

## CHAPTER 136.

# MARAMPA RAILWAY AND HARBOUR WORKS CONSTRUCTION.

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## CHAPTER 136.

### MARAMPA RAILWAY AND HARBOUR WORKS CONSTRUCTION.

2 of 1931. **An Ordinance to empower the Sierra Leone Development Company, Limited, to construct and own a jetty and shipping installation at Pepel Point on Pepel Island in the Port Loko Creek, and a railway from that point to the vicinity of Marampa in the Port Loko district; and to regulate the user, maintenance and operation of such jetty, shipping installation and railway.**

[7TH APRIL, 1931.]

Short title.

1. This Ordinance may be cited as the Marampa Railway and Harbour Works Construction Ordinance, and shall apply to the Colony and Protectorate.

Interpretation.

2. In this Ordinance, unless the context otherwise requires—  
 “the Company” means and includes the Sierra Leone Development Company, Limited, incorporated and registered in England under the Companies Act, 1929, and its successors and assigns being British subjects or companies incorporated and registered in Great Britain or Sierra Leone;

“Pepel Point” means the point of that name on Pepel island in the Port Loko creek in the Port Loko District of the Northern Province of the Protectorate;

“Marampa” means the chiefdom of that name in the Port Loko District aforesaid;

“lands” include Crown lands, public, tribal, common and waste lands, places, streets, highways, roads, ways, pathways, and all messuages and corporeal hereditaments whatsoever, but does not include the foreshore or bed of a navigable creek;

“railway” means a railway or tramway, whether worked by steam or otherwise, to be constructed, established or maintained under the provisions of this Ordinance, and includes unless specifically excepted all lands, works, bridges,

stations, houses, termini and rolling-stock required for or in connection with the operation and maintenance of a railway;

“ the Company’s Engineer ” means the officer from time to time appointed by the Company, with the approval of the Governor, to superintend the construction and maintenance of the railway to be constructed under this Ordinance;

“ goods ” include things of every kind conveyed upon or by a railway;

“ rolling-stock ” includes locomotive engines, motors, tenders, carriages, wagons, trucks and trollies of all kinds;

“ traffic ” includes rolling-stock of every description as well as passengers, animals and goods;

“ vessel ” includes ship, boat, lighter, and any kind of craft, and whether propelled by steam or otherwise.

3. (1) It shall be lawful for the Company to construct, own and maintain a jetty and shipping installation at Pepel point with all other necessary and convenient works connected therewith or incidental thereto including buildings, ore bunkers, plant, machinery, power stations, yards, embankments, roads, approaches and similar works in accordance with the plans, specifications and particulars deposited in the office of the Minister.

Power for Company to construct jetty, etc., at Pepel point.

(2) The said plans, specifications and particulars shall be open to inspection by any member of the public at the office of the Minister on payment of a fee of two shillings.

4. The Company shall have the exclusive right of loading and unloading vessels at the said jetty and shipping installation and it shall not be lawful for any person to use or enter upon the said jetty or other works as aforesaid, or to moor any vessel thereto without the consent of the Company’s duly authorised representative:

Company have exclusive right to use of jetty.

Provided that all vessels in the service of the Colonial Government, and all officers of the Colonial Government in the exercise of their duties shall, in so far as shall be reasonable, having regard to the nature of the works and the Company’s operations, have full and unrestricted use and right of access at all times to the said jetty and other works as aforesaid.

5. The Company, if required to do so by the Governor, shall erect on a suitable site near the said jetty and shipping installation, to be approved by the Comptroller of Customs, a suitable office and quarters for the use of a Sub-Comptroller of Customs

Company to erect Customs office at Pepel point if required.

or such other Customs officer or officers as the Comptroller of Customs may think fit to station at Pepel point. Any such offices and quarters shall be erected by the Company in accordance with plans and specifications approved by the Director of Public Works.

Power for Company to construct railway.

6. (1) It shall be lawful for the Company to construct, own and maintain a railway from Pepel point to its iron ore concessions at Marampa on the lines and according to the levels shown on the plans and sections deposited in the office of the Minister, with all proper bridges, viaducts, stations, sidings, approaches, junctions, roads, buildings, yards, telephone and telegraph lines, power stations, power lines, pipe lines and other works and conveniences connected therewith or incidental thereto:

Provided that it shall be lawful for the Company to deviate from the line and level of railway shown on the deposited plans, but so that no such deviation shall extend beyond the limits of deviation shown on the said plans save as may be allowed by the Governor in Council on the deposit of additional plans as aforesaid and within the limits of deviation shown on such additional plans:

Provided also that the bridge to carry the said railway over the Port Loko Creek at or near Port Loko shall be of a height of at least fourteen feet above high water at spring tides, and shall provide a safe and adequate footpath across the said creek for pedestrians only apart from the railway track.

