

ACT No. III. OF 1853.

*Passed by the Governor General of India in Council,
on the 11th March, 1853.*

*An Act relating to the Railway belonging to the Great Indian Peninsula
Railway Company in the Presidency of Bombay.*

WHEREAS it is expedient that the opening of any part of the
Railway belonging to the Great Indian Peninsula Railway Company,
should be regulated by laws, for regulating the said
Railway Company, and for the
purpose of certain other things, to ensure the safety of persons
travelling upon the said Railway; It is enacted as follows:

No passenger shall enter any Carriage used on the aforesaid
Railway without having first paid his fare and obtained a ticket. Each
passenger, on payment of his fare, shall be furnished with a ticket,
specifying the class of Carriage and the distance for which the fare has
been paid; each passenger shall, when required, show his ticket to any
agent of the said Company duly authorized to examine the same, and
shall deliver up such ticket upon demand, to any of the Company's ser-
vants duly authorized to collect tickets. Any passenger, not producing
his ticket, as aforesaid, shall be liable to pay the fare from
the place whence the train originally started, unless he can prove that
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he has travelled a less distance only, and has paid his fare for such less distance.

II. At the intermediate stations the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there shall be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall be furnished, those who shall have obtained tickets for the longest distance shall have the preference, and those who shall have obtained tickets for the same distance shall have the preference, according to the order in which they shall have received their tickets.

III. Any person who shall attempt to defraud the Company by travelling, or attempting to travel, upon the Railway without having previously paid his fare, or by riding in or upon a Carriage of a higher class than that for which he shall have paid his fare, or by continuing his journey in or upon any of the Carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof, or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such Carriage, or who shall, in any other manner whatever, attempt to evade the payment of his fare, is hereby subjected to a penalty not exceeding Twenty Rupees.

IV. Any passenger, who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any Carriage while such Carriage is in motion, or who shall ride or attempt to ride on the steps or any other part of a Carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a penalty not exceeding Twenty Rupees.

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V. Any person other than the engine-man and fire-man, who shall ride or attempt to ride upon any locomotive engine or tender, and any person other than the guard or breaksman, who shall ride or attempt to ride upon any luggage, van or goods-waggon, without the special licence of the Superintendent of Locomotives, shall be liable to penalty not exceeding Twenty Rupees for each offence.

VI. No person shall smoke either on the Company's premises, or in or upon any of their Carriages, (except in places or Carriages which may be specially provided for the purpose;) any person infringing this regulation is hereby subjected to a penalty not exceeding Twenty Rupees, and any person persisting in such infringement after being warned to desist by any of the Company's servants, in addition to incurring the penalty above mentioned, may immediately, or at the first opportunity, be removed from the Company's premises, and shall forfeit his fare.

VII. Any person who shall stand in any Railway Carriage, or who shall be in any state of intoxication, or commit any nuisance or offence, shall willfully and without lawful excuse interfere with the comfort of any passenger on the Railway, shall be liable to a penalty not exceeding Twenty Rupees; and in addition to such penalty the offender shall immediately, or at the first opportunity of doing so, be removed from the Company's premises, and shall forfeit his fare.

VIII. If any special Carriage or portion of a Carriage, or any private room or apartment, shall be provided for the exclusive use of females, any male person who shall enter such Carriage or portion of a Carriage, or such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or who shall remain therein after having been informed of its exclusive appropriation, shall be liable to a penalty not exceeding

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ing Twenty Rupees, and may be immediately removed therefrom, and also from the Company's premises, and shall forfeit his fare.

IX. The Company shall not in any case be answerable for passengers' luggage, unless it shall have been booked and separately paid for.

X. If any person shall fail to pay on demand any sum due for the conveyance of any goods conveyed upon the Railway, it shall be lawful for the Company to detain and sell all or any part of such goods, or if the same shall have been removed from the premises of the Company, it shall be lawful for them to detain and sell any other goods on their premises belonging to the party liable to pay such sum, and out of the money arising from such sale, to retain the sum payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus, if any, of the money arising by such sale and such of the goods as shall remain unsold, to the person entitled thereto, or the Company may recover any such sum by action at law.

