



A CONCORDANCE  
OF  
THE RAILWAY ACT

REVISED STATUTES OF CANADA, 1906, CHAP. 37,  
AND AMENDMENTS.

FOURTH EDITION

PREPARED AND COMPILED BY  
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OTTAWA:

1908



## INTRODUCTORY.

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The present Concordance has been rendered necessary as a result of the Consolidation of the Statutes of Canada, whereby the whole system of arrangement of sections of *The Railway Act, 1903*, has been changed. All the numbers of the sections of that Act have been altered; many of them have been divided; others have been redrafted, transposed, or the form of expression somewhat varied or modified, and in some sections unnecessary words have been omitted and saving words introduced.

Following the Concordance, I have appended a memorandum showing the changes in the numbers of sections in the original Act, in order that persons who have had occasion to quote from that Act, or who have become familiar with the numbers of the sections as set down therein, may see at a glance the corresponding section or subsection in the Revised Act.

In the appendices will be found an amendment to the "Act to Regulate Commerce" of the United States (known as the Elkins Bill) adopted by the Senate and House of Representatives in June, 1906, which relates to or governs the interchange of traffic with adjacent foreign countries.

For convenience in making citations, a list is given of certain Acts in the Revised Statutes of Canada, 1906, which have a bearing on questions that come under the jurisdiction of the Board, or that affect directly or indirectly the construction and operation of railways, telegraph and telephone and power transmission lines.

Following the above are six diagrams which show the requirements of the Department of Railways and Canals as regards the Standard Clearance and Flooring of railway bridges; the Standard Loading for railway bridges; the Bending Moments and Deflection of Beams under various systems of loading; plans and sections of the smallest locks on each of the Canadian Canals, and a plan and dimensions of the Hydraulic Lift-Lock, Trent Canal; also the Requirements of the Department of Railways and Canals in respect of General Location or Route Maps; the Rules and Regulations of the Board of Railway Commissioners for Canada, and *The Railway Act, Chapter 37*.

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The above introduction applies to the *Third Edition*. The present edition (Fourth) contains a Supplementary Concordance of

the amendments, seven in number, to *The Railway Act*, Chapter 37, R.S.C., 1906, which have been passed since the consolidation of that Act; the full text of each of such amendments being given.

The appendix to this additional part includes the Interswitching Rules recently adopted by the Board of Railway Commissioners; and an Act of the United States of America, which became effective on the 4th of March, 1908, to promote the safety of employees and travellers upon railroads by limiting the hours of service of employees thereon, the provisions of which are applicable to employees of Canadian railway companies operating trains in that country; together with references to certain important Orders of the Board of Railway Commissioners relative to the filing of tariffs of tolls by Railway, Express, and Telephone Companies.

In seeking information concerning any matter covered by *The Railway Act*, both the Main and Supplementary Concordances should be carefully consulted, as the powers of the Board have been materially enlarged, and provision made for the appointment of three additional commissioners, by the amendments to the Act.

J. E. W. CURRIER.

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Entered according to Act of the Parliament of Canada, in the year one thousand nine hundred and seven, by J. E. W. CURRIER, at the Department of Agriculture.

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A CONCORDANCE  
OF  
THE RAILWAY ACT.

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3, Ed. VII, 58, s. 272	339	(1904)	
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## THE ACT TO REGULATE COMMERCE.

## UNITED STATES OF AMERICA.

Extract from the above in respect of interchange with adjacent foreign countries.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Sec. 1. (As amended June 29, 1906.)* That the provisions of this Act shall apply to any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines, or partly by pipe lines and partly by railroad, or partly by pipe lines and partly by water, who shall be considered and held to be common carriers within the meaning and purpose of this Act, and to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both used under a common control,

Carriers and transportation subject to the Act.

management, or agreement for a continuous carriage or shipment), from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however,* That the provisions of this Act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

Act does not apply to transportation wholly within one State.

The term "common carrier" as used in this Act shall include express companies and sleeping car companies. The term "railroad", as used in this Act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term "transportation" shall include cars and other vehicles and all instrumen-

Express companies and sleeping car companies included.

What the terms "railroad" and "transportation" include.

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talities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this Act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto.

Charges must be just and reasonable.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Free passes and free transportation prohibited.

No common carrier subject to the provisions of this Act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for the passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for disabled Volunteer-Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge and boards of managers of such Homes; to necessary caretakers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offence, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars, and any person, other than the persons excepted in this provision, who

Excepted classes.

Interchange of authorized passes.

Jurisdiction and penalty for violation.

uses any such interstate free ticket, free pass, or free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an Act entitled "An Act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and any amendment thereof. (*See section 22.*)

From and after May first, nineteen hundred and eight, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof manufactured, mined, or produced by it, or under its authority, or which it may own in whole, or in part, or in which it may have any interest direct or indirect except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

Railroad companies prohibited from transporting commodities in which they are interested. Timber and products thereof excepted.

Any common carrier subject to the provisions of this Act, upon application of any lateral, branch line of railroad, or of any shipper tendering interstate traffic for transportation, shall construct, maintain, and operate upon reasonable terms a switch connection with any such lateral, branch line of railroad, or private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper. If any common carrier shall fail to install and operate any such switch or connection as aforesaid, on application therefor in writing by any shipper, such shipper may make complaint to the Commission, as provided in section thirteen of this Act, and the Commission shall hear and investigate the same and shall determine as to the safety and practicability thereof and justification and reasonable compensation therefor and the Commission may make an order, as provided in section fifteen of this Act, directing the common carrier to comply with the provisions of this section in accordance with such order, and such order shall be enforced as hereinafter provided for the enforcement of all other orders by the Commission, other than orders for the payment of money.

Switch connections.

Switch connections may be ordered by the Commission.

Sec. 2. That if any common carrier subject to the provisions of this Act shall, directly or indirectly, by any especial rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this Act, than it charges, demands, collects, or receives from any other person or per-

Unjust discrimination defined and forbidden.

sons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carriers shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

Undue or unreasonable preference or advantage forbidden.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this Act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Facilities for interchange of traffic.

Every common carrier subject to the provisions of this Act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

Discrimination between connecting lines forbidden.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this Act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this Act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however,* That upon application to the Commission appointed under the provisions of this Act, such common carrier may, in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this Act.

Long and short haul provision.

Commission has authority to relieve carriers from the operations of this section.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this Act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement

Pooling of freights and division of earnings forbidden.

for the pooling of freights as aforesaid each day of its continuance shall be deemed a separate offense.

Sec. 6. (*Amended March 2, 1889. Following section substituted June 29, 1906.*) That every common carrier subject to the provisions of this Act shall file with the Commission created by this Act and print and keep open to public inspection schedules showing all the rates, fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station or office of such carrier where passengers or freight respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this Act.

Any common carrier subject to the provisions of this Act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this Act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been filed and

Printing and posting of schedules of rates, fares, and charges including rules and regulations affecting the same, icing, storage, and terminal charges, and transit classifications.

Printing and posting of schedules of rates on freight carried through a foreign country.

Freight subject to customs duties in case of failure to publish through rates.

Thirty days' public notice of change in rates must be given.

Commission may modify requirements of this section.

Joint tariffs must specify names of carriers participating. Evidence of concurrence.

Copies of contracts, agreements, or arrangements relating to traffic must be filed with Commission.

Commission may prescribe forms of schedules.

No carrier shall engage in transportation unless it files and publishes rates, fares, and charges thereon.

Published rates not to be deviated from.

"Carrier" means "common carrier."

published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

Every common carrier subject to this Act shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this Act to which it may be a party.

The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

No carrier, unless otherwise provided by this Act, shall engage or participate in the transportation of passengers or property, as defined in this Act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this Act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges, which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fare and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs: *Provided*, That wherever the word "carrier" occurs in this Act it shall be held to mean "common carrier."

That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic.

Preference and expedition of military traffic in time of war.

Sec. 7. That it shall be unlawful for any common carrier subject to the provisions of this Act to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this Act.

Continuous carriage of freights from place of shipment to place of destination.

Sec. 8. That in case any common carrier subject to the provisions of this Act shall do, cause to be done, or permit to be done any act, matter, or thing in this Act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this Act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act, together with a reasonable counsel or attorney's fee to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

Liability of common carriers for damages.

Sec. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this Act may either make complaint to the Commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this Act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Persons claiming to be damaged may elect whether to complain to the Commission or bring suit in a United States court.

Officers of defendant may be compelled to testify.

Certain Acts contained in the Revised Statutes of Canada, 1906, are cited in The Railway Act, whilst a number of others—although not specifically referred to—have a bearing on matters connected with the operation of the Act, or with the construction of railways generally, as well as procedure in respect of questions for adjudication by the courts and of action to be taken under Acts concerning various public departments of the Government. I have accordingly appended a list of those Acts for convenience in making citations.

Attention might be called to the fact, however, that "The Companies Act" in the Revised Statutes now includes "The Companies Clauses Act" and "The Joint Stock Companies Act"; the "Act for the Preservation of Peace in the vicinity of public works" is incorporated in the "Criminal Code"; "The Telegraphs Act" embraces the "Act to regulate Wireless Telegraphy in Canada", and the "Act to aid in the settlement of Railway Labour Disputes" is contained in the "Conciliation and Labour Act".

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## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

*(Meeting at Ottawa.)*

Monday, the 10th day of December, A.D. 1906.

The Board, in virtue of the provisions of The Railway Act, 1903, hereby makes the following Rules and Regulations:—

## PUBLIC SESSIONS.

1. The general session of the Board for hearing contested cases will be held at its Court Room in Ottawa, Ontario, on such dates and at such hour as the Board may designate.

When special sessions are held at other places, such announcements as may be necessary will be made by the Board.

## INTERPRETATION.

2. In the construction of these rules, and the forms herein referred to, words importing the singular number shall include the plural, and words importing the plural number shall include the singular number; and the following terms shall (if not inconsistent with the context or subject) have the respective meanings hereinafter assigned to them; that is to say, "Application" shall include complaint under this Act; "Respondent" shall mean the person or company who is called upon to answer to any application or complaint; "Affidavit" shall include affirmation; and "Costs" shall include fees, counsel fees, and expenses.

## APPLICATION OR COMPLAINT.

3. Every proceeding before the Board under this Act shall be commenced by an application made to it, which shall be in writing and signed by the applicant or his solicitor; or in the case of a corporate body or company being the applicants shall be signed by their manager, secretary, or solicitor. It shall contain a clear and concise statement of the facts, the grounds of application, the section of the Act under which the same is made, and the nature of the order applied for, or the relief or remedy to which the applicant claims to be entitled. It shall be divided into paragraphs, each of which, as nearly as possible, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively. It shall be endorsed with the name and address of the applicant, or if there be a solicitor acting for him in the matter, with the name and address of such solicitor. The application shall be according to the forms in schedule No. 1.

The application, so written and signed as aforesaid, shall be left with or mailed to the Secretary of the Board, together with a copy of any document, or copies of any maps, plans, profiles, and books of reference as required under the provisions of the Act, (a) referred to therein, or which may be useful in explaining or supporting the same. The Secretary shall number such application according to the order in which they are received by him and make a list thereof. From the said list there shall be made up a docket of cases for hearing which, as well as their order of entry on the docket, shall be settled by the Board. Said docket list when completed to be put upon a notice board provided for that purpose, which shall be open for inspection at the office of the Secretary during office hours.

(a) For further particulars of plans, etc., see Regulations in Appendix.

## ANSWER.

4. Within ten days from the service of the application, the respondent or respondents shall mail or deliver to the applicant, or his solicitor, a written statement containing in a clear and concise form their answer to the application, and shall also leave or mail a copy thereof with or to the Secretary of the Board at its office, together with any documents that may be useful in explaining or supporting it. The answer may admit the whole or any part of the facts in the application. It shall be divided into paragraphs, which shall be numbered consecutively, and it shall be signed by the person making the same, or his solicitor. It shall be endorsed with the name and address of the respondents, or if there be a solicitor acting for them in the matter, with the name and address of such solicitor. It shall be according to the form in Schedule No. 2.

## REPLY.

5. Within four days from the delivery of the answer to the application, the applicant shall mail or deliver a reply thereto to the respondents, and a copy thereof to the Secretary to the Board, and may object to the said answer as being insufficient, stating the grounds of such objection, or deny the facts stated therein, or may admit the whole or any part of said facts. The reply shall be signed by the applicant or his solicitor, and may be according to form No. 3 in the said schedule.

The Board may, at any time, require the whole or any part of the application, answer or reply, to be verified by affidavit, upon giving a notice to that effect to the party from whom the affidavit is required; and if such notice be not complied with the application, answer, or reply may be set aside, or such part of it as is not verified according to the notice may be struck out.

## SUSPENSION OF PROCEEDINGS.

6. The Board may require further information, or particulars, or documents from the parties, and may suspend all formal proceedings until satisfied in this respect.

If the Board, at any stage of the proceedings, think fit to direct inquiries to be made under any of the provisions of this Act, it shall give notice thereof to the parties interested, and may stay proceedings or any part of the proceedings thereon accordingly.

## NOTICE.

7. In all proceedings under this Act, where notice is required, a copy or copies of said proceeding, or proceedings, for the purpose of service, shall be endorsed with notice to the parties in the forms of endorsement set forth in schedules Nos. 1 and 2; and in default of appearance the Board may hear and determine the application *ex parte*.

Endorsements shall be signed in accordance with the provisions of Section 41.

The Board may enlarge or abridge the periods for putting in the answer or reply, and for hearing the application, and in that case the period shall be endorsed in the notice accordingly.

Except in any case where it is otherwise provided, ten days' notice of any application to the Board, or of any hearing by the Board,

shall be sufficient; unless, in any case, the Board directs longer notice. The Board may, in any case, allow notice for any period less than ten days, which shall be sufficient notice as if given for ten days or longer. (Section 43.)

Notice may be given or served as provided by Section 41 of the Act.

When the Board is authorized to hear an application or make an order upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice; but any person entitled to notice, and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend, or rescind such order or decision; and the Board shall thereupon, on such notice to all parties interested as it may in its discretion think desirable, hear such application, and either amend, alter, or rescind such order or decision, or dismiss the application, as may seem to it just and right. (Section 45.)

#### CONSENT CASES.

8. In all cases the parties may, by consent in writing, with the approval of the Board, dispense with the form of proceedings herein mentioned, or some portion thereof.

