

No. XXVIII.

An Act for the licensing and regulation of
Carters plying for hire within the City of
Sydney. [30th November, 1854.]

CARTERS.

WHEREAS it is expedient to amend the laws relating to Carters Preamble.
and Drivers and the Proprietors and Owners of Vehicles within
the limits of the City of Sydney and to license and regulate such
persons as may ply for hire therein or within the distance of eight
miles from the corporate limits thereof and other persons driving
vehicles within the limits of the said City and the Sydney Hamlets
Be it enacted by His Excellency the Governor of New South Wales
with the advice and consent of the Legislative Council thereof
as follows:—

1. The following sections and parts of sections of the Act of
Council passed in the fourth year of the reign of His late Majesty King
William the Fourth and numbered seven intituled "*An Act for regu-* 4 Wm. IV. No. 7.
lating the Police in the Town and Port of Sydney and for removing
and preventing Nuisances and Obstructions therein" namely so much
of

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So much of section 40 as applies to drivers of wagons &c. and

Sections 54 55 56 and so much of 60 61 and 63 as applies to licensed carters and duties of Justices in reference thereto.

And so much of section 32 of 17 Vic. No. 25 as relates to driving wagons &c. repealed.

Definition of word "vehicle."

No vehicle to ply without license.

Form of requisition by proprietor.

No license to be granted to proprietor or driver unless of good character.

Form of license to proprietor.

License to continue in force to December 31st.

Fee for proprietor's license.

of the fortieth section of the said Act as applies to the driver of any wagon wain cart or dray of any kind who shall ride upon any such carriage in any street or public place as aforesaid not having some person on foot to guide the same (such light carts as are drawn by one horse and driven or guided by reins only excepted) the fifty-fourth fifty-fifth fifty-sixth and so much of the sixtieth sixty-first and sixty-third sections of the said recited Act as applies in any way to licensed carters or the duties of Justices either in or out of Sessions with reference thereto and so much of the thirty-second clause of the Act of Council made and passed in the seventeenth year of the reign of Her present Majesty Queen Victoria and numbered twenty-five intituled "*An Act to extend to the Sydney Hamlets certain of the provisions of the Sydney Police Act*" as relate to the driving of any wagon wain cart or dray of any kind shall be and the same are hereby repealed.

2. The word "vehicle" in this Act shall include every wain wagon cart or dray plying for hire drawn by one or more horses or other animals.

3. No vehicle shall ply for hire within the said City of Sydney or within the distance of eight miles from the corporate limits thereof until and unless the same be duly licensed by the Commissioners for the said City appointed under the Act of Council made and passed in the seventeenth year of the reign of Her present Majesty Queen Victoria and numbered thirty-three intituled "*An Act to dissolve the Corporation of the City of Sydney and for the appointment of Commissioners in lieu thereof for a limited period.*"

4. Before any license for keeping such vehicle shall be granted a requisition for the same shall be made at the offices of the Commissioners by the proprietor or one of the proprietors of the vehicle and signed by him in the form contained in the Schedule hereunto annexed marked A or to the like effect.

5. No license shall be granted in respect of any vehicle to any person either as proprietor or driver unless he shall be of good name fame and character nor in respect of any vehicle which in the opinion of the Commissioners shall be unsafe or in bad repair or otherwise unfit for the conveyance of goods or merchandise therein nor until and unless the number of such vehicle be painted thereon on a plate or plates affixed thereto on such place or places and in such manner as the Commissioners may direct.

6. Licenses for proprietors of such vehicles shall be in the form contained in the Schedule hereto annexed marked B or to the like effect.

7. Every license granted by the Commissioners shall be under their common seal and signed by one or more of such Commissioners and countersigned by the Secretary and shall be in force from the date of such license until the thirty-first day of December next ensuing and no such license shall include more than one vehicle Provided that where the licensed vehicle shall be under repair or for any other reason if the proprietor shall so desire he may be permitted to substitute another for a period to be thereby specified by indorsement on the license signed and countersigned as aforesaid.

8. For every such proprietor's license there shall be paid to the City Treasurer the sum of two pounds annually for the benefit of the City Fund if the license be granted on or after the first day of January and on or before the thirty-first day of March in any year and if after that date then in the following proportions namely if on or before the thirtieth day of June the sum of thirty shillings if after that day and on or before the thirtieth day of September the sum of twenty shillings and if after that day the sum of ten shillings.

