

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x		16x		20x		24x		28x		32x	

No. ~~24~~ 209.

3rd Session, 5th Parliament, 20 Victoriae, 1857.

M.

B I L L .

An Act for the better prevention of Accidents on Railways.

Received and read first time, Monday, 23rd
March, 1857.

Second reading, Monday, 30th March, 1857.

(500 Copies.)

Hon. Mr. VANROUGHNET.

S. Derbishire & G. Desbarats, Queen's Printer.

BILL.

An Act for the better Prevention of Accidents on Railways.

WHEREAS it is expedient to make further provision for the prevention of accidents on Railways: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

5 1. The Board of Railway Commissioners constituted by the Seventeenth section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, Chapter
10 *seventy-three, intituled, An Act to make provision for the construction of a main Trunk Line of Railway throughout the*
15 *whole length of this Province,* shall, in addition to their present powers and duties, have and discharge the powers and duties in this Act prescribed, and may from time to time appoint some fit and qualified person to be Secretary of the said Board in the stead of the Secretary of the Commissioners of Public
15 Works, who shall henceforth cease to be the Secretary of the said Board.

Board of Railway Commissioners to have additional powers and duties.

20 II. It shall be lawful for the said Board of Railway Commissioners, if and when they shall think fit, to authorize any proper person or persons to inspect any Railway; and it shall
25 be lawful for every person so authorized, at all reasonable times, upon producing his authority if required, to enter upon and examine the said railway and the stations, works and buildings, and the engines and carriages belonging thereto: And it shall be the duty of every Railway Company and the Officers
30 and Directors thereof to afford to such Inspector or Inspectors every information and full and true explanations so far as may be in their power or knowledge on all matters inquired into by any such Inspector or Inspectors, and to submit to such Inspector or Inspectors all plans, specifications and documents
35 relating to the construction or reconstruction, repair or state of repair of such Railway or any portion thereof, whether of a bridge, culvert or otherwise; and the authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways or of any Railway in
particular signed by the Chairman of the said Board of Railway Commissioners and countersigned by the Secretary thereof.

Railways—their powers and duties.

40 III. Every person wilfully obstructing any person duly authorized as aforesaid in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence shall have been committed, forfeit and pay for every such offence any sum not exceeding *fifty*

Penalty for obstructing them in the execution of their duty.

pounds, and on default of payment of any penalty so adjudged immediately or within such time as the said Justice of the Peace shall appoint, the same Justice, or any other Justice having jurisdiction in the place where the offender shall be or reside, may commit the offender to prison for any period not exceeding three calendar months; such commitment to be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of Quarter Sessions in the usual manner. 5

No Railway to be opened without previous notice to Board of Railway Commissioners. IV. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one calendar month after notice in writing of the intention of opening the same shall have been given by the Company to whom such Railway shall belong to the Board of Railway Commissioners, and until ten days after notice in writing shall have been given by the said Company to the said Board of Railway Commissioners of the time when the said Railway or portion of Railway will be, in their opinion, sufficiently completed for the safe conveyance of passengers, and ready for inspection. 10 15

Penalty for opening Railway without such notice. V. If any Railway or portion of any Railway, shall be opened without such notice as aforesaid, the Company to whom such Railway shall belong, shall forfeit to Her Majesty the sum of *fifty pounds* for every day during which the same shall continue open, until the said notices shall have been duly given and shall have expired; and every such penalty may be recovered in any Court having jurisdiction to the amount sought to be recovered in Lower or Upper Canada. 20 25

Board may order the opening to be postponed. VI. If the Inspector or Inspectors appointed by the said Board of Railway Commissioners to inspect any such Railway, or portion of Railway, shall, after inspection thereof, report in writing to the said Board that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, it shall be lawful for the said Board of Railway Commissioners, with the sanction of the Governor General in Council, and so from time to time, as often as such Inspector or Inspectors shall after further inspection thereof so report, to order and direct the Company to whom such Railway shall belong to postpone such opening not exceeding one calendar month at any one time, until it shall appear to the said Board that such opening may take place without danger to the public; and if any such Railway, or any portion thereof, shall be opened contrary to any such order or direction of the Board of Railway Commissioners, the Company to whom such Railway shall belong shall forfeit to Her Majesty the sum of *fifty pounds* for every day during which the same shall continue open contrary to such order and direction; and any such penalty may be recovered in 30 35 40 45

Penalty for non-compliance.

any Court having jurisdiction to the amount sought to be recovered in Lower or Upper Canada; Provided always, that no such order as aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the said Company a copy of the report of the Inspector or Inspectors on which such order shall be founded.

