

The Government Railways Act, 1904.

(No. 23 of 1904.)

ARRANGEMENT.

PART I.—PRELIMINARY.

- Sec.
1. Short title and divisions.
 2. Interpretation.
 3. Repeal.
 4. Government railways vested in Minister.
 5. Inspection of railways before opening for traffic.
 6. Certificate of Minister evidence of certain facts.

PART II.—THE COMMISSIONER OF RAILWAYS.

7. Commissioner of Railways.
8. Constitution of Commissioner.
9. Seal of Commissioner.
10. Salary of Commissioner.
11. Commissioner eligible for re-appointment.
12. Deputy Commissioner.
13. Suspension and removal of Commissioner.
14. Penalty for participation in contracts.
15. Certain Acts not to apply to Commissioner.

PART III.—THE MANAGEMENT, MAINTENANCE, AND CONTROL OF RAILWAYS.

16. Commissioner to manage railways.
17. Additions and improvements.
18. Power to protect railway.
19. Gates and cattle-stops.
20. Motive power.
21. Commissioner may use electric traction.
22. Commissioner may fix charges.
23. By-laws.
24. Provisions as to by-laws.
25. As to custody, carriage, and delivery of goods.
26. Special agreements.
27. Goods left at owner's risk.
28. Power to collect and deliver goods outside limits of railway.
29. (1.) Penalty for giving false consignment note or way-bill.
(2.) Extra charges also payable.
30. Lien.

- Sec.
31. Goods may be sold on refusal to pay charges.
 32. Goods left by unknown owner may be sold.
 33. Application of proceeds of sale.
 34. Conveyance of dangerous goods.
 35. Actions by the Commissioner.
 36. Actions against the Commissioner.
 37. Notice and commencement of action.
 38. Plaintiff in actions for personal injuries to submit to examination.
 39. Limit of liability for personal injuries.
 40. No liability in certain cases.
 41. Penalties for injuries to railways.
 42. Penalties for grave offences on railways.
 43. Offences on railways punishable by fine or imprisonment.
 44. Removal of passenger not paying his fare.
 45. Penalties for offences relating to tickets, etc.
 46. Penalty for travelling without payment of fare, etc.
 47. Definition of free pass.
 48. Offences on railways punishable by fine.
 49. Persons committing certain offences may be arrested.
 50. Summary interference on breach of by-law.
 51. Penalty for offences by railway servants.
 52. Railway servants responsible for damage.
 53. Railway servant may impound.

PART IV.—ACCOUNTS.

54. Quarterly Railways Working Account.
55. Receipts from railways to be Consolidated Fund.
56. Disposal of surplus stock.

PART V.—LEASING RAILWAY PROPERTY.

57. Commissioner may lease railways.
58. Unused land or buildings may be leased.

Government Railways.

- Sec.
59. Restaurant cars, refreshment-rooms, bookstalls, etc., may be leased.
60. Powers of Commissioner as to use of railways, wharves, etc.
61. Powers of Commissioner as to use of railways, wharves, etc.
62. Grant of easements.

PART VI.—SIDINGS.

63. Commissioner may agree to work siding in connection with railway.
64. Commissioner may make agreements for running-powers.

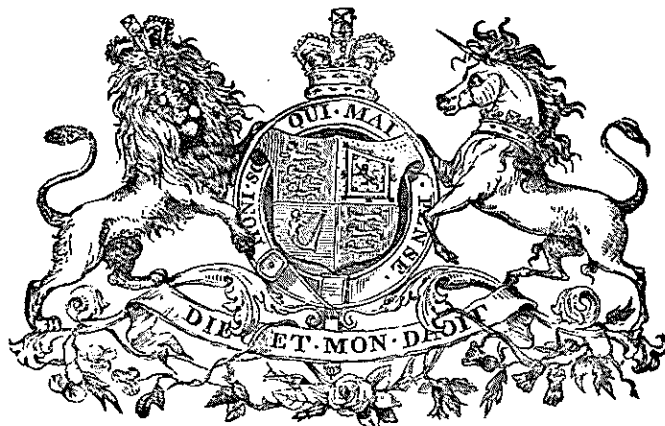
PART VII.—MISCELLANEOUS PROVISIONS.

65. Power to close bridges, etc.
66. Obstruction to traffic.
67. No railways to cross Government railways without consent.
68. Commissioner may appoint and dismiss certain officers.

- Sec.
69. Appeal.
70. Constitution of Appeal Board.
71. Elections.
72. Notice of appeal.
73. Quorum.
74. Procedure on appeals.
75. Powers of Board.
76. Regulations.
77. No railway servant to engage in outside employment.
78. Persons unlawfully occupying railway premises may be removed.
79. Railway property not subject to rates, etc.
80. Deputations.
81. Recovery of penalties.
82. Application of 1 & 2 Edw. VII., No. 21.
83. Quarterly reports to Minister.
84. Annual Report.

SCHEDULES.

WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

XXXVIII.

No. 23 of 1904.

AN ACT to consolidate and amend the Law relating to the Maintenance and Management of Government Railways.

[Assented to 16th January, 1904.]

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 *Government Railways Act*, 1904. Short title and divisions.

It is divided into parts, as follow:—

- PART I.—PRELIMINARY, ss. 1-6.
- PART II.—THE COMMISSIONER OF RAILWAYS, ss. 7-15.
- PART III.—THE MANAGEMENT, MAINTENANCE, AND CONTROL OF RAILWAYS, ss. 16-53.
- PART IV.—ACCOUNTS, ss. 54-56.
- PART V.—LEASING RAILWAY PROPERTY, ss. 57-62.
- PART VI.—SIDINGS, ss. 63-64.
- PART VII.—MISCELLANEOUS PROVISIONS, ss. 65-84.

Interpretation.

2. IN this Act, if not inconsistent with the context,—

“Charges” includes rates, fares, demurrage, storage, rents, fines, and other charges:

“Commissioner” means the Commissioner of Railways for the time being:

“Department” means that branch of the public service employed in connection with Government railways.

