

*Stage Carriages.***No. II.****STAGE CARRIAGES. An Act for regulating Stage Carriages in New South Wales. [4th August, 1835.]**

Preamble.

WHEREAS much inconvenience and danger have arisen to persons travelling by Stage Carriages conveying passengers for hire in New South Wales by reason of the excessive number of passengers they sometimes carry and the want of proper regulations in such and other respects and it is therefore expedient that such Stage Carriages should be regulated in manner hereinafter mentioned Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the first day of October next it shall not be lawful for any person to keep use or employ any stage carriage unless such person shall have a license in force to do so granted to him under the authority of this Act by two or more Justices of the Peace in manner hereinafter mentioned nor unless the several particulars directed to be painted on every such carriage shall be painted thereon.

Stage carriages to be licensed.

What shall be deemed a stage carriage.

2. And be it enacted That every coach or other carriage or vehicle used employed or let out for the purpose of conveying passengers for hire to or from different parts in New South Wales and which when travelling along any highway or other road shall travel at the rate of three miles or more in the hour without regard to the number of wheels or to the number of passengers which the same shall be able or fitted to contain or carry or to the number of horses by which the same may be drawn or to its being an open or close carriage shall be deemed and taken to be a stage carriage within the meaning of this Act Provided That each passenger to be carried or conveyed by any such carriage or vehicle shall be charged or shall pay a separate and distinct fare for his or her place or seat therein or conveyance thereby.

Justices in Sessions to grant licenses.

3. And be it enacted That it shall be lawful for any two or more Justices of the Peace assembled in Petty Sessions for any district from or through which any stage carriage may be intended to pass to grant a license under their hands in the form hereunto annexed marked with the letter A to any person who shall apply for such license in manner hereinafter mentioned to keep use and employ any such stage carriage in any part of New South Wales.

Justices to determine the number of passengers under certain restrictions.

4. And be it enacted That before any such license shall be granted the stage carriage in respect of which such license is applied for shall be exhibited to the Justices of the Petty Sessions to whom application shall be made at the usual time and place of holding such Sessions and it shall be lawful for such Justices upon an examination of such stage carriage to determine the number of passengers which may be safely and conveniently carried by such stage carriage both in the inside and on the outside thereof provided that the number so to be determined shall in no case exceed the number hereinafter limited and defined.

Persons applying for stage carriage licenses to sign a requisition.

5. And be it enacted That before any license shall be granted or renewed under the provisions of this Act for or in respect of any stage carriage a requisition for such license shall be made and signed by the proprietor or one of the proprietors of the stage carriage in respect of which such license shall be applied for and in every such requisition there shall be truly specified and set forth the christian name and surname and place of abode of the person applying for such license and of every person who shall be a proprietor or part proprietor of

Stage Carriages.

of such carriage who shall be concerned either solely or in partnership with any other person in the keeping using or employing of such carriage and in case any person shall neglect or omit to specify truly in such requisition as aforesaid the name of any person who shall be concerned as aforesaid in the keeping using or employing of such carriage every person so offending shall forfeit ten pounds.

6. And be it enacted That there shall be specified in every license to be granted or renewed under this Act for or in respect of any stage carriage the following particulars that is to say the christian name and surname and place of abode of the person and of every person who shall be a proprietor or part proprietor of the stage carriage in respect of which such license shall be granted or who shall be concerned either solely or in partnership with any other person in the keeping using or employing of such carriage the names of the extreme places from which and to which such carriage shall be authorized by such license to go or pass and the greatest number of passengers to be conveyed by such carriage as shall have been determined by the Justices in Sessions as aforesaid distinguishing (when the same is intended to convey both inside and outside passengers) the number to be carried on or about the outside from the number to be carried in the inside of such carriage and a copy of every such license shall be kept at the office or place from which such license shall be issued in order that any person may have a copy thereof paying one shilling for the same.

Particulars to be specified in stage carriage licenses.

7. And be it enacted That every license granted under the authority of this Act shall be and continue in force from the day of the date thereof until the thirtieth day of September then next ensuing and no longer and every such license shall be renewed from year to year and whenever any change in the owners or proprietors of any stage carriage shall take place subject to all such and the like rules and regulations as are hereinbefore provided with respect to the granting of original licenses Provided however that all licenses which shall be granted or renewed in the month of September in any year shall be and continue in force until the thirtieth day of September in the year then next ensuing and no longer.

