

GOVERNMENT RAILWAYS BILL.

SCHEDULE of the Amendments referred to in Message of 12th April, 1888.

- Page 2, clause 1, line 3. *Omit "not being a Magistrate"*
- Page 2, clause 1, line 4. *After "any" insert "Justice who is a"*
- Page 2, clause 1, line 5. *Omit "person" insert "Justice"*
- Page 2, clause 1, line 11. *Omit "s" from "means"*
- Page 2, clause 1, line 12. *Omit "s" from "includes"*
- Page 2, clause 6, line 54. *After "Act" insert "But no sale or lease of any such lands except as
"provided in section forty-three shall have any force or effect unless the same has
"been approved by the Governor."*
- Page 3, clause 8, lines 17 and 18. *Omit "Every Commissioner shall hold his office during good behaviour"*
- Page 3, clause 8, line 19. *After "misbehaviour" insert "or incompetence"*
- Page 3, clause 8, subsection I. *Omit paragraphs (a) and (b) insert new paragraphs (a) and (b)*
- Page 4, clause 15, line 46. *Omit "insolvent" insert "bankrupt"*
- Page 5, clause 15, line 4. *After "Act" omit remainder of clause*
- Page 5, clause 16, line 12. *Before "or" insert "rolling stock"*
- Page 5, clause 16, line 18. *Omit "or reputed to belong thereto" insert "being on Crown Land or
"land acquired for or on behalf of Her Majesty"*
- Page 5, clause 16, line 21. *After "land" insert "being Crown Land or land acquired or which may
"be acquired for or on behalf of Her Majesty"*
- Page 5, clause 16, line 26. *Omit "land" insert Crown Land or land acquired for or on behalf of
"Her Majesty"*
- Page 5, clause 16, line 30. *Omit "or by any Corporation or person"*
- Page 5, clause 16, line 37. *After "which" insert "posts"*
- Page 5, clause 16, line 38. *Omit "any Corporation or person" insert "the Commissioner for
"Railways or any person for or on behalf of Her Majesty"*
- Page 5, clause 17, line 44. *Omit "or tramway"*
- Page 5, clause 18, line 50. *Omit "or tramways"*
- Page 6, clause 19, line 14. *Omit "and tramways"*
- Page 6, clause 22. *Omit clause 22 insert new clause 22.*
- Page 7, clause 23, line 4. *Omit "ensure" insert "cause to be made"*
- Page 7, clause 23, line 5. *Omit "and tramways"*
- Page 7, clause 23, subsection (II). *Omit subsection (II) insert new subsection (ii)*
- Page 7, clause 25, line 37. *Omit "or tramways"*
- Page 7, clause 27, lines 45 and 46. *Omit "and tramways"*
- Page 8, clause 27. *After subsection (II) insert new subsection (iii)*
- Page 10, clause 36, line 21. *Omit "Justice" insert "Magistrate or two Justices"*
- Page 10, clause 36, line 22. *After "him" insert "or them"*
- Page 10, clause 37, line 24. *Omit "Justice" insert "Magistrate or two Justices"*
- Page 10, clause 37, line 32. *Omit "Justice" insert "Magistrate or Justices"*
- Page 10, clause 37, line 33. *After "his" insert "or their"*
- Page 11, clause 43, line 34. *Before "term" omit "such" insert "any"*
- Page 11, clause 43, line 34. *After "term" insert "not exceeding seven years on such conditions"*
- Page 12, clause 47, subsection (III). *Omit subsection (III)*
- Page 13, clause 52, line 35. *Omit "Stipendiary or Police"*
- Page 14, clause 52. *After subsection (III) insert new subsection (iv)*
- Page 16, clause 55, line 35. *Omit "this" insert "the next preceding"*
- Page 17, clause 60. *Omit clause 60.*
- Page 20, clause 77. 76, line 20. *Omit "in Council"*
- Page 20, clause 77. 76, line 21. *Omit "Government"*
- Page 21, clause 84. 83, line 34. *Omit "Stipendiary or Police"*
- Page 21, clause 84. 83, line 34. *After "Magistrate" insert "or two Justices"*
- Page 22, clause 88. 87, line 23. *Omit "Stipendiary or Police"*
- Page 22, clause 90. 89, line 49. *Omit "the Commissioners" insert "a Commissioner"*
- Page 22, clause 90. 89, line 50. *Omit "them" insert "a Commissioner"*
- Page 22, clause 90. 89, line 51. *Omit "they or"*
- Page 22, clause 90. 89, line 52. *Omit "do or"*
- Page 22, clause 90. 89, line 55. *Omit "bringing" insert "apprehension of"*
- Page 22, clause 90. 89, line 56. *After "servant" insert "to be brought"*
- Page 22, clause 90. 89, line 56. *Omit "Stipendiary or Police"*
- Page 23, clause 90. 89, line 6. *Omit "Stipendiary or Police"*
- Page 23, clause 90. 89, line 9. *Before "complaint" insert "said"*
- Page 23, clause 90. 89, line 9. *Omit "of the Commissioners"*
- Page 23, clause 90. 89, line 12. *Omit "he" insert "they"*

- Page 23, clause ~~92~~ 91, lines 28 and 29. *Omit* "engine-driver, waggon-driver, guard, porter, servant, or other"
- Page 23, clause ~~92~~ 91, line 41. *Omit* "they"
- Page 23, clause ~~92~~ 91, lines 42 and 43. *Omit* "engine-driver, guard, porter, servant, or other"
- Page 23, clause ~~92~~ 91, line 45. *Omit* "Stipendary or Police"
- Page 24, clause ~~94~~ 93, line 23. *Omit* "Stipendary or Police"
- Page 24, clause ~~94~~ 93, line 23. *Omit* "them" *insert* "him"
- Page 24, clause ~~96~~ 95, line 40. *After* "misdemeanour" *omit* remainder of clause
- Page 24, clause ~~97~~ 96, line 49. *Omit* "Stipendary or Police"
- Page 24, clause ~~98~~ 97, line 55. *Omit* "any one or more" *insert* "a Magistrate or two"
- Page 24, clause ~~98~~ 97, line 57. *Omit* "Stipendary or Police"
- Page 24, clause ~~98~~ 97, line 57. *After* "Magistrate" *insert* "or two Justices"
- Page 25, clause ~~98~~ 97, line 1. *After* "Magistrate" *insert* "or Justices"
- Page 25, clause ~~98~~ 97, line 4. *After* "Magistrate" *insert* "or Justices"
- Page 25, clause ~~98~~ 97, line 5. *After* "he" *insert* "or they"
- Page 25, clause ~~99~~ 98, line 9. *Omit* "Stipendary or Police"
- Page 25, clause ~~99~~ 98. At end of clause *add* "And where any such penalty so recovered or where any sum of money payable under this Act shall not be paid either immediately after conviction or adjudication or within the time appointed thereby, payment may be enforced by distress and sale of the offenders' or defaulters' goods and chattels in the manner provided by the said Act."
- Page 25, clause ~~100~~ 99, line 21. *After* "Magistrate" *insert* "or Justices"
- Page 25, clause ~~100~~ 99, line 24. *After* "Magistrate" *insert* "or Justices"
- Page 25, clause ~~100~~ 99, line 25. *After* "his" *insert* "or their"
- Page 25, clause ~~101~~ 100, line 27. *Omit* "Magistrate" *insert* "Justice or Justices"
- Page 25, clause ~~101~~ 100, line 36. *Omit* "Magistrate or any"
- Pages 25 and 26, clause ~~104~~ 103, subsections (ii) and (iii). *Omit* subsections (ii) and (iii), *insert* new subsections (i) and (ii)

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 8 February, 1888.* }

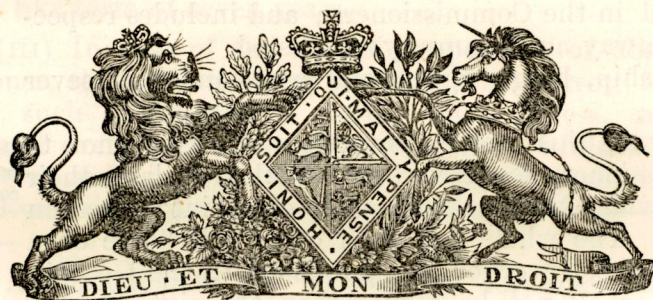
F. W. WEBB,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 12th April, 1888.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. .

An Act to make better provision for the management of the Government Railways and Tramways of New South Wales and for other purposes connected therewith.

WHEREAS it is desirable that the powers and duties appertaining Preamble.
to the management of the Government Railways and Tramways, and the conduct of the traffic thereon, as well as the control and regulation of the staff employed in connection therewith, together with
5 certain other powers and duties, should be separated from those appertaining to the construction of Railways and Tramways, and be vested in and imposed on the Authority hereby created, but without prejudice to certain powers of construction, repair, and alteration to be vested in such Authority,—Be it therefore enacted by the Queen's Most
10 Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary Provisions.

15 1. This Act may be cited as the "Government Railways Act Short title and
of 1887" and in its construction (unless the context requires a different interpretation.
meaning) the expression—

"Commissioners," means the Railway Commissioners appointed
under this Act, and "Commissioner," means one of such
20 Commissioners.

22—A

"Governor,"

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Government Railways.

"Governor," means Governor with the advice of the Executive Council.

"Justice," means any Justice of the Peace, ~~not being a Magistrate.~~

5 "Magistrate" means any Justice who is a Police or Stipendiary Magistrate or any person Justice lawfully acting as his Deputy, or in his place.

"Minister," means the Responsible Minister of the Crown for the time being administering this Act.

10 "Prescribed," means prescribed by regulations or by-laws made under this Act.

"Railway" and "Railways," means any Railway or Railways by this Act vested in the Commissioners; and includes respectively any Tramway and Tramways so vested.

15 "Vessel," includes ship, barge, lighter and boat, and howsoever propelled.

2. So much only of this Act as empowers the Governor to appoint Railway Commissioners for New South Wales, declares their tenure of office, and provides their salaries shall come into force on the passing of the Act. The whole Act shall come into force on a day to be proclaimed by the Governor and published in the *Gazette*. Provided that such day shall not be earlier than the sixtieth, nor later than the one hundred and twentieth, day after the passing of the Act. And such last-mentioned day shall for all purposes be deemed to be the "commencement of this Act."

Different days for portions of Act to come into force.

25 3. On the commencement of this Act the office of Commissioner for Railways and the Corporation Sole as constituted by that name pursuant to the Act hereinafter repealed shall be, respectively, abolished and dissolved.

Abolition of office of Commissioner for Railways.

30 4. On the commencement of this Act the Acts twenty-second Victoria, number nineteen, and the Act thirty-seventh Victoria, number eighteen shall be wholly repealed, but without prejudice to the past operation thereof, or to any rights accrued, offences committed, proceedings taken, or things done thereunder.

Repeal of Acts, &c.

35 5. The sections of this Act are arranged in the following order viz. :—

Divisions of Act.

PART I.—*Preliminary Provisions.*—ss. 1 to 5. *The Railway Commissioners.*—ss. 6 to 21.

PART II.—*Powers, duties, &c. of the Railway Commissioners.*—ss. 22 to 50.

40 PART III.—*Investigation of Accidents.*—ss. 51 and 52.

PART IV.—*By-laws, &c.*—ss. 53 to 57.

PART V.—*Appointment, Promotion and Discipline in, and Regulation of, Railway Service.*—ss. 58 to 80.

45 PART VI.—*Miscellaneous Provisions, Penalties, Procedure, &c.*—ss. 81 to 107.

The Railway Commissioners.

6. The Authority to carry out this Act shall be three Commissioners who shall be a body corporate by the name "The Railway Commissioners of New South Wales;" and, by that name, shall have perpetual succession and a common seal, and be capable in law of suing and being sued, and, subject to the provisions hereinafter contained, shall have power to take, purchase, sell, lease and hold lands, tenements and hereditaments, goods, chattels and other property for the purposes of this Act. But no sale or lease of any such lands, except as provided in section forty-three, shall have any force or effect unless the same has been approved by the Governor. And all courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commissioners affixed to any document or notice, and shall presume that such seal was duly affixed.

Constitution of Commissioners.

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7. (I) The Governor shall, as soon as conveniently practicable after the passing of this Act, appoint three persons to be "Railway Commissioners for New South Wales," who, subject to the provisions hereinafter contained, shall each hold office for a term of seven years.

Appointment of
Commissioners.

5 (II) On the occurrence of any vacancy in the office of a Commissioner the Governor shall appoint a person to the vacant office, whose term of office shall be for his predecessor's unexpired term of office.

10 All persons appointed under the authority of this section shall, at the expiration of their respective terms of office, be eligible for reappointment for a like term of seven years.

(III) In case of the illness, suspension or absence of any Commissioner, the Governor may appoint some person to act as the deputy of such Commissioner during such illness, suspension or
15 absence; and every person so appointed shall, while so acting, have all the powers, and perform all the duties of such Commissioner.

8. ~~Every Commissioner shall hold his office during good~~
behaviour.—

Tenure of office of
Commissioners.

20 (I) A Commissioner may be removed for misbehaviour or incompetence;—

(a) ~~When Parliament is sitting,—~~

By a recommendation of the Governor to that effect, which shall first have been laid before both Houses of Parliament, and have been affirmed by a Resolution of each House.

25 (b) When Parliament is not sitting,—

By a writing under the hand of the Governor addressed to the Minister and suspending such Commissioner from his office for misbehaviour; Provided that a full statement of the cause of such suspension shall be laid by the Minister before both Houses of Parliament, within seven days after the commencement of the next Session thereof. And, if an address of both Houses shall not within twenty-one days from the commencement of such Session be presented to the Governor praying for the restoration of such Commissioner to his office, the Governor may confirm such suspension and declare the office of such Commissioner vacant; but if such address be so presented such Commissioner shall be restored accordingly.

40 (a) A Commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in Session and actually sitting, and when Parliament is not in Session or
45 not actually sitting within seven days after the commencement of the next Session or sitting.

50 (b) A Commissioner suspended under this section shall be restored to office unless each House of Parliament shall within twenty-one days from the time when such statement shall have been laid before it declare by resolution that the said Commissioner ought to be removed from office, and if each House of Parliament shall within the said time so declare, the said Commissioner shall be removed by the Governor accordingly.

55 (II) A Commissioner shall be deemed to have vacated his office,—
(a) If he shall engage, during his term of office, in any employment outside the duties of his office.

Office how otherwise
vacated.

(3)

Government Railways.

(b) If he shall become insolvent, or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, or shall compound with his creditors, or make an assignment of his salary for their benefit.

5 (c) If he shall absent himself from duty for a period of fourteen consecutive days except on leave granted by the Governor, (which leave he is hereby authorized to grant,) or shall become incapable of performing his duties.

10 (d) If he shall become in anyway concerned or interested in any contract or agreement made by or on behalf of the Commissioners; or shall in anywise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

15 9. One of such three Commissioners shall be appointed by the Governor as Chief Commissioner, and, on the occurrence of any vacancy in the office of Chief Commissioner, the Governor shall appoint a person to fill that office. Chief Commissioner.

10. The Commissioners shall receive the following salaries, viz:— Salaries of Commissioners.

20 (I) The Chief Commissioner,—two thousand five hundred pounds per annum.

(II) Each of the other Commissioners,—one thousand five hundred pounds per annum.

25 All such salaries are hereby charged on the Consolidated Revenue Fund; and such Fund, to the extent required for the payment of such salaries, is hereby permanently appropriated.

11. For the conduct of business any two Commissioners shall be a quorum, and, subject to the enactment next following, shall have all the powers and authorities by this Act vested in Commissioners. Quorum.

30 12. If, at any meeting at which two Commissioners only are present, such Commissioners shall differ in opinion upon any matter, the determination of such matter shall be postponed until all the Commissioners are present. Procedure on difference of opinion.

35 13. No act or proceeding of the Commissioners shall be invalidated or prejudiced by reason only of the fact that, at the time when such proceeding or act was taken, done or commenced, there was a vacancy in the office of any one Commissioner. Acts of Commissioners not invalidated by vacancy.

14. The Commissioners shall keep minutes of their proceedings in such manner and form as the Governor shall direct. Minutes of Proceedings.

40 15. (I) The Commissioners shall appoint or employ such clerks, officers and employes to assist in the execution of this Act as they think necessary; and every person so appointed shall hold office during pleasure only. Commissioners to appoint staff, &c.

45 (II) The Commissioners may remove such clerks, officers or employes; and may discontinue the offices of, or appoint other persons in the room of such as may be removed, or may die, or resign, or be convicted of any felony, or become insolvent bankrupt, or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, or compound with their creditors, or make assignments of their salaries for the benefit of their creditors.

50 (III) The Commissioners shall pay such salaries, wages and allowance to such clerks, officers and employes respectively, as Parliament shall appropriate for that purpose.

55 (IV) All clerks, officers and employes in the employment of the Government, in the railway or tramway service at the time of the passing of this Act, shall be deemed to have been appointed by the Commissioners under this Act.

(v) No person appointed, or whose appointment has been confirmed, under this section, shall engage in any employment outside the duties of his office.

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(VI) Nothing in this section shall apply to the present Engineer-in-Chief for Railways, or Solicitor for Railways; but the said Solicitor for Railways shall be Solicitor for Railways under this Act ~~so long as he shall think fit to hold that office, but subject to the~~ conditions of his original appointment.

16. For the purposes of this Act there shall be vested absolutely in the Commissioners, and, in respect of land, for an estate in fee simple—

(I) All railways and tramways, and all rolling-stock heretofore constructed or acquired by or on behalf of Her Majesty, pursuant to any Act in force for the time being authorizing the construction of railways, **rolling stock**, or tramways,—and all railways and tramways hereafter to be so constructed or acquired, upon transfer of the same to such Commissioners in the prescribed manner.

(II) All piers, wharves, jetties, stations, yards and buildings connected or used in connection with such railways, tramways and rolling-stock, ~~or reputed to belong thereto~~, being on **Crown Land** or land acquired for or on behalf of Her Majesty respectively.

(III) The land, being **Crown Land** or land acquired or which may be acquired for or on behalf of Her Majesty over or upon which, such piers, wharves, jetties, stations, yards and buildings have been, or may hereafter be constructed or erected.

(IV) The ~~land~~ **Crown Land** or land acquired for or on behalf of Her Majesty included within the boundary fences of all such railways or tramways.

(V) All land outside such fences acquired by or on behalf of Her Majesty, ~~or by any Corporation, or person~~, under any Act authorizing the taking or acquiring of land for railway or tramway purposes.

(VI) All Crown and other lands taken under the authority of any Act authorizing the taking of land for railway or tramway purposes.