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9. Before a license be granted to any person as driver of any vehicle a requisition for the same shall be made at the office of the Commissioners and signed by the applicant in the form contained in the Schedule hereunto annexed marked C or to the like effect.

Form of requisition for driver's license.

10. The licenses to drivers of vehicles shall be in the form contained in the Schedule annexed marked D or to the like effect and shall be numbered in such manner as may be approved of by the Commissioners and for every such license there shall be paid the sum of five shillings to the City Treasurer for the benefit of the City Fund.

Form of driver's license.

11. The license of every such driver at whatever period of the year the same may be granted shall remain in force only until the thirty-first day of December thereafter and shall contain the number of the vehicle for which such license is granted and when any such driver shall drive or be engaged to drive another vehicle he shall produce his license to the Secretary to the Commissioners and have the number of the new vehicle indorsed therein.

To remain in force to 31st December.

Regulations on change of master.

12. All licenses shall be made out by the Secretary to the Commissioners and numbered in such order as may be determined by the Commissioners.

Licenses how made out.

13. Any person desirous of renewing his license on the first day of January in any year either as proprietor or driver must make application in writing at the office of the Commissioners on or before the previous fifteenth day of December.

Applications for new license when to be made.

14. No proprietor shall be at liberty to part with or lend his or her license nor to part with his or her licensed vehicle to any person without the knowledge and approval of the Commissioners and the registry of the name of the purchaser in the books of the Secretary and on the license granted for such vehicle and any proprietor who shall part with his or her vehicle without such approval and registry shall still be deemed the proprietor of such vehicle and subject as such to all the provisions of this Act as fully as if no change of ownership had taken place and the purchaser of such vehicle who shall allow the same to be used or to ply for hire without such approval and registry shall be subject to the same penalty as is imposed by this Act on a person plying without a license.

Proprietor shall not part with licenses nor licensed vehicle without the approval of the Commissioners.

15. Whenever the proprietor of any licensed vehicle shall employ or permit any licensed person to act as driver thereof such proprietor shall require to be delivered to him and shall retain in his possession the license of such driver during such time as he shall act or be employed as such and in all cases of complaint affecting such licensed driver where the proprietor shall be summoned to attend before a Justice or be lawfully required to produce the driver he shall produce the license of such driver and if any driver complained of shall be adjudged guilty of the offence alleged against him it shall be lawful for the Justice to make an indorsement upon the license of such driver stating the nature of the offence and the amount of penalty inflicted.

Proprietors to produce driver's license when called on.

16. When any driver shall leave the service of the proprietor by whom he has been employed and shall not have been guilty of misconduct in such service punishable under this Act such proprietor shall forthwith return to such driver the license belonging to him.

When driver leaves service of proprietor license to be returned.

17. No driver of a licensed vehicle shall lend or part with his license nor shall the proprietor of any such vehicle employ any unlicensed person as the driver thereof.

Driver not to part with license. Proprietor not to employ unlicensed driver.

18. The Commissioners shall as often as they may deem it necessary cause an inspection to be made of all licensed vehicles and of the harness and if any such vehicle or harness shall at any time be found unfit for public use the Commissioners may cause notice in writing in the form or to the effect contained in the Schedule annexed

Vehicles to be inspected and if unfit for use may be suspended.

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marked E to be given to the proprietor of such vehicle and if after such notice he or she shall use or let to hire such vehicle or suffer the same to be used or let until the same or the harness as the case may require shall be in a fit condition for public use the Commissioners may suspend for such time as they may deem proper the license of such vehicle.

How number to be painted on vehicle.

19. The number of the license granted for every such vehicle in figures not less than two inches in height and of proportionate breadth white upon a ground of black shall be painted on such part or parts of the said vehicle or on a plate or plates affixed thereon as the Commissioners may direct and such number shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

Tables of fares which may be varied from time to time.

20. No proprietor or driver of any licensed vehicle shall demand receive or take more than the several fares or amounts for hiring to be fixed and determined by the said Commissioners by any by-laws to be made under and in pursuance of the provisions of this Act Provided that the sums so set forth may be varied from time to time by a resolution of the Commissioners as occasion may seem to them to require and notice of such alteration shall be published in the *Government Gazette* the production of which shall be deemed *prima facie* evidence thereof.

Fare for sending for but not employing vehicle.

21. Any person calling or sending for any licensed vehicle and not further employing the same shall pay the sum of two shillings or the fare or hire from the stand or from the place where the vehicle was engaged at the driver's option and if the person calling the vehicle shall detain the same he shall further pay for any time that the vehicle may be detained not exceeding a quarter of an hour the sum of one shilling and for any time not exceeding a second quarter of an hour the sum of sixpence and for any further time in the same proportion.

