

RAILWAY ORDINANCE, 1914.⁽¹⁾

No. 8 of 1914.

An Ordinance relating to the Construction, Maintenance and Management of Government Railways.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Railway Ordinance, 1914.*⁽¹⁾

2. It is divided into parts as follows:—

- I.—Preliminary.
- II.—Construction.
- III.—The Management Maintenance and Control of Railways.
- IV.—Accounts.
- V.—Sidings.
- VI.—Miscellaneous Provisions.

3. In this Ordinance unless the contrary intention appears—

Interpretation.

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

“Director” means any officer appointed by the Lieutenant-Governor⁽²⁾ to be Director of Railways and until such an appointment is made means the Director of Public Works.

“Goods” means goods produce merchandise parcels luggage and chattels of every description and includes minerals and live or dead animals.

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

“Prescribed” means prescribed by regulations or by-laws under this Ordinance.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
19. 8. 1914	7. 4. 1915	19. 8. 1914 (<i>Statute Law of Papua, 1888 to 1916, Vol. III, p. 916</i>)

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

RAILWAYS AND TRAMWAYS—

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

“Publicly Notified” means notified by public notice.

“Railway” in Part II. of this Ordinance includes the land upon which any railway or tramway is made or authorized to be made and all buildings and erections of every kind thereon and all land taken purchased acquired resumed or set apart for railway or tramway purposes and includes all works wharves and jetties the property of His Majesty whether of a temporary or permanent nature used for the purpose of or in connection with such railway or tramway and all materials and things of which such railway or tramway buildings erections works wharves or jetties is or are composed or which are being used for the purposes thereof and are erected placed or laid upon any such land.

“Railway” (except in Part II. of this Ordinance) or “Government Railway” means any railway or tramway belonging to His Majesty in the Territory which may be hereafter declared open for traffic by notice⁽³⁾ in the *Gazette* and includes—

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

(b) all branch lines sidings buildings erections works locomotives engines motor cars rolling stock plant machinery goods chattels and other fixed or moveable property of every description or kind belonging to His Majesty and situate on such land or held or used or reputed to be held or used in connection with or for the purposes of a railway;

(c) all railway wharves.

“Railway Wharf” means any wharf pier or jetty placed by the Lieutenant-Governor⁽²⁾ under the control of the Director.

“Road” means a road street or public highway whether carriage-way bridle-way or foot-path and includes all roads streets and highways which have been or may here-

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(3) No notice has been published in *Papua Govt. Gaz.*

after be set apart defined proclaimed or declared roads under any law or authority for the time being in force and all bridges culverts drains ferries fords gates buildings and other things thereto belonging upon and within the limits of the road and includes arable soil of every road

“Special Ordinance” means any Ordinance⁽⁴⁾ authorizing the construction of a railway.

PART II.—CONSTRUCTION.

4. Any lands may be acquired or taken for the purpose of a railway under the provisions of the *Lands Acquisition Ordinance, 1914*, and that purpose shall be deemed to be a public purpose within the meaning of that Ordinance.

How land may be acquired.

5.—(1.) Every railway shall be made only under the authority of a special Ordinance which shall state as nearly as may be the line of the railway and the termini thereof.

Railways to be made only under special Ordinance.
Cf. W.A. 2 Ed. VII. No. 47, s. 96.

(2.) Before the second reading of the special Ordinance in the Legislative Council the Director shall cause a map to be referred to in the special Ordinance showing the course to be taken by and the middle line of the railway to be laid upon the table of the Legislative Council.

(3.) On the passing of the Ordinance the said map signed for the purpose of identification by the Clerk of the Legislative Council shall be deposited by him in the office of the Chief Government Surveyor and shall be open to public inspection at any reasonable hour free of charge and shall be admitted in all courts for all purposes as evidence of the line authorized by the special Ordinance.

6. When any railway is authorized to be constructed—

(a) at any time after the passing of the special Ordinance the Director and all other persons acting under his authority may enter upon any land required to be occupied for the construction of the railway and do all things which he is empowered by this Ordinance and by the *Lands Acquisition Ordinance, 1914*, to do for the construction of the railway without being deemed to commit any trespass thereby;

After passing special Ordinance land may be occupied.
W.A. 1b. s. 97.

(b) after the passing of the special Ordinance the Lieutenant-Governor⁽²⁾ may at any time and from time to time by notice⁽⁵⁾ in the *Gazette* wholly close for the full or any less part of the width thereof the whole or any part of the length of any road or street the

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

(4) See the *Port Moresby to Rona Railway Ordinance, 1914*.

(5) No notice has been published in *Papua Govt. Gaz.*

RAILWAYS AND TRAMWAYS—

exclusive use of which may be required for the railway taking the soil thereof when necessary;

- (c) the notice when published in the *Gazette* shall be conclusive evidence that any part of any road or street thereby closed has ceased to be a public highway;
- (d) no notice closing a road or street shall be impeached or defeasible on any ground whatsoever.

Gazette notice conclusive evidence.

Notice to be indefeasible.

Powers to make railways and railway stations &c.

W.A. 2 Ed. VII.
No. 47, s. 99.

