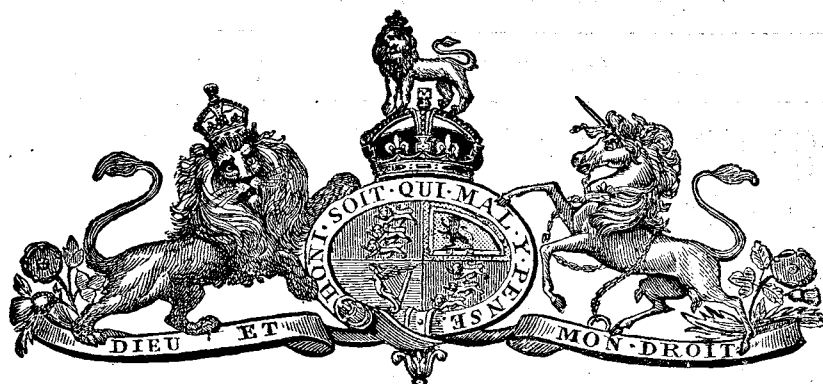


# TASMANIA



1907.

ANNO SEPTIMO

## EDWARDI VII. REGIS, No. 30.

### ANALYSIS.

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| 1. Short title and application of Act.<br>To be read as part of L.G. Act, 1906.  | 12. Horse-power of engine and construction of wheels.   |
| 2. Definition.   | 13. Weight to be carried by wagon.<br>Limit to number of wagons.<br>Width of tire.  |
| 3. Use of certain traction engines not authorised.   | 14. Weight of wagons to be affixed thereon.   |
| 4. Name and address of owner of traction engine.   | 15. Rules for working traction engines on roads.<br>Efficient light to be kept affixed to engine and wagon.<br>Lights to be fitted with shutters. |
| 5. Warning of approach of traction engine at night.<br>State of stuffing-boxes and safety-valves, spark-arresters, brakes, and escape of steam.                                      | 16. Traction engine, &c., not to be left stationary.  |
| 7. How traction engines must be manned.  | 17. Log-hauling prohibited at certain times.  |
| 8. Damage to road by traction engines.   | 18. Traction engines not to meet on a bridge.   |
| 9. Damage to bridges or culverts by traction engine.   | 19. Limit of speed.   |
| 10. Municipality not to be liable for damage to engine, &c.  | 20. Offences.   |
| 11. Licences for traction engines.<br>Duration.<br>Fee.<br>Council to prescribe streets to be used.<br>Licence-plate to be affixed.<br>Transfer of licence with consent.<br>Penalty. | 21. Where owner liable actual offender also liable.<br>22. Penalty.<br>23. Recovery of penalties.<br>24. Appeal.                                  |

### AN ACT to Regulate Traction Engines, and for other purposes. [5 December, 1907.]

A.D.  
1907.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

8d.]

*Local Government (Traction Engines).*

A.D. 1907.

Short title and  
application of  
Act.To be read as  
part of L.G. Act,  
1906.  
6 Ed. VII. No.  
31.Definition.  
3 Ed. VII., No.  
1893, s. 580  
(Vic.).Use of certain  
traction engines  
not authorised.  
*Ibid.*, s. 581  
(Vic.).Name and address  
of owner of  
traction engine.  
*Ibid.*, s. 582  
(Vic.).Warning of  
approach of  
traction engine  
at night.  
*Ibid.*, s. 583  
(Vic.).State of stuffing-  
boxes and safety-  
valves, spark-  
arresters, brakes,  
and escape of  
steam.  
*Ibid.*, s. 584  
(Vic.).**1—**(1.) This Act may be cited for all purposes as “The Local Government Act (Traction Engines), 1907.”

(2.) This Act is to be read as part of “The Local Government Act, 1906” (in this Act referred to as the Principal Act), shall commence and take effect on a day to be appointed by proclamation, and be construed as though it were embodied in the Principal Act; and the terms, words, and phrases interpreted in the Fifth Section of the Principal Act shall have in this Act the respective meanings set against each such term, word, or phrase in such Fifth Section.