(VII) All telegraph posts erected on any lands by this Act vested in the Commissioners, which ~~posts~~ at the passing of this Act, were under the control of ~~any Corporation or person~~, the **Commissioner for Railways** or any person for or on behalf of Her Majesty, and all wires, instruments and other telegraphic or telephonic apparatus used in connection with the railways or tramways so vested as aforesaid.

17. No rates, tax or assessment shall be made, charged or levied upon any railway ~~or tramway~~, or upon any pier, wharf, jetty, station, yard, building, works or other property vested in the Commissioners.

18. (I) All purchases, sales, conveyances, grants, assurances, deeds, securities, contracts, bonds and agreements entered into, made or given before the passing of this Act by or to any Corporation or person, in connection with the railways ~~or tramways~~, or with the piers, wharfs, jetties, stations, yards, buildings, lands or rolling-stock by this Act vested in the Commissioners, shall be as binding, and of as full force and effect respectively, against or in favour of, the Commissioners, and may be enforced as fully and effectually as if, instead of such Corporation or person as aforesaid, the Commissioners had been parties thereto.

(II) All powers conferred upon such Corporation or person, and all matters or things done or to be done, and all rights and privileges accrued or accruing, shall be exercised, enforced, and enjoyed by the

Government
railways &c. vested
in Commissioners.

Railway property not
subject to rates &c.

Commissioners
substituted with
reference to rights
liabilities &c.

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the Commissioners in the same way as such Corporation or person might have exercised, enforced, or enjoyed the same but for the passing of this Act,—and with respect thereto the Commissioners shall be substituted for such Corporation or person.

5 (III) Any penalty, forfeiture or other punishment incurred or to be incurred for any offence committed against such Corporation or person, in respect of the railways, or in respect of any such piers, wharfs, jetties, stations, yards, buildings, lands or rolling-stock before the passing of this Act, may be enforced and recovered by or on behalf
10 of the Commissioners in the same way as such Corporation or person might have enforced and recovered the same, if this Act had not been passed.

19. All moneys appropriated by Parliament for the maintenance or management of the railways and tramways by this Act vested in
15 the Commissioners, and for all purposes in connection therewith, shall be expended under the control and management of the Commissioners.

Expenditure of money appropriated by Parliament.

20. All moneys payable to the Commissioners, under this or any other Act, shall be collected and received by them on account of, and shall be paid into, the Consolidated Revenue; and the provisions of the
20 "Audit Act of 1870," and of any other Act relating to the collection and payment of public moneys and the audit of the public account, shall, save as in this Act otherwise expressly provided, apply to the Commissioners and to all officers and employes under this Act.

Audit Act to apply to Commissioners.

21. (I) No action, suit, prosecution or other proceeding what-
25 soever, commenced before the passing of this Act, by or against such Corporation or person as aforesaid, shall abate or be discontinued or be prejudicially affected by this Act, but the same shall continue and take effect in favour of or against the Commissioners appointed under this Act (as the case may be).

Provision as to proceedings &c. already commenced.

30 (II) All judgments, decrees or orders made in favour of or against such Corporation or person, and all fines and penalties imposed or incurred under any Act hereby repealed, shall be respectively enforced, levied, proceeded for and recovered by, against, with reference to, and in the name of, the Commissioners so appointed, the same as
35 they might have been enforced, levied, proceeded for, and recovered by, against, with reference to, and in the name of such Corporation or person, if this Act had not been passed.

PART II.

Powers duties &c. of the Railway Commissioners.

40 22. It shall be the duty of the Commissioners to ensure that the railways and all works in connection therewith are maintained in a state of efficiency,—and that persons, animals and goods, travelling or carried upon such railways are carried without negligence or delay. But nothing in this Act shall extend to charge or make liable the
45 Commissioners further, or in any other case than where, according to the laws of this Colony, stage coach proprietors and common carriers would be liable,—or shall extend in any degree to deprive the Commissioners of any protection or privilege which common carriers or stage coach proprietors may be entitled to; but, on the contrary, the
50 Commissioners shall at all times be entitled to the benefit of every such protection and privilege.

Duties of Commissioners in respect to the railways, &c.

Commissioners not to be liable to a greater extent than common carriers. Prin. Act s. 101. 8 Vic. c. 20 s. 98.

22. It shall be the duty of the Commissioners to maintain the railways and all works in connection therewith in a state of efficiency,
and

Duties of Commissioners in respect to the Railways, &c.]

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and to carry persons, animals, and goods without negligence or delay; and in respect of the carriage of persons, animals, and goods, the Commissioners shall be common carriers.

23. (i) The Commissioners shall at all times ensure ~~cause to be~~ ^{Other duties and powers of Commissioners.} made a careful inspection of the condition of the railways and ~~tramways~~ under their control.

(ii) Whenever it shall appear to the Commissioners that a reconstruction or partial reconstruction, or a duplication, or other addition to, or extension of, the roadway of any existing line, or part of any such line, or of 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 them is necessary for the continuance or renewal of the traffic—they shall without delay undertake, execute and carry out such reconstruction, repair or alteration.

(ii) Whenever it shall appear to the Commissioners 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, 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 them is necessary, they shall undertake, execute, and carry out any of the works aforesaid so far as may be required for such purpose.

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

24. The Commissioners shall not afford or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or to any particular description of traffic, in any respect whatsoever; nor shall they subject any particular person, company, firm, corporation, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. ^{Commissioners not to give undue preferences, &c.}

25. Notwithstanding anything in this Act contained, the Commissioners may frame a special scale of tolls or charges for the conveyance of specific classes of produce or merchandize. ^{Special rules, tolls, &c.} Provided that the same charges shall apply alike to all corporations, companies, associations and persons using the railways ~~or tramways~~.

26. Subject to the provisions of this Act the Commissioners shall afford all reasonable, proper, and equal facilities for the interchange of traffic between the respective lines of railway vested in them; and for the receiving, forwarding, and delivery of passengers and goods to and from such lines. ^{Commissioners to afford all reasonable facilities for interchange of traffic, &c.}

27. Each of the persons hereinafter mentioned shall be entitled to receive from the Commissioners and to hold, and use a free pass which shall authorize the holder to travel free on all railways and ~~tramways~~ vested in the Commissioners, but which shall in no case be transferable; viz.:— ^{Issue of free passes.}

(i) Every Member of the Legislative Council.

(a) Every pass issued to a Member of such Council shall be issued in the name of the person entitled to the same.

(b) Every such pass shall be forthwith returned to the Commissioners by the holder thereof or his agent or personal representative on his ceasing to be a member of such Council.

(ii) Every Member of the Legislative Assembly.

(a) The free pass to be issued to such Member shall be issued to him in the name of the electorate which he has been elected to represent.

(b)

Government Railways.

- (b) Every such pass shall be returned to the Commissioners by the Member holding the same if the seat of such Member shall have been rendered vacant by his resignation or other act having the effect of vacating his seat in the Legislative Assembly under the law in force for the time being so soon as his successor shall have been elected.
- (c) The passes issued by the Governments of other Colonies to members of the respective Parliaments of those Colonies shall be recognized and held to admit the holders thereof to travel upon the railways of New South Wales.
- (d) Any free pass granted for life or for any fixed period at the time of the passing of this Act, shall not be affected by these provisions.
- (iii) **The permanent heads of the Parliamentary Departments and such other officers as may be recommended by the President or the Speaker.**
- (iii iv) Every person who has held any of the offices enumerated in Schedule A hereto, and whether before or after, or partly before and partly after the commencement of this Act.
- (a) Every such pass shall be issued in the name of the person entitled and shall be available during the term of his life, and shall bear on the face of it the name in full of the person to whom it is granted.
- (iv v) Any person of distinction visiting the Colony or officially engaged in some public duty which renders it necessary for him to travel by railway, or who may have rendered some important public service to the Colony.
- (a) No such pass shall be issued for a period exceeding one calendar month.
- (v vi) Every free pass issued under this section shall, in respect to the holder of such pass, and his personal representatives, be accompanied by, and entail, the like rights, remedies, obligations, and liabilities (except in respect of the payment of money therefor) as if the said pass had been a ticket issued to such holder for a money consideration.
28. The Commissioners shall be the authority to decide on the position character and suitability of all stations, station platforms, gate-houses, station-yards, sheds, piers, wharves, jetties required for or in connection with any railway hereafter to be constructed, and although such railway may not be constructed by them, or of any other building, siding, platform or work for the accommodation of the passengers stock or goods to be carried on such railway.
29. Before the second reading in the Legislative Assembly of any bill authorizing the construction of new lines of railway, the Commissioners shall transmit to the Minister a statement under their seal showing their estimate of the traffic on each proposed new line, and any other returns likely to be derived therefrom, and the Minister shall before such second reading lay the same upon the table of the Assembly.
30. The Commissioners may use locomotive engines and other motive or tractive power, and draw or propel thereby carriages and waggons and may carry and convey upon the railways all such passengers and goods as shall be offered for that purpose, and may demand reasonable tolls and charges in respect thereof. Subject to the provisions of this Act, all such tolls shall, at all times, be charged equally to all persons, and after the same rate, whether per ton, per mile or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing over the same portion of the line of railway and under the same circumstances; and no reduction or advance

Powers of
Commissioners over
lines in construction.

Commissioners to
prepare estimate of
traffic

Commissioners to
employ locomotive
power carriages &c.

May demand toll.
Tolls to be charged
equally under like
circumstances.

Prin. Act s. 100.
8 Vic. c. 20 s. 86.

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advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the Railway.

31. The tolls shall be paid to such persons, and at such places, upon or near to the railways, and in such manner, and under such regulations as the Commissioners shall appoint.

Tolls to be paid as directed.
Prin. Act s. 104.
8 Vic. c. 20 s. 96.

32. If, on demand, any person fail to pay the tolls due in respect of any carriage or goods, the Commissioners may;—

In default of payment of tolls goods &c. may be detained and sold.
Prin. Act s. 105.
8 Vic. c. 20 s. 97.

(I) Detain and sell such carriage, or all or any part of such goods;
10 (II) If the same shall have been removed from the railway premises, detain and sell any other carriages or goods within such premises belonging to the person liable to pay such tolls;

And, in either case, out of the moneys arising from the sale, retain the tolls payable as aforesaid, and all charges and expenses of such
15 detention and sale, rendering the surplus, (if any,) of the moneys arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto,

(III) Recover any such tolls by action at law.

33. Every person being the owner or having the care of any
20 carriage or goods passing or being upon any Railway, shall on demand, give to the collector of tolls, at the places where he attends, for the purpose of receiving goods or of collecting tolls, for the part of the Railway on which such carriage or goods may have travelled or be about to travel, an exact account in writing signed by him of;

Account of lading &c. to be given.
Prin. Act s. 106.
8 Vic. c. 20 s. 98.

25 (I) The number or quantity of goods conveyed by any such carriage,
(II) The point on the Railway from which such carriage or goods have set out or are about to set out,

(III) At what point the same are intended to be unloaded or taken off the Railway.

30 (IV) If the goods, conveyed by any such carriage or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

34. If any such owner, or person as in the last preceding section mentioned in contravention of the requirements thereof

Penalty for not giving account lading.
Prin. Act s. 107
8 Vic. c. 20 s. 99.

(I) Fail to give an account;
(II) Fail to produce his way-bill or bill of lading to such collector, or other officer or servant of the Commissioners, demanding the same;

40 (III) Give a false account;
(IV) Unload or take off any part of his lading 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;

45 He shall for every such offence forfeit to the Commissioners a sum not exceeding ten pounds for every ton of goods, or for any parcel not exceeding one hundredweight, and so in proportion for any less quantity of goods than one ton, or for any parcel exceeding one
50 hundredweight, (as the case may be,) which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

35. If any dispute arise—

(I) Concerning the amount of the tolls due to the Commissioners,
55 (II) Concerning the charges, occasioned by any detention or sale thereof under the provisions herein contained,—

Disputes as to amount of tolls chargeable.
Prin. Act s. 108.
8 Vic. c. 20 s. 100.

the same shall be settled by a Magistrate or two Justices, and the Commissioners may, in the meanwhile, detain the goods or retain the proceeds of the sale thereof.

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36. If any difference arise between any toll collector or other officer or servant of the Commissioners and any owner of or person having the charge of any carriage passing or being upon any Railway, or any goods conveyed or to be conveyed by such carriage,—respecting the weight, quantity, quality or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge or otherwise measure the same; If upon such measuring or examination,

Differences as to weights &c.
Prin. Act s. 109.
8 Vic. c. 20 s. 101.

- 10 (i) Such goods appear to be of greater weight or quantity, or of other nature than shall have been stated in the account given thereof, the person, who shall have given such account shall pay, and the owner of such carriage or the respective owners of such goods shall also, at the option of the Commissioners, be liable to pay, the costs of such measuring and examining.
- 15 (ii) If such goods appear to be of the same or less weight or quantity than, but of the same nature as, shall have been stated in such account, the Commissioners shall pay such costs, and they shall also pay to such owner of or person having charge of such carriage, and to the respective owners of such goods such damage (if any) as shall appear to any Justice, Magistrate or two Justices, on a summary application to him or them for that purpose, to have arisen from such detention.

25 37. If at any time it be made to appear to any Justice, Magistrate or two Justices upon the complaint of the Commissioners, that any such detention, measuring or examining of any carriage or goods, as hereinbefore mentioned was—without reasonable ground; or was vexatious on the part of such collector or other officer; such collector or officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or damage, the same may be recovered by distress of the goods of such collector, and such Justice Magistrate or Justices shall issue his or their warrant accordingly.

Toll collector to be liable for wrongful detention of goods.
Prin. Act s. 110.
8 Vic. c. 20 s. 102.

- 35 38. If any person
- (i) Travel or attempt to travel in any carriage employed on any Railway without having previously paid his fare, and with intent to avoid payment thereof, or
- (ii) Having paid his fare for a certain distance, 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, or
- 40 (iii) Knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage;
- 45 (iv) Knowingly and wilfully travel, or attempt to travel in any carriage, of a superior class to that which his ticket entitles him to use, with intent to avoid payment of the additional fare;

Penalty on passengers practising frauds on the Commissioners.
Prin. Act s. 111.
8 Vic. c. 20 s. 103.

Every such person shall, for every such offence, forfeit to the Commissioners a sum not exceeding forty shillings.

50 39. If any person be discovered either in the act of or after committing or of attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the Commissioners, and all constables, gaolers and peace officers may lawfully apprehend and detain such person until he can conveniently be taken before some Justice, or until he be otherwise discharged in due course of law.

Detention of offenders.
Prin. Act s. 112.
8 Vic. c. 20 s. 104.

60 40. (i) No person shall be entitled to carry, or to require the Commissioners to carry, upon any Railway, any aqua-fortis, oil of vitriol, gunpowder, lucifer matches or any goods whatsoever which, in the judgment of the Commissioners or their officers, may be of a dangerous nature.

Bringing dangerous goods on the Railway.
Prin. Act s. 113.
8 Vic. c. 20 s. 105.

(ii)

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(II) If any person send by any Railway any such goods, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing, at the time of sending the same, to the bookkeeper or other servant of the Commissioners, with whom the same are left, he shall forfeit to the Commissioners a sum not exceeding fifty pounds for every such offence.

(III) The Commissioners may refuse to take any parcel which 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.

41. The Commissioners may—

(I) Appoint places as depôts for the receipt and delivery of parcels or passengers' luggage to be forwarded to or received from any railway ;

Depôts for receipt and delivery of parcels.

(II) Contract with any person for the carriage of such parcels, or of passengers' luggage to and from any railway station or depôt ;

and may contract for loading or unloading goods.

(III) Instead of loading or unloading goods on or from any truck, shed or vessel by temporary day labour, invite public tenders on such terms and conditions as they think fit for the performance of such work, for a period not exceeding one year ; and shall have power to accept the lowest eligible tender, or invite fresh tenders, and may make a contract with the person whose tender is accepted.

42. The Commissioners may apply in writing to the Minister for additional stores, plant, material, rolling-stock, stations, sheds and other accommodation which, in the opinion of the Commissioners, may be required to enable them to meet the traffic requirements, or ensure the efficient working of the railways.

Commissioners to requisition for rolling-stock &c.

43. The Commissioners may lease any refreshment-room, shed, office, shop, stall, coal gears, sites for storage or for erecting sheds, right of entrance into any station by any public vehicle, right of advertising, or other convenience or appurtenance to any of the railways, for such any term not exceeding seven years on such conditions and at such rent as they may determine.

Commissioners may lease refreshment-rooms &c.

44. In the first month in each quarter of every year the Commissioners shall report in writing to the Minister—

Commissioners' quarterly report to Minister.

(I) The state of the traffic returns, with the approximate cost and earnings of trains per ton, per train mile, in respect of goods and passengers respectively, carried during the past quarter ;

(II) The general condition of the lines and accommodation for the traffic ;

(III) The special rates, if any, which have been made, and the reasons for making such rates ;

(IV) The appointments and removals of employés with the circumstances attending each case ;

Such reports shall be laid before Parliament, if Parliament be in Session, and if not, then within seven days after the commencement of the Session next ensuing.

45. The Commissioners shall prepare—

(I) An annual report of their proceedings, and an account of all moneys received and expended during the preceding year. Such annual report shall be laid before both Houses of Parliament in the month of January in each year if Parliament be then sitting, otherwise, within one month after the commencement of the Session next ensuing.

Commissioners' annual report to Parliament.

(II) Estimates, in such form as the Governor may direct, of receipts, and expenditure for each period of twelve months ending on the thirtieth day of June in each and every year.

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46. The several lines of telegraphic communication belonging to the Commissioners or which are worked under the direction, or on behalf of the Commissioners, may be used by them—

Working of the telegraphs vested in the Commissioners.

5 (I) For the transmission of messages in relation to the working of the railways;

(II) So far as is consistent with the due and efficient working of the railways, for the transmission of messages by the public.

All such messages as last aforesaid shall be transmitted by the officers and employes on behalf of the Commissioners, as agents of the Postmaster-General; and there shall be demanded and received, in respect of such last-mentioned messages, such fees, rates and dues as may for the time being be lawfully demanded or received by the Postmaster-General, in respect of lines of telegraphic communication under his control; and, save as aforesaid, the Commissioners shall not transmit or permit the transmission of messages on behalf of the public through their wires. The sum to be paid by the Postmaster-General to the Commissioners for the transmission of messages as aforesaid, may be either a lump sum or a percentage on the gross sum received by the Postmaster-General from the Commissioners, in respect of such transmission, or may be determined in such other way as may be agreed upon between the Postmaster-General and the Commissioners.

