

No. 12.—1882.

AN ORDINANCE for the punishment of certain offences in relation to Railways and Telegraphs and for other purposes.

(L.S.) S. FREELING, *Governor*,

16th November, 1882.

BE it enacted by His Excellency the Governor, by and with the advice and consent of the Legislative Council, as follows:—

1. This Ordinance may be cited for all purposes as Short title.
“The Railways and Telegraphs Offences Ordinance, 1882.”

2. Any person who unlawfully and maliciously sets Setting fire to railway station. fire to any Station, Engine-house, Warehouse or other building belonging or appertaining to any Railway shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding ten years, with or without hard labour.

3. Any person

1. Who unlawfully and maliciously pulls or throws down or in anywise injures any Station, Engine-house, Warehouse or other building belonging or appertaining to any Railway, or

Injury to station, public bridge, &c.

2. Who unlawfully and maliciously pulls or throws down or cuts or otherwise injures or removes any post, machinery, signal, semaphore, connecting rod or wire, or other thing belonging or appertaining to any Railway, or

3. Who unlawfully and maliciously pulls or throws down or in anywise destroys any bridge (whether over any stream of water or not) or any viaduct or aqueduct over or under which bridge, viaduct or aqueduct any highway, railway or canal passes, or

4. Who does any injury with intent and so as thereby to render any such bridge, viaduct or aqueduct as last aforesaid or the highway, railway or canal passing over or under the same or any part thereof dangerous or impassable,

shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Various offences.

4. Any person who unlawfully does any of the following acts (that is to say)

1. Places or casts upon a Railway any thing whatsoever liable to explode or be exploded, or calculated to obstruct, overthrow, destroy or injure any engine, tender, carriage, or truck, or to injure or alarm any person travelling or being on a Railway, or to endanger the life or limb or otherwise endanger the safety of any such person, or
2. Takes up, removes or displaces any rail or sleeper or any other thing whatsoever belonging to a Railway, or
3. Turns, moves or diverts any points or other machinery belonging to a Railway, or
4. Makes or shows or hides or removes any signal or light upon or near to a Railway, or
5. Throws or in any manner projects at, upon or into or wilfully lets fall upon or into any train in motion on any Railway any stone or other thing likely to cause injury or annoyance,

shall be guilty of an offence against this section and liable to punishment as follows (that is to say)

6. If the offender is under the age of sixteen years and has not been previously convicted of an offence against this section, such offender shall be guilty of an offence punishable on summary conviction and on conviction thereof before a Stipendiary Justice of the Peace, such Stipendiary Justice may order the offender
 - (a.) if a male, to be whipped or to be imprisoned with or without hard labour for any term not exceeding three months or to be whipped and

- imprisoned with or without hard labour for any term not exceeding three months, or
- (b.) if a female, to be imprisoned with or without hard labour for any term not exceeding six months:
7. If the offender is under the age of sixteen years, and has been previously convicted of an offence against this section, such offender shall be guilty of a misdemeanour, and on conviction thereof may be imprisoned with or without hard labour for any term not exceeding two years, and if a male may also be whipped:
8. If the offender is not under the age of sixteen years, such offender shall be guilty of a misdemeanour, and on conviction thereof may be fined in any sum not exceeding one hundred pounds, and also, if the Court so think fit, imprisoned with or without hard labour for any term not exceeding two years.

Under any whipping under this section, the number of strokes shall not exceed twenty.

Any person who unlawfully and maliciously with either of the following intents (that is to say)

- (c.) With intent to obstruct, overthrow, destroy or injure any engine, tender, carriage or truck on a Railway, or
- (d.) With intent to endanger the life or limb, or otherwise endanger the safety of any person travelling or being on a Railway,

does any of the acts aforesaid, or any other act, shall be guilty of felony, and on conviction thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

5. Any person who unlawfully throws, or causes to fall or strike at, against, into or upon any engine, tender, carriage or truck used upon any Railway, any thing whatsoever with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage or truck, or in or upon any other engine, tender, carriage or truck of any train of which such first mentioned engine, tender, carriage or truck forms part, shall be guilty of felony, and being convicted

Throwing stones, &c., with intent to endanger passengers.

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thereof shall be liable to be imprisoned for any term not exceeding four years, with or without hard labour.

