

1881.
NEW ZEALAND.

NEW ZEALAND RAILWAY BY-LAWS.

(MADE 6TH JANUARY, 1881, IN SUBSTITUTION OF PREVIOUS BY-LAWS.)

Laid on the Table of the House of Representatives in accordance with Section 148 of "The Public Works Act, 1876," by the Hon. Mr. Hall.

By-laws on the New Zealand Railways, in Substitution of previous By-laws.

ARTHUR GORDON, Governor.
ORDER IN COUNCIL.

At the Government House, at Wellington, this sixth day of January, 1881.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

IN pursuance of the power and authority vested in him by the one hundred and forty-fifth section of "The Public Works Act, 1876," and of all other powers and authorities enabling him in that behalf, His Excellency the Governor of the Colony of New Zealand, by and with the consent of the Executive Council thereof, doth hereby make the following by-laws, and doth declare that the same shall come into force on the several lines of railway in New Zealand from the day of the date hereof, and shall be in lieu of the by-laws and regulations relating to the same subject at present in force on such railways respectively.

BY-LAWS.

1. In the interpretation of these by-laws, the word "Minister" shall mean Minister for Public Works appointed in accordance with "The Public Works Act, 1876," and the several amendments thereof. The term "General Manager" shall mean the General Manager of the New Zealand Railways. The word "railway" shall mean and include any lines of railway within the meaning of "The Public Works Act, 1876," and the several amendments thereof. The term "goods" shall mean goods and chattels of every description, including live animals.

2. No person will be admitted to the booking office at any station whilst the door is closed for making up and despatching any train; and no person will be allowed to take a seat in or upon any carriage used on the railway, or to travel therein upon the railway, without first having paid the fare and obtained a ticket, except in the case of a passenger joining the train at a flag station.

3. Any person wilfully altering or defacing a ticket, so as to render the date, number, or any material portion thereof illegible, shall be liable to a penalty not exceeding ten pounds, and shall, in addition, be liable to pay the fare from the station whence the train originally started.

4. Tickets will be issued conditionally—that is to say, in case there shall be room in the train for all the passengers to whom tickets shall have been

issued. If there shall not be room for all such passengers, the holders of periodical tickets shall have priority over holders of return and single tickets, and the fare will be returned, on application to the Station Clerk, to the holders of such return and single tickets as shall be unable to obtain seats.

5. If any person travel or attempt to travel in any carriage on the railway without having previously paid his fare, and with intent to evade payment thereof; or if any person, having paid the 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 evade payment thereof; or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which the fare has been paid, to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding ten pounds.

6. If any person is found trespassing upon a railway, and refuses to leave after being warned by any officer or servant employed thereon, or is drunk or behaving in a violent or offensive manner to the annoyance of others on the railway or at any station or platform thereof, or in any carriage thereon, or is doing or attempting to do, or is counselling, aiding, or assisting another person to do, anything which may endanger the lives of persons employed on or travelling on the railway, it shall be lawful for any constable or any person employed on or about such railway or carriages, without warrant or other authority, to arrest and detain the person so offending, and to take such person as speedily as conveniently may be before a Justice of the Peace to be dealt with as the law directs; and all persons present shall, when called upon, assist in making such arrest.

7. Every passenger, on arriving at the station for which a ticket has been taken by such passenger, or to or from which such passenger may hold a periodical ticket, shall quit the station and premises of the railway; and no person shall be allowed to loiter about the stations, wharf, or premises or any part thereof; and if any passenger or other person shall refuse to quit the station, wharf, or premises aforesaid, on being requested so to do by any Station Clerk or any servant attached to the railway or wharf, such passenger or person may be expelled by such Station Clerk or other servant as aforesaid from the railway premises.

8. No gunpowder or other explosive or dangerous materials shall be carried by any passenger train. Any person infringing this by-law shall be subject to a penalty not exceeding ten pounds.