#### POWER TO DIRECT AND SETTLE ISSUES.

9. If it appears to the Board at any time that the statements in the application, or answer, or reply do not sufficiently raise or disclose the issues of fact in dispute between the parties, it may direct them to prepare issues, and such issues shall, if the parties differ, be settled by the Board.

#### PRELIMINARY QUESTIONS OF LAW.

10. If it appear to the Board at any time that there is a question of law which it would be convenient to have decided before further proceeding with the case, it may direct such question to be raised for its information, either by special case or in such other manner as it may deem expedient, and the Board may, pending such decision, order the whole or any portion of the proceeding before the Board in such matter, to be stayed.

#### PRELIMINARY MEETING.

11. If it appear to the Board at any time before the hearing of the application that it would be advantageous to hold a preliminary meeting for the purpose of fixing or altering the place of hearing, determining the mode of conducting the inquiry, the admitting of certain facts or the proof of them by affidavit, or for any other purpose, the Board may hold such meeting upon such notice to the parties as it deems sufficient, and may thereupon make such orders as it may deem expedient.

#### PRELIMINARY EXAMINATION WITH THE PARTIES.

12. The Board may, if it thinks fit, instead of holding the preliminary meeting, provided for in Rule 11, communicate with the parties

direct, and may require answers to such inquiries as it may consider necessary.

#### PRODUCTION AND INSPECTION OF DOCUMENTS.

13. Either party shall be entitled, at any time, before or at hearing of the case, to give notice in writing to the other party in whose application, or answer, or reply reference was made to any document, to produce it for the inspection of the party giving such notice, or his solicitor, and to permit him to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put in such documents in evidence on his behalf in said proceedings, unless he satisfy the Board that he had sufficient cause for not complying with such notice.

#### NOTICE TO PRODUCE.

14. Either party may give to the other a notice in writing to produce such documents as relate to any matter in difference, (specifying the said documents) and which are in the possession or control of such other party; and if such notice be not complied with, secondary evidence of the contents of the said documents may be given, by or on behalf of the party who gave such notice.

15. Either party may give to the other party a notice in writing to admit any documents, saving all just exceptions, and in case of neglect to admit, after such notice, the cost of proving such documents shall be paid by the party so neglecting or refusing, whatever the result of the application may be; unless, on the hearing, the Board certifies that the refusal to admit was reasonable; and no costs of proving any document shall be allowed, unless such notice be given, except where the omission to give the notice, is, in the opinion of the Board, a saving of expense.

#### WITNESSES.

16. The attendance and examination of witnesses, the production and inspection of documents, shall be enforced in the same manner as is now enforced in a Superior Court of law; and the proceedings for that purpose shall be in the same form, *mutatis mutandis*, and they shall be sealed by the Secretary of the Board with the seal and may be served in any part of Canada. (Sec. 26.)

Witnesses shall be entitled, in the discretion of the Board, to be paid the fees and allowances prescribed by schedule No. 4, annexed hereto.

#### THE HEARING.

17. The witnesses at the hearing shall be examined *viva voce*; but the Board may, at any time, for sufficient reason, order that any particular facts may be proved by affidavit, or that the affidavit of any witnesses may be read at the hearing on such conditions as it may think reasonable; or that any witnesses whose attendance ought, for some sufficient reason, to be dispensed with, be examined before a Commissioner appointed by it for that purpose, who shall have authority to administer oaths, and before whom all parties shall attend. The evidence taken before such Commissioner shall be confined to the subject matter in question, and any objection to the admission of such evidence shall be noted by the Commissioner and dealt with by the Board at the hearing. Such notice of the time and place of examina-

tion as is prescribed in the order shall be given to the adverse party. All examinations taken in pursuance of any of the provisions of this Act, or of these rules, shall be returned to the Court; and the depositions certified under the hands of the person or persons taking the same may, without further proof, be used in evidence, saving all just exceptions. The Board may require further evidence to be given either *in voce* or by deposition, taken before a Commissioner or other person appointed by it for that purpose.

The Board may, in any case when deemed advisable, require written briefs to be submitted by the parties.

The hearing of the case, when once commenced, shall proceed, so far as in the judgment of the Board may be practicable, from day to day.

#### JUDGMENT OF THE BOARD.

18. After hearing the case the Board may dismiss the application, or make an order thereon in favour of the respondents, or reserve its decision, or (subject to the right of appeal in the Act mentioned) make such other order on the application as may be warranted by the evidence and may seem to it just.

The Board may give verbally or in writing the reasons for its decisions. A copy of the order made thereon shall be mailed or delivered to the respective parties. It shall not be necessary to hold a court merely for the purpose of giving decisions.

Any decision or order made by the Board under this Act may be made an order of the Exchequer Court, or a rule, order, or decree of any Superior Court of any Province of Canada, and shall be enforced in like manner as any rule, order, or decree of such court. To make such decision or order a rule, order, or decree of such court, the usual practice and procedure of the court in such matters may be followed, or in lieu thereof, the form prescribed in sub-section 2, section 46 of the Act.

The Board shall with respect to all matters necessary or proper for the due exercise of its jurisdiction under this Act, or otherwise for carrying this Act into effect, have all such powers, rights, and privileges as are vested in a Superior Court. (Sec. 26.)

#### ALTERATION OR RESCINDING OF ORDERS.

19. Any application to the Board to review, rescind, or vary any decision or order made by it shall be made within thirty days after the said decision or order shall have been communicated to the parties, unless the Board think fit to enlarge the time for making such application, or otherwise orders.

#### APPEAL.

20. If either party desire to appeal to the Supreme Court of Canada from the decision or order of the Board upon any question which, in the opinion of the Board, is a question of law, he shall give notice (c) thereof to the other party and to the Secretary, within fourteen days from the time when the decision or order appealed from was made, unless the Board allows further time, and shall in such notice state the grounds of the appeal. The granting of such leave shall be in the discretion of the Board.

(c) For Form of Notice, see Form No. 5 in the schedule hereto.

For procedure upon such leave being obtained see section 56, subsection 4 *et seq.* of the Act.

An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction; but such appeal shall not lie unless the same is allowed by a judge of the said Court upon application and hearing the parties and the Board.

The costs of such application shall be in the discretion of the judge.

#### INTERIM EX PARTE ORDERS.

21. Whenever the special circumstances of any case seem to so require, the Board may make an Interim ex parte Order requiring or forbidding anything to be done which the Board would be empowered upon application, notice and hearing to authorize, require or forbid. No such Interim Order shall, however, be made for a longer time than the Board may deem necessary to enable the matter to be heard and determined. (Sec. 49.)

#### AFFIDAVITS.

22. Affidavits of service according to the form No. 6 shall forthwith, after service, be filed with the Board in respect of all documents or notices required to be served under these rules; except when notice is given or served by the Secretary of the Board, in which case no affidavit of service shall be necessary.

All persons authorized to administer oaths to be used in any of the Superior Courts of any Province, may take affidavits to be used on any application to the Board.

Affidavits used before the Board, or in any proceeding under this Act, shall be filed with the Secretary of the Board at its office.

Where affidavits are made as to belief, the grounds upon which the same are based must be set forth.

#### COMPUTATION OF TIME.

23. In all cases in which any particular number of days, not expressed to be clear days, is prescribed by this Act, or by these rules, the same shall be reckoned exclusively of the first day and inclusive of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, Good Friday, or a day appointed for a public feast or thanksgiving in the Dominion or any of the Provinces, in which case the time shall be reckoned exclusively of that day also.

#### ADJOURNMENT.

24. The Board may, from time to time, adjourn any proceedings before it.

#### AMENDMENT.

25. The Board may at any time allow any of the proceedings to be amended, or may order to be amended or struck out any matters which in the opinion of the Board, may tend to prejudice, embarrass, or delay a fair hearing of the case upon its merits; and all such amendments shall be made as may, in the opinion of the Board, be necessary for the purpose of hearing and determining the real question in issue between the parties.

#### FORMAL OBJECTIONS.

26. No proceedings under this Act shall be defeated or affected by





## SCHEDULE No. 2.

(Form of Answer.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

In the matter of the Application, No. \_\_\_\_\_ of  
 A. B. for an order under sections 252-253 of The Railway Act, Chap.  
 37, directing \_\_\_\_\_ Railway Company to  
 provide a farm crossing.

The said Company in answer to the said application states:—

1. That the said A. B. is not the owner but merely, etc.
2. That upon the acquisition of the right of way of the said Railway,  
 A. B. was duly paid for and released, etc.
3. That the said A. B. has other safe and convenient means, etc.
4. That, etc.

Dated, etc.

*Endorsements.*

The within answer is made by A. B. of \_\_\_\_\_  
 (state address and occupation) or by  
 C. D. of \_\_\_\_\_ his solicitor.

Take notice that the within named Applicant is required to file with  
 the Board of Railway Commissioners within four days from the service  
 hereof, his reply to the within answer.

## SCHEDULE No. 3.

(Reply.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

In the matter of the application of A. B. against the Company.

The said A. B., in reply to the answer of the said Company states  
 that:—

- 1.
2. And the said A. B. admits that  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_

Signed (Q).

## SCHEDULE NO. 4.

(Fees and allowances to witnesses.)

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

To witnesses residing within three miles of the Courtroom, per diem, (not including ferry and meals) .....	\$1.00
Barristers, attorneys, and physicians, when called upon to give evidence in consequence of any professional services rendered by them, or to give professional opinion, per diem. . . . .	5.00
Engineers, surveyors, and architects, when called upon to give evidence of any professional services rendered by them, and to give evidence depending upon their skill and judgment, per diem. ....	5.00

If the witnesses attend in one case only, they will be entitled to the  
 full allowance. If they attend in more than one case, they will be en-  
 titled to a proportionate part in each case only.

When witnesses travel over three miles they shall be allowed expenses  
 according to the sum reasonably and actually paid, which in no case  
 shall exceed twenty cents per mile one way.

## SCHEDULE No. 5.

(Notice of Appeal).

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

In the matter of the Application No. \_\_\_\_\_ of A.B.  
for an order under sections 252-253 of the Railway Act, Chap. 37,  
authorizing the \_\_\_\_\_  
Railway, etc., etc.

To the Board of Railway Commissioners,

and

To

The above named Applicant (or Respondent, as the case may be.)

Take notice that the \_\_\_\_\_ Company will apply to  
the Board on the \_\_\_\_\_ day of \_\_\_\_\_, (not exceed-  
ing 14 days from the date thereof) for leave to appeal to the Supreme  
Court of Canada from the Order of the Board, dated the  
day of \_\_\_\_\_, in the matter of the above application  
authorizing the expropriation of certain lands referred to in said Order,  
and directing that compensation or damages to be awarded to the ow-  
ners of said lands, or persons interested therein, shall be ascertained  
as and from the date of the application, (or such other time as may be  
named in this Order.)

The grounds of appeal are that as a matter of law, the awarding of  
such compensation or damages should be ascertained and determined  
from the date of the deposit of plan, profile, etc., as provided under  
section 192 of the Act, and not from the time stated in the Order.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Signed,

Solicitor, etc.

## SCHEDULE No. 6.

(Form of Affidavit of Service.)

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

In Matter of the application, No. \_\_\_\_\_, of A.B. for  
an Order under sections 252-253 of the Railway Act, Chap. 37,  
directing \_\_\_\_\_  
Railway Company to provide a  
farm crossing.

I, \_\_\_\_\_ of the City of Ottawa, etc., make oath  
and say:—

1. That I am a member, etc.

2. That I did on \_\_\_\_\_ 19\_\_\_\_, serve the (C.P.) Railway Com-  
pany above named, with a true copy of the (application) of the said  
(A.B.) in this matter by delivering the same to (C.D.) the (Secretary)  
of the said Company, (or to E.F. the Ass't to the Gen. Mgr.) of the  
Company, being an adult person in the employ of the Company at the  
head office of the Company in (Montreal), see section 41 (a), which said  
copy was endorsed with the following notice, viz.:—

(Copy exactly.)

Sworn, etc.

### REQUIREMENTS ON APPLICATION HAVING REFERENCE TO PLANS.

#### No. 1.—GENERAL LOCATION OF RAILWAY—Section 157.

Send to Secretary of the Department of Railways and Canals: 3 copies of *map* showing the general location of the proposed line of railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tide-water, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway and generally the physical features of the country through which the railway is to be constructed.

1st copy to be examined and approved by the Minister and filed in the Department of Railways and Canals.

2nd copy to be approved by Minister for filing by the Company with the Board.

3rd copy to be approved by Minister for the Company.

Scale of Map—not less than 6 miles to the inch.

#### No. 2.—PLAN, PROFILE, ETC., OF LOCATED LINE—Section 158.

Upon approved general location map being filed by the Company with the Board, send to the Secretary of the Board three sets of plans, prepared exactly in accordance with the "general notes" \*as follows:—

- |                      |  |  |
|----------------------|--|--|
| 1st set—             | (1 plan,<br>1 profile,<br>1 book of reference. | ) To be examined, sanctioned and deposited with the Board. |
| 2nd set—Same as 1st  | (  | To be examined, certified and returned for registration.   |
| 3rd set—Same as 1st. | —  | To be certified and returned to Company.                   |

Scale—Plans—400 feet to the inch.

(N.B.—In prairie country, scale may be 1000 ft. to the inch.)

Profiles. (Horizontal, 400 feet.  
Vertical, 20 feet.

#### No. 3.—TO ALTER LOCATION OF CURVES OR GRADES OF LINE PREVIOUSLY SANCTIONED OR COMPLETED.—Section 167.

Send to the Secretary of the Board three sets of plans, profiles and books of reference as required in No. 2.

(N.B.—The plans and profiles so submitted will be required to show the original location, grades and curves, and railway, highway, and farm crossings, and the changes desired or necessitated in any of these.)

Scale—Same as No. 2.

\*"General Notes", see page 159

## No. 4.—PLANS OF COMPLETED RAILWAY.—Section 164.

Send to the Secretary of the Board within six months after completion three sets of plans and profiles of the completed road.

1st set to be filed with the Board.

2nd set to be certified and returned to the Company.

3rd set for registration purposes.

Scale—Same as No. 2.

## No. 5.—TO TAKE ADDITIONAL LANDS FOR STATIONS, SNOW PROTECTION, ETC.—Section 178.

Send to Secretary of the Board three sets of plans and documents as follows:—

1st set—	{ 1 application sworn to by officers required to sign and certify plans. See "General Notes." 1 plan, 1 profile. 1 book of reference.	To be examined and certified and deposited with the Board.	
		2nd set—Same as 1st...	For certificate and return for regis- tration, with duplicate authority.
		3rd set—Same as 1st...	For certificate and return to company, with copy of authority.
			Scale—Same as No. 2.