(2) The said plans and sections shall be open to inspection by any member of the public at the office of the Minister on payment of a fee of two shillings.

No compensation for works constructed on foreshore or bed of creeks.

7. The Company may utilise and occupy such part of the foreshore and bed of the Port Loko creek or any other creek or waterway as it requires for the construction, establishment, maintenance and use of the said jetty, shipping installation and other works at Pepel point, and of the said railway within the said limits of deviation in accordance with the deposited plans, without payment of any consideration therefor and without incurring any criminal or civil liability in respect of any interference with public or private rights over and in the said creeks, waterways and foreshore.

Power to construct causeway across Sankin creek.

8. The Company may also construct a causeway or embankment over and in the creek known as the Sankin creek between Pepel island and the main land in accordance with the deposited plans, but there shall be a right of compensation in respect of

any interests in the said Sankin creek injuriously affected by the said causeway or embankment. Such compensation shall be assessed in accordance with the provisions of sections 15 to 17.

9. It shall be lawful for the Company's Engineer, with all necessary workmen and other servants, at all times to enter upon and to set out and appropriate, either for permanent or temporary use, any lands required for or in connection with the construction, establishment, maintenance and use of the said jetty, shipping installation and railway, including any temporary works in connection therewith.

Power to enter and take lands.

10. When the Company's Engineer shall set out, appropriate and take any lands for the purpose of the said jetty, shipping installation or other works or railway, he shall cause such lands to be marked out and a notice to be posted on some conspicuous part thereof in these words—"Taken for the Pepel point Shipping Installation" or "Taken for the Marampa Railway," as the case may be, and such notice shall be signed by the Company's Engineer. All such lands when so set out, appropriated and taken shall, unless only a shorter title is required and taken, be vested in the Company for a term of nine hundred and ninety-nine years free from all other estates and all liens, rights, charges and incumbrances whatsoever but subject to the provisions of sections 33, 34 and 35:

Marking out lands by Company's Engineer.

Provided that no lands outside the areas, lines and limits of deviation shown on the deposited plans shall be set out, appropriated and taken under this and the last preceding section without the consent of the Governor in Council first had and obtained.

11. Within one month after any such appropriation the Company's Engineer shall cause to be registered in the office of the Registrar General a plan of the lands so set out, appropriated and taken as aforesaid, together with a certificate under his hand to the effect that the same have been taken and appropriated for the purposes of the said installation or railway, as the case may be, and setting forth the term of years for which the same have been so taken.

Plan and certificate to be registered.

12. When any lands have been taken and appropriated for the purposes of the said installation or railway as aforesaid, the registration of a plan of such lands, together with the certificate in the office of the Registrar General as in the last preceding section mentioned, shall be conclusive evidence that

Registration of plans, etc., conclusive evidence of land taken.

such lands have been set out, appropriated and taken for the said installation or railway, as the case may be, under the provisions of this Ordinance.

Refusal by owner to give up possession.

13. If, in any case in which, according to the provisions of this Ordinance, the Company's Engineer is authorised to enter upon and take any lands required for the said jetty, shipping installation or other works, or railway, the owner or occupier of any such lands or any other person shall refuse to give up possession thereof or shall hinder the Company's Engineer, his agents, servants or workmen, from entering upon or taking possession of the same, the Magistrate shall inquire into the matter and, if satisfied that such lands are required for the said jetty, shipping installation, or other works or railway, he shall issue his warrant in the form in the schedule, and the police or other officer of the Magistrate's Court to whom such warrant is entrusted for execution shall deliver possession of the lands in question to the Company's Engineer.

Powers of Company's Engineer, his agents and workmen.

14. (1) The Company's Engineer, his agents, servants, workmen and other persons authorised by him shall be, and are hereby empowered to do all or any of the following things—

(i) From time to time, as he may think necessary, to enter upon any lands or the foreshore or bed of a navigable creek or waterway for the purpose of making surveys or taking levels for the said jetty, shipping installation or other works or railway or doing anything necessary under this Ordinance with a view to taking and appropriating any lands;

(ii) In or upon the lands set out, appropriated or taken for the said jetty, shipping installation or other works or railway, or upon any lands within one hundred feet thereof, to bore, dig, cut, trench, embank, sough, and drain; and to remove, or lay out, and also to use, cut, work, and manufacture any earth, stone, rubbish, trees, gravel, or sand, or any other material or things whatsoever which may be dug or obtained, and which may be necessary or proper for making, maintaining, altering, repairing, or working the said jetty, shipping installation, or other works or railway or any part thereof, or which may obstruct the making, maintaining, altering, repairing, or working of the same respectively;

