

TRAFFIC.

10° GEO. V., No. XLVIII.

No. 60 of 1919.

AN ACT to consolidate and amend the Law relating to the Licensing and Use of Vehicles and the Regulation of Traffic, and for other incidental purposes.

[Assented to 10th December, 1919.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Traffic Act*, 1919, and shall come into operation on a day to be fixed by proclamation.* Short title.

2. This Act is divided into Parts and Divisions, as follow:— Division.

PART I.—PRELIMINARY.

PART II.—LICENSING OF VEHICLES.

PART III.—TRAFFIC INSPECTORS.

PART IV.—REGULATION OF TRAFFIC.

Division (1.)—Motor Vehicles.

Division (2.)—Locomotive and Traction Engines

Division (3.)—Width of Tires.

Division (4.)—Regulations.

PART V.—MISCELLANEOUS.

FIRST SCHEDULE.—REPEALS.

SECOND SCHEDULE.—DESCRIPTION OF LICENSES.

THIRD SCHEDULE.—LICENSE FEES.

FOURTH SCHEDULE.—WIDTH OF TIRES.

* Proclaimed to commence 1st January, 1920; see *Government Gazette*,
12th December, 1919.

Repeal.
Schedule 1.

3. The Acts specified in the First Schedule are repealed to the extent therein mentioned.

Interpretation.

4. In this Act, subject to the context—

“District” means a municipal district or road district, and any outlying land which the Minister shall, by notice in the *Gazette*, declare to be a district for the purposes of this Act; the term includes sub-district;

“Drive” includes “ride,” and “driver” includes “rider”;

“Government road” means a road declared by Order in Council under the Public Works Act, 1902, to be a Government road.

“Inspector” means a traffic inspector appointed under this Act, and includes an assistant traffic inspector and a member of the police force lawfully acting as an inspector;

“License” means a license granted under this Act, and in Division 1 of Part IV. means a license to drive a motor vehicle;

“Local Authority” means a municipality and the council thereof or a road board; and includes the Minister in respect of any outlying land; and as the licensing authority within the metropolitan area, as defined by regulation;

“Local Government Act” means an Act under which a local authority is constituted or a district is governed by a local authority;

“Mechanical Power” includes any motive power not being animal power;

“Minister” means the Minister for Works or such other member of the Executive Council as is for the time being charged by the Governor with the administration of this Act;

“Motor vehicle” means any vehicle propelled by gas, oil, electricity, or any other mechanical power, and used or intended to be used on roads; but the expression does not include a locomotive or traction engine propelled by steam;

“Outlying Land” means land not comprised in any municipal or road district;

“Owner” means any person who owns a vehicle;

“Regulation” means a regulation made under this Act, and includes a by-law made under delegated authority;

“Road” means and includes any street, road, lane, thoroughfare, footpath, or place open to or used by the public, and all bridges and culverts and other things appurtenant thereto and used in connection therewith;

“Sub-district” means that portion of a municipal district or road district which is within the boundaries of the metropolitan area, as defined by regulation, where a portion only of any such district is comprised within that area;

“Vehicle” includes any vehicle mentioned in the Second Schedule to this Act, and every description of vehicle or locomotive engine or machine (whether used for carriage, traction or otherwise) drawn by animal traction, or propelled or drawn by any mechanical power, and used or intended to be used on roads: the term does not include a railway locomotive, railway carriage or wagon, tram motor or tram car;

“Width of bearing surface” means the actual width of the bearing surface of a tire that would actually come into contact with or bear upon a hard smooth level surface when the wheels are attached to the axle and ready for use.

S.A. No. 9
1868-9.

PART II.—LICENSING OF VEHICLES.

5. (1.) A vehicle license is required for any vehicle described in the Second Schedule to this Act. Licenses,
Schedule 2

(2.) If any vehicle for which the owner is not the holder of the requisite vehicle license under this Act is used on any road, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

Penalty: Twenty pounds.

Provided that it shall be a defence to a charge under this section against any person other than the owner of the vehicle if the defendant proves that he had no knowledge that the owner was not the holder of the requisite license.

(3.) A vehicle which is in any manner drawn or propelled on any road shall be deemed to be used thereon.

6. (1.) A passenger-vehicle license is required for every vehicle used for carriage of passengers for hire. Passenger-
vehicle and
carriers'
licenses.

(2.) A carrier's license is required for every vehicle regularly used for the carriage of goods for reward.

(3.) If any vehicle for which the owner is not the holder of the requisite passenger-vehicle license or carrier's license under this Act is used on any road for the carriage of passengers for hire, or for the carriage of goods for reward, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

Penalty: Twenty pounds.

(4.) Every person to whom a passenger-vehicle or carrier's license is issued under this Part shall cause such license whilst it is being exercised to be kept in the personal custody of the person actually driving the vehicle.

Penalty: Three pounds.

(5.) A person who has a passenger-vehicle or carrier's license in respect of any vehicle shall also be required to have a vehicle license in respect of such vehicle in addition thereto.

The licensing
authority.

7. (1.) A vehicle license for any vehicle employed or to be employed in, about, or in connection with any business establishment shall be issued by the local authority of the district wherein such establishment exists. A branch establishment shall be deemed an establishment for the purposes of this subsection.

(2.) Any passenger-vehicle or carrier's license, and also a license for a vehicle in respect of which either of such licenses is obtained or required, may be granted by any local authority:

Public stands.
See W.A. No. 32
of 1906, s. 250
and 251.

Provided that when public stands for licensed vehicles plying for hire have been appointed and fixed in any district, no license issued by the local authority of any other district shall (unless the local authority of the district in which such stands are established so orders) authorise any person to cause or permit any vehicle to stand or be upon any such public stand; but such stands shall, subject to any such order, be for vehicles licensed by the local authority of such district only.

Any person who contrary to this subsection causes or permits any vehicle to stand or be upon any such public stand commits an offence against this Act.

Penalty: Ten pounds.

(3.) Save as aforesaid, vehicle licenses shall be granted by the local authority within whose district the owner of the vehicle resides at the time of the application for the license. A body corporate shall be deemed to reside in the district in which its principal place of business is situated.

8. Subject to this Act, every license granted hereunder shall, whilst it is in force, be effective and operative throughout the State. Operation of license.

9. (1.) Every application for a license under this Part shall be made during the currency of the financial year in which the license is to have effect, or in the month immediately preceding that year; and every such license shall, subject to this Act, have effect for and during that year, or the unexpired portion thereof, and no longer. Application for license.