“Goods” means goods, produce, merchandise, parcels, luggage, and chattels of any description, and includes minerals and live or dead animals:

“Minister” means the Minister for Railways, and includes any responsible Minister of the Crown administering this Act for the time being:

“Notice” means a statement conveying the general effect of a matter or thing done or intended to be done:

“Prescribed” means prescribed by by-laws under this Act:

“Public notice” means a notice published in the *Government Gazette*, or in a newspaper circulating in the locality in which the subject-matter of the notice arises or to which it relates, or posted in a conspicuous place on any railway station in such locality:

“Publicly notified” means notified by public notice:

“Railway” or “Government railway” means any railway belonging to His Majesty in Western Australia which has been or may be hereafter declared open for traffic by notice in the *Government Gazette*, and includes—

(1.) All land belonging to His Majesty upon which the railway is constructed, or which is or is reputed to be held or used in connection with or for the purpose of a railway; and also

(2.) All branch lines, sidings, buildings, erections, wharves, jetties, works, locomotives, motor cars, rolling-stock, plant, machinery, goods, chattels, and other fixed or movable property of every description or kind belonging to His Majesty, and situate on such land, or held or used or reputed to be held or used in connection with or for the purposes of a railway.

“Road” includes street, right-of-way, and thoroughfare.

Repeal.

3. THE Acts mentioned in the First Schedule are hereby repealed to the extent therein stated: Provided, nevertheless, as follows:—

(1.) Every proclamation, order, appointment, regulation, or by-law and all charges made under the respective powers in that behalf contained in or conferred by

any such repealed Act, and subsisting at the time of the commencement of this Act, shall be deemed to have been made under the corresponding powers contained in this Act, and shall so continue until revoked or altered under this Act; and

- (2.) All proceedings pending under any such repealed Act at the time of the commencement of this Act may be continued and completed in like manner in all respects as if no such repeal had been made.

4. ALL Government railways shall be vested in the Minister on behalf of His Majesty. Government railways vested in Minister.

5. NO Government railway shall be declared open for traffic until it has been inspected by a person appointed by the Minister for that purpose, nor until such person has reported to the Minister that he has inspected such railway, and that the same may safely and conveniently be used for public traffic. Inspection of railways before opening for traffic.

The requirements of this section shall be deemed to have been duly complied with in the case of every Government railway open for traffic at the commencement of this Act.

6. A CERTIFICATE under the hand of the Minister that any specified land is included as portion of a Government railway, or that any Government railway is open for traffic, shall for all purposes be sufficient evidence of the fact. Certificate of Minister evidence of certain facts.

PART II.—THE COMMISSIONER OF RAILWAYS.

7. THE Commissioner of Railways in office at the commencement of this Act shall, subject as hereinafter provided, continue in office for the term of his appointment as if this Act had been in force when he was appointed, and he had been appointed thereunder, and this Act shall apply to him accordingly. Commissioner of Railways.

On the occurrence of a vacancy in the office of Commissioner, the Governor may—

Appoint a person to be the Commissioner who, subject as hereinafter provided, shall hold the office for the term of five years from his appointment, but any such appointment shall be subject to the approval of Parliament; or

Appoint an acting Commissioner who, while so acting, shall have the powers and perform the duties of the Commissioner.

8. THE Commissioner shall be a body corporate by the name "The Commissioner of Railways"; and, by that name, shall have perpetual succession and a common seal. Constitution of Commissioner.

Seal of Commissioner.

9. ALL Courts, Judges, and persons acting judicially shall take judicial notice of the common seal and of the signature of the Commissioner.

Salary of Commissioner.

10. THE Commissioner shall receive the salary of fifteen hundred pounds a year.

Such salary is hereby charged on the Consolidated Revenue Fund, and such fund, to the extent required for the payment of such salary, is hereby permanently appropriated.

Commissioner eligible for re-appointment.

11. THE Commissioner shall, at the expiration of his term of office, be eligible for re-appointment for a like term of five years.

Deputy Commissioner.

12. IN case of the illness, suspension, or absence of the Commissioner, the Governor may appoint some person to act as his deputy during such illness, suspension, or absence, and until such appointment is terminated by notice in the *Government Gazette*. Every person so appointed shall, while so acting, have all the powers and perform all the duties of the Commissioner.

Suspension and removal of Commissioner.

13. (1.) THE Commissioner shall be suspended from his office by the Governor—

- (a.) For misbehaviour or incompetence.
- (b.) If he engages, during his term of office, in any employment outside the duties of his office; or
- (c.) If he becomes bankrupt, or applies to take the benefit of any Act for the relief of insolvent debtors, or compounds with his creditors, or makes an assignment of his salary for their benefit; or
- (d.) If he absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor (which leave he is hereby authorised to grant), or becomes incapable of performing his duties; or
- (e.) If he in anywise participates or claims to be entitled to participate in the profit of, or in any benefit or emolument arising from, any contract or agreement made by or on behalf of the Government.

(2.) The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension, if Parliament is sitting, and, when Parliament is not sitting, within seven days after the commencement of the next session.

(3.) The Commissioner, when suspended under this section, shall not be restored to office unless each House of Parliament, within forty days from the time when such statement has been laid before it, declares by resolution that he ought to be restored to office.

(4.) If each House of Parliament within such time so declares, the Commissioner shall be restored by the Governor accordingly, but otherwise may be removed from office.

(5.) The Commissioner shall not be removed from office except as hereinbefore provided.

14. IF the Commissioner in anywise participates or claims to be entitled to participate in the profit of, or in any commission, benefit, or emolument arising from any contract or agreement made by or on behalf of the Government, he shall be guilty of a misdemeanour, and be liable to imprisonment for any term not exceeding three years; Penalty for participation in contracts.

And if any party to any such contract allows the Commissioner to participate in the profits thereof, or receive any commission, benefit, or emolument arising therefrom, he shall be guilty of a misdemeanour, and liable to imprisonment for any term not exceeding three years.

15. NOTHING in the Public Service Act, 1900, or any amendment thereof, or the Superannuation Act shall apply to the Commissioner. Certain Acts not to apply to Commissioner.

PART III.—THE MANAGEMENT, MAINTENANCE, AND CONTROL OF RAILWAYS.

16. SUBJECT to the provisions of this Act, the Commissioner shall have the management, maintenance, and control of every Government railway. Commissioner to manage railways.

17. THE Commissioner, with the approval of the Minister, may make additions and improvements to any railway, and, in the performance of such duty, shall have the powers, and be subject to the liabilities, of the Minister for Works under the provisions of the Public Works Act, 1902. Additions and improvements.

18. WITHOUT in any way limiting the powers conferred by the Public Works Act, 1902, the Commissioner may, from time to time, for the purpose of protecting any railway, or preventing or lessening any risk of damage thereto, construct, maintain, alter, or reconstruct any embankment, groin, or other protective work on any land or on the bank of any river or stream, or divert, impound, or take away the water of such river or stream, or alter the course of the same; and may also discontinue or abandon any such work as and when he thinks fit. Power to protect railway.

Gates and cattle-stops.