(iii) To lay down, make, erect and construct in, under, upon, across, or over the said jetty, shipping installation or other works or railway, or any part thereof, or any lands, or any roads, streets, dams, ways, lanes, or other public passages or places, hills, valleys, rivers, creeks, brooks,

streams, or other waters whatsoever, such inclined planes, tunnels, embankments, bridges, arches, piers, roads, ways, passages, conduits, drains, culverts, cuttings, fences, rails, sleepers, telegraph and telephone poles, wires and lines, power lines, pipe lines, wharves, warehouses, toll-houses, landing places, machinery, and buildings of whatsoever kind or description, and all such other works and conveniences as shall be necessary or expedient for the establishment, maintenance, or repairing or using of the said jetty, shipping installation or other works or railway;

(iv) And also to alter and divert the course of any rivers, creeks, trenches, brooks, streams, or watercourses, if necessary, for constructing, maintaining and repairing tunnels, bridges, passages, or other works over or under the same, and to divert or alter, as well temporarily as permanently, the course of any such rivers, creeks, streams or watercourses, trenches, roads, streets, dams, or ways, in order the more conveniently and economically, as regards the construction of the said railway, to carry the same over, or under, or by the side of, the said railway as shall be necessary for the establishment, maintenance, or repairing or using of the said railway;

(v) And also to make roads, ways, creeks, watercourses, soughs, drains, trenches, or conduits in, to, through, over, or under any lands for the purpose of bringing or conveying any passengers, goods, animals, or carriages to or from the said jetty, shipping installation, or other works or railway, or conveying water from or to the same, or to obtain access to, or egress from, any mine, forest, quarry, or kiln;

(vi) And also to erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharves, engines, machinery, apparatus, and other works and conveniences as the Company's Engineer shall think proper;

(vii) And also from time to time to alter, repair, or discontinue the before-mentioned works, or any of them, and to substitute others in their stead;

(viii) And also from time to time to erect such construction camps at convenient sites on lands close to the said jetty, shipping installation and other works and railway for the purpose of housing and providing for the Company's agents, servants and workmen as the progress of work on the said jetty, shipping installation and other works and railway shall require:

Provided that the sites to be chosen for such construction camps shall be as healthy as circumstances permit;

(ix) And to do and execute all other matters and things necessary for making and maintaining, altering, repairing, and using the said jetty, shipping installation and other works and railway.

(2) The Company's Engineer, his agents, servants, workmen and other persons authorised as aforesaid, shall do as little damage as may be in the exercise of the several powers to him and them hereby granted.

Compensation for lands taken, occupied or injuriously affected.

15. (1) The owners and occupiers of, and all other persons interested in any lands which may be appropriated and taken, or used and occupied, for the purpose of the said jetty, shipping installation and other works and railway and the construction, maintenance or repair thereof, or which may be injuriously affected by the exercise of any of the powers hereby conferred upon the Company's Engineer, shall be entitled to, and shall receive compensation for, the value of the lands so taken or used, and for all damages sustained by such owners, occupiers and other persons by reason of the exercise as regards such lands of the powers granted by this Ordinance; the amount of such compensation to be ascertained and determined as hereinafter provided.

(2) The owners of all such lands shall be deemed to be the Tribal Authorities of the respective chiefdoms in which they are situate.

(3) Lands shall be deemed to be injuriously affected if they be so cut through and divided by the taking and appropriation as aforesaid of a part thereof as to leave either on both sides, or on one side of the railway, a portion of land which is practically useless to the owner or occupier for the purpose for which such lands have been customarily used. So also if a part only of any house or other building is taken and appropriated as aforesaid, the owner and occupier of such house or building shall be entitled to compensation as though the whole house or building had been taken, the Company being entitled, in such case, if it so elects, to take over the whole house or building.

Compensation may be agreed on.

16. It shall be lawful for the Company's Engineer, for and on behalf of the Company, to contract and agree with the owner or occupier of, or any other person interested in any lands which may be appropriated or taken or used or occupied for the purposes of the said jetty, shipping installation or other works or railway, or injuriously affected by the exercise of any of the



powers hereby vested in the Company's Engineer, for the compensation to be allowed and paid to such owner, occupier, or other person, either in respect of the actual value of such lands, or in respect of damages incurred by reason of the exercise of any of the said powers; and any sum or sums so agreed on as last aforesaid or which shall be awarded under the provisions of the next succeeding section shall be paid by the Company.

