



ANNO DECIMO-NONO

VICTORIÆ REGINÆ,

No. 13.



*By His Excellency SIR HENRY EDWARD FOX YOUNG, Knight,
Captain-General and Governor-in-Chief of the Island of Van
Diemen's Land and its Dependencies, with the Advice and
Consent of the Legislative Council.*

AN ACT for the Regulation of Cabs plying for Hire in Hobart Town and Launceston. [29th August, 1855.]

WHEREAS the Law now in force for the Regulation of Vehicles conveying Passengers for Hire within the Towns in this Colony will expire at the end of the present Session of the Legislative Council, and it is expedient to make permanent provision in that behalf: Be it therefore enacted by His Excellency the Governor of Van Diemen's Land, by and with the advice and consent of the Legislative Council, as follows:—

PREAMBLE.
12 Vict., No. 6.
continued by 14
Vict., No. 13.

1 The provisions of this Act shall apply to the City of *Hobart Town* and the Town of *Launceston*, and within the distance of five miles from the principal Post Office for the time being of the said City and Town respectively.

Limits of the Act.

2 In the construction and for the purposes of this Act, and of all proceedings under and by virtue thereof, the words and expressions hereinafter mentioned shall be interpreted as follows:—

Interpretation.

The expression "Limits of this Act" shall mean and include the City of *Hobart Town* and the Town of *Launceston* respectively, and the area within the distance of five miles from the principal

"Limits of this Act."

Post Office for the time being of the said City and Town respectively.

“ Cab.” The word “ Cab” shall include every carriage (except a stage-coach or a carriage drawn or impelled otherwise than by animal power) with two or more wheels which shall be used for the purpose of standing or plying for passengers for hire within the limits of this Act, whatever may be the form or construction of such carriage, or the number of persons which the same shall be calculated to convey, or the number of animals by which the same shall be drawn.

“ Proprietor.” The word “ Proprietor” shall include every person who shall, solely or in partnership with any other person, be concerned otherwise than merely as a driver in keeping, using, or employing any Cab.

“ Mayor,”
“ Mayor and
Aldermen,”
“ Town Clerk,”
“ Municipal
Fund,” “ City
Inspector.”

In respect of the City of *Hobart Town*, and within the distance of five miles from the principal Post Office thereof for the time being, the words “ Mayor,” “ Mayor and Aldermen,” “ Town Clerk,” “ Municipal Fund,” and “ City Inspector,” shall respectively mean the Mayor, Mayor and Aldermen, Town Clerk, Municipal Fund, and Inspector for the time being of the said City; and in respect of the Town of *Launceston*, and within the distance of five miles from the principal Post Office thereof for the time being, the said words “ Mayor,” “ Mayor and Aldermen,” “ Town Clerk,” “ Municipal Fund,” and “ City Inspector,” shall respectively mean the Mayor, Mayor and Aldermen, Town Clerk, Municipal Fund, and Inspector for the time being of the said Town.

Cabs to be licensed.

If any person shall keep, use, employ, let to hire, or drive a Cab within the limits of this Act, unless a Licence shall have been obtained for such Cab as hereinafter mentioned and shall be then in force, every such person shall for any such offence forfeit and pay a penalty not exceeding Twenty 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.

Licences to be granted by the Mayor. Duration thereof.

4 It shall be lawful for the Mayor, upon payment of the fee payable for the same, to grant any such Cab Licence; and every such Cab Licence shall be in the form and contain the several particulars mentioned in Schedule A., and shall be signed by the Mayor, and shall not include more than one Cab, 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 the Town 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 any offence committed by the Proprietor of such Cab; and any person may at any reasonable time inspect such book without fee or reward.

To be entered in a book.

Fee for Cab Licence to be fixed by Mayor and Aldermen.

5 The Mayor and Aldermen shall from time to time, as occasion may require, fix the amount, not exceeding Ten Pounds, which shall be paid as the fee for granting any such Cab Licence, and such fee so for the time being fixed shall be payable and paid for every such Licence to the Town Clerk: Provided that, in case any such Licence shall be granted at any other time than within one month after the first day of *January*, a reduction shall be made in the fee for the same proportionate to the period of the year which shall have then elapsed.

Mode of obtaining Cab Licence.