N.B.—Ten days' notice of application must be given by the applicant Company to the owner or possessor of the property, and copies of such notice with affidavits of service thereof must be furnished to the Board on the application.

## No. 6.—BRANCH LINES, not exceeding six miles—Sections 221-225.

(a) 1 plan, profile, and book of reference same as No. 2 to be deposited in Registry Office.

Upon such registration 4 weeks public notice of application to the Board to be given.

Send to the Secretary of the Board an application with copies of the plan, profile and book of reference certified by the Registrar as a duplicate of those so deposited in the Registry Office.

A certified copy of the Order authorizing the construction of the Branch lines to be registered together with any papers and plans showing changes directed by the Board.

A map showing the adjacent country, neighbouring lines, etc., must be sent to the Secretary of the Board with the application.

Proof of registration and of public notice having been duly given will be required upon the application.

Scale—Same as No. 2.

## No. 7.—RAILWAY CROSSINGS OR JUNCTIONS.—Section 227.

Send to the Secretary of the Board with an application three sets of plan of both roads at point of crossing.

Scale—Plan—100 feet to the inch.

Also three sets of plan and profile of both roads on either side of the proposed crossing for a distance of two miles.

Scale—Plan—400 feet to the inch.

Profile | 400 feet to inch horizontal.  
 | 20 feet to inch vertical.

1st set for approval by and filing with the Board.

2nd and 3rd sets to be certified and furnished to the respective companies concerned, with certified copy of order.

The applicant Company must give ten days' notice of application to the Company whose lines are to be crossed or joined, and shall serve with such notice a copy of all plans and profiles and a copy of the application. Upon completion of work application must be made to the Board for leave to operate.

**No. 8.—HIGHWAY CROSSINGS.—Sections 235 to 243.**

Send to the Secretary of the Board with an application three sets of plans and profiles of the crossings.

Scale—Plan—400 feet to inch.

Profile | 400 feet to an inch horizontal.  
 | 20 feet to an inch vertical.

Profile of Highway.

100 feet to an inch horizontal.

20 feet to an inch vertical.

1st set for approval by and filing with the Board.

2nd and 3rd sets to be furnished to the respective parties concerned, with a certified copy of the Order approving the same.

The plan and profile shall show at least one half a mile of the Railway and 300 feet of the Highway on each side of the crossing.

Plan must show intervening obstructions to the view from any point on the Highway within 100 feet of the crossing to any point on the railway within one half-mile of the said crossing.

Where no notice of the application is required, if the Company prefers, the above information may be shown on the location plan, and this plan may be used in connection with its application for approval of the highway crossing.

Unless otherwise ordered by the Board, the applicant must give ten days' notice of the application to the municipality in which the proposed crossing lies.

**No. 9.—CROSSINGS WITH WIRES FOR TELEGRAPH, TELEPHONES AND POWERS.—Section 246.**

Send to the Secretary of the Board with the application a plan and profile in duplicate. Profile must show the distance between the different lines of wire.

A copy of plan and profile to be sent to the Railway Company with notice of application.

**No. 10.—CROSSINGS AND WORKS UPON NAVIGABLE WATERS, BEACHES, &c.—Section 233.**

Upon site and general plans being approved by the Governor in Council, send to the Secretary of the Board:—

Certified copy of Order in Council with the plans and description approved thereby—1 application and 2 sets of detail, plans, profiles, drawings and specifications.

1st set for filing with Board.

2nd set to be certified and returned to Company with certified copy of order.

Upon completion of work application must be made to the Board for leave to operate.

No.11.—BRIDGES, TUNNELS, VIADUCTS, TRESTLES, &c., over 18 ft. span.—Section 257.

(a) Must be built in accordance with standard specifications and plans, approved of by the Board.

(b) Or detail plans, profiles, drawings, and specifications, which may be blue, white or photographic prints, must be sent to the Secretary of the Board for approval, &c., as in No. 9.

No.12.—STATIONS.—Section 258.

Send to the Secretary of the Board:—

2 sets of detail plans, profiles, drawings and specifications, with an application for approval.

1st set for filing with the Board.

2nd set to be certified and returned to Company with certified copy of order of approval.

GENERAL NOTES.

Plans (for Nos. 2 to 6) must show the right of way, with lengths of sections in miles, the names of the terminal points, the station grounds, the property lines, owner's names, the areas and length and width of land proposed to be taken, in figures (every change of width being given) the curves and bearings, also all open drains, water courses, highways, and railways proposed to be crossed or affected.

Profiles shall show the grades, curves, highway and railway crossings, open drains and water courses, and may be endorsed on the plan itself.

Books of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers of the lots, and the area, length and width of the portion thereof proposed to be taken and names of owners and occupiers so far as they can be ascertained.

All plans, profiles and books of reference must be dated and must be certified and signed by the President or Vice-President or General Manager, and also by the Engineer of the Company.

The plan and profile to be retained by the Board must be on *linen*, the copies to be returned may be either white, blue, or photographic prints.

All profiles shall be based, where possible, upon sea level datum.

All books of reference must be made on good thick paper and in the form of a book with a suitable paper cover. The size of such books when closed shall be as near as possible to 7½ inches by 7 inches.

Book of reference may be endorsed on the plan.

## FORM OF BOOK OF REFERENCE REQUIRED.

..... Railway Company.  
 ..... Division or Province, ..... Branch.  
 Book of reference to accompany Location Plan, showing Lands re-  
 quired for Railway purposes.

Station to	Station	Width of Right	Owner		Part of	Sec. or Lot.	Township, Parish Block or Number of Claims	Range	Contents Acres	Remarks
					Position of book when open					

## GENERAL REQUIREMENTS

APPLICABLE TO STEAM RAILWAYS FOR INTERLOCKING,  
 DERAILING AND SIGNAL SYSTEM AT CROSSINGS  
 AT RAIL LEVEL AND AT JUNCTIONS.

The plan and construction of interlocking, signalling and derailing system to be used at rail level crossings and junctions of one railway by another must be arranged to conform to the following general rules:—

1. The normal position of all signals must indicate danger, derail points open and the interlocking so arranged that it will be impossible for the operator to give conflicting signals.
2. The derail points must be placed not less than 500 feet from point of intersection of the crossing of junction tracks, unless in special cases in which the Board authorizes, in writing, a less distance.
3. On side tracks the position of derail points may be located so as to best accommodate the traffic, and provide the same measure of safety indicated in foregoing rules.
4. On single track railways derail points, when practicable, should be on inside of curve, and on double track railways the derail points should be in outside rail of both tracks. On double track railways, back up derails will be required.
5. Home signal posts must be 50 feet beyond point of derail, and the distance between home and distant signals must be not less than 1,200 feet. Signal post should be placed on engineman's side of track it governs.
6. Guard rails should be laid on outside of rail in which the derail is placed, and commence at least 6 feet toward home signal from point to derail, extending from thence toward crossing, parallel with and 9 inches distant from track rail, for 400 feet.
7. In case there are crossovers, turnouts, or other connecting tracks involved in the general system, the movements of cars and trains upon which present an element of danger, which danger will be

enhanced by the passage of trains on main tracks over crossings without stopping, and consequently at higher speed than would be the case without the permit sought, then, and in all such cases, whether such enhanced danger be of collision between cars and trains of the same railway, or between cars or trains of different railways, it will be necessary, in addition to the protection of the main crossing, to provide, by proper appliances, against any such increased collateral dangers in the same complete manner as is required in the case of the main crossing.

8. Application for inspection of interlocking plant must be made to the Board, accompanied by a plain diagram, showing location of crossing and position of all main tracks, sidings, switches, turnouts, &c.

The several tracks must be indicated by letters or figures, and reference made to each, explaining the manner of its use. The rate of grade on each main track must be shown, together with numbers of signals, derails, locks, &c., corresponding to levers in tower.

It is intended herein to state general rules, which will govern the construction of any proposed system of interlocking. The traffic to be done, relative position and operation of intersecting lines, may require safeguards not mentioned herein.

The system of derailing, signalling and interlocking must be connected and worked and be complete in each particular before the Board will grant an order authorizing the operation of such interlocking, derailing and signal system, or the crossing by the railway ordered to be put on the system.

#### INTERLOCKING SYSTEM.

Rules governing the use of interlocking and derailing signals and speed of trains where one railway crosses another at rail level, or where a railway crosses a drawbridge.

1. The normal position of all signals must indicate danger.
2. When the distant semaphore indicates caution, the train passing must be under full control and prepared to come to a full stop before reaching the home signal.
3. When the home signal indicates danger, it must not be passed.
4. When clear signals are shown where one railway crosses another at rail level, the speed of passenger trains must be reduced to 35 miles an hour and freight trains to 20 miles an hour, until the entire train has passed the crossing.
5. When clear signals are shown where a railway crosses a drawbridge, the speed of passenger trains must be reduced to 25 miles an hour and speed of freight trains to 15 miles an hour, until the entire train has passed the drawbridge.

#### GENERAL REQUIREMENTS FOR INTERLOCKING AT DRAWBRIDGES.

Interlocking, signalling and derailing systems to be used at drawbridges must be arranged to conform to the following general rules:

1. The normal position of all signals must indicate danger, derail points open, and the interlocking so arranged that it will be impossible for the operator to open the draw until signals and derails are set against the approaching train movement.



2. Where the grade is practically level the derailing points shall be located not less than 500 feet from the ends of the bridge, but in case of a descending grade towards the bridge, the derailing point must be located at such distance from the bridge as to give the same measure of protection that is required for a level approach.

3. On single track railways, derail points, when practicable, should be on the inside of curve, and on double track railways, the derail points should be in outside rails of both tracks.

4. On double track railways back-up derails will be necessary.

5. Home signal posts must, when practicable, be located on the engine-man's side of the track they govern, and should be not less than fifty (50) feet nor more than two hundred (200) feet in advance of the point they govern, the distant signals should be located not less than twelve hundred (1,200) feet in advance of the home signal, with which it operates and on the same side of the track. The distance signal should be distinguished by a notch cut in the end of the semaphore arm.

6. The arms and back lights of all signals should be visible to the signalman in the tower. If from any cause, the arm or light of any signal cannot be placed so as to be seen by the signalman, a repeater or indicator should be provided in the tower.

7. Guard rails should be laid on outside of rail in which the derail is placed and, commencing at least 6 feet in advance of derail, should extend thence towards the end of the bridge, parallel with and 9 inches from track rail, for not less than 400 feet.

8. Applications for inspection must be made same as for railway crossings.

By order of the Board,

A. D. CARTWRIGHT,  
*Secretary.*

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#### TARIFF REGULATIONS.

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#### BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

OTTAWA, March 3rd, 1904.

SIR,

I have to inform you that, by an order of the Board passed this 3rd March, 1904, the tariffs to be filed with the Board under the Railway Act, sections 322, 327, 328 and 329, shall be printed on sheets uniform in size, eight inches by eleven inches (8 x 11), and be specially numbered by each Railway Company, beginning with No. 1 (as per annexed form), and subsequent tariffs to be numbered consecutively and leaving a prefix stamped (C. R. C. No.                   ), such number to be filled in by Railway Company for filing reference by the Board.

Mail matter intended for the Board should be stamped O. H. M. S. and directed to the Board or member thereof, or the Secretary to insure its free carriage.

Competitive tariff which is *bona fide* and urgently required to be brought into immediate effect without previous notice to the Board, owing to the exigencies of competition, may be acted upon before filing with the Board, but the Company shall forthwith, upon acting on such tariff, forward the same to the Board with a brief statement of the nature of the exigency and ground for so acting, for the approval of the Board. The Board may disallow the said tariff, and when said tariff is disallowed it shall cease to be operative, and the Company shall forthwith withdraw the same.

That all freight classifications and amendments, or changes therein, before going into effect shall be first approved by the Board; and two consecutive weekly publications of notice of application for approval by Board of any freight classification or addition thereto, amendments or changes thereto, or any removal of any goods from a lower to a higher class, or from a higher to a lower class, shall be inserted in the *Canada Gazette* before any application for such approval shall be entertained by the Board.

All plans, profiles, etc., sent by Express to the Secretary of the Board must be prepaid.

By Order of the Board.

A. D. CARTWRIGHT,

Secretary.

.....  
(Insert name of railway here)

TRAFFIC DEPARTMENT,

..... 190..

(Place and date)

ADVICE No. ....

*The Secretary*

*Railway Commission for Canada,*

*Ottawa, Canada.*

DEAR SIR:

In compliance with the requirements of Section 322 of "The Railway Act," I transmit herewith, for approval and filing with the Commission, copies of tariffs as follows:—

C. R. C. Number	Date taking effect	DESCRIPTION

OTTAWA, September 16th, 1904.

SIR,

The Board of Railway Commissioners for Canada hereby orders and prescribes a Certificate, as per annexed form, to be adopted by all carriers having occasion to use the same. This Certificate must contain a full and accurate description of the Joint Tariffs covered thereby, and the railways are directed to observe the following instructions when filling up and filing the same:

1st. Certificates to be printed on paper 8 inches wide by 11 inches long.

2nd. The same Certificate is not to be used for more than one schedule.

3rd. A full and exact description of the title of the schedule to be given, including the Series and Number.

4th. Certificates to be numbered progressively.

5th. Certificates to be signed in person by the official filing same, under Section 314 of the Railway Act, or by some one duly authorized to act for him. In the latter case, the Commission must be kept advised of the names of persons to whom such authority has been given. Such persons are required to affix their signatures in full to the name of the official for whom they act.

6th. Two copies of each Certificate to be sent to the Commission; one to be retained, and the duplicate receipted and returned.

By Order of the Board,

A. D. CARTWRIGHT,  
Secretary.

.....  
(Print name of concurring railway here.)

GENERAL.....DEPARTMENT  
(Freight or Passenger.)

.....190..  
(Place and date.)

CERTIFICATE No. ....

THE CHIEF TRAFFIC OFFICER  
RAILWAY COMMISSION FOR CANADA,  
OTTAWA, CANADA.

This is to certify that the.....Railway  
assents to and concurs in the publication and filing of the Schedule  
described below, and hereby makes itself a party thereto:

C. R. C. Number

and Title:

.....  
(Here give exact description of title of Schedule.)

Date of Issue.....

Date Effective.....

(Official)

Issued by: (Railway)

.....  
(Signature)

## JOINT TARIFFS.

OTTAWA, February 15th, 1905.