9. Each passenger, on paying the fare, will be

furnished with a ticket, which shall be produced whenever required by any Station Clerk or authorized Porter, or by the Guard in charge of the train; and if it be a return ticket it must be given up to be marked when required; and every ticket must be delivered up on the demand of any Porter or servant authorized to collect tickets. Tickets not used within the prescribed time shall be deemed to be cancelled. Any passenger joining a train at a booking station without having previously provided himself with a ticket will be charged double rates to the first booking station at which the train stops, and shall there rebook to destination. Passengers joining the train at flag stations will be booked by the Guard to the first booking station at which the train stops, and will there rebook to destination. Any person offending against the provisions of this regulation shall be liable to a penalty not exceeding ten pounds.

10. Tickets are not transferable; and any person transferring any ticket, or using or attempting to use a transferred ticket, or a ticket the time for the proper use of which has expired, shall be liable to a penalty not exceeding ten pounds.

11. Any person knowingly, and with intent to defraud, travelling upon the railway in a carriage of a superior class to that for which such person is provided with a ticket, or altering a return or other ticket, shall be liable to a penalty not exceeding ten pounds.

12. Tickets, whether single or return, shall be used by passengers only to convey them to the station named thereon, or to a station short of that destination. In no case, however, shall any "cheap excursion" ticket be used for any other station than that for which such ticket is issued. Any person using or attempting to use a ticket in violation of the provisions of this section shall be liable to a penalty not exceeding ten pounds.

13. Any person, not duly authorized by the General Manager, who shall sell or offer for sale any free-pass ticket or portion of a return ticket, shall be liable to a penalty not exceeding ten pounds.

14. No male passenger shall be allowed to enter any waiting-room or carriage set apart for the accommodation of females; and any person remaining in any such room or carriage after being warned to leave the same shall be liable to a penalty not exceeding ten pounds.

15. Any person entering a carriage or compartment of a carriage containing the full number of persons which it is constructed to convey, except with the consent of the persons in such carriage or compartment, and refusing to go out when requested by the Guard or other officer of the railway to do so, shall be liable to a penalty not exceeding two pounds.

16. Any person, not being a railway servant, who shall open any carriage for the purpose of entering the same after the tickets have been examined and the carriage doors locked by the person appointed for that purpose, or who shall open any carriage or truck, or attempt to do so, at any station or at any time during the journey, by means of a private key or other instrument, shall be liable to a penalty not exceeding ten pounds.

17. No person shall get into or upon or quit any railway carriage when the train is in motion; and any person doing so, or attempting to do so, shall be liable to a penalty not exceeding ten pounds.

18. Loaded firearms are on no account to be carried in, taken into, or placed upon any carriage, wagon, truck, or other vehicle forming or intended to form a train, or any portion of a train, on the railway; and every person so offending shall be liable to a penalty not exceeding ten pounds.

19. Smoking is strictly prohibited in any of the railway sheds, offices, platforms, or waiting-rooms, or any part of the railway premises; and any person found so smoking shall be liable to a penalty not exceeding ten pounds.

20. Smoking is strictly prohibited in any railway carriage except those set apart for the purpose; and any person found smoking in a carriage not set apart for the purpose shall forfeit a penalty not exceeding ten pounds, and may be removed from the carriage by any railway servant.

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

22. No railway servant shall, under any circumstances, be allowed to receive any gratuity, on pain of dismissal. Any person giving or offering a gratuity to any such servant shall be liable to a penalty not exceeding ten pounds.

23. Any person writing any indecent words on any part of a railway, or the premises thereof, shall be liable to a penalty not exceeding ten pounds.

24. Any person making use of insulting or abusive language to any railway officer or servant while in the execution of his duty, or obstructing any such officer while in the execution of his duty, or making use of indecent or blasphemous language in any carriage or upon any railway platform or premises, shall be liable to a penalty not exceeding ten pounds.

25. If any person omit to shut and fasten any gate or slip-panel set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands, as soon as he and the carriage, cattle, or other animals under his care have passed through the same, he shall forfeit for every such offence any sum not exceeding ten pounds.