6 Before any such Cab Licence shall be granted a requisition for

the same, in such form as the Mayor shall from time to time provide for that purpose, shall be made and signed by the Proprietor of the Cab in respect of which such Licence shall be applied for, in which requisition shall be truly stated the proper name and surname and place of abode of every Proprietor of such Cab; and if any person applying for any such Cab Licence shall state in any such requisition the name of any person who is not the Proprietor of such Cab, or shall wilfully omit to specify truly in any such requisition the name or abode of every person who is a Proprietor of such Cab, every such person shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

7 As often as any change shall take place in the proprietorship of any licensed Cab, the new Proprietor shall, within seven days next after such change has taken place, give notice thereof in writing signed by him to the Mayor specifying therein his proper name and surname and place of abode, and produce the Licence of such Cab to the Mayor, who shall thereupon endorse upon such Licence the particulars of such change, and shall sign such endorsement, inserting the date upon which the same is made, and such endorsement shall from the date thereof be considered as part of such Licence so far as it affects the proprietorship of the Cab therein mentioned; and any person who shall appear by any such Licence or endorsement, if any, to be the Proprietor of the Cab mentioned in such Licence shall be deemed and taken to be the Proprietor for the purposes of this Act; and if the new Proprietor of any licensed Cab shall refuse or neglect so to give notice of such change, or so to produce the Licence of such Cab, or shall wilfully omit to specify truly in any such notice his proper name or place of abode, every such person shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Provides for alteration in the proprietorship of a Cab.

Person named in or on Licence as Proprietor to be deemed Proprietor.

8 As often as the Proprietor of any licensed Cab shall change his place of abode he shall, within seven days next after such change, give notice thereof in writing signed by him to the Mayor, specifying in such notice his new place of abode, and shall produce the Licence of such Cab to the Mayor, who shall thereupon endorse thereon and sign a memorandum specifying the particulars of such change; and if any Proprietor of any licensed Cab shall change his place of abode, and shall refuse or neglect so to give notice of any such change, or so to produce the Licence of such Cab, or shall wilfully omit to specify truly in any such notice his new place of abode, every such person shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Proprietor to give notice of change of abode.

Penalty for default.

9 The Mayor, before granting any such Cab Licence, shall cause an inspection to be made of the Cab; and such Licence shall not be granted unless such Cab shall upon such inspection be found to be in a fit and proper condition for public use.

Cab to be inspected before Licence granted.

10 If any person shall act as Driver of any licensed Cab, unless such person shall have obtained a Licence so to do as hereinafter mentioned, and such Licence shall be then in force, every such person shall for any 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.

Drivers to be licensed.

11 It shall be lawful for the Mayor, upon payment to the Town Drivers' Licences

to be granted by the Mayor; duration thereof, and fee for same.

To be entered in a book.

Mode of obtaining Driver's Licence.

Clerk of the fee of Ten 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 Schedule B., and shall be signed by the Mayor, 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 the Town 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.

12 Before any such Driver's Licence shall be granted a requisition for the same, in such form as the Mayor shall from time to time provide for that purpose, endorsed by the Proprietor of the Cab 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 Mayor, 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 the Mayor, 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 any such offence, to revoke any Driver's Licence which shall have been granted under any such false representation.

Driver to give notice of change of abode.

13 As often as any licensed Driver shall change his place of abode, he shall within two days next after such change give notice thereof in writing signed by him to the Mayor, specifying in such notice his new place of abode, and shall produce his Licence to the Mayor, who shall thereupon endorse thereon and sign a memorandum specifying the particulars of such change; and if any licensed Driver shall change his place of abode, and shall refuse or neglect so to give notice of such change, or so to produce his Licence, or shall wilfully omit to specify truly in any such notice his new place of abode, every such licensed Driver shall for any such offence forfeit and pay a penalty not exceeding Twenty Shillings.

Mode in which Driver of licensed Cab may be changed.

14 In case any licensed Driver shall be desirous to drive any other Cab than that mentioned in his Licence, he shall give notice thereof in writing, endorsed by the Proprietor of such other Cab, to the Mayor, specifying therein the number of such other Cab, and produce his Licence to the Mayor, who shall endorse thereon the number of the Cab which is thereafter to be driven by such Driver; and if the Proprietor of any licensed Cab shall suffer or permit any person to drive such Cab who is not licensed to drive as herein-before directed, or if any licensed Driver shall drive any other licensed Cab than he shall be authorised to do by his Licence or the endorsement thereon, if any, every such person shall for any such offence forfeit and pay a penalty not exceeding Five Pounds: Provided always that nothing herein contained shall prevent any licensed Driver from driving any licensed Cab belonging to the same Proprietor.