(2.) "Financial year" means the period of twelve months ending the thirtieth day of June.

10. Fees shall be paid to local authorities for licenses as set out in the Third Schedule to this Act: Fees.

Schedule 3.

Provided that any vehicle license required for any vehicle belonging to the Crown or to any local authority, or belonging to any fire brigades' board or used exclusively for purposes connected with protection against fire or ambulance work, or for any locomotive or traction engine used solely for ploughing, reaping, threshing, or other agricultural purpose, shall be granted without any fee being paid therefor, but such exemption from fees shall not extend to locomotive and traction engines drawn or driven over roads from farm to farm for use, for hire or reward.

Provided also that any minister of religion shall be entitled to obtain a license for one vehicle owned and kept by him for his own personal use, free of charge.

11. If the term of any annual license granted under this Part in respect of a vehicle not previously licensed shall commence on or after the first day of the seventh month of the financial year, the licensee shall, except in so far as it may be otherwise prescribed, pay only a quarterly pro rata fee for such license. Apportionment of fees.

12. (1.) The local authority of any district which has, after the commencement of this Act, received any vehicle or other license fee for a vehicle used for the carriage of passengers for hire, or the carriage of goods for reward shall, if the license has been wholly or mainly exercised in another district, pay such fee on demand to the local authority of such other district. Apportionment of fees between districts.

(2.) If any dispute shall arise between local authorities touching the question as to which district a license has been

wholly or mainly exercised in, the question shall be tried and determined by a police or resident magistrate in accordance with the prescribed procedure.

Minister to be
licensing
authority for
metropolitan
area.

13. (1.) Notwithstanding anything hereinbefore contained, the Minister shall be the licensing authority for every district and sub-district comprised in the metropolitan area, and shall have and may exercise therein such powers and discretions (under this Act or any regulation) of or concerning the issue and transfer of licenses and the effecting of registrations as are in other districts or sub-districts vested in the local authorities.

License fees,
how disposed of.

(2.) All fees paid each year for licenses or transfers of licenses or registrations in the metropolitan area under this Act or any regulation—

- (a) shall be paid into the Treasury to the credit of an account to be called the Metropolitan Traffic Trust Account;
- (b) shall be chargeable with the costs of collection as certified by the Minister; and
- (c) shall (subject to the payment of such costs) be paid and divided to and amongst the local authorities of the districts and sub-districts comprised in the metropolitan area in such shares and proportions as the Minister shall determine.

(3.) The warrant of the Minister shall be sufficient authority to the Colonial Treasurer to make any payment provided for by this section.

(4.) The metropolitan area shall be prescribed by regulation.

Obligation to
grant licenses.

14. It shall not be competent for a local authority to refuse to grant any license under this Part of this Act, in respect of any vehicle, to an applicant tendering the proper fee or not bound to pay any fee, unless—

- (a) the vehicle is unfit to be used or driven on a road;
or
- (b) the vehicle is unfit for the purpose for which the license is desired; or
- (c) the vehicle is not constructed and equipped in conformity with the provisions of this Act; or
- (d) the license applied for is not one that is appropriate to the vehicle; or
- (e) two convictions for offences against this Act have been obtained against the applicant during the preceding twelve months; or

- (f) in the case of an application for a passenger vehicle or a carrier's license, the applicant is of bad repute, or is not a fit and proper person to be the holder of such a license, or the reasonable requirements of the public do not justify the granting of the license.

15. (1.) If any person to whom a license in respect of a vehicle has been granted in any district shall cease to be the owner of the licensed vehicle, the licensing inspector or licensing officer of the district shall, on payment of the prescribed fee by the person who has become owner of the vehicle, indorse on the license a transfer thereof to him, and that person shall thereupon become the licensee.

Transfer of
licenses.

(2.) No such transfer shall be made to any person other than the executor or administrator of the licensee unless the inspector or officer is satisfied that the licensee or his executor or administrator has received notice of the application, provided that such notice may be dispensed with in the prescribed cases.

(3.) An application for a transfer may be refused for any reason for which an application for a license by the same person for the same vehicle might be refused.

16. (1.) If two convictions for offences against this Act shall be recorded or pronounced against the holder of a license granted under this Part during the currency of the license, then the justices before whom the licensee is convicted on the second occasion may, in lieu of or in addition to any other penalty provided by law which they may see fit to impose, order that the license be cancelled and the same shall thereupon become void.

Cancellation of
licenses.

(2.) When any license has been so cancelled, the licensee shall be disqualified during the period for which the license was granted from obtaining a license under this Part in respect of any vehicle of the kind for which the forfeited license was granted.

17. (1.) There shall be an appeal to a court of petty sessions, whose order shall be final, in any case where a license, or a transfer of a license, under this Part of this Act is refused.

Appeal.

See N.S.W.,
1909, No. 9, s. 3.

(2.) On the hearing of the appeal the court may order that the license shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit.

Exemptions.

Sec 3 Edw.
VII., c. 36, s. 2.

18. Notwithstanding anything hereinbefore contained,—

- (a) a person shall not be liable to a penalty under section five in respect of any vehicle if he proves that he has had no reasonable opportunity of obtaining a license for the vehicle, and that the same is being driven on a road direct to the office of the local authority for the purpose of obtaining a license;
- (b) the local authority of any district in which the business premises of any manufacturer of or dealer in motor vehicles are situated may, on payment of such annual fee not exceeding five pounds as may be prescribed, assign annually to that manufacturer or dealer a general identification disc or tablet which may be used for any motor vehicle on trial after completion or on trial by an intending purchaser, and a person shall not be liable to a penalty under section five while so using the vehicle if the disc or tablet so assigned is fixed upon the vehicle in the prescribed manner, provided that any such disc or tablet heretofore assigned by any local authority to a manufacturer or dealer shall, whilst the period for which it was assigned is unexpired, be deemed to have been assigned under this Act;
- (c) no person shall be required to take out any vehicle license for a vehicle whilst the period for which any license heretofore granted for such vehicle is unexpired and the license is in force;
- (d) a license to use a vehicle for the carriage of goods or as a passenger vehicle heretofore granted by any local authority and in force at the commencement of this Act shall be deemed a carrier's or passenger-vehicle license, as the case may be, granted under this Act, and shall, subject to this Act, continue in force for the period for which it was granted.

