

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 checked="" type="checkbox"/>	
	12x		16x		20x		24x		28x		32x	

No. 111.

2nd Session, 5th Parliament, 19 Victoria, 1856.

BILL.

An Act for the punishment of the Officers and Servants of Railway Companies contravening the By-laws of such Companies to the danger of persons and property.

Received and read, first time, Wednesday, 26th
March, 1856.

Second reading, Monday, 31st March, 1856.

MR. CRAWFORD.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

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, and for other purposes relative to Railways.

WHEREAS it is necessary to adopt means for preventing, as far as possible, the great risk and damage to life and property which frequently arise from the non-observance by the officers and servants of Railway Companies of the By-laws and Regulations made for their guidance ; Therefore Her Majesty, &c., enacts as follows :

Preamble.

1. If any officer or servant of, or person employed by, any Railway Company shall wilfully or negligently contravene any By-law or Regulation of such Company lawfully made and in force, and of which a copy shall have been delivered to him, or shall have been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention shall cause injury to any property or to any person, or shall expose any property or any person to the risk of injury, or render such risk greater than it would have been without such contravention, although no actual injury shall occur, such contravention shall be a misdemeanor, and the person convicted thereof shall be liable, in the discretion of the Court before whom the conviction shall be had, and according as such Court shall consider the offence proved, to be more or less grave, or the injury or risk of injury to person or property to be more or less great, to be punished by fine or imprisonment, or both, so as no such fine shall exceed term of years ; and such imprisonment, if for two years or upwards, shall be in the Provincial Penitentiary :

Punishment for contravening Regulations to the injury or danger of persons or property.

And if such contravention shall not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of days pay, nor less than days pay of the offender from the Company, in the discretion of the Justice of the Peace before whom the conviction shall be had ; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence shall have been committed, or where the offender shall be found, on the oath of one credible witness other than the informer ; and one moiety of such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of, the Company, in which case he shall be a

And if such contravention do not cause such injury or risk.

Proviso.

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.

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 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.

V. In case the Municipality or body corporate shall notify the Company as aforesaid within the time aforesaid, and the said parties cannot come to an agreement together on the subject of the said proposed deviation or deviations, it shall be lawful for the Company to deposit copies of the plan and explanation aforesaid and of the notices and objections aforesaid with the Assistant Commissioner of Public Works, and thereupon to give notice in writing to the said Municipality or body corporate, that the same have been so deposited and that an application will be made to the said Assistant Commissioner on a day to be named in said notice, and not being less than fifteen days after the service of such notice, to take the matter into consideration; and the said Assistant Commissioner may, and he is hereby required to, take the said matter into consideration on the day named in said notice, or such time as he shall then appoint; and his determination and decision thereon, signified in writing to the said parties, shall be final and conclusive: Provided always, that it shall be lawful for the said Assistant Commissioner to vary or alter any such plan, and that all parties shall be bound and concluded by his so doing; and the expenses of such reference shall be paid by such of the said parties as the said Assistant Commissioner shall in his discretion condemn to pay the same.

If the Municipality object, the assistant Commissioner of Public Works to decide.

VI. It shall be lawful for the Company immediately after the receipt of such signification in writing of the determination and decision of the said Assistant Commissioner, to proceed with and make such deviation or deviations as may be sanctioned by such determination and decision.

Company may act on such decision.

VII. In every such case the Railway Company shall have the same powers and privileges for the purpose of acquiring and taking the land or ground necessary for the making of any such deviation or deviations and the material therefor, as are conferred by the laws in force in that part of Canada in which it may require to exercise the same, upon Joint Stock Companies for the construction of roads and other works, for the purpose of acquiring and taking land and materials required for the construction of their roads and other works, and shall be subject to the formalities and to the observance of the proceedings thereby required in that behalf.

How the Company may acquire the requisite land and materials.

VIII. It shall be lawful for any Railway Company, for the purpose of carrying their Railway across a highway without passing over it by a bridge or under it by a tunnel, and without any part of the Railway rising above or sinking below the level of the highway more than one inch, to elevate or depress the level of such highway throughout the requisite extent, but so as no part of such elevation or depression be made with a greater descent from or to the rails than one foot in twenty.

Company may raise or lower a Road in order to pass it on a level.