

Supplement to Government Gazette

OF WESTERN AUSTRALIA,

OF THURSDAY, 17TH SEPTEMBER, 1891.

Government Railways of Western Australia.

THE Commissioner of Railways does hereby declare that the following By-Laws, having been approved of by the Governor in Executive Council, are the By-Laws for regulating the use of the Government Railways, to be observed henceforth by all parties:—

BY-LAWS.

1.—Any person (unless having a free pass) taking a seat, or remaining in any carriage used on the Railway as a passenger therein, without having first paid his fare, and obtained a ticket, shall be liable to a penalty not exceeding £2.

2.—Each passenger, on paying his fare, will be furnished with a ticket, which he is to show, whenever required by any Station Master or authorised porter, or by the guard in charge of the train; and if it be a return ticket, he must allow it to be marked when required; and every ticket (whether single, return, or periodical) must be delivered up on the demand of any porter or other servant authorised to collect tickets. Single tickets not used on the day of issue, or a return ticket not used within the prescribed time, shall be deemed to be cancelled. Any person guilty of a breach of this By-Law shall be liable to a penalty not exceeding £2.

3.—Tickets are not transferable; and any person using or attempting to use a transferred ticket, or a ticket the time for the proper use of which has expired, shall be liable to a penalty not exceeding £2.

4.—The Commissioner will not be responsible for any luggage or parcels, unless it be specially booked, and the name of the owner and its destination be distinctly marked thereon. Such responsibility not to exceed £5.

5.—Any person knowingly, and with intent to defraud, travelling upon any railway in a carriage of a superior class to that for which he is provided with a ticket, or altering a return or other ticket, shall be liable to a penalty not exceeding £2.

6.—Tickets, whether single or return, shall be used by passengers only to convey them to the Station named thereon, or to a Station short of that destination. In no case, however, shall any "cheap-excursion" ticket be used for any other Station than that named thereon, nor for any other train than that for which such ticket is issued. Any person using or

attempting to use a ticket in violation of this By-Law shall be liable to a penalty not exceeding £2.

7.—No ticket will be recognised by any Railway Servant unless the number, date, and names of the Stations written or printed on such ticket shall be perfectly legible. The holder of any ticket defaced or illegible in any of the above particulars will be regarded as not having paid his fare, and in addition to the value of the fare will be liable to a penalty not exceeding £2.

8.—Where passengers are booked at any intermediate Station for any train, the condition that there is room in such train shall in all cases be implied; and where there is not sufficient room for all such passengers, those booked for the longest distances shall have the preference, and those booked for the same distance shall have priority according to the order in which they are booked.

9.—No person will be allowed to break his journey by stopping at any intermediate Station and thereafter proceeding by a subsequent train with the same ticket, except by permission of the Station Master, under a penalty not exceeding £2.

10.—Any person not duly authorised by the Commissioner who shall sell or offer for sale any free pass, ticket, or portion of a return ticket, shall be liable to a penalty not exceeding £2.

11.—No male passenger is allowed to enter any waiting room or carriage set apart for the accommodation of females; and any person remaining in any such room or carriage, after being warned to leave the same, shall be liable to a penalty not exceeding £10.

12.—Any person, not being a Railway servant, who shall open any carriage for the purpose of entering the same, after the tickets have been examined and the carriage doors locked by the person appointed for that purpose, or who shall let himself out of any carriage, or attempt to do so, at any Station, or at any time during the journey, by the use of a private key or other instrument, shall be liable to a penalty not exceeding £10.

13.—No person shall, without the consent of the Commissioner, travel outside a carriage on any Railway under any circumstances; or get into, or upon, or quit any Railway carriage when the train is in motion; and any person doing so, or attempting to do so, shall be liable to a penalty not exceeding £10.

14.—Smoking is strictly prohibited in any of the Railway sheds, offices, or waiting rooms;

and any person found so smoking shall be liable to a penalty not exceeding £10.

15.—Smoking is strictly prohibited in any Railway carriage except those set apart for the purpose; and any person found smoking in a carriage not set apart for the purpose shall forfeit a penalty not exceeding £10, and may be removed from the carriage by any Railway servant, and shall forfeit his fare.

16.—Dogs will be conveyed and charged for according to printed conditions, but will not on any account be allowed to accompany passengers in the carriages. Any person persisting in taking a dog into a passenger carriage shall be liable to a penalty not exceeding £10.

17.—No gratuity is, under any circumstances, allowed to be received by a Railway servant, on pain of dismissal. Any person giving or offering a gratuity to any such servant shall be liable to a penalty not exceeding £10.

18.—Any person making use of insulting or abusive language to any Railway officer or servant while in the execution of his duty, or making use of indecent or blasphemous language in any carriage or upon any Railway platform or premises, shall be liable to a penalty not exceeding £10, and to removal from such carriage or station as soon as practicable, and to forfeit his fare.

19.—Any person in or upon any Railway carriage or station, being in a state of intoxication, or committing any nuisance, or gambling or wilfully interfering with the comfort of any passenger, shall be liable to a penalty not exceeding £10, and to removal from such carriage or station as soon as shall be practicable, and to forfeit his fare.

20.—Any person driving or attempting to drive sheep or cattle, or attempting to ride or drive any horse across the Railway, either at any authorised crossing place or elsewhere, when a train is in sight, shall be liable to a penalty not exceeding £50.

21.—No driver or conductor of any hackney carriage, omnibus, or other public vehicle shall ply for hire within the Railway or jetty premises under the control of the Commissioner without a license in writing from the Commissioner; and any person offending contrary to this By-Law shall be liable to a penalty not exceeding £10.