15 It shall be lawful for any Justice of the Peace before whom the Proprietor of any licensed Cab 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 for such Cab; and it shall also be lawful for any two Justices of the Peace, upon proof that the Proprietor of any licensed Cab has been convicted of felony, or upon the conviction before them of any such Proprietor for a second offence against this Act, if such Justices in their discretion shall think proper, to revoke the Licence granted for such Cab.

Cab Licences may be suspended or forfeited.

16 It shall be lawful for any Justice of the Peace before whom the Driver of any licensed Cab 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 licensed Cab has been convicted of felony, or upon the conviction before them of any such Driver for a second offence against this Act, if such Justices in their discretion shall think proper, to revoke the Licence granted to such Driver.

Drivers' Licences may be suspended or forfeited.

17 If the Proprietor of any licensed Cab or any licensed Driver shall, when required so to do by any Justice of the Peace, or by the Town Clerk or the City Inspector, refuse or neglect to produce the Licence of such Cab, or his Licence as such Driver, as the case may be, for the purpose of such Licence being examined by such Justice, Town Clerk or City Inspector, every such person shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Licences to be produced when required by a Justice, the Town Clerk, or City Inspector.

18 In case of any complaint or dispute between the Proprietor of any licensed Cab and the Driver thereof in respect of the amount of earnings, or such sums of money as such Driver shall have engaged to pay day by day to such Proprietor, or in respect of injury, damage, or loss which shall have arisen through the neglect or default of such Driver to the property of such Proprietor entrusted to his care, or of penalties, forfeitures, or expenses which shall have been incurred by such Proprietor through the misconduct of such Driver, or respecting wages or reward alleged to be due to such Driver and to be improperly withheld by such Proprietor, or in respect of any sum of money deposited by such Driver in the hands of such Proprietor, or in any other case of dispute or complaint between the Proprietor of any such Cab and the Driver thereof, upon complaint made in a summary way to any Justice of the Peace by such Proprietor against such Driver, or by such Driver against such Proprietor, the said Justice shall inquire into and determine the same, and order such compensation to be made to either party as to such Justice shall seem proper.

How disputes between Proprietors and Drivers to be determined.

19 It shall be lawful for the Mayor to cause an inspection to be made as often as he shall deem necessary of all licensed Cabs within the limits of this Act, and of the horses used in drawing the same; and if any such licensed Cab, or any horse used in drawing the same, shall at any time be in a condition unfit for public use, the Mayor shall give notice in writing accordingly to the Proprietor of such licensed Cab, which notice shall be personally served on such Proprietor, or delivered at his place of residence mentioned in or upon the Licence of such Cab; and if, after notice as aforesaid, any Proprietor shall use, employ, let to hire, or drive such licensed Cab, or use or employ such horse whilst in a condition unfit for public use, it shall

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

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 Cab for any period not exceeding Two Months, or for any Two Justices of the Peace to revoke the Licence granted for such Cab.

Penalty for using Cabs or horses unfit for use.

20 Every Proprietor or licensed Driver who shall use, employ, let to hire, or drive any licensed Cab, or use or employ any such horse, after notice given to him as aforesaid by the Mayor that such Cab 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 each day that he shall so use, employ, let to hire, or drive such Cab, or use or employ such horse; and in default of payment may be imprisoned for any time not exceeding One Month.

Notice of suspension or revocation to be given.

21 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 the Proprietor of such Cab or as such Driver, as the case may be, or to be left for him at the place mentioned in or upon such Licence as the place of his abode; and in case such Proprietor or Driver shall have quitted such place, or the same shall be a false or fictitious place of abode, then the said Justice or Justices shall cause such notice to be posted up in some public place at the Office of the Town Clerk, which shall be deemed a good and sufficient notice of such suspension or revocation to all intents and purposes.

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

22 Every Cab and Driver shall, during any such suspension or after any such revocation as hereinbefore provided of the Licence granted for such Cab or to such Driver under this Act, be deemed and taken to be an unlicensed Cab, or to be a person not licensed to drive a Cab under this Act, as the case may be.

Stands to be appointed by the Mayor and Aldermen.

