

competent witness, and the whole penalty shall belong to Her Majesty for the uses aforesaid; and the Company may in all cases under this Act pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay: Provided always, that if any person be prosecuted for a misdemeanour under this section and the facts proved do not warrant his conviction thereof, the jury may, if they think proper, return a verdict that he has been guilty of an offence under this section not amounting to a misdemeanour, and the Court may then punish him by a fine not exceeding the amount last mentioned, and the whole of which shall belong to the Crown.

Proviso.  
By-laws of Companies may impose penalties for contravention.

II. It shall be lawful for any Railway Company by any By-law to be hereafter made, to impose a forfeiture upon any officer or servant, or person employed by the Company, a forfeiture to the Company of not exceeding                      days pay of such officer or servant for any contravention of such By-law, and to retain any such forfeiture out of the salary or wages of the offender; provided he shall, before such contravention, have had cognizance of such By-law, which may be proved by proving the delivery of a copy thereof to him, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed; and such proof, with proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery from it of the amount so retained, and such forfeiture shall be over and above any penalty under the preceding section.

And deduct them from offender's pay.

Act not to prevent punishment of offender for a greater offence.

III. Provided always, that nothing herein contained shall be construed to prevent any offence by which any such By-law as aforesaid shall be contravened, from being punishable as a felony or otherwise under any other Act or Acts under which it may have been made punishable, or to prevent the infliction upon the offender of any punishment to which he may be liable under such Act or Acts, but the Jury may in any such case, if they think the facts proved do not warrant a conviction under such Act or Acts, find the offender guilty of a misdemeanour or other offence against this Act, if the facts warrant such verdict, and he shall then be punishable as if prosecuted under this Act.

Railways not to be carried along travelled highways.

IV. No Railway shall be carried along any travelled road, or highway used as such; and in every case in which the line of any Railway touches or crosses any such road or highway, and the Company owning or making such Railway deem it advisable to cause a deviation or deviations of such road or highway, in order to remove or lessen the danger to the public arising from such touching or crossing, it shall be lawful for the said Company to cause a plan to be made of the proposed deviation or deviations with a written explanation thereof, a copy of which plan and explanation shall be served on the Clerk of the Municipality or body corporate in whom the control of the said Road or Highway may be vested or to whom the same may belong; and if the said Municipality or body corporate shall not, within one month from the date of such service notify the Company in writing that they object to such deviation or deviations, and of the nature of their objections, then and in each and every such case the Company may proceed with and make such deviation or deviations according to such plan as aforesaid, without any further permission being had or act being done on their part.

How Company may obtain the right of turning a highway: if the Municipality do not object.