17. The Magistrate after due notice to the Company and all other persons interested shall assess and determine, in a summary manner, all claims for compensation when the amount to be paid cannot be agreed on under the last preceding section, or when separate and conflicting claims which cannot be adjusted by or between the parties themselves are made in respect of the same lands. Such an award shall be enforceable in the like manner, and subject to the like appeal as a decision of a Magistrate's Court in a civil case.

Cases of disputed compensation, etc., how settled.

18. (1) Before the said railway or any portion thereof shall be opened for the public conveyance of animals, goods or passengers the Company shall give the Governor at least two months' notice in writing of the date of the proposed opening, and shall obtain the Governor's permission in writing.

Railway not to be opened for public traffic without Governor's permission.

(2) If permission shall have been given for the opening of the said railway or any portion thereof for the conveyance of goods only, further permission shall be required for the conveyance of passengers and the provisions of sub-section (1) shall apply in regard to such further permission.

(3) If the said railway or any portion thereof be opened for the public conveyance of goods and/or passengers without such permission as aforesaid, the Company shall be guilty of an offence and liable, on summary conviction thereof, to a fine not exceeding twenty pounds for every day during which the said railway, or any portion thereof, shall continue open as aforesaid without such permission.

(4) Sections 20, 21, 23 and 24 of the Proprietary Railways Ordinance, shall, save as herein provided, apply to the said railway if at any time opened for public traffic.

Cap. 135.

(5) Nothing in this section (including sections 20, 21, 23 and 24 of the Proprietary Railways Ordinance) shall be deemed to prevent the Company from using the said railway for, or giving preference or preferential rates to, the conveyance of its own goods, agents, servants, and workmen at any time, or those of any subsidiary or associated Company or its or their contractors or sub-contractors respectively, or of goods required for

the purposes of or in connection with the business or undertaking of the Company by or for its own agents, servants and workmen or those of any subsidiary or associated Company, or its or their contractors or sub-contractors. For the purposes of this subsection an associated company shall be deemed to be a company in which the Company or its shareholders or both hold at least one-fourth part of the share capital or *vice versa*.

(6) Save as provided in this Ordinance to the contrary the Company shall not be bound to use the said railway for conveyance of any goods or passengers other than goods or officials of the Company, nor shall it be bound to open the said railway for public traffic.

Government officials may use railway.

19. Officials of the Colonial Government shall be entitled to travel by the Company's trains on the said railway in pursuance of their duties, provided that they accept such accommodation as may be available. The Company shall not, unless and until the said railway is open to public passenger traffic, make any charge for the carriage of such officials, and shall not up to such time be liable in any way whatsoever for the care and safety of such officials. If and when the said railway is open to public traffic, the Company shall be entitled (subject to any rebate which may be agreed) to charge the same fares for officials as it charges for any other fare-paying passengers, and shall be liable for the care and safety of such officials to the same extent as the Company will be liable for the care and safety of any other fare-paying passengers.

Inspection by persons appointed by Governor, and power of Governor to close the railway.

20. (1) The Governor may appoint any qualified person to inspect the said railway, or any portion thereof, or any rolling-stock used on the same, and if such person shall be of opinion that the use of the said railway, or any portion thereof, or any specified rolling-stock will be attended with danger to the lives of the Company's agents, servants or workmen, he shall report in writing the grounds of such opinion. Such report shall in the first instance be furnished to the Company's Engineer, and if he fails to remedy the cause of complaint with all reasonable speed whether by discontinuance of the use of the said railway or any portion thereof or any specified rolling-stock or by repair or otherwise, then such report shall be forwarded forthwith by such person to the Governor. The Governor, after giving the Company's Engineer or other representative a reasonable opportunity of being heard, may thereupon order that the said railway, or any specified portion thereof be closed, or that the use of any specified rolling-stock be discontinued, or that the

said railway, or specified portion thereof, or the specified rolling-stock be used on such conditions only as the Governor may see fit to prescribe. In case of emergency any such inspector may order the closing for a period not exceeding fourteen days of any portion of the said railway, or the discontinuance for a similar period of the use of any rolling-stock without previous reference to the Governor, but the procedure hereinabove in this sub-section provided shall be followed before the period of such closing or discontinuance can be extended.

(2) An order made under sub-section (1) shall set forth the grounds on which it is founded.

(3) The said railway, or any specified portion thereof, closed under this section shall not be reopened until the cause of complaint has been remedied and a reasonable opportunity has been given for inspection.

(4) No rolling-stock, the use whereof has been ordered to be discontinued under this section, shall be again used until the cause of complaint has been remedied and a reasonable opportunity has been given for inspection.