7.—(1.) The Director may do the following things in respect of any railway authorized by a special Ordinance:—

- (a) Enter upon and make the railway upon over or under any land acquired or set apart for the construction thereof as defined in the map referred to in the special Ordinance; and for this purpose may construct works of every kind and of every material necessary to the making thereof; and engines worked by steam or any other motive power machines carriages trucks wagons and vehicles of all kinds may be used upon and run over any land entered upon or acquired or set apart for a railway; and any kind of fuel may be used for any such engine or machine;
- (b) make any part of such line of railway on and along any part of any road;
- (c) make the railway upon across over or under any road railway tramway or public reserve along such line and may alter the level of any road railway tramway or public reserve for such purpose;
- (d) make the railway across any arm of the sea river stream or navigable water;
- (e) alter the course or the level of any river not navigable or of any stream watercourse ditch or drain;
- (f) make drains or conduits on or under any land adjacent to and for the purpose of carrying water from or to the railway; and may at all times maintain the same in good repair;
- (g) remove or alter any drain or sewer or any pipes or other material for the supply of water or for gas belonging to any person within or beyond the limits of the railway;
- (h) make or construct all such buildings stations engines machinery piers wharves roads approaches water supply works gasworks electric works telegraph telephone and other works in connection with the railway as may be thought necessary;
- (i) do all acts and provide all things necessary for making equipping maintaining altering repairing and using the railway.

Railway Ordinance, 1914.

(2.) The powers by this section conferred upon the Director may be exercised by him at any time whether before during or after the construction of the railway.

8.—(1.) Where any part of a road except where it is crossed by a railway on a level is used or occupied for a railway under the powers conferred by the last preceding section such part of the road shall thereafter cease to be a highway.

Rights of way and traffic where railway made along or across road on a level.

W.A. 2 Ed. VII. No. 47, s. 100.

(2.) Where the railway crosses a road on a level the public right of way at such crossing shall cease whenever any engine or carriage on the railway is approaching and within a distance of a quarter of a mile from such crossing; and it shall at all other times extend only to the right of crossing the railway with all convenient speed but not to stopping or continuing thereon.

(3.) Whenever a railway is constructed upon or across a road upon the same level the Director may carry on and conduct the working and management of the railway in every respect upon or across such road. The Director may also if he so desires erect and maintain gates across such road on each side of the railway and may keep such gates closed across such road on both sides of the railway except when passengers on foot or with horses cattle and carriages passing along the same shall have the right under Subsection (2.) to cross the railway and may safely do so.

9.—(1.) No compensation shall be payable in respect of the use or occupation of any part of any road for any railway under the powers conferred by the two last preceding sections or for or in respect of any inconvenience or damage to any lands fronting or adjoining any such road arising out of the exercise of the said powers or the construction of the railway upon such part of such road.

Compensation where road interfered with or wholly closed.

W.A. 1b. s. 101.

(2.) No compensation shall be payable in respect of any road being wholly closed under the powers conferred by this Ordinance or in respect of the use or occupation thereof for any railway or for or in respect of any such inconvenience or damage as mentioned in the last subsection if reasonable and sufficient access to the nearest road crossing over such railway be afforded by some other road or street whether such last-mentioned road or street has been provided or constructed by the Government or not.

10. Where the making of a railway line has cut off all access by road to land other than Crown land the Director shall make such crossing or crossings as may be necessary to give access to such land.

Government to make crossings to give access to lands.

W.A. 1b. s. 102.

RAILWAYS AND TRAMWAYS—

Maintenance of public roads at railway crossings on the level.
W.A. 2 Ed. VII.
No. 47, s. 103.

11.—(1.) Where a road crosses a railway on the level the Director shall until the railway is open for traffic maintain the road and crossing on the railway and for a distance on each side of thirty-three feet outside the railway so crossed.

(2.) Where a road crosses over or passes under any railway by means of a bridge or subway such bridge or subway shall until the railway is opened for traffic be maintained by the Director.

(3.) Where a road is constructed by the Director to lead to a railway station or otherwise for railway purposes such road shall until the railway is opened for traffic be maintained by the Director.

Alterations in roads &c.
W.A. *Ib.* s. 104.

12. Where it is found necessary for the construction of a railway to alter any public work or any road street tramway water-course sewer drain water-pipe or gas-pipe for the supply of water or gas belonging to a private person or company such alteration shall be made by or at the request and cost of the Director and in such manner as to interfere as little as possible with the work so altered.

Right-of-way on joint railway and common bridges.
W.A. *Ib.* s. 107.

13. Where a bridge is used for railway and ordinary traffic jointly the public right-of-way on such bridge shall extend only so far as shall be defined in any by-law made under this or any other Ordinance relating to the management of railways open for traffic. The Director may at any time close any such bridge to public traffic during repairs or whilst the bridge is in his opinion dangerous.

Trees dangerous to railway to be removed.
W.A. *Ib.* s. 108.

14. If the Director is of opinion that any tree on private land adjacent to a railway is likely by falling or otherwise to obstruct the traffic or endanger the travellers thereon he may cause the tree to be removed.

Penalties for trespassing on railway in course of construction.
W.A. *Ib.* s. 109.

15.—(1.) Any person trespassing upon any railway in the course of construction or upon any land occupied or temporarily occupied for the purpose of such construction under the powers hereby given shall be liable to a penalty not exceeding Two pounds.

(2.) Any person riding or driving any animal or vehicle upon such railway or land without lawful authority shall be liable to a penalty not exceeding Five pounds.

(3.) Any such person refusing to leave such railway or land or to remove such animal or vehicle therefrom when warned so to do by the overseer contractor or any other person in charge of or employed upon such railway may be seized and detained by such overseer or other person until he can be conveniently taken before justices of the peace to be dealt with according to law.

16. The Lieutenant-Governor⁽²⁾ may by notice⁽⁶⁾ published in the *Gazette* declare that any fences constructed or intended to be constructed on behalf of His Majesty for separating any railway in such notice mentioned from the adjoining lands shall to such extent as is mentioned in such notice be thereafter maintained or erected and maintained as the case may require at the cost of His Majesty during such time as the railway may continue to be used by or on behalf of the Government and such fences shall thereafter be maintained or erected and maintained as the case may require by the Director accordingly.