19. NOTWITHSTANDING anything to the contrary contained in any other Act relating to the erection of gates across roads, it is hereby declared that, with respect to every railway, the following special provisions shall apply:—

- (1.) Where a railway crosses any road on a level the Commissioner may erect and maintain gates across such road on each side of the railway, and may keep such gates closed, except when foot-passengers, horses, cattle, carts, carriages, and other vehicles passing along such road shall have to cross the railway and may safely do so.
- (2.) It shall not be lawful, without the consent in writing of the Commissioner, to erect or maintain across a road, where such road crosses any line of railway on the level, any gate within two chains of the middle line of such railway.
- (3.) The Commissioner may agree with the local authority having the control of such road to allow any such gate to be erected or maintained, under such conditions as, in the interests of public safety, he thinks fit to impose.
- (4.) The Commissioner may require any such gate, whether erected before or after the passing of this Act, to be removed if cattle-stops are provided at such level crossing.
- (5.) At level crossings where there are cattle-stops it shall not be lawful to erect or maintain gates so as to enclose the railway, without the consent in writing of the Commissioner.
- (6.) If any gate is hereafter erected in breach of this Act, then, irrespective of all other liabilities to which the person or local authority erecting the same is thereby exposed, the same may, at the cost and expense in all things of such person or authority, be at any time removed by the Commissioner without any notice.
- (7.) With respect to every such gate as aforesaid which is in existence at the time of the coming into operation of this Act, it shall be the duty of the person or authority which erected the gate to remove the same within forty-eight hours after notice in writing so to do from the Commissioner; and if default is made in removing the same in terms of such notice, then the gate shall be deemed to be erected in breach of this Act, within the meaning of the last preceding subsection hereof, and the provisions of that subsection shall apply accordingly.

20. THE Commissioner may use on any railway locomotive engines consuming any kind of fuel, and may draw or propel thereby carriages, wagons, machines, appliances, and plant of every kind.

Motive power.

21. THE Commissioner may, with the consent of the Minister, use, in addition to or in substitution for any existing motive or traction power, any system of electric or other traction of which he may approve, and may maintain, repair, and use all works necessary for such system of electric or other traction.

Commissioner may use electric traction.

22. THE Commissioner may, with the approval of the Minister, from time to time, by notice in the *Government Gazette* :

Commissioner may fix charges.

(1.) Fix scales of charges to be paid—

- (a.) By persons carried on or using a railway ; or
- (b.) For goods carried on a railway, or received into or on, or stored in or delivered from, any store, shed, yard, wharf, pier, or jetty in connection with a railway ; or
- (c.) By passengers failing to take out tickets at the booking office of the station whence they started, or failing to produce tickets on demand ; or
- (d.) For demurrage on the use of any rolling-stock ; or
- (e.) For the use of any cranes, hoists, or other machinery for loading and unloading goods ; or
- (f.) For the hire of locomotives or rolling-stock ; or
- (g.) For the use of weighing-machines ; or
- (h.) For the use by any vessel of any wharf, jetty, mooring, berthage, building, crane, or other appliances in connection with a railway ; or
- (i.) For goods loaded or unloaded from or into lighters, into or from ships lying at or adjacent to any wharf, pier, jetty, berthage, or mooring in connection with a railway ; or
- (j.) For goods received or delivered from or to any vessel lying at or adjacent to any such wharf, pier, jetty, berthage, or mooring ; or
- (k.) For the carriage of mails and parcel post ; or
- (l.) For the passing of locomotives and rolling-stock over any railway ; or
- (m.) For the sale of electric current or power from any power station on any railway :

(2.) Fix special charges for the conveyance of specific goods, produce, or merchandise.

- (3.) Fix special charges for the carriage or storage of specific classes of goods which in his opinion are of a nature liable to loss or injury, or to cause injury, or for goods over and above a certain value.
- (4.) Impose such conditions and regulations with respect to any of the preceding matters as he deems advisable.

Such charges, conditions, and regulations may be fixed or imposed generally, or for any specified railway, or any part thereof :

Provided, however, that the Commissioner, or any officer of the department duly authorised by him, may from time to time fix special scales of charges to be paid in lieu of the ordinary charges upon special occasions, or for such times and in respect of such railways or parts of a railway as he thinks fit.

By-laws.

23. THE Commissioner may, from time to time, make by-laws upon the following subjects:—

- (1.) Regulating the mode in which, and speed at which, engines and other rolling-stock are to be propelled or moved ;
- (2.) Regulating the use of carriages by passengers, and the number of passengers to be carried in each carriage or compartment ;
- (3.) Imposing conditions upon which passengers' luggage will be carried ;
- (4.) Regulating the loading and unloading of wagons, and the weight they may carry ;
- (5.) Regulating the weight to be carried in any sack, box, bale, or other package, and the size thereof, and imposing penal rates of charges for excess in respect of weight or size of package ;
- (6.) Regulating the receipt, carriage, delivery of and other dealings with goods, the storing of the same, and the checking of luggage :

Provided that while regulations for the checking of luggage are in force, no liability shall be incurred by His Majesty or the Commissioner in respect of luggage which has not been duly checked ;

- (7.) Preventing any person affected with any infectious or contagious disease from travelling by railway except under prescribed conditions ;
- (8.) Prohibiting the carriage or conveyance of diseased or infected animals, or of animals, plants, fruit, or vegetable produce suspected of disease, except subject to prescribed conditions ;

- (9.) Prohibiting the carriage of second-hand fruit-cases, or any cases or packages that may reasonably be supposed to have contained fruit, unless such cases are disinfected in accordance with the regulations of the Department of Agriculture in force for the time being ;
- (10.) Preventing the smoking of tobacco or any other substance, and the committing of nuisances ;
- (11.) Keeping accounts of all receipts and expenditure, and conducting the audit thereof ;
- (12.) Regulating the traffic on roads and bridges used both for ordinary and railway traffic ;
- (13.) Regulating the public or private traffic of persons, vehicles, or goods on roads, bridges, and subways across, over, or under any railway ;
- (14.) Preventing the trespass of persons or animals on any railway or any part thereof ;
- (15.) Regulating the admission of any vessels to any wharf, jetty, berth, or mooring connected with and forming part of a railway, and their usage of and removal from the same ;
- (16.) Regulating the maintenance, usage, opening, and closing of all gates and slip-panels, cattle-stops, and fences ;
- (17.) Regulating the manner, times, and places in and at which tickets of any kind shall be purchased by, issued to, used by, and delivered up by passengers ;
- (18.) Facilitating and regulating the insurance of persons travelling on the lines of railway, by any accident insurance company now or hereafter to be formed.
- (19.) Regulating the mode in which, and the times within which claims for loss, non-delivery of, or damage to goods, or in respect of any other cause of action relating to either goods or passengers, shall be made.
- (20.) Regulating the terms on which private sidings may be constructed and used, the rent thereof, and the manner in which the same may be worked ;
- (21.) Regulating the hire, use, and detention of any locomotives or rolling-stock at such sidings, and the liability of persons hiring, using, or detaining the same for damage done thereto, or for the destruction or detention thereof ;
- (22.) Providing for the grant of licenses to porters and to the drivers of vehicles plying for hire within the precincts of any railway ; prescribing the conditions of such licenses (including the payment in each instance of a license fee), and also of the transfer or forfeiture thereof ; making similar provision for the licensing of vehicles plying for hire as aforesaid (including the