## RE GENERAL CONCURRENCE NOTICES.

Section 325 of the Railway Act reads as follows:—

Where traffic is to pass over any continuous route in Canada operated by two or more Companies the several Companies may agree upon a joint tariff for such continuous route, and the initial Company shall file such joint tariff with the Board, and the other Company, or Companies, shall promptly notify the Board of its, or their, assent to and concurrence in such joint tariff. The names of the Companies whose lines compose such continuous route shall be shown by such tariffs.

A Circular issued by the Secretary of the Board on the 16th September, 1904, prescribes the form of Certificate of Concurrence to be filed with the Board, separately for each and every joint tariff, by each carrier named as party thereto.

In lieu of these individual Certificates, the Board is prepared to receive from each Company one general Notice of Concurrence in all joint tariffs to which it has been, or may be, made a party, excepting those which it may repudiate by filing a special notice of non-concurrence with the Commission.

The form of Certificate of General Concurrence is prescribed as follows:—

TO THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA,  
OTTAWA, ONT.

This is to certify that the.....Railway (or Railroad) Company assents to and concurs in all joint tariffs, also all supplements or amendments to joint tariffs, or other issues, which in any way affect joint rates, which have been, or may hereafter be, issued by other carriers, associations or committees, and in which the said.....Railway (or Railroad) Company is named as a party thereto, unless the said.....Railway (or Railroad) Company shall give the Commission notice to the contrary.

The Certificate is to be signed in person by the official designated in Section 314 of the Act, and mailed to the Chief Traffic Officer, Railway Commission for Canada, Ottawa, Ont. Should a receipt be required, a carbon copy, marked "duplicate" may be enclosed with the filed certificate, to be receipted and returned.

This General Form of Concurrence will be accepted from parties to International Joint Tariffs, but it is to be understood that no carrier participating in a Joint International Tariff is hereby relieved of the obligation of seeing that the tariff is duly filed by the initial Company.

This arrangement will continue in force until further notice from the Board.

## TARIFF CHANGES.

## IT IS ORDERED

That the occasion for the issue be shown in future at the top of the front page (in the centre, or near the C.R.C. No.) of all tariffs supplements, amendments, etc., thus: "Advance," "Reduction," "Re-Issue," or "New Rate (or Rates)," as the case may be.

By Order of the Board.

(SIGNED) A. D. CARTWRIGHT,  
Secretary.

(SIGNED) JAS. HARDWELL,  
Chief Traffic Officer.

File 1144.

OTTAWA, May 21st, 1906.

## RE FILING OF TARIFFS.

As tariffs of tolls frequently reach the offices of the Railway Commission later than the dates of publication, railway companies subject as to tolls to the Railway Act, are reminded that under sections 328 and 329 of the Act any Special Freight Tariff which reduces or advances any toll previously authorized to be charged under the Act must be filed with the Board three days, in the case of a reduction, and ten days, in the case of an advance, previous to the date on which such tariff is intended to take effect; and are hereby notified that the act of mailing by the sender does not constitute filing within the meaning of the Act, and that such new schedules must actually have reached Ottawa three or ten days, as the case may be, before they become effective.

The same reminder and notification is given with respect to the three days allowed for the publication and filing of Special Passenger Tariffs, under Section 332 of the Act.

New rates being lower than the Standard tariffs, or, in the case of joint tariffs, lower than a combination of tariffs, must be regarded as reduced rates and filed accordingly.

A company which publishes a joint freight tariff to apply from the stations of another company, or other companies, as well as from its own; or a tariff which, by mutual arrangement, is to be adopted by another company, or other companies; must print such tariff in sufficient time to allow the other company or companies, to receive and file it, at Ottawa, within the prescribed three or ten days, as the case may be.

By Order of the Board.

JAS. HARDWELL,  
Chief Traffic Officer.

A. D. CARTWRIGHT,  
Secretary.

## THE CANADIAN CAR SERVICE RULES.

*Rule 1.*—When cars are held under load, or awaiting loads, beyond the free time allowed by Rule 2, for any reason for which the consignee or shipper is responsible, a toll of one dollar per car, per day of twenty-four hours, or any part thereof, shall be charged to, and paid by, the shipper, consignee, or other party responsible therefor, in addition to all other tolls paid, or payable, in respect to the goods carried, or to be carried in or on such car.

*Rule 2.*—Twenty-four hours shall be allowed the consignee, after notice of arrival, in which to pay the tolls or charges (if any), and give orders for special placing or delivery; (subject to Rules 11 and 15).

Forty-eight hours free time shall be allowed for loading or unloading (except as hereinafter provided). On cars placed for loading, or unloading, before or at 11 o'clock a.m., the free time shall begin at 1 p.m., following; if placed after 11 o'clock a.m., the free time shall begin at 7 o'clock a.m. following.

*Exceptions:* (a) Twenty-four hours additional free time shall be allowed for unloading coal, coke, and lime, in bulk, and for loading or unloading the following descriptions of lumber only, namely: boards, deals, and scantlings.

(b) Five days free time shall be allowed at Montreal, and at tide-water ports, for unloading lumber and hay for export.

(c) In the portion of Canada to which the Manitoba Grain Act, Chap. 83, R.S.C., 1906, and its amendments, apply, only twenty-four hours free time shall be allowed for loading grain.

(d) Twenty-four hours additional free time shall be allowed for clearance of customs, where the destination is a port of entry, making the allowance for clearance of customs, and for giving, placing or delivery orders, forty-eight hours in all.

Where the destination is not a port of entry, forty-eight hours shall be allowed for clearance of customs at the outside port of entry.

*Rule 3.*—No car service toll shall be charged for Sundays or legal holidays.

*Rule 4.*—Car service tolls shall not be collected from the consignee for any delays for which the customs officials may be responsible.

*Rule 5.*—Cars shall be so placed as to be easily accessible at all times during the period allowed for loading or unloading. At stations where such placing is at the time reasonably practicable, cars shall be placed so as to be easily accessible on both sides. Time lost to the shipper or consignee through interruption, either by movement of trains, or shunting of cars, or any other cause for which the railway company is, or may be held to be, responsible, shall be added to the free time allowance.

*Rule 6.*—If wet or inclement weather, according to local conditions, renders loading or unloading impracticable during business hours, or expose the goods to damage, the time allowance shall be extended so as to give the full free time of suitable weather. But if the parties neglect or fail to avail themselves of the first forty-eight hours, or seventy-two hours, as the case may be, of suitable weather, they shall not be allowed additional free time by reason of such neglect.

*Rule 7.*—When, owing to conditions for which the railway company, or connecting railway companies, is or are responsible, or to any neglect or default of its or their agents or employees, or to storms or floods, or to accidents on a railway, or accident to the equipment of the railway company or companies, cars are tendered to the consignee in numbers beyond his ascertained reasonable ability to unload within the authorized free time, such additional time shall be allowed as may be necessary, with the exercise of due and reasonable diligence on the part of the consignee, to unload the cars so in excess.

*Rule 8.*—The consignee shall be promptly notified of the arrival of his freight, and shall be held to have been notified when notice of arrival has been delivered at his address, or place of business; provided that, if such notice be given later than 6 o'clock p. m., it shall be considered not to have been received until 7 o'clock the following morning. If notice be mailed, the consignee shall be held to have been notified at 7 o'clock a.m. of the day following.

*Rule 9.*—If the consignee fail to give placing or delivery orders within the twenty-four hours allowed by Rule 2, the car shall be considered to be intended for public team track delivery and shall be placed accordingly; and, if not unloaded within the free time, such car shall be subject to the car service toll.

*Rule 10.*—The railway agent shall notify the consignee or his carter, on application, where his car has been placed for unloading. Any time within the free time allowance lost to the consignee in so doing, for which the railway company is responsible, shall be added to the free time allowance.

If a car has been placed before 7 o'clock a.m., and at that hour the agent or his representative is unable or fails to inform the consignee or his representative, on application, as to the placing of the car and where it has been placed, then the free time shall not commence until 12 o'clock noon following, unless the consignee commences to unload before noon, in which case the time so lost to the consignee shall be added to the free time allowance as aforesaid.

*Rule 11.*—Freight for which the railway company holds previous or standing orders from consignee for placing on designated tracks or private sidings, shall not be entitled to the extra twenty-four hours allowed by Rule 2 for paying freight charges and giving placing or delivery orders, but when in bond shall be entitled to the twenty-four hours allowed by Rule 2 (d) for clearance of customs.

*Rule 12.*—When both cars and tracks are owned by the same private party, no car service tolls shall be charged.

*Rule 13.*—The delivery of cars to private tracks shall be considered to have been made when such cars have been properly placed on the tracks designated, or when they would have been so placed but for some condition for which the shipper or consignee is responsible. If cars cannot be so placed, the railway company holding them shall so notify the consignee, in order that he may have the opportunity of designating some other siding on which he is willing to load or unload, if he so desires.

*Rule 14.*—If, after placing, cars are ordered to another siding on the same road, at the same station, to complete loading or unloading by the same shipper or consignee, the free time shall be computed from the original placing, less the time occupied in replacing the car.

*Rule 15.*—If, after arrival at destination, a car is reconsigned under switching arrangements, the original consignee alone shall have twenty-four hours in which to give orders for special placing or delivery; and he shall pay one dollar per day, or any part thereof, for all time in excess of the twenty-four hours, so that the final free time of forty-eight hours, or seventy-two hours, as the case may be (authorized by Rule 2), shall still remain to the party who accepts delivery.

*Rule 16.*—If an authorized employee upon a railway which performs switching services gives notice that such railway is unable to receive cars for private sidings, owing to conditions for which the shippers or consignees are responsible, then any other railway company having cars for such consignees shall so advise them, and the car service toll shall be charged until the cars on such private sidings have been unloaded or loaded, as the case may be, or until such sidings have been otherwise cleared.

*Rule 17.*—Cars held in transit for inspection, grading, cleaning, bagging, completion or change of load, or change of destination, under a through rate from the original shipping point to the final destination, with or without a stop-over charge, and detained over the time allowed for such purpose in the published tariffs, shall be subject to the car service toll. If such shipments are transferred to other cars, the car service tolls shall follow on the cars to which transfer is made.

*Rule 18.*—Manufacturers, lumbermen, miners, contractors or others, who have their own tracks and motive power, and handle cars for themselves or other parties, shall be charged car service tolls on all cars delivered to them from the time placed upon the interchange tracks until returned thereto, after allowance has been made for the time necessary for them to do the switching (not to exceed twenty-four hours), and for the free time authorized by Rule 2.

*Rule 19.*—Cars shall not be held back for the purpose of evading these rules. Loaded cars held back for cause must be reported.

*Rule 20.*—When cars are delayed or refused by consignees because of alleged incorrectness in the railway weights or charges, car service tolls shall not be charged if the railway weights or charges are proved to be incorrect.

*Rule 21.*—If payment of car service tolls properly due be refused, delivery of only the car or cars on which such car service tolls are due shall be withheld, by means of sealing or locking, or by placing where such cars only shall not be accessible.

If the owners or users of private sidings, or the owners of railways referred to in Rule 18, refuse to pay any car service tolls which may already be due, delivery of cars to such sidings or railways shall be suspended, and deliveries shall be made on the public team tracks until such unsettled car service tolls have been paid.

*Rule 22.*—In this order, and the rules therein contained:—



(a) The singular includes the plural, and the plural the singular, and the masculine the feminine, as the case may be;

(b) Any reference to a rule by number is to be considered as a reference to that one of the foregoing rules which is so numbered;

(c) The expression 'car service toll' means the additional or increased toll authorized by Rule 1.

A. C. KILLAM,

*Chief Commissioner,*

*Board of Railway Commissioners for Canada.*

### DEPARTMENT OF RAILWAYS AND CANALS.

REQUIREMENTS OF THE DEPARTMENT OF RAILWAYS AND CANALS WITH RESPECT TO THE PREPARATION AND SUBMISSION BY RAILWAY COMPANIES TO THE DEPARTMENT OF GENERAL LOCATION OR ROUTE MAPS, FOR THE APPROVAL OF THE MINISTER UNDER SECTION 157 OF THE RAILWAY ACT, CHAPTER 37.

For the approval of general locations Railway Companies are required to send to the Secretary of the Department of Railways and Canals the following:—

(A.) A map, in triplicate, (two on linen) showing:

1. The general location or route of the proposed line of railway *in red*.
2. The termini, as fixed by the Special Act, and the principal towns and places through which the railway is to pass, giving the names thereof.
3. The following, if any:—
  - (a) The existing railways to be crossed by the proposed line of railway, and such as are within a radius of 30 miles of the proposed line, *in green*.
  - (b) The navigable streams and tide water to be crossed by the proposed line of railway and such as are within a radius of 30 miles of the said proposed line, *in blue*.
4. And generally the physical features of the country through which the railway is to be constructed within such radius of 30 miles (including the principal existing highways, *in brown*).

The scale of such map shall be of not less than 6 miles to the inch, and shall be shown upon the map.

The map shall be dated, and shall be certified and signed by the President, or Vice-President, or General Manager or Secretary of the Company, and also by the Engineer of the Company.

The original Map when approved by the Minister shall be filed by the Company in the Department of Railways and Canals, the duplicate, when so approved, to be filed by the Company with the Board of Railway Commissioners for Canada, and the triplicate, when so approved, will be returned to the Company.

Where the proposed line of railway is of unusual length the map may be submitted in sections, providing an index map of the whole line is submitted.

(B.) An application in writing, in duplicate, by the Company to the Minister requesting his approval of the map and the general location as shown thereon, setting out therein the Special Act or Acts under which the Company is authorized to construct the proposed line, and naming a date on which the Company desires the application to be heard.

NOTE.—The Minister on the hearing of the application will require to be satisfied by the Company on the following points:—

1. That all companies, corporations or bodies politic, whose railway or railways (whether Dominion or Provincial, and whether already constructed or not, provided the location or general location has been duly sanctioned or approved) the proposed line of railway is to cross or to come within a radius of 30 miles thereof at any point, have had due notice of the application. It will be deemed sufficient notice if it is shown by affidavit or sworn declaration that a copy of the map and of the application has been served on such company, corporation or body politic, ten days at least previous to the hearing.
2. That a preliminary survey has been made of the proposed line, and in such a way that full topographical details can be given by the Company with respect to all exceptionally difficult places through which the proposed line is to pass, and with plans and profiles, with respect to all places where the proposed line is to cross or run near any other railway.
3. The applicant will be required to produce for the information of the Minister, the original or a certified copy of any map or plan used before the Railways, Canals and Telegraph Lines' Committee of the House of Commons for the purpose of securing the Act or Acts of Parliament under which the Company is authorized to construct the proposed line of railway.