Licenses to be renewed annually.

8. And be it enacted That there shall and may be charged by the Clerk of the Petty Sessions where any such license shall be issued to be paid by the party or parties applying for the same the sum of five shillings for each and every such license which sum together with any sum or sums which may be received for a copy of the same as hereinbefore directed shall be paid applied and accounted for and returns made thereof in such and the like manner as is directed with respect to the fees levied under the Act of the said Governor and Council passed in the fourth year of the reign of His present Majesty King William the Fourth intituled "*An Act for appointing the Fees to be taken in the several Courts of Police and Petty Sessions and by the Clerks of Justices acting singly in the Colony of New South Wales.*"

Proviso.

Fees on licenses

how to be accounted for and applied.

4 Wil. IV. No. 5.

9. And be it enacted That if any person shall keep use or employ or shall be concerned as proprietor or part proprietor in the keeping using or employing of any stage carriage without having a license in force so to do granted under the authority of this Act every person so offending shall forfeit twenty pounds.

Penalty for keeping a stage carriage without a license.

10. And be it enacted That no stage carriage shall be used or employed unless nor until there shall be truly painted in words at length and in legible and conspicuous letters one inch at the least in height and of a proper and proportionate breadth and in colour different from and opposite to the colour of the ground on which such letters shall be painted upon some conspicuous part of each side of such

Particulars to be painted on stage carriages.

Stage Carriages.

such carriage and clear of the wheel or wheels thereof so that the same shall be at all times plainly and distinctly visible and legible the christian name and surname of the proprietor or of one of the proprietors of such carriage and also the names of the extreme places from which and to which such carriage shall be licensed to travel or go and there shall also be painted in manner aforesaid upon some conspicuous place on the back of such stage carriage and so that the same shall be at all times plainly and distinctly visible and legible the greatest number of passengers allowed to be carried in or by such carriage and also when such carriage shall be licensed to carry both inside and outside passengers the greatest numbers of passengers allowed to be taken in the inside and on the outside thereof respectively and if any person shall use or employ any stage carriage upon which all such particulars as aforesaid shall not be truly painted in such legible and conspicuous letters and in manner aforesaid or in case such particulars or any of them shall be partially obliterated or defaced from or upon any such carriage then if any such person shall neglect to paint or cause to be painted again in manner aforesaid every particular so obliterated or defaced such person so offending in any of the cases aforesaid shall forfeit five pounds.

Certain stage carriages shall not take outside passengers or luggage.

11. Provided always and be it enacted That no outside passenger nor any luggage shall be carried on the top or roof of any stage carriage the top or roof of which from the ground shall be more than eight feet nine inches or the bearing of which on the ground shall be less than four feet six inches from the centre of the track of the right or off wheel to the centre of the track of the left or near wheel and if any outside passenger or luggage shall be carried on any such carriage in any manner contrary to the directions aforesaid the driver of such carriage at the time when such offence shall be committed shall forfeit five pounds.

Number of outside passengers allowed to be carried by stage carriages.

12. And be it enacted That any licensed stage carriage with four wheels or more the top or roof of which shall not be more than eight feet and nine inches from the ground and the bearing of which on the ground shall not be less than four feet six inches from the centre of the track of the right or off wheel to the centre of the track of the left or near wheel if such stage carriage shall be licensed to carry any number not more than nine passengers shall be allowed to carry not more than five of such passengers outside and if licensed to carry more than nine and not more than twelve passengers shall be allowed to carry not more than eight of such passengers outside and if licensed to carry more than twelve and not more than fifteen passengers shall be allowed to carry not more than eleven of such passengers outside and if licensed to carry more than fifteen and not more than eighteen passengers shall be allowed to carry not more than twelve of such passengers outside and if licensed to carry any greater number than eighteen passengers shall be allowed to carry not more than two additional passengers outside for every three additional passengers which such carriage shall be so licensed to carry in the whole Provided that in no case a greater number of passengers shall be carried on the outside of any stage carriage as aforesaid than the license relating thereto shall authorize to be carried on the outside thereof and if any greater number of outside passengers shall be carried by stage carriage as aforesaid than as hereinbefore specified and allowed or if any outside passengers shall be carried by any stage carriage not expressly licensed to carry any outside passenger the driver of such stage carriage at the time when such offence shall be committed shall forfeit five pounds.