22.—No person will be allowed to come upon any Railway premises for the purpose of removing any passenger or luggage, unless required by a passenger and engaged by him for such purpose; and no person will be allowed to come upon any Railway premises for the purpose of soliciting custom or hire. Any person attempting to evade, or being guilty of a breach of this Regulation, or not quitting the premises when required by a Station Master or other Railway servant, shall be liable to a penalty not exceeding £10.

23.—Any person found bathing, swimming dogs, or otherwise polluting the water in any Railway reservoir or tank, or any unauthorised person drawing water therefrom, shall be subject to a penalty not exceeding £10.

24.—Any person, unless authorised by the Commissioner, who shall post or stick any placard or bill within or on any of the Railway

property or premises, shall be subject to a penalty not exceeding £10.

25.—All goods and merchandise arriving by Train at any Station shall be removed from the platform or sheds within twelve hours; and any goods or merchandise not removed by that time may be stored at the risk and expense of the consignees or owners, and shall then become subject to the payment of the sum of six-pence per ton per diem, or one-penny per package per diem, at the option of the Commissioner; and all goods, luggage, merchandise, and parcels unclaimed by the owner for the space of six months after arrival may be sold by the Commissioner, and after deducting what may be due to the Commissioner of Railways, carriage, storage, and charges (including expenses of sale), the surplus if any) paid over to the owner on demand.

26.—Where it shall be the duty of the owner or consignee of goods brought into any Railway Station (whether by him or in vehicles of the Department) to load such goods into the Railway vehicles, he shall load such goods within six working hours after arrival; and in case of default the Railway servants may load such goods at the risk of the owner or consignee, who shall be liable for the cost of such loading, in addition to the freight and other charges paid or payable.

27.—No claim for loss will be recognised unless the particulars of such claim be lodged with the Commissioner within seven days after date of consignment; and no claim for damage will be recognised after removal from the Railway premises of the goods alleged to have been damaged; and the delivery of goods shall be considered complete when notice of arrival has been given to the consignee, or, where his address is not known, after such goods shall have been at the Receiving Station twelve hours. All goods will be subject to the printed conditions of carriage.

28.—The Commissioner will not be responsible for articles left by passengers at any Station unless the same be registered, for which a charge of two-pence per article may be made, and a ticket given in exchange. And if such article be not removed within three days, an additional charge of three-pence per week will be made, until the same is claimed and paid for or otherwise disposed of. No article will be given up without the production of such ticket, or satisfactory evidence of the ownership being adduced; and any article will be delivered to the bearer of the ticket, unless previously delivered to the owner. The Commissioner will not be responsible for any package exceeding the value of £10.

29.—No person shall be entitled to require any single article of goods to be conveyed by Railway exceeding the weight of three tons, or which from its excessive bulk would be inconvenient to transport; but no objection on account of bulk shall be taken to any boiler or piece of machinery if the same can be transported on any single carriage, or upon two or more carriages joined together, and it be offered for transport at least twenty-four hours before the time fixed for starting. But nothing herein shall prevent the Commissioner or his officers from carrying such goods if they think fit.

30.—No person shall be entitled to require any aquafortis, oil of vitriol, gunpowder, lucifer matches, or other goods which, in the judgment of the Commissioner, may be of a

dangerous nature, to be carried by Railway; and any such officer may refuse to take any parcel suspected to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact. But nothing herein shall prevent the Commissioner or his officers from carrying such goods if they think fit.

31.—Any person who shall wilfully injure, wholly or in part, any of the linings or blinds, or break or deface any of the windows, or remove or injure any number, plate, or advertisement, or remove or extinguish any of the lamps or otherwise damage any Railway carriage, shall be liable to a penalty not exceeding £10, in addition to the payment of the amount of damage done.

32.—No article shall be sold on any Railway premises without the consent of the Commissioner; and every person offending against this By-law shall forfeit a sum not exceeding £10.

33.—The word "fare" in these By-Laws shall be held to mean the rate of toll or sum of money determined upon by the Governor in Council and published under the authority of the Railways Amendment Acts, 1879 and 1881; and the words "Railway carriage" shall include every passenger carriage, goods-truck, horse-box, meat-van, or other vehicle used on the Railway.

34.—Horses and carriages will not be forwarded unless they arrive at the Station forty-five minutes before the time named for the departure of the Train by which they are to be sent. The Commissioner is not, however, bound to take them unless there is proper Rolling Stock on the line for the purpose.

35.—The owners of horses or other live stock will have to take all risks of conveyance. The Commissioner will not be responsible for any damage, however caused, occurring to horses or other live stock upon the Railway, or at any of the Stations. And no horse or other live stock will be carried, unless the Contract Book in which these Regulations will be stated as included in the contract of conveyance, be previously signed by the consignor or owner. All live stock must be loaded by the sender, and unloaded by the consignor or owners at their risk, respectively.

36.—Parcels will be received at the Stations daily (Sundays, Christmas Day, Good Friday, and proclaimed holidays excepted); and if received not later than forty-five minutes before the departure of any passenger train, will be sent by it. All parcels must be prepaid.

37.—All parcels and packages under 112lbs. weight each, unless they form part of a consignment exceeding that weight, will be conveyed by passenger trains exclusively at the authorised parcel rates; but all packages weighing above 112lbs. each, or forming part of a consignment exceeding 112lbs., will be forwarded by goods trains and charged at goods rates, unless specially marked to go otherwise.

38.—A demurrage charge, as set forth in the Tariff Sheet, per truck per day may be made for all trucks not loaded up or unloaded within six hours after arrival.