By order,

L. K. JONES,  
*Secretary.*

DEPARTMENT OF RAILWAYS AND CANALS,  
OTTAWA, March, 1906.

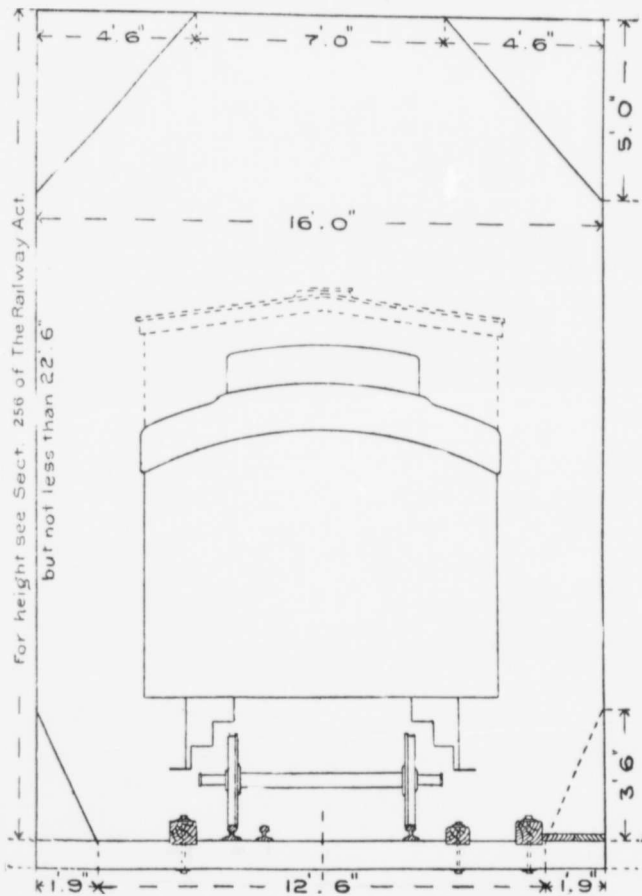
### INFORMATION RELATING TO CANALS OF THE DOMINION OF CANADA.

LENGTH OF VESSELS TO BE ACCOMMODATED	NAME OF CANAL.	LOCKS.					Total Length stat. miles.
		No.	Length.	Width.	Depth of Water on Sills.	Total lockage.	
255 ft. River St. Lawrence and Lakes route	1 Lachine .....	5	270	45	14	45	8.25
	2 Soulanges .....	5	280	45	15	85	14.00
	3 Cornwall .....	6	270	45	14	48	11.00
	4 Farran's Point .....	1	800	45	14	3.50	1.00
	5 Rapide Plat .....	2	270	45	14	11.50	3.66
	6 Galops .....	3	270	45	14	15.50	7.33
	7 Welland .....	26	270	45	14	326.75	26.75
	8 Sault Ste Marie .....	1	900	60	20.3	18.	1.13
122' 185 ft. Ottawa River route and Kingston	1 St. Anne's .....	1	200	45	9	3	0.13
	4 Carillon .....	2	200	45	9	16.	0.75
	3 Grenville .....	5	100	45	9	43.75	5.75
	4 Rideau .....	Asc. } 35 Desc } 14	134	32	5.6	Rise } 282.25 Fall } 164.00	126.26
108 ft. Richelieu & Lake Champlain	1 St. Ours .....	1	200	45	7	5.	0.13
	2 Chambly .....	9	118	22.5	7	74.	2.00
185 ft.	Beauharnois .....	9	200	45	9	82.5	11.25

# DIAGRAM A.

## STANDARD CLEARANCE & FLOORING OF RAILWAY BRIDGES

Department of Railways & Canals



ON OF

Total  
Length  
stat.  
miles.

8.25  
14.01  
11.31  
1.00  
3.60  
7.33  
26.75  
1.13

0.13  
0.75  
5.75  
126.26

0.13  
.200

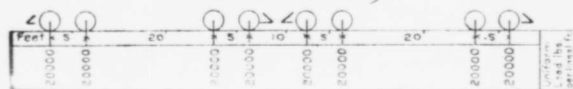
11.25

### DIAGRAM B.

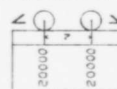
Standard Loading of the Department of Railways & Canals,  
Steam Railways, 1905.

Class	Weight of Engine and Tender	Diagram																Uniform Load
		Feet	8'	8'	8'	8'	8'	8'	8'	8'	8'	8'	8'	8'	8'	8'	8'	
Special Heavy	lbs 379000	27000	52000	52000	52000	52000	52000	36000	36000	36000	36000	27000	52000	52000	52000	52000	36000	5000 lbs. per Lineal foot
Heavy	360050	25850	49400	49400	49400	49400	49400	34200	34200	34200	34200	25850	49400	49400	49400	49400	34200	4750 lbs. per Lineal foot
I	341100	24300	46800	46800	46800	46800	46800	32400	32400	32400	32400	24300	46800	46800	46800	46800	32400	4500 lbs. per Lineal foot
II	303200	21600	41600	41600	41600	41600	41600	28800	28800	28800	28800	21600	41600	41600	41600	41600	28800	4000 lbs. per Lineal foot
III	265300	18800	36400	36400	36400	36400	36400	25200	25200	25200	25200	18800	36400	36400	36400	36400	25200	3500 lbs. per Lineal foot
Special Light	227400	16200	31200	31200	31200	31200	31200	21600	21600	21600	21600	16200	31200	31200	31200	31200	21600	3000 lbs. per Lineal foot

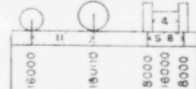
Electric Railways



Electric Car



Road Roller



**BENDING MOMENTS AND DEFLECTIONS OF  
BEAMS, UNDER VARIOUS SYSTEMS  
OF LOADING.**

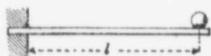
$W$ —total load.

$l$ —length of beam.

$I$ —moment of inertia.

$E$ —modulus of elasticity.

- (1.) Beam fixed at one end and loaded at the other.

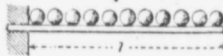


Maximum bending moment at point of support  $= Wl$ .

Maximum shear at points of support  $= W$ .

Deflection  $= \frac{Wl^3}{3EI}$

- (2.) Beam fixed at one end and uniformly loaded.

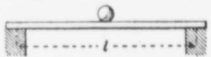


Maximum bending moment at point of support  $= \frac{Wl}{2}$

Maximum shear at point of support  $= W$ .

Deflection  $= \frac{Wl^3}{8EI}$

- (3.) Beam supported at both ends, single load in the middle.

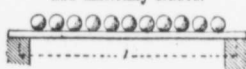


Maximum bending moment at middle of beam  $= \frac{Wl}{4}$

Maximum shear at points of support  $= \frac{1}{2}W$

Deflection  $= \frac{Wl^3}{48EI}$

- (4.) Beam supported at both ends and uniformly loaded.

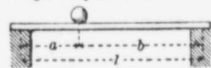


Maximum bending moment at middle of beam  $= \frac{Wl}{8}$

Maximum shear at points of support  $= \frac{1}{2}W$ .

Deflection  $= \frac{Wl^3}{76.8EI}$

- (5.) Beam supported at both ends, single unsymmetrical load.

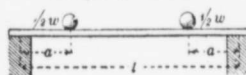


Maximum bending moment under load  $= \frac{Wab}{l}$

Maximum shears: at support near  $a = \frac{Wb}{l}$ ; at other support  $= \frac{Wa}{l}$

Max. Deflec.  $= \frac{Wab(2l-a)}{9EI} + \frac{1}{5}a(2l-a)$

- (6.) Beam supported at both ends, two symmetrical loads.

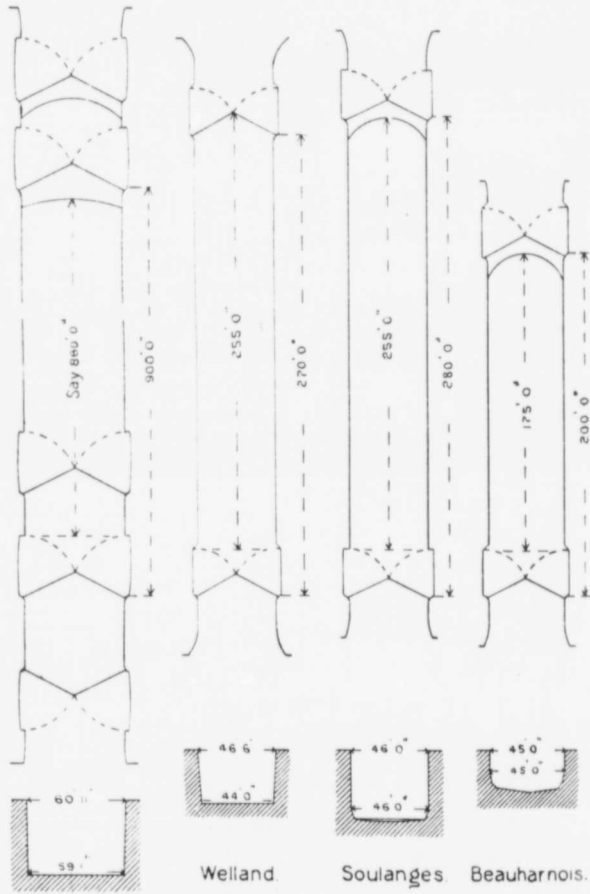


Maximum bending moment between loads  $= \frac{1}{9}Wa$ .

Maximum shear between load and nearer support  $= \frac{1}{2}W$ .

Max. Deflection  $= \frac{Wa}{48EI} (3l^2 - 4a^2)$

Plans and Sections showing the  
 on each of the Canadian Canal  
 Canal which is completed.

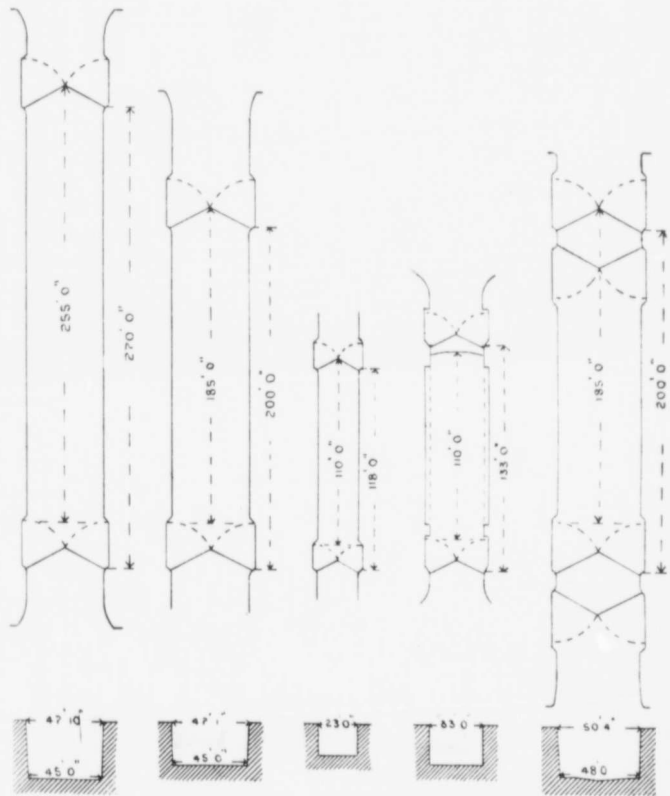


Sault Ste. Marie.

There are no locks on the through  
 Montreal of less dimension than

the  
anal  
ed.

dimensions of the smallest lock  
Systems. Except the Trent



Lachine

St. Anne,  
St. Ours,  
Carillon,  
& Grenville.

Chambly

Rideau

St. Peter's

route between Lake Superior and  
those of the Welland Canal Locks.

is.

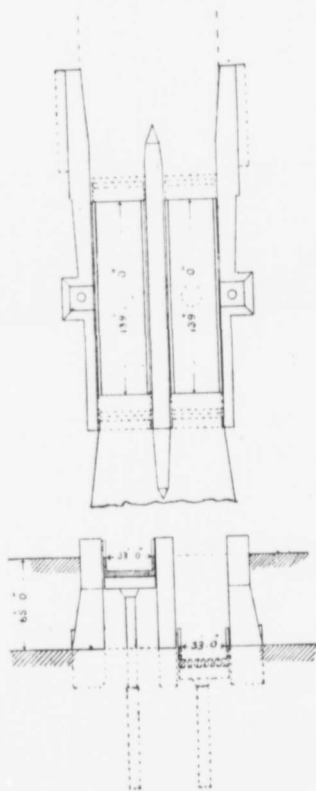
gh  
an



# Trent Canal

Hydraulic Lift-Lock at Peterborough.

65 ft. Lift.





## 4 EDWARD VII

## CHAP. 31.

## AN ACT TO AMEND THE RAILWAY ACT, 1903.

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

1. Notwithstanding anything in any Act heretofore passed by Parliament, no railway company within the jurisdiction or legislative power or control of Parliament shall be relieved from liability for damages for personal injury to any workman, employee or servant of such company, nor shall any action or suit by such workman, employee or servant, or, in the event of his death, by his personal representatives, against the company, be barred or defeated by reason of any notice, condition or declaration made or issued by the company, or made or issued by any insurance or provident society or association of railway employees formed, or purporting to be formed, under such Act; or by reason of any rules or by-laws of the company, or rules or by-laws of the society or association; or by reason of the privity of interest or relation established between the company and the society or association, or the contribution or payment of moneys of the company to the funds of the society or association; or by reason of any benefit, compensation or indemnity which the workman, employee or servant, or his personal representatives, may become entitled to or obtain from such society or association or by membership therein; or by reason of any express or implied acknowledgment, acquittance or release obtained by the company or the society or association prior to the happening of the wrong or injury complained of, or the damage accruing, to the purport or effect of relieving or releasing the company from liability for damages for personal injuries as aforesaid.

No agreement with employees to relieve company from liability for personal injury.

2. Upon the passing of this Act the Governor in Council shall submit to the Supreme Court of Canada for its determination the question of the competency of this Parliament to enact the provisions hereinbefore set forth; and in the event of the said court determining that the said

Question of validity of this Act to be referred to Supreme Court.

provisions are within the powers of this Parliament, and the time for appeal having elapsed,—or in case of appeal being taken and prosecuted, then in the event of it being determined by the Judicial Committee of the Privy Council that the said provisions are within the powers of Parliament as aforesaid,—the Governor in Council shall thereupon name a day, by proclamation, for the coming into force of this Act, and this Act shall take effect and come into force upon the day so named accordingly.