Distance how computed.

22. The distance shall be computed from the stand or place where the vehicle was hired.

No owner or driver shall refuse to take a fare.

23. No proprietor or driver of any licensed vehicle having agreed to take any fare or hiring at any time or from any place shall delay neglect or refuse to do so.

Penalty for refusing to pay legal fare.

24. Any person having hired a vehicle and not paying the legal fare when demanded shall on conviction before any Justice or Commissioner forfeit and pay to the owner or driver of such vehicle double the amount of the said fare or hiring together with such damages costs and expenses for loss of time or otherwise as the said Justice or Commissioner shall in his discretion think proper.

Public stands.

25. The Commissioners shall have power to appoint stands for the vehicles referred to in this Act and from time to time as they shall see fit by resolution to alter the situations and number of the said stands and the publication of the same in the *New South Wales Government Gazette* shall be sufficient evidence thereof.

At every fourth vehicle space of eight feet to be left.

26. At every fourth vehicle on any stand there shall be left a space of at least eight feet for passengers to pass through.

Vehicles to take their stations in the order of arrival.

27. Licensed vehicles shall take their stations on the stand in the order of their arrival and when any vehicle shall be called or driven off any stand the vehicle immediately behind shall draw up to the place vacated and any other vehicle behind in the like order.

Any vehicle standing for hire shall be deemed to be disengaged.

28. Every proprietor or driver of a licensed vehicle standing or plying for hire at any public stand appointed by the Commissioners shall be deemed disengaged and be bound accordingly to take immediately any fare or hiring notwithstanding any pre-engagement.

Vehicle not to stand across any street or alongside another vehicle or to obstruct

29. No driver of any licensed vehicle shall suffer the same to stand for hire across any street or alongside of any other vehicle nor refuse to give way if he conveniently can to any other vehicle nor obstruct

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obstruct the driver of any other vehicle in loading or unloading any goods or merchandise nor wilfully wrongfully or forcibly prevent or endeavour to prevent the driver of any vehicle from taking a fare or hiring.

another driver from taking a fare.

30. No driver shall at any time whilst driving loading unloading or attending any vehicle wilfully or negligently do or cause or suffer to be done any damage to the person or property of any one or be guilty of any breach of the peace misconduct or misbehaviour whereby a breach of the peace may be occasioned in any respect in such employment.

No injury to be done by driver to persons or property.

31. Every person having the care or conduct of any vehicle shall keep the same on the left or near side of the road except in case of actual necessity or other sufficient reason for deviation and shall permit any person or other vehicle to pass his vehicle having a right so to do.

Driver must keep on near side of road.

32. No driver shall permit his vehicle with or without horses to stand in any part of the City longer than may be necessary for loading or unloading except while standing for hire in some lawful place for that purpose or waiting for the return of the hirer.

Vehicle not to stand longer than necessary.

33. Every driver whilst engaged in loading or unloading his vehicle shall place the same as near as conveniently may be to that side of the street at which the loading or unloading is required.

Vehicle to be placed at side where fare is loaded or unloaded.

34. No driver shall while having the care of any vehicle use any obscene or blasphemous language or any threatening abusive or insulting words or become drunk whilst in charge thereof.

No obscene or blasphemous language to be used by driver.

35. The proprietor of every licensed vehicle shall at all times when plying or employed for hire have the same in good order with the harness perfect and in good condition and the whole ready and sufficient for duty with the driver and horses or horse competent to perform any drive or distance in due time that may be reasonably required.

Vehicle and harness to be kept in good order.

36. No licensed owner or driver or any other person having the care and charge of any vehicle as hereinbefore described whether licensed or otherwise and drawn by one horse or other animal only shall ride on such vehicle unless he shall be provided with reins to guide such one horse or other animal and provided that the animal drawing the same shall not be allowed to proceed out of a walking pace and no licensed owner or driver or any other person having the care and charge of any vehicle whether licensed or otherwise and drawn by two or more horses shall ride on such vehicle within the limits of the City of Sydney and the Sydney Hamlets.

No person to ride on vehicle without reins.

37. Any person committing any offence against the provisions of the previous section may be apprehended by any constable or police officer and conveyed before a Justice of the Peace to be dealt with according to law.

Persons offending against provisions of previous section may be apprehended.