**2** In this Act, unless the context otherwise indicates—

“Night” means between sunset and sunrise:

“Traction engine” means any ordinary road, oil, or steam engine used for agricultural purposes, and in connection with agricultural implements and machinery or for haulage purposes, and shall not apply to motors used on tram or rail lines, or motor cars or cycles driven by gas, oil, electricity or other force:

“Wagon” includes any truck, cart, carriage, or other vehicle.

**3** Nothing in this Act contained shall authorise any person to use a traction engine which may be so constructed or used as to be a public nuisance at common law, and nothing herein contained shall affect the right of any person to recover damages in respect of any injury he may have sustained in consequence of the use of such traction engine.**4** It shall not be lawful to use a traction engine on any public street, road, or highway, without having the name and address of the owner painted in legible letters not less than One inch long on a plate attached to such engine, or painted in legible letters in a conspicuous place on such engine.

The owner of any traction engine used contrary to the provisions of this section shall, for every offence, be liable on summary conviction to a penalty not exceeding Five Pounds.

**5** It shall not be lawful for any person to drive a traction engine over any street, road, or highway at night without a man going about One hundred yards in front of the engine to give the travelling public notice that such engine is travelling on the road, and to render assistance to horses and vehicles passing, when necessary.**6—**(1.) It shall not be lawful for any person to drive a traction engine on any street, road, or highway—i. With badly-packed stuffing-boxes or leaky safety-valves:  
norii. Without sufficient brakes being attached to such engine and to every vehicle drawn or propelled thereby: nor  
iii. At any time between the Thirty-first day of *October* and the First day of *May* in any year without a spark-arrester

*Local Government (Traction Engines).*

attached thereto to prevent dangerous sparks from being scattered on the roadway or adjoining land. A.D. 1907.

(2.) It shall not be lawful for any person to allow steam to escape or blow off from any traction engine in any street, road, or highway unless through unavoidable accident to the engine.

**7** It shall not be lawful for any person to drive a traction engine on any street, road, or highway, with less than Two men accompanying it, one to render assistance to vehicles passing when necessary, the other to drive and be in charge. How traction engines must be manned. *Ibid.*, s. 585 (Vic.).

**8** Should the owner or driver of any traction engine which breaks down or becomes bogged in any street, road, or highway, or any person for him, dig or otherwise make holes in order to extricate such engine, such owner, driver, or person shall be compelled to properly and completely fill them up again or pay for the work being done, and shall not leave the road in a dangerous state for vehicular or passenger traffic; and it shall be lawful for any officer of a municipality or member of the police force to detain such engine within the boundaries of such municipality until such work is done or paid for, unless some responsible person living within such municipality undertakes in writing to pay for the work being done and law costs, if any be incurred. Damage to road by traction engines. *Ibid.*, s. 587 (Vic.).

**9** In the event of any traction engine, or anything carried, drawn, or impelled thereby, breaking the decking or otherwise damaging any bridge or culvert, the person in charge or owner of such engine shall, before leaving the bridge or culvert so damaged, place an obstruction or a conspicuous warning mark on or near the portion damaged, and shall send notice forthwith to the clerk, road overseer, or engineer of the municipality in whose district such bridge or culvert is situated that such bridge or culvert was so damaged. Damage to bridges or culverts by traction engine. *Ibid.*, s. 588 (Vic.).

**10** No municipality shall be liable for any damage done to any 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. Municipality not to be liable for damage to engine, &c. *Ibid.*, s. 589 (Vic.).

**11**—(1.) Every traction engine, before it is used on any public street, road, or highway in a municipality, shall be licensed by the council of that municipality: Provided that this section shall not apply to traction engines hauling only threshing plants, straw-pressing plants, stone-crushing plants, chaff-cutting plants, or any other like plant for the working of which such traction engine supplies the motive power. Licences for traction engines. Cf. 61 and 62 Vict., c. 29, s. 9 (Eng.).

(2.) The licence shall remain in force for One month from the date on which it is granted, and no longer. Duration.

(3.) The fee for a licence shall not exceed Ten Pounds a month if issued after the Thirtieth day of *April* and before the First day of *November* in any year, and shall not exceed Five Pounds a month if issued at any other time during the year. All such fees shall be paid into and form part of the municipal fund, Fee.