payment in each instance of a license fee), and the conditions subject to which such licenses shall be held and may be transferred or forfeited; and providing also for the exclusion of any such licensed driver or vehicle from railway premises until there is room for his vehicle, and for the exclusion of all unlicensed porters or drivers and vehicles plying for hire as aforesaid;

- (23.) Regulating the admission to railway stations, offices, platforms, and premises of passengers going to or leaving the trains, or of persons having business at the station offices; limiting the time during which passengers and other persons may remain on railway stations, offices, platforms, and premises; excluding from stations, offices, platforms, and railway premises all persons not observing the by-laws, or not having business thereat; imposing such fees or tolls as he deems fit in order to give effect to this subsection.
- (24.) Regulating the use of refreshment rooms and restaurant cars under the management and control of the Commissioner.
- (25.) Prescribing the terms on which licenses for refreshment rooms and restaurant cars shall be granted, and the hours of opening and closing refreshment rooms, the fees to be paid for such licenses, and the conditions on which the same may be determined and forfeited;
- (26.) For organising, classifying, and paying the staff employed on Government Railways, and prescribing the terms of employment.
- (27.) And generally for regulating the traffic on railways, and the conduct of all persons employed on or about the same or travelling or being thereon:

Provided that such by-laws may authorise any railway officer or any other person to do all such things, and to issue all such instructions and regulations, as may be deemed advisable in respect of any such subjects.

Provisions as to
by-laws.

24. IN respect to by-laws made under the last preceding section, the following provisions shall apply:—

- (1.) No by-law shall have any force or effect unless it has been approved by the Governor and published in the *Government Gazette*.
- (2.) All by-laws shall be laid before both Houses of Parliament within ten days after the publication thereof, if Parliament is then sitting, and, if not, then within ten days after the commencement of its next sitting.
- (3.) A copy of all by-laws relating to matters affecting the public shall be painted upon or printed and affixed to boards, or printed in a book hung or attached thereto,

enforced against the Commissioner, and not otherwise; and, subject to the limitations and provisions of this Act, the Commissioner may be sued in respect thereof in any Court of competent jurisdiction.

37. (1.) NO action shall be maintainable against the Commissioner—

Notice and commencement of action.

(a.) For any loss or damage to or in respect of any goods received upon any railway, whether in transit or before or after transit, unless the action is commenced within three months after its cause shall have arisen; or

(b.) For any other cause, unless the action is commenced within six months after its cause shall have arisen.

(2.) No action shall be commenced until one month after a notice, in writing, is given to the Commissioner stating the cause of action and the name and address of the party about to sue.

(3.) The Commissioner shall be deemed to be a common carrier and, except as herein provided, shall be subject to the obligations and entitled to the privileges of such carrier.

38. NO action shall lie or be brought or continued against the Commissioner in respect of any injury to the person, unless the person injured submits himself to examination by a medical practitioner or medical practitioners appointed by the Commissioner, at all such reasonable times as the Commissioner may require.

Plaintiff in actions for personal injuries to submit to examination.

39. NO damages exceeding two thousand pounds shall be recoverable in any action against the Commissioner in respect of loss of life or injury to the person, whether in the case of a passenger or not.

Limit of liability for personal injuries.

40. THE Commissioner shall be under no liability—

No liability in certain cases.

(1.) For loss or damage to goods which are left at or consigned to any station, siding, or stopping place marked in the time tables as stations, sidings, or stopping places at which no officer is in charge, or for any personal injury to any person at any such station, siding, or stopping place; or

(2.) To provide platform accommodation at any station, siding, or stopping place; or

(3.) For personal injury to any passenger who enters or alights from, or attempts to enter or alight from a carriage when such carriage is not drawn up to the platform when such accommodation is provided.

Penalties for
injuries to railways.

41. IF any person, not having lawful authority or the written permission of the Commissioner, does or causes or procures to be done any of the following things:—

- (1.) Encroaches on a railway by making any building, fence, ditch, or other obstacle thereon ;
- (2.) Digs up, removes, or alters in any way the soil or surface of a railway ;
- (3.) Fills up, diverts, alters, or obstructs any ditch, drain, or watercourse directly carrying water off a railway, or made to protect the same ; or does any act whereby any such ditch, drain, or watercourse is stopped, or the natural flow of water therein is obstructed ;
- (4.) Interferes with or diverts or digs any drain or ditch or watercourse so as to damage or injure a railway ; or
- (5.) Fells or removes any tree, shrub, or timber growing on a railway,

he shall, in respect of each offence, be liable to a penalty not exceeding ten pounds for every day upon which such offence is committed or suffered to continue, and a further sum equal to the cost incurred in removing any such encroachment or obstruction, or in repairing any injury.

Penalties for grave
offences on railways.

42. IF any person does or causes or procures to be done any of the following things:—

- (1.) Unlawfully throws or puts any stone, gravel, or timber, or any substance, whether solid or liquid, or any other matter or thing on a railway ;
- (2.) Does any act which obstructs or might obstruct the working of a railway, or endangers or might endanger the lives of persons travelling thereon ;
- (3.) Drives or attempts to drive any vehicle or animal across a level crossing or elsewhere on a railway when an engine or any carriage or wagon on the railway is approaching and within a quarter of a mile from such crossing ;
- (4.) Places any rolling-stock or appliance on a railway, not having lawful authority so to do ;
- (5.) Moves any part of the rolling-stock or appliances on a railway, or leaves the same on any part of a railway, not having lawful authority so to do ;
- (6.) Moves or in any way interferes with any signal, points, or stop-blocks, or shows any signal likely to mislead ;
- (7.) Removes from a railway or the railway premises any rolling-stock, tarpaulins, tools, appliances, or property of any kind, or permits any of such rolling-stock, tarpaulins, tools, appliances, or property to be unlawfully in his possession or on his premises ;

- (8.) Cuts down, breaks, removes, or destroys any fence, building, or bridge, or any telegraph wire or post in or upon any railway;
- (9.) Attempts to do, or assists or aids in doing, any of the things mentioned in this section,

he shall, in respect of each offence, be liable to imprisonment with or without hard labour for any period not exceeding six months, or to a penalty not exceeding fifty pounds, without in any way relieving him from any other liability to which he may be subject apart from this section, so that he is not twice punished for the same offence.