## 6-7 EDWARD VII.

## CHAP. 37.

## An Act in amendment of the Railway Act.

1903, c. 58,  
s. 159  
amended.

Notice of  
expropriation  
of lands.

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

1. Section 196 of *The Railway Act*, is amended by inserting the words "or of the opposite party" after the word "company" in the fifth line of the said section, and by inserting the words "or vice versa" after the word "party" at the end of the second sub-section of the said section.

## 6-7 EDWARD VII.

## CHAP. 38.

## An Act to amend the Railway Act.

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

Employment  
of counsel  
before Board  
of Railway  
Commissioners.

1. The Board of Railway Commissioners for Canada may, in any application, proceeding or matter of special importance pending before it, if in the opinion of the Board the public interest so requires, apply to the Minister of Justice to instruct counsel to conduct or argue the case or any particular question arising in the application, proceeding or matter as to any public interest which is or may be affected thereby or by any order or decision which may be made therein; and, upon such application to him by the Board, or of his own motion, the Minister of Justice may instruct counsel accordingly; and the Board may direct that the costs of such counsel shall be paid by any party to the application, proceeding or matter, or by the Minister of Finance out of any unappropriated moneys.

Deposit of  
mortgage to  
secure bonds,  
etc.

2. Wherever by any Act of the Parliament of Canada heretofore or hereafter passed provision was or is made for the deposit in the office of the Secretary of State of Canada of any mortgage given to secure the payment of bonds or other securities issued by any company, and the provisions

with regard to such deposit have been duly complied with, it is hereby declared and enacted that it was and is unnecessary for any purpose that such mortgage or any assignment thereof, or any other instrument in any way affecting it, should have been or should be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property: Provided that, if such Act expressly required or requires some additional or other deposit, registration or filing, nothing herein contained shall be taken or held to dispense therewith or to waive any non-compliance with such requirement; and provided further that nothing herein contained shall affect any matter in litigation, in, or finally decided by, any court of justice at the time this Act comes into force.

"3. Any such mortgage heretofore given as to which there has been hitherto no Act providing for such deposit, or any assignment of such mortgage or other instrument in any way affecting it, or a sworn copy thereof, may be deposited in the office of the Secretary of State of Canada within ninety days after the passing of this Act.

"2. Notice of such deposit shall forthwith thereafter be given in *The Canada Gazette*.

"3. No objection shall be taken on the part of any creditor of such company or any purchaser or mortgagee becoming such creditor or purchaser or mortgagee, subsequent to the giving such notice, to any such mortgage or other instrument in respect of which such deposit has been made and such notice given, on the ground that the same has not been otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property.

"4. Any contract evidencing the lease, conditional sale or bailment of rolling stock to a company shall be in writing, duly executed by the parties thereto, and the same or a copy thereof may be deposited in the office of the Secretary of State of Canada, within twenty-one days from the execution thereof, and no contract so deposited need be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property, and upon the due execution and deposit of any such lease, conditional sale or bailment of rolling stock as aforesaid, the same shall be valid.

"2. Notice of such deposit shall forthwith thereafter be given in *The Canada Gazette*.

"5. Any contract heretofore made in writing and duly executed by the parties evidencing any such lease, conditional sale or mortgage of rolling stock, may be deposited

in the office of the Secretary of State of Canada, within ninety days after the passing of this Act, and unless so deposited, the same shall not be valid as against purchasers or mortgagees becoming such subsequent to the passing of this Act.

"2. Notice of such deposit shall forthwith thereafter be given in *The Canada Gazette*.

"6. No objection shall be taken on the part of any purchaser or mortgagee becoming such subsequent to the giving such notice, to any lease, conditional sale or mortgage as aforesaid, in respect of which such deposit has been made and such notice given on the ground that the same has not been otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property.

"7. In the case of a mortgage, hypothec or other instrument made by an incorporated company securing bonds, debentures, notes or other securities on any rolling stock which is subject to any such lease, conditional sale or bailment as aforesaid, the same or a copy thereof, may be filed in the office of the Secretary of State of Canada, within twenty-one days of the execution thereof, and if so filed, shall be valid as against creditors of such company, and as against subsequent purchasers or mortgagees, and no other or further filing or registration thereof shall be necessary.

"In the case of any mortgage, hypothec or other such instrument heretofore made, the same shall be valid as against creditors of such company and purchasers or mortgagees becoming such creditors, purchasers or mortgagees subsequent to the passing of this Act, if the same or a copy thereof be filed in the office of the Secretary of State of Canada, within ninety days from the passing of this Act.

"2. Notice of such deposit shall forthwith thereafter be given in *The Canada Gazette*.

"8. Subsection 5 of Section 299 of *The Railway Act* is repealed, and the following is substituted therefor:—

"5. The purchaser shall apply to the Parliament of Canada at the next following session thereof after the granting of such order by the Minister for an Act of incorporation, or other legislative authority, to hold, operate and run the railway."

"9. Subsection 2 of Section 136 of *The Railway Act* is hereby amended by adding after the word "Secretary" in the second line the words "or an assistant secretary."

7-8 EDWARD VII.

CHAP. 18.

AN ACT TO AMEND THE CRIMINAL CODE AND TO REPEAL SECTION 415 OF THE RAILWAY ACT.

[Assented to 20th July, 1908].

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

\* \* \* \* \*

15. Section 415 of *The Railway Act* is repealed.

R.S., c. 37,  
sec. 415  
repealed.

7-8 EDWARD VII.

CHAP. 60.

AN ACT TO AMEND CHAPTER 38 OF THE STATUTES OF 1907 IN AMENDMENT OF THE RAILWAY ACT.

[Assented to 20th July, 1908].

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

1. Section 7 of chapter 38 of the statutes of 1907, intituled *An Act to amend the Railway Act*, is repealed.

1907, c. 38,  
s. 7 repealed.

7-8 EDWARD VII.

CHAP. 61.

AN ACT TO AMEND THE RAILWAY ACT WITH RESPECT TO TELEGRAPHS AND TELEPHONES AND THE JURISDICTION OF THE BOARD OF RAILWAY COMMISSIONERS.

[Assented to 20th July, 1908].

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

PART I.

1. In this Part unless the context otherwise requires,—
  - (a) "Board" means the Board of Railway Commissioners of Canada;
  - (b) "company" means a railway company or person authorized to construct or operate a railway, having

Interpreta-  
tion.  
"Board."

"Company."

authority to construct or operate a telegraph or telephone system or line, and to charge telegraph or telephone tolls, and includes also telegraph and telephone companies and every company and person within the legislative authority of the Parliament of Canada having power to construct or operate a telegraph or telephone system or line and to charge telegraph or telephone tolls:

"Special Act."

(c) "special Act" means any act under which the company has authority to construct or operate a telegraph or telephone system or line, or which is enacted with special reference to any such system or line, and any letters patent constituting a company's authority to construct or operate a telegraph or telephone system or line, granted under any Act, and the Act under which such letters patent were granted, and includes *The Telegraphs Act* and any general Act relating to telegraphs or telephones;

"Telegraph."

(d) "telegraph" includes wireless telegraph;

"Telegraph toll."

(e) "telegraph toll" means and includes any toll, rate or charge to be charged by the company to the public or to any person for the transmission of messages by telegraph.

Jurisdiction of Board.

2. The Board shall have jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested complaining that any company or person has failed to do any act, matter or thing required to be done by *The Railway Act* or this Part or the special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any other authority, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of *The Railway Act* or this Part or the special Act, or any such regulation, order or direction, or requesting the Board to make any order, or give any direction, sanction or approval which by law it is authorized to make or give, or with respect to any matter, act or thing which by *The Railway Act* or this Part or the special Act or by any such regulation, order or direction is prohibited, sanctioned or required to be done.

Mandatory orders.

2. The Board may order and require any company or person to do forthwith, or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with *The Railway Act* or this Part or the special Act, any act, matter or thing which such company or person is or may be required or authorized to do under the said Acts or any of them or this Part, and may forbid the doing or continuing of any act, matter or thing which is contrary to the said Acts or any of them or this Part; and shall for the purposes of this Part have full jurisdiction to hear and determine all matters whether of law or of fact.

Restraining orders.

3. The Board may make orders and regulations with respect to any matter, act or thing which by *The Railway Act* or this Part or the special Act is sanctioned or required to be done or prohibited, and generally for carrying the said Acts and this Part into effect.

Orders and regulations generally.

2. The Board may, by regulations, prescribe penalties not prescribed by *The Railway Act* or this Part or the special Act, to which every company or person which or who offends against any regulation made under this section shall be liable; provided that no such penalty shall exceed one hundred dollars.

Penalties for violation of regulations.

3. The imposition of any such penalty shall not lessen or affect any other liability which any company or person may have incurred.

Other liability not affected.

4. Notwithstanding anything in any Act heretofore passed by Parliament, all telegraph and telephone tolls to be charged by the company shall be subject to the approval of the Board.

Approval of tolls.

2. The company shall file with the Board tariffs of any telegraph or telephone tolls to be charged, and such tariffs shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation, or in any particular case, prescribes, and the company shall not charge, and shall not be entitled to charge, any telegraph or telephone toll in respect of which there is default in such filing, or which is disallowed by the Board: Provided that any company, previous to the first day of May, one thousand nine hundred and eight, charging telegraph or telephone tolls may, without such filing and approval, for a period of four months after this Part comes into force, or for such further period as the Board allows, charge such telegraph or telephone tolls as such company was immediately previous to the said date authorized by law to charge, unless in the meantime the Board in the case of any company disallows any of such tolls.

Filing of tariffs.

Proviso.

3. Such telegraph and telephone tariffs may be dealt with by the Board in the same manner as is provided by *The Railway Act*, with respect to standard freight tariffs; and all the provisions of *The Railway Act*, except as to publication under section 339 thereof, applicable to companies thereunder with respect to standard freight tariffs and tolls, shall, in so far as they are applicable and not inconsistent with this Act, apply to the company with respect to such telegraph and telephone tariffs and tolls.

Application of provisions as to standard freight tariffs.

4. The Board may, by regulation or otherwise, determine, and prescribe the manner and form in which any tariff or tariffs of telegraph or telephone tolls shall be published or kept open for public inspection.

Publication of tariffs.

5. Whenever any company or any province, municipality or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, whether such authority is derived from the Parliament of Canada or otherwise, is desirous of using any long distance telephone system or line owned, controlled or operated by any

Long distance connections, power of Board to order.



company, in order to connect such long distance telephone system or line with the telephone system or line operated or to be operated by such first mentioned company or by such province, municipality or corporation for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system or line and any telephone or telephone exchange on the other telephone system or line, and cannot agree with the company with respect to obtaining such use, connection or communication, such first mentioned company or province, municipality or corporation may apply to the Board for relief, and the Board may order the company to provide for such use, connection or communication, upon such terms as to compensation as the Board deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms and conditions such use, connection or communication shall be had, constructed, installed, operated and maintained.

Standards of apparatus to be considered.

6. Upon any such application the Board shall, in addition to any other consideration affecting the case, take into consideration the standards, as to efficiency and otherwise, of the apparatus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the use, connection or communication applied for can, in the opinion of the Board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of the company.

Application of provisions as to joint tariff.

7. Where the telephone system or line operated by the company is used or connected, for purposes of communication as aforesaid, with the telephone system or line operated by another company or by any such province, municipality or corporation, whether the authority of such province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada, or otherwise, and whether such connection or communication has been previously or is hereafter established either by agreement of the parties or under an order of the Board, the provisions of *The Railway Act* with respect to joint tariffs, in so far as they are applicable and not inconsistent with this Part or the special Act, shall apply to such company or companies and to such province, municipality or corporation; and the Board shall have, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines.

Working agreements to be approved by Board.

8. All contracts, agreements and arrangements between the company and any other company, or any province, municipality or corporation having authority to construct or operate a telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telephone messages or service passing to and from their respective telephone systems and lines, or for

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the division or apportionment of telephone tolls, or generally in relation to the management, working or operation of their respective telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, shall be subject to the approval of the Board, and shall be submitted to and approved by the Board before such contract, agreement or arrangement shall have any force or effect.

5. The several provisions of *The Railway Act* with respect to the jurisdiction of the Board, practice and procedure upon applications to the Board, appeal to the Supreme Court or the Governor in Council, offences and penalties, and the other provisions of the said Act (except sections 9, 79 to 243, both inclusive, 250 to 289, both inclusive, 294 to 314, both inclusive, 348 to 354, both inclusive, 361 to 396, both inclusive, 405 to 431, both inclusive), in so far as reasonably applicable and not inconsistent with this Part or the special Act, shall apply to the jurisdiction of the Board and the exercise thereof, created and authorized by this Act, and for the purpose of carrying into effect the provisions of this Part according to their true intent and meaning and shall apply generally to companies within the purview of this Part.

2. In and for the purposes of such application,—

- (a) "company" shall mean a company as above defined; Interpretation.  
 (b) "railway" shall mean all property real and personal and works forming part of or connected with the telegraph or telephone system or line of the company; "Company."  
 (c) "toll" or "rate" shall mean telegraph or telephone toll; "Toll."  
 (d) "traffic" shall mean the transmission and other dealings with telegraphic and telephonic messages. "Rate."  
 "Traffic."

6. Sections 355 to 360 of *The Railway Act*, both inclusive, are repealed. Repeal.

7. This Part shall come into force upon proclamation of the Governor in Council. Commencement of Part I.

## PART II.

8. *The Railway Act* is amended by inserting the following section immediately after section 26:— R.S., c. 37, new section.

"26A. Where it is complained by or on behalf of the Crown or any municipal or other corporation or any other person aggrieved, that any company has violated or committed a breach of an agreement between the complainant and the company— Jurisdiction of Board as to agreements.  
 or by any company that any such municipal or other corporation or person has violated or committed a breach of an agreement between the company and such corporation or person,—for the provision, construction, reconstruction, alteration, installation, operation, use or maintenance by the company, or by such municipal or other corporation or person, of any structure, appliance, equipment, works, renewals or repairs upon or

in connection with the railway of the company, the Board shall hear all matters relating to such alleged violation or breach, and shall make such order as to the Board may seem, having regard to all the circumstances of the case, reasonable and expedient, and in such order may in its discretion direct the company, or such municipal or other corporation or person, to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof.

Enforcing  
order of  
Board.  
Taking  
possession of  
railway.