23 It shall be lawful for the Mayor and Aldermen from time to time, by notice under the hand of the Mayor to be published in the *Hobart Town Gazette*, and in one Newspaper at least published within the limits of this Act, to appoint proper stands or places where licensed Cabs may stand and ply for hire, and by such notice to regulate the number of such Cabs which shall be permitted to stand at any one time upon such stands or places respectively, and the manner in which such Cabs shall stand thereupon; and if the Driver of any licensed Cab shall, after the publication of such notice, ply for hire elsewhere than upon some stand or place appointed for such purpose by the notice then in force, or upon any such stand or place after the number of Cabs authorised by such notice shall already be upon such stand or place, or shall stand upon any such stand or place in manner otherwise than directed by such notice, every such Driver shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Cabs standing or loitering in street to be deemed plying for hire.

24 Every licensed Cab which shall be found standing or loitering in any public road, street, or place within the limits of this Act shall, unless actually hired, be deemed to be plying for hire, although such Cab shall not be on any stand or place usually appropriated for the purpose of licensed Cabs standing or plying for hire thereon.

Fares to be fixed by the Mayor and Aldermen, and

25 It shall be lawful for the Mayor and Aldermen and they are hereby required in the month of *November* in every year to fix by a Table, to be by them for that purpose made, the respective Fares to be

charged to passengers by licensed Cabs within the limits of this Act, and the said Fares to vary and alter from time to time, and to fix other Fares in lieu thereof; and such Fares as often as they shall be so fixed as aforesaid shall be published in the *Hobart Town Gazette* and in some newspaper published within the limits of this Act, and shall be deemed to be the Fares which from and after such publication may be lawfully taken and demanded by the Proprietor or Driver of any licensed Cab; and if any such Proprietor or Driver shall ask or demand any higher fare than shall for the time being be so fixed and published as aforesaid, he shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings: Provided always, that the Proprietor or Driver of any such Cab shall be authorised to demand and receive one half more than the Fares so for the time being fixed and published as aforesaid for any period during which such Cab shall be employed between the hours of ten o'clock at night and six o'clock in the morning.

published in the
Gazette.

26 No agreement whatever made with the Proprietor or Driver of any licensed Cab for the payment of more than the fare which such Proprietor or Driver shall for the time being be authorised to demand and take by virtue of this Act shall be binding on the person making the same, but any such person notwithstanding any such agreement may refuse on discharging such Cab to pay any sum beyond the proper fare for the time being; and in case any person shall actually pay to the Proprietor or Driver of any licensed Cab, whether in pursuance of any such agreement or not, any sum, exceeding his said proper fare, which shall have been demanded or required by such Proprietor or Driver, the person paying the same shall be entitled, on complaint made against such Proprietor or Driver in a summary way before any Justice of the Peace, to recover back the sum paid beyond the proper fare; and moreover such Proprietor or Driver shall forfeit and pay as a penalty for such exaction any sum not exceeding Forty Shillings, and in default of immediate repayment by such Proprietor or Driver of such excess of fare, or of immediate payment of the said penalty, such Justice shall forthwith commit such Proprietor or Driver to prison there to remain for any time not exceeding One Month unless the said excess of fare and the said penalty shall be sooner paid.

Agreement to pay
more than legal
fare not binding.

Any excess paid
may be recovered.

27 It shall be lawful for the Driver of any licensed Cab 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 Cab.

Passengers to pay
tolls and ferryage.

28 It shall not be lawful for the Driver of any licensed Cab to demand any payment for or on account of such Cab returning empty to the place from whence such Driver may have been hired, but should any person hiring any licensed Cab require to return in the same, one half only of the fare by this Act payable by such person for going in such Cab shall be demanded for returning in the same to the place from whence the same was so hired.

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

29 The payment of fare shall in no case be made partly by time and partly by distance, but the hirer of any licensed Cab may elect to pay such fare either by time or by distance; and the Driver of any such Cab shall not be compellable to wait at any place to which he may have conveyed any person having hired the same beyond the period of

Fare to be charged
either by time or
distance, at option
of hirer. If per-
son return in same
Cab five minutes

allowed to wait for every mile such person was conveyed.

five minutes unless such person shall intend to return in such Cab; and if any person shall be desirous of returning in the same licensed Cab 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 such 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 licensed Driver neglecting or refusing to remain with his Cab so as to enable such person so to return as last aforesaid shall forfeit and pay a penalty not exceeding Five Pounds.

