on four wheels, drawn by two horses	0	15	0
For every vehicle, on four wheels, drawn by three or more horses ...	1	0	0