39.—The authorised charges upon all live stock, goods, or parcels must be paid on demand; and in default of payment being made such live stock, goods, or parcels may be sold by order of the Commissioner within the

Railway premises, and the freight and charges deducted from the proceeds thereof; and no credit will be given unless under special arrangement with the Commissioner. All goods, from whomsoever received, or to whomsoever belonging, are subject to a lien, not only for the freight of the particular goods, but also for any general balance that may be due from the owners, consignors, or consignees. If in fourteen days after the Commissioner, his clerks, or agents first received the goods for transmission by this Railway, the money due be not paid, they will be sold by auction, and the proceeds applied towards satisfaction of such lien and expenses.

40.—The Commissioner will not be liable for any damage to goods of the special class, nor for goods of any class, unless at Commissioner's risk and the freight paid accordingly; nor for goods of any class not delivered or mis-delivered in consequence of the same not being properly directed, described, or packed; nor for damage or loss sustained through improper packing, leakage, fermentation, or fire.

41.—The Commissioner will not be responsible for the loss of or any damage done to goods above the value of £5, unless they be properly described and the value declared at the time of booking, and the insurance rate at Commissioner's risk has been paid in addition to the authorised rates.

42.—The Goods Warehouses will be open for the receipt and delivery of goods from 7 a.m. to 5 p.m., daily (Sundays, Christmas Day, Good Friday, and proclaimed holidays excepted); and except that on Saturdays they will be closed at 2 p.m.

43.—Fresh meat, fish, poultry, dairy produce, eggs, fruit, vegetables, and other perishable articles will be conveyed, when practicable, by the next train, whether passenger or otherwise, but in all cases at the owner's risk; and if not promptly removed from the Railway premises will be disposed of or destroyed by the Railway servants.

44.—The Commissioner shall not be liable for any injury whatever done (otherwise than wilfully or negligently by any Railway officer or servant) to any passenger, animal, or thing carried on any Railway.

45.—The Regulations made by the said Commissioner on the 15th day of September, 1891, with the approval of His Excellency the Governor, are hereby adopted and declared to be made in pursuance of the provisions of the above-mentioned Acts.

Signed by the Commissioner of Railways, at Perth, the 15th September, 1891.

H. W. VENN,
Commissioner of Railways.

In the presence of

ALPIN F. THOMSON,
Under Secretary, Railways and Works.

Approved in Executive Council this 15th day of September, 1891.

W. C. F. ROBINSON,
Governor.

Government Railways of Western Australia.

NOTICE AS TO PENALTIES.

*Railways Department
Perth, 15th September, 1891.*

THE Commissioner of Railways, appointed under an Act passed in the 42nd year of Her Majesty Queen Victoria, No. 31, intituled "The Railways Act, 1878," doth hereby publish and declare that the following are the particulars of the several offences for which any penalty is imposed by the said Act, or by "The Railways Amendment Act, 1879," or by "The Railways Amendment Act, 1881," or by any By-Law of the Commissioner affecting other persons than the Railway Officers or servants, and of the amount of every such penalty.

H. W. VENN,
Commissioner of Railways.

Penalties imposed by Statute.

1.—Any person omitting to shut and fasten any Gate set up at either side of the Railway as soon as he and the carriages, cattle, or other animals under his care have passed through the same, is liable to forfeit for every such offence any sum not exceeding £20. (44 V. No. 17, s. 12.)

2.—Any person wilfully pulling down or defacing any board upon which the list of tolls to be taken for goods or passengers carried or conveyed by the Railway is published, or any mile stone or post on the line of such Railway, is liable to forfeit for every such offence a sum not exceeding £5. (44 V. No. 17, s. 5.)

3.—Every person being the owner or having the care of any goods passing or being upon the Railway who shall fail, on demand, to give the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for that part of the Railway on which such goods may have travelled or be about to travel, an exact account in writing, signed by him, of the number or quantity of goods which have to be conveyed, and of the point of the Railway from which such goods have set out, and at what point the same are intended to be unloaded; and, if the goods conveyed or brought for conveyance as aforesaid be liable to the payment of different tolls, shall not specify the respective numbers or quantities thereof liable to each or any such tolls; or who shall fail to produce his way-bill or bill of lading to such collector or other officer or servant of the Commissioner demanding the same; or who shall give a false account, or shall unload, or take off any part of his loading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof—is liable for every such offence to forfeit to the Commissioner, on behalf of Her Majesty, a sum not exceeding £10 for every ton of goods, or for any parcel not exceeding one hundredweight, and so in proportion for any greater quantity of goods than one hundredweight (as the case may be) which shall be upon any such carriage; and such penalty will be in addition to the toll to which such goods may be liable. (44 V. No. 17, ss. 7 and 8.)

4.—Any person who shall travel, or attempt to travel, in any carriage employed on the Railway, without having previously paid his fare, and with intent to avoid payment thereof; and any person who having paid his fare for a certain distance shall knowingly and wilfully proceed in any such carriage beyond such distance, without previously paying the additional fare for the additional distance and with intent to avoid payment thereof; and any person who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, is liable for every such offence to forfeit to the Commissioner, on behalf of Her Majesty, a sum not exceeding £2. (44 V. No. 17, s. 13.)

5.—Any person who shall send by Railway any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Book-keeper or other servant of the Commissioner with whom the same are left, is liable to forfeit to the Commissioner, on behalf of Her Majesty, a sum not exceeding £50. (44 V. No. 17, s. 15.)

6.—Any person who shall throw gravel, stones, or rubbish, or any matter or thing upon any part of a Railway; or who shall drive or knowingly permit to wander, stray or be driven upon any Railway, or the approaches thereto, any horse, ass, sheep, swine, or other beast or cattle of any kind; or who shall do any act, matter or thing to obstruct the free passage of any such Railway, or any part thereof, is liable to forfeit and pay for any such offence any sum not exceeding £50, and in default of payment thereof to be imprisoned, with or without hard labour, for a period not exceeding six months. (44 V. No. 17, s. 17.)