(5) So long as the said railway is not opened to public passenger traffic, nothing in this section shall compel the Company to observe a higher standard of working, user, safety and equipment than is usual in mineral railways.

(6) The Company or any person acting in contravention of any lawful order of the Governor, or of an inspector, under this section shall be guilty of an offence and liable, on summary conviction thereof, to a penalty not exceeding fifty pounds for every day during which such contravention knowingly continues.

21. Every inspector appointed under the last preceding section shall have power— Powers of inspectors.

(i) to enter upon and inspect the said railway and all the stations, works buildings, offices, stock, plant, and machinery belonging thereto;

(ii) by summons under his hand to require the attendance of any person who is engaged in the management of the said railway in Sierra Leone, or who is in the service or employment of the Company in Sierra Leone, and whom he thinks fit to call before him and examine on oath for the purpose of the inspection he is appointed to make, and to require from any such person answers or returns to such inquiries as he thinks fit to make for the purpose;

(iii) to require and enforce the production of all books, papers, and documents relating to the said railway he considers expedient for the said purpose.

Disobedience to or obstruction of an inspector.

**22.** Any person who, without reasonable excuse, proof whereof shall lie on him, either—

(a) being summoned under the last preceding section fails to attend before an inspector; or

(b) refuses to answer any question put to him by an inspector, or to make any return or produce any book, paper or document required by an inspector; or

(c) prevents or impedes an inspector in the execution of his duty,

shall be guilty of an offence and liable, on summary conviction thereof, to a penalty not exceeding ten pounds, and in the case of a continuing offence to a further penalty not exceeding ten pounds during every day that such offence continues.

Removal of trees dangerous to or obstructing the working of the railway.

**23.** (1) In either of the following cases, namely—

(a) when there is at any time danger that a tree standing near the said railway after it is constructed may fall on it so as to obstruct traffic, or damage any telegraph or telephone wires or posts;

(b) when a tree obstructs the view of any fixed signal;

the Company may, with the consent of the District Commissioner, fell the tree or deal with it in such a manner as will avert the danger or remove the obstacle.

(2) In case of emergency the powers conferred by sub-section (1) may be exercised without the previous consent of the District Commissioner.

(3) When a tree, felled or otherwise dealt with under sub-section (1) or sub-section (2), was in existence before the said railway was constructed, or the signal was fixed, the Magistrate may, upon the application of the persons interested in the tree, after due notice to the Company, award to those persons such compensation as he thinks reasonable.

(4) Such an award shall be enforceable in the like manner and subject to the like appeal as a decision of a Magistrate's Court in a civil case.

24. It shall be lawful for the Company, its agents, servants, workmen and other persons authorised by it, in case of any accident or slip happening or being apprehended to any cutting, embankment, or other part of the said railway after construction, to enter upon any lands adjoining the said railway for the purpose of repairing or preventing such accident, and to do such works as may be necessary for the purpose:

Power of entry on adjoining lands in case of accident.

Provided that—

(i) such work shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch;

(ii) compensation shall be made to the owners or occupiers of such lands for the loss or injury or inconvenience sustained by them respectively by reason of such works, the amount of which compensation shall, in case of dispute, be settled in accordance with the provisions of section 17;

(iii) lands required permanently for such works may be acquired in the same manner as lands required for original construction, but no lands shall be taken permanently unless acquired under sections 9 to 12 or by private treaty.

25. (1) The Company shall convey by any train, entirely at the risk of the Colonial Government, all such mails as may be tendered for conveyance by such trains, whether such mails be under the charge of a guard appointed by the Postmaster General, or not, and notwithstanding that no notice in writing requiring mails to be conveyed by such train shall have been given by the Postmaster General.

Conveyance of mails.

(2) The Company shall be entitled, if it so requires, to reasonable remuneration for any services performed by it with respect to the conveyance of mails, and such remuneration shall be paid by the Accountant General. In case of a difference of opinion as to the amount of such remuneration, the question shall be settled by petition to the Supreme Court.

26. The Company shall be bound, on being so required in writing by the General Manager of the Sierra Leone Railway, to allow any person authorised by the said General Manager, with workmen and servants, at all reasonable times to enter into and upon its lands, forming part of the said railway and to set up or lay down on such lands adjoining the line of the said railway, and when so set up or laid down, to maintain and use telegraph or telephone lines, or any apparatus for wireless telegraphy, for

Rights of Colonial Government to construct telegraph lines, etc., on lands adjoining the railway.

Her Majesty's service, and to give him and them every reasonable facility for any of such purposes, subject to such reasonable remuneration as may be agreed upon between the Company and the said General Manager, and in case of difference of opinion, the amount of such remuneration shall be settled by petition to the Supreme Court. On any diversion, widening or other alteration to the said railway, the said General Manager shall, if and when required by the Company, make any consequential diversion in such telegraph and telephone lines or any apparatus for wireless telegraphy.

