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No. 72.

4th Session, 8th Parliament, 62 Victoria, 1899

BILL.

An Act respecting Railways.

First reading, April 24, 1899.

Mr. DAVIN.

OTTAWA

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1899

An Act respecting Railways.

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

1. Every railway in the North-West Territories shall have 5 the right to enter upon uncultivated land within two hundred and twenty feet of each side of the track for the purpose of ploughing a fire-guard, and to burn off the grass between the fire-guard and the track. Fire-guards, right of entry to make.
2. Every railway in the North-West Territories shall, not 10 later than the thirtieth day of June in each year, through uncultivated lands, where the Railway Committee of the Privy Council may order or direct from time to time, plough a fire-guard six feet wide on each side of the track, parallel thereto, and not less than two hundred feet distant therefrom, and, as 15 far as practicable, burn off the prairie grass between such fire-guards and the track. Fire-guards, when and how to be made.
3. Subsection 1 of section 194 of *The Railway Act*, is hereby amended by adding at the end thereof the following words :— 1888, c. 29, s. 194, amended.
“provided further that in the North-West Territories, wherever 20 farming or ranching settlements exist along the line of a railway such fences, gates and cattle-guards shall also be erected and maintained.”
4. All cars fitted with air-brakes shall, within two years after 25 it is made to appear to the Railway Committee of the Privy Council that a satisfactory device of this kind is in existence, be provided with an automatic device in the hose-coupling of such air-brakes, or in the train pipes, so arranged that, after the cars are coupled, the connection between such brakes and the air pump on the locomotive cannot be broken, or the 30 coupling deranged, accidentally or otherwise, without the knowledge of the engineer. Cars fitted with air-brakes to be provided with certain device.
5. All box freight cars built for use on Canadian railways, shall, after the passing of this Act, be of a uniform standard height of drawbar from the top of the rail, and shall be pro- 35 vided, for the security of railway employees, with outside and end ladders, on opposite corners of each car, projecting below the frame of the car and with one step or rung of the ladder below such frame. As to box freight cars.
2. Such standard height and such ladders shall be subject 40 to the approval of the Minister of Railways and Canals. Approval of Minister.

As to cars already built.

6. Every such car already built, which is the property of Canadian railways for use in Canada, shall, within two years after the passing of this Act, be fitted with the foregoing attachments, except as provided in section 4.

Penalty.

7. The penalty for building such cars not fitted in accordance with the provisions of this Act after the date herein mentioned, shall be twenty-five dollars for each car. 5

Penalty.

8. The penalty for using any car not fitted in accordance with the provisions of this Act after the date herein provided shall be five dollars a day for every day or trip lasting less than a day, during which it is so used. 10

Prosecution.

9. The Minister of Railways and Canals shall proceed against any railway company or car builder handling, using or building such cars contrary to the provisions of this Act, on the information of any credible person; provided, however, that any other person may institute any proceeding for the recovery of any penalties provided by this Act. 15

Compensation if employee is injured.

10. Every employee of a railway company injured while in the discharge of his duty shall, for every day during which he is thereby unfitted for duty, be entitled to compensation from the railway company at the rate of not less than sixty per cent of the current rate of wages for men similarly employed by the company, at the time the injury occurs, to be paid for not more than fifty-two weeks. 20

If permanently disabled.

2. Every such employee permanently disabled while in the discharge of his duty, shall be entitled to compensation from the railway company to the amount of not less than four years' wages at the rate thereof at the time of the accident. 25

If killed.

3. The family or dependents of every employee who is killed, or who dies from injuries received, while in the discharge of his duty, within six months after such injury, shall be entitled to compensation from the railway company to the amount of four years' wages at the rate thereof at the time of the accident, but not exceeding in all three thousand dollars. 30

Acceptance of compensation bars further recourse.

4. If any employee, or the representatives of any employee, accept the compensation provided by this Act, he or they shall have no further claim at law against the company. 35

Right to damages cannot be renounced.

5. The rights under the foregoing provisions shall not be capable of being renounced or given up by such employee by any agreement or contract with the railway company, for value or otherwise, and the said provisions shall not be made void by any rules or regulations of the railway. 40

Medical certificates.

6. The certificate of two duly qualified disinterested physicians shall be sufficient to prove permanent disability; and the certificate of the attending physician shall be sufficient to prove unfitness for duty, for a period not exceeding ten weeks, after which time a monthly certificate of a physician named by the company shall be sufficient. 45

Contributory negligence.

7. The foregoing provisions as to compensation shall be void in the case of any employee whose injury, disablement or death is caused by his own negligence—the burden of proof of such negligence being upon the railway company; but if such injury, disablement or death occurs by reason of the

handling or use of trains, locomotives, cars or appliances which are out of repair, or insufficient, or not in accordance with the provisions of this Act, the railway company shall not be allowed to plead contributory negligence on the part of the
5 employee so injured, disabled or killed.

8. In any suit for damages by an employee against a railway company, the act, default or negligence of any fellow employee shall not be pleaded or given in evidence on behalf of the company as a defence to such suit. ^{Negligence of another employee.}