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By-laws for regulating the Use of the Government Railways in Western Australia.

Government Railways of Western Australia.

BY-LAWS.

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.—If any person 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, or if any passenger by any railway do not produce or deliver up his ticket when required, or if any person having paid his fare for a certain distance knowingly and wilfully proceed in such carriage beyond such distance without previously paying the additional fare for the additional distance and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect on arriving at the point to which he has paid his fare to quit such carriage, every such person shall for every such offence forfeit to the Commissioner, on behalf of Her Majesty, a sum not exceeding £2.

2.—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, with intent to defraud, shall be liable to a penalty not exceeding £2.

3.—The Commissioner will not receive for conveyance any luggage or parcels unless the name of the owner and the destination be distinctly marked thereon.

4.—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 shall be liable to a penalty not exceeding £2.

5.—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, with intent to defraud, shall be liable to a penalty not exceeding £2.

6.—No ticket will be recognised by any servant of the Commissioner unless the number, date, and names of the stations written or printed on such ticket shall be perfectly legible. The holder of any ticket who shall wilfully deface his ticket or render it illegible in any of the above particulars, with intent to defraud, will be liable to a penalty not exceeding £2.

7.—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.

8.—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, in order to enable any other person to travel therewith, shall be liable to a penalty not exceeding £10.

9.—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.

10.—Any person, not being a servant of the Commissioner, 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.

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

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

13.—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 be liable to a penalty not exceeding £10, and may be removed from the carriage by any servant of the Commissioner.

14.—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 taking a dog into a passenger carriage shall be liable to a penalty not exceeding £10.

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

16.—Any person found in or upon any railway carriage or station, or premises, in a state of intoxication, or making use of obscene, insulting, abusive, indecent, or blasphemous language, or writing any obscene words or figures, 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, station, or premises, as soon as shall be practicable.

17.—*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.*

18.—No driver or conductor of any hackney carriage, omnibus, or other public vehicle shall ply for hire within any railway premises 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.

19.—No person will be allowed to come upon any railway premises for the purpose of removing any passenger's luggage, unless required by a passenger and engaged by him for such purpose; and no person will be allowed to come upon the railway premises for the purpose of touting or soliciting custom or hire. Any person attempting to evade, or being guilty of a breach of this By-law, shall be liable to a penalty not exceeding £10.

20.—Any person found washing, bathing, or swimming, or otherwise polluting the water in any reservoir or tank belonging to the railway, or any unauthorised person drawing water therefrom, shall be liable to a penalty not exceeding £10.

21.—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 liable to a penalty not exceeding £10.

22.—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 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 for carriage, storage, and charges (including expenses of sale), the surplus (if any) paid over to the owner on demand.

23.—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 servants of the Commissioner 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.

24.—No claim for loss or damage will be recognised unless the particulars of such claim be lodged with the Commissioner within four days after date of consignment, or the 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.

25.—The Commissioner will not be responsible for articles left by passengers at any station unless the same be registered, for which a charge of twopence 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 threepence 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.

26.—Firearms shall not, under any circumstances, be taken into or placed upon or carried in any carriage used for the conveyance of passengers upon the railway, nor shall loaded firearms be brought upon the railway premises, and every person offending against this By-law shall be liable to a penalty not exceeding £10.

27.—The Commissioner may refuse to carry any person who has any infectious disorder. If any person who has, or may reasonably be supposed to have any such disorder is found upon the railway premises, or travels or attempts to travel on the railway without the special permission of the Commissioner, he shall be liable to a penalty not exceeding £2, and in addition shall forfeit any fare which he may have paid, and he may be removed at the first opportunity from the railway premises. Any person who has charge of any person suffering from an infectious disorder while upon the premises of the Commissioner, or travelling or attempting to travel on the railway, or who aids or assists any person suffering from such disorder in being upon the railway premises, or travelling or attempting to travel on the railway, shall be liable to a penalty not

exceeding £2, unless the person suffering from such disorder be travelling with the special permission of the Commissioner.