Proviso.

VII. It shall not be lawful for any Railway Company hereafter to build or construct, or cause to be built or constructed, any bridge, culvert, viaduct or tunnel on the line of their railway otherwise than in strict accordance with plans, sections and specifications thereof previously submitted to and approved by the Board of Railway Commissioners, with the sanction of the Governor General in Council.

Railway Bridges, &c., to be built only on Plans approved by Board.

VIII. When and so often as any bridge, culvert, viaduct or tunnel, or any other portion of any railway, or any locomotive or carriage used or for use on any Railway shall have been condemned by the said Board of Railway Commissioners, with the approval of the Governor General in Council, or any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, shall be required by the said Board of Railway Commissioners, with the approval of the Governor General in Council, the Company to which such Railway belongs, or using, running or controlling the same, shall after notice thereof in writing signed by the Chairman of the said Board and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive or carriage which shall have been so condemned, or to make such change, alteration or substitution hereinbefore referred to as may have been required in manner aforesaid by the said Board.

Bridges, &c., condemned by Board, to be made good on notice.

IX. If in the opinion of any such Railway Inspector, it shall be dangerous that trains or vehicles should pass over any particular railway, or any portion of a Railway, until alterations or repairs shall have been made thereon, or that particular car, carriage or locomotive should be run or used, it shall be lawful for the said Inspector forthwith to forbid the running of any train or vehicle over any such Railway or portion of Railway, or the running or using of any such car, carriage or locomotive by delivering or causing to be delivered to the President, or Secretary or Superintendent of the Company owning, running or using such Railway, or the conductor or engine-driver of or on any train or locomotive on such Railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended; and forthwith the said Inspector shall report the same to the said Board of Railway Commissioners who, with the sanction of the Governor General in Council, may either confirm or disallow such act or order of the Inspector; and

Inspector authorized to forbid the running of trains on Railway deemed dangerous until repairs made.

such confirmation or disallowance shall be duly notified to the Railway Company affected thereby ; and the said Board of Railway Commissioners may, with the sanction of the Governor in Council, limit the number or times or rate of speed of running of trains or vehicles, upon such Railway or portion of railway, until such alterations or repairs as they may think sufficient shall have been made, or until such time as they may think prudent ; and it shall be the duty of the Company owning, running or using such railway to comply forthwith with any such Order of the said Inspector or of the said Board, upon notice thereof ; and for every act of non-compliance therewith every such Railway Company shall forfeit to Her Majesty the sum of *five hundred pounds*.

Companies to provide the best known apparatus for stopping trains, &c., &c.

X. From and after the passing of this Act, and at all times thereafter, every Railway Company which runs any trains for the conveyance of passengers upon any railway, shall provide and cause to be used in and upon such trains such known apparatus and arrangements, as shall best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying the brakes to the truck-wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing such trains, by the power of the steam-engine or otherwise at the will of the engine-driver, or other person or persons appointed to such duty, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and as shall best and most securely place and fix the seat or chairs in such cars or carriages ; and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the said Board of Railway Commissioners, with the sanction of the Governor General in Council, may order ; and every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers, and other officers and servants of such Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in such trains on the Railway of such Company, as are requisite for ensuring the employment and proper use of such means of communication, application and disconnection, as aforesaid ; and every Railway Company which fails to comply with the provisions hereinbefore contained as to ensuring means of communication between the conductors and engine-drivers of trains, or of applying the brakes or disconnecting the carriages composing trains, shall forfeit to Her Majesty a sum not exceeding *Fifty Pounds*, for every day during which such default shall continue, to be recovered in any Court having jurisdiction to the amount sought to be recovered in Lower or Upper Canada.