Drivers not compelled to go beyond the limits of this Act; if they do, and no agreement made, fares to be in proportion.

30 No Driver of any licensed Cab shall be compelled to go beyond the limits of this Act; but in the event of any such Driver going beyond such limits, and 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 Table of Fares for the time being fixed and published as aforesaid.

Disputes as to distance to be determined by Justices, and expense thereof paid as costs.

31 If any question shall arise touching the distance for which the Driver of any licensed Cab shall 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 expense 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.

Provides for persons hiring Cabs refusing to pay fare.

32 If any person shall refuse or omit to pay the Proprietor or Driver of any licensed Cab the sum justly due to him for the hire of such Cab, or any such toll or ferryage so paid by such Driver as aforesaid, or if any person shall deface or in any manner injure any such Cab, it shall be lawful for any Justice of the Peace, upon complaint thereof made to him, to grant a Summons, or if it shall appear to him necessary a Warrant, for bringing before him or any other Justice such defaulter or offender, and, upon proof of the facts made upon oath before any such Justice, to award reasonable satisfaction to the person so complaining for his fare, toll, or ferryage, or for his damages and costs, and also a reasonable compensation for his loss of time and for the time of his witnesses, if any, in attending such Justice touching or concerning such complaint; and in default of immediate payment of such satisfaction, costs, and compensation, it shall be lawful for such Justice to commit such defaulter or offender to prison there to remain for any time not exceeding One Month, unless the amount of such satisfaction, costs, and compensation shall be sooner paid: Provided always, that if any such complaint shall be withdrawn or dismissed, or if the Defendant shall be acquitted of the offence charged against him, it shall be lawful for such Justice, if he shall think fit, to order and award that the person making such complaint shall pay to the Defendant such costs of making or preparing for his defence, and also such compensation for his loss of time and for the time of his witnesses, if any, in attending such Justice touching or concerning such complaint, as to such Justice shall seem reasonable; and in default of immediate payment of the sum so awarded it shall be lawful for such Justice, at his discretion, to commit the person so making such complaint to prison, there to remain for any time not exceeding One Month unless the same shall be sooner paid, or to cause the same to be

levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, then it shall be lawful for such Justice to commit such person to prison, there to remain for any time not exceeding One Month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

33 The Driver of every licensed Cab shall have, and shall on demand produce, a card or paper on which shall be legibly written or printed the Fares for the time being 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 for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Driver to carry and produce when required Table of Fares.

34 The Driver of every licensed Cab wherein any property whatever shall be left by any person shall, within four days next after the same shall have been so left, carry such property, if not sooner claimed by the owner thereof, in the state in which he shall find the same to the Office of the Town Clerk, and shall there deposit and leave the same with the Town Clerk, upon pain that every such Driver making any default herein shall forfeit and pay for any such offence a penalty not exceeding Twenty Pounds; and the Town Clerk shall forthwith enter in a book to be kept at the said Office for that purpose the description of such property, and the name and address of the Driver who shall bring the same, and the day on which it shall be brought; and the property so entered shall be returned to the person who shall prove to the satisfaction of the Mayor that the same belongs to him, such person previously paying all expenses incurred, together with such reasonable sum to the Driver who brought and deposited the same, as with reference to the value of the property in question the Mayor shall award: Provided always, that if such property shall not be claimed by and proved to belong to some person within one year after the same shall have been deposited (the same having been advertised in such manner as the Mayor may direct), such property shall be delivered up to the Driver who brought and deposited the same, provided he shall apply for the same within one month next after the expiration of the said one year; and in default of such application by the said Driver within the time limited as aforesaid, the Mayor shall cause such property to be sold or otherwise disposed of, and the proceeds thereof shall be applied in aid of the Municipal fund.

Property left in Cabs to be deposited with Town Clerk.

If not claimed within a year, to be returned to Driver if applied for.

If not applied for, to be sold.

35 If the Driver of any licensed Cab shall be intoxicated whilst acting as Driver, or shall by wanton and furious driving injure or endanger any person in his life, limbs, or property, or shall refuse or neglect to drive such Cab 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 for the purpose of taking up or setting down a passenger, or except in case of accident or other unavoidable necessity, stop such Cab opposite to the end of any street or upon any place where foot-passengers usually cross the carriage-way, or shall whilst acting as such Driver behave in a riotous or unseemly manner, or shall make use of any obscene, threatening, indecent, insulting, or abusive language, or shall in any other manner misconduct himself, he shall for any such offence forfeit and pay a penalty not exceeding Five Pounds, and in default of

Provides for certain offences committed by Drivers.

payment thereof may be imprisoned with or without hard labour for any time not exceeding Two Months.