Crown may elect to erect fences along boundaries of railways.
W.A. 2 Ed. VII.
No. 47, s. 110.

17. Every person who wilfully obstructs or interferes with the Director or any engineer architect surveyor overseer workman or other person in the performance of any duty or in doing any work which he has lawful authority to do under this Ordinance; or cuts down breaks removes or destroys any fence in or upon any land taken under the provisions of this Ordinance shall be liable to a penalty not exceeding Fifty pounds and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

Penalty for obstructing workmen or destroying fences marks &c.
W.A. *Id.* s. 120.

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

18. No Government railway shall be declared open for traffic until the Director has certified to the Lieutenant-Governor⁽²⁾ that he has inspected such railway and that the same may safely and conveniently be used for public traffic.

Inspection of railways before opening for traffic.
W.A. 3 Ed. VII.
No. 23, s. 5.

19. A certificate under the hand of the Director that any specified land is included as portion of a Government railway or that any Government railway is open for traffic shall for all purposes be sufficient evidence of the fact.

Certificate of Director evidence of certain facts.
W.A. *Id.* s. 6.

20. Subject to the provisions of this Ordinance the Director shall have the management maintenance and control of every Government railway.

Director to manage railways.
W.A. *Id.* s. 16.

21. The Lieutenant-Governor⁽²⁾ may by Proclamation⁽⁷⁾ in the *Gazette* place any wharf pier or jetty used or proposed to be used in connection with any railway under the control of the Director for any specified period or until further notification and that notwithstanding the same may under the provisions of any other Ordinance be placed under the jurisdiction or governance of the

Wharves &c. may be placed under control of Director.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(6) No notice has been published in *Papua Govt. Gaz.*

(7) No Proclamation has been published in *Papua Govt. Gaz.*

RAILWAYS AND TRAMWAYS—

Marine Board of Papua or any other authority and thereafter the Marine Board or other authority as the case may be shall during such period or until further notification abstain from doing any act which might otherwise have been done by such board or other authority.

Maintenance.
Q. 52 Vic.
No. 8, s. 23.

22.—(1.) It shall be the duty of the Director to maintain the railways and all works in connection therewith in a state of efficiency and to work the same in such manner as will best conduce to the general public benefit.

Inspection.

(2.) The Director shall at all times cause to be made a careful inspection of the condition of the railways under his control.

Alteration and
repair.

(3.) Whenever it appears to the Director that for the purpose of maintaining the traffic on any existing line a partial reconstruction or partial duplication or other addition to or extension of the roadway of any existing line of railway or part of any such line or any bridge viaduct or other work or that the laying of new rails or that any other repair or alteration of any line or work vested in him is necessary he may undertake execute and carry out any of the works aforesaid so far as may be required for such purpose subject to the necessary money for such works being legally available for that purpose.

Temporary
roadways.

(4.) During any reconstruction repair or alteration the passenger and goods traffic may be conducted along temporary roadways or otherwise as the Director may deem best for the public interest and safety.

Gates and
cattle stops.
W.A. 3 Ed. VII.
No. 23, s. 19.

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

- (1) Where a railway crosses any road on a level the Director may erect and maintain gates across such road on each side of the railway and may keep such gates closed except when foot passengers horses cattle carts carriages and other vehicles passing along such road shall have to cross the railway and may safely do so;
- (2) it shall not be lawful without the consent in writing of the Director to erect or maintain across a road where such road crosses any line of railway on the level any gate within two chains of the middle line of such railway;

Railway Ordinance, 1914.

- (3) the Director may allow any such gate to be erected or maintained under such conditions as in the interests of public safety he thinks fit to impose;
- (4) the Director may require any such gate to be removed if cattle stops are provided at such level crossing;
- (5) at level crossings where there are cattle stops it shall not be lawful to erect or maintain gates so as to enclose the railway without the consent in writing of the Director;
- (6) if any gate is hereafter erected in breach of this Ordinance then irrespective of all other liabilities to which the person erecting the same is hereby exposed the same may at the cost and expense in all things of such person be at any time removed by the Director without any notice.

24. The Director may use on any railway locomotive engines consuming any kind of fuel and may draw or propel thereby carriages waggons machines appliances and plant of every kind.

Motive power.
W.A. 3 Ed. VII.
No. 23, s. 20.

25. The Director may with the consent of the Lieutenant-Governor⁽²⁾ use in addition to or in substitution for any existing motive or traction power any system of electric or other traction of which he may approve and may maintain repair and use all works necessary for such system of electric or other traction.

Director may use electric traction.
W.A. *Ib.* s. 21.

26. The Director may with the approval of the Lieutenant-Governor⁽²⁾ from time to time by notice⁽⁸⁾ in the *Gazette*—

Director may fix charges.
W.A. *Ib.* s. 22.

(1) Fix scales of charges to be paid—

- (a) by persons carried on or using a railway; or
- (b) for goods carried on a railway or received into or on or stored in or delivered from any store shed yard railway-wharf in connection with a railway; or
- (c) by passengers failing to take out tickets at the booking office of the station whence they started or failing to produce tickets on demand; or
- (d) for demurrage on the use of any rolling stock; or
- (e) for the use of any cranes hoists or other machinery for loading and unloading goods; or
- (f) for the hire of locomotives or rolling stock; or
- (g) for the use of weighing machines; or

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(8) No notice has been published in *Papua Govt. Gaz.*

RAILWAYS AND TRAMWAYS—

- (h) for the use by any vessel of any railway-wharf mooring berthage building crane or other appliances in connection with a railway; or
- (i) for goods loaded or unloaded from or into lighters into or from ships lying at or adjacent to any railway-wharf berthage or mooring in connection with a railway; or
- (j) for goods received or delivered from or to any vessel lying at or adjacent to any such railway-wharf berthage or mooring; or
- (k) for the carriage of mails and parcel post; or
- (l) for the passing of locomotives and rolling stock over any railway; or
- (m) for the sale of electric current or power from any power station on any railway.