*Local Government (Traction Engines)*

A.D. 1907.

Council to pre-  
scribe streets to  
be used.

Licence-plate

to be affixed.

Transfer of  
licence with  
consent.

Penalty.

Horse-power of  
engine and con-  
struction of  
wheels.Cf. 41 and 42  
Vict., c. 77, s. 28  
(Eng.).

(4.) Before granting a licence the council shall by by-law prescribe what public streets, roads, or highways may be used for the purposes of traction engines, and may prescribe conditions as to user.

(5.) The council shall on the grant of a licence provide the person to whom the licence is granted with a licence-plate having marked upon it the date and number of the licence and the name of the council by whom it is granted.

(6.) The licence-plate shall be fixed in a conspicuous position to the traction engine in respect of which it is provided, and shall not be removed whilst the licence is in force without the consent of the council by whom the licence has been granted, but shall be removed and returned to the council upon the expiration of the licence.

(7.) A licence may, with the consent of the council by whom it has been granted, be transferred from one traction engine to another traction engine belonging to the same owner.

(8.) If any person—

i. Uses on any public street, road, or highway, a traction engine which is required to be but is not licensed under this Act: or

ii. Uses a traction engine licensed under this Act contrary to any conditions as to user imposed by any regulation, or on any public street, road, or highway on which the use of a traction engine is forbidden by regulation: or

iii. Fails to affix the licence-plate to a traction engine in accordance with the immediately preceding section or, removes it in contravention thereof, or fails to remove and return it in contravention thereof—

that person shall be liable for each offence, on summary conviction, to a penalty not exceeding Ten Pounds.

**12** It shall not be lawful to use on any public street, road, or highway in any municipality, any traction engine—

i. Which exceeds in horse-power Eight *English* nominal horse-power: nor

ii. Having the tires of the wheels thereof less than Sixteen inches in width: nor

iii. Unless the wheels shall be cylindrical and smooth-soled or shod with diagonal cross-bars (permanently attached) of not less Three inches in width nor more than Three-quarters of an inch in thickness, extending the full breadth of the tire; and the space intervening between each such crossbar shall not exceed Three inches.

Provided that this paragraph shall not apply to any traction engine under Eight tons in weight imported into *Tasmania* prior to the First day of *January*, One thousand nine hundred and eight.

The owner of any traction engine used contrary to any of the foregoing provisions shall, for every such offence, be liable on summary conviction to a fine not exceeding Ten Pounds.

*Local Government (Traction Engines).*

**13** It shall not be lawful for any wagon drawn or propelled by any traction engine to carry over or above the weight of the wagon any greater weight than that prescribed by this section, and the following provisions shall apply :—

A.D. 1907.

Weight to be carried by wagon.

- i. During the period from the First day of *November* to the Thirtieth day of *April* in every year (both dates inclusive) the weight carried on each wagon shall not exceed Six tons:
- ii. During the remainder of the year the weight carried shall not exceed Five tons:
- iii. A traction engine shall not be used in any public street, road, or highway to draw more than Two loaded wagons : Limit to number of wagons.
- iv. The width of tire of wagon shall be on the scale of Four hundred pounds to each inch. Width of tire.

The owner of any wagon or traction engine used or loaded contrary to any of the foregoing provisions shall, and every person contravening any of the foregoing provisions shall, for every such offence, be liable on summary conviction to a penalty not exceeding Ten Pounds.

**14** The weight, unloaded, of every wagon drawn or propelled by a traction engine shall be conspicuously and legibly affixed upon the wagon, and every owner not having affixed such weight shall be liable for each offence, on summary conviction, to a penalty not exceeding Five Pounds; and any owner who shall fraudulently affix thereon any incorrect weight shall be liable for each offence, on summary conviction, to a penalty not exceeding Ten Pounds.

Weight of wagons to be affixed thereon.

61 and 62 Vict. c. 29, s. 2.

**15** Every traction engine shall be worked according to the following rules and regulations, namely :—

Rules for working traction engines on roads.

Cf. 28 and 29 Vict., c. 83, s. 3 (Eng.).