47. (I) The Commissioners in their corporate name may contract for the execution of any work authorized by this or any other Act to be executed by them, or for furnishing materials or labour, or for providing locomotive engines or other motive or tractive power, or for any other matters and things whatsoever, necessary for enabling them to carry the purposes of such Act into full effect, in such manner and upon such terms for such sum and under such stipulations, conditions and restrictions as the Commissioners think proper.

Commissioners may make contracts &c.

30 (II) Every such contract shall be in writing, and shall specify the work to be done, the materials 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 materials to be furnished, and the penalties to be suffered in case of non-performance thereof; and every such contract may, if the Commissioners think fit, 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 material furnished, and the mode of determining any dispute which may arise concerning, or in consequence of, such contract.

40 ~~(iii) The Commissioners shall not enter into any such contract for the supply, either directly or indirectly from places outside New South Wales, of materials, locomotive engines or other motive or tractive power, or of any other matter of thing without the sanction of the Governor.~~

48. The Commissioners and the Postmaster-General may enter into, alter and rescind contracts and agreements, with respect to the receipt, carriage and conveyance of letters, newspapers, parcels and newspapers, and or with respect to any other matter or thing in relation to the postal service; also, with respect to the working of any of the lines of telegraphic communication of the Postmaster-General by the Commissioners, and generally with respect to telegraphs and the transmission of telegraphic messages.

Power for Commissioners and Postmaster-General to make contracts.

49. In case any difference shall arise between the Commissioners and the Postmaster-General, with regard to the terms and conditions on which any contract or agreement should be made or otherwise in relation thereto, the same shall be determined by the Governor.

How differences to be determined.

50. The Commissioners, at a meeting specially called for that purpose, may compound and agree with any person who has entered into any contract in pursuance of or under the authority of this Act,

Commissioners may compound for breach of contracts.

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or against whom any action or suit is brought for any penalty contained in any such contract, or in any bond, or other security for the performance thereof, or for or on account of any breach or non-performance of any such contract, bond or security, for such sum of money or other consideration as the Commissioners think proper.

PART III.

Investigation of Accidents.

51. Whenever, upon or about any railway, or any works, building or place of any kind whatsoever, used or connected with any railway, 10 any such accident as hereinafter specified takes place in the course of working such railway viz.:—
- (a) Any accident attended with loss of life or personal injury to any person—
- (b) Any collision where one of the trains is a passenger train—
- 15 (c) Any passenger train or portion thereof accidentally leaving the rails—
- (d) Any accident of a kind not comprised in the foregoing descriptions, but which has caused or might have caused loss of life or personal injury—
- 20 The Commissioners shall—
- (I) Cause the earliest information by telegraph, post or otherwise to be forwarded to the Minister.
- (II) Appoint such officer or officers as they may think fit to hold an inquiry into the matter.
- 25 (III) As soon as practicable after such inquiry, send to the Minister full information of the accident and the report of such officers.
52. Where it appears to the Minister, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances 30 attending the same, is expedient, he shall notify the same to the Governor, and the Governor may, by order, direct such investigation to be held; and with respect to such investigation the following provisions shall have effect:—
- (I) The Governor may, by the same or any subsequent order, direct 35 a District Court judge, ~~stipendiary or police~~ magistrate, or other person or persons, named in the same or any subsequent order, to hold such investigation with the assistance of the assessors named in the order;
- (II) The person or persons holding any such formal investigation 40 (hereinafter referred to as the Court) shall hold the same in open Court, in such manner, and under such conditions as he or they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling him or them to make the report in this section mentioned;
- 45 (III) The Court shall, for the purposes of such investigation, have all the powers of a Court of Petty Sessions acting in the exercise of its ordinary jurisdiction, and,
- (a) May enter and inspect any place or building, the entry 50 and inspection whereof appears to such Court requisite for the said purpose.
- (b) May by summons under their hand require the attendance of all such persons as the Court thinks fit to call, and examine the same, and may require answers or returns to such inquiries as the Court thinks fit to make.
- 55 (c)

Accidents to be reported to the Minister.
34 and 35 Vic. c. 78 s. 6.

Governor may direct formal investigation.
Ib. s. 7.

Persons by whom the inquiry is to be held.

Inquiry to be held in open Court.

Powers of persons conducting inquiry.

May personally inspect.

Call witnesses &c.

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- (c) May require and enforce the production of all books, papers and documents which the Court considers important. Call for production of books &c.
- 5 (d) May administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination. Administer oaths.
- 10 (e) Every person so summoned, not being a person engaged in the Railway service or otherwise connected with it, shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court; and in case of dispute as to the amount to be allowed, the same shall be referred by the Court to the Prothonotary of the Supreme Court, who, on request by the Court, shall ascertain and certify the proper amount of such expenses. Expenses of witnesses.
- 15 (iv) No answers or declarations of any person examined under this section shall be admissible in evidence in any proceeding against such person other than a prosecution for perjury, or for giving or making false answers or declarations.
- 20 (iv v) The Court, after holding an investigation concerning any accident, shall make a report to the Governor stating the causes of the accident, and all the circumstances attending the same, and any observations thereon, or on the evidence, or on any matters arising out of the investigation, which the Court thinks right to make. Persons holding inquiry to make report to Governor.
- 25

PART IV.

By-Laws &c.

53. The Commissioners may make by-laws for all or any of the subjects or matters hereinafter mentioned, and may impose penalties By-laws may be made. not exceeding twenty pounds, upon any person committing a breach of any of such by-laws—

- 35 (I) For fixing the amount of fares for the conveyance of passengers, and the charges for the carriage of animals, goods and parcels, and the circumstances and conditions under which the Commissioners will make special rates for the carriage of goods in quantities;
- (II) For preventing the commission of any nuisance in or upon the carriages, or in any of the stations, buildings, piers, wharves or jetties vested in the Commissioners;
- 40 (III) For preventing the emptying of sewage or drainage on to any of the railways, or on to any lands, stations, buildings, piers, wharves or jetties vested in the Commissioners;
- (IV) For regulating the exercise of the several powers vested in any pier-master, wharfinger or berthing master;
- 45 (v) For regulating the admission of vessels to any pier, wharf or jetty hereinbefore mentioned, and their removal from the same, and for the good order and government of such vessels, whilst at such pier, wharf or jetty;
- (VI) For regulating the use of any such pier, wharf or jetty;
- 50 (VII) For regulating the shipping, unshipping, landing, warehousing, stowing, depositing and removing of all goods from or at any such station, building, pier, wharf or jetty;

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- (VIII) For regulating the conduct of all persons, (not being any officer of the Marine Board, or of the Department of Harbours and Rivers, or of the Customs,) while upon or in any such station, building, pier, wharf or jetty, or while employed at or near the same ;
- 5 (IX) For regulating, subject to the approval of the Marine Board, the use of fires and lights within or on board any vessel being at any such pier, wharf or jetty ;
- 10 (X) For preventing damage or injury to any vessel or goods at any such station, building, pier, wharf or jetty ;
- (XI) For regulating the duties and conduct of porters, cabmen, carmen, draymen and carriers, (not being employes of the Commissioners,) employed at any such station, building, pier, wharf or jetty, and fixing the charges to be paid to them for carrying any passengers, goods, articles or things from or to the same ;
- 15 (XII) For fixing the amount of tolls to be paid by any vessel using any such pier, wharf or jetty, or any crane, the property of the Commissioners ; and for fixing the amount of tolls to be paid on goods brought to or taken from any vessel using any such pier, wharf or jetty, by lighter or other vessel ;
- 20 (XIII) For fixing the amount of tolls upon animals and goods received or delivered upon or from any such pier, wharf or jetty ;
- 25 (XIV) For regulating generally the travelling or traffic upon, or using or working of the railways, and of the stations, buildings, piers, wharves and jetties hereinbefore mentioned ; and for the good government and maintenance of order thereon ;
- 30 (XV) For specially regulating the conduct of the traffic during any reconstruction or repair of any railway or tramway ;
- (XVI) For regulating the terms and conditions upon which special trains will be run ;
- 35 (XVII) For regulating the admission of the public to any of the railways, and to any of the stations, buildings, piers, wharves or jetties, hereinbefore mentioned ; and for fixing a charge therefor, or for dispensing with the same on certain days or for certain times ;
- (XVIII) For regulating the use of stamps as pre-payment upon parcels ;
- 40 (XIX) For regulating the sale of tickets at places, other than railway stations, and the conditions under which such tickets shall be sold ;
- 45 (XX) For fixing demurrage charges, where goods are to be loaded into or discharged from trucks by owners, consignors or consignees ;
- (XXI) For fixing the charges for warehousing goods, and the charges to be paid in respect of parcels and luggage left for transit or for care or custody, and the conditions upon which they respectively will be received ;
- 50 (XXII) For regulating the disposal of unclaimed goods ;
- (XXIII) For imposing conditions upon which passengers luggage will be carried ;
- 55 (XXIV) For preventing or regulating bathing or fishing in, or shooting over or upon, any reservoir or tank connected with any of the railways ;
- (XXV) For regulating the carriage of corpses, and for prohibiting the carriage or conveyance of the bodies of persons who have died from any contagious disease ;

(XXVI)

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- (XXVI) For prohibiting the carriage or conveyance of diseased animals, and preventing them from coming upon any station or premises ;
- 5 (XXVII) For preventing damage or injury to railway stations, buildings, piers, wharves, jetties, premises, carriages, gates, fences or any property whatever ;
- (XXVIII) For the issue of free passes on the railways ;
- (XXIX) For regulating public or private traffic across any of the said railways, on the level thereof, and for preventing
- 10 animals from trespassing on any of the railways ;
- (XXX) For altering or repealing any by-laws made heretofore with regard to the railways ;
- (XXXI) For regulating the manner in which public notices shall be advertised, and generally with regard to advertising in
- 15 newspapers and elsewhere ;
- (XXXII) For facilitating and regulating the insurance of persons, travelling on the lines of railway, by any Accident Insurance Company now or hereafter to be formed.
- 20 54. (I) No such by-law shall have any force or effect unless the same has been approved by the Governor, and has been published for at least three clear days in the *Gazette*. By-law of Commissioners to be approved by Governor.
- (II) The Commissioners shall cause the substance of such by-laws, and a list of any tolls, fares and charges from time to time imposed thereby, to be painted upon or to be printed and affixed to
- 25 boards in large and legible characters, and shall cause such boards to be exhibited in some conspicuous place in or on every station, pier, jetty, wharf or other place where such tolls, fares or charges, or any of them are payable, and according to the nature and character of such by-laws respectively, so as to give public notice thereof ; and shall cause
- 30 every such board from time to time to be renewed, if destroyed or defaced.
55. The exhibiting on boards of the substance of such by-laws, and lists of tolls, fares and charges, shall be deemed to have been complied with, if it be proved that, at the time of any alleged breach, a board was
- 35 exhibited in accordance with the provisions of ~~this~~ **the next preceding** section, at the station, pier, wharf, jetty or other place where tolls, fares or charges were payable, nearest to the place where such breach took place. The production of the *Gazette*, containing such by-law shall be *prima facie* evidence that such by-law has been duly
- 40 made and confirmed, and that it is still in force. Evidence of publication.
56. The rules, regulations and by-laws in force at the passing of this Act in respect of the Government Railways and Tramways shall be read and construed as if the Authority therein named had been therein expressed to be "the Commissioners" appointed under this Act.
- 45 Such rules, regulations and by-laws shall be deemed to have been made under the authority of this Act, and shall be and continue to be in full force and effect until altered or repealed by rules, regulations or by-laws made under the authority of this Act. Certain rules regulations and by-laws to remain in force.
57. When the breach of any by-law would be attended with
- 50 danger or annoyance to the public, or hindrance to any of the employés in the lawful use of any of the railways, or of any pier, wharf, jetty, station, yard or building, such employés or any of them may summarily interfere to obviate or remove such danger, annoyance or hindrance, and that without prejudice to any penalty incurred by the
- 55 breach of such by-law. Summary interference in certain cases of breach of by-law.

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PART V.

Appointment Promotion and Discipline in, and Regulation of, Railway Service.

58. The Governor may appoint for each branch of the Railway Governor to appoint
 5 Service competent persons, to be Examiners of candidates for perma- Examiners.
 nent employment in such branch and of employés who are candidates
 for promotion to the higher grades in such service. Provided that
 such Examiners shall not hold office longer than three years from
 the date of appointment, but shall be eligible for reappointment.
- 10 59. Whenever the Commissioners require additional permanent Notice of examina-
 officers, they shall give public notice thereof three times in a Sydney tion for permanent
 daily paper, which shall state the qualifications required and the employment.
 branches for which such additional officers are required, and shall
 also state the time and place of examination. The Commissioners
 15 shall so arrange the times and places when and where candidates are
 to comply with the conditions of employment provided in this Act,
 and to undergo examination, that persons residing in country districts
 shall have reasonable facilities for being examined in the district in
 which they reside.
- 20 60. All persons employed in the Railway Service except super- Perma nent
 numeraries shall be deemed to be employed in a permanent office. employ ment and
 No person shall be employed in the Railway service as a supernumerary appoint ment of
 for a longer period in all than six months in any one year except super numeraries.
 persons employed as day labourers; and no person who has been so
 25 employed shall be again employed as a supernumerary until a period
 of six months has elapsed from the termination of the period during
 which he was so employed. The Commissioners shall cause to be kept
 a special record of all appointments of supernumeraries, and of the
 circumstances under which their services were deemed necessary, of the
 30 periods during which they were respectively employed, and of the
 payments received by them respectively; and a copy of such record
 shall be sent to the Minister at the end of every three months.
- ~~61.~~ 60. No person shall be appointed as an additional permanent Certificate.
 officer who has not obtained a certificate of fitness from the Examiners
 35 (which they are hereby empowered to issue).
- ~~62.~~ 61. If a greater number of candidates than are required by the Order of precedence
 Commissioners for appointment obtain certificates from the Examiners, for appointment how
 the Commissioners shall appoint as many persons as are required, in such determined.
 grades and to such situation as they may consider best. The persons
 40 in excess of the number required by the Commissioners shall be eligible
 for appointment for a period of twelve months then next ensuing from
 the date of such determination without further examination.
- ~~63.~~ 62. All appointments shall be made to the lowest grade in each Appointments how to
 of the various branches of the Railway service and on probation only be made.
 45 for a period of six months. After the period of such probation, and
 upon production of a certificate of fitness from the officer at the head
 of the branch in which such probationer was employed, and upon
 proof to the satisfaction of the Commissioners that all the provisions
 of this Act have been complied with, such appointments may be
 50 confirmed by the Commissioners. The Commissioners shall, notwith-
 standing, have the power to appoint to any position or grade, if they
 think fit, without examination as aforesaid, persons of known ability
 not engaged in the Railway service. No such appointment shall be
 made unless the Commissioners shall have previously certified under
 55 their seal to the Governor that there is no person in the Railway
 service fit and qualified to be promoted to such appointment, and shall
 have obtained his sanction to such appointment.

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64- 63. No probationer's appointment shall be confirmed until he has effected, in some life insurance company carrying on business in this Colony, an insurance on his life providing for the payment of a sum of money at his death, should it occur before the age of retirement from the Railway service; or, if he survive until that age, of a sum of money or annuity on the date of such retirement. Such insurance shall be continued, and the amount thereof fixed and increased, from time to time, in the prescribed manner, and no policy of insurance so effected shall, during the time such person remains in the Railway service, be assignable either at law or in equity.

Appointee to effect an insurance on his life.

65- 64. When any vacancy occurs in any branch of the Railway service not open for competitive examination as hereinafter provided, it shall be filled, if possible, by the promotion of some officer next in rank, position or grade, to the vacant office; and no such officer shall be passed over unless the head of his branch, in writing, so advise the Commissioners. No officer shall be passed over without being allowed to show cause, in the prescribed manner, to the Commissioners, whose decision upon the matter shall be final.

How promotions made.

66- 65. Whenever promotions to the higher grades of the Railway service are to be made, the Commissioners shall cause competitive examinations to be held by the Examiners; and the names of the candidates who have satisfied the Examiners that they possess the necessary qualifications shall be registered by the Commissioners, in a book kept for that purpose, in the order of their merit. And no promotions to the offices open to competitive examination shall be made except from the persons whose names are so registered, and in the order of such registration, taking the name first registered and following in regular order.

Competitive examinations.

67- 66. The officer at the head of any branch of the Railway service may, if he thinks fit, certify that in his opinion any officer in his branch is entitled to a gratuity or to a payment for overtime work; but no gratuity or payment for overtime work shall be paid upon such certificate without the authority of the Commissioners.

Gratuities and over time payments.

68- 67. The officer at the head of each branch of the Railway service shall, in the prescribed manner, have the power with respect to any employé in his branch who has been guilty of misconduct or of breaking any rule by-law or regulation of the Railway service—

Power to fine or reduce in rank any employé.

(I) To suspend him;
(II) To fine him in a sum not exceeding five pounds;
(III) To reduce him in rank, position or grade, and pay;
But every such employé shall have the right of appeal to the Commissioners.

69- 68. Any officer in charge of a railway station may temporarily suspend at such station any employé of inferior rank, position or grade to his own, until the officer at the head of such employé's branch has dealt with the suspension of such employé. Any charge brought against any employé, for the breach of any rule, by law or regulation, or for misconduct, may be investigated and dealt with by the Commissioners, who may suspend such employé; or, if he have been already suspended, may further suspend him for a period not exceeding six months, without salary or wages, or may inflict a fine to be deducted from his pay, or may dismiss him; and their decision shall be final.

Employés guilty of misconduct how dealt with.

70- 69. No officer or employé under the Commissioners shall be liable to dismissal or any disability for refusing, on conscientious grounds, to work on any Sunday except in cases of necessity. Such officer or employé to be subject to a proportionate reduction in his salary or wages on account of such refusal, provided always that such provision shall not apply to any officer or employé whose duties do not require him to work on Sunday.

Employés not subject to dismissal for refusing to work on Sunday.