Existing
licenses.

19. The provisions of this Act relating to licenses, licensed persons, and licensed vehicles shall, according to their tenor, apply and have effect to and in respect of licenses heretofore granted and in force at the commencement of this Act, and to and in respect of the persons and vehicles respectively licensed thereunder, as if every license were a corresponding license granted under this Act:

Provided that all licenses granted before the commencement of this Act for a period extending beyond the 30th day of June, 1920, shall expire on that day; but the licensee shall, on the renewal of his license, receive credit for a proportionate part of the license fee paid by him in respect of the period subsequent to the 30th day of June:

Provided also that such proportionate part as aforesaid of the license fee paid in respect of any license renewed by the Minister as the licensing authority in the metropolitan area shall be accounted for by the local authority in receipt thereof, and paid by such local authority to the Minister, and shall be disposed of under section thirteen.

PART III.—TRAFFIC INSPECTORS.

20. (1.) In each district there shall be a traffic inspector or two or more traffic inspectors appointed by the local authority. Traffic Inspect-
ors.

(2.) Every such inspector—

- (a) may grant any license which the local authority has power to issue under this Act;
- (b) may by virtue of his office, and without receiving express authority from the local authority, institute and carry on any proceedings against any person for any alleged offence against this Act or any breach of the regulations thereunder;
- (c) may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act;
- (d) shall be re-imbursed out of the ordinary revenue of the local authority all costs and expenses which he may incur or be put to in or about the premises;
- (e) may be dismissed from office by the local authority.

(3.) The power to appoint an inspector includes the power to appoint assistant inspectors.

(4.) It shall be the duty of every police officer to aid and assist inspectors in the exercise and discharge of their powers and duties, and members of the police force may exercise such powers and shall perform such duties of inspectors (except the granting or transfer of licenses or the effecting of registrations) as the Commissioner of Police may by general or special order published in the *Gazette* think fit for the time being to vest in or impose upon them.

(5.) The Minister may appoint any person to be an inspector of any Government road or of roads not within any district. Any such inspector shall in respect of any road to which his appointment extends have such powers and perform such duties of an inspector as the Minister may from time to time direct.

(6.) The local authority may review any action or decision of any inspector (not being a police officer or an inspector appointed by the Minister) in its district, and the Minister may review any act or decision of any inspector appointed by him.

(7.) Every inspector appointed under this Act or the regulations thereunder (not being a member of the police force) shall be furnished with the prescribed certificate of his appointment, and shall produce such certificate whenever required so to do by any person in respect of whom he has exercised or is about to exercise any of his powers under this Act.

Penalty: Five pounds.

Provided that within the metropolitan area the regulation and control of traffic shall be administered solely by the Commissioner of Police and the members of the police force; such area to be defined by regulation.

PART IV.—REGULATION OF TRAFFIC.

Division 1.—Motor Vehicles.

Licensing of
drivers.

See 3 Edw. VII.
c. 36, s. 3.
Vic. No. 2702,
s. 6.

21. (1.) The Commissioner of Police and any member of the police force acting with his authority may, subject to this Act, on the application of any person, grant and issue an annual license to such person to drive a motor vehicle of the kind to be therein specified:

Provided that no license shall be granted until the applicant has proved to the reasonable satisfaction of an examiner, to be appointed by the Commissioner of Police, that the applicant is qualified to drive a motor vehicle of the kind for which the license is required.

(2.) A fee of five shillings per annum shall be payable for such license.

(3.) Every license shall, subject to the provisions of this Act, remain in force until the thirtieth day of June in the year for which it was granted.

22. No person shall—

- (a) drive a motor vehicle on a road without being duly licensed under this Division for that purpose; or
- (b) employ or permit any person not so licensed to drive a motor vehicle on a road.

Penalty: For a first offence—Twenty pounds; for any subsequent offence—Fifty pounds, or imprisonment for three months.

Provided that nothing herein contained shall prevent an unlicensed person, being a person learning to drive a motor vehicle, from driving a motor vehicle upon a road if such unlicensed person has sitting beside him a licensed driver, and in such case the licensed driver shall be deemed to be driving such motor vehicle.

Penalty for driving without license.

See 3 Edw. VII., c. 36, s. 3, s. 6. N.S.W., No. 5 of 1909.

Vic. No. 2702, s. 6.

See Vic., No. 2702, s. 7.

23. Any driver of a motor vehicle who, when required by a member of the police force or a traffic inspector to produce his license to drive such vehicle or to state his name and place of abode, refuses to do so, or states a false name or place of abode, or refuses or fails to stop his motor vehicle when called upon to do so by a member of the police force or an inspector, shall be guilty of an offence under this Act.

Penalty: Ten pounds.

Production of license.

See 3 Edw. VII., c. 36, s. 1, 3 (4).

24. (1.) Any person who drives or causes or permits to be driven upon any road a motor vehicle—

- (a) not having the number plates properly affixed thereto; or
- (b) having the number plates obscured so that the number or letter and number upon such plates are not clearly visible; or
- (c) having the original number or letter and number upon the number plates obliterated by any material; or
- (d) having the number of plates so damaged that the original number or letter and number are not completely and distinctly visible,

shall be guilty of an offence under this Act.

Penalty: Ten pounds.

Motor vehicle to be numbered.

N.S.W., No. 5 of 1909, s. 6, and No. 11 of 1915, s. 5.

(2.) No person shall be liable to a penalty for any breach of this section if he proves to the satisfaction of the court hearing the case that such breach was the result of an accident.

(3.) "Number plate" means the identification tablet or number plate issued by a local authority on the licensing of a vehicle.

Duty to stop
in case of
accident, etc.
Cf. 3 Edw. VII.,
c. 36, s. 6.

25. Any person driving or riding a motor vehicle shall, in any case, if an accident occurs to any person, or to any animal or vehicle under the care of any person, caused by such motor vehicle, or owing to the presence of the motor vehicle upon the road, stop, and, if required, produce his license and give his name and address and also the name and address of the owner of the vehicle to any person who has been injured, or whose vehicle or animal has been injured, or to a member of the police force or an inspector, or to any person representing an injured person.

Penalty: Twenty pounds.

Reckless
driving.

See 3 Edw. VII.,
c. 36, s. 1.

Vic., No. 2702,
s. 10.

26. (1.) If any person drives a motor vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, that person shall be guilty of an offence under this Act.

