



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XXXII.

AN ACT to further amend the Railways Act,
1878.

[Assented to, 23rd December, 1897.]

BE it enacted by the Queen'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:—

1. THIS Act may be cited as the Railways Amendment Act, 1897, and shall be read and construed with and as an amendment of the Railways Act, 1878, hereinafter called the Principal Act.

Short title and in corporation with 42 Vict., No. 31.

2. THE Commissioner may at all times run locomotive engines consuming any kind of fuel, either with or without carriages, or other vehicles, or machines, upon any railway or siding, and upon any jetty, pier, wharf, or landing place connected with a railway.

Power to run locomotive engines.

3. WHEREVER any railway shall cross any street, road, highway, or thoroughfare on a level, it shall be lawful for the Minister to erect and maintain gates across such street, road, highway, or thoroughfare on each side of the railway, and the Minister may employ proper persons to open and shut such gates; and it shall be

Power to erect and maintain gates at level crossings.

61° VICTORIÆ, No. 32.

Railways Amendment Act, 1897.

lawful to keep such gates closed across such street, road, highway, or thoroughfare on both sides of the railway, except when foot-passengers, horses, cattle, carts, and carriages passing along the same shall have to cross such railway and may safely do so; and no person or body corporate shall be entitled to claim compensation for or upon account of any land being taken or used for the purpose aforesaid, or for any damage or inconvenience arising from the erection or maintenance of such gates.

Amendment of Section 17 of 42 Vict., No. 31.

4. SO much of Section Seventeen of the principal Act as provides that the two arbitrators shall nominate an umpire is hereby repealed and in lieu thereof:

Resident Magistrate to be umpire where claim does not exceed £100.

(a.) Where the amount claimed does not exceed One hundred pounds, the Resident Magistrate whose Court is nearest the land in respect of which the claim arises, if not interested in the case, shall act as umpire, and, if such Magistrate is interested in the case, a Judge of the Supreme Court shall, on the application of either party, appoint some other Resident Magistrate to act as umpire;

Judge to be umpire where claim exceeds £100.

(b.) Where the amount claimed exceeds One hundred pounds, a Judge of the Supreme Court shall act as umpire.

Amendment of Section 18 of 42 Vict., No. 31.

5. THE eighteenth section of the Principal Act is amended by inserting after the words "Judge of the Supreme Court" of the words "other than the umpire."

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

GERARD SMITH, Governor.