

How order to
be served.

Penalty not
to preclude
recovery of
damages.

2 V., c. 9, s.
15, ss. 2 re-
pealed and
new sub-sec-
tion substi-
tuted as to
level cross-
ings.

in a summary manner, before any court having jurisdiction to the amount in civil cases, by the railway company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the company, or party so aggrieved, as the case may be, on the production in such court of a copy of the order of the Railway Committee, attested by a certificate purporting to be signed by the secretary of the committee, and proof of the service of a copy of such order so attested on the company, officer, servant or person complained of, and on the allegation of the company or party complainant, that the said order was not obeyed in the manner and within the time thereby prescribed, unless the company or party complained of proves to the satisfaction of the court that such order was obeyed according to the tenor thereof: And the recovery of such penalty shall not prevent or affect the recovery of the actual damages sustained by the company or party complainant, by reason of such disobedience, in any suit for the same, on like proof of the order and of disobedience thereof by the company or party complained of, and proof of such damages.

2. Sub-section two, of section fifteen of the said Act is hereby repealed, and the following substituted therefor:

2. In constructing and maintaining a highway across the railway at rail level, the approaches to the railway shall be so constructed that the descent or ascent, as the case may be, shall not be greater than one foot in twenty feet; and the rail shall in no case rise above or sink below the surface of the road, as so constructed, more than one inch.

3rd Session, 6th Parliament, 48 Victoria, 1885.

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BILL.

An Act further to amend "The Consolidated Railway Act, 1879."

Received and read first time, Tuesday, 21st April, 1885.

Second reading, Thursday, 23rd April, 1885.

The Honorable
Sir ALEXANDER CAMPBELL.

OTTAWA:

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