Penalty for carrying more than authorised number of passengers.

36 If the Proprietor or licensed Driver of any licensed Cab shall carry or convey in or by such Cab a greater number of persons than shall be authorised to be carried and conveyed in and by such Cab by the Licence granted for the same, every such Proprietor or Driver shall forfeit and pay a penalty not exceeding Five Pounds for every person he shall so carry or convey over and above such authorised number.

Penalty for permitting persons to ride in Cabs without consent of hirer.

37 If the Proprietor or Driver of any licensed Cab which shall be hired shall permit or suffer any person to ride or be carried in, upon, or about such Cab without the express consent of the person hiring the same, such Proprietor or Driver shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Penalty for opposing person taking number of Cab.

38 If the Proprietor or Driver of any licensed Cab shall molest or oppose, or by any means endeavour to prevent, any person in or from taking or noting the number of such Cab, or shall by word of mouth give or declare to any person a wrong number as or for the number of such Cab, every such Proprietor or Driver shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Penalty for driver refusing to give way, &c.

39 If the Proprietor or Driver of any licensed Cab shall within the limits of this Act stand or ply for hire with such Cab, or suffer the same to stand or ply for hire, across any street or alongside of any other licensed Cab or two in a breadth, or shall refuse to give way if he conveniently can to any other licensed Cab or other carriage, or shall obstruct or hinder the Driver of any other licensed Cab in taking up or setting down any person into or from such other Cab, or shall wrongfully in a forcible manner prevent or endeavour to prevent the Driver of any other licensed Cab from being hired, every such person so offending shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

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

40 If the Driver of any licensed Cab 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 such Cab (unless such Cab 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, without lawful excuse, delay, neglect, or refuse so to do, every Driver so offending shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Cabs to have lamps after sunset except on moonlight nights.

41 Every licensed Cab 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 Cab shall so ply as aforesaid; and if any such Cab shall be driven through any street, road, or place after sunset and before sunrise (except as aforesaid) without having such lamps properly lighted as aforesaid, the Proprietor or Driver of such Cab shall forfeit and pay a penalty not exceeding Forty Shillings.

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

42 If the Driver of any licensed Cab which shall be in any public road, street, or place, or at any place of public resort or entertainment shall not, whether such Cab be then hired or not, either by himself or by some other competent person acting for him, be attendant upon the horses and Cab of which he shall be such Driver, every such Driver shall forfeit and pay a penalty not exceeding Forty Shillings.

43 The number of the Licence of every licensed Cab painted white on a black ground or *vice versâ*, 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 Cab, and shall also be legibly written or printed on a card and be placed open to view on some part of the inside of such Cab; and if the Proprietor or Driver of any licensed Cab shall ply for hire with such Cab not having the number of the Licence so painted, affixed, written, and placed as aforesaid, he shall for any such offence forfeit and pay a penalty not exceeding Five Pounds.

Number of Licence to be placed on back of Cab and also inside.

44 The Driver of every licensed Cab shall be obliged and compellable, if required by any person hiring such Cab (unless such Driver shall have a reasonable excuse to be allowed by the Justice before whom any such matter shall be brought), to drive such Cab to any place to which he shall be so required to drive the same within the limits of this Act; and in case any such Driver shall refuse to drive such Cab to any such place as aforesaid, he shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings.

Cabs to be driven anywhere within limits of the Act.