38. The driver of every vehicle shall be constantly attendant on the same when plying for hire on any public stand or engaged for hire.

Driver to be in constant attendance on vehicle.

39. The driver of every licensed vehicle shall place a muzzle upon the head of any vicious horse whilst on the stand waiting for hire.

Muzzle to be placed on vicious animals.

40. Every driver who shall feed his horses whilst on the stand waiting for hire shall use nose-bags to contain the forage and shall not remove his horse's blinkers during the time of feeding.

Nose-bags to be used and blinkers not removed when horses feeding.

41. In every case of goods or merchandise being left in any licensed vehicle or with the driver thereof by the person who hired the same such property shall be delivered up to such person or shall within eighteen hours be taken in the state in which it was found to the Commissioners' Office and there deposited.

Property left in vehicle to be handed to owner or taken to Commissioners' Office within eighteen hours.

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If not claimed within fourteen days how to be disposed of.

42. Any property left in or upon any licensed vehicle at any time and not claimed within fourteen days next afterwards shall be advertised in one or more of the public journals of the City and if not claimed within twelve calendar months after such advertisement such property or goods shall be disposed of by public auction and the proceeds after paying all expenses and such reward to the driver as the Commissioners shall determine shall be given to such public institution for charitable purposes within the City as they may direct And if the property shall be claimed by the owner within the said period of twelve months the Commissioner shall cause the same to be delivered to him on his paying any expenses incurred and making such satisfaction to the driver bringing the same as they may think reasonable.

Inspectors of vehicles may be appointed.

43. Such person or persons as may from time to time be in that behalf appointed by the Commissioners shall be the Inspector or Inspectors during the pleasure of the Commissioners of all vehicles licensed under this Act plying for hire within the City or the distance of eight miles from the corporate limits thereof and such Inspector or Inspectors shall from time to time examine all such vehicles and shall at all times see that as far as possible this Act and all and every the by-laws to be made in pursuance hereof are duly observed.

No one shall obstruct him in the execution of his duties.

44. No owner or driver of any such vehicle or any other person shall obstruct any such Inspector in the execution of his said duties.

Penalties for offending against this Act or any by-law made in pursuance hereof.

45. For every offence against any of the provisions of this Act or any by-laws which may be made in pursuance of the provisions thereof the offender shall be liable to and shall pay a penalty not exceeding ten pounds nor less than ten shillings to be recovered in a summary way before any Justice or Commissioner as by law or this Act is or shall be provided.

Powers given by 11 Vic. No. 21 to Sydney City Council as to hackney carriages hereby given to Sydney Commissioners.

46. It is hereby declared and enacted that all and every the powers and privileges given to and conferred on the Council of the City of Sydney by the Act of the Governor and Legislative Council made and passed in the eleventh year of the reign of Her present Majesty Queen Victoria and numbered twenty-one for the licensing and regulating hackney carriages within the City of Sydney and its vicinity and the conduct of the owners and drivers thereof are hereby given to and conferred on the Commissioners for the City of Sydney and all by-laws now or hereafter to be made in pursuance of the said Act shall be valid and effectual to all intents and purposes whatsoever.

Commissioners may make rules &c. for regulating persons vehicles and horses licensed under this Act

47. It shall and may be lawful for the said Commissioners from time to time and at all times to make such general rules orders and by-laws for the better ordering and regulating of all and singular the persons vehicles and horses required to be licensed under this Act as in the judgment of the said Commissioners may be required for public propriety safety accommodation or convenience and from time to time to alter vary amend or repeal all or any of such rules orders and by-laws provided that such rules orders and by-laws when so made or altered shall not be repugnant to the provisions of this Act And it shall and may be lawful for the said Commissioners to fix and ordain therein such reasonable penalties and forfeitures as to them may seem fit for all offences against any breaches of such rules orders and by-laws such penalties and forfeitures not to exceed ten pounds for every one offence and to subject offenders against same to imprisonment in the common gaol or house of correction for the breach of any such rule order or by-law there to be kept for any time not exceeding thirty days And it shall and may be lawful for the said Commissioners in their discretion to make void or suspend the license or licenses of

and may enforce the same by penalties.

every

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every offender who shall be convicted of any two offences against this Act or the said by-laws unless the party before whom such conviction shall be had against such offender shall at the time of such conviction state in writing on his license that such punishment as he has adjudged against such offender shall be "without prejudice to his license" Provided always that such new rules orders and by-laws and every alteration amendment or repeal of the same shall be approved of by the Governor of the said Colony and that after such rules orders and by-laws or any alterations amendment or repeal of the same shall have been so made and approved of the same shall be published in the *New South Wales Government Gazette* and all such rules orders and by-laws and every alteration amendment and repeal of the same when approved of as aforesaid shall be good and valid as fully and effectually to all intents and purposes whatsoever as if the same were particularly mentioned expressed and enacted in this present Act.