Power of  
Government  
in emergency  
to take  
possession of  
railway.

27. (1) If any insurrection, rebellion, or other emergency shall arise in which the Governor considers it expedient for the public service or welfare, that the Colonial Government should have control of the said railway, the Governor may, by warrant under his hand, empower any person named in such warrant to take possession of the said railway and of the buildings, works and plant belonging thereto, and to use the same for Her Majesty's service at such time, and in such manner, as the Governor may direct; and the Company and all its officers and servants shall obey the directions of the Governor as to the user of the said railway and of the buildings, works and plant belonging thereto for Her Majesty's service.

(2) A warrant granted by the Governor in pursuance of this section shall remain in force for one month only, but may be renewed from month to month so long as, in the opinion of the Governor, the emergency continues.

(3) There shall be paid to the Company such recompense and compensation for the use of the said railway and for any loss or injury it may have sustained by the exercise of the Governor's powers under this section, as may be agreed upon between the Governor and the Company or, in case of difference of opinion, as may be settled by petition to the Supreme Court.

(4) When the said railway and buildings, works or plant are taken possession of in the name or on behalf of Her Majesty in pursuance of this section, all contracts and engagements between the Company and its officers and servants, or between the Company and any other person, in relation to the working or maintenance of the said railway, buildings, works or plant, or in relation to the supply of such plant, which would, if such possession had not been taken, have been enforceable by or against the Company shall during the continuance of such possession be enforceable by or against the Colonial Government.

28. (1) The Company shall post up in a conspicuous position, at such place or places on the line as the bye-laws shall from time to time prescribe, a copy of all bye-laws approved by the Governor in Council under section 37, and a notice specifying every rate for the time being charged by it for the carriage of passengers, animals or goods if the said railway should at any time be opened by the Company for public traffic.

Publication  
of bye-laws  
etc.

(2) If the Company fails to comply with the provisions of this section it shall be guilty of an offence and liable, on summary conviction thereof, to a penalty not exceeding five pounds for every day such offence continues.

29. (1) When in or about the said railway or any of the buildings, works or plant belonging thereto, or any place, whether open or enclosed, occupied in connection therewith, any of the following accidents shall take place in the course of working the said railway, that is to say—

Reporting  
railway  
accidents.

(i) any accident attended with loss of life or personal injury to any person whomsoever;

(ii) if the said railway be opened for public traffic, any collision where one of the trains is a passenger train;

(iii) if the said railway be opened for public traffic, any train carrying passengers accidentally leaving the rails;

(iv) any accident of a kind not comprised in the foregoing descriptions, which may be specified by any Order of the Governor in Council,

the Company's officer working the said railway shall send notice of such accident, and of the loss of life or personal injury (if any) occasioned thereby, to the Governor.

(2) Such notice shall be in the prescribed form and shall contain the prescribed particulars, and shall be sent at the earliest possible opportunity after the accident takes place.

(3) The Governor may from time to time, by Order, direct that notice of any class of accidents shall be sent to him by telegraph, and may revoke any such Order. Notice of every such Order shall be published in the *Gazette*, and while it is in force notice of every accident of the class to which the Order relates shall be sent to the Governor by telegraph at the earliest possible opportunity after the accident takes place.

(4) It shall be the duty of every officer of the Company to use his utmost endeavours to ensure compliance with the provisions of this section, and every such officer who neglects or fails to discharge his duty in that respect shall be guilty of

an offence and liable, on summary conviction thereof, to a penalty not exceeding twenty pounds.

Compulsory  
medical  
examination  
of persons  
injured in  
railway  
accident.

**30.** Whenever any person injured by an accident on the said railway claims compensation on account of any injury, any Court, or any person having by law, or by consent of the parties, authority to determine the claim, may order that the person injured be examined by some qualified medical practitioner named in the order, and not being a witness on either side, and may make such order with respect to the costs of the examination as it, or he, thinks fit.

Returns.

**31.** The Company's officer working the said railway shall send in such periodical returns in connection therewith as may be prescribed.

Conveyance  
of explosives.

**32.** (1) If the said railway shall be opened for public traffic, explosives and other dangerous goods shall only be carried on such conditions, and subject to such rules, as to packing, conveyance and otherwise as may, for the time being be in force with reference to explosives and other dangerous goods conveyed by the Sierra Leone Railway.

(2) The Company or any person contravening the provisions of this section shall, for every offence, be liable, on summary conviction thereof, to a penalty not exceeding one hundred pounds.

