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No. 152.

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

(PRIVATE BILL.)

BILL.

An Act to amend the Charter of the Ontario,
Simcoe and Huron Railroad Union Com-
pany.

Received and read, first time, Thursday, 26th
March, 1857.

Second reading, Monday, 30th March, 1857.

HON. MR. ROBINSON.

TORONTO.

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Charter of the Ontario, Simcoe and Huron Railroad Union Company,

WHEREAS it is expedient and necessary to alter and amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, "*An Act to incorporate the Toronto, Simcoe and Lake Huron Union Railroad Company,*" in order to afford a just and proper protection not only to the owners of lands adjoining the line of the Ontario, Simcoe and Huron Railroad Union Company's railway and works connected therewith, but to all persons whatever from damage to their horses, cattle or other animals by the trains or engines on the said railway; And whereas the eighteenth section of said Act does not sufficiently provide therefor, it is desirable and necessary to provide for the fencing and separation of the whole line of such railway from the neighboring lands; Therefore Her Majesty, &c., enacts as follows: Preamble.

- I. From and after the time when this Act shall come into force, the said eighteenth section of the said Act shall be repealed. Sec. 18 of 12 Vic. c. 196, repealed.
- II. From and after the time when this Act shall come into force, the said Company shall and they are hereby required, at their own expense, to separate any lands that have been or may hereafter be taken and used for the purposes of the said railway and other works, and to keep the same constantly separated from the lands adjoining to the said railway and other works, with good and sufficient posts, rails, hedges, ditches, mounds or other fences, and in case the lands on either side of the said railway shall be owned or occupied by the same person, then, to enable such person, his or her servants, and workmen, and his or her horses, cattle, carts, carriages and other vehicles to cross the said railway, the said Company shall make and maintain all necessary gates and stiles in all such fences already made or to be made as aforesaid, all such gates being made to open towards such lands and not towards such railway, and also all such bridges, arches or culverts as shall be necessary for the more commodious communication between the said lands on either side of the said railroad; Provided always, that in every case in which the owner of any lands or other person or persons by the said Act authorized and capacitated to convey shall, in their arrangements with the said Company, have received or agreed to receive compensation for gates, stiles, bridges, arches or culverts, instead of the same being erected or found by the said Company for the purpose of facilitating the passage to or from either side of the land severed or divided by the said railway, it shall not be lawful for any such owner or those claiming under him to pass, and they shall ever be prevented from passing or crossing the said railway from one part to the other part of their lands so severed and divided, otherwise than by a gate, stile, bridge, arch or culvert to be erected and maintained Company to make and maintain sufficient fences between their railway and the adjoining lands. Proviso: the owners of the lands to make such fences if they have received compensation therefor or the Company.

at the charge of such owners, under the inspection and direction of and according to plans and specifications to be furnished and approved by the Engineer of the said Company.

Penalty on the Company for failure.

III. If the said Company shall neglect or omit to perform the duties required of them by this Act, they shall be liable for every day's omission so to do to a penalty of _____ pounds, to be recovered according to the Statutes in such case made and provided. 5

Commencement of this Act.

IV. This Act shall come into force on the _____ day of _____ next after the passing hereof.

Public Act.

V. This Act shall be deemed a public Act.