43. IF any person does or causes or procures to be done any of the following things:—

Offences on railways punishable by fine or imprisonment.

- (1.) Obstructs any officer or servant employed on any railway in the performance of his duty;
- (2.) Damages any railway, or any locomotive, carriage, wagon, rolling-stock, machinery, material, or thing used upon or belonging to any railway;
- (3.) Defaces the writing or printing on or attached to any board, or any notice authorised to be maintained on any railway, or on or in any railway carriage, rolling-stock, or railway station;
- (4.) Writes any indecent words or draws any indecent or obscene picture or representation on any part of a railway, or on any railway carriage or rolling-stock, or on any fences or buildings upon or adjoining any railway, or near to and conspicuous from any railway;
- (5.) Behaves in a violent or offensive manner to the annoyance of others, or is drunk, on any railway or railway premises or in any carriage thereon,

he shall, in respect of each offence, be liable to imprisonment, with or without hard labour, for any period not exceeding two months, or to a penalty not exceeding ten pounds.

44. ANY passenger who—

- (1.) Fails to produce a proper ticket and refuses to pay his proper fare on demand; or
- (2.) Travels in a railway carriage of a class superior to that for which he is provided with a ticket and refuses to pay the fare for the superior class on demand; or
- (3.) Travels in or enters a railway carriage set apart for any particular person or class of persons and refuses to quit the carriage when requested to do so; or
- (4.) Not having a sleeping car ticket, refuses to quit a sleeping carriage when requested to do so,—

Removal of passenger not paying his fare.

may be removed from a railway carriage by any officer or servant of the department, and prosecuted for such penalty as he may have incurred under this Act or the by-laws.

Penalties for offences relating to tickets, etc.

45. IF any person,—

- (1.) Alters any ticket with intent to avoid payment of the proper fare or any part thereof, or to mislead or deceive, or for the purposes of sale; or
- (2.) Sells or transfers, or offers for sale or transfer, any free pass, or permits any person other than the person to whom the same is issued to be in possession of or make use of the same, or travels or attempts to travel with any such free pass, not being the person entitled to use the same; or
- (3.) Sells or transfers, or offers for sale or transfer, a ticket or any portion of a ticket, which has been used for the whole or any part of the journey for which the ticket was issued; or travels or attempts to travel with any such ticket, or portion of a ticket, sold or transferred by any person; or
- (4.) Sells or offers for sale any ticket or any portion of a ticket not being a person authorised or employed by the Commissioner for such purpose, or purchases or offers to purchase any ticket or any portion of a ticket from any person not employed by the Commissioner for such purpose;

he shall, in respect of each offence, be liable to imprisonment, with or without hard labour, for any period not exceeding six months, or to a penalty not exceeding fifty pounds.

Penalty for travelling without payment of fare, etc.

46. IF any person, with or without intent to defraud,—

- (1.) Uses or attempts to use any ticket or free pass the time for the proper use of which has expired, or which has already been used to the full extent to which the holder is entitled to use it; or
- (2.) Not being the holder of a free pass for the purpose, travels or attempts to travel without having previously paid or tendered his fare; or
- (3.) Having paid his fare for a certain distance, or being the holder of a free pass for a certain distance, proceeds beyond such distance without having previously paid the additional fare for the additional distance, or, in the case of the holder of a free pass, without being previously duly authorised to proceed such additional distance without paying such additional fare; or
- (4.) Having paid his fare, or being the holder of a free pass for a certain class of carriage, travels by a superior class of carriage without paying or tendering the difference in fare; or

- (5.) Refuses or neglects to quit the carriage at the point to which he has paid his fare, or to which his free pass is available, or to which, being the holder of a free pass he has been duly authorised to proceed,

he shall, in respect of each offence, be liable to a penalty not exceeding ten pounds, in addition to the amount due as railway fare or difference in railway fare.

47. IN the preceding sections the term "free pass" includes any token or privilege pass or requisition form for the same respectively. Definition of free pass.

48. IF any person does or causes or procures to be done any of the following things:— Offences on railways punishable by fine.

- (1.) Affixes any placard or bill on any part of the buildings or fences upon or connected with any railway, or sells or attempts to sell any articles on any railway, without being thereto authorised by the Commissioner;
- (2.) Neglects to shut any gate or slip-panel in any fence forming the boundary of or upon or adjoining any railway;
- (3.) Trespasses upon any part of a railway not being a station, platform, or railway crossing, or other part to which the public are allowed access by law,

he shall, in respect of each offence, be liable to a penalty not exceeding ten pounds.

49. IF any person—

- (1.) Trespasses upon a railway; or
- (2.) Is drunk, or behaves in a violent or offensive manner to the annoyance of others on the railway, or at any station or platform thereof, or in any carriage thereon; or
- (3.) Does or attempts to do, or counsels, aids, or assists another person to do, anything which may endanger the lives of persons employed on or travelling on the railway; or
- (4.) Offends against any of the provisions of this Act or any by-law, and refuses to give his name and address when required so to do, or gives a false name or address,

it shall be lawful for any police officer or constable, or any officer or servant of the department, without warrant or other authority, to arrest and detain the person so offending, and to take him before Justices of the Peace to be dealt with as the law directs.

50. WHEN the breach of any provision of this Act or of any by-law is attended with any danger or annoyance to the public or any person, any officer or servant of the department may summarily Summary interference on breach of by-law.

Persons committing certain offences may be arrested.

interfere to obviate or remove such danger or annoyance, or the person causing the same, without prejudice to any proceeding against the offender for any penalty to which he may be liable.

Penalty for offences
by railway servants.

51. (1). IF any person employed upon a railway—

(a.) Is found drunk while on duty; or

(b.) Is guilty of any breach or neglect of duty which has caused or might have caused personal injury to any person, or whereby the passage of any locomotive, carriage, wagon, or train has been or might have been obstructed, or impeded,

any other person employed upon the railway, and all such persons as he may call to his assistance, may seize and detain such person so offending, or any person counselling, aiding, or assisting in such offence, and convey him before any two or more Justices of the Peace, without any other warrant or authority than this Act, to be dealt with according to law.