48. The Commissioners for the said City or any one of them shall be and are hereby authorized and empowered to hear and determine in a summary way at such place or office as they may at the time use or occupy all offences or supposed offences against this Act or the last recited Act made and passed in the fourteenth year of the reign of Her present Majesty Queen Victoria and numbered twenty-one or the by-laws now made or hereafter to be made in pursuance of the provisions of the said Acts and to make such order or adjudication as to them shall seem meet and such order or adjudication shall have the same force and effect and be as final and conclusive as though the same had been made by any Justice or Justices of the said Colony and shall be enforced in like manner and in pursuance of the provisions of the law in force for regulating proceedings before Justices of the Peace in a summary way and any person convicted of any offence against the said Acts or any by-law now or hereafter to be made in pursuance hereof shall have the same right to apply for a writ of prohibition as though the complaint had been heard and determined by any Justice or Justices and all such proceedings before the said Commissioners shall be held in a place open to the public at the time.

Commissioners to hear and decide complaints.

49. In citing this Act or the last recited Act in any Act of Council or in any instrument document or proceeding it shall be sufficient to use the expressions "The Carters and Drivers Act of 1854" "The Hackney Carriage Act of 1847" and in any process for enforcing the remedies or penalties given or imposed by this Act or the Hackney Carriage Act of 1847 or any by-law now made or hereafter to be made in pursuance of the provisions thereof it shall be sufficient without specifying more particularly the cause of complaint or offence to refer by number according to the copies of the Act printed by the Government Printer to the section or sections under which the proceeding is taken or to the by-law and the number of the sections thereof as published in the *New South Wales Government Gazette*.

How this Act and 11 Vic. No. 21 may be cited.

SCHEDULE A.

A Requisition for License to keep a Vehicle.

To the Commissioners for the City of Sydney.

I, _____ residing in _____ street in the City of Sydney do hereby request that a License may be granted to me to keep use employ and let a Vehicle No. _____ to ply for hire within the said City and within the distance of eight miles from the corporate limits thereof.

Dated

A.D. 185 .

DESCRIPTION OF VEHICLE.

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SCHEDULE B.

Proprietor's License.

No.

THIS is to certify that _____ is hereby licensed to ply for hire a certain Vehicle No. _____ within the City of Sydney and within the distance of eight miles from the corporate limits thereof from the date hereof to the thirty-first day of December next subject nevertheless to all and every the By-laws Rules and Regulations relating thereto.

Given under the Common Seal of the Commissioners for the City of Sydney at their Office this _____ day of _____ in the year of our Lord one thousand eight hundred and fifty-

Passed by the Commissioners for the City of Sydney on the _____ day of _____ A.D. 185 .

Chief Commissioner.

or

} Commissioners.

Secretary to the Commissioners.

SCHEDULE C.

A Requisition for License to act as Driver of a Vehicle.

To the Commissioners of the City of Sydney.

I _____ residing in _____ street in the City of Sydney do hereby request that a License may be granted to me to act as Driver of a Vehicle No. _____ for which a License has been granted to ply for hire within the said City and within the distance of eight miles from the corporate limits thereof.

Dated _____ 185 .

SCHEDULE D.

Driver's License.

No.

THIS is to certify that _____ is hereby licensed to act as Driver of a certain Vehicle No. _____ licensed to ply for hire within the City of Sydney and within the distance of eight miles from the corporate limits thereof from the date hereof to the thirty-first day of December next subject nevertheless to all and every the By-laws Rules and Regulations now in force relating thereto.

Passed by the Commissioners for the City of Sydney at their office on the _____ day of _____ A.D. 185 .

Chief Commissioner.

or

} Commissioners.

Secretary to the Commissioners.

Assisted Immigration.

SCHEDULE E.

WE

do hereby certify that we have caused the Vehicle No. _____ now used and let to hire
and known by the following marks or description (*here state marks or description if any*)
to be inspected and find the said Vehicle not to be in a fit and proper condition for public
use and we do hereby suspend the License granted to _____ from
to keep and use the said Vehicle for the period of _____
this date.

Commissioners.