Penalty: For a first offence, Twenty pounds; for any subsequent offence, Fifty pounds, or imprisonment for three months.

(2.) Any member of the police force may apprehend without warrant the driver of any vehicle who commits an offence under this section within his view, if he refuses to give his name and address, or if he does not produce his license on demand, or if the motor vehicle does not bear the prescribed number plate.

Driving under
influence of
liquor.

Vic. No. 2702,
s. 20.

27. (1.) Any person driving a motor vehicle who is apparently under the influence of intoxicating liquor may be apprehended without warrant by any member of the police force or an inspector and charged with an offence under this Act.

(2.) Such motor vehicle may be driven or conveyed to and detained at any police station pending the hearing of the charge against such person.

(3.) Any person proved to have been under the influence of intoxicating liquor whilst driving a motor vehicle shall be liable to a penalty of Twenty pounds or to imprisonment with or without hard labour for three months.

Suspension of
license and dis-
qualification.
See 3 Ed. VII.,
c. 36, s. 4.

28. (1.) Any court before whom a person is convicted of any offence in connection with the driving of a motor vehicle—

- (a) may, if the person convicted holds a license under this Division, suspend such license for such time as the court thinks fit, and may also declare the person convicted disqualified for obtaining a license for such time as the court thinks fit; and
- (b) may, if the person convicted does not hold a license, declare him disqualified for obtaining a license for such time as the court thinks fit; and
- (c) if the person convicted holds any such license shall cause particulars of the conviction and of any order of the court made under this section to be endorsed thereon, and shall cause a copy of those particulars to be sent to the Commissioner of Police.

Vic., No. 2702,
s. 8.

(2.) A license so suspended by the court shall, during the term of suspension, be of no effect, and a person whose license is suspended, or who is declared by the court to be disqualified for obtaining a license, shall, during the period of suspension or disqualification, be disqualified for obtaining a license under this Division.

29. Any owner of a motor vehicle shall, if required by a member of the police force, or an inspector, give any information which it is in his power to give, which may lead to the identification of any person who was driving such vehicle when an offence under this Act is alleged to have been committed.

Duty of owner
to identify
offending driver.
See 3 Edw. VII.,
c. 36, s. 1 (3).

Penalty: Ten pounds.

30. (1.) Any person being in the State merely as a tourist and having in his possession a motor car belonging to himself, may apply to the Minister for a license under this section, and the Minister may, in his absolute discretion, issue to the applicant a license in the prescribed form which shall, in respect of the said motor car, have effect as a vehicle license and also as a driver's license to the applicant and any person in his employ named therein.

Special licenses
for travellers
with motor cars.

(2.) No fee shall be charged for such license.

(3.) Such license shall not be for a longer period than three months, and no more than one such license shall be granted for the same car or to the same applicant during any period of twelve months.

(4.) Subject as aforesaid, the provisions of this Act, applicable to motor cars and to vehicle and drivers' licenses and to licensed persons, shall, according to their tenor, apply

mutatis mutandis to such cars and licenses as are mentioned in this section and to any person making use of such licenses; any license granted hereunder may be forfeited for any cause for which a vehicle license or driver's license might be forfeited, and, in addition, shall be liable to revocation by the Minister at any time in his absolute discretion.

Division 2.—Locomotive and Traction Engines.

Drivers'
licenses.

31. (1.) No person shall drive a locomotive or traction engine propelled by steam on a road unless such person is the holder of a locomotive or traction engine-driver's certificate under the Inspection of Machinery Act, 1904.

Penalty: For a first offence Twenty pounds; for any subsequent offence, Fifty pounds or imprisonment for three months.

(2.) No person shall drive a locomotive or traction engine propelled by any mechanical power except steam unless he is duly licensed under Division 1 of this Part.

Not to be liable
for damage to
traction engine.

Vic. No. 2686,
s. 589.

32. No local authority shall be liable for any damage done to any locomotive or traction engine, or anything carried, drawn, or impelled thereby by reason of the same falling through or from any bridge or culvert, or by reason of any defect in any road.

Driver to stop
when requested.

See *Ibid.*, s. 591.

33. The driver of any locomotive or traction engine when travelling on a road shall, when requested or signalled so to do by any person driving a horse in any vehicle, stop until the vehicle has passed the locomotive or traction engine.

Penalty: Twenty pounds.

Division 3.—Width of Tires.

Application of
this Division.

34. (1.) The Governor may by Order in Council, published in the *Gazette*, declare that the provisions of this Division shall apply to and be in force and effect in any district from and after a date to be specified, and thereupon such provisions shall come into force in such district, and the Width of Tires Act, 1895, and section eighty-nine of the Public Works Act, 1902, shall cease to have effect therein.

(2.) Except in pursuance of an Order-in-Council under this section, this Division shall not have any force or effect in any district.

(3.) This Division shall not apply to any motor vehicle or cycle using only pneumatic tires or other tires of elastic material.

35. No person shall carry or cause or permit to be carried on any road by any vehicle a greater weight, including the weight of the vehicle, than that prescribed by the Fourth Schedule, for each inch or portion of an inch of the width of the bearing surface of the tire of each wheel of the vehicle.

Maximum weight of vehicles.
See *Ibid.*, s. 509.
S.A., No. 9 of 1868-9, s. 2.

Penalty: Twenty pounds.

Provided that this section shall not apply where the tires of the wheels of a vehicle are not less than six inches in width.

Provided also that owners of vehicles having tires under the regulation size shall be allowed twelve months from the passing of this Act to alter their tires to the regulation size.

36. (1.) No owner of any cart, motor wagon, goods vehicle, or locomotive or traction engine shall use or cause or permit the use of such vehicle on any road unless the correct weight of the vehicle is painted and displayed on some conspicuous part on the off-side in white letters of the prescribed size on a black ground.

Weight of vehicle to be displayed.
Ibid., s. 5.

Penalty: Five pounds.

(2.) As from a date to be fixed by proclamation, no person shall sell or offer or exhibit for sale or import any new vehicle of the kind specified in subsection one hereof unless the correct weight of the vehicle is painted in some conspicuous part on the off-side thereof, in white letters of the prescribed size on a black ground.

Penalty: Five pounds.

37. (1.) Every person in charge of a vehicle shall, at the request of any member of the police force or an inspector or other officer of a local authority, allow such member of the police force, inspector, or officer to ascertain the weight of the load on the vehicle by measurement or otherwise in accordance with the appropriate regulation.