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

(3) Fix special charges for the carriage or storage of specific classes of goods which in his opinion are of a nature liable to loss or injury or to cause injury or for goods over and above a certain value.

(4) Impose such conditions and regulations with respect to any of the preceding matters as he deems advisable.

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

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

By-laws.

W.A. 3 Ed. VII.
No. 23, s. 23.

27. The Director may with the approval of the Lieutenant-Governor⁽²⁾ make by-laws⁽⁹⁾ upon the following subjects:—

- (1) Regulating the mode in which and speed at which engines and other rolling stock are to be propelled or moved;
- (2) regulating the use of carriages by passengers and the number of passengers to be carried in each carriage or compartment;
- (3) imposing conditions upon which passengers' luggage will be carried;

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(9) No by-laws have been published in *Papua Govt. Gaz.*

- (4) regulating the loading and unloading of waggons and the weight they may carry;
- (5) regulating the weight to be carried in any sack box bale or other package and the size thereof and imposing penal rates of charges for excess in respect of weight or size of package;
- (6) regulating the receipt carriage delivery of and other dealings with goods the storing of the same and the checking of luggage: Provided that while regulations for the checking of luggage are in force no liability shall be incurred by His Majesty or the Director in respect of luggage which has not been duly checked;
- (7) preventing any person affected with any infectious or contagious disease from travelling by railway except under prescribed conditions;
- (8) prohibiting the carriage or conveyance of diseased or infected animals or of animals plants fruit or vegetable produce suspected of disease except subject to prescribed conditions;
- (9) prohibiting the carriage of second-hand fruit cases or any cases or packages that may reasonably be supposed to have contained fruit unless such cases are disinfected in accordance with the regulations⁽¹⁰⁾ under the *Plants' Diseases Ordinance, 1911*,⁽¹¹⁾
- (10) preventing the smoking of tobacco or any other substance and the committing of nuisances;
- (11) keeping accounts of all receipts and expenditure;
- (12) regulating the traffic on roads and bridges used both for ordinary and railway traffic;
- (13) regulating the public or private traffic of persons vehicles or goods on roads bridges and subways across over or under any railway;
- (14) preventing the trespass of persons or animals on any railway or any part thereof;
- (15) regulating the admission of any vessels to any railway wharf berth or mooring connected with and forming part of a railway and their usage of and removal from the same;

(10) See the *Plants' (Importation) Regulations, 1923*, printed on p. 3635.

(11) Now the *Plants' Diseases Ordinance, 1911-1918*.

RAILWAYS AND TRAMWAYS—

- (16) regulating the maintenance usage opening and closing of all gates and slip panels cattle stops and fences;
- (17) regulating the manner times and places in and at which tickets of any kind shall be purchased by issued to used by and delivered up by passengers;
- (18) facilitating and regulating the insurance of persons travelling on the lines of railway by any accident insurance company now or hereafter to be formed;
- (19) regulating the mode in which and the times within which claims for loss non-delivery of or damage to goods or in respect of any other cause of action relating to either goods or passengers shall be made;
- (20) regulating the terms on which private sidings may be constructed and used the rent thereof and the manner in which the same may be worked;
- (21) regulating the hire use and detention of any locomotive or rolling stock at such sidings and the liability of persons hiring using or detaining the same for damage done thereto or for the destruction or detention thereof;
- (22) providing for the grant of licences to porters and to the drivers of vehicles plying for hire within the precincts of any railway prescribing the conditions (including the payment in each instance of a licence fee) and also of the transfer or forfeiture thereof making similar provision for the licensing of vehicles plying for hire as aforesaid (including the payment in each instance of a licence fee) and the conditions subject to which such licence shall be held and may be transferred or forfeited; and providing also for the exclusion of any such licensed driver or vehicle from railway premises until there is room for his vehicle and for the exclusion of all unlicensed porters or drivers and vehicles plying for hire as aforesaid;
- (23) regulating the admission to railway stations offices platforms and premises of passengers going to or leaving the trains or of persons having business at the station offices; limiting the time during which passengers and other persons may remain on railway stations offices platforms and premises; excluding from stations offices platforms and railway premises all persons not observing the by-laws or not having business thereat; imposing such fees or tolls as he deems fit in order to give effect to this subsection;

Railway Ordinance, 1914.

- (24) regulating the use of refreshment rooms under the management and control of the Director;
- (25) prescribing the terms on which licences for refreshment rooms shall be granted and the hours of opening and closing refreshment rooms the fees to be paid for such licences and the conditions on which the same may be determined and forfeited;
- (26) for paying the staff employed on Government railways and prescribing the terms of employment;
- (27) and generally for regulating the traffic on railways and the conduct of all persons employed on or about the same or travelling or being thereon: Provided that such by-laws may authorize any railway officer or other person to do all such things and to issue all such instructions and regulations as may be deemed advisable in respect of any such subjects.

28. In respect to by-laws made under the last preceding section the following provisions shall apply:—

Provisions as to by-laws.
W.A. 3 Ed. VII.
No. 23, s. 24.