26. Any person throwing stones, gravel, timber, or any rubbish on a railway, or at any engine, carriage, or wagon thereon; or causing or allowing any animal to wander on a railway which is fenced on both sides; or doing any act which may obstruct the working of a railway or may endanger the lives of persons travelling thereon; or driving or attempting to drive any vehicle or animal across a level crossing or elsewhere on a railway when an engine or any carriages or wagons on the railway are approaching and within a mile from such crossing; or moving any part of the rolling-stock on any railway, or leaving the same on any part of a railway, not having lawful authority so to do; or attempting to do, or counselling or aiding any other person in doing, any of the things mentioned in the section, shall be liable to a penalty not exceeding fifty pounds, in addition to any penalty to which he may otherwise be liable for doing any of the said things.

27. If any person deface the writings on any boards, or any notices authorized to be maintained on a railway or any station thereof, or any rolling-stock thereon, he shall forfeit for every such offence a sum not exceeding ten pounds, and an additional sum equal to the cost incurred in repairing any such damage.

28. Any person trespassing upon any part of a railway, not being a station platform or crossing, or other part to which the public are allowed access by law, shall be liable to a penalty not exceeding ten pounds.

29. The General Manager shall publish the short particulars of the several offences for which any penalty is imposed by these or any other by-laws of the railway, 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 on some conspicuous part of the principal station of the railway; and, where any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place in the immediate 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.

30. Any person in or upon any railway carriage or station being in a state of intoxication, or committing any nuisance, or gambling, or wilfully interfering with the comfort of any passenger, shall be liable to a penalty not exceeding ten pounds, and to removal from such carriage or station as soon as shall be practicable.

31. No driver or conductor of any cab, hackney carriage, omnibus, express, or other public vehicle, shall ply for hire within the railway premises without a license in writing from the General Manager or other authorized officer; and any person offending contrary to this section shall be liable to a penalty not exceeding ten pounds.

32. No person will be allowed to come upon any railway platform for the purpose of removing any passenger or luggage, unless required by a passenger and engaged by him for such purpose, and no person will be allowed to come upon any railway premises for the purpose of soliciting custom or hire. Any person attempting to evade or being guilty of a breach of this section, or not quitting the premises when required by a Station Clerk or other railway servant, shall be liable to a penalty not exceeding ten pounds.

33. Any person, unless authorized by the General Manager, who shall post or stick any placard or bill within or on any of the buildings or fences connected with a railway, shall be subject to a penalty not exceeding ten pounds.

34. Any person who shall wilfully injure, wholly or in part, any of the linings or blinds, or break or deface any of the windows, or remove or injure any number-plate or advertisement, or remove or extinguish any of the lamps, or otherwise damage any engine, carriage, truck, wagon, or other property belonging to a railway, shall be liable to a penalty not exceeding ten pounds, in addition to a sum equal to the cost incurred in repairing any such damage.

35. Any person selling, or attempting to sell, any article on any of the premises of a railway, without the consent of the General Manager, shall forfeit a sum not exceeding ten pounds.

36. No goods will be received for carriage or carried upon a railway, except upon the following conditions:—

- (1.) That a "consignment note," on a form to be obtained from the person in charge of the station, properly filled in and signed by or on behalf of the consignor, is handed to the officer taking delivery of the goods at the time of their delivery;
- (2.) That the person delivering the goods obtains at the same time a written receipt for the same, signed by the officer to whom they are delivered.

37. The Minister will not be responsible for any loss or damage in respect to any goods received for carriage or carried on a railway under any of the following circumstances, that is to say,—

- (1.) If the above-mentioned consignment note is not delivered with the goods, or the receipt not obtained for the same;
- (2.) If the goods are wrongly or insufficiently described on the consignment note;
- (3.) If the goods are allowed to remain on the premises of the railway for more than twelve working hours after their arrival at the station to which they are addressed;
- (4.) If they are put into packages described as "empties;"
- (5.) If they are insufficiently or insecurely packed, or if articles liable by breakage or leakage to damage one another are packed in the same package;

- (6.) If the loss or damage arises from the act of God, civil commotions, Queen's enemies, or from fire (except from the railway engines or apparatus), or from accidental delays in transit occurring from either of these causes.