(2.) Every person so offending and every person counselling, aiding, or assisting therein shall, upon summary conviction be liable to imprisonment, with or without hard labour, for any period not exceeding six months, or to a penalty not exceeding fifty pounds.

Railway servants
responsible for
damage.

52. EVERY person employed on or about a railway shall be responsible for any damage caused by his wrongdoing or neglect; and the loss occasioned thereby may be deducted from any salary, wages, or emolument due to such person, or may be recovered in a summary way.

Railway servant
may impound.

53. ANY person employed on or about any railway may impound cattle trespassing on such railway; and any act, matter, or thing required under the Cattle Trespass, Fencing, and Impounding Act, 1882, to be performed or done by the owner or occupier of land as defined in such Act may be performed and done in respect of a railway by any person authorised generally or particularly for that purpose by the Commissioner.

PART IV.—ACCOUNTS.

Quarterly Railways
Working Account.

54. THE Commissioner shall, once in every three months, cause to be prepared a quarterly Railways Working Account, showing the total gross receipts accruing from the railways during the period covered by the account, and the total expenditure upon the working, management, and maintenance during the same period.

Such account shall show the gross cost of construction of the railway, including the cost of locomotives and rolling-stock and all

incidental expenditure: Provided that, for the purpose of such accounts, the cost as ascertained at the end of each financial year shall be inserted as the cost during the twelve months next ensuing.

All such accounts shall be published in the *Government Gazette*, and shall be laid before Parliament.

55. ALL moneys received by way of rents, tolls, fares, freights, carriage, fines, or penalties, or otherwise accruing from a railway, shall be paid into the Public Account, and, except as by this Act otherwise provided, form part of the Consolidated Fund.

Receipts from railways to be Consolidated Fund.

56. ALL locomotives, rolling-stock, machinery, material, plant, and other effects which have been charged to a vote of Parliament appropriated to the department, and which are no longer required for the purpose for which the same were originally obtained, may be taken over, valued, and placed in the Railway Suspense Stock by the Chief Railway Storekeeper, and the amount of such valuation shall be credited in the books of the Treasury to the Railway Stores Adjustment Account, and at the end of each financial year the amount so credited shall be transferred to the credit of expenditure under the Consolidated Revenue Fund or, with the concurrence of the Commissioner, to the credit of any head of expenditure.

Disposal of surplus stock.

PART V.—LEASING RAILWAY PROPERTY.

57. THE Commissioner may, with the approval of the Governor, from time to time let on lease any portion of a railway, with the rolling-stock and other appurtenances thereto belonging, to any person willing to take and work the same, subject to the following conditions:—

Commissioner may lease railways.

- (1.) The letting shall be by public tender.
- (2.) The terms and conditions of the lease shall be laid before Parliament not less than thirty days before tenders are called for.
- (3.) The lease shall contain covenants for maintaining the railway, and everything demised or leased therewith, in good and sufficient repair, and so leaving and delivering up at the expiry or prior determination of the lease.
- (4.) The lessee shall use the railway subject to the provisions of this Act and to the by-laws made thereunder for the management of railways.
- (5.) The lessee shall find good and sufficient security for the due performance of the conditions of the lease, to such amount as the Commissioner directs.

Unused land or buildings may be leased.

58. THE Commissioner may, with the approval of the Minister, from time to time let on lease, for any purpose approved by him, any land belonging to any railway but not required for railway purposes, and any buildings, workshops, or other erections thereon.

Every such lease shall be granted for a period not exceeding seven years, and on such terms and conditions as the Commissioner thinks fit.

Restaurant cars, refreshment-rooms, bookstalls, etc., may be leased.

59. THE Commissioner may, from time to time,—

- (1.) After calling tenders, lease, for any period not exceeding three years, and on such terms and conditions as he thinks fit, railway restaurant cars, and any part of the land or buildings of a railway, for the sale of refreshments, books, or other articles, or the use of the walls of any such buildings or of any part of the rolling-stock, for the display of advertisements thereon.
- (2.) Grant to the lessee of any railway restaurant car or refreshment room a license to sell to *bona fide* travelers on the railway any spirituous and fermented liquors, upon such terms and conditions, and subject to such restrictions, as shall be prescribed in by-laws to be made as hereinbefore provided.
- (3.) By his servants and agents sell any spirituous and fermented liquors in any railway restaurant car or railway refreshment room under his management or control.

Powers of Commissioner as to use of railways, wharves, etc.

60. THE Commissioner may, with the approval of the Minister, from time to time enter into any agreement or contract with any person for all or any of the following things:—

- (a.) Providing that such person may, for a period not exceeding twelve months, use any works, buildings, wharves, and jetties constructed and used in connection with a railway.
- (b.) Providing that the Commissioner, or any person authorised by him, may use any works, buildings, wharves, and jetties belonging to any such person, and constructed and used in connection with any railway.

Powers of Commissioner as to use of railways, wharves, etc.

61. THE Commissioner may, with the approval of the Minister, from time to time agree with any person for all or any of the following things:—

- (1.) For laying down any tramway or line of rails in or upon any wharf, quay, or dock, or upon any land vested in any such person, for the conveyance of goods and passengers to and from a railway:
- (2.) For the use of cranes, hoists, weighing and other machines, weights and measures, conveniences, or appliances belonging to any such person:

- (3.) For conveying wholly or partly, as may be agreed upon, or booking through to their destination on a railway, the passengers or luggage carried or conveyed by the steamers, coaches, or other conveyances of any such person:
- (4.) For the charges to be payable for services performed by or on behalf of any person in connection with a railway:
- (5.) For the collection of the charges, and for the payment of the same, or any part thereof, collected as aforesaid, to or on behalf of any person with whom any agreement as aforesaid is made:
- (6.) As to the payment to be made by the one party to the other party of such charges as may be fixed in that behalf, and as to the time and mode of payment thereof, and the keeping of accounts between the parties:
- (7.) Generally, for the settlement of such terms and conditions as may be necessary to give effect to the foregoing provisions.

62. (1.) THE Commissioner may, with the approval of the Minister, from time to time grant to any person any easement in, upon, through, over, or under any railway land, subject to such conditions and payments of rent as the Commissioner shall think fit, and subject to revocation without compensation at any time when the service of the public requires it, and subject also to immediate revocation in case of the breach of any conditions under which such easement was granted. Grant of easements.