Driver and children in lap not to be counted as passen-

13. And be it enacted That the several numbers of outside passengers by this Act allowed to be carried by any such stage carriage

Stage Carriages.

as aforesaid shall be reckoned exclusive of the driver but including the conductor or guard if there shall be a conductor or guard of such stage carriage and that no child or children in the lap shall be counted as a passenger or passengers and that no child not in the lap but under seven years of age shall be so counted unless there shall be more than one such child and if there shall be more than one such child not in the lap but under seven years of age then two of such children shall be accounted equal to one adult person and considered as one passenger and so on in the same proportion.

gers two children under seven years reckoned as one passenger.

14. And be it enacted That no luggage which shall be carried on the top or roof of any stage carriage drawn by four or more horses shall in any case exceed ten feet and nine inches in height from the ground nor shall any luggage which shall be carried on the top or roof of any stage carriage drawn by two or three horses only in any case exceed ten feet and three inches in height from the ground measuring to the highest point of any part of such luggage when placed upon the top or roof of any such carriages respectively and if any such luggage shall in either of the cases aforesaid exceed the height by this Act in that behalf limited the driver of such carriage at the time when such offence shall be committed shall forfeit five pounds.

Luggage on the top of any stage carriage shall not exceed the height herein specified.

15. And be it enacted That no person shall be allowed to sit or be carried upon any luggage placed on the roof of any stage carriage as aforesaid and that not more than one passenger or other person shall be allowed to sit or be carried upon the box with the driver of any such stage carriage and that if any person shall sit or be carried upon any luggage placed as aforesaid or if more than one person besides the driver shall sit or be carried upon the box of any stage carriage as aforesaid the driver thereof at the time when any such offence shall be committed shall forfeit five pounds.

No person to sit on luggage on the roof nor more than one person beside the driver on the box.

16. And be it enacted That if the number of passengers at any one time conveyed in upon or about any licensed stage carriage shall be greater in the whole than the number of passengers which the license granted in respect of such carriage shall authorize or allow to be conveyed thereby or if the number of passengers at any one time conveyed in the inside of such stage carriage or upon or about the outside thereof shall be greater respectively than the greatest number of inside or outside passengers respectively specified in or upon such license and allowed thereby the person to whom such license shall have been granted shall forfeit five pounds for every passenger so conveyed above the number allowed by such license to be conveyed in the whole or in the inside or on or about the outside of such carriage respectively and the driver of such stage carriage at the time when such offence shall be committed shall also forfeit five pounds.

Penalty for carrying a greater number of passengers than authorized by license.

17. And be it enacted That if the driver of any stage carriage within the meaning of this Act shall permit or suffer more than one person on the coach box besides himself or a greater number of passengers than according to the numbers allowed by the license of any such stage carriage or by this Act to be carried or conveyed it shall be lawful for any outside or inside passenger who has actually paid for his place if conveyed by such carriage to require the driver to stop such carriage at any toll or turnpike gate and to require the collector of the toll of such gate to count the number of passengers or measure or ascertain the height of the luggage upon such carriage and if any such driver shall refuse upon the demand of any such passenger to stop any such stage carriage or to permit or suffer the collector who shall be so required to count the number of passengers and ascertain the height of the luggage or to make such examination then the driver of such stage carriage shall forfeit and pay the sum of five pounds for every such refusal

Passenger may require toll collector to count the number of passengers and measure the height of the luggage.

Stage Carriages.

refusal and shall if more passengers shall have been carried on such stage carriage or the luggage shall exceed the height respectively allowed by this Act forfeit and pay for every such offence the committing whereof shall be prohibited as aforesaid double the penalty imposed by this Act for such offence and if any toll collector upon being so required by any such passenger shall neglect or refuse to make such examination such toll collector shall forfeit and pay the sum of five pounds for each offence and if any person shall endeavour to evade such examination by descending from such stage carriage previous to reaching any turnpike gate and re-ascending after passing the same every such person shall forfeit and pay the sum of ten pounds.

