



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF THURSDAY, OCTOBER 26, 1882.

Published by Authority.

WELLINGTON, FRIDAY, OCTOBER 27, 1882.

Making By-laws on New Zealand Railways.

I, WALTER WOODS JOHNSTON, Minister for Public Works, in pursuance of the powers conferred upon me by the 144th section of "The Public Works Act, 1882," and of all other powers in anywise enabling me in that behalf, do hereby make the following by-laws for the management of railways open for traffic in the Colony of New Zealand, that is to say,—

1. In these by-laws, if not inconsistent with the context,—

"Minister" means the Minister for Public Works appointed in accordance with "The Public Works Act, 1882;"

"General Manager" means the General Manager of the New Zealand Railways;

"Railway" means and includes any railway within the meaning of "The Public Works Act, 1882;"

"Goods" means goods and chattels of every description, and includes live animals;

Words importing the singular number include the plural number, and words importing the plural number include the singular number, and words importing the masculine gender include females;

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 in or upon any carriage used on 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. 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 Stationmaster, to the holders of such return and single tickets as shall be unable to obtain seats.

4. No person shall travel or attempt to travel in or upon any carriage on the railway without having previously paid the proper fare, and with intent to evade payment thereof.

5. No person having paid the fare for a certain distance shall knowingly and wilfully proceed in any such carriage beyond such distance without previously paying the additional fare for the additional distance.

6. Every person, on arriving at the point to which the fare has been paid, shall quit such carriage.

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 leave the train, and quit the station and premises of the railway, and no person shall loiter about the premises of the railway.

8. Each passenger who has paid his fare and has received a ticket shall produce such ticket whenever required so to do by any Stationmaster or person authorized by a Stationmaster, or by the Guard in charge of the train, or, if it be a return or a season ticket, shall give the same up to be marked or examined when required, and shall deliver up any ticket on the demand of any such Stationmaster, person, or Guard.

9. Any passenger joining a train at a booking-station without having previously provided himself with a ticket shall on demand by any such Stationmaster, person, or Guard as aforesaid, pay one shilling in addition to the ordinary fare.

10. 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.

11. No male passenger shall enter or remain in any waiting-room or carriage set apart for the accommodation of females.

12. No person shall enter or remain in 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 any person who shall have entered a carriage or compartment under such circumstances shall go out immediately upon being requested by the Guard or other officer of the railway to do so.

13. No person, not being a railway servant, 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, nor 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.

14. No person shall get into or upon or quit any part of a train while it is in motion.

15. No person shall load or discharge firearms, or carry loaded firearms, in, or place them upon, any carriage, engine, wagon, truck, or other vehicle situate on any part of the railway.

16. No person shall smoke on any part of a railway or train except in the carriages set apart for the purpose.

17. No person shall take a dog into any passenger carriage.

18. No railway servant shall receive any gratuity on pain of dismissal, and no person shall give or offer a gratuity to any such servant.

19. No person shall make use of insulting or abusive language to any railway officer or servant while in the execution of his duty, or obstruct any such officer while in the execution of his duty, or make use of indecent or blasphemous language on any part of the railway.

20. No person shall commit any nuisance or gamble on any part of the railway, or do any act which shall wilfully interfere with the comfort of any passenger.

21. No person suffering from any infectious disorder shall travel, or attempt to travel, upon any carriage on the railway, or enter upon the railway premises without the Manager's permission. The Manager may refuse to carry any such person.

22. 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 some person authorized by him to issue such licenses.

23. No person will be allowed to come upon any railway platform for the purpose of removing any passenger or luggage, unless engaged by a passenger for such purpose, and no person will be allowed to come upon any railway premises for the purpose of soliciting custom or hire.

24. No person shall sell, or attempt to sell, any article on any of the premises of a railway or train without the consent of the General Manager.

25. 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.

26. The Minister will not be responsible for any loss or damage in respect to any goods received for carriage or carried on a railway or train 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, Queens' enemies, or from fire (except from the railway engines or apparatus), or from accidental delays in transit occurring from either of these causes.
- (7.) Unless the claim for such loss or damage be specified in writing, and within seven days after the due time of delivery.

27. No person shall place or carry in or upon any part of a train, or deposit in any waiting room or shed used for passengers, any dangerous or explosive goods; and no person shall consign by railway or deposit on the railway premises any such goods without distinctly marking "dangerous" on the outside of such goods, and specifying the particulars on a consignment note. 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 spirits of salts, naphtha, naphthaline, nitrate of iron, nitric acid, oil of vitriol 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.

The Railway Department may refuse to receive or carry such goods. When received and carried they will be subject to such regulations as may from time to time be publicly notified by the General Manager.

28. Fruit, vegetables, fish, meat, poultry, and other perishable articles, shall be carried only at the risk of the consignor, 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 deemed to be equivalent to delivery.

29. All goods and luggage, having arrived at its destination, shall be removed by the consignees from the railway within such periods as may be defined in the scale of rates; 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 scale. If on the arrival of goods forwarded by railway the railway sheds and stores shall, in the opinion of the railway authorities, be full, and the consignees or owners do not take delivery within twelve working hours, such goods may be stored 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

the demurrage according to the scale of rates from time to time in force, for each truck not unloaded within the period named therein.

30. 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 148th section of "The Public Works Act, 1882."

31. All charges must be paid immediately on demand to the Stationmaster, or the person duly authorised by the Stationmaster, to receive the same. Except where a special agreement is entered into, no goods will be delivered to the consignee until the payment of such charges shall have been made.

32. No consignor having consigned goods and having obtained the proper receipt shall be entitled to countermand the order, or to resume possession of the goods, without first cancelling the consignment note and returning to the railway authorities the receipt before-mentioned, and paying all charges incurred, after which if delivery can be stopped by the Railway Department, the goods may be returned.

33. If any person refuses or fails to pay the proper charges on any goods for which he is liable, 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 consigned to the same person may, by order of the General Manager, be sold; and the proceeds of such sale shall be applied first for the 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.

34. If any 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 General Manager 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.

35. 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 upon 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.

36. Any person who shall commit a breach of any of the foregoing by-laws, or shall fail to do any act in any such by-law directed to be done by him, or shall do any act which by any such by-law is directed not to be done by him, shall be liable to a penalty not exceeding ten pounds for each such breach, or the failure to do or the doing of each such act as aforesaid respectively.

As witness my hand this twenty-fifth day of
October, 1882.

WALTER W. JOHNSTON,
Minister for Public Works.