XI. The owner or person having the care of any goods which shall have been carried upon the said Railway, or shall be brought on to the premises of the said Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity of such goods.

XII. If any such owner or person as aforesaid shall fail to give such account to such servant of the Company demanding the same, or if he shall give a false account thereof, he shall for every such offence forfeit to the Company a sum not exceeding Fifty Rupees for every ton of goods,

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XIII. No person shall be entitled to carry, or to require the Company to carry, upon the Railway, any goods which in the judgment of the Company shall be of a dangerous nature; and if any person shall cause any dangerous goods to be carried upon the said Railway without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Book-keeper, or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall forfeit to the Company Two hundred Rupees for every such offence; and it shall be lawful for the Company to refuse to carry any parcel that they may suspect to contain goods of a dangerous nature, or to require the same to be opened to ascertain the fact previously to carrying the same.

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XIV. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on the Railway, or at any station or premises connected therewith, shall be liable to a penalty not exceeding Fifty Rupees.

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XV. Any person who shall refuse to leave such premises on being requested to do so by any officer, servant, or other person on behalf of the Company, he shall be liable to a penalty not exceeding Fifty Rupees, and may be immediately removed from such premises by such officer, servant, or other person as aforesaid.

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XVI. Any

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XVI. Any person who shall ride, lead, or drive upon or across the said Railway, or any part thereof, any beast or animal, (except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do,) shall be liable to a penalty not exceeding Fifty Rupees for each offence.

XVII. The owner of any animal which shall be found straying on the Railway, or on any lands belonging to the Company, shall be liable to a penalty not exceeding Ten Rupees for each animal.

XVIII. Any person who shall unlawfully and wilfully remove or deface the number-plates, or remove or extinguish any lamp on any Carriage belonging to the said Company, or shall wilfully damage or injure any Carriage, engine, waggon, truck, warehouse, building, machine, fence or any other matter or thing belonging to the Company, shall be liable to a penalty not exceeding Fifty Rupees, in addition to the amount of damage done.

XIX. If any person for whose use or accommodation any gate shall have been set up by the said Company on either side of the said Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any animal across the said Railway at a time when any engine or train passing along the same shall be in sight, or who shall at any time omit to shut and fasten such gate as soon as he and any carriage, cattle or other animals or things under his charge shall have passed through the same, he shall forfeit for every such offence a sum not exceeding Fifty Rupees.

XX. If any person shall commit any offence against this Act to which any penalty is attached, and the name and address of such person shall be unknown, any officer or servant of the Company, or any Police officer, may

may lawfully apprehend and detain such person until he can conveniently be taken before a Magistrate, or other officer having jurisdiction over the offence, or until he shall be otherwise discharged by due course of law.

XXI. Whoever shall wilfully do any act, or omit to do what he shall be legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause, any engine, tender, carriage, or truck upon the said Railway to be obstructed, mismanaged, overturned, or damaged in its passage upon the said Railway, and the life or limb of any person to be thereby endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labour, for any term not exceeding seven years.

XXII. If any officer or servant of the said Company shall wilfully or negligently omit to do what he shall be legally bound to do, and if, in consequence of such omission, the life or limb of any person shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

XXIII. If any officer or servant of the said Company shall be in a state of intoxication whilst actually employed upon the Railway, or any other work connected therewith, in the discharge of any duty the omission of which would be likely to endanger the life or limb of any person, such officer or servant shall be liable to imprisonment with or without hard labour for a term not exceeding one year.

XXIV. In the construction of this Act, every officer or servant of the Company shall be deemed to be legally bound to do everything which he shall be required to do by any Regulation having regard to public safety which shall be made by the said Railway Company, and allowed by the Government of Bombay, and of which such officer or servant shall have notice.