Load may be measured.
See S.A., No. 12 of 1867, s. 4.

Penalty: Five pounds.

(2.) The result ascertained shall be conclusively taken for the purposes of this Division to be the actual weight of the load, unless the owner or person in charge of the vehicle shall at the time give notice to the member of the police force, officer, inspector, or other officer of his intention to have the load weighed, and shall forthwith at his own expense have

the same weighed in the presence of the member of the police force, inspector, or other officer.

Weighing
machines.
Ibid., s. 9.

38. (1.) Local authorities may erect weighing machines with suitable houses or structures for the weighing of vehicles, goods, or merchandise for the purpose of this Division.

(2.) Local authorities may also, for the purposes of this Act, by resolution recognise any weighing machine as fit and accurate, and may in like manner withdraw any such recognition.

Vehicles and
load to be
weighed if
required.
See *Ibid.*, s. 6.

39. Every person in charge of a vehicle shall, if required by a member of the police force or an inspector or other officer of the local authority, forthwith cause such vehicle with the load (if any) thereon to be weighed at the most convenient weighing machine erected or recognised by a local authority within one mile of the place where the requisition is made.

Penalty: Ten pounds.

Vehicle to be
weighed if re-
quired.

40. (1.) The owner of any vehicle being served with a notice in the prescribed form signed by an inspector and a justice of the peace, requiring him with all practicable speed to cause the vehicle to be weighed unladen on any weighing machine erected or recognised by a local authority, shall obey such order, and shall forthwith forward the document showing the result of the weighing to such inspector.

Penalty: Ten pounds.

(2.) This section shall not apply if the owner has a certificate of the weight of such wagon from any inspector, and the distance to the nearest weighing machine erected, or recognised by, the local authority is greater than two miles.

Division 4.—Regulations.

Regulations.
See No. 32 of
1900, ss. 179,
181.
No. 29 of 1911,
s. 179.

41. (1.) Subject to this Act, the Governor may by regulations—

- (i) Regulate traffic and the use of vehicles upon roads, and for that purpose may—
 - (a) prescribe the rules to be observed in respect of any vehicles being driven or used on roads;
 - (b) prohibit the use on roads of any vehicles that cannot be safely used;
 - (c) determine what number and kind of lights shall be carried by any vehicles, and the times when and the positions in which such lights shall be carried, and prohibit the use of unsuitable lights;

- (d) prescribe the use on any vehicles of efficient brakes and similar appliances;
- (e) provide for the issue by the local authority of identification tablets or number plates for vehicles, and require any person owning or in charge of any vehicle (whether a license is required therefor or not) to keep such a tablet or number plate displayed thereon in any manner;
- (f) prescribe and regulate the use on any vehicles of bells and alarms;
- (g) prohibit or restrict the driving of any specified kinds of vehicles on any road on which, in the opinion of the Governor, such traffic would be especially dangerous;
- (h) provide for minimising the noise and the issue of fumes or smoke from the working of motor vehicles and locomotive or traction engines;
- (i) prescribe the hours during which and the conditions on which locomotive or traction engines, jinkers, and whims may proceed over any road;
- (j) regulate the manner in which horses or other animals in teams shall be driven, yoked, or harnessed;
- (k) regulate the use of roads by travelling stock;
- (l) regulate the use of trailers;
- (m) require persons in charge of vehicles or animals on roads to duly secure or be in attendance on the same;
- (n) prohibit or regulate processions on roads;
- (o) define the powers and duties of inspectors with regard to traffic on roads;
- (ii) Regulate the use, management, and equipment of passenger vehicles, and for that purpose may—
 - (a) prevent any person not being of a prescribed age acting as driver or conductor;
 - (b) provide for the issue (subject to sections twenty-one, twenty-two, and thirty-one) of licenses to drivers and conductors, and prohibit any unlicensed person from acting or being employed as a driver or conductor, and prescribe the fees to be paid for such licenses;
 - (c) limit the number of passengers and the quantity of baggage and goods to be carried;
 - (d) prescribe rules for the taking up and setting down of passengers;

- (e) prescribe how vehicles are to be equipped and maintained in proper order and condition;
- (f) provide for the disposal of articles left in such vehicles;
- (g) prevent smoking in or on any such vehicle;
- (h) prohibit the conveyance of any corpse in or on any such vehicle;
- (i) regulate the routes to be observed by such vehicles plying as omnibuses;
- (j) require the carrying of inside lights after sunset;
- (k) require the rates of fares to be kept displayed inside such vehicles;
- (l) prevent what is called the nursing or shepherding of passenger vehicles by other passenger vehicles, and prevent one passenger vehicle being persistently driven before or after another passenger vehicle;
- (m) provide for the punishment of persons hiring passenger vehicles or riding therein, and evading or attempting to evade payment of fares;
- (n) prevent touting on roads or in public places for passenger vehicles;
- (o) impose an obligation on owners and drivers to convey passengers on demand;
- (iii) Fix the rates and fares which may be taken by the drivers and owners of passenger and goods vehicles;
- (iv.) Regulate, subject to section seven, the use of public stands appointed for the use of any passenger or goods vehicles, and prohibit the driver of any passenger or goods vehicle loitering or standing for hire therewith in any road except on a place which may lawfully be used as a stand for that particular vehicle;
- (v) Regulate the conduct of drivers and conductors of, and persons attending any passenger or goods vehicle, and for that purpose may prohibit careless or furious driving or racing, or the demand or receipt of more than the legal fare or rate;
- (vi) Impose an obligation on the owners and drivers of any goods vehicles to carry merchandise and goods on demand;
- (vii) Regulate the use of roads with a view to the prevention of undue damage thereto or obstruction thereof, and for that purpose may—