"2. The Board may take such steps and employ such persons as are necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of the company, together with its books and offices, and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of the company, and supervise and direct the management of the company and its railway in all respects, including the employment and dismissal of officers and servants of the company for such time as the Board continues to direct such management.

Duty of  
employees.

"3. Upon the Board so taking possession of the railway and property of the company, it shall be the duty of every officer and employee of the company to obey the orders of the Board or of such person or persons as it places in authority in the management of any or all departments of the railway.

Receipt and  
payment of  
money by  
Board.

"4. The Board may, upon so taking possession of such railway and property, determine, receive and pay out all moneys due to or owing by the company, and give cheques, acquittances and receipts for moneys to the same extent and in as full and ample a manner as the proper officers of such company could do if no such order as aforesaid had been made.

Effect  
thereof.

"5. Cheques, acquittances or receipts so given by the Board shall be a defence to any action that may afterwards be brought by the company against the person paying over the money for which such cheques, acquittances or receipts were given.

Protection of  
Board.

"6. The Board and the members thereof, and its officers and employees, shall not be liable to any action for any act done by them under the authority of this section.

Costs of  
proceedings.

"7. The cost and expenses of and incidental to proceedings to be taken by the Board under this section shall be in the discretion of the Board, and the Board may direct by whom and to what extent they shall be paid.

Certificate  
of costs.

"8. The certificate of the Board as to the amount of such costs and expenses shall be final."

S. 2 amended.

9. Paragraph (30) of section 2 of the said Act is repealed and the following is substituted therefor:—

"Toll" and  
"rate" and  
defined.

"(30) 'toll' or 'rate' means and includes any toll, rate, charge or allowance charged or made either by the company, or upon or in respect of a railway owned or operated by the company, or by any person on behalf or under authority or

consent of the company, in connection with the carriage and transportation of passengers, or the carriage, shipment, transportation, care, handling or delivery of goods, or for any service incidental to the business of a carrier; and includes also any toll, rate, charge or allowance so charged or made in connection with rolling stock, or the use thereof, or any instrumentality or facility of carriage, shipment or transportation, irrespective of ownership or of any contract, expressed or implied, with respect to the use thereof; and includes also any toll, rate, charge or allowance so charged or made for furnishing passengers with beds or berths upon sleeping-cars, or for the collection, receipt, loading, unloading, stopping over, elevation, ventilation, refrigerating, icing, heating, switching, ferriage, cartage, storage, care, handling or delivery of, or in respect of, goods transported, or in transit, or to be transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage or the like, or so charged or made in connection with any one or more of the above-mentioned objects, separately or conjointly."

10. Section 284 of the said Act is amended by adding at the end thereof the following subsection:—

"8. The Board may make regulations, applying generally to any particular railway or any portion thereof, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading, carrying, unloading or delivering traffic, and may enforce payment of such charges by companies to any person injuriously affected by such default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for such default or delay; and the Board may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges."

11. Section 314 of the said Act is repealed and the following is substituted therefor:—

314. The company or the directors of the company, by or by-law, or any officer of the company thereunto authorized by the company or directors, may from time to time prepare and issue tariffs of the tolls to be charged in respect of the railway owned or operated by the company, and may specify the persons to whom, the place where and the manner in which, such tolls shall be paid.

"2. The tolls may be either for the whole or for any particular portion of the railway.

"3. All such by-laws shall be submitted to and approved by the Board.

"4. The Board may approve such by-laws in whole or in part, or change, alter or vary any of the provisions therein.

Unauthorized  
tolls.

"5. No tolls shall be charged by the company or by any person in respect of a railway or any traffic thereon until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor, unless otherwise authorized by this Act, until a tariff of such tolls has been filed with, and, where such approval is required under this Act, approved by, the Board; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board; nor shall the company charge, levy or collect any toll or money for any service as a common carrier except under the provisions of this Act.

Publication  
of tariffs.

"6. The Board may, with respect to any tariff of tolls, other than the passenger and freight tariffs in this Act herein-after mentioned, make regulations fixing and determining the time when, the places where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection."

Sec. 237  
amended.

12. Section 237 of the said Act is amended by inserting the words "the railway be carried over or under the highway or that," immediately after the word "that" in the fourth line of subsection 2 of the said section, and by inserting the words "the railway to be carried over or under the highway or" immediately after the word "orders" in the first line of subsection 5 of the said section.

Sec. 241  
amended.

13. Section 241 of the said Act is amended by inserting the words "by which any railway is carried over or under any highway or" immediately after the word "structure" in the first line of the said section.

## 7-8 EDWARD VII.

## CHAP. 62.

## AN ACT TO AMEND THE RAILWAY ACT AS RESPECTS THE CONSTITUTION OF THE BOARD OF RAILWAY COMMISSIONERS.

[Assented to 20th July, 1908].

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

1. Subsection 1 of section 10 of *The Railway Act*, chapter 37 R.S., of the Revised Statutes, 1906, is repealed and the following v. 37, s. 10 subsection is substituted therefor:— amended.

"10. There shall be a commission known as the Board of Number of Railway Commissioners for Canada, consisting of six members commissioners. appointed by the Governor in Council."

2. Subsection 5 of the said section 10 is repealed and the following is substituted therefor:— S. 10 further amended.

"5. One of such commissioners shall be appointed by the Governor in Council, chief commissioner, and another of them Chief commissioner and assistant chief commissioner. assistant chief commissioner of the Board.

"(a) Any person may be appointed chief commissioner or assistant chief commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years standing at the bar of any such province.

"(b) The chief commissioner shall be entitled to hold the office of chief commissioner, and the assistant chief commissioner the office of assistant chief commissioner or that of chief commissioner, so long as they respectively continue to be members of the Board.

"(c) The assistant chief commissioner shall have all the powers of the chief commissioner; but such powers shall not be exercised by him except in the absence of the chief commissioner, and whenever he has acted it shall be conclusively presumed that he so acted in the absence or disability of the chief commissioner within the meaning of this section."

3. Section 12 of the said Act is repealed and the following New section 12. is substituted therefor:—

"12. In case of the absence of the chief commissioner, and the assistant chief commissioner, or of their inability to act, Powers of deputy chief commissioner. the deputy chief commissioner shall exercise the powers of the chief commissioner for him or in his stead, and in such case, all regulations, orders and other documents signed by the deputy chief commissioner shall have the like force and effect as if signed by the chief commissioner.

**Presumption.** "2. Whenever the deputy chief commissioner appears to have acted for or instead of the chief commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the chief commissioner and of the assistant chief commissioner within the meaning of this section."

**New section 13.** "4. Section 13 of the said Act is repealed and the following is substituted therefor:—

**Quorum.** "13. Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case; Provided that

"(a) in any case where there is no opposing party and no notice to be given to any interested party, any one commissioner may act alone for the Board; and

"(b) the Board, or the chief commissioner, may authorize any one of the commissioners to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Board, it may be adopted as the order of the Board, or otherwise dealt with as to the Board seems proper.

**Presiding officer.** "2. The chief commissioner, when present, shall preside, and the assistant chief commissioner, when present, in the absence of the chief commissioner, shall preside, and the opinion of either of them upon any question arising when he is presiding, which in the opinion of the commissioners is a question of law, shall prevail.

**Questions of law.**

**Vacancy.** "3. No vacancy in the Board shall impair the right of the remaining commissioners to act."

**New s. 15.** "5. Section 15 of the said Act is repealed and the following is substituted therefor:—

**Commissioners and officers not to hold interest in railway stock or equipment.** "15. No commissioner or officer of the Board shall, directly or indirectly,—

"(a) hold, purchase, take or become interested in, for his own behalf any stock, share, bond, debenture or other security, of any railway company subject to this Act; or,—

"(b) have any interest in any device, appliance, machine, patented process or article, or any part thereof which may be required or used as a part of the equipment of railways or of any rolling stock to be used thereon.

**If acquired by will or succession.** "2. If any such stock, share, bond or other security, device, appliance, machine, patented process or article or any part thereof or any interest therein, shall come to or vest in any commissioner or officer of the Board by will or succession for his own benefit, he shall, within three months thereafter, absolutely sell and dispose of the same, or his interest therein."

6. The said Act is amended by inserting the following New section.  
section immediately after section 19:—

"19A. The Board may hold more than one sitting at the Sittings of Board.  
same time."

7. Section 18 of the said Act is amended by adding thereto Section 18 amended.  
the following subsection:—

"2. The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such Offices elsewhere than in Ottawa.  
office or offices as are required for the Board, and may provide therefor the necessary accommodation, furnishings, stationery and equipment."

8. Section 29 of the said Act is repealed and the following New s. 29.  
is substituted therefor:—

"29. The Board may rehear any application before decid- Power to review, etc.  
ing it, or may review, rescind, change, alter, or vary any order or decision made by it."

9. Subsection 1 of section 35 of the said Act is repealed and Section 35 amended.  
the following is substituted therefor:—

"35. The chief commissioner shall be paid an annual salary Salaries of commissioners.  
of ten thousand dollars, the assistant chief commissioner an annual salary of nine thousand dollars, and each of the other commissioners an annual salary of eight thousand dollars."

10. The said Act is amended by inserting the following New section.  
section immediately after section 41:—

"41A. There shall be kept in the office of the secretary of the Board a book, to be called the agents' book, in which every Service on agent of company at Ottawa.  
railway company to which this Act in whole or in part applies shall enter its name and the place of its head office and the name of an agent at Ottawa and his place of business or some other proper place within Ottawa where he may be served for the company with any notice, summons, regulation, order, direction, decision, report or other document.

"2. Service on the company may be effected, unless the Made of service.  
Board otherwise directs, by delivering the document or a copy thereof to the person entered by the company as its agent or at his place of residence, or to any member of his household, or at his place of business, or such other place as aforesaid, to any clerk or adult person in his employ.

"3. Where at the time of attendance to serve any docu- Service on agent by mail.  
ment the place of business or other place aforesaid is closed or no one is in attendance therein for receiving service, service of the document may be effectively made by mailing the same, at any time during the same day, addressed to the agent at such place of business or other place, by registered letter, postage prepaid, and the service shall be deemed to have been effected at the time of attendance for service.



In default  
of agent.

"4. Where any such company has not caused the required entry to be made in the agents' book the posting up of the document to be served in the office of the secretary of the Board shall be effective service upon the company unless the Board otherwise directs.

Notice to  
company by  
telegraph.

"5. The Board may in any case give directions that the fact of service upon an agent and the nature of the document served shall be communicated to the company by telegraph."

New s. 62.

**11.** Section 62 of the said Act is repealed and the following is substituted therefor:—

Annual  
report to  
Governor  
in Council.

"62. The Board shall within three months after the thirty-first day of March in each year make to the Governor in Council through the Minister, an annual report, for the year next preceding the thirty-first day of March, showing briefly,—

"(a) applications to the Board and summaries of the findings thereon under this Act;

"(b) summaries of the findings of the Board in regard to any matter or thing respecting which the Board has acted of its own motion, or upon the request of the Minister;

"(c) such other matters as appear to the Board to be of public interest, in connection with the persons, companies and railways, subject to this Act; and

"(d) such matters as the Governor in Council directs.

Report to be  
laid before  
Parliament.

"2. The said report shall be laid before both Houses of Parliament during the first fifteen days of the then next session of Parliament."



## SUPPLEMENTARY CONCORDANCE

—OF—

# AMENDMENTS TO THE RAILWAY ACT

CHAPTER 37, R.S.C., 1906,

ABBREVIATIONS:—"E. VII.," Edward VII; "R.S.C.," Revised Statutes of Canada, 1906; "Ch.," Chapter; "Sec.," Section; "S.S.," Subsection.

### A.

#### ABSENCE,

The assistant chief commissioner shall have all the powers of the chief commissioner in the absence or disability of the chief.

7-8 E. VII, Ch. 62, Sec. 2, S.S. 1 (e).

The deputy chief commissioner shall exercise the powers of the chief and assistant chief commissioners in their absence or disability.

7-8 E. VII, Ch. 62, Sec. 3, S.S. 1.

#### ACCOMMODATION,

Board may order direct connection of one telephone exchange system with another, and fix terms of compensation.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 5.

Board may make regulations, applying generally or to any particular railway, imposing charges in respect of demurrage on traffic.

7-8 E. VII, Ch. 61, Sec. 10.

#### ACQUITTANCES,

Given by Board in respect of railway taken possession of by it under Part II of this Act shall be valid and effective.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 4.

#### ACT, THE RAILWAY (see also REPEAL.)

Sections and Subsections added, as follows:—

SECTION.	SUBSECTION.	AUTHORITY.
19A		7-8 E. VII, Ch. 62, Sec. 6
18	2	" " " 62, " 7
41A		" " " 62, " 10
26A		" " " 61, " 8
284	8	" " " 61, " 10

## ACTION,

Cheques, receipts, etc., given by Board shall be a defence to any action against person issuing such under its authority.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 5.

## AGENCY,

Every railway company to which this Act applies shall be represented at Ottawa by a person upon whom notices, orders, etc., of Board may be served.

7-8 E. VII, Ch. 62, Sec. 10, S.S. 1.

Such service may be effected by delivery, as set forth.

7-8 E. VII, Ch. 62, Sec. 10, S.S. 2-3.

In default by company of entry of agent's name in book, service may be made by posting of document in office of secretary of Board.

7-8 E. VII, Ch. 62, Sec. 10, S.S. 4.

## AGREEMENTS, (see also MORTGAGE.)

All contracts, agreements, etc., between company and any province, etc., in respect of telephone systems must be approved by Board before becoming effective.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 8.

On complaint of breach of agreement by company in respect of appliances, equipment, etc., of railway, Board shall make such order as deemed expedient.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 1.

Board may take necessary steps to enforce terms of agreement, or may take possession of and operate railway and its property.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 2-8.

## AMENDED SECTIONS, (see also ACT; REPEAL.)

SECTION.	AUTHORITY.
196 of Ch. 37, R.S.C.	6-7 E. VII, Ch. 37, Sec. 1
237 of Ch. 37, R.S.C.	7-8 " " 61, " 12
241 of Ch. 37, R.S.C.	" " " 61, " 13

## ANNUAL REPORT,

Of proceedings of Board shall be laid before Parliament during the first 15 days of its next session.

7-8 E. VII, Ch. 62, Sec. 11.

## APPARATUS,

Standards of efficiency of telephone systems to be considered by Board in respect of applications for connections, before granting the leave applied for.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 6.

## APPEAL,

Right of appeal to Supreme Court or the Governor in Council, as provided for in *The Railway Act*, except certain sections, shall apply to all companies within the purview of Part I.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 1-2.