7.—Any person who shall wilfully obstruct any person acting under the authority of the Commissioner, in the lawful exercise of his power in setting out or in making any line of Railway, or who shall remove or pull up any poles or stakes driven into the ground for the purpose of so setting out any line of Railway, or deface or destroy any marks made for the same purpose, is liable to forfeit to the Commissioner, on behalf of Her Majesty, for every such offence, a sum not exceeding £20. (44 V. No. 17, s. 16.)

8.—Any person who shall wilfully obstruct or impede any Officer or Agent of the Government or of the Commissioner in the execution of his duty upon any such Railway, is liable for every such offence to forfeit to the Commissioner, on behalf of Her Majesty, a sum not exceeding £20. (44 V. No. 17, s. 16.)

9.—Any person who shall wilfully trespass upon any such Railway, or any of the stations or other works or premises connected therewith, is liable for every such offence to forfeit to the Commissioner, on behalf of Her Majesty, a sum not exceeding £20. (44 V. No. 17, s. 16.)

10.—Any person who shall pull down or injure any board put up or affixed as required by any of the above-mentioned Acts, for the purpose of publishing any By-Laws or Penalty, or shall obliterate any of the letters or figures thereon, is liable to forfeit for every such offence a sum not exceeding £5, and shall defray the expenses attending the restoration of such board. (44 V. No. 17, s. 18.)

11.—Any person who shall obstruct or interfere with the Commissioner, or the person or persons employed by him or his or their assistants while entering on and surveying any land with a view to constructing a Railway or of ascertaining where a Railway might more advantageously run, and any person who shall wilfully or negligently move, break, throw down, alter, deface, injure, or conceal any peg, post, or other landmark which shall be erected for any such purpose as aforesaid, shall forfeit a sum not exceeding £10. (42 V. No. 31, s. 9.)

Penalties imposed by the By-Laws passed under the authority of "The Railways Amendment Act, 1879," and "The Railways Amendment Act, 1881."

12.—Any person (unless having a free pass) taking a seat, or remaining in any carriage used on the Railway as a passenger therein, without having first paid his fare, and obtained a ticket, shall be liable to a penalty not exceeding £2.

13.—Each passenger, on paying his fare, will be furnished with a ticket, which he is to show, whenever required by any Station Master or authorised porter, or by the guard in charge of the train; and if it be a return ticket, he must allow it to be marked when required; and every ticket (whether single, return, or periodical) must be delivered up on the demand of any Porter or other servant authorised to collect tickets. Single tickets not used on the day of issue, or a return ticket not used within the prescribed time, shall be deemed to be cancelled. Any person guilty of a breach of this By-Law shall be liable to a penalty not exceeding £2.

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18.—No ticket will be recognised by any Railway servant unless the number, date, and names of the Stations written or printed on such ticket shall be perfectly legible. The holder of any ticket defaced or illegible in any of the above particulars will be regarded as not having paid his fare, and in addition to the value of the fare will be liable to a penalty not exceeding £2.

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23.—Any person, not being a Railway servant, who shall open any carriage for the purpose of entering the same, after the tickets have been examined and the carriage doors locked by the person appointed for that purpose, or who shall let himself out of any carriage, or attempt to do so, at any Station, or at any time during the journey, by the use of a private key or other instrument, shall be liable to a penalty not exceeding £10.

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25.—Smoking is strictly prohibited in any of the Railway sheds, offices, or waiting rooms; and any person found so smoking shall be liable to a penalty not exceeding £10.

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36.—All goods and merchandise arriving by Train at any Station shall be removed from the platform or sheds within twelve hours; and any goods or merchandise not removed by that time may be stored at the risk and expense of the consignees or owners, and shall then become subject to the payment of the sum of six-pence per ton per diem, or one-penny per package per diem, at the option of the Commissioner; and all goods, luggage, merchandise, and parcels unclaimed by the owner for the space of six months after arrival may be sold by the Commissioner, and after deducting what may be due to the Commissioner of Railways, carriage, storage, and charges (including expenses of sale), the surplus (if any) paid over to the owner on demand.

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46.—The owners of horses or other live stock will have to take all risks of conveyance. The Commissioner will not be responsible for any damage, however caused, occurring to horses or other live stock upon the Railway, or at any of the Stations. And no horse or other live stock will be carried, unless the Contract Book in which these Regulations will be stated as included in the contract of conveyance, be previously signed by the consignor or owner. All live stock must be loaded by the sender, and unloaded by the consignor or owners at their risk, respectively.

47.—Parcels will be received at the Stations daily (Sundays, Christmas Day, Good Friday, and proclaimed holidays excepted); and if received not later than forty-five minutes before the departure of any passenger train, will be sent by it. All parcels must be prepaid.

48.—All parcels and packages under 112lbs. weight each, unless they form part of a consignment exceeding that weight, will be conveyed by passenger trains exclusively at the authorised parcel rates; but all packages weighing above 112lbs. each, or forming part of a consignment exceeding 112lbs., will be forwarded by goods trains and charged at goods rates, unless specially marked to go otherwise.

49.—A demurrage charge, as set forth in the Tariff Sheet, per truck per day may be made for all trucks not loaded up or unloaded within six hours after arrival.