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71. 70. The three Commissioners shall hear, and a majority of such Commissioners shall determine, any appeal made by an employé against the adoption or confirmation of the advice or decision of the officer at the head of his branch, with regard to his right to promotion, or with respect to any charge made against such employé, or with respect to any penalty imposed by such officer; and may confirm or modify such decision, or make such order as they think fit; and their decision shall be final. Every such appeal shall be heard within thirty days from the date of the appeal being lodged with the Commissioners. Commissioners to hear appeals.
- 10 72. 71. If any officer or employé be convicted of any felony or infamous offence, or become insolvent, or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, or, by any deed or other writing, compound with his creditors, make an assignment of his salary for their benefit, he shall be deemed 15 to have vacated his office. Forfeiture of office in certain cases.
73. 72. When any such officer or employé has vacated his office by reason of any such pecuniary embarrassment as aforesaid, if he prove to the satisfaction of the Commissioners that such embarrassment has not been caused or attended by any fraud, extravagance or dishonorable 20 conduct, they may reinstate such officer or employé in his former, or any other inferior, position in the Railway service. Commissioners may reinstate insolvent officer in the absence of fraud.
74. 73. The Commissioners shall
- (I) Keep a record of all persons in the Railway service, and shall 25 record therein the rank, position or grade, the length of service, salaries, and such other particulars with regard to such persons as they think fit;
- (II) Cause entries to be made in such record of deaths, dismissals, resignations, promotions and reductions;
- (III) In the month of June, in the year one thousand eight 30 hundred and eighty-eight, and in each and every third year thereafter, publish in the *Gazette* a list of persons employed in the Railway service up to the thirty-first day of December of the preceding year. Record of particulars of Railway service to be kept.
75. 74. The Commissioners shall make regulations—
- (I) For prescribing the qualifications required of all candidates 35 for permanent employment in each of the various branches of the Railway service, and, if necessary, in each grade of such branches. Regulations in respect of permanent appointments.
- (II) For the examination of candidates and the granting of 40 certificates to them.
- (III) For determining the nature or character and extent of examinations or tests, according to the requirements of each of the higher grades in the Railway service, which employés in the lower grades, desiring to compete for and to be promoted 45 to such higher grades, shall undergo.
- (IV) For regulating the relative rank, position or grade in the duties and conduct of the employés in each of the various branches of the Railway service; and for determining which 50 of such grades shall be deemed the higher and lower grades, respectively, in such Railway service.
- (v) For regulating the duties to be performed by employés in the Railway service, and the discipline to be observed in the performance of such duties, the granting of leave of absence 55 from time to time, and arranging for the performance of duties during holidays, and for affixing to breaches of such regulations, according to the nature of the offences, such penalties as by this Act are authorized.
- (vi) For regulating and determining the scale on which employés 60 in the various grades of the Railway service shall insure their lives. (vii)

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(VII) For the hearing and determining of appeals.

(VIII) For altering or repealing any rules or regulations made before the passing of this Act with regard to railways or tramways.

(IX) For fixing the ages at which employes shall retire in the different branches of the Railway Service.

5 All such regulations, when confirmed by the Governor, shall have the same force and effect as if they had been contained in this Act.

76. 75. Nothing in this Act shall be held to, in any way interfere with the right of any employé to sue the Commissioners in any Court of Law, and this Act expressly reserves to every employé the right so to sue should he so desire. It shall not be within the powers of the Commissioners to agree with the employes in their service to contract themselves out of the provisions of any Act of Parliament, or to compel them to forego any civil rights to which any Act of Parliament

15 entitles them.

77. 76. No regulation which the Commissioners are by this Act empowered to make, in any way altering or annulling any privileges or immunities, which their servants have previously enjoyed, or dealing in any way with hours of work or wages shall have any force or effect until the same is confirmed by the Governor in Council nor until the said regulation has been published in the *Government Gazette* one week.

78. 77. The Commissioners shall not be deemed to be exempt from liability to any action which might be brought against an employer under the "Employer's Liability Act."

79. 78. The Commissioners shall in each annual report include a list of all employes admitted to the Service since the date of the former annual report, and likewise a list of all employes who may have left the Service during the like period, giving date of appointment, positions and rates of pay to which appointed, and date and cause of leaving in each case.

80. 79. In all public inquiries and investigations into the cause of any accident the employes shall have the right to be represented by one of their number, or by any person whom they may select to represent their interests at such inquiry.

PART VI.

Miscellaneous Provisions—Penalties—Procedure &c.

81. 80. The Commissioners shall cause all weights, measures, scales, balances, steelyards, beams and other weighing machines in use upon any of the railways, or on any of the stations, piers, wharfs or jetties vested in the Commissioners, to be from time to time adjusted by some officer appointed by the Commissioners, either on comparison with authorized copies of the standard weights and measures made under the Act or Acts in force for the time being relating to Weights and Measures, or otherwise as the case may be; but, save as aforesaid, nothing in the said Act or Acts contained shall apply to the railways or to any station, pier, wharf or jetty vested in the Commissioners.

82. 81. The Commissioners shall publish the short particulars of the several offences, for which any penalty is imposed by this Act or by any by-law of the Commissioners, affecting other persons than the Railway officers or servants, and of the amount of every such penalty; and shall cause such particulars to be painted on a board, or printed upon

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upon paper and pasted thereon, and shall cause such board to be hung up or affixed in some conspicuous part of the principal place of business of the Commissioners. When any such penalties are of local application they shall cause such boards to be affixed in some conspicuous place in the neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed, as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable, unless the requirements of this section have been complied with.

10 83. 82. If any person pull down or injure any board put up or affixed, as required by this Act, for the purpose of publishing any by-law or penalty; or shall obliterate any of the letters or figures thereon, he shall forfeit, for every such offence, a sum not exceeding five pounds, and shall defray the expenses attending the restoration of
15 such board.

Penalty for defacing boards used for publication.

Prin. Act s. 135.
8 Vic. c. 20 s. 144.

84. 83. If any person without reasonable excuse (proof whereof shall lie on him) does any of the following things, namely:—

Disobedience of person summoned as witness.

- (I) Having been summoned and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness before a court holding an investigation under this Act;
20 (II) Fails, when required by such court, in pursuance of this Act so to do, to make any answer or to give any return, or to produce any document, or to make or sign any declaration;
25 (III) Prevents or impedes such court in the execution of their duty;

he shall, for every such offence, incur a penalty not exceeding ten pounds; save that, in the case of a failure to give any return or produce any document, the said penalty shall not exceed ten pounds
30 for every day that such failure continues; and where the offence consists of preventing or impeding as aforesaid, any member of such court, or any person called by him to his assistance, may seize and detain the offender, until he can be conveniently taken before a Stipendiary or Police Magistrate or two Justices to be dealt with
35 according to law.

85. 84. Before any person entrusted with the custody and control of moneys, whether as collector, or other officer or servant of the Commissioners, enters upon his office, the Commissioners shall take sufficient security from him for the faithful execution of his office; and
40 such security may be that of any incorporated company or guarantee society approved by the Commissioners in the prescribed manner.

Commissioners to take security from officers entrusted with money.

86. 85. If any collector of tolls or other officer employed by the Commissioners be discharged or suspended from his office, or die, abscond, or absent himself, and if such collector or other officer, or the wife widow, or any of the family or representatives of any such collector
45 or other officer, refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the Commissioners or to any person appointed by them for that purpose, any station, dwelling-house, office or other buildings with its appurtenances, or any books, papers or other matters belonging to the Commissioners, in the possession or custody of
50 any such collector or officer at the occurrence of any such event as aforesaid;—then, upon application being made by the Commissioners to any Justice, such Justice may order any constable, with proper assistance, to enter upon such station or other building, and remove
55 any person found therein, and take possession thereof and of any such books, papers or other matters, and to deliver the same to the Commissioners or to any person appointed by such Justice for that purpose.

Delivery of matters in possession or custody of toll collector at removal.

Prin. Act s. 114.
8 Vic. c. 20 s. 106.

87. 86. Every officer or servant employed by the Commissioners shall, from time to time, when required by the Commissioners, make out
and

Officers to account on demand.
Prin. Act s. 119.

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and deliver to them or to any person appointed by them for that purpose, a true and perfect account in writing, under his hand, of all moneys received by him on behalf of the Commissioners, or by virtue of his employment; and such account shall state how, and to whom, and for what purpose, such moneys shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Commissioners, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of any such account.

88. 87. If any such officer as last aforesaid fail

- (I) To render such account or
- (II) To produce and deliver up all the vouchers and receipts relating to the same in his possession or power or
- (III) To pay the balance thereof when thereunto required or
- (IV) Within three days after being thereunto required to deliver up to the Commissioners or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power relating to the execution of this act or belonging to the Commissioners;—

Summary remedy
against parties fail-
ing to account.

Prin. Act s. 120.

Then, on complaint thereof being made to a Justice, such Justice shall summon such officer to appear before a ~~Stipendiary or Police~~ Magistrate, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or in his absence, upon proof that such summons was personally served upon him or left at his last known place of abode, such Magistrate may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear either upon confession of such officer, or upon evidence, or upon inspection of the account, that any public moneys which should be paid over to the Commissioners are in the hands of such officer or owing by him, such Magistrate may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such Magistrate to grant a warrant to levy the same by distress, or, if he think fit, to commit the offender to gaol for a period not exceeding three months.

89. 88. If any such officer or servant, on being so brought before such Magistrate and being required so to do, refuse to make out such account in writing, or to produce and deliver to the Magistrate the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power belonging to the Commissioners, such Magistrate may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts (if any) in his possession or power relating to such accounts, and shall have delivered up all books, papers, writings, property, effects, matters and things (if any) in his possession or power belonging to the Commissioners, or which should be delivered up to him by such officer or servant.

Officers refusing to
deliver up documents
&c. to be imprisoned.
Prin. Act s. 121.

90. 89. If ~~the Commissioners~~ a Commissioner or any person authorized by them a Commissioner shall make oath before a Justice that ~~they or~~ he has good reason to believe, upon grounds to be stated in the deposition, and ~~do or~~ does believe that it is the intention of any such officer as aforesaid, to abscond, or that he has absconded, the Justice before whom the complaint is made, may, if he think fit, issue a warrant in the first instance for the bringing apprehension of such officer or servant to be brought before any ~~Stipendiary or Police~~ Magistrate; but no person executing such warrant shall keep such officer or servant in custody longer than twenty-four hours, or such longer period as may be rendered necessary by the distance of the place

Where officer about
to abscond a warrant
may be issued in the
first instance.

Prin. Act s. 122.

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place of apprehension from the residence of the nearest or most convenient Justice, without bringing him before some Justice; and the Justice before whom such officer may be brought may either discharge such officer, if he think there is no sufficient ground for his
 5 detention, or order such officer to be detained in custody so as to be brought before such ~~Stipendiary or Police~~ Magistrate, at a time and place to be named in such order, unless such officer give bail to the satisfaction of such Justice for his appearance before such Magistrate to answer the said complaint. ~~of the Commissioners.~~ Provided nevertheless
 10 that no such proceeding against, or dealing with, any such officer or servant as aforesaid, shall deprive the Commissioners of any remedy which ~~he~~ they might otherwise have against such officer or any surety of such officer.

Sureties not to be discharged.

91. 90. If any person employed by the Commissioners
- 15 (I) Exact, or take or accept on account of anything done by virtue of his office or in relation to the functions of the Commissioners, any fee or reward whatsoever other than the salary, rewards or allowances allowed or sanctioned by Parliament or
- 20 (II) Be in anywise concerned or interested in any bargain or contract made by or on the behalf of the Commissioners, otherwise than as a member only, but not as a director or officer, of any registered, incorporated or joint stock company with whom any such bargain or contract may be made;
- 25 He shall be removed from office, and shall be incapable of being afterwards employed by the Commissioners, and shall also be guilty of a misdemeanour.

Officer taking fees to lose his office and to be guilty of a misdemeanour.

92. 91. If any ~~engine-driver, waggon-driver, guard, porter, servant,~~ or other person employed upon the railway or in repairing and main-
 30 taining the works of the said railway shall

Punishment of persons employed on railway guilty of misconduct.

- (I) Be found drunk whilst so employed upon the said railway; or
- (II) Commit any offence against any of the regulations or by-laws of the Commissioners or
- 35 (III) Wilfully, maliciously, or negligently do any act, or be guilty of any omission of duty, whereby the life or limb of any person passing along or being upon such railway or the works thereof, respectively, shall be or might be injured or endangered, or whereby the passage of any engine carriage or trains shall be or might be obstructed or impeded;
- 40 It shall be lawful for any railway officer or agent or any special constable duly appointed, and all such persons as any of them ~~they~~ may call to his assistance, to seize and detain such ~~engine-driver, guard, porter, servant, or other~~ person so offending, or any person counselling, aiding or assisting in such offence, and to convey him with all convenient
 45 dispatch before any ~~Stipendiary or Police~~ Magistrate, without any other warrant or authority than this Act, to be dealt with according to law; and every person so offending as aforesaid, and every person counselling aiding or assisting therein, shall, upon conviction before such Magistrate, (upon a complaint in writing) be imprisoned, with or without hard
 50 labour, for any term not exceeding six months, or shall forfeit any sum not exceeding fifty pounds, and in default of payment thereof shall be imprisoned, with or without hard labour, for such period, not exceeding six months, as such Magistrate shall appoint.

Prin. Act s. 132.

93. 92. If any person shall
- 55 (I) Wilfully obstruct any person acting under the authority of the Commissioners in the lawful exercise of his power or
- (II) Pull up or remove any poles or stakes driven into the ground, for the purpose of setting out any line of railway, or deface or destroy any marks made for the same purpose or

Penalty for obstructing construction of railway.

Prin. Act s. 127.
 8 Vic. c. 20 s. 24.
 3 & 4 Vic. c. 97 s. 16.

(III)

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(III) Wilfully obstruct or impede any officer or agent of the Government or of the Commissioners in the execution of his duty upon any railway, or upon or in any of the stations or other works or premises connected therewith or

5 (IV) Wilfully trespass upon any such railway or any of the stations or other works or premises connected therewith ;

Every person committing any such offence, and all others aiding or assisting therein, shall forfeit to the Commissioners a sum not exceeding twenty pounds for every such offence.

10 ~~94.~~ 93. If any person shall

(I) Throw any gravel, stones or rubbish, or any matter or thing upon any part of a railway, or

(II) Drive or permit to wander, stray or be driven upon any such Railway or the approaches thereto, any horse, ass, sheep, swine, or other beast or cattle of any kind, or

15 (III) Do any other act, matter or thing to obstruct the free passage of any such Railway or any part thereof ;

Such person committing any such offence, and all others aiding or assisting therein, shall forfeit and pay for every such offence any sum not exceeding fifty pounds, and, in default of payment thereof, shall be imprisoned, with or without hard labour, for any period, not exceeding six months ; and such penalty may be recovered before any ~~Stipendiary or Police~~ Magistrate on complaint to ~~them~~ him for that purpose exhibited by any person on behalf of the Commissioners.

25 ~~95.~~ 94. If any Commissioner shall become in anyway concerned or interested in any contract or agreement made by or on behalf of the Commissioners, or shall in anywise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom, he shall be guilty of a misdemeanor, and be liable, at 30 the discretion of the Court, to a penalty not exceeding five hundred pounds, or to imprisonment for any term not exceeding three years, or to both such punishments.

35 ~~96.~~ 95. If any person, not being one of the persons entitled under the provisions of this Act to claim, hold and use a free pass on the railways

(I) Shall travel or attempt to travel by virtue of any such free pass or

40 (II) Shall at any time exhibit or show or carry any such free pass pretending to be the rightful possessor thereof, he shall be guilty of a misdemeanour, ~~and be liable, at the discretion~~ of the Court, to a penalty not exceeding five hundred pounds, or to imprisonment for any term not exceeding two years, or to both such punishments.

45 ~~97.~~ 96. It shall be lawful for any Railway officer or agent, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this Act, and whose name and residence shall be unknown to such officer or agent, and to convey him with all convenient dispatch before some ~~Stipendiary or Police~~ Magistrate, without any warrant or other authority 50 than this Act ; and such Magistrate shall proceed with all convenient dispatch to the hearing and determining of the complaint against such offender.

55 ~~98.~~ 97. Where in this Act any question of compensation, expenses, charges, damages or other matter is referred to the determination of ~~any one or more a~~ Magistrate or two Justices, any Justice may, upon the application of either party, summon the other party to appear before a ~~Stipendiary or Police~~ Magistrate or two Justices at a time and place to be named in such summons ; and upon the appearance of such parties, or, in the absence of any of them, upon proof of due service

Penalty on persons obstructing free course of Railway.

Prin. Act s.128.
3 & 4 Vic. c. 97 s. 15.

Penalty on Commissioners being interested in contracts.

Fraudulent use of free passes.

Transient offenders.
Prin. Act s. 133.
8 Vic. c. 20 s. 154.

Method of proceeding before Justices in question of damages &c.
Prin. Act s. 133.
8 Vic. c. 20 s. 142.

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service of the summons, such Magistrate or Justices may hear and determine such question, and for that purpose examine such parties or any of them and their witnesses on oath: and the cost of every such inquiry shall be in the discretion of such Magistrate or Justices, and he or they shall determine the amount thereof.

99. 98. Every penalty or forfeiture imposed by this Act or by any by-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceedings before any ~~Stipendiary or Police~~ Magistrate according to "The Justices' Act of 1850" and the several Acts incorporated therewith. And where any such penalty so recovered or where any sum of money payable under this Act shall not be paid either immediately after conviction or adjudication or within the time appointed thereby, payment may be enforced by distress and sale of the offenders' or defaulters' goods and chattels in the manner provided by the said Act.

Penalties to be summarily recovered.
Prin. Act s. 136.
8 Vic. c. 20 s. 145.

100. 99. If through any act, neglect or default whereby any person shall have incurred any penalty imposed by this Act, any damage to any Railway or other property vested in the Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty; and the amount of such damages shall in case of dispute be determined by the Magistrate or Justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages on demand the same shall be levied by distress, and such Magistrate or Justices shall issue his or their warrant accordingly.

Damage to be made good in addition to penalty.
Prin. Act s. 137.
8 Vic. c. 20 s. 152.

101. 100. If any party shall feel aggrieved by any determination or adjudication of any Magistrate Justice or Justices under the provisions of this Act, such party may appeal to the General or Quarter Sessions for the district or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant, forthwith after such notice, enter into recognizances, with two sufficient sureties, before a ~~Magistrate or any~~ Justice, conditioned duly to prosecute such appeal and abide the order of the Court thereon.

Parties allowed to appeal to Quarter Sessions on giving security.
Prin. Act s. 139.
8 Vic. c. 20 s. 157.
8 Vic. c. 18 s. 146.

102. 101. At the General or Quarter Sessions for which such notice shall be given the Court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such appeal the Court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication and order any money paid by the appellant or levied by distress upon his goods to be returned to him, and also may order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

Court to make such order as they think reasonable.
Prin. Act s. 140.
8 Vic. c. 20 s. 158.
8 Vic. c. 18 s. 147.

103. 102. Any summons, notice, writ, process, or document required to be served on the Commissioners pursuant to any Act or to any by-law or regulation, may be served upon the Solicitor to the Commissioners.

Services of notices upon Commissioners.

104. 103. All actions to be brought against the Commissioners or against any person for anything done or purporting to have been done under this Act shall be commenced within one year after the act complained of was committed;

Actions against Commissioners or officers.

