

flange of such Railway for the purpose of guiding the wheels of the carriages shall not rise above the level of such road, nor sink below the level of such road, more than one inch; (a) and that when any bridge shall be erected or made by the said company, for the purpose of carrying the said double or single railroad or way over or across any public way, (b) the span of the arch of such bridge shall be formed, and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than fourteen feet, and of a height from the surface of such public highway to the centre of such arch of not less than twelve feet, and the descent under any such bridge shall not exceed one foot in ten feet, and that in all places where it may be necessary to erect, build, or make any bridge or bridges, for carrying any public carriage road or highway, over the said double or single railroad or way, the ascent of every such bridge, for the purpose of every such road, shall not be more than one foot in ten feet, and a good and sufficient fence shall be made on each side of every such bridge, which fence shall not be less than four feet above the level of such bridge.

flange not to sink nor rise more than one inch.
Dimensions of bridges prescribed.

Bridges to have fences.

18. (c) And be it enacted, That in all cases where the said intended double or single railroad or way shall cross any public highway on a level, the said company shall erect, and at all times maintain a good and sufficient gate on each side of the said public highway where the said double or single railroad or way shall communicate with such public highway, which gates shall be constantly kept shut, except at such times as waggons, carts and other carriages passing along the said double or single railroad or way, shall have to cross such public highway, and they shall be opened only for the purpose of letting such waggons, carts, or other carriages pass through; and every driver, or person entrusted with the care of any wagon, cart, or other carriage shall, and is hereby directed to cause the said gates and each of them to be shut as soon as such wagon, cart, or other carriage shall be passed through, under the penalty of five shillings currency, to be recovered before any magistrate.

When Railroad crosses a highway Company to erect gates.

Penalty for neglecting to shut such gates.

19. And be it enacted, That if any person or persons shall do or cause to be done, any act or acts whatsoever whereby any building, work or construction of the said company, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending (d) shall forfeit and pay unto the said company, double the amount of damage sustained by means of such offence or injury, to be recovered in the name of the said company, by action of debt to be brought in any court of record in that part of the province formerly Upper Canada.

Penalty on persons injuring or obstructing the Railroad or other works.

(a) See C. S. C. c. 66, s. 12, sub-s. 2, p. 88.
(b) See C. S. C. c. 66, s. 12, sub-ss. 3 & 4, p. 88, 89; *Id.* s. 185, p. 120.

(c) Repealed by 16 Vict., c. 241, s. 3. See C. S. C. c. 66, s. 19, p. 90.

(d) See C. S. C. c. 66, s. 84 *et seq.* p. 101.