50.—The authorised charges upon all live stock, goods, or parcels must be paid on demand; and in default of payment being made such live stock, goods, or parcels may be sold by order of the Commissioner within the Railway premises, and the freight and charges deducted from the proceeds thereof; and no credit will be given unless under special arrangement with the Commissioner. All goods, from whomsoever received, or to whomsoever belonging, are subject to a lien, not only for the freight of the particular goods, but also for any general balance that may be due from the owners, consignors, or consignees. If in fourteen days after the Commissioner, his clerks or agents, first received the goods for transmission by this Railway, the money due be not paid, they will

be sold by auction, and the proceeds applied towards satisfaction of such lien and expenses.

51.—The Commissioner will not be liable for any damage to goods of the special class, nor for goods of any class, unless at Commissioner's risk and the freight paid accordingly; nor for goods of any class not delivered or mis-delivered in consequence of the same not being properly directed, described, or packed; nor for damage or loss sustained through improper packing, leakage, fermentation, or fire.

52.—The Commissioner will not be responsible for the loss of or any damage done to goods above the value of £5, unless they be properly described and the value declared at the time of booking, and the insurance rate at Commissioner's risk has been paid in addition to the authorised rates.

53.—The Goods Warehouses will be open for the receipt and delivery of goods from 7 a.m. to 5 p.m., daily (Sundays, Christmas Day, Good Friday, and proclaimed holidays excepted); and except that on Saturdays they will be closed at 2 p.m.

54.—Fresh meat, fish, poultry, dairy produce, eggs, fruit, vegetables, and other perishable articles will be conveyed, when practicable, by the next train, whether passenger or otherwise, but in all cases at the owner's risk; and if not promptly removed from the Railway premises will be disposed of or destroyed by the Railway servants.

55.—The Commissioner shall not be liable for any injury whatever done (otherwise than wilfully or negligently by any Railway officer or servant) to any passenger, animal, or thing carried on any Railway.

56.—The Regulations made by the said Commissioner on the 15th day of September, 1891, with the approval of His Excellency the Governor, are hereby adopted and declared to be made in pursuance of the provisions of the above-mentioned Acts.

Signed by the Commissioner of Railways, at
Perth, the 15th September, 1891.

H. W. VENN,
Commissioner of Railways.

In the presence of

ALPIN F. THOMSON,
Under Secretary, Railways and Works.

Approved in Executive Council this 15th day
of September, 1891.

W. C. F. ROBINSON,
Governor.

Great Southern Railway of Western
Australia.

NOTICE AS TO PENALTIES.

N.B.—The word "Company" by the Beverley-Albany Railway Act of 1884, is synonymous with "Commissioner of Railways."

THE following Notice as to Penalties imposed by Statute and By-laws, having been approved by His Excellency the Governor in Executive Council, on the 1st day of September, 1891, are now published for general information.

Penalties imposed by Statute.

1.—Any person omitting to shut and fasten any Gate set up at either side of the Railway as soon as he and the carriages, cattle, or other animals under his care have passed through the same, is liable to forfeit for every such offence any sum not exceeding £20. (44 V., No. 17, s. 12.)

2.—Any person wilfully pulling down or defacing any board upon which the list of tolls to be taken for goods or passengers carried or conveyed by the Railway is published, or any mile stone or post on the line of such Railway, is liable to forfeit for every such offence a sum not exceeding £5. (44 V., No. 17, s. 5.)

3.—Every person being the owner or having the care of any goods passing or being upon the Railway who shall fail, on demand, to give the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for that part of the Railway on which such goods may have travelled or be about to travel, an exact account in writing, signed by him, of the number or quantity of goods which have to be conveyed, and of the point of the Railway from which such goods have set out, and at what point the same are intended to be unloaded; and, if the goods conveyed or brought for conveyance as aforesaid be liable to the payment of different tolls, shall not specify the respective numbers or quantities thereof liable to each or any such tolls; or who shall fail to produce his way-bill or bill of lading to such collector or other officer or servant of the Company demanding the same; or who shall give a false account, or shall unload, or take off any part of his loading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof—is liable for every such offence to forfeit to the Company, on behalf of Her Majesty, a sum not exceeding £10 for every ton of goods, or for any parcel not exceeding one hundredweight, and so in proportion for any greater quantity of goods than one hundredweight (as the case may be) which shall be upon any such carriage; and such penalty will be in addition to the toll to which such goods may be liable. (44 V., No. 17, ss. 7 and 8.)

4.—Any person who shall travel, or attempt to travel, in any carriage employed on the Railway, without having previously paid his fare, and with intent to avoid payment thereof; and any person who, having paid his fare for a certain distance, shall knowingly and wilfully proceed in any such carriage beyond such distance, without previously paying the additional fare for the additional distance and with intent to avoid payment thereof; and any person who shall knowingly and wilfully refuse or neglect, on arriving at the point to

which he has paid his fare, to quit such carriage, is liable for every such offence to forfeit to the Company, on behalf of Her Majesty, a sum not exceeding £2. (44 V., No. 17, s. 13.)

5.—Any person who shall send by Railway any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods of a dangerous nature without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the Company with whom the same are left, is liable to forfeit to the Company, on behalf of Her Majesty, a sum not exceeding £50. (44 V., No. 17, s. 15.)

6.—Any person who shall throw gravel, stones, or rubbish, or any matter or thing upon any part of a Railway; or who shall drive or knowingly permit to wander, stray, or be driven upon any Railway, or the approaches thereto, any horse, ass, sheep, swine, or other beast or cattle of any kind; or who shall do any act, matter or thing to obstruct the free passage of any such Railway, or any part thereof, is liable to forfeit and pay for any such offence any sum not exceeding £50, and in default of payment thereof to be imprisoned, with or without hard labor, for a period not exceeding six months. (44 V., No. 17, s. 17.)

