

CHAPTER 70.

Of Injuries to Railway Trains.

SECTION

- 1.—Injuries, &c., to Railway trains; Punishment.
2.—Magistrate to forward complaint to Attorney General.

SECTION

- 3.—Appeal.
4.—Bail pending appeal.

1. Whosoever shall,—

- (a.) Unlawfully and maliciously put, place, cast, or throw upon or across any Railway, any wood, stone or other matter or thing, or shall unlawfully and maliciously take up, remove or displace any rail, sleeper or other matter or thing belonging to any Railway, or shall unlawfully and maliciously turn, move, or divert any point or other machinery belonging to any Railway, or shall unlawfully and maliciously make or show, hide or remove any signal or light upon or near to any Railway, or shall unlawfully and maliciously do or cause to be done, or assist in doing or causing to be done, any other matter or thing, or shall unlawfully and maliciously, by any overt act, attempt to do any matter or thing with intent in any of the cases aforesaid, to obstruct, upset, overthrow, injure or destroy any engine, tender, carriage or truck, using such Railway; or,—
- (b.) Shall by any unlawful act, or by any wilful omission or neglect, obstruct or cause to be obstructed, any engine or carriage using any Railway, or shall aid or assist therein; or,—
- (c.) Shall unlawfully and maliciously throw or cause to fall, or strike at, against, into or upon any engine, tender, carriage or truck, used upon any Railway, any wood, stone or other matter or thing 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 shall form part; or,—
- (d.) Shall by any unlawful act, or by wilful omission or neglect, endanger or cause to be endangered the safety of any person conveyed or being in or upon a Railway, or shall aid or assist therein,—

Shall, on conviction thereof in a summary manner before a stipendiary Magistrate, be imprisoned and kept to hard labour, for a term not exceeding twelve calendar months with or without whipping, at the discretion of the said Magistrate: Provided that nothing in this chapter shall be held to prevent the application of the "Criminal Law Consolidation Acts"

(Imperial, 1861), so far as the same relate to Railways, and that this chapter shall be taken cumulatively with the provisions of the said Acts, or of any other Acts now or hereafter applied to the same subject matter.

2. It shall be the duty of every stipendiary Magistrate before proceeding to the trial of any person charged with any of the offences mentioned in the chapter, to forward to the Attorney General, or in his absence to the Solicitor General, a copy of the complaint on oath, for his consideration and determination; and if the Attorney General, or in his absence the Solicitor General, be of opinion that from any cause the charge is a fit subject for prosecution by indictment rather than to be disposed of summarily, the said stipendiary Magistrate shall deal with the case in all respects as if this chapter had not been passed.

3. Where any person convicted under this chapter, shall be sentenced to imprisonment for a period exceeding three months, or for any period of time with whipping, he may appeal to the Supreme Court in St. John's or on Circuit, which shall hear and determine such appeal, and confirm, reverse or modify the sentence.

4. Any person appealing under the foregoing section, may be admitted to bail during the pending of the appeal, by order of the Supreme Court in St. John's or on Circuit, upon recognizances to abide the judgment of the said Court.