(II) No writ shall be sued out against, nor any copy of any process served upon, the Commissioners or any person for anything

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done or purporting to have been done by them or him under this Act, until notice in writing of such intended writ or process has been delivered to them or him, or left at the office of the Solicitor to the Commissioners, or at the usual place of abode of such person by the
 5 agent or attorney of the party who intends to cause the same to be sued out or served, at least one month before the suing out or serving the same.

(III) Such notice shall clearly and explicitly set forth the nature of the intended action and cause thereof, and on such notice
 10 shall be endorsed the name and place of abode of the party intending to bring such action, and the name and place of business of his attorney or agent;

(i) No action shall be commenced against the Commissioners or
 15 any person for anything done or purporting to have been done by them or him under this Act, until one month, at least, after a notice in writing of such intended action shall have been delivered to them or him, or left at their or his usual place of business, or at the office of the Solicitor for Railways, by the party intending to commence such action,
 20 or by his attorney or agent, in which said notice the cause of action and the Court in which the same is intended to be brought shall be clearly and explicitly stated, and upon the back thereof shall be indorsed the name and place of abode of the party so intending to sue, and also the name and place
 25 of abode or of business of the attorney or agent, if such notice shall have been served by such attorney or agent.

(ii) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the Judge, before whom the action is tried, shall be of opinion that the
 30 defendant in the action has been prejudiced in his defence by such defect or inaccuracy.

(iv) (iii) The defendant in every such action may plead the Defendant may plead general issue, and at the trial thereof give this Act and the special general issue. matter in evidence.

35 105- 104. If any person shall have committed any irregularity, trespass Tender of Amends. or other wrongful proceeding in the execution of this Act or by virtue Prin. Act s. 126. of any power or authority hereby given, and if before action brought in 8 Vic. c. 20 s. 139. respect thereof such person make tender of sufficient amends to the 8 Vic. c. 18 s. 135 person injured, such last mentioned person shall not recover in any such
 40 action; and if no such tender shall have been made, the defendant may, by leave of the Court where such action shall be pending, at any time before issue joined, pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

45 106- 105. Nothing in this Act shall prejudice or affect any officer or Saving of rights, &c. employé in the Railway or Tramway service who has been a contri- to officers and employés. butor to the Superannuation Account, in respect of his right to any compensation or retiring allowance under the provisions of the Civil Service or any other Act, or to any other rights privileges and im-
 50 munities thereunder.

107- 106. Upon the abolition of the office of Commissioner for Rail- Provision on abolition ways, the person holding that office at the time of such abolition shall of office of present be entitled to a retiring allowance equal to three-fourths of his salary Commissioner for Railways. as such Commissioner. But, in the event of the said Commissioner
 55 accepting any office of profit under the Crown, such retiring allowance shall merge, or be reduced *pro tanto* during his tenure of such office, according as the salary or emoluments of the same are greater or less than such retiring allowance.

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SCHEDULE A.

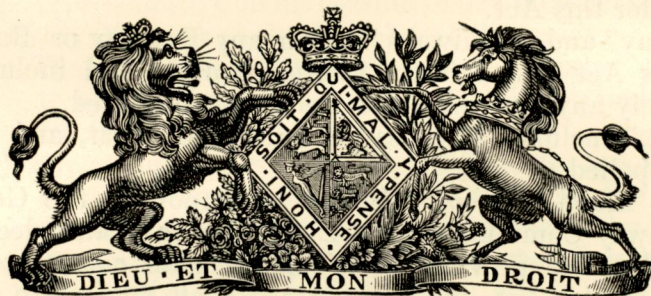
OFFICES entitling persons to free passes for life:—

- (i) The position of (a) head of an Administration or of Prime Minister, held for two years consecutively or in the aggregate; (b) The position of a Member of the Executive Council, so held for four years.
- 5 (ii) The office of—
- (a) Chief Justice, held for three years.
- (b) Lieutenant-Governor, held for one year.
- (c) President of the Legislative Council, held for one year.
- 10 (d) Speaker of the Legislative Assembly, held for one year.

[1s. 3d.]

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New South Wales.



ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XXXV.

An Act to make better provision for the management of the Government Railways and Tramways of New South Wales and for other purposes connected therewith. [Assented to, 17th May, 1888.]

WHEREAS it is desirable that the powers and duties appertaining to the management of the Government Railways and Tramways, and the conduct of the traffic thereon, as well as the control and regulation of the staff employed in connection therewith, together with certain other powers and duties, should be separated from those appertaining to the construction of Railways and Tramways, and be vested in and imposed on the Authority hereby created, but without prejudice to certain powers of construction, repair, and alteration to be vested in such Authority,—Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preamble.

PART I.

Preliminary Provisions.

1. This Act may be cited as the "Government Railways Act of 1888" and in its construction (unless the context requires a different meaning) the expression—

Short title and interpretation

"Commissioners," means the Railway Commissioners appointed under this Act, and "Commissioner," means one of such Commissioners.

A

"Governor,"

Government Railways.

“Governor,” means Governor with the advice of the Executive Council.

“Justice,” means any Justice of the Peace.

“Magistrate” means any Justice who is a Police or Stipendiary Magistrate or any Justice lawfully acting as his Deputy, or in his place.

“Minister,” means the Responsible Minister of the Crown for the time being administering this Act.

“Prescribed,” means prescribed by regulations or by-laws made under this Act.

“Railway” and “Railways,” mean any Railway or Railways by this Act vested in the Commissioners; and include respectively any Tramway and Tramways so vested.

“Vessel,” includes ship, barge, lighter and boat, and howsoever propelled.

Different days for portions of Act to come into force.

2. So much only of this Act as empowers the Governor to appoint Railway Commissioners for New South Wales, declares their tenure of office, and provides their salaries shall come into force on the passing of the Act. The whole Act shall come into force on a day to be proclaimed by the Governor and published in the *Gazette*. Provided that such day shall not be earlier than the sixtieth, nor later than the one hundred and twentieth, day after the passing of the Act. And such last-mentioned day shall for all purposes be deemed to be the “commencement of this Act.”

Abolition of office of Commissioner for Railways.

3. On the commencement of this Act the office of Commissioner for Railways and the Corporation Sole as constituted by that name pursuant to the Act hereinafter repealed shall be, respectively, abolished and dissolved.

Repeal of Acts, &c.

4. On the commencement of this Act the Acts twenty-second Victoria, number nineteen, and the Act thirty-seventh Victoria, number eighteen, shall be wholly repealed, but without prejudice to the past operation thereof, or to any rights accrued, offences committed, proceedings taken, or things done thereunder.

Divisions of Act.

5. The sections of this Act are arranged in the following order viz. :—

PART I.—*Preliminary Provisions.*—ss. 1 to 5. *The Railway Commissioners.*—ss. 6 to 21.

PART II.—*Powers, duties, &c. of the Railway Commissioners.*—ss. 22 to 50.

PART III.—*Investigation of Accidents.*—ss. 51 and 52.

PART IV.—*By-laws, &c.*—ss. 53 to 57.

PART V.—*Appointment, Promotion and Discipline in, and Regulation of, Railway Service.*—ss. 58 to 80.

PART VI.—*Miscellaneous Provisions, Penalties, Procedure, &c.*—ss. 81 to 107.

The Railway Commissioners.

Constitution of Commissioners.

6. The Authority to carry out this Act shall be three Commissioners who shall be a body corporate by the name “The Railway Commissioners of New South Wales;” and, by that name, shall have perpetual succession and a common seal, and be capable in law of suing and being sued, and, subject to the provisions hereinafter contained, shall have power to take, purchase, sell, lease and hold lands, tenements and hereditaments, goods, chattels and other property for the purposes of this Act. But no sale or lease of any such lands, except as provided in section forty-three, shall have any force or effect unless

Government Railways.

unless the same has been approved by the Governor. And all courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commissioners affixed to any document or notice, and shall presume that such seal was duly affixed.

7. (I) The Governor shall, as soon as conveniently practicable after the passing of this Act, appoint three persons to be "Railway Commissioners for New South Wales," who, subject to the provisions hereinafter contained, shall each hold office for a term of seven years. Appointment of Commissioners.

(II) On the occurrence of any vacancy in the office of a Commissioner the Governor shall appoint a person to the vacant office, whose term of office shall be for his predecessor's unexpired term of office. All persons appointed under the authority of this section shall, at the expiration of their respective terms of office, be eligible for reappointment for a like term of seven years.

(III) In case of the illness, suspension or absence of any Commissioner, the Governor may appoint some person to act as the deputy of such Commissioner during such illness, suspension or absence; and every person so appointed shall, while so acting, have all the powers, and perform all the duties of such Commissioner.

8. (I) A Commissioner may be removed for misbehaviour or incompetence;— Tenure of office of Commissioners.

(a) A Commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in Session and actually sitting, and when Parliament is not in Session or not actually sitting within seven days after the commencement of the next Session or sitting.

(b) A Commissioner suspended under this section shall be restored to office unless each House of Parliament shall within twenty-one days from the time when such statement shall have been laid before it declare by resolution that the said Commissioner ought to be removed from office, and if each House of Parliament shall within the said time so declare, the said Commissioner shall be removed by the Governor accordingly.

(II) A Commissioner shall be deemed to have vacated his office,— Office how otherwise vacated.

(a) If he shall engage, during his term of office, in any employment outside the duties of his office.

(b) If he shall become insolvent, or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, or shall compound with his creditors, or make an assignment of his salary for their benefit.

(c) If he shall absent himself from duty for a period of fourteen consecutive days except on leave granted by the Governor (which leave he is hereby authorized to grant), or shall become incapable of performing his duties.

(d) If he shall become in any way concerned or interested in any contract or agreement made by or on behalf of the Commissioners; or shall in anywise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

9. One of such three Commissioners shall be appointed by the Governor as Chief Commissioner; and, on the occurrence of any vacancy in the office of Chief Commissioner, the Governor shall appoint a person to fill that office. Chief Commissioner.

Government Railways.

Salaries of
Commissioners.

10. The Commissioners shall receive the following salaries, viz:—
 (I) The Chief Commissioner,—two thousand five hundred pounds per annum.
 (II) Each of the other Commissioners,—one thousand five hundred pounds per annum.

All such salaries are hereby charged on the Consolidated Revenue Fund; and such Fund, to the extent required for the payment of such salaries, is hereby permanently appropriated.

Quorum.

11. For the conduct of business any two Commissioners shall be a quorum, and, subject to the enactment next following, shall have all the powers and authorities by this Act vested in Commissioners.

Procedure on
difference of opinion.

12. If, at any meeting at which two Commissioners only are present, such Commissioners shall differ in opinion upon any matter, the determination of such matter shall be postponed until all the Commissioners are present.

Acts of Commis-
sioners not
invalidated by
vacancy.

13. No act or proceeding of the Commissioners shall be invalidated or prejudiced by reason only of the fact that, at the time when such proceeding or act was taken, done or commenced, there was a vacancy in the office of any one Commissioner.

Minutes of
Proceedings.

14. The Commissioners shall keep minutes of their proceedings in such manner and form as the Governor shall direct.

Commissioners to
appoint staff, &c.

15. (I) The Commissioners shall appoint or employ such clerks, officers and employés to assist in the execution of this Act as they think necessary; and every person so appointed shall hold office during pleasure only.

(II) The Commissioners may remove such clerks, officers or employés; and may discontinue the offices of, or appoint other persons in the room of such as may be removed, or may die, or resign, or be convicted of any felony, or become bankrupt, or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, or compound with their creditors, or make assignments of their salaries for the benefit of their creditors.

(III) The Commissioners shall pay such salaries, wages and allowance to such clerks, officers and employés respectively, as Parliament shall appropriate for that purpose.

(IV) All clerks, officers and employés in the employment of the Government, in the railway or tramway service at the time of the passing of this Act, shall be deemed to have been appointed by the Commissioners under this Act.

(V) No person appointed, or whose appointment has been confirmed, under this section, shall engage in any employment outside the duties of his office.

(VI) Nothing in this section shall apply to the present Engineer-in-Chief for Railways, or Solicitor for Railways; but the said Solicitor for Railways shall be Solicitor for Railways under this Act.

Government
railways &c. vested
in Commissioners.

16. For the purposes of this Act there shall be vested absolutely in the Commissioners, and, in respect of land, for an estate in fee simple—

- (I) All railways and tramways, and all rolling-stock heretofore constructed or acquired by or on behalf of Her Majesty, pursuant to any Act in force for the time being authorizing the construction of railways, rolling stock, or tramways,—and all railways and tramways hereafter to be so constructed or acquired, upon transfer of the same to such Commissioners in the prescribed manner.
 (II) All piers, wharves, jetties, stations, yards and buildings connected or used in connection with such railways, tramways and rolling-stock, being on Crown Land or land acquired for or on behalf of Her Majesty respectively.

(III)

Government Railways.

- (III) The land, being Crown Land or land acquired or which may be acquired for or on behalf of Her Majesty over or upon which, such piers, wharves, jetties, stations, yards and buildings have been, or may hereafter be constructed or erected.
- (IV) The Crown Land or land acquired for or on behalf of Her Majesty included within the boundary fences of all such railways or tramways.
- (V) All land outside such fences acquired by or on behalf of Her Majesty, under any Act authorizing the taking or acquiring of land for railway or tramway purposes.
- (VI) All Crown and other lands taken under the authority of any Act authorizing the taking of land for railway or tramway purposes.
- (VII) All telegraph posts erected on any lands by this Act vested in the Commissioners, which posts at the passing of this Act were under the control of the Commissioner for Railways or any person for or on behalf of Her Majesty, and all wires, instruments and other telegraphic or telephonic apparatus used in connection with the railways or tramways so vested as aforesaid.

17. No rates, tax or assessment shall be made, charged or levied upon any railway, or upon any pier, wharf, jetty, station, yard, building, works or other property vested in the Commissioners. Railway property not subject to rates &c.

18. (I) All purchases, sales, conveyances, grants, assurances, deeds, securities, contracts, bonds and agreements entered into, made or given before the passing of this Act by or to any Corporation or person, in connection with the railways, or with the piers, wharfs, jetties, stations, yards, buildings, lands or rolling-stock by this Act vested in the Commissioners, shall be as binding and of as full force and effect respectively, against or in favour of the Commissioners, and may be enforced as fully and effectually as if, instead of such Corporation or person as aforesaid, the Commissioners had been parties thereto. Commissioners substituted with reference to rights, liabilities, &c.

(II) All powers conferred upon such Corporation or person, and all matters or things done or to be done, and all rights and privileges accrued or accruing, shall be exercised, enforced, and enjoyed by the Commissioners in the same way as such Corporation or person might have exercised, enforced, or enjoyed the same but for the passing of this Act,—and with respect thereto the Commissioners shall be substituted for such Corporation or person.

(III) Any penalty, forfeiture or other punishment incurred or to be incurred for any offence committed against such Corporation or person, in respect of the railways, or in respect of any such piers, wharfs, jetties, stations, yards, buildings, lands or rolling-stock before the passing of this Act, may be enforced and recovered by or on behalf of the Commissioners in the same way as such Corporation or person might have enforced and recovered the same, if this Act had not been passed.

19. All moneys appropriated by Parliament for the maintenance or management of the railways by this Act vested in the Commissioners, and for all purposes in connection therewith, shall be expended under the control and management of the Commissioners. Expenditure of money appropriated by Parliament.

20. All moneys payable to the Commissioners, under this or any other Act, shall be collected and received by them on account of, and shall be paid into, the Consolidated Revenue; and the provisions of the "Audit Act of 1870," and of any other Act relating to the collection and payment of public moneys and the audit of the public account, shall, save as in this Act otherwise expressly provided, apply to the Commissioners and to all officers and employes under this Act. Audit Act to apply to Commissioners.

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Provision as to proceedings &c. already commenced.

21. (I) No action, suit, prosecution or other proceeding whatsoever, commenced before the passing of this Act, by or against such Corporation or person as aforesaid, shall abate or be discontinued or be prejudicially affected by this Act, but the same shall continue and take effect in favour of or against the Commissioners appointed under this Act (as the case may be).

(II) All judgments, decrees or orders made in favour of or against such Corporation or person, and all fines and penalties imposed or incurred under any Act hereby repealed, shall be respectively enforced, levied, proceeded for and recovered by, against, with reference to, and in the name of, the Commissioners so appointed, the same as they might have been enforced, levied, proceeded for, and recovered by, against, with reference to, and in the name of such Corporation or person, if this Act had not been passed.

PART II.

Powers, duties, &c., of the Railway Commissioners.

Duties of Commissioners in respect to the railways, &c.

22. It shall be the duty of the Commissioners to maintain the railways and all works in connection therewith in a state of efficiency, and to carry persons, animals, and goods without negligence or delay; and in respect of the carriage of persons, animals, and goods, the Commissioners shall be common carriers.

Other duties and powers of Commissioners.

23. (I) The Commissioners shall at all times cause to be made a careful inspection of the condition of the railways under their control.

(II) Whenever it shall appear to the Commissioners 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, 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 them is necessary, they shall undertake, execute, and carry out any of the works aforesaid so far as may be required for such purpose.

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

Commissioners not to give undue preferences, &c.

24. The Commissioners shall not afford or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or to any particular description of traffic, in any respect whatsoever; nor shall they subject any particular person, company, firm, corporation, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Special tolls, &c.

25. Notwithstanding anything in this Act contained, the Commissioners may frame a special scale of tolls or charges for the conveyance of specific classes of produce or merchandize. Provided that the same charges shall apply alike to all corporations, companies, associations and persons using the railways.

Commissioners to afford all reasonable facilities for interchange of traffic, &c.

26. Subject to the provisions of this Act the Commissioners shall afford all reasonable, proper, and equal facilities for the interchange of traffic between the respective lines of railway vested in them; and for the receiving, forwarding, and delivery of passengers and goods to and from such lines.

Government Railways.

27. Each of the persons hereinafter mentioned shall be entitled ^{Issue of free passes.} to receive from the Commissioners, and to hold and use, a free pass which shall authorize the holder to travel free on all railways vested in the Commissioners, but which shall in no case be transferable; viz.:—

(I) Every Member of the Legislative Council.

(a) Every pass issued to a Member of such Council shall be issued in the name of the person entitled to the same.

(b) Every such pass shall be forthwith returned to the Commissioners by the holder thereof or his agent or personal representative on his ceasing to be a member of such Council.

(II) Every Member of the Legislative Assembly.

(a) The free pass to be issued to such Member shall be issued to him in the name of the electorate which he has been elected to represent.

(b) Every such pass shall be returned to the Commissioners by the Member holding the same if the seat of such Member shall have been rendered vacant by his resignation or other act having the effect of vacating his seat in the Legislative Assembly under the law in force for the time being so soon as his successor shall have been elected.