- (1) No by-law shall have any force or effect unless it has been approved by the Lieutenant-Governor⁽²⁾ and published in the *Gazette*;
- (2) all by-laws shall be laid before the Legislative Council within ten days after the publication thereof if the Council is then sitting and if not then within ten days after the commencement of its next sitting;
- (3) a copy of all by-laws relating to matters affecting the public shall be painted upon or printed and affixed to boards or printed in a book hung or attached thereto and such boards shall be exhibited and maintained in a conspicuous place at every station at which tickets are sold: Provided that the validity of any by-law or the liability of any person under any by-law shall not be affected by any non-compliance with this provision;
- (4) any by-law published in the *Gazette* shall be evidence in all courts of the same having been duly made and exhibited under this Ordinance;
- (5) any by-law may apply to railways generally or to any particular railway or part of a railway;

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

RAILWAYS AND TRAMWAYS—

- (6) every contract between the Director and any consignor or owner of goods or passenger shall be subject to the by-laws in force for the time being and such by-laws shall be deemed part of the contract;
- (7) any by-law relating to the conduct of any person employed in or about a railway may impose a penalty not exceeding Five pounds for any breach thereof and such penalty may be recovered by deducting the same from any salary or emoluments due or to accrue due to him;
- (8) any other by-law may impose a penalty not exceeding Ten pounds for any breach thereof.

As to custody
carriage and
delivery of
goods.

W.A. 3 Ed. VII.
No. 23, s. 25.

29. In respect of the receipt custody conveyance and delivery of goods upon or from a railway the following provisions shall apply:—

- (1) All goods received upon any railway shall be subject to any by-laws conditions or regulations in that behalf made and shall be deemed to be in the custody of the Director until delivered to the consignee thereof;
- (2) subject to any by-law as to parcels every person before delivering any goods at any railway station for carriage shall give to the officer receiving the goods a consignment note in the form and containing the particulars prescribed and the officer shall give a receipt for the same and if such goods are goods which in the opinion of the Director are liable to loss or injury or to cause injury or goods over and above a certain value for which special charges may be fixed as hereinbefore provided the consignment note shall contain a declaration of the nature and value of the goods. No person shall be entitled to sue or recover for any loss of or damage to any goods or for any delay in transit or delivery unless such consignment note has been given and such receipt obtained;
- (3) the director shall not be liable for any loss or damage to any animal carried on a railway beyond the sums hereinafter stated:—
 - (a) For any horse Twenty pounds;
 - (b) for any neat cattle per head Fifteen pounds;
 - (c) for any sheep pig or other small animal per head Twenty shillings

Railway Ordinance, 1914.

unless the person sending or delivering the same shall in the consignment note have declared them to be respectively of higher value than as above mentioned and shall have paid in addition to the ordinary rate of charge the prescribed charge for the extra risk. The proof of the value of such animals and the amount of injury done shall in all cases lie upon the person claiming compensation for such loss or injury;

- (4) the Director shall not be liable for the loss of or injury to any goods of the descriptions set forth in the schedule hereto which shall have been delivered either to be carried for hire or to accompany the person of any passenger when the value of such goods shall exceed the sum of Ten pounds unless at the time of the delivery thereof to the person authorized to receive the same to be carried on the railway or in case the same accompanies the person of any passenger before such person commences his journey on the railway the nature and value of such goods shall have been declared in writing by the person sending or delivering or accompanying the same and in addition to any ordinary charge the prescribed charge (if any) for the extra risk shall have been paid and a receipt given for the same.

30. The Director may make special agreements in writing with any person—

Special agreements.
W.A. 3 Ed. VII.
No. 23, s. 26.

- (1) for insuring any goods delivered on a railway against all loss or damage from any cause whatsoever;
- (2) for insuring the Director against all liability in respect of any such loss or damage;

and for the purposes of the premiums in respect of such insurance may increase or diminish the charges payable on such goods.

31. Nothing herein contained shall operate or be construed to subject the Director to any liability in respect of any goods left on the premises of a railway before or after transit if by virtue of any by-law they are so left or deemed to be so left at the risk of the person leaving the same or to the consignee or owner thereof.

Goods left at owner's risk.
W.A. 1b. s. 27.

32. The Director with the approval of the Lieutenant-Governor⁽²⁾ may—

Power to collect and deliver goods outside limits of railway.
W.A. 1b. s. 28.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

RAILWAYS AND TRAMWAYS—

- (1) cause goods for conveyance by railway to be collected from places outside the limits of a railway;
- (2) fix and define the limits within which such collection of goods may be made and also the rates and charges to be paid thereafter;⁽¹²⁾
- (3) cause to be delivered at places outside the limits of a railway goods carried on a railway;
- (4) fix and define the limits within which such delivery of goods may be made and also the rates and charges to be paid therefor;
- (5) do execute enter into and perform all such acts contracts and things as he thinks necessary for the purposes of this section: Provided that the term of any such contract shall not exceed five years.

Penalty for giving false consignment note or waybill.

W.A. 3 Ed. VII.
No. 23, s. 29.

33.—(1.) If any person makes a false statement as to the nature quantity weight measurement or value of any goods delivered upon a railway in any consignment note waybill or other document which under this Ordinance he is required to deliver in respect of such goods he shall be liable to a penalty not exceeding Fifty pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding six months.

Extra charge also payable.

(2.) If in any such document there is any understatement of the quantity weight measurement or value of the goods or any misdescription of their nature the effect whereof if undetected might lead to their being charged for at less than the proper rate then in lieu of charges at the ordinary rate and irrespective of any person's liability under the last preceding subsection hereof and whether the understatement or misdescription is wilful or not charges at a special rate not exceeding double the ordinary rate shall be payable in respect of the goods.

Lien.

W.A. *lb.* s. 30.

34. When goods have been received for carriage on a railway such goods may be retained by the Director until all charges in respect of such goods are paid unless the Director has entered into a special contract in writing by which such lien is waived.

Goods may be sold on refusal to pay charges.

W.A. *lb.* s. 31.

35. If any person refuses or fails to pay in respect of any goods any charges imposed under this Ordinance the Director may after public notice order any such goods or in case such goods have been delivered then any other goods on the premises of the railway belonging to the same person to be sold.