45 When any complaint shall be made before any Justice of the Peace against the Driver of any licensed Cab for any offence committed by him against the provisions of this Act, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Cab personally to appear or to produce the Driver thereof to answer such complaint; and if any such Proprietor, being duly summoned, shall neglect or refuse personally to appear or to produce such Driver according to such summons, without a reasonable excuse for such neglect or refusal to be allowed by the Justice before whom he ought to appear according to such summons, such Proprietor shall for such offence forfeit and pay a penalty not exceeding Forty Shillings, and so from time to time as often as he shall be so summoned until he shall appear, or such Driver shall have been produced by him; and every Proprietor so summoned to appear, or to produce the Driver of any licensed Cab, shall cause a verbal or written notice to be given to such Driver of the time and place when and where such Driver is so required to attend; and if after any such verbal or written notice shall have been given or served as aforesaid any Driver shall, without reasonable excuse to be allowed by the Justice, neglect or refuse to attend at the time and place at which he is so required to attend, he shall for any such offence forfeit and pay a penalty not exceeding Forty Shillings: Provided always, that if such Proprietor shall neglect or refuse to appear or to produce such Driver when so summoned, it shall not be necessary to issue a second summons unless such Justice shall think proper so to do; but it shall be lawful for such Justice to proceed to hear and determine the said complaint in the absence of the said Proprietor and of the Driver, or either of them, and upon proof of such offence by the oath of any credible witness to give judgment against such Proprietor or Driver, as the case may be, for the penalty incurred by reason of such offence.

Proprietors to produce Drivers when required.

46 Whenever it shall happen that the Driver of any licensed Cab shall have committed any offence against this Act for the commission whereof any penalty is imposed upon such Driver, and such Driver shall not appear or be produced by the Proprietor of such Cab, then, but not otherwise, the Proprietor of such Cab shall be liable to every such penalty as if he had been the Driver of such Cab at the time when such offence was committed; and every Proprietor who shall

If Driver not produced Proprietor liable to fine, which may be recovered from Driver.

pay any penalty or costs incurred by reason of any such offence shall be entitled to recover the same from such Driver in a summary manner; and upon complaint made in the premises before any Justice of the Peace by such Proprietor against such Driver, such Justice shall inquire into the same, and shall cause the sum which shall appear to have been so paid to be repaid by such Driver to such Proprietor, together with such further expenses as the said Justice shall think fit.

If Driver not known summons served on Proprietor good service on Driver.

47 In case of any person complaining of the Driver of any licensed Cab 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 or complaint to state the number of the Cab which the person 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 or complaint may be directed "To the Driver of Cab No. ,," as the case may be, and the service of any such summons upon any Proprietor of such Cab shall be deemed and taken a good and sufficient service upon the Driver thereof.

If a complaint against a Proprietor or Driver dismissed, complainant to pay costs, &c.

48 If the Proprietor or Driver of any licensed Cab shall be brought before any Justice of the Peace to answer any complaint made against him by any person other than a Constable, touching or concerning any offence committed or alleged to have been committed by such Proprietor or Driver against the provisions of this Act or against any Bye-law to be made by the Mayor and Aldermen as hereinafter provided, and such complaint shall afterwards be withdrawn or dismissed, or if the defendant shall be acquitted of the offence charged against him, it shall be lawful for any Justice, if he shall think fit, to order and award that the Informer or person making such complaint shall pay to the Defendant such costs of making or preparing for his defence, and also such compensation for his loss of time and for the time of his witnesses, if any, in attending such Justice touching and concerning such complaint, as to such Justice shall seem reasonable, and in default of immediate payment of the sum so awarded it shall be lawful for such Justice at his discretion to commit such person to prison, there to remain for any time not exceeding One Month, unless the same shall be sooner paid, or to cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, with such costs as aforesaid, cannot be found, then it shall be lawful for such Justice to commit such person to prison, there to remain for any time not exceeding One Month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid and satisfied.

Mayor and Aldermen may make Bye-laws to regulate Cabs.

49 It shall be lawful for the Mayor and Aldermen from time to time to make such Bye-laws, not inconsistent with the provisions of this Act for the better ordering and regulation of licensed Cabs and the Proprietors thereof, and of licensed Drivers, as to them shall seem proper, and from time to time to alter, amend, or repeal any such Bye-laws and to make others in the room thereof; and if the Proprietor or Driver of any licensed Cab shall in any manner offend against any such Bye-law so to be made by the Mayor and Aldermen by virtue of this Act, he shall for every such offence forfeit and pay any such penalty not exceeding Five Pounds as shall by such Bye-law be in that behalf directed.

50 It shall be lawful for the Driver of any licensed Cab to stand and ply for hire with such Cab and to drive the same on the Lord's day, any law to the contrary notwithstanding; and any such Driver who shall so stand or ply for hire as aforesaid shall be liable and compellable to do the like work on the Lord's day as such Driver is by this Act liable or compellable to do on any other day of the week.

Cabs may ply on Sundays.