(c) The passes issued by the Governments of other Colonies to members of the respective Parliaments of those Colonies shall be recognized and held to admit the holders thereof to travel upon the railways of New South Wales.

(d) Any free pass granted for life or for any fixed period at the time of the passing of this Act, shall not be affected by these provisions.

(III) Officers of Parliament.

(a) The Commissioners shall have power, with the approval of the Governor, to issue from time to time, on application, passes, available for a period not exceeding one calendar month, to such Officers of Parliament as have been heretofore accorded that privilege.

(IV) Every person who has held any of the offices enumerated in Schedule A hereto, and whether before or after, or partly before and partly after the commencement of this Act.

(a) Every such pass shall be issued in the name of the person entitled and shall be available during the term of his life, and shall bear on the face of it the name in full of the person to whom it is granted.

(v) Any person of distinction visiting the Colony or officially engaged in some public duty which renders it necessary for him to travel by railway, or who may have rendered some important public service to the Colony.

(a) No such pass shall be issued for a period exceeding one calendar month.

(VI) Every free pass issued under this section shall, in respect to the holder of such pass, and his personal representatives, be accompanied by, and entail, the like rights, remedies, obligations, and liabilities (except in respect of the payment of money therefor) as if the said pass had been a ticket issued to such holder for a money consideration.

28. The Commissioners shall be the authority to decide on the position character and suitableness of all stations, station platforms, gate-houses, station-yards, sheds, piers, wharves, jetties required for or in connection with any railway hereafter to be constructed, and although such railway may not be constructed by them, or of any other building, siding, platform or work for the accommodation of the passengers stock or goods to be carried on such railway. ^{Powers of Commissioners over lines in construction.}

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Commissioners to
prepare estimate of
traffic.

29. Before the second reading in the Legislative Assembly of any bill authorizing the construction of new lines of railway, the Commissioners shall transmit to the Minister a statement under their seal showing their estimate of the traffic on each proposed new line, and any other returns likely to be derived therefrom, and the Minister shall before such second reading lay the same upon the table of the Assembly.

Commissioners to
employ locomotive
power, carriages, &c.

May demand toll.
Tolls to be charged
equally under like
circumstances.

Prin. Act s. 100.
8 Vic. c. 20 s. 86.

30. The Commissioners may use locomotive engines and other motive or tractive power, and draw or propel thereby carriages and waggons and may carry and convey upon the railways all such passengers and goods as shall be offered for that purpose, and may demand reasonable tolls and charges in respect thereof. Subject to the provisions of this Act, all such tolls shall, at all times, be charged equally to all persons, and after the same rate, whether per ton, per mile or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing over the same portion of the line of railway and under the same circumstances; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the Railway.

Tolls to be paid as
directed.

Prin. Act s. 104.
8 Vic. c. 20 s. 96.

31. The tolls shall be paid to such persons, and at such places, upon or near to the railways, and in such manner, and under such regulations as the Commissioners shall appoint.

In default of pay-
ment of tolls, goods,
&c. may be detained
and sold.

Prin. Act s. 105.
8 Vic. c. 20 s. 97.

32. If, on demand, any person fail to pay the tolls due in respect of any carriage or goods, the Commissioners may;—

(I) Detain and sell such carriage, or all or any part of such goods;

(II) If the same shall have been removed from the railway premises, detain and sell any other carriages or goods within such premises belonging to the person liable to pay such tolls;

And, in either case, out of the moneys arising from the sale, retain the tolls payable as aforesaid, and all charges and expenses of such détention and sale, rendering the surplus (if any), of the moneys arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto,

(III) Recover any such tolls by action at law.

Account of lading
&c. to be given.

Prin. Act s. 106.
8 Vic. c. 20 s. 98.

33. Every person being the owner or having the care of any carriage or goods passing or being upon any Railway, shall on demand, give to the collector of tolls, at the places where he attends, for the purpose of receiving goods or of collecting tolls, for the part of the Railway on which such carriage or goods may have travelled or be about to travel, an exact account in writing signed by him of;

(I) The number or quantity of goods conveyed by any such carriage,

(II) The point on the Railway from which such carriage or goods have set out or are about to set out,

(III) At what point the same are intended to be unloaded or taken off the Railway,

(IV) If the goods, conveyed by any such carriage or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

Penalty for not
giving account, &c.
Prin. Act s. 107
8 Vic. c. 20 s. 99.

34. If any such owner, or person as in the last preceding section mentioned in contravention of the requirements thereof—

(I) Fail to give an account;

(II) Fail to produce his way-bill or bill of lading to such collector, or other officer or servant of the Commissioners, demanding the same;

(III) Give a false account;

(IV)

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- (iv) Unload or take off any part of his lading 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;

He shall for every such offence forfeit to the Commissioners a sum not exceeding ten pounds for every ton of goods, or for any parcel not exceeding one hundredweight, and so in proportion for any less quantity of goods than one ton, or for any parcel exceeding one hundredweight (as the case may be), which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

35. If any dispute arise—

- (i) Concerning the amount of the tolls due to the Commissioners,
(ii) Concerning the charges, occasioned by any detention or sale thereof under the provisions herein contained,—

Disputes as to
amount of tolls
chargeable.
Prin. Act s. 108.
8 Vic. c. 20 s. 100.

the same shall be settled by a Magistrate or two Justices, and the Commissioners may, in the meanwhile, detain the goods or retain the proceeds of the sale thereof.

36. If any difference arise between any toll collector or other officer or servant of the Commissioners and any owner of or person having the charge of any carriage passing or being upon any Railway, or any goods conveyed or to be conveyed by such carriage,—respecting the weight, quantity, quality or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge or otherwise measure the same;
If upon such measuring or examination,

Differences as to
weights &c.
Prin. Act s. 109.
8 Vic. c. 20 s. 101.

- (i) Such goods appear to be of greater weight or quantity, or of other nature than shall have been stated in the account given thereof, the person, who shall have given such account shall pay, and the owner of such carriage or the respective owners of such goods shall also, at the option of the Commissioners, be liable to pay, the costs of such measuring and examining.
(ii) If such goods appear to be of the same or less weight or quantity than, but of the same nature as, shall have been stated in such account, the Commissioners shall pay such costs, and they shall also pay to such owner of or person having charge of such carriage, and to the respective owners of such goods such damage (if any) as shall appear to any Magistrate or two Justices, on a summary application to him or them for that purpose, to have arisen from such detention.

37. If at any time it be made to appear to any Magistrate or two Justices, upon the complaint of the Commissioners, that any such detention, measuring or examining of any carriage or goods, as hereinbefore mentioned was—without reasonable ground; or was vexatious on the part of such collector or other officer; such collector or officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or damage, the same may be recovered by distress of the goods of such collector, and such Magistrate or Justices shall issue his or their warrant accordingly.

Toll collector to be
liable for wrongful
detention of goods.
Prin. Act s. 110.
8 Vic. c. 20 s. 102.

38. If any person

- (i) Travel or attempt to travel in any carriage employed on any Railway without having previously paid his fare, and with intent to avoid payment thereof, or
(ii) Having paid his fare for a certain distance, 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, or

Penalty on passen-
gers practising frauds
on the Commis-
sioners.
Prin. Act s. 111.
8 Vic. c. 20 s. 103.

(iii)

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(III) Knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage ;

(IV) Knowingly and wilfully travel, or attempt to travel in any carriage, of a superior class to that which his ticket entitles him to use, with intent to avoid payment of the additional fare;

Every such person shall, for every such offence, forfeit to the Commissioners a sum not exceeding forty shillings.

Detention of offenders.

Prin. Act s. 112.
8 Vic. c. 20 s. 104.

39. If any person be discovered either in the act of or after committing or of attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the Commissioners, and all constables, gaolers and peace officers may lawfully apprehend and detain such person until he can conveniently be taken before some Justice, or until he be otherwise discharged in due course of law.

Bringing dangerous goods on the Railway.

Prin. Act s. 113.
8 Vic. c. 20 s. 105.

40. (I) No person shall be entitled to carry, or to require the Commissioners to carry, upon any Railway, any aqua-fortis, oil of vitriol, gunpowder, lucifer matches or any goods whatsoever which, in the judgment of the Commissioners or their officers, may be of a dangerous nature.

(II) If any person send by any Railway any such goods, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing, at the time of sending the same, to the bookkeeper or other servant of the Commissioners, with whom the same are left, he shall forfeit to the Commissioners a sum not exceeding fifty pounds for every such offence.

(III) The Commissioners may refuse to take any parcel which 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.

41. The Commissioners may—

Depôts for receipt and delivery of parcels,

and may contract for loading or unloading goods.

(I) Appoint places as depôts for the receipt and delivery of parcels or passengers' luggage to be forwarded to or received from any railway ;

(II) Contract with any person for the carriage of such parcels, or of passengers' luggage to and from any railway station or depôt ;

(III) Instead of loading or unloading goods on or from any truck, shed or vessel by temporary day labour, invite public tenders on such terms and conditions as they think fit for the performance of such work, for a period not exceeding one year ; and shall have power to accept the lowest eligible tender, or invite fresh tenders, and may make a contract with the person whose tender is accepted.

Commissioners to requisition for rolling-stock &c.

42. The Commissioners may apply in writing to the Minister for additional stores, plant, material, rolling-stock, stations, sheds and other accommodation which, in the opinion of the Commissioners, may be required to enable them to meet the traffic requirements, or ensure the efficient working of the railways.

Commissioners may lease refreshment-rooms, &c.

43. The Commissioners may lease any refreshment-room, shed, office, shop, stall, coal gears, sites for storage or for erecting sheds, right of entrance into any station by any public vehicle, right of advertising, or other convenience or appurtenance to any of the railways, for any term not exceeding five years on such conditions and at such rent as they may determine.

Commissioners' quarterly report to Minister.

44. In the first month in each quarter of every year the Commissioners shall report in writing to the Minister—

(I) The state of the traffic returns, with the approximate cost and earnings of trains per ton, per train mile, in respect of goods and passengers respectively, carried during the past quarter ;

(II)

Government Railways.

- (II) The general condition of the lines and accommodation for the traffic ;
- (III) The special rates, if any, which have been made, and the reasons for making such rates ;
- (IV) The appointments and removals of employés with the circumstances attending each case ;

Such reports shall be laid before Parliament, if Parliament be in Session, and if not, then within seven days after the commencement of the Session next ensuing.

45. The Commissioners shall prepare—

- (I) An annual report of their proceedings, and an account of all moneys received and expended during the preceding year. Such annual report shall be laid before both Houses of Parliament in the month of January in each year if Parliament be then sitting, otherwise, within one month after the commencement of the Session next ensuing.
- (II) Estimates, in such form as the Governor may direct, of receipts and expenditure for each period of twelve months ending on the thirtieth day of June in each and every year.

Commissioners' annual report to Parliament.

46. The several lines of telegraphic communication belonging to the Commissioners or which are worked under the direction, or on behalf of the Commissioners, may be used by them—

Working of the telegraphs vested in the Commissioners.

- (I) For the transmission of messages in relation to the working of the railways ;
- (II) So far as is consistent with the due and efficient working of the railways, for the transmission of messages by the public.

All such messages as last aforesaid shall be transmitted by the officers and employés on behalf of the Commissioners, as agents of the Postmaster-General; and there shall be demanded and received, in respect of such last-mentioned messages, such fees, rates and dues as may for the time being be lawfully demanded or received by the Postmaster-General, in respect of lines of telegraphic communication under his control; and, save as aforesaid, the Commissioners shall not transmit or permit the transmission of messages on behalf of the public through their wires. The sum to be paid by the Postmaster-General to the Commissioners for the transmission of messages as aforesaid, may be either a lump sum or a percentage on the gross sum received by the Postmaster-General from the Commissioners, in respect of such transmission, or may be determined in such other way as may be agreed upon between the Postmaster-General and the Commissioners.

47. (I) The Commissioners in their corporate name may contract for the execution of any work authorized by this or any other Act to be executed by them, or for furnishing materials or labour, or for providing locomotive engines or other motive or tractive power, or for any other matters and things whatsoever, necessary for enabling them to carry the purposes of such Act into full effect, in such manner and upon such terms for such sum and under such stipulations, conditions and restrictions as the Commissioners think proper.

Commissioners may make contracts, &c.

(II) Every such contract shall be in writing, and shall specify the work to be done, the materials 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 materials to be furnished, and the penalties to be suffered in case of non-performance thereof; and every such contract may, if the Commissioners think fit, 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 material furnished, and the mode of determining any dispute which may arise concerning, or in consequence of, such contract.

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Power for Commissioners and Postmaster-General to make contracts.

48. The Commissioners and the Postmaster-General may enter into, alter and rescind contracts and agreements, with respect to the receipt, carriage and conveyance of letters, newspapers, parcels and newspapers, and or with respect to any other matter or thing in relation to the postal service; also, with respect to the working of any of the lines of telegraphic communication of the Postmaster-General by the Commissioners; and generally with respect to telegraphs and the transmission of telegraphic messages.

How differences to be determined.

49. In case any difference shall arise between the Commissioners and the Postmaster-General, with regard to the terms and conditions on which any contract or agreement should be made or otherwise in relation thereto, the same shall be determined by the Governor.

Commissioners may compound for breach of contracts.

50. The Commissioners, at a meeting specially called for that purpose, may compound and agree with any person who has entered into any contract in pursuance of or under the authority of this Act, or against whom any action or suit is brought for any penalty contained in any such contract, or in any bond, or other security for the performance thereof, or for or on account of any breach or non-performance of any such contract, bond or security, for such sum of money or other consideration as the Commissioners think proper.

PART III.

Investigation of Accidents.

Accidents to be reported to the Minister.

34 and 35 Vic. c. 78 s. 6.

51. Whenever, upon or about any railway, or any works, building or place of any kind whatsoever, used or connected with any railway, any such accident as hereinafter specified takes place in the course of working such railway viz.:—

- (a) Any accident attended with loss of life or personal injury to any person—
- (b) Any collision where one of the trains is a passenger train—
- (c) Any passenger train or portion thereof accidentally leaving the rails—
- (d) Any accident of a kind not comprised in the foregoing descriptions, but which has caused or might have caused loss of life or personal injury—

The Commissioners shall—

- (I) Cause the earliest information by telegraph, post or otherwise to be forwarded to the Minister.
- (II) Appoint such officer or officers as they may think fit to hold an inquiry into the matter.
- (III) As soon as practicable after such inquiry, send to the Minister full information of the accident and the report of such officers.

Governor may direct formal investigation. *Ib.* s. 7.

52. Where it appears to the Minister, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, he shall notify the same to the Governor, and the Governor may, by order, direct such investigation to be held; and with respect to such investigation the following provisions shall have effect:—

Persons by whom the inquiry is to be held.

- (I) The Governor may, by the same or any subsequent order, direct a District Court judge, magistrate, or other person or persons, named in the same or any subsequent order, to hold such investigation with the assistance of the assessors named in the order;

(II)

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- (II) The person or persons holding any such formal investigation (hereinafter referred to as the Court) shall hold the same in open Court, in such manner, and under such conditions as he or they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling him or them to make the report in this section mentioned ; Inquiry to be held in open Court.
- (III) The Court shall, for the purposes of such investigation, have all the powers of a Court of Petty Sessions acting in the exercise of its ordinary jurisdiction, and, Powers of persons conducting inquiry.
- (a) May enter and inspect any place or building, the entry and inspection whereof appears to such Court requisite for the said purpose. May personally inspect.
- (b) May by summons under their hand require the attendance of all such persons as the Court thinks fit to call, and examine the same, and may require answers or returns to such inquiries as the Court thinks fit to make. Call witnesses, &c.
- (c) May require and enforce the production of all books, papers and documents which the Court considers important. Call for production of books, &c.
- (d) May administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination. Administer oaths.
- (e) Every person so summoned, not being a person engaged in the Railway service or otherwise connected with it, shall be allowed such expenses as would be allowed to a witness attending on subpœna before the Supreme Court ; and in case of dispute as to the amount to be allowed, the same shall be referred by the Court to the Prothonotary of the Supreme Court, who, on request by the Court, shall ascertain and certify the proper amount of such expenses. Expenses of witnesses.
- (IV) No answers or declarations of any person examined under this section shall be admissible in evidence in any proceeding against such person other than a prosecution for perjury, or for giving or making false answers or declarations.
- (v) The Court, after holding an investigation concerning any accident, shall make a report to the Governor stating the causes of the accident, and all the circumstances attending the same, and any observations thereon, or on the evidence, or on any matters arising out of the investigation, which the Court thinks right to make. Persons holding inquiry to make report to Governor.

PART IV.

By-Laws, &c.

53. The Commissioners may make by-laws for all or any of the subjects or matters hereinafter mentioned, and may impose penalties not exceeding twenty pounds, upon any person committing a breach of any of such by-laws— By-laws may be made.