- (a) define what shall be deemed heavy traffic for the purposes of this Act;
 - (b) prohibit the passage of heavy or obstructive traffic over any specified road;
 - (c) prescribe the maximum weight which may be taken across any bridge or culvert;
 - (d) prohibit or regulate the use on any road of any vehicle not having the nails in the wheels counter-sunk in such a manner as may be specified in the regulation, or having on any wheel any bars, spikes, or projections specified in the regulation ;
 - (e) prohibit or regulate the drawing or trailing of any sledge, timber, or heavy material on any road;
 - (f) prohibit or regulate the use on any road of any vehicle with a locked wheel;
 - (g) provide for the ascertainment by measurement or otherwise of the weight of any vehicle or the load carried by any vehicle on a road;
 - (h) prescribe by what distance or length of axle-tree any wheel of a vehicle shall be separated from the opposite wheel;
 - (i) limit the weight of loads to be carried or drawn by jinkers or whims;
 - (j) prescribe special rules for requiring the tires of jinkers and whims to be of a special width, and to be suitably protected or covered;
 - (k) fix the fee for a vehicle license for any jinker or whim or vehicle or trailer engaged in heavy traffic at a higher figure than that fixed by the Third Schedule, but so that no such higher fee shall be fixed in respect of a vehicle for which another license in addition to a vehicle license has to be obtained.
- (viii) Provide for the suspension and cancellation of licenses granted under any regulation;
- (ix) Prescribe the method by which the horse power, carrying power, and any other matter may be determined in regard to any particular kind of vehicle for the purposes of this Act;
- (x) Prescribe any rule that may be deemed necessary or conducive to the exercise of any of the foregoing powers, or to the exercise of any powers vested in the Governor or the Minister or any local authority;

- (xi) Prescribe all matters which by this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Part of this Act;
 - (xii) Impose a penalty not exceeding twenty pounds or imprisonment not exceeding one month with or without hard labour for the breach of any regulation.
 - (xiii) Prescribe the fee and regulate other matters for any vehicle not otherwise provided for in this Act;
 - (xiv) Regulate the use and driving of camels, and for that purpose may—
 - (a) limit the number of camels to be driven by one driver;
 - (b) require the annual registration of camels and the payment of an annual registration for pack camels.
- (2.) The mention herein of any means or method of exercising a power of regulation hereby conferred shall not be deemed to imply that, in the exercise of that power, the Governor is to be debarred from the use and employment of appropriate means and methods not specifically mentioned.
- (3.) Regulations under this Division may, if the Governor deems it necessary or expedient, be of a local nature and limited in their application to a particular area, and may be restricted in their operation either to any specified class or kind of vehicle, or to vehicles with the exception of any specified class or kind.
- (4.) The power of making regulations under this Division extends to Government roads.

Delegation of powers to local authority.

42. (1.) The Governor may, by Order in Council, empower a local authority to exercise, within its district, any power of making regulations which the Governor could exercise under this Division.

(2.) The order shall define any power conferred in the words used in the definition of such power in this Division: provided that the word "by-law" may be substituted for "regulation," and "local authority" for "Governor."

(3.) Such order may, until revoked, be acted on by the local authority in the manner and subject to the conditions and restrictions (if any) therein set out.

Effect of regulations and by-laws.

43. Every license or registration to be granted or effected under any regulation shall be granted or effected by the local authority as prescribed, to whom all lawful fees shall be paid, and every such license or registration shall be effective throughout the State.

44. Whenever any number of persons, or any club or clubs, intimate to the Minister that they desire to hold race meetings or speed tests in any particular place or locality on a day to be fixed, the Minister may temporarily suspend the operation of any regulations under this Act for such purpose, and may define the conditions under which such race meetings or speed tests shall be conducted: Provided that the consent in writing of the local authority of any district concerned shall be first obtained and produced to the Minister.

Special regulations as to speed.

S.A. 1907, No. 938, s. 26.

45. Local authorities shall give public notice of any regulation of the Governor made in pursuance of this Act prohibiting or restricting the use of motor vehicles on any road or limiting the speed of motor vehicles within any limits or place, and for the purpose of giving effect to any such regulation shall place notices in conspicuous places on or near the road, limits, or place to which the regulation refers.

Notice of regulations.

See 3 Edw. VII., c. 36, s. 10.

46. On the commencement of this Act, all by-laws and regulations theretofore made by any local authority under any statutory provision repealed by this Act shall be deemed to be repealed but so that all licenses and registrations granted or effected thereunder shall be operative and have effect as if granted under this Act.

Existing by-laws.

47. When any by-law or regulation made by any local or other authority or any Minister of the Crown or other person is inconsistent with any regulation made under this Act, the latter shall prevail, and the former shall, to the extent of the inconsistency, be void.

By-laws under this Act to prevail.

PART V.—MISCELLANEOUS.

48. (1.) The owner of a motor wagon or a locomotive or traction engine shall be liable in damages to any local authority for any extraordinary damage or injury caused or happening to any road under the control of such local authority by such wagon or locomotive or traction engine or in consequence of the use or passage thereof or of anything carried, drawn, or propelled thereby on or along such road.

Liability for damage.
See Vic. No. 2686, s. 587.

(2.) If any such damage or injury as aforesaid is caused to any bridge or culvert, the person in charge of the motor wagon or locomotive or traction engine shall immediately

See Vic. No. 2686, s. 588.

place a conspicuous warning mark or sign, in accordance with the regulations, on or near such bridge or culvert, and shall forthwith send notice of the damage or injury to the town clerk or secretary of the local authority in whose district the damage or injury was done.

Penalty: Ten pounds.

Power of road authority to recover expenses of heavy or extraordinary traffic.

See 41 and 42 Vic., c. 77, s. 23; and 61 and 62 Vic., c. 29, s. 12.

49. (1.) Where by a certificate of an inspector it appears to a local authority which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such road by reason of the damage caused by heavy traffic passing along the same, or extraordinary traffic thereon, such authority may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such authority by reason of the damage arising from such traffic as aforesaid:

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

(2.) For the purposes of this section the Minister shall be deemed the authority which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring an action for recovery of expenses under this section accordingly: provided that any moneys recovered by him shall be paid into the consolidated revenue fund. The requisite certificate may be given by any inspector of any district or by any officer of the Public Works Department authorised by the Minister in that behalf.

(3.) Proceedings for the recovery of any expenses hereunder shall be commenced within twelve months of the time when the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

50. Subject to this Act, no person shall, without the consent of the owner or person in charge of a motor vehicle or locomotive or traction engine, drive or otherwise assume control of or use such vehicle.

Unauthorised use of vehicles.
See N.S.W., 1915, No. 11, s. 6.

Penalty: Fifty pounds; or imprisonment with or without hard labour for three months.

51. Any person who unlawfully interferes with the mechanism or parts of any motor vehicle or locomotive or traction engine shall be guilty of an offence under this Act.

Unlawful interference with mechanism of motor vehicles.

Penalty: Fifty pounds or imprisonment with or without hard labour for three months.