7.—Any person who shall wilfully obstruct any person acting under the authority of the Company in the lawful exercise of its power in setting out or in making any line of Railway, or who shall remove or pull up any poles or stakes driven into the ground for the purpose of so setting out any line of Railway, or deface or destroy any marks made for the same purpose, is liable to forfeit to the Company, on behalf of Her Majesty, for every such offence, a sum not exceeding £20. (44 V., No. 17, s. 16.)

8.—Any person who shall wilfully obstruct or impede any Officer or Agent of the Government or of the Company in the execution of his duty upon any such Railway, is liable for every such offence to forfeit to the Company, on behalf of Her Majesty, a sum not exceeding £20. (44 V., No. 17, s. 16.)

9.—Any person who shall wilfully trespass upon any such Railway, or any of the Stations or other works or premises connected therewith, is liable for every such offence to forfeit to the Company, on behalf of Her Majesty, a sum not exceeding £20. (44 V., No. 17, s. 16.)

10.—Any person who shall pull down or injure any board put up or affixed as required by any of the abovementioned Acts, for the purpose of publishing any By-Laws or Penalty, or shall obliterate any of the letters or figures thereon, is liable to forfeit for every such offence a sum not exceeding £5, and shall defray the expenses attending the restoration of such board. (44 V., No. 17, s. 11.)

11.—If any person shall wilfully and maliciously, and to the prejudice of the public, break, injure, damage, throw down, or destroy any part of any Railway or other works connected therewith, every such person shall be judged guilty of misdemeanor; and every person so offending, and being thereof lawfully convicted, shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labor, for any period not exceeding two years. (44 V., No. 17, s. 19.)

12.—Any person who shall obstruct or interfere with the Company, or the person or persons employed by them or their assistants while entering on and surveying any land with a view to constructing a Railway or of ascertaining where

a Railway might more advantageously run, and any person who shall wilfully or negligently move, break, throw down, alter, deface, injure, or conceal any peg, post, or other land mark which shall be erected for any such purpose as aforesaid, shall forfeit a sum not exceeding £10. (42 V., No. 31, s. 9.)

13.—It shall be lawful for any Officer or Agent of the Company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this Act, or of the By-Laws made under the authority hereof, and whose name and residence shall be unknown to such Officer or Agent, and give him in charge to a Police Constable, who shall convey him with all convenient dispatch before some Justice of the Peace without any warrant or other authority than this Act, and such Justice shall proceed with all convenient dispatch to the hearing and determining of the complaint against such offender. (42 V., No. 31, s. 35.)

Penalties imposed by the By-Laws passed under the authority of "The Railways Amendment Act, 1879."

14.—Any person (unless having a free pass) taking a seat, or remaining in any carriage used on the Railway as a passenger therein, without having first paid his fare and obtained a ticket, shall be liable to a penalty not exceeding £2.

15.—Each passenger, on paying his fare, will be furnished with a ticket, which he is to show, whenever required by any Station Master or authorised porter, or by the guard in charge of the train; and if it be a return ticket, he must allow it to be marked when required; and every ticket (whether single, return, or periodical) must be delivered up on the demand of any porter or other servant authorised to collect tickets. Single tickets not used on the day of issue, or a return ticket not used within the prescribed time, shall be deemed to be cancelled. Any person guilty of a breach of this By-Law shall be liable to a penalty not exceeding £2.

16.—Tickets are not transferable; and any person using or attempting to use a transferred ticket, or a ticket the time for the proper use of which has expired, shall be liable to a penalty not exceeding £2.

17.—The Company will not be responsible for any luggage unless it be specially booked, and the name of the owner and its destination distinctly marked thereon, to an extent not exceeding £5.

18.—The Company, under any circumstances, will not be liable for damage for the loss of any parcel or luggage further than to the value of £5.

19.—The Company will not be responsible for articles left by passengers at any Station unless the same be registered, for which a charge per article will be made, and a ticket given in exchange. No article will be given up without the production of such ticket, or satisfactory evidence of the ownership being adduced; and any article will be delivered to the bearer of the ticket, unless previously delivered to the owner. The Company will not be responsible for any luggage exceeding the value of £5.

20.—Any person travelling upon any Railway in a carriage of a superior class to that for which he is provided with a ticket, or altering a return or other ticket, shall be liable to a penalty not exceeding £2.

21.—Tickets, whether single or return, shall be used by passengers only to convey them to the Station named thereon, or to a Station short of that destination. In no case, however, shall any "cheap-excursion" ticket be used for any other Station than that named thereon, nor for any other train than that for which such ticket is issued. Any person using or attempting to use a ticket in violation of this By-Law shall be liable to a penalty not exceeding £2.

22.—No ticket will be recognised by any Railway servant unless the number, date, and names of the Stations written or printed on such ticket shall be perfectly legible. The holder of any ticket defaced or illegible in any of the above particulars will be regarded as not having paid his fare, and in addition to the value of the fare will be liable to a penalty not exceeding £2.

23.—Where passengers are booked at any intermediate Station for any train, the condition that there is room in such train shall in all cases be implied; and where there is not sufficient room for all such passengers, those booked for the longest distances shall have the preference, and those booked for the same distance shall have priority according to the order in which they are booked.

24.—No person will be allowed to break his journey by stopping at any intermediate Station, and thereafter proceeding by a subsequent train with the same ticket, except by permission of the Station Master. Any infringement of this rule will render the person offending liable to a penalty not exceeding £10.

25.—Any person not duly authorised by the Company, who shall sell or offer for sale any free pass, ticket, or portion of a return ticket, shall be liable to a penalty not exceeding £10.

