

(g.) Divert or alter the position of any water-pipe, gas-pipe, sewer, drain, or any telegraph, telephone or electric light wire or pole. The Railway Act, s. 90, *j*.

4. Whenever it is necessary, in the building, maintain-  
 5 ing or repairing of the public work, to take down or remove  
 any wall or fence of any owner or occupier of land or  
 premises adjoining the public work, or to construct any  
 back ditches or drains for carrying off water, such wall or  
 fence shall be replaced as soon as the necessity which  
 10 caused its taking down or removal has ceased; and after  
 the same has been so replaced, or when such drain or back  
 ditch is completed, the owner or occupier of such land or  
 premises shall maintain such walls or fences, drains or  
 back ditches, to the same extent as such owner or occupier  
 15 might be by law required to do if such walls or fences had  
 never been so taken down or removed, or such drains or  
 back ditches had always existed. R. S. C., c. 39, s. 4.

Removal of  
fences adjoin-  
ing any pub-  
lic work.

Obligations of  
land owners.

5. Whenever any gravel, stone, earth, sand or water is  
 taken as aforesaid, at a distance from the public work, the  
 20 Minister may lay down the necessary sidings, water pipes  
 or conduits, or tracks over or through any land interven-  
 ing between the public work and the land on which such  
 material or water is found, whatever the distance is; and  
 all the provisions of this Act, except such as relate to the  
 25 filing of plans and descriptions, shall apply and may be  
 used and exercised to obtain the right of way from the pub-  
 lic work to the land on which such materials are situate;  
 and such right may be acquired for a term of years, or per-  
 manently, as the Minister thinks proper; and the powers  
 30 in this section contained may, at all times, be exercised and  
 used in all respects, after the public work is constructed,  
 for the purpose of repairing and maintaining the same. R.  
 S. C., c. 39, s. 7.

Power to  
make sidings,  
&c., to land  
where ma-  
terials are  
taken.

And for main-  
taining the  
railway.

6. Whenever for the purpose of procuring sufficient lands  
 35 for railway stations or gravel pits, or for constructing, main-  
 taining and using the public work, any land may be taken  
 under the provisions of this Act, and by purchasing the  
 whole of any lot or parcel of land, of which any part may  
 be taken under the said provisions, the Minister can obtain  
 40 the same at a more reasonable price, or to greater advantage  
 than by purchasing such part only as aforesaid, he may pur-  
 chase, hold, use or enjoy the whole of such lot or parcel, and  
 also the right of way thereto, if the same is separated from  
 the public work, and may sell and convey the same, or any  
 45 part thereof, from time to time, as he deems expedient; but  
 the compulsory provisions of this Act shall not apply to the  
 taking of any portion of such lot or parcel which is not, in  
 the opinion of the Minister, necessary for the purposes aforesaid.  
 R. S. C., c. 39, s. 8.

When whole  
lot can be  
more advan-  
tageously  
purchased  
than a part.

50 7. The Minister may employ any person duly licensed or  
 empowered to act as a surveyor for any Province in Canada,  
 or any engineer, to make any survey, or establish any  
 boundary and furnish the plans and descriptions of any  
 Who may be  
employed to  
make surveys  
of land  
required.