Goods left by unknown owner may be sold.

W.A. *lb.* s. 32.

36.—(1.) If any goods are left on a railway and the owner thereof or the person liable for the charges thereon is not known

(12) The word "thereafter" appeared in the original Ordinance. *Seemle*, "therefor" was intended.

the Director may cause it to be publicly notified that unless in the meantime they are removed and the charges thereon paid they will be sold upon a day named in such notice being not less than one month from the publication thereof.

(2.) If the goods are not removed and the charges thereon paid before that day then they may be sold.

(3.) If any goods left on a railway are perishable the Director may direct the sale thereof forthwith without notice and if such goods cause offence or create a nuisance he may cause them to be destroyed at the expense of the owner.

37. The proceeds of any sale under either of the preceding sections shall be applied first in paying the said charges and the expenses of such sale (including all charges and expenses incurred in or about the storage warehousing and handling of the goods or otherwise whatever) and the balance if any shall be paid over to the person entitled thereto upon his establishing his claim within three months after such sale; but unless such claim is so established the amount shall be paid to the credit of the Public Revenue Account.

Application of
proceeds of
sale.
W.A. 3 Ed. VII.
No. 23, s. 33.

38.—(1.) No person shall have any right to carry or send by a railway any loaded firearm or other dangerous thing or any goods which are or by any by-law are declared to be of a dangerous nature.

Conveyance of
dangerous
goods.
W.A. *Ib.* s. 34.

If any person sends or attempts to send by a railway or carries or deposits or permits to be carried or deposited on any railway any loaded firearm or dangerous thing or any package containing any such goods without the consent in writing of an officer authorized to receive such goods and without distinctly marking the contents on the outside of such package that person shall be liable to a penalty not exceeding Fifty pounds and in default of payment to imprisonment with or without hard labour for any term not exceeding six months.

(2.) The Director and his officers may refuse to take any parcel which he or they may suspect to contain goods of a dangerous nature or may require any parcel to be opened so that the nature of the contents may be ascertained.

39. All civil actions suits claims and demands of the Crown or against the Crown relating to any railway or arising from the management maintenance or control thereof shall be brought maintained and enforced in the manner provided for and subject to the provisions of the *Claims by and against the Government Ordinance, 1911.*

Actions by and
against the
Crown.
W.A. *Ib.* s. 35.

RAILWAYS AND TRAMWAYS—

Notice and commencement of action.
W.A. 3 Ed. VII.
No. 23, s. 37.

40.—(1.) No action shall be maintainable against the Crown—

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

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

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

Plaintiff in actions for personal injuries to submit to examination.
W.A. *Ib.* s. 38.

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

Limit of liability for personal injuries.
W.A. *Ib.* s. 39.

42. No damages exceeding Two thousand pounds shall be recoverable in any action against the Crown in respect of loss of life or injury to the person whether in the case of a passenger or not.

No liability in certain cases.
W.A. *Ib.* s. 40.

43. The Crown shall be under no liability—

- (1) for loss or damage to goods which are left at or consigned to any station siding or stopping place marked in the time tables as stations sidings or stopping places at which no officer is in charge or for any personal injury to any person at any such station siding or stopping place; or
- (2) to provide platform accommodation at any station siding or stopping place; or
- (3) for personal injury to any passenger who enters or alights from or attempts to enter or alight from a carriage when such carriage is not drawn up to the platform when such accommodation is provided.

Penalties for injuries to railways.
W.A. *Ib.*, s. 41

44. If any person not having lawful authority or the written permission of the Director does or causes or procures to be done any of the following things:—

Railway Ordinance, 1914.

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

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

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

Penalties for
grave offences
on railways.
W.A. 3 Ed. VII.
No. 23, s. 42.

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

RAILWAYS AND TRAMWAYS—

of any kind or permits any of such rolling stock tarpaulins tools appliances or property to be unlawfully in his possession or on his premises;

(8) cuts down breaks removes or destroys any fence building or bridge or any telegraph wire post in or upon any railway;

(9) attempts to do or assists or aids in doing any of the things mentioned in this section

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

Offences on railways punishable by fine or imprisonment.
W.A. 3 Ed. VII.
No. 23, s. 43.

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

(1) Obstructs any officer or servant employed on any railway in the performance of his duty;

(2) damages any railway or any locomotive carriage waggon rolling stock machinery material or thing used upon or belonging to any railway;

(3) defaces the writing or printing on or attached to any board or any notice authorized to be maintained on any railway or on or in any railway carriage rolling stock or railway station;

(4) writes any indecent words or draws any indecent or obscene picture or representation on any part of a railway or on any railway carriage or rolling stock or on any fences or buildings upon or adjoining any railway or near to and conspicuous from any railway;

(5) behaves in a violent or offensive manner to the annoyance of others or is drunk on any railway or railway premises or in any carriage thereon

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

Removal of passenger not paying his fare.
W A. *ib.* s. 44.

47. Any passenger who—

(1) fails to produce a proper ticket and refuses to pay his proper fare on demand; or

Railway Ordinance, 1914.

(2) travels in a railway carriage of a class superior to that for which he is provided with a ticket and refuses to pay the fare for the superior class on demand; or

(3) travels in or enters a railway carriage set apart for any particular person or class of persons and refuses to quit the carriage when requested to do so

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

48. If any person—

(1) alters any ticket with intent to avoid payment of the proper fare or any part thereof or to mislead or deceive or for the purposes of sale; or

Penalties for offences relating to tickets.
W.A. 3 Ed. VII.
No. 23, s. 45.