Railway not  
to be sold,  
etc., except  
to a British  
subject or  
company.

**33.** (1) The Company shall not sell, mortgage, grant, convey, assign, underlet or part with the possession or control of the said railway, or any part thereof, or any interest therein to any person except a British subject or a company incorporated and registered in Great Britain or Sierra Leone.

(2) All the provisions of this Ordinance relating to the Company, including the provisions of this section, shall, so far as applicable, apply to every person acquiring an interest in the said railway, and all bye-laws made under section 37 with reference to the said railway shall continue in force until altered or revoked.

(3) Nothing in this section shall operate to prevent the Company from issuing First Mortgage Debentures charging its undertaking with the repayment of any sum or sums of money and interest thereon advanced to it by the Colonial Government in pursuance of an agreement dated the 7th day of October, 1930, and made between the Company, the African and Eastern Trade Corporation, Limited, the Northern Mercantile and



Investment Corporation Limited and the Crown Agents for the Colonies for and on behalf of the Colonial Government.

34. (1) If at any time—

(a) the construction of the said railway shall be discontinued for a continuous period of twelve months, or

(b) after the said railway shall have been opened for public traffic, working of the said railway shall have been discontinued for a continuous period of six months,

Discontinu-  
ance of  
construction  
or working  
of railway.

such discontinuance in either case not being occasioned by unremunerative prices for minerals or other circumstances beyond the Company's control, the Governor in Council may order that no further construction or working, as the case may be, shall be undertaken so long as such order remains in force. For the purposes of this section want of funds shall not be deemed a circumstance beyond control.

(2) Any person contravening the provisions of this section shall be guilty of an offence and liable, on summary conviction thereof, to a penalty not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a period not exceeding six months, and all plant, materials and things used in the commission of any such offence shall be liable to forfeiture.

(3) If the Company shall have so discontinued the construction or working, as the case may be, of the said railway it shall be lawful for the Governor to notify the Company that it is the intention of the Colonial Government to acquire the said railway at a fair price and, in such case, the amount to be paid by the Colonial Government therefor shall, in case of difference of opinion, be settled by petition to the Supreme Court, which shall sit with at least two independent qualified assessors one to be nominated by the Governor and the other by the Company.

Option of  
Government  
to acquire.

(4) For the purpose of this section the expression " railway " shall be deemed also to include the said jetty and shipping installation and all other works constructed by the Company under this Ordinance and all plant, machinery, tools, stores and loose effects in, on or about the said railway, jetty, shipping installation and other works.

35. (1) If the Company desires to abandon the said railway, or any part thereof, it shall give six months' notice in writing to the Governor of such its desire.

Abandon-  
ment of  
railway.

(2) An advertisement of such notice shall be published in the *Gazette*, at the expense of the Company, warning all persons

having any claims or demands against the Company by way of compensation, or otherwise, to transmit to it at its usual place of business in Sierra Leone a statement of such claims or demands, and a copy of such advertisement shall at the like expense be posted up for one month at the Court House of the Magistrate of the Port Loko Judicial District.

Option of Government to acquire on abandonment.

(3) At any time within three months after the receipt of such notice, it shall be lawful for the Governor to notify the Company that it is the intention of the Colonial Government to acquire at a fair price and work the said railway, or part thereof referred to in such notice, which it is desired to abandon, and in such case the amount to be paid by the Colonial Government therefor, shall, in case of difference of opinion, be settled by petition to the Supreme Court, which shall sit with at least two independent qualified assessors, one to be nominated by the Governor and the other by the Company.

(4) During the last mentioned period of three months the Company shall not remove any part of the said railway or take up rails or dismantle any other works in connection therewith, but thereafter the Company shall be entitled to remove, take up or dismantle the same, or otherwise to evacuate all property of whatsoever kind or description fixed or unfixed belonging to or under the control of the Company.

(5) At the expiration of eighteen months after the receipt by the Governor of the Company's notice of abandonment, all the powers of the Company with reference to the construction or working of the said railway, or portion of said railway, referred to in such notice, and all the Company's interest in the lands whereon the said railway, or portion of railway, has been constructed, or would, but for the abandonment, have been constructed, shall cease and all rules made under section 37 shall cease and determine either wholly, or so far as relates to the portion of the said railway abandoned, as the case may be.

(6) For the purpose of this section, if notice of abandonment of the whole of the said railway shall have been given, the expression " railway " shall be deemed also to include the said jetty, shipping installation and all other works constructed by the Company under this Ordinance and all plant, machinery, tools, stores and loose effects in, on or about the said railway, jetty, shipping installation and other works.