52. Any person who procures the use or hire of any motor vehicle by fraud or misrepresentation, and any person who aids or abets any such person, shall be guilty of an offence under this Act.

Procuring or hire of car by fraud, etc.
See N.S.W., No. 11 of 1915, s. 6.

Penalty: Fifty pounds; or imprisonment with or without hard labour for three months.

53. (1.) The Minister may, if he considers any road unsafe for public traffic, cause the same to be closed for such period as he considers necessary.

Roads may closed.

(2.) A local authority may exercise a similar power with regard to any road under its control.

(3.) No person shall drive, take, or use any vehicle on to or on any road while such road is closed under this section.

Penalty: Twenty pounds.

54. (1.) Every holder of a license shall, whenever he is charged with an offence under this Act, produce his license to the justices hearing the charge.

Production license.

Penalty: Three pounds.

(2.) If such person is convicted, the justices shall indorse a memorandum of the conviction on the license.

55. When any license is forfeited the licensee shall, on demand made by an inspector or licensing officer, deliver such license to him.

Forfeited license to be delivered up.

Penalty: Five pounds.

56. Whenever a license is lost or destroyed, a duplicate or certified copy thereof shall, on payment of the prescribed fee, be issued by the licensing authority, and shall serve and be available in lieu of the original.

Lost license.

Offences.

57. No person shall—

- (a) Whilst disqualified for obtaining any particular license apply for or obtain any such license; or
- (b) Wilfully mislead any inspector, police officer, or licensing officer in any particular likely to affect the discharge of his duty under this Act; or
- (c) Forge or fraudulently alter any license or any identification tablet or number plate for any vehicle or animal; or
- (d.) Use any forged or fraudulently altered license or identification tablet or number plate; or any license or identification tablet or number plate to which he is not entitled; or
- (e) Fraudulently permit his license or identification tablet or number plate to be used by any other person; or
- (f) Drive any vehicle or cause or permit any vehicle to be driven on any road whilst it has on it any forged or fraudulently altered identification tablet or number plate, or any identification tablet or number plate other than one issued for such vehicle; or
- (g) without lawful excuse have in his possession a license or any article resembling a license and calculated to deceive; or
- (h) lend or allow to be used by any other person any license or any identification tablet or number plate.

Penalty: Twenty-five pounds.

Proof of
person being
unlicensed.

58. In any prosecution under this Act an averment in the complaint that any person is or was unlicensed, or that any person is or was not the holder of any particular license (either personal or in respect of any vehicle) shall be deemed to be proved in the absence of proof to the contrary.

Savings.

59. Nothing in this Act shall take away or diminish any liability of the driver or owner of a vehicle by virtue of any other Act or at common law.

Application of
Act to Crown
and local
authorities.

60. This Act applies to persons in the public service of the Crown, or of any local authority.

61. No matter or thing done by the Minister or any local authority, inspector, or member of the police force in good faith for the purpose of executing this Act shall subject the Crown or the Minister, local authority, inspector, or member of the police force to any liability in respect thereof.

Protection of
Minister, Local
Authorities, and
Officers.

62. Subsection (a) of section two hundred and thirty-seven of the Municipal Corporations Act, 1906, and subsection (a) of section one hundred and forty-seven of the Roads Act, 1911, are hereby repealed.

Repeal of sec.
237 of Act No.
32 of 1906, and
Sec. 147 of Act
No. 29 of 1911.

63. The Governor may, in addition to the powers conferred by Division 4 of Part III., make such regulations as may be necessary or convenient for carrying out or giving effect to the provisions of this Act, and by such regulations may prescribe forms for use under this Act.

Regulations.

First Schedule.

Section 3.

REPEALS.

Date and Number.	Short Title.	Extent of Repeal.
40 Vict., No. 5 ...	The Cart and Carriage Licensing Act, 1876	The whole.
No. 32 of 1906 ...	The Municipal Corporations Act, 1906	The following portions of Section 179, namely:—Paragraphs 6 and 30 (except sub-paragraphs c and x); Sub-paragraphs f, i, n, o, p, and u of paragraph 42, and the words “and carriage” in sub-paragraph m of paragraph 42, and sub-paragraph t of paragraph 42, except in so far as it relates to perambulators, and paragraph 46. The following portions of Section 181, namely:—Paragraphs a, b, and c. The following portion of the 12th Schedule, namely:—Part VII. (except subdivision 3 relating to porters).
No. 29 of 1911 ...	The Roads Act, 1911	The following portions of Section 179, namely:—Paragraphs 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 52, 53, and 54.

Section 5.

Second Schedule.

Vehicle.	Description.
" Carriage "	Any description of vehicle with springs drawn or propelled by animal but not human power, and mainly used for the carriage of persons ;
" Cart "	Any description of vehicle drawn or propelled by animal but not human power, and solely or mainly used for the carriage of goods ;
" Cycle "	A bicycle, tricycle, or velocipede driven or propelled by human power only ;
" Hand-cart "	A cart drawn or propelled by human power;
" Locomotive or traction engine "	Any road locomotive driven by steam and used for the carriage of passengers or goods or passengers and goods, and any engine propelled by any mechanical power and used for haulage purposes, or as a road roller ;
" Motor car "	Any motor vehicle other than a motor carrier, motor cycle or motor wagon ;
" Motor carrier "	A motor vehicle designed to travel on three wheels and weighing unladen not more than twenty hundred-weight ;
" Motor cycle "	A motor vehicle designed to travel on two wheels and includes a side car attached to the vehicle ;
" Motor wagon "	A motor vehicle, other than a motor carrier or motor cycle, which is solely or mainly used for the carriage of goods ;
" Trailer "	A vehicle drawn by another vehicle, but does not include an attachment of a motor cycle.

Section 10.

Third Schedule.

LICENSE FEES shall be as indicated hereunder :—

VEHICLE LICENSES.							£	s.	d.
For a Carriage	...	...	...	...	...	per wheel	0	5	0
For a Cart ...	...	...	...	...	...	"	0	5	0
For a Hand-cart	...	...	...	...	...	"	0	1	3
For a Motor Car—									
Not exceeding 25 power weights	...	...	...	...	...	...	2	0	0
Exceeding 25 p.w. but not exceeding 30 p.w.	...	...	...	...	...	...	3	0	0
" 30 "	...	...	...	40 "	...	...	4	0	0
" 40 "	...	...	...	45 "	...	...	5	0	0
" 45 "	...	...	...	50 "	...	...	6	0	0
" 50 "	...	...	...	55 "	...	...	7	0	0
" 55 "	...	...	...	60 "	...	...	8	0	0
" 60 p.w.	...	...	...	...	...	...	10	0	0

In the case of a motor car used as a passenger-vehicle, an additional fee of 1s. for every person exceeding nine (inclusive of the driver) which the vehicle is capable of carrying shall be charged.