(2) sells or transfers or offers for sale or transfer any free pass or permits any person other than the person to whom the same is issued to be in possession of or make use of the same or travels or attempts to travel with any such free pass not being the person entitled to use the same; or

(3) sells or transfers or offers for sale or transfer a ticket or any portion of a ticket which has been used for the whole or any part of the journey for which the ticket was issued or travels or attempts to travel with any such ticket or portion of a ticket sold or transferred by any person; or

(4) sells or offers for sale any ticket or any portion of a ticket not being a person authorized or employed by the Government for such purpose or purchases or offers to purchase any ticket or any portion of a ticket from any person not employed by the Government for such purpose

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

49. If any person with or without intent to defraud—

(1) uses or attempts to use any ticket or free pass the time for the proper use of which has expired or which has already been used to the full extent to which the holder is entitled to use it; or

Penalty for travelling without payment of fare.
W.A. 1b. s. 46.

(2) not being the holder of a free pass for the purpose travels or attempts to travel without having previously paid or tendered his fare; or

RAILWAYS AND TRAMWAYS—

- (3) having paid his fare for a certain distance, being the holder of a free pass for a certain distance, proceeds beyond such distance without having previously paid the additional fare for the additional distance or in the case of the holder of a free pass without being previously duly authorized to proceed such additional distance without paying such additional fare; or
- (4) having paid his fare or being the holder of a free pass for a certain class of carriage travels by a superior class of carriage without paying or tendering the difference in fare; or
- (5) refuses or neglects to quit the carriage at the point to which he has paid his fare or to which his free pass is available or to which being the holder of a free pass he has been duly authorized to proceed

he shall in respect of each offence be liable to a penalty not exceeding Ten pounds in addition to the amount due as railway fare or difference in railway fare and in default of payment thereof to imprisonment with or without hard labour for any period not exceeding two months.

Definition of
free pass.
W.A. 3 Ed. VII.
No. 23, s. 47.

50. In the preceding sections the term "free pass" includes any token or privilege pass or requisition form for the same respectively.

Offences on
railway
punishable by
fine.
W.A. *Ib.* s. 48.

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

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

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

Persons
committing
certain offences
may be arrested.
W.A. *Ib.* s. 49.

52. If any person—

- (1) trespasses upon a railway; or
- (2) is drunk or behaves in a violent or offensive manner to the annoyance of others on the railway or at any

station or platform thereof or in any carriage thereon;
or

- (3) does or attempts to do or counsels aids or assists another person to do anything which may endanger the lives of persons employed on or travelling on the railway;
or
- (4) offends against any of the provisions of this Ordinance or any by-law and refuses to give his name and address when required so to do or gives a false name or address

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

53. When the breach of any provision of this Ordinance or of any by-law is attended with any danger or annoyance to the public or any person any Government officer or servant may summarily interfere to obviate or remove such danger or annoyance or the person causing the same without prejudice to any proceeding against the offender for any penalty to which he may be liable.

Summary interference on breach of by-law.
W.A. 3 Ed. VII.
No. 23, s. 50.

54.—(1.) If any person employed upon a railway—

- (a) is found drunk while on duty; or
- (b) is guilty of any breach or neglect of duty which has caused or might have caused personal injury to any person or whereby the passage of any locomotive carriage waggon or train has been or might have been obstructed or impeded

Penalty for offences by railway servants.
W.A. *Ib.* s. 51.

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

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

55. Every person employed on or about a railway shall be responsible for any damage caused by his wrongdoing or neglect; and the loss occasioned thereby may be deducted from any salary

Railway servants responsible for damage.
W.A. *Ib.* s. 52.

RAILWAYS AND TRAMWAYS—

wages or emolument due to such person or may be recovered in a summary way.

Acts and
The Trespass
and Brands
Ordinance of
1891.

56. Any act matter or thing permitted or required by *The Trespass and Brands Ordinance of 1891* to be performed or done by the owner or occupier of land may be performed and done in respect of a railway by any person authorized generally or particularly for that purpose by the Director.

PART IV.—ACCOUNTS.

Railways
working
account.
W.A. 3 Ed. VII.
No. 23, s. 54.

57. The Director shall cause to be prepared a railways working account at such periods and in such form and giving such particulars of the receipts accruing from the railways during the period covered by the account and expenditure upon the working management and maintenance thereof during the same period and of the total cost of construction thereof as may be required by the Treasurer with the approval of the Lieutenant-Governor.⁽²⁾

All such accounts shall be published in the *Gazette* and shall be laid before the Legislative Council if then sitting.

Receipts from
railways to be
revenue.
W.A. 1b. s. 55.

58. All moneys received by way of rents tolls fares freights carriage fines or penalties or otherwise accruing from a railway shall be paid into the Treasury and be credited to the Public Revenue Account.

PART V.—SIDINGS.

Director may
agree to work
siding in
connection
with railway.
W.A. 1b. s. 63.

59. The Director with the approval of the Lieutenant-Governor⁽²⁾ may agree with any person desiring to construct a siding in connection with any Government railway for the construction and maintenance of so much of such siding as may be within the limits of the railway and for the working of such siding in connection with the railway subject however to the following conditions:—

- (1) No such agreement shall have effect for more than seven years from the date thereof;
- (2) the part of such siding within the limits of the railway shall be deemed to be a part of the railway and shall be worked subject to any regulations for the time being in force in respect to the railway or such part thereof;
- (3) the part of such siding without the limits of the railways⁽¹³⁾ shall be worked subject to such regulations

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

(13) The word "railways" appeared in the original Ordinance. *Semle*, "railway" was intended.

as the Director with the approval aforesaid from time to time thinks fit to impose whether by by-law or otherwise providing for proper maintenance with a view to protecting the railway and rolling stock from injury and to insuring safety and economy in working;

- (4) if default is made in duly paying any moneys payable under such agreement or in duly observing any of the other terms or conditions thereof the Director may at any time suspend the traffic upon such siding or close its connection with the railway;
- (5) the Director may at any time after giving three months' notice thereof to the owner or manager of such siding close or remove the connection with the railway;
- (6) no compensation shall be payable to any person whatever for any loss or damage arising from the connection of any siding with the railway being closed or removed under either of the two last preceding subsections hereof.