Application of penal provisions of Cap. 134.

**36.** The provisions of sections 33 to 41 and 44 to 50 of the Railway Ordinance shall apply to like offences against the said railway.

37. (1) The Company may, from time to time, make, alter, suspend or revoke bye-laws with regard to all or any of the following matters—

Power of Company to make bye-laws.

(a) the guidance and conduct of the officers, servants, and workmen employed in the construction, maintenance and working of the said railway;

(b) preventing the commission of any offences or nuisances in, on, or about any of the stations, works, plants, or premises of the said railway;

(c) the prevention of trespasses upon, or injury to, the roadways, stations, works, plant, buildings or premises attached or belonging to the said railway;

(d) in case the said railway is opened for public traffic, regulating the charges to be paid by, and the conduct of, persons travelling upon the said railway; and the charges to be paid for the carriage of animals, produce and goods, and the condition under which they will be carried:

Provided that in no case shall the minimum rate authorised for the conveyance of passengers be more than that for the time being in force upon the Sierra Leone Railway;

(e) further or better effectuating any of the purposes of this Ordinance;

and may attach a penalty, not exceeding ten pounds, to the breach of any such bye-law.

(2) Every such bye-law, or the alteration, suspension or revocation thereof, shall be subject to the approval of the Governor in Council, and shall come into operation upon being published in the *Gazette* (such publication to be at the expense of the Company) and shall thereupon be binding upon all persons concerned:

Provided that the Governor in Council shall have power to suspend and revoke any such bye-law after it has been so made and approved.

(3) All penalties imposed under the bye-laws made under this section shall be recoverable upon summary conviction, and shall form part of the general revenue of the Colony.

38. The Governor in Council may make rules for the following purposes—

Power of Governor in Council to make rules.

(i) preventing accidents, and ensuring the safety of the general public and of persons working and using the said railway;

(ii) regulating the taking of water for the purposes of the said railway from any spring, stream, river, lagoon or other natural water supply;

(iii) preventing damage to lands adjoining the said railway;

(iv) prescribing the form of and the particulars to be contained in notices of accidents furnished under section 29;

(v) the furnishing of periodical returns in connection with the working of the said railway; and

(vi) generally for carrying out the provisions of this Ordinance,

and may fix a penalty, not exceeding fifty pounds, or imprisonment with or without hard labour for a period not exceeding six months, for the breach of any such rule:

Provided that nothing in this section shall compel the Company to observe a higher standard of working, user, safety and equipment than is usual in mineral railways, so long as the said railway is not open to public passenger traffic.

Cap. 135 not to apply to the Company or its undertaking.

**39.** Save as hereinbefore expressly provided in section 18 the provisions of the Proprietary Railways Ordinance shall not apply to the Company or the said jetty, shipping installation or other works or railway to be constructed by the Company under this Ordinance.

Majority of Company's directors and all officials to be British subjects.

**40.** The rights granted to the Company by this Ordinance are subject to the following over-riding conditions—

(a) The majority of the directors of the Company shall be British subjects; and

(b) All the Company's officials employed in the working of the said railway shall be British subjects or British protected persons:

Provided that the Governor in Council may, in special circumstances and subject to such terms and conditions as he may think fit to impose, waive condition (b) in individual cases.

Penalties for contravening provisions of section 40.

**41.** (1) In the event of any breach of condition (a) laid down in section 40, the Governor may order that the said railway be closed or may issue a warrant under section 27, the provisions whereof shall thereupon apply except that no recompense or compensation whatsoever shall be payable to the Company for the use of the said railway or any loss or injury it may sustain by reasons of the exercise of the Governor's powers under this sub-section. Moreover, the Company or any person acting in

contravention of any lawful order of the Governor under this sub-section shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty pounds for every day during which such contravention shall knowingly continue.

(2) In the event of any breach of condition (b) laid down in section 40, the Governor may give the Company written notice to dismiss the official or officials who are not British subjects or British protected persons within a period of time to be specified in such notice, and should the Company fail to comply with the terms of such notice it shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding fifty pounds for every day during which such failure shall continue.

SCHEDULE.

FORM OF MAGISTRATE'S WARRANT.

In the Court of the Magistrate of the Port Loko Judicial District.

To.....and all other.....officers of the Court.

Whereas certain lands, namely.....(describe the lands) have been duly taken and appropriated for the railway to be constructed from Pepel point to Marampa by the Sierra Leone Development Company Limited under the Marampa Railway and Harbour Works Construction Ordinance:

This is to command you to enter upon and deliver possession of the said lands to the said Company within.....days from the date hereof.

Dated this.....day of.....19.....

.....  
*Magistrate.*