

No. 132.

5th Session, 8th Parliament, 63 Victoria, 11

BILL.

An Act to amend the Railway Act

First reading, April 5, 1900.

MR. BLAIR

OTTAWA

Printed by S. E. Dawson

Printer to the Queen's most Excellent Majesty

1900

An Act to amend the Railway Act.

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

1. *The Railway Act*, chapter 29 of the statutes of 1888, is amended by inserting, after section 6, the following section:—
- 5 “**6A.** Street railways and tramways, while hereby expressly declared to be subject to such of the provisions of this Act as are referred to in section 4, shall not by reason only of the fact of crossing or connecting with one or other of the lines of railway mentioned in section 30 be taken or considered to be
- 10 works for the general advantage of Canada, nor to be subject to any other of the provisions of this Act.”
2. The said section **6A** shall also apply to all electric railways (as distinguished from electric street railways) passing through or over the Queen Victoria Niagara Falls Park, or
- 15 through or over the property of the province of Ontario lying upon or along the Niagara River and known as the Chain Reserve.
2. The said Act is further amended by inserting after section 25, the following sections:—
- 20 “**25A.** In case it appears to the Railway Committee expedient or necessary for the public convenience that a station should be located at any point on any railway subject to the legislative authority of the Parliament of Canada and subsidized in money or in land under the authority of an Act of that Parliament, the
- 25 Committee may by its order, confirmed by the Governor in Council, direct the company for the time being owning or operating such railway to erect, maintain and operate a station at such point, and may define the facilities or accommodation to be provided by the company in connection therewith.
- 30 “2. In the case of a railway not subject to the legislative authority of the Parliament of Canada, but subsidized in money or in land under the authority of an Act of that Parliament, the payment and acceptance of such subsidy shall be taken to be subject to the covenant or condition (whether expressed or
- 35 not in any agreement relating to such subsidy) that the company for the time being owning or operating such railway shall, when thereto directed by order of the Railway Committee, confirmed by the Governor in Council, erect, maintain and operate a station, with such accommodation or facilities in connection
- 40 therewith as are defined by the committee, at such point or points on the railway as are designated in such order.
- “**25B.** The Railway Committee may, from time to time, make rules and regulations, not inconsistent with this Act, for
- 1888, c. 29, section added.
- As to street railways and tramways.
- Application to certain electric railways at Niagara.
- Other sections added.
- Railway Committee may order stations to be built at certain points.
- If railway is subject to authority of Parliament.
- If railway is not so subject, but is subsidized by Parliament.
- Railway Committee may make

rules for
operation of
railways.

the operating of all or any of the railways now or hereafter subject to the legislative authority of the Parliament of Canada, and such rules and regulations shall supercede all rules and regulations made by the company operating any of such railways in so far as they differ therefrom. 5

Approval and
publication.

“2. Such rules and regulations shall be subject to the approval of the Governor in Council, and shall be published in the *Canada Gazette* for weeks.

Assistance
to Railway
Committee
in preparing
rules.

“3. The Railway Committee may, from time to time, appoint competent persons to advise or assist the Committee in the preparation or revision of any of such rules or regulations, or any other matter coming before the Committee; and any person so appointed may be paid out of the unappropriated funds in the hands of the Receiver General. 10

Other section
added.

3. The said Act is further amended by inserting after section 89 the following section:— 15

Sequestration
or sale of
railways in
certain cases.

“89A. Whenever a company, constructing or operating a line of railway which is situate wholly within the limits of one province, and with respect to which, or any part of which, the Government of such province has previously granted and paid a subsidy to such company or any other company, fails to comply with the requirements of its charter as regards the commencement or completion of its works within the times therein specified, or fails, for a longer period than ten days, to continue in an efficient manner the running, operating, or working of its railway, or any part thereof, the Lieutenant Governor in Council of such province, upon the report of the railway committee of the Executive Council thereof, may, at any time, (even though the company is incorporated by the Parliament of Canada, or the railway is otherwise within the legislative authority of such Parliament), authorize the commissioner of public works of such province, or other proper officer therein, to cause the railway, the roadbed, and all the rolling stock and equipment thereof, to be sequestrated or sold. 20 25 30 35

Proceedings,
rights, powers
and duties
thereon.

“2. All proceedings to be had after the granting of authority for sequestration or sale, as provided by this section, whether concerning or incidental to the appointment of the sequestrator, the duties, rights, or powers of the sequestrator, the operation or sale of the railway, the distribution or application of the proceeds of such sale, or otherwise, shall be in accordance, as nearly as may be, with the procedure in similar matters in force in such province with respect to the sequestration or sale of railways within the legislative authority of the legislature of such province. 40 45

Operation
limited.

“3. This section shall have force and effect only with respect to such companies as are designated from time to time by proclamation of the Governor General; and it shall cease to have effect with respect to any such company on and after a day to be mentioned by proclamation of the Governor General.” 50