60.—(1.) After the completion of any such siding connected with a Government railway the Director may agree with the person constructing or owning the siding that any trains or rolling stock the property of His Majesty may be run upon the siding and that any trains or rolling stock the property of such person may be run upon any Government railway upon such terms and conditions as are specified in the agreement.

Director may
make
agreements for
running powers.
W.A. 3 Ed. VII.
No. 23, s. 64.

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

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

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

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

RAILWAYS AND TRAMWAYS—

PART VI.—MISCELLANEOUS PROVISIONS.

Contracts.
Q. 2 Ed. VII.
No. 8, s. 5.

61.—(1.) The Director may on behalf of the Government contract for the execution of any work authorized by this Ordinance or any special Ordinance to be executed by him or for furnishing fuel materials or labour or for providing locomotive engines or other rolling stock or motive or tractive power or for any other matters or things whatsoever necessary for enabling him to carry the purpose of this or any special Ordinance into full effect in such manner and upon such terms for such sum and under stipulations conditions and restrictions as the Director thinks proper:

Provided that no such contract shall be of any force or effect unless or until the same has been approved by the Lieutenant-Governor.⁽²⁾

(2.) Every such contract shall be in writing and shall specify the work to be done the fuel materials or labour to be furnished and the price to be paid for the same and the time within which the work is to be completed and the fuel materials or labour to be furnished and the penalties to be suffered in case of non-performance thereof; and every such contract may comprise several works and may in every case specify the person to whose satisfaction the work or works is or are to be completed or the fuel materials or labour furnished and the mode of determining any dispute which may arise concerning or in consequence of such contract.

Power to close
bridges &c.
W.A. 3 Ed. VII.
No. 23, s. 65.

62. The public right-of-way on any bridge or subway over or under any railway or on any road crossing a railway on the level shall be subject to the by-laws made under this Ordinance and the Director may from time to time close any bridge subway or level crossing to the public traffic during repairs or in the interest of public safety.

Obstruction to
traffic.
W.A. *Ib.* s. 66.

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

No railways to
cross
Government
railways
without
consent.
W.A. *Ib.* s. 67.

64. Notwithstanding anything contained in any Ordinance relating to railways or tramways no railway or tramway shall cross any Government railway on the level or enter upon any Government railway except under an agreement previously entered into in that behalf between the Director and the owner of such railway or tramway; and the Director is hereby empowered to enter into such agreements upon such terms and conditions as he thinks fit but subject to the approval of the Lieutenant-Governor⁽²⁾ and to enforce the same whenever the occasion arises.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

Railway Ordinance, 1914.

Every such agreement shall provide that in case default is made by the owner of such railway or tramway in carrying out the terms of any such agreement as aforesaid the Director may in addition to the exercise of any other remedies prescribed by the agreement remove the crossing and all material used in connection therewith from such Government railway.

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

Persons unlawfully occupying railway premises may be removed.
W.A. 3 Ed. VII.
No. 23, s. 78.

66. No rate tax or assessment shall be made charged or levied upon any Government railway unless the contrary is expressly provided in any Ordinance.

Railway property not subject to rates.
W.A. *Ib.* s. 79.

67. Any offence against this Ordinance and any breach of any of the provisions thereof or of any by-laws thereunder may be heard and determined summarily on the complaint of any person by one justice of the peace in the manner provided by the *Justices Ordinance, 1912.*⁽¹⁴⁾

Recovery of penalties.
W.A. *Ib.* s. 81.

68. In the first month in each quarter of every year the Director shall report in writing to the Lieutenant-Governor⁽²⁾ upon—

Quarterly reports to Lieutenant-Governor.
W.A. *Ib.* s. 83.

- (a) the state of the traffic returns with the approximate earnings of trains per train mile carried during the past quarter;
- (b) the general conditions of all railways and the accommodation for the traffic;
- (c) such other matters as the Lieutenant-Governor⁽²⁾ may direct.

Such reports shall be laid before the Legislative Council if it is sitting and if not then immediately within fourteen days of its next sitting.

69.—(1.) The Director shall within three months after the expiration of each financial year prepare an annual report upon the Government railways and the working thereof and an account of all moneys received and expended during the preceding year.

Annual report.
W.A. *Ib.* s. 84.

(2.) Such annual report shall be laid before the Legislative Council if it is then sitting and if not then sitting then within four-

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(14) Now the *Justices Ordinance, 1912-1940.*

RAILWAYS AND TRAMWAYS—

teen days after the commencement of the next ensuing session thereof.

(3.) He shall also prepare estimates in such form as the Lieutenant-Governor⁽²⁾ may from time to time direct of the receipts and expenditure for each period of twelve months ending on the thirtieth day of June in every year.

Section 29 (4).

SCHEDULE.

Gold or silver coin or any gold or silver in a manufactured or unmanufactured state or any precious stones jewellery watches clocks or time-pieces of any description trinkets bills bank notes orders notes or securities for payment of money stamps maps writings title deeds paintings engravings pictures gold or silver plate or plated articles glass china silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials furs or lace and goods of such other description as may be declared by the Lieutenant-Governor⁽²⁾ by Order in Council⁽¹⁵⁾.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

(15) No Order in Council has been published in *Papua Govt. Gaz.*