

No. XXI.

An Act to enable the Council of the City of HACKNEY CARRIAGES
SYDNEY.
Sydney to make Bye-laws for the licensing
and regulating Hackney Carriages within
the City of Sydney and its vicinity and the
conduct of the Owners and Drivers thereof.
[17th September, 1847.]

WHEREAS by an Act of the Governor and Legislative Council Preamble,
of New South Wales passed in the sixth year of the reign of
Her present Majesty Queen Victoria intituled "An Act to declare the 6 Vic. No. 3.
"Town of Sydney to be a City and to incorporate the Inhabitants
"thereof" it is amongst other things enacted that it shall be lawful
for the Council of the said City to make publish alter modify amend
or repeal such bye-laws and regulations as to them shall seem meet
for the good rule and government of the said City for the regulation
and government of carters porters and drivers and for other purposes
and to impose penalties for breaches of the bye-laws so to be made
under the restrictions and provisions contained in the said Act. And
whereas doubts are entertained whether the Council of the said City
are empowered by the said Act to make bye-laws for licensing and
regulating Hackney Carriages plying for hire within the City and its
vicinity and the conduct of the owners and drivers thereof and it is
expedient that such doubts should be removed. Be it therefore enacted City Council em-
powered to make
bye-laws for licens-
and
by His Excellency the Governor of New South Wales with the advice

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ing and regulating Hackney Carriages and the conduct of the owners and drivers thereof.

Particulars of such regulation.

To fix amount of fines and penalties for infringing regulations.

As to recovery of such fines &c.

As to appropriation of such fines &c.

and consent of the Legislative Council thereof That from and after the passing of this Act it shall be lawful for the Council of the said City from time to time to make and publish such bye-laws as to them shall seem meet for licensing and regulating Hackney Carriages plying for hire within the said City and the owners and drivers thereof and within the distance of eight miles from the corporate limits of the said City the amount payable for such license and the manner of paying for the same and for regulating the conduct of the owners and drivers of such Hackney Carriages Provided that for every such license for any one year there shall be paid such sum as the Council of the said City shall direct not exceeding the sum of three pounds.

2. And be it enacted That the Council of the said City in the bye-laws so to be made by them by virtue of this Act shall have power and authority to make regulations touching the licensing and the conduct of the owners drivers and conductors of such Hackney Carriages in their several employments the hours within which such owners drivers or conductors shall exercise their calling whether they shall wear any and what badges the number and description and furnishing of such Hackney Carriages the number of persons to be carried in the same the situation and number of public stands the amount of fares for time or distance to be paid for the use of such Hackney Carriages the safe custody and delivery of any property which may be accidentally or otherwise left in such Hackney Carriages the punishing the misconduct of the drivers and conductors of and persons attending such Hackney Carriages whether in the way of imposition by demanding or receiving more than the regular fare or otherwise as well within the said City as within the distance of eight miles from the corporate limits thereof and all other matters and things connected with the good government and regulation of Hackney Carriages and the owners and drivers thereof both within the said City and within the distance of eight miles from the corporate limits of the said City Provided that for every such license of any such owner driver or conductor there shall be paid such sum as the Council of the said City shall direct not exceeding the sum of five shillings.

3. And be it enacted That the Council of the said City shall have power and authority by such bye-laws to fix the amount of fines and penalties to be imposed on the owners and drivers of such Hackney Carriages for misconduct or imposition in demanding or receiving more than the regular fares or otherwise and on persons hiring such Hackney Carriages for fraudulently evading the payment of such fares or for the breach of any other bye-law which the said Council may make in respect to such Hackney Carriages the owners and drivers thereof Provided always that such fines or penalties shall not exceed for any one offence the sum of ten pounds.

4. And be it enacted That all fees penalties fines and forfeitures inflicted or imposed under the provisions of this Act or by or under any rule order or bye-law made in pursuance thereof may in the case of non-payment be recovered in the same manner as any fees penalties fines and forfeitures inflicted or imposed under the provisions of the hereinbefore first recited Act.

5. And be it enacted That all fees penalties fines and forfeitures recovered or received under this Act and under any bye-laws made in virtue thereof and also the amount of all sums received for licensing such Hackney Carriages shall be paid to the Treasurer of the said City for the local improvement and benefit thereof Provided always that it shall be lawful for the Governor of the Colony for the time being to pardon any offender and to remit the whole or any part of any such penalty fine or forfeiture as the justice of each particular case may seem to him to require.

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6. And be it enacted That the Council of the said City may ^{Bye-laws may be} from time to time as they shall think fit repeal alter or amend any ^{repealed or altered.} bye-laws which may be made in pursuance of this Act and make others in their stead Provided always that no such bye-laws shall be made altered or repealed unless two-thirds at least of the whole number of the Council of the said City shall be present.

7. And whereas by the said hereinbefore first recited Act it is ^{Extending to Committees of the City Council the power to make alter or repeal such bye-laws subject to the approval of such Council.} enacted that it shall be lawful for the Council of the said City to appoint out of their own body from time to time such and so many Committees either of a general or special nature and consisting of such number of persons as they may think fit for any purposes which in the discretion of such Council would be better regulated and managed by means of such Committees provided always that the acts of every such Committee shall be submitted to the Council for their approval Be it enacted That the said provision shall extend to the making altering and repealing of all the bye-laws by this Act authorized to be made altered or repealed and to the granting or revoking of all licenses hereby authorized to be granted or revoked.

8. And be it enacted That no bye-law made in pursuance of ^{Proceeding before any such bye-law can be of force.} this Act shall be of any force or effect until the expiration of forty days after the same or a copy thereof sealed with the seal of the Corporation shall have been sent to the Governor for the time being of the said Colony nor until a copy of such bye-law shall have been affixed to the outer door of the Town Hall or in some other public place within the City nor until a copy of the same shall have been published in the *New South Wales Government Gazette* for at least one week and if at any time within the said period of forty days the Governor of the said Colony shall disallow such bye-law or any part thereof such bye-law or the part thereof so disallowed shall not come into operation Provided always that in the case of any such bye-laws it shall be lawful for the said Governor at any time within such forty days as aforesaid to enlarge as he shall think fit the period within which any such bye-laws shall remain inoperative and no such bye-law shall come into force until after the expiration of such enlarged period Provided further that no bye-law to be passed by the Council of the said City shall be repugnant to the general spirit and intendment of the laws in force within the Colony of New South Wales Provided also that a copy of any such bye-law under the common seal of the Mayor Aldermen Councillors and Citizens of the City of Sydney with a declaration thereon signed by the Mayor of the said City for the time being that the same has been sent sealed as aforesaid to the Governor for the time being of the said Colony and published in the *New South Wales Government Gazette* as aforesaid shall be received as evidence of the existence of any such bye-law and of the sending and publishing thereof as aforesaid in all Courts of Law and Equity and before all Justices in Sessions or otherwise.

9. And be it enacted That wherever in this Act the word ^{What shall be considered a Hackney Carriage.} "Hackney Carriage" is used the same shall be held to mean any coach car cabriolet or other vehicle plying for hire within the said City and within the distance of eight miles from the corporate limits of the said City Provided however that nothing contained in this Act nor in any bye-law made by virtue thereof shall be held to extend to any carriage or vehicle duly licensed as a Stage Carriage in pursuance of the Act of the Governor and Legislative Council passed in the tenth year of the reign of His late Majesty King William the Fourth intituled "An Act for regulating Stage Carriages in New South Wales" Provided that such Stage Carriage shall ply at regular periods as such to places beyond the corporate limits of the said City.