



WESTERN AUSTRALIA.

ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XIII.

AN ACT for Licensing Carts.

[Assented to, 29th July, 1873.]

WHEREAS it is expedient that the Local Boards established for the conservation improvement and making of roads in the several Districts of the Colony should be empowered to supplement the fund at their disposal by the issuing of licenses for carts and carriages within their respective Districts: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies by and with the advice and consent of the Legislative Council thereof as follows:—

Preamble.

1 ANY person using a cart on any road in the Colony for which cart the license hereinafter mentioned has not been obtained shall upon conviction thereof forfeit and pay any sum not less than One pound nor more than Ten pounds. Provided that the provisions of this Act shall not apply to the carts of persons licensed by any Municipality or to the carts of His Excellency the Governor or to any cart used in the public service.

Persons using a cart on any road to obtain a license.

By whom licenses to be issued.

2 LICENSES under this Act shall be issued by such persons and at such places in each district as the local road board in each district shall from time to time decide and in the Form given in the Schedule hereunto annexed.

The fees payable.

3 THE fees which shall be paid for such licenses shall be as follows:—

1. For every cart drawn on two wheels the sum of Ten shillings.
2. For every cart drawn on four wheels the sum of One pound.

Provided however that the license fee of any cart the wheels whereof shall be Five inches or more in width shall not exceed one half of any license fees which may be levied under this Section.

Every license to authorise use of one cart only.

4 EVERY license shall authorise the use of one cart only and shall be in force from the date thereof until the first day of January next after the issuing thereof and no longer.

Name of owner and number of license to be painted on the licensed cart.

5 ON every cart licensed to be used under this Act there shall be legibly painted on the front or off side of the cart and on the body of the same the name of the owner thereof and of the district of the Local Board from which the license for such cart has been obtained and the number of such license; the owner of any cart who shall fail in this regulation shall on conviction forfeit and pay for every such offence any sum not exceeding Forty shillings; and the owner of any cart who shall use the same on any road of the Colony without having obtained a license for the same and who nevertheless shall keep painted on such cart any words or figures importing that a license has been obtained for such cart for the year during which he is so using the same shall on conviction thereof forfeit and pay any sum not exceeding Ten pounds over and above any penalty to which he may be liable for using such cart without having obtained a license for the same. Provided however that no spring cart solely employed in conveying persons without hire shall be bound to comply with the provisions of this Section.

Power to constables to examine any cart and ask questions.

6 IT shall be lawful for any constable and also for any duly elected member of a local roads board to examine any cart and to demand from the person in charge his name and address and whether such cart is licensed; and every such person who shall refuse to answer or who shall give a false answer when applied to as aforesaid shall upon conviction forfeit and pay any sum not exceeding Forty shillings.

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7 THE Road Board in each district shall from time to time cause to be published in the *Government Gazette* a list of the licenses which they may issue under this Act. Every Road Board to publish a list of licenses granted.

8 ALL sums received for licenses under this Act and all sums arising from any penalties or forfeitures hereinbefore mentioned shall after deducting expenses be dealt with and applied by the local board within whose district such sums have been received or such penalties and forfeitures inflicted for the purposes enumerated in the Fifth Section of “The District Roads Act, 1871.” All fees for licenses and all penalties inflicted to go to the road board to which the fees are paid or within whose district penalties inflicted.

9 THE term cart in this Act shall mean any description of cart waggon or other vehicle with or without springs having two or more wheels. Definition of Cart.

10 THIS Act shall be called “The Cart Licensing Act, 1873,” and shall come into operation on and after the 1st day of January, 1874.” Short Title.
Act to come into operation on January 1st, 1874.

11 ALL informations and proceedings in respect of offences against this Act shall be commenced within three calendar months after the offence shall have been committed and shall be heard and determined and the penalties and forfeitures in respect of the same shall be enforced according to the provisions of the Ordinance 14th Victoria No. 5. Limitation of prosecutions.

In the name and on behalf of the Queen I hereby assent to this Act.

FRED. A. WELD, Governor.

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SCHEDULE.

License.

HEREBY certify that _____, of _____, is licensed, under “The Cart Licensing Act, 1873,” to use on the roads of this Colony one Cart, of _____ wheels, and numbered _____, from the date hereof till the first day of January next ensuing, for which license he has paid the sum of £

Given under _____ hand this _____ day of _____ 187 _____,

For and on behalf of the Local Board

for the _____ District.