26.—No male passenger is allowed to enter any waiting room or carriage set apart for the accommodation of females; and any person remaining in any such room or carriage, after being warned to leave the same, shall be liable to a penalty not exceeding £10.

27.—Any person, not being a Railway servant, who shall open any carriage for the purpose of entering the same, after the tickets have been examined and the carriage doors locked by the person appointed for that purpose, or who shall let himself out of any carriage, or attempt to do so, at any Station, or at any time during the journey, by the use of a private key or other instrument, shall be liable to a penalty not exceeding £10.

28.—No person shall, without the consent of the Company, travel outside a carriage on any Railway under any circumstances; or get into, or upon, or quit any Railway carriage when the train is in motion; and any person doing so, or attempting to do so, shall be liable to a penalty not exceeding £10.

29.—Smoking is strictly prohibited in any of the Railway sheds, offices, platforms, or waiting rooms; and any person found so smoking shall be liable to a penalty not exceeding £10.

30.—Smoking is strictly prohibited in any Railway carriage except those set apart for the purpose; and any person found smoking in a carriage not set apart for the purpose shall forfeit a penalty not exceeding £10, and may be removed from the carriage by any Railway servant, and forfeit his fare and ticket.

31.—Dogs will be conveyed and charged for according to printed conditions, but will not on

any account be allowed to accompany passengers in the carriages. Any person persisting in taking a dog into a passenger carriage shall be liable to a penalty not exceeding £10.

32.—No gratuity is, under any circumstances, allowed to be received by a Railway servant, on pain of dismissal. Any person giving or offering a gratuity to any such servant shall be liable to a penalty not exceeding £10.

33.—Any person making use of insulting or abusive language to any Railway officer or servant while in the execution of his duty, or making use of indecent or blasphemous language in any carriage or upon any Railway platform or premises, shall be liable to a penalty not exceeding £10, and to removal from such carriage or station as soon as shall be practicable, and forfeit his fare and ticket.

34.—Any person in or upon any Railway carriage or station being in a state of intoxication, or committing any nuisance, or gambling, or wilfully interfering with the comfort of any passenger, shall be liable to a penalty not exceeding £10, and to removal from such carriage or Station as soon as shall be practicable, and forfeit his fare and ticket.

35.—Any person driving or attempting to drive sheep or cattle, or attempting to ride or drive any horse across the Railway, either at any authorised crossing place or elsewhere, when a train is in sight, shall be liable to a penalty not exceeding £10.

36.—No driver or conductor of any hackney carriage, omnibus, or other public vehicle shall ply for hire within the Railway premises without a license in writing from the Company; and any person offending contrary to this By-Law shall be liable to a penalty not exceeding £10.

37.—No person will be allowed to come upon any Railway premises for the purpose of removing any passenger or luggage, unless required by a passenger and engaged by him for such purpose; and no person will be allowed to come upon Railway premises for the purpose of soliciting custom or hire. Any person attempting to evade, or being guilty of a breach of this Regulation, or not quitting the premises when required by a Station Master or other Railway servant, shall be liable to a penalty not exceeding £10.

38.—Any person found bathing, swimming dogs, or otherwise polluting the water in any Railway reservoir or tank, or drawing water therefrom, shall be subject to a penalty not exceeding £10.

39.—Any person, unless authorised by the Company, who shall post or stick any placard or bill within or on any of the Railway property or premises, shall be subject to a penalty not exceeding £10.

40.—All goods and merchandise arriving by train at any Station shall be removed from the platform or sheds within twelve hours, and any goods or merchandise not removed by that time may be stored at the risk and expense of the consignees or owners, and shall then become subject to the payment of the sum of sixpence per ton per diem, or one penny per package per diem, at the option of the Company; and all goods, merchandise, and parcels unclaimed by the owner for the space of six months after arrival, may be sold by the Company, and after deducting what may be due to the Company for carriage, storage, and charges (including expenses of sale), the surplus (if any) paid over to the owner on demand.

41.—If any goods, produce, timber, or other merchandise be brought into any Station, either by the owner or consignee, and which goods or merchandise have to be loaded or unloaded in accordance with the published tariff, it shall be the business of the consignor or consignee to load or discharge the same into the railway wagons or vehicles, and in case the owner or consignee refuse or neglect to load into or discharge the said goods or merchandise from the railway wagons or vehicles within six working hours of arrival at any Station the Company or its officers and servants may forthwith proceed to load or discharge the said goods or merchandise from the railway trucks at the risk of the owner, consignor, or consignee, and such goods or merchandise shall be subject to the cost of such loading or unloading, as the case may be, in addition to the freight and other charges.

42.—No claim for loss will be recognised unless the particulars of such claim be lodged with the Company within seven days after date of consignment; and no claim for damage will be recognised after removal from the Railway premises of the goods alleged to have been damaged; and the delivery of goods shall be considered complete when notice of arrival has been given to the consignee, or, where his address is not known, after such goods shall have been at the Receiving Station twelve hours. All goods will be subject to the printed conditions of carriage.

43.—Any Master, Officer in charge, or Agent of any vessel at the Company's jetty, who shall neglect or refuse to produce his bill of lading, or who shall give a false account of goods landed from or received on board; and any master, or officer in charge, who shall refuse to moor or unmoor, place or remove, fasten or unfasten his vessel, in accordance with the direction of the Pier Master or his representative, shall for each and every offence be liable to a fine not exceeding £10.

44.—Parcels will be received at the stations daily (Sundays, Christmas Day, Good Friday, and proclaimed holidays excepted); and if received not later than thirty minutes before the departure of any passenger train, will be sent by it.