38. The following goods are hereby declared to be special goods, within the meaning of "The Public Works Act, 1876:"—

Bank notes.	Maps.
Bills of exchange.	Marble goods.
Carriages.	Musical instruments.
Castings.	Notes or securities for payment of money.
Cattle.	Orders for ditto.
China.	Paintings.
Clocks.	Pictures.
Drays.	Pigs.
Engravings.	Plated articles
Furniture.	Precious stones.
Furs.	Sheep.
Glass.	Silks.
Gold or silver coin.	Slate goods.
Gold or silver plate.	Stamps.
Gold or silver, manufactured.	Title-deeds.
Gold or silver, unmanufactured.	Toys.
Horses.	Trinkets.
Jewellery.	Wagons.
Lace.	Watches.
Machinery.	Writings.

Any package the contents of which are of higher value than five hundred pounds.

39. The consignment note accompanying any special goods must state them to be "special," and must set forth their nature and value. Unless such statement and declaration is made, the Minister is not responsible for any loss or damage to a greater extent than fifteen pounds in respect to any horse, eight pounds in respect to any neat cattle, fifteen shillings in respect of any sheep or swine, and ten pounds in respect of any package in which any special goods are contained. All special goods exceeding in value the above-mentioned sums shall be subject to a charge, in addition to the ordinary freight, by way of insurance, according to a scale of rates of insurance to be from time to time published by the Minister in that behalf. The Minister will not be responsible for the contents of packages sent as special goods unless the goods are unpacked and examined by the railway officers; the expense of such examination, unpacking, and repacking to be borne by the consignor.

40. If the value of any special goods stated on the consignment note appears to the officer receiving the same to be extravagant or fictitious, or if the goods are of a nature to be extraordinarily liable to damage, such officer may refuse to receive them without the instructions of the General Manager. And the General Manager may, by the authority of and on behalf of the Minister, make such special agreement for the carriage of such goods, on such terms as to insurance or otherwise, as he thinks fit; or, if no such special agreement is come to, may refuse to receive or carry such goods on the railway except at the sole risk of the consignor; and, upon notice in writing to the consignor to that effect given to the consignor by the General Manager, the Minister shall not be liable to any claim for loss or damage from any cause whatsoever in respect of such goods. Such notice may be served upon the consignor or his agent, or either of them, or may be left at the last known place of abode or business of either of them.

41. Any claim for loss or damage must be specified in writing, and made within two days after delivery in case of partial loss or damage, or within seven days after the due time of delivery in case of total loss.

42. No person shall have any right to send by a railway any goods of a dangerous nature; and if any person attempts to send by a railway, or deposits in any premises of the railway, any box or package containing any such goods, or any goods declared by the regulations, or publicly notified by the Minister, to be of a dangerous nature, without distinctly marking the contents on the outside of such box or package, or giving notice in writing of the contents to the officer in charge of the station at which such box or package is left, he shall be guilty of a misdemeanour.

The following are, amongst others, declared to be dangerous goods: Benzoline and all other dangerous oils, bisulphide of carbon, blasting powders, bleaching liquids, bromine, cartridges, chloride of sulphur, cotton gunpowder, dynamite, fireworks, fluoric acid, fog signals, fuses, gasoline, gazogen, gun-cotton, gunpowder, lucifer-matches, muriatic acid or spirit of salts, naphtha, naphthaline, nitrite of iron, nitric acid, oil of vitrol or sulphuric acid, oily canvas or oily paper for packing, oily rags or oily waste, perchloride of iron, petroleum, phosphorus, pudrolythe, pyrolithe, or other materials or compounds liable to sudden ignition or explosion; and the Minister may, at his option, refuse to receive or carry such goods.

43. Fruit, fish, meat, poultry, and any other perishable articles, shall be carried only at the sole risk of the person sending the same, and, if not taken away within six hours after arrival at the station to which they are consigned, may be forthwith sold, by auction or otherwise, without notice to the sender or consignee; and payment or tender of the net proceeds of any such sale, after deduction of freight and expenses, shall be accepted as equivalent to delivery.