Penalty on driver quitting the box before a proper person shall stand at the horses' heads &c.

or permitting any other person to drive or quitting the box without reasonable cause

on guard for firing off his arms except for defence

on driver or conductor or guard for neglecting luggage

or exacting more than the lawful fare

or not accounting faithfully to his employer

or assaulting or abusing passengers.

Penalty on the driver or guard endangering passengers or property through negligence &c.

Owners to be liable for penalties in cases where driver or guard is not known or cannot be found.

18. And be it enacted That if the driver of any stage carriage drawn by three or more horses shall at any place where such carriage shall stop quit the box of such carriage or the horses drawing the same without delivering the reins into the hands of some fit and proper person or before some fit and proper person shall be placed and shall stand at the heads of the horses and shall have the command thereof or if any person so placed and standing at the heads of such horses shall leave such horses before some other proper person shall be placed and stand in like manner and have the command of such horses or before the driver of such stage carriage shall have returned and seated himself upon the box and taken the reins or if the driver of any stage carriage shall permit any passenger or any person other than himself to drive the horses drawing such carriage or if the driver of any stage carriage shall quit the box of such carriage without reasonable occasion or for a longer time than such occasion shall absolutely require or if any person travelling as guard to any such stage carriage shall whilst the horses are harnessed or in the act of being harnessed thereto and whilst any passenger shall be in upon or about such carriage discharge any fire-arms except for the necessary defence of such carriage or of the passengers or luggage being in or about the same or if the driver or conductor or guard of any stage carriage shall neglect to take due care of any luggage whatsoever carried or to be carried by such carriage or if any such driver or conductor or guard shall demand or receive for the fare of any passenger more than the sum which such passenger shall be liable to pay or more than the money properly chargeable for the carriage of any luggage or if any such driver or conductor or guard shall when thereto required neglect or refuse faithfully to account to his employer for all monies received by him in respect of any passenger or any luggage which shall be carried by such carriage or if any such driver or conductor or guard shall assault or use abusive or insulting language to any person travelling or about to travel or having travelled as a passenger with or by such carriage or to any person accompanying or attending upon any such passenger in coming to or going from any such carriage every such offender in any of the several cases aforesaid shall forfeit five pounds.

19. And be it enacted That if the driver or conductor or guard of any stage carriage or any other person having the care thereof or employed in upon or about such carriage shall through intoxication or negligence or by wanton or furious driving or by or through any other misconduct endanger the safety of any passenger or other person or shall injure and endanger the property of the owner or proprietor of such stage carriage or of any other person every such person so offending shall forfeit five pounds.

20. And be it enacted That whenever it shall happen that the driver or conductor or guard of any stage carriage shall have committed any offence against this Act for the commission whereof any

penalty

Stage Carriages.

penalty is by this Act imposed upon such driver or conductor or guard and not upon the proprietor of such carriage and such driver or conductor or guard shall not be known or being known cannot be found then the proprietor of such carriage shall be liable to every such penalty as if he had been the driver or conductor or guard of such carriage at the time when such offence was committed Provided always That if any such proprietor shall make out to the satisfaction of the Justice of the Peace before whom any complaint or information shall be heard by sufficient evidence not resting on his own testimony that the offence was committed by such driver or conductor or guard without the privity or knowledge of such proprietor and that no profit advantage or benefit either directly or indirectly has accrued or can accrue to such proprietor therefrom and that he has used his endeavour to find out such driver or conductor or guard and given all reasonable information in answer to enquiries respecting him such Justice shall discharge the proprietor from such penalty and shall levy the same upon such driver or conductor or guard when found.

21. And be it enacted That all offences against this Act shall be heard and determined and such fines and penalties awarded and imposed in a summary way by and before any Justice of the Peace upon information in that behalf exhibited and that all fines and penalties so awarded and imposed shall go and be distributed and all persons aggrieved by any summary conviction under this Act in case the fine or penalty awarded shall exceed the sum of five pounds shall be entitled to appeal therefrom in the manner respectively provided by the Act of the said Governor and Council passed in the fifth year of the reign of His said present Majesty intituled "*An Act to regulate summary proceedings before Justices of the Peace.*"

Proceedings for penalty.
5 Gul. IV. No. 22.