- i. The driver of a traction engine shall give as much space as possible for the passing of other traffic :
- ii. Every traction engine shall be instantly stopped on the person preceding the same, or any other person with a horse or a vehicle drawn by a horse, putting up his hand as a signal to require such traction engine to be stopped ; and the driver of and every person employed in connection with the traction engine shall render all assistance in their power necessary to prevent accidents :
- iii. Traction engines drawing unloaded wagons shall give way to and facilitate the passing of traction engines drawing loaded wagons, and shall draw aside and stop in convenient places to allow the loaded ones or other loaded traffic to pass :
- iv. Any person in charge of a traction engine shall provide an efficient light of at least Thirty candle-power, which shall be affixed conspicuously on the front of the engine, and kept so affixed between sunset and sunrise ; and there shall be carried in addition, during those hours, an efficient red

Efficient light to be kept affixed to engine and wagon.

61 &amp; 62 Vict. c. 29, s. 5, ss. 3.

*Local Government (Traction Engines).*

A.D. 1907.

Lights to be fitted  
with shutters.  
*Ibid.*, s. 5, ss. 4.

light on the rear of the engine, or if it is drawing wagons, on the rear of the last wagon, fixed in such a manner as to be conspicuous :

v. Every light carried on a traction engine, or on a wagon drawn by a traction engine, shall be fitted with such shutters or other contrivances as will enable the light to be temporarily screened in an effective manner :

vi. If any of the provisions of this section are not complied with in respect of any traction engine or wagon, the owner thereof shall be liable for each offence on summary conviction to a penalty not exceeding Ten Pounds.

Traction engine,  
&c., not to be left  
stationary.

**16** No traction engine or wagon shall be left stationary for the purpose of loading or otherwise nearer than Seven feet from the edge of the metalled part of a road, and a light shall be kept burning at night on the side of the engine nearest such metalled part of the road.

Log-hauling pro-  
hibited at certain  
times.

**17** It shall not be lawful on any public street, road, or highway in any municipality, without the consent of the council of that municipality, to haul logs by means of a traction engine during the period from the First day of *May* to the Thirty-first day of *October* in any year (both dates inclusive).

Traction engines  
not to meet on  
a bridge.  
60 & 62 Vict.  
c. 29, s. 8 (Eng.).

**18**—(1.) A traction engine shall not stop on any bridge for the purpose of pumping water or for any other purpose, but may stop just before or just after crossing, provided there is sufficient room for other traffic to pass.

(2.) A traction engine shall not be taken across any bridge so as to meet or pass any other traction engine upon such bridge.

(3.) Any person who acts in contravention of this section shall be subject on summary conviction to a penalty not exceeding Five Pounds for every offence.

Limit of speed.

**19** A traction engine shall not be driven at a greater speed than Six miles an hour during daylight, or Three miles an hour at night.

Offences.

**20**—(1.) Any person who contravenes or does not comply with any of the provisions of this Act shall be guilty of an offence against this Act.

(2.) Where the doing of any act or thing is made punishable by this Act with any penalty, the causing, procuring, permitting, or suffering such act or thing to be done, is punishable in like manner.

Where owner  
liable actual  
offender also  
liable.

**21** Where an offence against this Act, or against any by-law relating to traction engines, for which the owner of a traction engine or wagon is liable to a penalty has, in fact, been committed by some servant, workman, or other person, that servant, workman, or other person shall be liable to the same penalty as if he were the owner.

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*Local Government (Traction Engines).*

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**22** Every person who is guilty of an offence against this Act shall be liable, if no other penalty is imposed, to the following penalty :— A.D. 1907.  
Penalty: ..

- I. For the First offence, a fine not exceeding Five Pounds:
- II. For the Second offence, a fine not exceeding Ten Pounds:
- III. For any subsequent offence, a fine not exceeding Twenty Pounds.

**23** All offences, penalties, and expenses under this Act or any by-law may be prosecuted, enforced, and recovered before a police magistrate or any Two justices in the manner provided by *The Magistrates Summary Procedure Act*. Recovery of penalties.  
19 Vict. No. 8.

**24** Any person aggrieved by any penalty imposed under this Act or any by-law may appeal against the same in the manner prescribed by *The Appeals Regulation Act*. Appeal.  
19 Vict. No. 10.

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