(2.) Subject to such terms as to rental or other payment, and such other terms and conditions as are deemed fit, and subject also, in every case, to the conditions as to revocation contained in subsection one hereof, the Commissioner may from time to time grant to any person any of the following easements, privileges, or concessions in respect of any railway land, that is to say—

- (a.) Right of way or passage;
- (b.) Right of access to any railway by gateway or otherwise;
- (c.) Right to use water;
- (d.) Right to lay, construct, maintain, and use any tramway, roadway, footway, level crossing, subway, bridge, electric or other wire, water-race, sludge-channel, culvert, drain, pipe, loading-bank, weigh-bridge, wharf, stage, timber-slip, booms, crane, protective bank, sluice-gate, fence, or plantation;
- (e.) Right to cross any railway with cables for electric lighting or power;

- (f.) Right to take away timber, earth, clay, rock, ballast, gravel, or sand ;
- (g.) Any other easement, privilege, or concession of a similar character.

PART VI.—SIDINGS.

Commissioner may agree to work siding in connection with railway.

63. THE Commissioner may agree with any person desiring to construct a siding in connection with any Government railway for the construction and maintenance of so much of such siding as may be within the limits of the railway, and for the working of such siding in connection with the railway, subject, however, to the following conditions:—

- (1.) No such agreement shall have effect for more than seven years from the date thereof.
- (2.) The part of such siding within the limits of the railway shall be deemed to be a part of the railway, and shall be worked subject to any regulations for the time being in force in respect to the railway or such part thereof.
- (3.) The part of such siding without the limits of the railway shall be worked subject to such regulations as the Commissioner from time to time thinks fit to impose, whether by by-law or otherwise, providing for proper maintenance, with a view to protecting the railway and rolling-stock from injury, and to insuring safety and economy in working.
- (4.) If default is made in duly paying any moneys payable under such agreement, or in duly observing any of the other terms or conditions thereof, the Commissioner may at any time suspend the traffic upon such siding, or close its connection with the railway.
- (5.) The Commissioner may at any time, after giving three months' notice thereof to the owner or manager of such siding, close or remove the connection with the railway.
- (6.) No compensation shall be payable to any person whatever for any loss or damage arising from the connection of any siding with the railway being closed or removed under either of the two last preceding subsections hereof.

Commissioner may make agreements for running-powers.

64. (1.) AFTER the completion of any such siding connected with a Government railway, the Commissioner may agree with the person constructing or owning the siding that any trains or rolling-stock the property of His Majesty may be run upon

the siding, and that any trains or rolling-stock the property of such person may be run upon any Government railway, upon such terms and conditions as are specified in the agreement.

(2.) No such agreement shall have effect for more than three years from the date thereof.

(3.) Such agreement may provide for the payments to be made by the one party to the other party of such rates of charges as are fixed in that behalf, and as to the time and mode of payment of such charges, and the keeping of accounts between the parties.

(4.) For all purposes of conducting traffic, and for levying charges, and for the operation of by-laws and regulations, such siding shall, during the subsistence of such agreement, be deemed to be a Government railway, and all the provisions of this Act which may be applicable thereto shall be applicable to such siding accordingly, subject to such modifications or alterations as are prescribed by the Commissioner.

(5.) Nothing in this Act or in any such agreement shall be deemed to authorise any person to enter upon any Government railway for any purpose whatsoever, except with the written authority of the Commissioner first obtained in that behalf.

PART VII.—MISCELLANEOUS PROVISIONS.

65. THE public right-of-way on any bridge or subway over or under any railway, or on any road crossing a railway on the level, shall be subject to the by-laws made under this Act, and the Commissioner may from time to time close any such bridge, subway, or level crossing to public traffic during repairs, or in the interest of public safety.

Power to close bridges, etc.

66. IF the Commissioner is of opinion that any tree on land adjacent to a railway is likely, by falling or otherwise, to obstruct, interfere with the traffic, or endanger the travellers thereon, he may cause the same to be removed.

Obstruction to traffic.

67. NOTWITHSTANDING anything contained in any Act relating to railways or tramways, no railway or tramway shall cross any Government railway on the level, except under an agreement previously entered into in that behalf between the Commissioner and the owner of such railway or tramway; and the Commissioner is hereby empowered to enter into such agreements upon such terms and conditions as he thinks fit, and to enforce the same whenever the occasion arises.

No railways to cross Government railways without consent.

Every such agreement shall provide that, in case default is made by the owner of such railway or tramway in carrying out the terms of any such agreement as aforesaid, the Commissioner may, in

addition to the exercise of any other remedies prescribed by the agreement, remove the crossing, and all material used in connection therewith, from such Government railway.

Commissioner may appoint and dismiss certain officers.

68. THE Commissioner may appoint, suspend, dismiss, fine, or reduce to a lower class or grade, any officer or servant of the Department, under powers delegated to him by the Governor by Order in Council, and where the salary or wages of any such officer or servant shall not exceed the rate of four hundred pounds a year, such powers shall be deemed to have been so delegated:

But every such officer and servant shall be deemed to be in the service of the Crown.

Appeal.

69. ANY person who, being permanently employed on a Government railway, is—

- (1.) Fined; or
- (2.) Reduced to a lower class or grade; or
- (3.) Dismissed by the Commissioner or any person acting with his authority,

may in the prescribed manner appeal to an Appeal Board constituted as hereinafter provided.

No person shall be deemed “permanently employed” within the meaning of this section unless he has been continuously employed for one year.

Constitution of Appeal Board.

70. AN Appeal Board shall consist of the following persons, that is to say:—

- (1.) A Police or Resident Magistrate, to be appointed from time to time by the Governor, and to be the Chairman of the Board;
- (2.) One person to be appointed by the Commissioner;
- (3.) One person to be elected in the prescribed manner from among their number by the employees of each of the following branches of the department, that is to say: the Ways and Works Branch, the Traffic Branch, the Locomotive Branch, and the Workshops Branch; but only the person elected by the branch in which the appellant is employed shall act on the Board as the elective member on the hearing of the appeal.

Any dispute as to the branch in which an appellant is employed shall be determined by the Commissioner.

Elections.

71. (1.) FOR the purpose of the ordinary election of the elective member of the Board a ballot shall be taken on or before the first Monday in February, one thousand nine hundred and four, and on the first Monday in every third year thereafter.

(2.) If any member of the Board dies, or, by notice in writing addressed to the Commissioner, resigns his office, or, being an elective member of the Board, ceases to be an employee of the department, his seat shall become vacant, and a successor shall be appointed or elected as the case may require, who shall hold office for the residue of the period during which his predecessor would have held the same if he had remained a member of the Board :

Provided that in any case where the seat of an elective member becomes vacant within three months of the ordinary election, a ballot shall not be taken, but in lieu thereof the Governor may appoint to such a vacancy.