XI. In any case where a Railway not already commenced may hereafter be constructed or authorized to be constructed, across any turnpike road, street, or other public highway, on the level, it shall be lawful for the Board of Railway Commissioners, if it appear to them necessary for the public safety, with the sanction of the Governor General in Council, to authorize and require the Company to whom such Railway belongs, within such time as the said Board shall direct, to carry such road, street or highway either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Board the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land being required for the construction of any works for effecting the alteration of such level crossing.

Board may order highway crossed by Railway on a level to be carried over or under the same.

XII. If the Board of Railway Commissioners, in the exercise of the powers hereinbefore contained, order any Railway Company to erect at or near or in lieu of any such level crossing of a turnpike road, or other public highway as aforesaid, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along the said turnpike road or public highway to cross the said Railway by means of such bridge or bridges, then and in any such case, from and after the completion of such foot-bridge or foot-bridges as shall be so required to be erected, and while the said Company keep the same in good and sufficient repair, the said level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same shall be used for the passage of carriages, carts, horses or cattle along the said roads.

Foot passengers to use foot-bridge, if provided for that purpose.

XIII. Every Railway Company shall, within forty-eight hours after the occurrence upon the railway belonging to such Company of any accident attended with serious personal injury to the public using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the said Railway shall be broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Board of Railway Commissioners; and if any Company shall wilfully omit to give such notice, such Company shall forfeit to Her Majesty the sum of *Fifty pounds* for every day during which the omission to give the same shall continue; and every such penalty may be recovered in any Court having jurisdiction to the amount in Lower or Upper Canada.

Companies to give notice of serious accidents to the Board.

XIV. Every Railway Company shall within ten days after the first days of January and July, in each and every year, make to the said Board of Railway Commissioners, under the

Board may prescribe form of such returns

and order ad-
ditional re-
turns.

oath of the President, Secretary or Superintendent of the said Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the said Company during the half year next preceding each of the said periods respectively, setting forth the causes and natures of such accidents and casualties and the full extent thereof, and all particulars of the same, and shall also at the same time return a true copy of the existing By-laws of the said Company and of their rules and regulations for the management of the said Company and of their Railway; and the Board of Railway Commissioners may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the said Board shall deem necessary, and require for their information with a view to the public safety; And if any such returns, verified as aforesaid, shall not be so delivered within the respective times herein prescribed or within fourteen days after the same shall have been so required as aforesaid by the said Board, every such Company shall forfeit to Her Majesty the sum of *twenty-five pounds*, for every day during which the said Company shall neglect to deliver the same; and every such penalty may be recovered in any Court having jurisdiction to the amount in Lower or Upper Canada: Provided always, that all such returns shall be privileged communications, and shall not be evidence in any Court whatsoever.

Provisions of
19, 20 V. c.
11, extended
to non-observ-
ance of orders
of Board.

XV. The provisions of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, chapter eleven, intituled, *An Act for the punishment of the Officers and Servants of Railway Companies contravening the By-laws of such Companies, to the danger of person and property*, shall apply to cases of the non-observance or contravention by any such officer or servant of any order or notice of the said Board of Railway Commissioners, of which he shall, before such non-observance or contravention, have had cognizance in any of the ways referred to in the second section of the said Act; and it shall be the duty of every Railway Company, as soon as possible after the receipt of any such order or notice, to give cognizance thereof in one or more of such ways to each of its officers and servants; and all orders of the said Board of Railway Commissioners shall be considered as made known to the said Railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the said Board, and delivered to the President, Vice-President, Secretary or Superintendent of the said Company, or at the office of the said Company.

XVI. Nothing in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall be construed to relieve any Railway Company, of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the existing laws of the Province.

Railway not to be relieved of any responsibility by this Act.

XVII. In the construction of this Act the expression Railway Company shall include any person being the owner or lessee of or contractor working any railway constructed or carried on under the powers of an Act of Parliament.

Interpretation.

XVIII. This Act may be cited for all purposes as "The Accidents on Railways Act, 1857."

Short Title.