

An Act respecting Drainage on and across the
property of Railway Companies.*

HIS Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows :—

1. This Act may be cited as *The Railway Drainage Act*, Short title.
5 1902.

2. In this Act, unless the context otherwise requires,— Interpretation.

(a.) The expression “engineer” includes a civil engineer, provincial land surveyor, and any person authorized by the law of the province to lay out, report upon or prepare plans, specifications or estimates of a drain or drainage work ;

(b.) The expression “judge” means any judge of a court of record having jurisdiction in the county or district in which the proposed drainage work or any portion thereof is situated ;

(c.) The expression “drain” or “drainage work” means and includes every kind of ditch, drain, or sewer, open or covered wholly or in part, and whether in the channel of a natural stream, creek or watercourse or not, and also the work and material necessary for bridges and culverts ;

(d.) The expression “railway company” means a railway company subject to the legislative authority of the Parliament of Canada.

3. Subject to the provisions of this Act, municipalities and landowners shall have the right of drainage on and across the property of any railway company to the same extent and by the same proceedings as they have by the law of the province in which the property is situated on and across the property of any other landholders.

4. Where no provision is made by law for hearing the parties interested before the laying out of the drainage work, and for an appeal to a judge or other officer, the engineer shall, before making his report or laying out the drain, notify, in writing, the railway company, by serving notice upon the agent of the company nearest to the proposed work, of a time and place convenient to the proposed drainage work to consider the location of the drain on the railway company’s lands, the specifications and cost of the work to be done on the railway lands, and the proportion of the cost to be borne by the railway company.

2. Such notice to be given at least ten days before the time appointed for the meeting.