(3.) The ballot shall be taken in the manner prescribed by regulations, and if any question or dispute arises as to the regularity or validity of any ballot, or the voting thereat, such question or dispute shall be determined by the Minister in such manner as he thinks fit, and his decision shall be final.

(4.) Notice of every appointment or election of a member of the Board shall be published in the *Government Gazette*.

72. NOTICE of every appeal to the Board shall be lodged with the Commissioner within fourteen days of the date of the decision appealed against, and the appeal shall be heard by the Board within thirty days from the date of notice being so lodged. Notice of Appeal.

73. THE presence of the Chairman and one other member shall constitute a sitting of the Board, and the decision of any two members of the Board shall be the decision of the Board. Quorum.

74. WITH respect to the procedure on appeals, the following provisions shall apply:— Procedure on appeals.

- (1.) The Board may admit evidence taken at any departmental inquiry at which the appellant was present and had an opportunity of hearing the evidence and of giving evidence.
- (2.) Evidence of witnesses resident more than twenty miles from the place of the sitting of the Board may be taken by affidavit or otherwise as prescribed.
- (3.) Any member of the Board may administer an oath to any witness, and the appellant shall be entitled to have the witnesses examined on oath.
- (4.) No solicitor, counsel, or agent, other than an employee of the department, or the recognised secretary of the union to which the appellant belongs, shall appear or be heard on any appeal; but the appellant shall appear in person or by another employee of the department, and the department by the Commissioner or some officer appointed by him in that behalf.

- (5.) The Board may, subject to the regulations, regulate its own procedure.

Powers of Board.

75. THE Board may confirm, modify, or reverse any decision appealed against, or make such other order thereon as they think fit, and the decision of the Board shall be final.

The Board may fix the costs of any appeal, and direct by whom and in what proportions they shall be payable, and in every case costs shall be awarded against an appellant whose appeal is considered frivolous.

All costs awarded against an appellant shall be recoverable as a debt due to the Crown.

All costs awarded to an appellant shall be payable by the Commissioner.

Regulations.

76. THE Governor may make regulations—

- (1.) For the conduct of elections of the elective member of the Board, and for facilities to be given to members of the branch for voting thereat, and for the elected member attending the sittings of the Board.
- (2.) Regulating the procedure of Appeal Boards and the conduct of appeals, and the method of taking evidence at a distance.
- (3.) Prescribing the allowances to witnesses for their expenses.

No railway servant to engage in outside employment.

77. NO officer or servant of the department—

- (1.) Shall engage in any employment outside the duties of his office; or
- (2.) In any way participate, or claim to be entitled to participate, in the profits of or in any benefit or emolument arising from any contract or agreement made by or on behalf of the Government.

Persons unlawfully occupying railway premises may be removed.

78. IF any person, after his employment upon a railway has ceased, shall continue in occupation of any railway premises, he may be removed therefrom without legal process by any person acting with the authority of the Commissioner.

Railway property not subject to rates, etc.

79. NO rate, tax, or assessment shall be made, charged, or levied upon any Government railway unless the contrary is expressly provided in any Act.

Deputations.

80. ANY deputation in which a member of Parliament takes part, or at which he is present, shall interview the Minister and not the Commissioner.

81. ANY offence against this Act, and any breach of any of the provisions thereof, or of any by-laws thereunder, may be heard and determined summarily, on the complaint of any person, by any two or more Justices of the Peace in the manner provided by the Justices Act, 1902, and all penalties or other moneys recovered shall be paid to the Commissioner.

Recovery of penalties.

82. WHENEVER in the Industrial Conciliation and Arbitration Act, 1902, reference is made to the Minister for Railways, the provisions of that Act shall apply to the Commissioner as if the words Commissioner of Railways were inserted in place of the words Minister for Railways.

Application of 1 & 2 Edw. VII., No. 21.

Subsection six of section one hundred and nine of the Industrial Conciliation and Arbitration Act, 1902, is amended by omitting the words, "shall have jurisdiction to hear and determine the same accordingly, and to make award thereon," and by inserting in place thereof the words, "shall have jurisdiction to and shall hear and determine the same accordingly, and make its award thereon."

83. IN the first month in each quarter of every year the Commissioner shall report, in writing, to the Minister upon—

Quarterly reports to Minister.

- (a.) The state of the traffic returns, with the approximate earnings of trains per train mile, carried during the past quarter;
- (b.) The general conditions of all railways, and the accommodation for the traffic;
- (c.) Such other matters as the Minister may direct.

Such reports shall be laid before Parliament if Parliament is sitting, and if not, then immediately upon the re-assembling of Parliament; but the Minister may, if he think fit, publish such reports forthwith on his receiving them.

84. (1.) THE Commissioner shall prepare an annual report upon the Government Railways and the working thereof, and an account of all moneys received and expended during the preceding year.

Annual Report.

(2.) Such annual report shall be laid before both Houses of Parliament in the month of September in each year. if Parliament is then sitting, and if Parliament is not then sitting, then within one month after the commencement of the next ensuing session thereof.

(3.) He shall also prepare estimates, in such form as the Minister may from time to time direct, of the receipts and expenditure for each period of twelve months ending on the thirtieth day of June in every year.

Section 3.

The First Schedule.

Date.	Title.	Extent of Repeal.
42 Vict., No. 31 ...	The Railways Act, 1878	The whole
43 Vict., No. 10 ...	The Railways Amendment Act, 1879 ...	The whole
44 Vict., No. 17 ...	The Railways Amendment Act, 1881 ...	The whole
51 Vict., No. 1 ...	The Railway Servants Act, 1887 ...	The whole
53 Vict., No. 1 ...	The Railway Act, 1889	The whole
55 Vict., No. 34 ...	An Act to further amend the Railways Act, 1878	The whole
58 Vict., No. 22 ...	The Railway Acts Amendment Act, 1894	The whole
61 Vict., No. 32 ...	The Railways Amendment Act, 1897 ...	The whole
64 Vict., No. 24 ...	The Railways Amendment Act, 1900 ...	The whole
2 Edw. VII., No. 35	The Railways Acts Amendment Act, 1902	The whole

Section 25.

The Second Schedule.

Gold or silver coin, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks, or time-pieces of any description; trinkets, bills, bank-notes, orders, notes, or securities for payment of money; stamps, maps, writings, title-deeds, paintings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other material, furs, or lace, and goods of such other description as may be declared by the Governor by Order in Council.