

## No. 17 of 1873.

### An Ordinance relating to Carriages let for hire, and to Coaches.

Preamble.

**W**HEREAS it is expedient to amend the law relating to carriages let to hire, and to coaches, and for the licensing and regulating thereof: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Ordinance to be in force on such date and at places as shall be hereafter proclaimed.

**1** This Ordinance shall come into operation on such day and at such town or place or along such line of road as the Governor, with the advice of the Executive Council, by any Proclamation to be by him for that purpose issued, shall from time to time appoint.

Short title.

**2** This Ordinance may be cited for all purposes as "The Carriage Ordinance, 1873."

Repeal of Ordinances No. 7 of 1848, No. 1 of 1853, and No. 7 of 1870.

**3** The Ordinance No. 7 of 1848, "For registering Palanqueen and other Carriages let to hire," the Ordinance No. 1 of 1853, "To extend to the town of Kandy the provisions of the Ordinance No. 7 of 1848," and the Ordinance No. 7 of 1870, entitled "An Ordinance to extend the provisions of the Ordinance No. 7 of 1848," are hereby repealed, except as to liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance comes into operation.

Interpretation clause.

**4** The following expressions shall have the meanings hereby assigned to them, unless there be anything in the context repugnant to such construction:

"Carriage" shall mean any carriage or vehicle for the conveyance of passengers for hire, but not coaches under the Ordinance No. 14 of 1865.

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"Coach" shall mean any mail coach, or other public conveyance by land for the conveyance of passengers or goods.

"Government agent" shall mean the government agent of the province, or the assistant government agent of the district, in any town or place in which carriages shall be licensed to be let to hire.

5 It shall not be lawful for any person to let for hire by the job to any person any carriage at any town or place or line of road in which this Ordinance shall be in force, or to convey thereby for hire any person in such carriage, or to keep the same for the purpose of letting it for hire by the job or conveying any person as aforesaid, in such town or place or line of road, unless such person shall have had a license in manner hereinafter mentioned.

No person to let for hire a carriage without license.

6 It shall be lawful for the chairman of the municipal council, acting on behalf of the said council, in any town or place or along any line of road in which such council shall be established, and, where no such council is established, for the government agent, to issue licenses to authorize any person to let or convey for hire any person in a carriage in any town or place or along any line of road in which this Ordinance shall be in force; and such license shall be subject to the following provisions:

Who shall license.

(1) Each license for a carriage or vehicle other than a hackery shall be on a stamp of ten rupees, and for a hackery five rupees: such stamp to be supplied by the party applying for the same. It shall be substantially in the form in the schedule A hereto annexed, and shall be numbered consecutively, commencing at the beginning of every year with the number one. Each license shall be in force until the thirty-first day of December in the year in or for which the same shall be granted and no longer.

Stamp on license.

Form A.  
Number.

Duration.

(2) Before any license shall be granted a declaration of ownership, substantially in the form B in the schedule hereto annexed, shall be made and signed by the proprietor, or by one of the proprietors, of the carriage in respect of which such license shall be applied for.

Declaration of ownership.

(3) The license shall specify the number of persons whom such carriage may carry.

(4) The said chairman and the government agent shall, and they are hereby required to, keep a book in which shall be registered all the particulars stated in the license granted by them; and every entry in such register shall be numbered in accordance with the number of the license to which it has reference. Any authenticated copy or extract from the register shall be deemed *prima facie* evidence of the facts stated therein.

Register of license.

Extract therefrom *prima facie* evidence.

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Power to refuse  
or revoke license.

**7** It shall be lawful for such chairman or government agent to revoke a license after the same shall have been issued, if the proprietor of any carriage shall not keep it, or the animals drawing it, in good order, or if he shall allow the same to be driven by any person not competent to drive, or if he shall commit any breach of the provisions of this Ordinance or the by-laws made thereunder.

Numbered plates  
to be affixed to  
carriages.

**8** At the time when any carriage shall be licensed the official empowered to grant the same shall issue to the applicant a plate, on which shall be legibly painted or marked a number corresponding with the number of such carriage mentioned in the license for the same, together with figures or letters denoting the year in which such license has been granted; and the plate shall be placed and fixed upon such carriage in such manner that the number and year shall be at all times plainly and distinctly visible and legible, and shall be kept and continued so fixed during the continuance of such license; and the proprietor of such carriage shall, at the expiration of the period for which the said license shall have been granted, return the said plate to the office from which he received it.

Mode of giving  
up licenses.

**9** When any person to whom any license shall have been granted shall determine to give up such license, and to discontinue letting for hire the carriage referred to therein, such person shall give notice in writing to the office from which he obtained the same, of such his determination; and when the time for giving up such license according to such notice shall have expired, such license shall cease to be any longer in force. And such license shall be returned to the office from which the same was issued.

By-laws as to  
carriages and  
coaches.

**10** By-laws for any of the following purposes may be made by the Governor, with the advice of the Executive Council, as respects coaches; and by the municipal council in any town where such council shall exist, or by the government agent where there is no municipal council, as respects carriages:

- (1) For regulating the number of persons to be carried in any carriage or coach, the number and description of lights to be carried by such carriage or coach after dark and before daylight, and for the periodical inspection of the condition of such carriages or coaches and of the animals drawing the same.
- (2) For fixing public stands for carriages, the distances to which such carriages may be compelled to take passengers and the persons to attend at such stands, the hours within which carriages are to remain at the stands, and all other matters relating thereto.
- (3) For fixing the rates or fares, as well for time as distance, to be paid for carriages, and for securing the due publication of such fares.
- (4) For forming a table of distances, as evidence for the purpose of any fare to be charged by distance.