For a motor carrier—	£	s.	d.
Used for the carriage of persons only	1	10	0
Not used exclusively for carriage of persons—			
of gross weight with load not exceeding 10cwt. ...	1	10	0
" " " " exceeding 10cwt. but not			
exceeding 15cwt. ...	1	17	6
" " " " exceeding 15cwt. but not			
exceeding 20cwt. ...	2	5	0

When the weight exceeds 20cwt., the fee payable shall be calculated as if the motor carrier were a motor car.

For a motor cycle	0	15	0
" " " with side car attachment, per wheel	0	7	6

For a motor wagon—			
Of not exceeding 30 power load weights	4	0	0
Exceeding 30 P.L.W. but not exceeding 40 P.L.W. ...	4	10	0
" 40 " " " 50 " "	5	0	0
" 50 " " " 60 " "	5	10	0
" 60 " " " 70 " "	6	0	0
" 70 " " " 80 " "	6	10	0
" 80 " " " 90 " "	7	0	0
" 90 " " " 100 " "	7	10	0
" 100 " " " 110 " "	8	0	0
" 110 " " " 120 " "	9	0	0
" 120 " " " 130 " "	10	0	0
" 130 " " " 140 " "	11	10	0
" 140 " " " 150 " "	13	0	0
" 150 " " " 160 " "	14	10	0
" 160 " " " 170 " "	16	0	0
" 170 " " " 180 " "	17	10	0
" 180 " " " 190 " "	19	0	0
" 200 P.L.W.	21	0	0

For a locomotive or traction engine—			
Not exceeding 5 tons in weight with load (if any), per wheel per ton	0	7	6
Over 5 tons in weight with load (if any), but not exceeding 8 tons, per wheel per ton	0	10	0
Over 8 tons in weight with load (if any), per wheel per ton	0	12	6

For a trailer, 5s. per ton per wheel on the weight of trailer, plus declared maximum load.

PASSENGER VEHICLE AND CARRIERS' LICENSES.

Fee for a passenger vehicle license, per wheel	0	5	0
Fee for a carrier's license, per wheel	0	5	0

The above fees are all payable annually.

For the purposes of this Schedule, "load" means the greatest load which is within the limits of the vehicle's capacity, as ascertained according to the prescribed method.

TRANSFERS.

The following fees are payable on transfers of licenses:—

Transfer of License of—	£	s.	d.
Motor car, motor carrier, motor wagon, locomotive or traction engine	0	5	0
Motor cycle	0	2	6
Trailer	0	2	6
Carriage or cart	0	2	6
Hand-cart	0	1	3
Transfer of passenger-vehicle or carrier's license	0	2	6

RULES FOR ASCERTAINING POWER WEIGHT AND POWER LOAD WEIGHT FOR THE PURPOSES OF THIS SCHEDULE.

1. The Power Weight (P.W.) of a motor vehicle is ascertained by adding the weight expressed in hundredweights (cwt.) of the car (complete and ready for use, including the tools, oil, spare parts, tires and other accessories usually carried) to the horse-power calculated on the Dendy Marshall formula.

2. The Power Load Weight of a motor wagon is ascertained by adding to the Power Weight of the vehicle the carrying capacity (expressed in hundredweights) as verified by statutory declaration when application is made for the license.

3. The horse-power (H.P.) of a motor vehicle is ascertained according to the Dendy Marshall formula by multiplying the square of the diameter of the cylinders (expressed in inches) by the number of cylinders, and the length of stroke (expressed in inches) and dividing the result by 12.

The formula is as follows :—

d = diameter of a cylinder in inches.

n = number of cylinders.

s = length of stroke in inches.

$$\text{H.P.} = \frac{d^2 \times n \times s}{12}$$

$$\text{Or H.P.} = \frac{d^2 \times n \times s}{200 \cdot 000} \text{ when } d \text{ and } s \text{ are taken in millimetres.}$$

4. If in any case the result obtained by applying the above rules contains a fraction, then the result shall be taken to be the next higher integral figure.

Fourth Schedule.

The following is the scale of weights referred to in Section 35 of the Act, regulating load (including the weight of vehicle) to be carried according to the width of tire :—

Vehicle.	Width of Tire.	Weight per inch, in hundredweights	Load.
wheels.			tons, cwt. qrs.
2	For Tires of $1\frac{1}{2}$ inches	4	0 12 0
4	" " $1\frac{1}{2}$ "	$4\frac{1}{2}$	1 5 2
2	" " $1\frac{3}{4}$ "	$4\frac{1}{2}$	0 15 3
4	" " $1\frac{3}{4}$ "	$4\frac{3}{4}$	1 13 1
2	" " 2 "	5	1 0 0
4	" " 2 "	$5\frac{1}{2}$	2 2 0
2	" " $2\frac{1}{2}$ "	$5\frac{1}{2}$	1 7 2
4	" " $2\frac{1}{2}$ "	$5\frac{3}{4}$	2 17 2
2	" " 3 "	6	1 16 0
4	" " 3 "	$6\frac{1}{2}$	3 15 0
2	" " $3\frac{1}{4}$ "	$6\frac{1}{2}$	2 5 2
4	" " $3\frac{1}{4}$ "	$6\frac{3}{4}$	4 14 2
2	" " 4 "	7	2 16 0
4	" " 4 "	$7\frac{1}{4}$	5 16 0
2	" " $4\frac{1}{2}$ "	$7\frac{1}{2}$	3 7 2
4	" " $4\frac{1}{2}$ "	$7\frac{3}{4}$	6 19 2
2	" " 5 "	8	4 0 0
4	" " 5 "	$8\frac{1}{2}$	8 5 0
2	" " $5\frac{1}{2}$ "	$8\frac{1}{2}$	4 13 2
4	" " $5\frac{1}{2}$ "	$8\frac{3}{4}$	9 12 2

The width of bearing surface as defined by Section 4 of the Act is for the tires as originally made, and does not permit of any extra weight by increased width owing to any spread of tire occasioned by wear or otherwise.