45.—No person shall be entitled to require any single article of goods to be conveyed by Railway exceeding the weight of *three* tons, or which from its excessive bulk would be inconvenient to transport; but no objection on account of bulk shall be taken to any boiler or piece of machinery, if the same can be transported on any single carriage, or upon two or more carriages joined together, and it be offered for transport at least twenty-four hours before the time fixed for starting. But nothing herein shall prevent the Company or its officers from carrying such goods if they think fit.

46.—No person shall be entitled to require any aquafortis, oil of vitriol, gunpowder, lucifer matches, or other goods which, in the judgment of the Company may be of a dangerous nature, to be carried by railway; and any such officer may refuse to take any parcel suspected to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact. But nothing herein shall prevent the Company or its officers from carrying such goods if they think fit.

47.—Any person who shall wilfully injure, wholly or in part, any of the linings or blinds, or break or deface any of the windows, or remove or injure any number, plate, or advertisement, or

remove or extinguish any of the lamps, or otherwise damage any Railway carriage, shall be liable to a penalty not exceeding £10, in addition to the payment of the amount of damage done.

48.—No article shall be sold on any Railway premises without the consent of the Company, through their Traffic Manager, and every person offending against this By-Law shall forfeit a sum not exceeding £10.

49.—The word "fare," in these By-Laws, shall be held to mean the rate of toll or sum of money approved by the Governor in Council, and published under the authority of the Railways Amendment Acts, 1879, 1881, and other Acts, and the words "Railway carriage" shall include every passenger carriage, goods-truck, horse-box, meat-van, or other vehicle used on the Railway.

50.—Horses and carriages will not be forwarded unless they arrive at the Station forty-five minutes before the time named for the departure of the train by which they are to be sent. The Company is not, however, bound to take them unless there be proper Rolling Stock on the line for the purpose.

51.—A demurrage charge as set forth in the Tariff Table may be made for all trucks not loaded up or unloaded within six hours after arrival.

52.—The authorised charges upon all live stock, goods, or parcels, must be paid on demand; and in default of payment being made such goods or parcels may be sold by order of the Company, within the Railway premises, and the freight and charges deducted from the proceeds thereof; and no credit will be given unless under special arrangement with the Company.

53.—The Company will not be liable for any damage to goods of the special class, nor for goods of any class, unless at Company's risk, and the freight paid accordingly; nor for goods of any class not delivered or mis-delivered in consequence of the same not being properly directed, described, or packed; nor for damage or loss sustained through improper packing, leakage, fermentation, or fire.

54.—The Company will not be responsible for the loss of or any damage done to goods above the value of £5, unless they be properly described, and the value declared at the time of booking and the insurance rate at Company's risk has been paid, in addition to the authorised rates.

55.—The Goods Warehouses will be open for the receipt and delivery of goods from 7 a.m. to 5 p.m. daily (Sundays, Christmas Day, Good Friday, and proclaimed holidays excepted); and except that on Saturdays they will be closed at 2 p.m.

56.—Fresh meat, fish, poultry, dairy produce, eggs, fruit, vegetables, and other perishable articles will be conveyed, when practicable, by the next train, whether passenger or otherwise, but in all cases at the owner's risk; and if not promptly removed from the Railway premises may be sold to secure the freight unless it be prepaid at the station from which it is forwarded. If for shipment, charges in all cases must be prepaid, and should they become offensive will be disposed of or destroyed by the Company's servants.

57.—No person shall be entitled to require to be carried upon or along any part of the Railways

any sheep, cattle, horses, or live stock, which, in the judgment of the Company, their officers, or servants, may be infected with any disease of whatever nature; and the Company, their officers, or servants may refuse to take any sheep, cattle, horses, or live stock suspected by them to be diseased. Any person causing or procuring diseased sheep, cattle, horses, or live stock to be carried, or offering or causing any of them to be offered for the purpose of being carried upon any part of the Railway, shall be liable to a penalty not exceeding £10.

58.—If any person shall wilfully, knowingly or negligently, drive or attempt to drive or allow to stray into any Railway Station, yard, shed, or premises or upon any lands, or within any fences the property of the Company, any sheep infected with scab, or other disease, or any cattle, horses, or live stock having, or suffering from any disease whatever, he shall be liable to a penalty, for every such offence, not exceeding £10.

59.—All goods from whomsoever received or to whomsoever belonging shall be subject to a lien, not only for the freight of the particular goods, but also for any general balances that may be due by the owners, consignors or consignees. If in fourteen days after notice has been given that such goods are detained for the above purposes the money due be not paid, they will be sold by auction, excepting perishable articles, which will be disposed of forthwith, to defray the expenses thereon.

60.—The owners of horses or other live stock will have to take all risks of conveyance. The Company will not be responsible for any damage, however caused, occurring to horses or other live stock upon the Railway, or at any of the stations. And no horse or other live stock will be carried, unless the Contract Book or ticket in which these Regulations will be stated as included in the contract of conveyance, be previously signed by the consignor or owner. All live stock must be loaded by the sender, and unloaded by the consignor or owners at their risk, respectively.

61.—The Company shall not be liable for any injury whatever done (otherwise than wilfully or negligently by any Railway officer or servant) to any animal, passenger, or thing carried on any Railway.

62.—The Regulations made by the said Company on the 25th day of April, 1889, with the approval of His Excellency the Governor, are hereby adopted and declared to be made in pursuance of the provisions of the above-mentioned Acts.

Signed by the Agent and General Manager of the West Australian Land Company, Limited, at Albany, the 26th day of August, 1891.

J. ARTHUR WRIGHT,

Agent and General Manager.

In the presence of

JOHN T. SHORT,

Traffic Manager.

Approved by His Excellency the Governor in Executive Council the 1st September, 1891.

H. W. VENN,

Commissioner of Railways.