44. All empties not taken away within one month after arrival will be sold to defray expenses.

45. All goods and merchandise, whether bonded or free, and all luggage, having arrived at its destination, shall be removed by the consignees from the platform and sheds within such periods as may be defined in the tables of rates published in accordance with clause 52 hereof; and if not removed within such period may be stored or kept in the wagons at the risk and expense of the consignees or owners, and will become subject to such charges as may from time to time be published in such tables. If on the arrival of goods forwarded by railway the railway sheds and stores shall, in the opinion of the General Manager, be full, and the consignees or owners do not take delivery within twelve working hours, the General Manager may store such goods in any private store or yard at the risk and expense of the owners. In case of goods to be unloaded by the consignee, a charge will be made for demurrage according to the tables of rates from time to time published in the *New Zealand Gazette*, in accordance with clause 52 hereof, for each truck not unloaded within the period named therein.

46. Should a consignor present a consignment note with goods understating the quantity or weight of such goods, he shall be liable to a charge of double the ordinary rate on the difference between the actual weight or measurement of the goods in question and that stated upon the consignment note, in addition to any penalty which may be inflicted under the 154th clause of "The Public Works Act, 1876."

47. All tolls and charges and warehousing charges must be paid immediately on demand to the person duly authorized to receive the same, and, except where a special agreement is entered into, no goods will be delivered to the consignee until the payment of such tolls and charges shall have been made.

48. If any person refuses or fails to pay the proper charges for any goods carried on a railway,

or received on, stored in, or delivered from any wharf, pier, jetty, shed, or yard connected therewith, or any charge for demurrage, for one month after demand of same by any person duly authorized to collect such charges, any such goods, or, in case such goods have been delivered, then any other goods on the premises of the railway belonging to the same person, may, by order of the Minister, be sold; and the proceeds of such sale shall be applied first for paying the said charges and the expenses of such sale, and the balance, if any, shall be paid over to the owner of the goods sold.

49. If any such goods are left on the premises of the railway, and the owner thereof, or the person liable for the charges thereon, is not known, the Minister may cause it to be publicly notified that such goods will be sold upon a day named in such notice, not less than one month from the publication thereof; and, if such goods are not removed and the charges thereon paid before such day, the said goods may be sold, and the balance of the proceeds of such sale, after paying the charges upon such goods, shall be paid into the Public Trust Office, and shall be paid by the Public Trustee to any person establishing a lawful claim thereto.

50. If the Minister shall have paid any claim for goods for the time being lost on a railway, and such goods are afterwards found, the claimant shall have the option of taking such goods when refunding the amount so paid to him; but if he declines to do so such goods shall be sold, and the proceeds of such sale shall be paid into the Public Account.

51. The Minister may from time to time fix or alter scales of fares and charges for passengers and goods carried on a railway, or received on or into, or stored in, or delivered from any wharf, pier, jetty, store, shed, or yard in connection with a railway, or for demurrage on the use of any rolling-stock, or for the use of any cranes, hoists, or other machinery for loading or unloading of such goods, or for fixing the rates of wharfage to be charged on all goods loaded or unloaded from or into lighters, into or from ships lying at any wharf, pier, or jetty in connection with a railway, by a notice published in the *New Zealand Gazette* declaring the date at which such shall take effect. A printed notice of such fares and charges shall also be fixed and maintained in a conspicuous place at such stations as may be deemed advisable by the Minister.

The Minister may authorize the General Manager from time to time to alter such passenger fares and rates temporarily by publishing a notice to that effect, such notice to be affixed in some conspicuous place at each station to which such alterations refer on the line of railway affected.

The General Manager may from time to time make time-tables fixing and showing the times at which trains arrive at and depart from stations; such time-tables, so far as relating to public passenger trains, shall be advertised in a local newspaper three days before coming into force, and shall also be posted in a conspicuous place at each station on the railway affected where tickets are sold.

The General Manager may, by the posting of notices at such stations as they refer to, fix rules for regulating the loading and unloading of carriages and wagons and the weights they carry, for ordering the receipt and delivery of goods, and for storing the same.

The Minister may from time to time, by a notice in the *New Zealand Gazette*, make rules and regulations for the guidance and observance of the officers and men employed on the railways, and for the conduct of the traffic on the same.

FORSTER GORING,
Clerk of the Executive Council.