Doing or omitting anything to endanger passengers by railway.

6. Any person who, by any unlawful act, or by any wilful omission or neglect, obstructs, or causes to be obstructed any engine, tender, carriage or truck on a Railway, or endangers or causes to be endangered the safety of any person conveyed or being in or upon a Railway, or aids or assists therein, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years with or without hard labour.

Penalty on omitting to fasten gates.

7. Any person who omits to shut and fasten any gate set up on either side of any Railway for the accommodation of the owners or occupiers of the adjoining land as soon as he and any carriage, waggon, dray or cart, or any cattle or other animals under his care have passed through such gate, shall be guilty of an offence punishable on summary conviction before any Justice of the Peace, and be liable to a penalty not exceeding five pounds.

Obstructing railway officers or trespassing upon a railway.

8. If any person wilfully obstructs or impedes in the execution of his duty any officer employed upon any Railway, or upon or in any of the stations or other works or premises connected with any Railway, or if any person wilfully trespasses upon any Railway or any of the stations or other works or premises connected with any Railway, and refuses to quit the same upon request to him made by any officer employed on such Railway, every person so offending, and all others aiding or assisting in any such offence shall be guilty of an offence punishable on summary conviction before any Justice of the Peace, and be liable to a penalty not exceeding twenty pounds.

Any such offender may be seized and detained by any officer employed on such railway, or by any person whom he may call to his assistance, until such offender can be conveniently taken before a Justice of the Peace to be dealt with according to law.

Obstructing the working of telegraphs.

9. Any person who unlawfully and maliciously cuts, breaks, throws down, destroys, injures, or removes any

battery, machinery, wire, cable, post or other thing whatsoever being part of, or being used or employed in or about any electric or magnetic telegraph, or in the working thereof, or unlawfully and maliciously prevents or obstructs in any manner whatsoever the sending, conveyance or delivery of any communication by any such telegraph, shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding two years with or without hard labour:—

Provided that if it appears to any Stipendiary Justice of the Peace, on the examination of any person charged with any offence against this section, that it is not conducive to the ends of justice that such offence should be prosecuted by indictment, the said Stipendiary Justice may proceed summarily to hear and determine the same, and the offender shall, on conviction thereof, be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay such sum of money, not exceeding ten pounds, as to the said Stipendiary Justice seems meet.

Any person who unlawfully and maliciously, by any overt act, attempts to commit any of the offences in this section mentioned shall, on conviction thereof before a Stipendiary Justice of the Peace, be liable to be imprisoned and kept to hard labour for any term not exceeding six months, or else shall forfeit and pay such sum of money, not exceeding ten pounds, as to the said Justice seems meet.

10. The Ordinances specified in the schedule to this Ordinance are hereby repealed: Provided that such repeal shall not affect anything done, or any liability, punishment, penalty or forfeiture incurred before the passing of this Ordinance, or any indictment, information, remedy, action or proceeding in respect of anything done or omitted before the passing of this Ordinance.

Repeal of
certain
Ordinances.

Passed in Council this First day of November, in the year of our Lord One thousand eight hundred and eighty-two.

A. C. ROSS,
Clerk of the Council.

THE SCHEDULE.

| No. of Ordinance. | Short Title. | Extent of Repeal. |
|-------------------|---|-------------------|
| 29 of 1875 | The Railways and Telegraphs Offences Ordinance, 1875. | The whole. |
| 13 of 1879 | The Railway Offences Ordinance, 1879. | The whole. |

No. 15.—1882.

AN ORDINANCE to amend “The Savings Banks Ordinance, 1882.”

(L.S.) S. FREELING, *Governor*.

5th December, 1882.

BE it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows :—

Short title
and construc-
tion.

1. This Ordinance may be cited as “The Savings Banks Amendment Ordinance, 1882.” It shall be construed as one with “The Savings Bank Ordinance, 1882” (in this Ordinance referred to as the principal Ordinance). The principal Ordinance and this Ordinance together may be cited as “The Savings Banks Ordinances, 1882.”

Deposits of
married
women.

2. Section seventeen of the principal Ordinance is hereby repealed and in lieu thereof be it enacted as follows :—

It shall be lawful to pay any sum of money in respect of any deposit made by or on behalf of any married