22. And be it enacted That any summons issued by any Justice of the Peace commanding any driver conductor guard owner or proprietor of any stage carriage or any person or persons or company of proprietors or firm of any company to whom such carriage shall belong to appear before him at such time or place as to such Justice shall seem meet for any offence committed against this Act shall be deemed to be well and sufficiently served in case either the original or a copy of such summons be left with the known or acting book-keeper for such carriage in any town or place into or through which such carriage shall be driven.

Summons left with book-keeper &c. to be good service.

23. And be it enacted That all summonses informations and convictions which shall be issued laid or prosecuted against any owner or proprietor of any stage carriage as above described under and by virtue of this Act for the recovery of any fine or penalty hereby imposed shall in all cases in which there shall be more than one such owner or proprietor and when such owners or proprietors shall reside in different places be so issued laid or prosecuted against such one or more of the said owners or proprietors as shall reside in the place or nearest to the place from which such summons shall be issued.

Informations to be laid against the nearest proprietor.

24. And be it enacted That if the proprietor or proprietors of any stage carriage shall employ or suffer to be employed as driver guard or conductor of any stage carriage any person serving under any sentence or order of transportation whether holding a partial or temporary remission of such sentence or order or otherwise such proprietor or proprietors shall become liable to the payment of any fine which may be imposed upon such driver guard or conductor for any offence against the provisions of this Act to be recovered in the same manner as if such proprietor or proprietors had been convicted of such offence.

Proprietors to be liable if driver or guard be a convict.

Stage Carriages.

Limitation of actions.

25. And be it enacted That all prosecutions for offences against this Act shall be commenced within fourteen days after the offence shall have been committed and there shall be but one recovery for the same offence except where the owners of stage carriages are required to paint their names and the number of passengers which they may be licensed to carry and to preserve the same in a clear and legible state in which case such prosecution shall be commenced at any time and any neglect in remedying the same for the space of one month shall be considered a new offence.

General issue.

26. And be it enacted, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act the same shall be commenced within three months after the fact committed and not afterwards and the defendant or defendants in such action shall and may plead the general issue and give this Act and the special matter in evidence and that the same was done in pursuance and by the authority of this Act and if it shall appear so to be done or that such action or suit shall be commenced after the time before limited for bringing the same that then the jury shall find for the defendant or defendants and upon a verdict for the defendant or defendants or if the plaintiff or plaintiffs shall be non-suited or discontinue his her or their action or suit after the defendant or defendants shall have appeared or if upon demurrer judgment shall be given against the plaintiff or plaintiffs the defendant or defendants shall and may recover treble costs and have the like remedy for the same as any defendant or defendants hath or have in any other cases by law.

Treble costs.

SCHEDULE REFERRED TO.

A.

Form of License for a Stage Carriage.

WHEREAS A. B. or (A. B. and C. D. naming the proprietor or proprietors) of a certain stage carriage being (*here insert in general terms the description of carriage whether a telegraph or long-bodied coach van or cart and the number of wheels*) having applied to us E. F. and G. H. Justices of the Peace assembled in Petty Sessions for the District of _____ to grant to him (*or them as the case may be*) a license to authorize him (*or them*) to keep use and employ the said stage carriage between _____ and _____ (*naming the extreme places*) And whereas We the said Justices having had this day exhibited to us the said stage carriage and having examined the same and being satisfied that the said carriage is calculated safely and conveniently to carry the number of passengers hereinafter mentioned do hereby in pursuance of the authority in us vested by the Act of the Governor and Council passed in the sixth year of the reign of His present Majesty King William the Fourth intituled "*An Act for regulating Stage Carriages in New South Wales*" authorize and license the said A. B. (*or A. B. and C. D.*) to carry and convey between _____ aforesaid and _____ aforesaid the number of _____ passengers in and by the said stage carriage that is to say the number of _____ passengers in the inside and _____ passengers on the outside thereof subject to the several regulations and provisions of the said recited Act. This License to cease and determine on the thirtieth day of September one thousand eight hundred and _____

Given under our hands this
day of _____

183 .