- (i) For fixing the amount of fares for the conveyance of passengers, and the charges for the carriage of animals, goods and parcels, and the circumstances and conditions under which the Commissioners will make special rates for the carriage of goods in quantities ;

(II)

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- (II) For preventing the commission of any nuisance in or upon the carriages, or in any of the stations, buildings, piers, wharves or jetties vested in the Commissioners;
- (III) For preventing the emptying of sewage or drainage on to any of the railways, or on to any lands, stations, buildings, piers, wharves or jetties vested in the Commissioners;
- (IV) For regulating the exercise of the several powers vested in any pier-master, wharfinger or berthing master;
- (V) For regulating the admission of vessels to any pier, wharf or jetty hereinbefore mentioned, and their removal from the same, and for the good order and government of such vessels, whilst at such pier, wharf or jetty;
- (VI) For regulating the use of any such pier, wharf or jetty;
- (VII) For regulating the shipping, unshipping, landing, warehousing, stowing, depositing and removing of all goods from or at any such station, building, pier, wharf or jetty;
- (VIII) For regulating the conduct of all persons (not being any officer of the Marine Board, or of the Department of Harbours and Rivers, or of the Customs), while upon or in any such station, building, pier, wharf or jetty, or while employed at or near the same;
- (IX) For regulating, subject to the approval of the Marine Board, the use of fires and lights within or on board any vessel being at any such pier, wharf or jetty;
- (X) For preventing damage or injury to any vessel or goods at any such station, building, pier, wharf or jetty;
- (XI) For regulating the duties and conduct of porters, cabmen, carmen, draymen and carriers (not being employes of the Commissioners), employed at any such station, building, pier, wharf or jetty, and fixing the charges to be paid to them for carrying any passengers, goods, articles or things from or to the same;
- (XII) For fixing the amount of tolls to be paid by any vessel using any such pier, wharf or jetty, or any crane, the property of the Commissioners; and for fixing the amount of tolls to be paid on goods brought to or taken from any vessel using any such pier, wharf or jetty, by lighter or other vessel;
- (XIII) For fixing the amount of tolls upon animals and goods received or delivered upon or from any such pier, wharf or jetty;
- (XIV) For regulating generally the travelling or traffic upon, or using or working of the railways, and of the stations, buildings, piers, wharves and jetties hereinbefore mentioned; and for the good government and maintenance of order thereon;
- (XV) For specially regulating the conduct of the traffic during any reconstruction or repair of any railway or tramway;
- (XVI) For regulating the terms and conditions upon which special trains will be run;
- (XVII) For regulating the admission of the public to any of the railways, and to any of the stations, buildings, piers, wharves or jetties, hereinbefore mentioned; and for fixing a charge therefor, or for dispensing with the same on certain days or for certain times;
- (XVIII) For regulating the use of stamps as pre-payment upon parcels;
- (XIX) For regulating the sale of tickets at places, other than railway stations, and the conditions under which such tickets shall be sold;

(xx)

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- (xx) For fixing demurrage charges, where goods are to be loaded into or discharged from trucks by owners, consignors or consignees ;
- (xxi) For fixing the charges for warehousing goods, and the charges to be paid in respect of parcels and luggage left for transit or for care or custody, and the conditions upon which they respectively will be received ;
- (xxii) For regulating the disposal of unclaimed goods ;
- (xxiii) For imposing conditions upon which passengers luggage will be carried ;
- (xxiv) For preventing or regulating bathing or fishing in, or shooting over or upon, any reservoir or tank connected with any of the railways ;
- (xxv) For regulating the carriage of corpses, and for prohibiting the carriage or conveyance of the bodies of persons who have died from any contagious disease ;
- (xxvi) For prohibiting the carriage or conveyance of diseased animals, and preventing them from coming upon any station or premises ;
- (xxvii) For preventing damage or injury to railway stations, buildings, piers, wharves, jetties, premises, carriages, gates, fences or any property whatever ;
- (xxviii) For the issue of free passes on the railways ;
- (xxix) For regulating public or private traffic across any of the said railways, on the level thereof, and for preventing animals from trespassing on any of the railways ;
- (xxx) For altering or repealing any by-laws made heretofore with regard to the railways ;
- (xxxi) For regulating the manner in which public notices shall be advertised, and generally with regard to advertising in newspapers and elsewhere ;
- (xxxii) For facilitating and regulating the insurance of persons, travelling on the lines of railway, by any Accident Insurance Company now or hereafter to be formed.

54. (I) No such by-law shall have any force or effect unless the same has been approved by the Governor, and has been published for at least three clear days in the *Gazette*. By-law of Commissioners to be approved by Governor.

(II) The Commissioners shall cause the substance of such by-laws, and a list of any tolls, fares and charges from time to time imposed thereby, to be painted upon or to be printed and affixed to boards in large and legible characters, and shall cause such boards to be exhibited in some conspicuous place in or on every station, pier, jetty, wharf or other place where such tolls, fares or charges, or any of them are payable, and according to the nature and character of such by-laws respectively, so as to give public notice thereof; and shall cause every such board from time to time to be renewed, if destroyed or defaced. By-laws to be published.

55. The exhibiting on boards of the substance of such by-laws, and lists of tolls, fares and charges, shall be deemed to have been complied with, if it be proved that, at the time of any alleged breach, a board was exhibited in accordance with the provisions of the next preceding section, at the station, pier, wharf, jetty or other place where tolls, fares or charges were payable, nearest to the place where such breach took place. The production of the *Gazette*, containing such by-law shall be *prima facie* evidence that such by-law has been duly made and confirmed, and that it is still in force. Evidence of publication.

56. The rules, regulations and by-laws in force at the passing of this Act in respect of the Government Railways and Tramways shall be read and construed as if the Authority therein named had been therein Certain rules, regulations, and by-laws to remain in force.

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therein expressed to be "the Commissioners" appointed under this Act. Such rules, regulations and by-laws shall be deemed to have been made under the authority of this Act, and shall be and continue to be in full force and effect until altered or repealed by rules, regulations or by-laws made under the authority of this Act.

Summary interference in certain cases of breach of by-law.

57. When the breach of any by-law would be attended with danger or annoyance to the public, or hindrance to any of the employés in the lawful use of any of the railways, or of any pier, wharf, jetty, station, yard or building, such employés or any of them may summarily interfere to obviate or remove such danger, annoyance or hindrance, and that without prejudice to any penalty incurred by the breach of such by-law.

PART V.

Appointment, Promotion, and Discipline in, and Regulation of, Railway Service.

Governor to appoint Examiners.

58. The Governor may appoint for each branch of the Railway Service competent persons, to be Examiners of candidates for permanent employment in such branch and of employés who are candidates for promotion to the higher grades in such service. Provided that such Examiners shall not hold office longer than three years from the date of appointment, but shall be eligible for reappointment.

Notice of examination for permanent employment.

59. Whenever the Commissioners require additional permanent officers, they shall give public notice thereof three times in a Sydney daily paper, which shall state the qualifications required and the branches for which such additional officers are required, and shall also state the time and place of examination. The Commissioners shall so arrange the times and places when and where candidates are to comply with the conditions of employment provided in this Act, and to undergo examination, that persons residing in country districts shall have reasonable facilities for being examined in the district in which they reside.

Permanent employment and appointment of supernumeraries.

60. All persons employed in the Railway Service except supernumeraries shall be deemed to be employed in a permanent office. No person shall be employed in the Railway service as a supernumerary for a longer period in all than six months in any one year except persons employed as day labourers; and no person who has been so employed shall be again employed as a supernumerary until a period of six months has elapsed from the termination of the period during which he was so employed. The Commissioners shall cause to be kept a special record of all appointments of supernumeraries, and of the circumstances under which their services were deemed necessary, of the periods during which they were respectively employed, and of the payments received by them respectively; and a copy of such record shall be sent to the Minister at the end of every three months.

Certificate.

61. No person shall be appointed as an additional permanent officer who has not obtained a certificate of fitness from the Examiners (which they are hereby empowered to issue).

Order of precedence for appointment how determined.

62. If a greater number of candidates than are required by the Commissioners for appointment obtain certificates from the Examiners, the Commissioners shall appoint as many persons as are required, in such grades and to such situation as they may consider best. The persons in excess of the number required by the Commissioners shall be eligible for appointment for a period of twelve months then next ensuing from the date of such determination without further examination.

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63. All appointments shall be made to the lowest grade in each of the various branches of the Railway service and on probation only for a period of six months. After the period of such probation, and upon production of a certificate of fitness from the officer at the head of the branch in which such probationer was employed, and upon proof to the satisfaction of the Commissioners that all the provisions of this Act have been complied with, such appointments may be confirmed by the Commissioners. The Commissioners shall, notwithstanding, have the power to appoint to any position or grade, if they think fit, without examination as aforesaid, persons of known ability not engaged in the Railway service. No such appointment shall be made unless the Commissioners shall have previously certified under their seal to the Governor that there is no person in the Railway service fit and qualified to be promoted to such appointment, and shall have obtained his sanction to such appointment.

Appointments how to be made.

64. No probationer's appointment shall be confirmed until he has effected, in some life insurance company carrying on business in this Colony, an insurance on his life providing for the payment of a sum of money at his death, should it occur before the age of retirement from the Railway service; or, if he survive until that age, of a sum of money or annuity on the date of such retirement. Such insurance shall be continued, and the amount thereof fixed and increased, from time to time, in the prescribed manner, and no policy of insurance so effected shall, during the time such person remains in the Railway service, be assignable either at law or in equity.

Appointee to effect an insurance on his life.

65. When any vacancy occurs in any branch of the Railway service not open for competitive examination as hereinafter provided, it shall be filled, if possible, by the promotion of some officer next in rank, position or grade, to the vacant office; and no such officer shall be passed over unless the head of his branch, in writing, so advise the Commissioners. No officer shall be passed over without being allowed to show cause, in the prescribed manner, to the Commissioners, whose decision upon the matter shall be final.

How promotions made.

66. Whenever promotions to the higher grades of the Railway service are to be made, the Commissioners shall cause competitive examinations to be held by the Examiners; and the names of the candidates who have satisfied the Examiners that they possess the necessary qualifications shall be registered by the Commissioners, in a book kept for that purpose, in the order of their merit. And no promotions to the offices open to competitive examination shall be made except from the persons whose names are so registered, and in the order of such registration, taking the name first registered and following in regular order.

Competitive examinations.

67. The officer at the head of any branch of the Railway service may, if he thinks fit, certify that in his opinion any officer in his branch is entitled to a gratuity or to a payment for overtime work; but no gratuity or payment for overtime work shall be paid upon such certificate without the authority of the Commissioners.

Gratuities and overtime payments.

68. The officer at the head of each branch of the Railway service shall, in the prescribed manner, have the power with respect to any employé in his branch who has been guilty of misconduct or of breaking any rule, by-law, or regulation of the Railway service—

Power to fine or reduce in rank any employé.

(I) To suspend him;

(II) To fine him in a sum not exceeding five pounds;

(III) To reduce him in rank, position or grade, and pay;

But every such employé shall have the right of appeal to the Commissioners.

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Employés guilty of misconduct how dealt with.

69. Any officer in charge of a railway station may temporarily suspend at such station any employé of inferior rank, position or grade to his own, until the officer at the head of such employé's branch has dealt with the suspension of such employé. Any charge brought against any employé, for the breach of any rule, by law or regulation, or for misconduct, may be investigated and dealt with by the Commissioners, who may suspend such employé; or, if he have been already suspended, may further suspend him for a period not exceeding six months, without salary or wages, or may inflict a fine to be deducted from his pay, or may dismiss him; and their decision shall be final.

Employes not subject to dismissal for refusing to work on Sunday.

70. No officer or employé under the Commissioners shall be liable to dismissal or any disability for refusing, on conscientious grounds, to work on any Sunday except in cases of necessity. Such officer or employé to be subject to a proportionate reduction in his salary or wages on account of such refusal, provided always that such provision shall not apply to any officer or employé whose duties do not require him to work on Sunday.

Commissioners to hear appeals.

71. The three Commissioners shall hear, and a majority of such Commissioners shall determine, any appeal made by an employé against the adoption or confirmation of the advice or decision of the officer at the head of his branch, with regard to his right to promotion, or with respect to any charge made against such employé, or with respect to any penalty imposed by such officer; and may confirm or modify such decision, or make such order as they think fit; and their decision shall be final. Every such appeal shall be heard within thirty days from the date of the appeal being lodged with the Commissioners.

Forfeiture of office in certain cases.

72. If any officer or employé be convicted of any felony or infamous offence, or become insolvent, or apply to take the benefit of any Act now or hereafter to be in force for the relief of insolvent debtors, or, by any deed or other writing, compound with his creditors, make an assignment of his salary for their benefit, he shall be deemed to have vacated his office.

Commissioners may reinstate insolvent officer in the absence of fraud.

73. When any such officer or employé has vacated his office by reason of any such pecuniary embarrassment as aforesaid, if he prove to the satisfaction of the Commissioners that such embarrassment has not been caused or attended by any fraud, extravagance or dishonorable conduct, they may reinstate such officer or employé in his former, or any other inferior, position in the Railway service.

Record of particulars of Railway service to be kept.

74. The Commissioners shall

- (I) Keep a record of all persons in the Railway service, and shall record therein the rank, position or grade, the length of service, salaries, and such other particulars with regard to such persons as they think fit;
- (II) Cause entries to be made in such record of deaths, dismissals, resignations, promotions and reductions;
- (III) In the month of June, in the year one thousand eight hundred and eighty-eight, and in each and every third year thereafter, publish in the *Gazette* a list of persons employed in the Railway service up to the thirty-first day of December of the preceding year.

Regulations in respect of permanent appointments.

75. The Commissioners shall make regulations—

- (I) For prescribing the qualifications required of all candidates for permanent employment in each of the various branches of the Railway service, and, if necessary, in each grade of such branches.
- (II) For the examination of candidates and the granting of certificates to them.
- (III) For determining the nature or character and extent of examinations or tests, according to the requirements of each of the

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the higher grades in the Railway service, which employés in the lower grades, desiring to compete for and to be promoted to such higher grades, shall undergo.

- (IV) For regulating the relative rank, position or grade in the duties and conduct of the employés in each of the various branches of the Railway service; and for determining which of such grades shall be deemed the higher and lower grades, respectively, in such Railway service.
- (V) For regulating the duties to be performed by employés in the Railway service, and the discipline to be observed in the performance of such duties, the granting of leave of absence from time to time, and arranging for the performance of duties during holidays, and for affixing to breaches of such regulations, according to the nature of the offences, such penalties as by this Act are authorized.
- (VI) For regulating and determining the scale on which employés in the various grades of the Railway service shall insure their lives.
- (VII) For the hearing and determining of appeals.
- (VIII) For altering or repealing any rules or regulations made before the passing of this Act with regard to railways or tramways.
- (IX) For fixing the ages at which employés shall retire in the different branches of the Railway Service.

All such regulations, when confirmed by the Governor, shall have the same force and effect as if they had been contained in this Act.

76. Nothing in this Act shall be held to, in any way interfere Right to sue. with the right of any employé to sue the Commissioners in any Court of Law, and this Act expressly reserves to every employé the right so to sue should he so desire. It shall not be within the powers of the Commissioners to agree with the employés in their service to contract themselves out of the provisions of any Act of Parliament, or to compel them to forego any civil rights to which any Act of Parliament entitles them.

77. No regulation which the Commissioners are by this Act Alterations of regulations. empowered to make, in any way altering or annulling any privileges or immunities, which their servants have previously enjoyed, or dealing in any way with hours of work or wages shall have any force or effect until the same is confirmed by the Governor nor until the said regulation has been published in the *Gazette* one week.

78. The Commissioners shall not be deemed to be exempt from Rights under Employer's Liability Act preserved. liability to any action which might be brought against an employer under the "Employer's Liability Act."

79. The Commissioners shall in each annual report include a List of employés. list of all employés admitted to the Service since the date of the former annual report, and likewise a list of all employés who may have left the Service during the like period, giving date of appointment, positions and rates of pay to which appointed, and date and cause of leaving in each case.

80. In all public inquiries and investigations into the cause of Rights of employés to be represented at public inquiries. any accident the employés shall have the right to be represented by one of their number, or by any person whom they may select to represent their interests at such inquiry.

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PART VI.

Miscellaneous Provisions—Penalties—Procedure &c.

Adjustment of
weights and
measures on
railways.

81. The Commissioners shall cause all weights, measures, scales, balances, steelyards, beams and other weighing machines in use upon any of the railways, or on any of the stations, piers, wharfs or jetties vested in the Commissioners, to be from time to time adjusted by some officer appointed by the Commissioners, either on comparison with authorized copies of the standard weights and measures made under the Act or Acts in force for the time being relating to Weights and Measures, or otherwise as the case may be; but, save as aforesaid, nothing in the said Act or Acts contained shall apply to the railways or to any station, pier, wharf or jetty vested in the Commissioners.

Publication of
penalties.

Prin. Act s. 134.
8 Vic. c. 20 s. 143.

82. The Commissioners shall publish the short particulars of the several offences, for which any penalty is imposed by this Act or by any by-law of the Commissioners, affecting other persons than the Railway officers or servants, and of the amount of every such penalty; and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed in some conspicuous part of the principal place of business of the Commissioners. When any such penalties are of local application they shall cause such boards to be affixed in some conspicuous place in the neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed, as often as the same or any part thereof is obliterated or destroyed; and no such penalty shall be recoverable, unless the requirements of this section have been complied with.

Penalty for defacing
boards used for
publication.

Prin. Act s. 135.
8 Vic. c. 20 s. 144.

83. If any person pull down or injure any board put up or affixed, as required by this Act, for the purpose of publishing any by-law or penalty; or shall obliterate any of the letters or figures thereon, he shall forfeit, for every such offence, a sum not exceeding five pounds, and shall defray the expenses attending the restoration of such board.

Disobedience of
person summoned
as witness.

84. If any person without reasonable excuse (proof whereof shall lie on him) does any of the following things, namely:—

- (I) Having been summoned and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness before a court holding an investigation under this Act;
- (II) Fails, when required by such court, in pursuance of this Act so to do, to make any answer or to give any return, or to produce any document, or to make or sign any declaration;
- (III) Prevents or impedes such court in the execution of their duty;

he shall, for every such offence, incur a penalty not exceeding ten pounds; save that, in the case of a failure to give any return or produce any document, the said penalty shall not exceed ten pounds for every day that such failure continues; and where the offence consists of preventing or impeding as aforesaid, any member of such court, or any person called by him to his assistance, may seize and detain the offender, until he can be conveniently taken before a Magistrate or two Justices to be dealt with according to law.

Commissioners to
take security from
officers entrusted
with money.

85. Before any person entrusted with the custody and control of moneys, whether as collector, or other officer or servant of the Commissioners, enters upon his office, the Commissioners shall take sufficient security from him for the faithful execution of his office; and such security may be that of any incorporated company or guarantee society approved by the Commissioners in the prescribed manner.

86.

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86. If any collector of tolls or other officer employed by the Commissioners be discharged or suspended from his office, or die, abscond, or absent himself, and if such collector or other officer, or the wife widow, or any of the family or representatives of any such collector or other officer, refuse or neglect, after seven days notice in writing for that purpose, to deliver up to the Commissioners or to any person appointed by them for that purpose, any station, dwelling-house, office or other buildings with its appurtenances, or any books, papers or other matters belonging to the Commissioners, in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid;—then, upon application being made by the Commissioners to any Justice, such Justice may order any constable, with proper assistance, to enter upon such station or other building, and remove any person found therein, and take possession thereof and of any such books, papers or other matters, and to deliver the same to the Commissioners or to any person appointed by such Justice for that purpose.

Delivery of matters
in possession or
custody of toll
collector at removal.
Prin. Act s. 114.
8 Vic. c. 20 s. 106.

87. Every officer or servant employed by the Commissioners shall, from time to time, when required by the Commissioners, make out and deliver to them or to any person appointed by them for that purpose, a true and perfect account in writing, under his hand, of all moneys received by him on behalf of the Commissioners, or by virtue of his employment; and such account shall state how, and to whom, and for what purpose, such moneys shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Commissioners, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of any such account.

Officers to account
on demand.
Prin. Act s. 119.

88. If any such officer as last aforesaid fail

- (I) To render such account or
- (II) To produce and deliver up all the vouchers and receipts relating to the same in his possession or power or
- (III) To pay the balance thereof when thereunto required or
- (IV) Within three days after being thereunto required to deliver up to the Commissioners or to any person appointed by them to receive the same, all papers and writings, property, effects, matters and things in his possession or power relating to the execution of this act or belonging to the Commissioners;—

Summary remedy
against parties fail-
ing to account.
Prin. Act s. 120.

