



WESTERN AUSTRALIA.

ANNO TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. XIX.

AN ACT to make provision for the more effectual protection of Railways and Electric Telegraphs.

[12th January, 1871.]

WHEREAS it is expedient to make provision for the protection of Railways and Electric Telegraphs, and for the punishment of persons who may injure or destroy the same; Be it therefore enacted, by His Excellency The Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof:—

Preamble.

1 THAT if any person shall wilfully and maliciously remove, break, throw down, injure, destroy, or damage any Railway or Electric Telegraph, which shall be or may have been lawfully erected, or any rails, sleepers, switches, points, fences, embankments, drains, carriages, timber, matters or things, of or belonging to, or connected with any Railway; or any post, wires, insulators, stand-

Any person wilfully damaging Railway or Electric Telegraph guilty of a misdemeanor.

ards, apparatus, implements, machinery, matters or things, of or belonging to, or connected with any Electric Telegraph, whether constructed or erected, or in process of construction or erection; or if any person shall wilfully or maliciously attempt to do or perform any act whereby accident may be occasioned, or injury sustained, in the traffic of goods or passengers on any Railway, such person shall be guilty of a misdemeanour, and being convicted thereof, shall be imprisoned, with hard labour, for any period not exceeding six calendar months.

Railway or Electric Telegraph Company may recover damages from persons wilfully or negligently damaging or destroying Railways or Telegraphs.

2 IF any person shall wilfully or negligently remove, break, throw down, damage, destroy, or injure any such Railway or Electric Telegraph, or any rails, sleepers, switches, points, fences, embankments, drains, carriages, timber, matters or things of or belonging to, or connected with, any Railway, or any post, wires, insulators, standards, apparatus, implements, machinery, matters or things of or belonging to, or connected with, any Electric Telegraph, whether constructed or erected, or in process of construction or erection, it shall be lawful for any such Railway or Electric Telegraph Company to recover such damages from the person so offending as any two Justices shall think reasonable.

Persons found damaging Railways or Telegraphs may be arrested with or without a warrant.

3 THAT any officer or servant of such Railway or Electric Telegraph Company as aforesaid, or any person along or near to whose premises the Railway, or any of the works thereof, or the Telegraph, or any of the apparatus thereof, shall or may be constructed, erected, or placed, or any constable, and all persons called by any such officer, person, or constable as aforesaid, to his assistance, shall or may seize and detain any person who shall or may, in the presence of such officer, person, or constable as aforesaid, have wilfully and maliciously or negligently removed, broken, thrown down, damaged, destroyed, or injured, or obstructed the working of any such Railway or Electric Telegraph as aforesaid, or any of the rails, sleepers, switches, points, fences, embankments, drains, carriages, timber, matters or things of or belonging to, or connected with, any such Railway, or any of the posts, wires, insulators, standards, apparatus, implements, machinery, matters or things of or belonging to, or connected with, any such Electric Telegraph, and whose name or residence may be unknown to such officer, person, or constable; and shall and may carry such offender, with all convenient speed, before some Justice, with or without warrant or other authority than this Act; and such Justice shall proceed with all convenient speed to the hearing and disposing of the complaint preferred against such offender.

34° VICTORIÆ, No. 19.

Protection of Railways and Telegraphs.

4 THIS Act may be cited for all purposes as the “Railways and Electric Telegraph Protection Act, 1871.” Short Title of Act.

P E R T H :

By Authority: RICHARD PETHER, Government Printer.