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- (5) For securing the safe custody and re-delivery of any property accidentally left in carriages or coaches, and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder, in the event of its not being claimed within a stated time.

11 The by-laws, when made by the municipal council or the government agent as aforesaid, shall be transmitted to the Governor, for the approval or disallowance thereof by the Governor, with the advice of the Executive Council, and such of the rules as are approved shall be published in the *Government Gazette*, and thereupon become as legal, valid, and effectual as if the same had been inserted herein.

Rules to be approved, amended, or disallowed by the Government.

12 Such regulations, when published, shall be binding upon and observed by all parties acting under the same; and all courts, judges, and magistrates shall take judicial notice thereof.

By-laws to be binding on all and to be taken judicial notice of.

13 Any person committing a breach of such regulations shall be liable to a fine not exceeding twenty rupees for each breach of such regulations, and, in case of a continued breach, further fines not exceeding ten rupees for each day such breach is continued after notice to the offender. And it shall be competent for police courts to try such offences although the aggregate of the fines may exceed the sum which it is competent to police courts in the exercise of their ordinary jurisdiction to award.

Fines may be imposed for breach of by-laws.

14 Any person committing any of the following acts shall be held to be guilty of an offence, and to be liable to a fine not exceeding twenty rupees :

Penalties for commission of certain acts.

- (1) Neglecting or omitting to specify truly in the declaration of ownership, required by section 6, article 2, the name of any person who shall be a proprietor or part proprietor of any carriage ;
- (2) Neglecting or omitting to fix the plate issued under section 8 in such manner that the number thereon shall be at all times plainly and distinctly visible and legible, or to keep and continue the same so fixed during the continuance of such license ;
- (3) Failing to return the plate to the office from which he received it within six days after the expiration of the period for which the license shall have been granted, or using the said plate, or suffering it to remain fixed on such carriage after such period ;
- (4) Letting for hire a carriage without having a license, or after such license shall cease to be in force ;
- (5) Refusing, he being a proprietor of a carriage, or having the charge or care thereof, without reasonable cause (the proof of which shall rest on him) to let a carriage to any person desirous of hiring the same, for the legal fare allowed by any regulations issued under the authority of this Ordinance, or exacting or demanding for the hire thereof more than the proper sum allowed by such regulations.

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- (6) Employing, he being a proprietor of a carriage or coach, incompetent persons to drive a carriage or coach.

Misbehaviour of proprietor, driver, horsekeeper, or other person in charge of carriage or coach.

15 If any proprietor, driver, or horsekeeper of any carriage or coach, or any other person having the charge or care thereof, owing to intoxication or wanton or furious driving or running with such carriage, or any other wilful misconduct, injure or endanger any person in his life, limbs, or property; or if any such proprietor, driver, horsekeeper, or other person as aforesaid make use of any abusive or insulting language, or be guilty of other rude behaviour to or towards any person whomsoever, or assault or obstruct any officer of police in the execution of his duty, he shall be held liable to a fine of fifty rupees, or to imprisonment, with or without hard labour, for any period not exceeding three months.

Penalty on person refusing to pay the fine, or defacing or injuring any carriage or coach.

16 If any person shall refuse or omit to pay to the proprietor or other person authorized to recover the same the sum justly due for the hire of a carriage or coach, or shall deface or in any manner injure any such carriage or coach, it shall be lawful for the police court having jurisdiction in the place in which any of the acts aforesaid were committed, upon complaint of the proprietor and summary proof of the facts, to award reasonable satisfaction to the party so complaining for his fare, or for his damages and costs, and also a reasonable compensation for his loss of time in attending to make and establish such complaint; and upon the neglect or refusal of such defaulter or offender to pay the same, the same shall be recovered as if it were a fine imposed by such court.

Proof of obtaining license or making declaration of ownership.

18 If in any proceeding under this Ordinance any question shall arise as to whether a license has been obtained, or whether any declaration of ownership has been made, the proof of having obtained such license and made such declaration shall lie on the party against whom such proceeding shall be had.

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SCHEDULE.

A.

*Colombo, the ——— day of ———, 187—.*

Whereas *A. B.*, occupying premises No. ——— in the ——— street in ———, has applied for a license under the Ordinance No. ——— of ———, and has made and signed the declaration of ownership thereby required, license is hereby granted unto him to keep the said carriage [*describe*] bearing No. ——— for the purpose of letting the same for hire by the job [*or conveying any person for hire thereby, as the case may be*] from the date hereof until the 31st day of December next. Provided that such carriage shall not carry more than ——— persons.

Given under my hand the day and year first above written.

B.

I, *A. B.*, do hereby declare that I reside at No. \_\_\_\_\_ in the \_\_\_\_\_ street in \_\_\_\_\_, and that I am the sole proprietor [*or proprietor with \_\_\_\_\_, as the case may be*] of the \_\_\_\_\_ carriage which I have applied to be registered under the Ordinance No. \_\_\_\_\_ of \_\_\_\_\_, and which is about to be registered under No. \_\_\_\_\_.

Declared at *Colombo* this \_\_\_\_\_ day of \_\_\_\_\_, 187—.

*A. B.*

17th December, 1873.

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