Then, on complaint thereof being made to a Justice, such Justice shall summon such officer to appear before a Magistrate, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or in his absence, upon proof that such summons was personally served upon him or left at his last known place of abode, such Magistrate may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear either upon confession of such officer, or upon evidence, or upon inspection of the account, that any public moneys which should be paid over to the Commissioners are in the hands of such officer or owing by him, such Magistrate may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such Magistrate to grant a warrant to levy the same by distress, or if he think fit, to commit the offender to gaol for a period not exceeding three months.

89. If any such officer or servant, on being so brought before such Magistrate and being required so to do, refuse to make out such account in writing, or to produce and deliver to the Magistrate the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power belonging

Officers refusing to
deliver up documents
&c. to be imprisoned.
Prin. Act s. 121.

Government Railways.

belonging to the Commissioners, such Magistrate may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts (if any) in his possession or power relating to such accounts, and shall have delivered up all books, papers, writings, property, effects, matters and things (if any) in his possession or power belonging to the Commissioners, or which should be delivered up to him by such officer or servant.

Where officer about to abscond a warrant may be issued in the first instance.
Prin. Act s. 122.

90. If a Commissioner or any person authorized by a Commissioner shall make oath before a Justice that he has good reason to believe, upon grounds to be stated in the deposition, and does believe that it is the intention of any such officer as aforesaid, to abscond, or that he has absconded, the Justice before whom the complaint is made, may, if he think fit, issue a warrant in the first instance for the apprehension of such officer or servant to be brought before any Magistrate; but no person executing such warrant shall keep such officer or servant in custody longer than twenty-four hours, or such longer period as may be rendered necessary by the distance of the place of apprehension from the residence of the nearest or most convenient Justice, without bringing him before some Justice; and the Justice before whom such officer may be brought may either discharge such officer, if he think there is no sufficient ground for his detention, or order such officer to be detained in custody so as to be brought before such Magistrate, at a time and place to be named in such order, unless such officer give bail to the satisfaction of such Justice for his appearance before such Magistrate to answer the said complaint. Provided nevertheless that no such proceeding against, or dealing with, any such officer or servant as aforesaid, shall deprive the Commissioners of any remedy which they might otherwise have against such officer or any surety of such officer.

Sureties not to be discharged.

Officer taking fees to lose his office and to be guilty of a misdemeanour.

91. If any person employed by the Commissioners

- (I) Exact, or take or accept on account of anything done by virtue of his office or in relation to the functions of the Commissioners, any fee or reward whatsoever other than the salary, rewards or allowances allowed or sanctioned by Parliament, or
- (II) Be in anywise concerned or interested in any bargain or contract made by or on the behalf of the Commissioners, otherwise than as a member only, but not as a director or officer, of any registered, incorporated or joint stock company with whom any such bargain or contract may be made;

He shall be removed from office, and shall be incapable of being afterwards employed by the Commissioners, and shall also be guilty of a misdemeanour.

Punishment of persons employed on railway guilty of misconduct.
Prin. Act s. 132.

92. If any person employed upon the railway or in repairing and maintaining the works of the said railway shall

- (I) Be found drunk whilst so employed upon the said railway; or
- (II) Commit any offence against any of the regulations or by-laws of the Commissioners, or
- (III) Wilfully, maliciously, or negligently do any act, or be guilty of any omission of duty, whereby the life or limb of any person passing along or being upon such railway or the works thereof, respectively, shall be or might be injured or endangered, or whereby the passage of any engine, carriage, or trains shall be or might be obstructed or impeded;

It shall be lawful for any railway officer or agent or any special constable duly appointed, and all such persons as any of them may call to his assistance, to seize and detain such person so offending, or any person counselling, aiding or assisting in such offence, and to convey

Government Railways.

convey him with all convenient dispatch before any Magistrate, without any other warrant or authority than this Act, to be dealt with according to law ; and every person so offending as aforesaid, and every person counselling, aiding or assisting therein, shall, upon conviction before such Magistrate (upon a complaint in writing), be imprisoned, with or without hard labour, for any term not exceeding six months, or shall forfeit any sum not exceeding fifty pounds, and in default of payment thereof shall be imprisoned, with or without hard labour, for such period, not exceeding six months, as such Magistrate shall appoint.

93. If any person shall

- (I) Wilfully obstruct any person acting under the authority of the Commissioners in the lawful exercise of his power or
- (II) Pull up or remove any poles or stakes driven into the ground, for the purpose of setting out any line of railway, or deface or destroy any marks made for the same purpose, or
- (III) Wilfully obstruct or impede any officer or agent of the Government or of the Commissioners in the execution of his duty upon any railway, or upon or in any of the stations or other works or premises connected therewith, or
- (IV) Wilfully trespass upon any such railway or any of the stations or other works or premises connected therewith ;

Every person committing any such offence, and all others aiding or assisting therein, shall forfeit to the Commissioners a sum not exceeding twenty pounds for every such offence.

94. If any person shall

- (I) Throw any gravel, stones or rubbish, or any matter or thing upon any part of a railway, or
- (II) Drive or permit to wander, stray or be driven upon any such Railway or the approaches thereto, any horse, ass, sheep, swine, or other beast or cattle of any kind, or
- (III) Do any other act, matter or thing to obstruct the free passage of any such Railway or any part thereof ;

Such person committing any such offence, and all others aiding or assisting therein, shall forfeit and pay for every such offence any sum not exceeding fifty pounds, and, in default of payment thereof, shall be imprisoned, with or without hard labour, for any period, not exceeding six months ; and such penalty may be recovered before any Magistrate on complaint to him for that purpose exhibited by any person on behalf of the Commissioners.

95. If any Commissioner shall become in anyway concerned or interested in any contract or agreement made by or on behalf of the Commissioners, or shall in anywise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom, he shall be guilty of a misdemeanour, and be liable, at the discretion of the Court, to a penalty not exceeding five hundred pounds, or to imprisonment for any term not exceeding three years, or to both such punishments.

96. If any person, not being one of the persons entitled under the provisions of this Act to claim, hold and use a free pass on the railways

- (I) Shall travel or attempt to travel by virtue of any such free pass, or
- (II) Shall at any time exhibit or show or carry any such free pass pretending to be the rightful possessor thereof, he shall be guilty of a misdemeanour.

97. It shall be lawful for any Railway officer or agent, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this Act,

Penalty for obstructing construction of railway.

Prin. Act s. 127.

8 Vic. c. 20 s. 24.

3 & 4 Vic. c. 97 s. 16.

Penalty on persons obstructing free course of Railway.

Prin. Act s. 128.

3 & 4 Vic. c. 97 s. 15.

Penalty on Commissioners being interested in contracts.

Fraudulent use of free passes

Transient offenders.

Prin. Act s. 138.

8 Vic. c. 20 s. 154.

Government Railways.

SCHEDULE A.

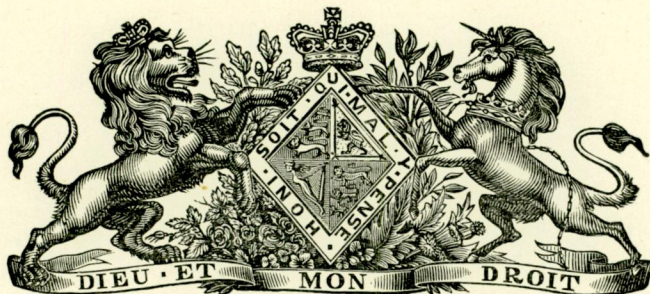
OFFICES entitling persons to free passes for life:—

- (I) The position of (a) head of an Administration or of Prime Minister, held for two years consecutively or in the aggregate; (b) The position of a Member of the Executive Council, so held for four years.
- (II) The office of—
 - (a) Chief Justice, held for three years.
 - (b) Lieutenant-Governor, held for one year.
 - (c) President of the Legislative Council, held for one year.
 - (d) Speaker of the Legislative Assembly, held for one year.

By Authority: CHARLES POTTER, Government Printer, Sydney, 1888.

[1s. 3d.]

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. V.

An Act to amend in certain respects the "Government Railways Act of 1888." [Assented to, 19th July, 1888.]

WHEREAS it is expedient that the time limited for the com-
mencement of the "Government Railways Act of 1888"
should be extended; and that the salary granted by the said Act to
the Chief Commissioner should be increased. Be it therefore enacted
by the Queen's Most Excellent Majesty, by and with the advice and
consent of the Legislative Council and Legislative Assembly of New
South Wales in Parliament assembled, and by the authority of the
same, as follows:—

1. This Act may be cited as the "Government Railways Act
Amendment Act."

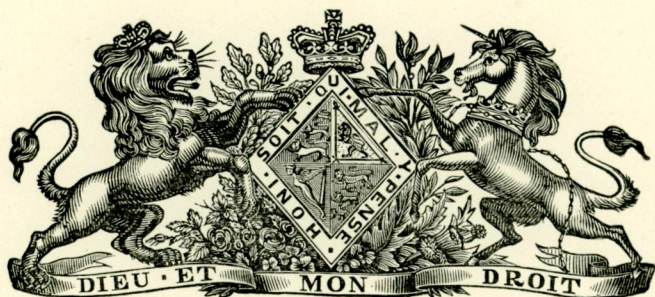
2. Notwithstanding anything in the second section of the
"Government Railways Act of 1888," the date of the commencement
of the said Act for the purposes of the said section shall be such day
not later than six calendar months after the passing of this Act as the
Governor with the advice of the Executive Council shall, by a pro-
clamation to be published in the *Gazette*, appoint and declare; and
notwithstanding anything in the tenth section of the said Act the
annual salary of the Chief Commissioner shall be Three Thousand
Pounds, and the said tenth section shall be read as if the words
"Three Thousand" had been therein contained instead of the words
"Two Thousand five hundred."

Preamble.

Short title.

Extension of time
limited for com-
mencement of "Gov-
ernment Railways
Act of 1888"; and
increase of Chief
Commissioner's
salary.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. V.

An Act to amend in certain respects the "Government Railways Act of 1888." [Assented to, 19th July, 1888.]

WHEREAS it is expedient that the time limited for the commencement of the "Government Railways Act of 1888" should be extended; and that the salary granted by the said Act to the Chief Commissioner should be increased. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Government Railways Act Amendment Act."

2. Notwithstanding anything in the second section of the "Government Railways Act of 1888," the date of the commencement of the said Act for the purposes of the said section shall be such day not later than six calendar months after the passing of this Act as the Governor with the advice of the Executive Council shall, by a proclamation to be published in the *Gazette*, appoint and declare; and notwithstanding anything in the tenth section of the said Act the annual salary of the Chief Commissioner shall be Three Thousand Pounds, and the said tenth section shall be read as if the words "Three Thousand" had been therein contained instead of the words "Two Thousand five hundred."

Preamble.

Short title.

Extension of time limited for commencement of "Government Railways Act of 1888"; and increase of Chief Commissioner's salary.

THE GREAT WALL



VICTORIA MEMORIAL

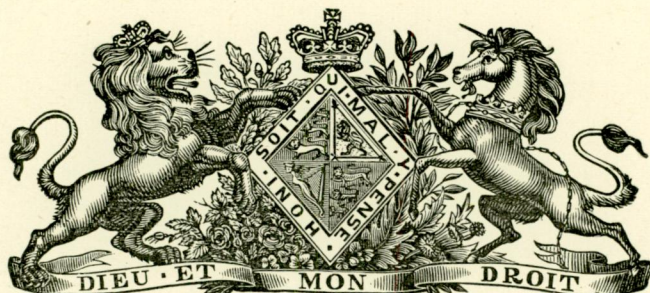
THE GREAT WALL

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 12 July, 1888. }*

*F. W. WEBB,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. V.

An Act to amend in certain respects the "Government Railways Act of 1888." [Assented to, 19th July, 1888.]

WHEREAS it is expedient that the time limited for the com- Preamble.
mencement of the "Government Railways Act of 1888"
should be extended; and that the salary granted by the said Act to
the Chief Commissioner should be increased. Be it therefore enacted
by the Queen's Most Excellent Majesty, by and with the advice and
consent of the Legislative Council and Legislative Assembly of New
South Wales in Parliament assembled, and by the authority of the
same, as follows:—

1. This Act may be cited as the "Government Railways Act Short title.
Amendment Act."

2. Notwithstanding anything in the second section of the
"Government Railways Act of 1888," the date of the commencement Extension of time
limited for com-
mencement of "Gov-
ernment Railways
Act of 1888"; and
increase of Chief
Commissioner's
salary.
of the said Act for the purposes of the said section shall be such day
not later than six calendar months after the passing of this Act as the
Governor with the advice of the Executive Council shall, by a pro-
clamation to be published in the *Gazette*, appoint and declare; and
notwithstanding anything in the tenth section of the said Act the
annual salary of the Chief Commissioner shall be Three Thousand
Pounds, and the said tenth section shall be read as if the words
"Three Thousand" had been therein contained instead of the words
"Two Thousand five hundred."

*I have examined this Bill, and find it to correspond in all respects with the Bill
as finally passed by both Houses.*

ANGUS CAMERON,
Chairman of Committees of the Legislative Assembly.

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

*Government House,
Sydney, 19 July, 1888.*



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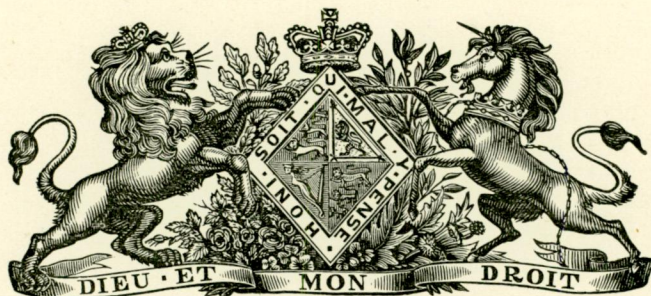
1911

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 12 July, 1888. }*

*F. W. WEBB,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. V.

An Act to amend in certain respects the "Government Railways Act of 1888." [Assented to, 19th July, 1888.]

WHEREAS it is expedient that the time limited for the com-^{Preamble.}mencement of the "Government Railways Act of 1888" should be extended; and that the salary granted by the said Act to the Chief Commissioner should be increased. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Government Railways Act^{Short title.} Amendment Act."

2. Notwithstanding anything in the second section of the "Government Railways Act of 1888," the date of the commencement of the said Act for the purposes of the said section shall be such day not later than six calendar months after the passing of this Act as the Governor with the advice of the Executive Council shall, by a proclamation to be published in the *Gazette*, appoint and declare; and notwithstanding anything in the tenth section of the said Act the annual salary of the Chief Commissioner shall be Three Thousand Pounds, and the said tenth section shall be read as if the words "Three Thousand" had been therein contained instead of the words "Two Thousand five hundred."

Extension of time limited for commencement of "Government Railways Act of 1888"; and increase of Chief Commissioner's salary.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

ANGUS CAMERON,
Chairman of Committees of the Legislative Assembly.

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

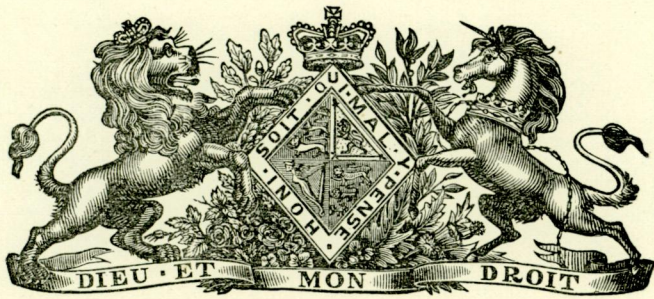
*Government House,
Sydney, 19 July, 1888.*

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 5 July, 1888.* }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

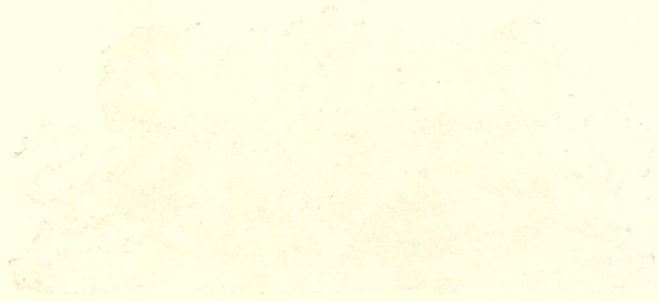
VICTORIÆ REGINÆ.

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WHEREAS it is expedient that the time limited for the com- Preamble.
mencement of the “Government Railways Act of 1888”
should be extended; and that the salary granted by the said Act to
the Chief Commissioner should be increased. Be it therefore enacted
5 by the Queen’s Most Excellent Majesty, by and with the advice and
consent of the Legislative Council and Legislative Assembly of New
South Wales in Parliament assembled, and by the authority of the
same, as follows:—

1. This Act may be cited as the “Government Railways Act Short title.
10 Amendment Act.”
2. Notwithstanding anything in the second section of the Extension of time
“Government Railways Act of 1888,” the date of the commencement limited for com-
of the said Act for the purposes of the said section shall be such day mencement of “Gov-
not later than six calendar months after the passing of this Act as the ernment Railways
15 Governor with the advice of the Executive Council shall, by a pro- Act of 1888”; and
clamation to be published in the *Gazette*, appoint and declare; and increase of Chief
notwithstanding anything in the tenth section of the said Act the Commissioner’s
annual salary of the Chief Commissioner shall be Three Thousand salary.
Pounds, and the said tenth section shall be read as if the words
20 “Three Thousand” had been therein contained instead of the words
“Two Thousand five hundred.”



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OFFICE OF THE SECRETARY OF DEFENSE

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WASHINGTON, D.C. 20301

1975

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UNITED STATES GOVERNMENT

OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

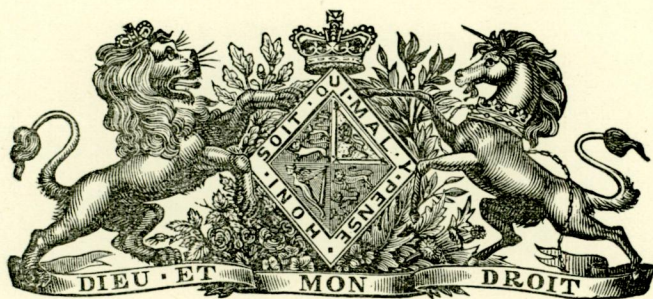
1975

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 5 July, 1888. }*

*F. W. WEBB,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. .

An Act to amend in certain respects the "Government Railways Act of 1888."

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Extension of time
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mencement of "Gov-
ernment Railways
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increase of Chief
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