28.—No person shall be entitled to require any single article of goods to be conveyed by railway exceeding the weight of four tons, exclusive of the carriage, or six tons including the carriage, or which from its excessive bulk would be inconvenient to transport; but no objection on account of weight or 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.

29.—No person shall be entitled to carry, or to require the Commissioner to carry, upon the railway any aquafortis, oil of vitriol, gun-powder, lucifer matches, or any other goods which, in the judgment of the Commissioner or his officers, may be of a dangerous nature, and if any person send by railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the bookkeeper or other servant of the Commissioner with whom the same are left at the time of so sending, he shall forfeit to the Commissioner, on behalf of Her Majesty, a sum not exceeding £50 for every such offence, and it shall be lawful for the Commissioner to refuse to take any parcel that he may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

30.—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.

31.—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.

32.—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 engine, carriage, goods-truck, horse-box, meat-van, or other vehicle used on the railway.

33.—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.

34.—The owners of horses or other live stock will have to take all risks of loading, conveyance, and delivery. 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 (unless such damage be caused by wilful act or negligence of the servants of the Commissioner). And no horse or other live stock will be carried, unless the Contract Book in which these conditions 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.

35.—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.

36.—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.

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

38.—*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 consignees. If in one month 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.*

39.—*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.*

40.—*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.*

41.—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.

42.—Fresh meat, fish, poultry, dairy produce, eggs, fruit, vegetables, and other perishable articles will be conveyed, when practicable, by the next train, whether pas-

senger 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.

Signed by the Commissioner of Railways, at Perth, the 29th day of July, 1896.

F. H. PIESSE,
Commissioner of Railways.

In the presence of

ALPIN F. THOMSON,
Under Secretary, Railways.

Approved in Executive Council this 29th day of July, 1896.

GERARD SMITH,
Governor.

Government Railways of Western Australia.

NOTICE AS TO PENALTIES.

*Railways Department,
Perth, 3rd February, 1897.*

THE Commissioner of Railways, appointed under an Act passed in the 42nd year of Her Majesty Queen Victoria, No. 31, intitled "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.

F. H. PIESSE,
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 Rail-

way 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 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.)

7.—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.)

8.—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.)

9.—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.)

10.—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 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.)

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

11.—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, with intent to defraud, shall be liable to a penalty not exceeding £2.

12.—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.

13.—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, with intent to defraud, shall be liable to a penalty not exceeding £2.

14.—No ticket will be recognised by any servant of the Commissioner unless the number, date, and names of the Stations written or printed on such ticket shall be perfectly legible. The holder of any ticket who shall wilfully deface his ticket or render it illegible in any of the above particulars, with intent to defraud, will be liable to a penalty not exceeding £2.

15.—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.

16.—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.

17.—Any person, not being a servant of the Commissioner 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.

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

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

20.—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.

21.—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 taking a dog into a passenger carriage shall be liable to a penalty not exceeding £10.

22.—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.

23.—Any person found in or upon any railway carriage or station, or premises, in a state of intoxication, or making use of obscene, insulting, abusive, indecent, or blasphemous language, or writing any obscene words or figures, 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, station, or premises, as soon as shall be practicable.

24.—No driver or conductor of any hackney carriage, omnibus, or other public vehicle shall ply for hire within Railway premises 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.

25.—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.

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

27.—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.

28.—Firearms shall not, under any circumstances, be taken into or placed upon or carried in any carriage used for the conveyance of passengers upon the Railway, nor shall loaded firearms be brought upon the Railway premises, and every person offending against this By-Law shall be liable to a penalty not exceeding £10.

29.—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 advertise-

ment, 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.

30.—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.

Signed by the Commissioner of Railways, at Perth, the 25th January, 1897.

F. H. PIESSE,
Commissioner of Railways.

In the presence of

ALPIN F. THOMSON,
Under Secretary, Railways.

Approved in Executive Council this 3rd day of February, 1897.

GERARD SMITH,
Governor.