51 In any proceeding against the Proprietor or Driver of any licensed Cab for any offence against this Act, the onus of proof that such Cab was at any particular time actually hired shall lie upon such Proprietor or Driver.

Proof of being hired to lie upon defendant.

52 All penalties imposed under this Act, or any such Bye-law as aforesaid, shall be recovered in a summary way, and shall, at the discretion of the presiding Justice, as to any sum not exceeding one moiety thereof go and be applied to the use of the informer, and the residue shall be received by the Town Clerk, and shall, together with all fees for Licences issued under this Act, go and be applied in aid of the Municipal Fund.

Mode of recovering penalties, and appropriation.

53 Every person aggrieved by any conviction under this Act may appeal therefrom.

Appeal.

54 Nothing in this Act contained shall in anywise affect any of the provisions of the Act of this Island intituled *An Act for the Regulation of Stage Coaches*.

This Act not to affect the 6 W. 4, No. 12.

55 From and after the commencement of this Act, the Act of Council passed in the twelfth year of the reign of Her present Majesty, No. 6, and also a certain other Act of Council passed in the fourteenth year of the reign of Her said Majesty, No. 13, shall be and the same are hereby repealed, excepting always as to all offences committed before that time, which shall be dealt and proceeded with as if this Act had not been passed: Provided always, that any Licence granted under and by virtue of the said firstly recited Act shall continue in full force until the end of the term for which such Licence has been or shall be granted, unless suspended or forfeited, and the vehicle or person mentioned in such Licence shall for all purposes whatsoever until the expiration thereof be deemed to be licensed under this Act; and until the Fares to be charged to passengers by licensed Cabs shall be so fixed and published as by this Act provided, and until Stands or places where licensed Cabs may stand and ply for hire shall be appointed as by this Act provided, the Fares at the time of the commencement of this Act regulated and fixed, and the Stands or places appointed, by virtue of the said firstly recited Act, shall be the Fares lawfully chargeable, and the Stands or places whereupon licensed Cabs may stand and ply for hire under this Act.

Repeals 12 Vict. No. 6; 14 Vict. No. 13.

Continues present Licences until expiration thereof.

Present fares and stands continued until others appointed.

56 This Act shall commence and take effect on the First day of *September*, One thousand eight hundred and fifty-five.

Commencement of Act.

57 In referring to this Act it shall be sufficient to use the expression "*The Cab Act*."

Short title.

SCHEDULE A.

LICENCE FOR CAB.

No.

WHEREAS [*here insert names and residences of proprietor or proprietors as the case may be*] Proprietor [*or Proprietors*] of a certain Cab has [*or have*] applied to me the undersigned to grant him [*or them*] a Licence to keep, use, and employ such Cab in conveying Passengers for hire within the City of Hobart Town [*or Town of Launceston*] and within the distance of five miles from the principal Post Office thereof, and has [*or have*] paid into the hand of the Town Clerk the sum of _____ being the Fee now fixed for the same; I do hereby license the said [*here insert names of Proprietor or Proprietors*] to carry and convey for hire in and by such Cab 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 Cab Act.*"

Given under my hand this _____ day of _____ 1855.

C. D.

Mayor of the [*City of Hobart Town.*]

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 to act as the Driver of the licensed Cab, No. [*here insert number of Cab*], and has paid into the hand of the Town Clerk the sum of Ten Shillings, being the fee payable for the same—AND WHEREAS [*here insert name and residence of Proprietor*] the Proprietor of the said Cab, No. [*here insert number of Cab*] has signified his wish that the said [*here insert name of Driver*] should become and act as Driver of the said licensed Cab by endorsing such application of the said [*here insert name of Driver*] and I have received a satisfactory certificate of the ability of the said [*Driver*] to drive, and of his good character; I do hereby license the said [*name of Driver*] to be and act as Driver of the said licensed Cab, No. [*number of Cab*], within the City of Hobart Town [*or Town of Launceston*] and within the distance of five miles from the principal Post Office thereof, subject to the provisions of "*The Cab Act.*"

Given under my hand this _____ day of _____ 1855.

C. D.

Mayor of the [*City of Hobart Town.*]MICHAEL FENTON, *Speaker.*

Passed the Legislative Council, this twenty-fourth day of August, one thousand eight hundred and fifty-five.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

IN the name and on the behalf of Her Majesty I assent to this Act.

H. E. F. YOUNG,
Governor.

Government House, Hobart Town,
29th August, 1855.