APPLIANCES, (see AGREEMENTS; OFFICERS OF BOARD.)

APPLICATION OF ACT. (see JURISDICTION; APPEAL; COUNSEL.)

APPOINTMENT,

Board shall consist of six members, to be appointed by Governor in Council.

7-8 E. VII, Ch. 62, Sec. 1.

Every railway company to which this Act applies shall appoint an agent to represent it at Ottawa.

7-8 E. VII, Ch. 62, Sec. 10, S.S. 1-5.

APPROVAL OF BY-LAW,

Company may, by by-law, prepare and issue tariffs of tolls in respect of railway, subject to approval of Board.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 1-3.

APPROVAL OF TOLLS,

All telegraph and telephone tariffs of tolls shall be filed with and be subject to approval of Board.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 1-4.

ARBITRATORS,

Section 196 of *The Railway Act* amended in respect of appointment of arbitrators.

6-7 E. VII, Ch. 37.

ASSIGNMENT, (see BONDS; MORTGAGE.)

ASSISTANT CHIEF COMMISSIONER,

Appointment of shall be made by Governor in Council.

7-8 E. VII, Ch. 62, Sec. 2.

Assistant chief commissioner shall have all the powers of the chief commissioner, in the absence of the chief commissioner.

7-8 E. VII, Ch. 62, Sec. 2, S.S. (c).

ASSISTANT SECRETARY,

Securities issued by company shall be countersigned by secretary or by assistant secretary.

6-7 E. VII, Ch. 38, Sec. 8.

AUTHORITY,

Different telephone systems operating together under any authority shall be subject to provisions of *The Railway Act* in respect of joint tariffs.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 7.

All contracts, agreements, etc., between the company and any province, etc., in respect of telephone systems, must be approved by Board in order to become effective.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 8.

Upon Board taking possession of railway, all officers and employees shall obey its orders, or orders of persons authorized by it.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 3-6.

## B.

**BALLAST,**

Whenever ballast or materials are required for construction, etc., of the railway, company may purchase lands, to obtain access to same, for such purpose only.

Ch. 37, R.S.C., Sec. 180, S.S. 1-5.

**"BOARD"** (see also COMMISSIONERS; SITTINGS OF BOARD; AUTHORITY; JURISDICTION.)

Means the Board of Railway Commissioners for Canada.

7-8 E. VII, Ch. 61, Sec. 1, S.S. (a).

**BONDS** (see also DEPOSIT; LITIGATION; MORTGAGE; SECURITY.)

Registration of bonds (secured by mortgage) in office of Secretary of State shall be sufficient.

6-7 E. VII, Ch. 38, Sec. 2.

**BY-LAW,** (see also DISALLOWANCE.)

Company may, by by-law, issue tariffs of tolls to be charged in respect of its railway, which tolls may be local or general, and which must be approved by Board.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 1-3.

Board may approve, change or vary such by-law.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 4.

No tolls shall be charged by company until by-law has been approved by Board, nor if disallowed by it.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 5.

Board may regulate manner of publication of tariffs of tolls, other than passenger and freight tariffs provided for in *The Railway Act*.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 6.

## C.

**CANADA GAZETTE,**

Notice of deposit of mortgage in office of Secretary of State, not otherwise provided for, shall be given.

6-7 E. VII, Ch. 38, Sec. 3, S.S. 2.

Notice of deposit of any contract evidencing lease, conditional sale or bailment of rolling stock to a company, in office of Secretary of State, shall be given.

6-7 E. VII, Ch. 38, Sec. 4-5.

**CARS, DISTRIBUTION OF,**

Manitoba Grain Act, R.S.C., Ch. 83, Sec. 86 to 100, inclusive, amended by 6 E. VII, Ch. 28, Sec. 21, and by 7-8 E. VII, Ch. 45, Sec. 31 to 37, inclusive.

**CERTIFICATE**

Of Board as to costs and expenses incidental to proceedings before it for breach of agreement, under this section, shall be final.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 7.

## CHANGES.

Board may change or vary provisions in by-law of railway fixing tolls on traffic.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 4.

## CHEQUES

Given by Board shall be a defence to any action in respect of railway taken possession of by it.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 5.

## CHIEF COMMISSIONER, (see COMMISSIONERS.)

## COMMENCEMENT.

Part I of this Act shall come into force upon proclamation of Governor in Council.

7-8 E. VII, Ch. 61, Sec. 7.

## COMMISSIONERS. (see also SALARIES.)

Board shall consist of six members, to be appointed by Governor in Council.

7-8 E. VII, Ch. 62, Sec. 1.

One of such commissioners shall be appointed chief commissioner and another assistant chief commissioner.

7-8 E. VII, Ch. 62, Sec. 2.

Any one member of the Board may be delegated to hear cases and report to full Board.

7-8 E. VII, Ch. 62, Sec. 4, S.S. 1(b).

## COMMON CARRIER.

No tolls shall be charged by under tariff disallowed by Board, nor be collected for any service, except under provisions of this Act.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 5.

## "COMPANY,"

Definition of expression as applied to railway, telegraph and telephone systems.

7-8 E. VII, Ch. 61, Sec. 1, S.S. (b).

Shall file with Board, subject to its approval, tariffs of any telegraph or telephone tolls to be charged.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 1-2.

Provisions of *The Railway Act* with respect to jurisdiction of the Board, except certain sections, shall be applicable to telegraph and telephone companies.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 1-2.

## COMPANY, RAILWAY.

May, by by-law, prepare and issue tariffs of tolls on traffic, to be subject to approval of Board.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 1-5.

## COMPENSATION.

Board may order connections between telephone systems or exchanges on such terms as it may deem just.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 5.

**COMPLAINT.**

On complaint by the Crown or any municipal or other corporation of breach of agreement in respect of railway, and appurtenances, etc., Board may make such order as it deems expedient.  
7-8 E. VII, Ch. 61, Sec. 8, S.S. 1-7.

**CONDITIONAL SALE.**

Any contracts evidencing the lease, conditional sale, etc., of rolling stock may be deposited in office of Secretary of State.  
6-7 E. VII, Ch. 38, Sec. 4-6.

**CONNECTIONS.**

On application, connections between telephone systems may be made on terms ordered by Board.  
7-8 E. VII, Ch. 61, Sec. 4, S.S. 5-7.

**CONSTITUTION. (see BOARD; COMMISSIONERS; SALARIES.)****CONTRACT.**

All contracts, agreements, etc., in respect of interchange of telephone messages, etc., between different systems, shall be approved by Board before becoming effective.  
7-8 E. VII, Ch. 61, Sec. 4, S.S. 8.

**CORPORATION. (see AGREEMENTS; COMPLAINT.)****COSTS**

Incidental to employment of counsel by Board may be paid as it may direct.  
6-7 E. VII, Ch. 38, Sec. 1.  
Certificate of Board, in respect of costs incidental to proceedings for breach of agreement, etc., shall be final.  
7-8 E. VII, Ch. 61, Sec. 8, S.S. 7-8.

**COUNSEL. (see also COSTS.)**

On application of Board, Minister of Justice may instruct counsel to conduct or argue any case of public interest in proceedings pending before it.  
6-7 E. VII, Ch. 38, Sec. 1.

**CROWN. (see also AGREEMENTS.)**

On complaint by Crown of violation of agreement by company, Board shall make such order as deemed expedient by it.  
7-8 E. VII, Ch. 61, Sec. 8, S.S. 1.

**D.****DEFAULT. (see also AGENCY.)**

Board may assess amount and enforce payment of damages in respect of delay by company in receiving or delivering traffic.  
7-8 E. VII, Ch. 61, Sec. 10.  
No company shall be entitled to charge telegraph or telephone tolls in default of filing of tariff.  
7-8 E. VII, Ch. 61, Sec. 4, S.S. 2.

**DELAY.**

Board may assess amount and enforce payment of damages for demurrage or delay by company in receiving and delivering traffic.

7-8 E. VII, Ch. 61, Sec. 10.

**DELIVERY, (see DEFAULT; DELAY.)****DEMURRAGE, (see also "TOLL.")**

Board may impose charges for default or delay by any company in furnishing accommodation for traffic.

7-8 E. VII, Ch. 61, Sec. 10.

**DEPOSIT, (see MORTGAGE; EXCEPTIONS.)****DEPUTY CHIEF COMMISSIONER,**

Shall exercise the powers of the chief commissioner or assistant chief commissioner in the absence of both.

7-8 E. VII, Ch. 62, Sec. 3, S.S. 1-2.

Annual salary of deputy chief commissioner shall be \$8,000.

7-8 E. VII, Ch. 62, Sec. 9.

**DIRECTORS,**

Company or directors thereof may, by by-law, prepare and issue tariffs of tolls to be charged in respect of railway, subject to approval of Board.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 1-2.

**DISALLOWANCE,**

Company shall not be entitled to charge any telegraph or telephone toll in respect of which there is default in filing.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 2.

Not tolls shall be charged by company in respect of a railway or any traffic thereon if tolls disallowed by Board.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 5.

**DISCONTINUANCE,**

Board shall have power to order discontinuance of connections between different telephone systems if provisions of the Act with regard to joint tariffs are not observed.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 7.

**DISCRETION, (see also AGREEMENTS; COMPLAINTS.)**

Board may direct company, corporation, etc., to fulfil conditions of agreement.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 1.

Board may direct as to payment of costs incidental to proceedings in respect to breach of agreement.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 7.

**DISMISSALS,**

Board may, on taking possession of railway, for violation of agreement, dismiss officers and servants of company.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 2.



## DOCUMENTS,

Signed by deputy chief commissioner, in absence of chief and assistant commissioners, shall have like force and effect as if signed by chief commissioner.

7-8 E. VII, Ch. 62, Sec. 3, S.S. 1.

## DUTIES OF OFFICERS AND EMPLOYEES, (see EMPLOYEES.)

## E.

## EMPLOYEES, (see also OFFICERS OF BOARD.)

No agreement with company shall relieve it from liability for personal injury to employees.

4 E. VII, Ch. 31.

Employees of company shall obey orders of Board in respect of railway taken possession of by it.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 3.

## ENFORCEMENT,

On application or complaint, Board may enforce any order or regulation made by it.

7-8 E. VII, Ch. 61, Sec. 2, S.S. 1-2.

Board shall have power to enforce its orders in respect of joint tariffs of connecting telephone systems.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 7.

Board may take steps necessary to enforce its orders in respect of railway taken possession of by it.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 2.

## EQUIPMENT, (see AGREEMENTS.)

## EVIDENCE, (see BONDS; MORTGAGE.)

## EXCEPTIONS,

Mortgage to secure bonds deposited in office of Secretary of State shall be only registration necessary.

6-7 E. VII, Ch. 38, Sec. 2.

Contract evidencing lease or conditional sale of rolling stock deposited in office of Secretary of State shall be only registration necessary.

6-7 E. VII, Ch. 38, Sec. 4.

Provisions of *The Railway Act*, except as to publication under section 339, shall apply to telegraph and telephone tariffs and tolls.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 3.

Provisions of *The Railway Act*, except certain sections specified, with respect to jurisdiction of the Board, shall apply to telegraph and telephone systems.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 1-2.

## EXCHANGE, TELEPHONE, (see AGREEMENTS.)

## EXEMPTION,

Board may, by order or regulation, exempt company from payment of demurrage charges.

7-8 E. VII, Ch. 61, Sec. 10.

## F.

## FILING. (see MORTGAGE.)

## FILING OF TARIFFS.

Company shall file with Board tariffs of any telegraph or telephone tolls to be charged by it.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 2.

## FREIGHT TARIFFS.

Company may, by by-law, subject to approval of Board, prepare and issue tariffs of tolls to be charged on railway.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 1-5.

## G.

## GOVERNOR IN COUNCIL. (see also APPEAL.)

Commissioners shall be appointed by.

7-8 E. VII, Ch. 62, Sec. 1-2.

Upon recommendation of Board, he may establish offices for it at any place in Canada.

7-8 E. VII, Ch. 62, Sec. 7.

Jurisdiction of Board in respect of any regulation or order made by Governor in Council.

7-8 E. VII, Ch. 61, Sec. 2.

Part I of this Act shall come into force upon proclamation of.

7-8 E. VII, Ch. 61, Sec. 7.

## H.

## HIGHWAY CROSSINGS.

Section 237 of Ch. 37, R.S.C., S.S. 2-5, amended to include the carrying of railway over or under any highway.

7-8 E. VII, Ch. 61, Sec. 12.

Section 241 of Ch. 37, R.S.C., amended to include any railway carried over or under any highway.

7-8 E. VII, Ch. 61, Sec. 13.

## HOUSE OF COMMONS.

Members of shall be furnished by the company, on any of its trains, with free transportation.

Ch. 37, R.S.C., Sec. 343.

## I.

## INCORPORATION. (see also MORTGAGE.)

Person without corporate powers purchasing a railway shall apply for legislative authority to operate it.

6-7 E. VII, Ch. 38, Sec. 9.

## INSTRUMENT, (see BONDS; MORTGAGE.)

## INTERCHANGE,

All contracts, agreements, etc., between companies in respect of interchange of telephone messages shall be subject to approval of Board.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 8.

## INTERPRETATION

Of terms used in this Act, in respect of telegraph and telephone lines.

7-8 E. VII, Ch. 61, Sec. 1 and 5.

## J.

## JOINT TARIFFS.

Provisions of *The Railway Act* in respect of joint tariffs shall apply to telegraph and telephone companies.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 7.

Evidence of concurrence of participating companies must be furnished to Board.

Ch. 37, R.S.C., Sec. 331.

## JURISDICTION, (see also LIABILITY.)

Of Board in respect of any application, complaint, or violation of any order or regulation made by it.

7-8 E. VII, Ch. 61, Sec. 2, S.S. 1.

Board may order company, etc., to perform any act not inconsistent with *The Railway Act* or this Act, and may forbid the doing of anything contrary to the said Acts.

7-8 E. VII, Ch. 61, Sec. 2, S.S. 2.

Provisions of *The Railway Act*, with the exception of certain sections, shall apply to telegraph and telephone companies.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 1-2.

Powers of Board, on complaint, in respect of breach of agreement by a railway company.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 1-8.

Powers of Board regarding default or delay by company in receiving or delivering traffic.

7-8 E. VII, Ch. 61, Sec. 10.

Authority of Board in respect of tariffs of tolls to be charged for traffic on railway.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 1-6.

## L.

## LEASE, (see also MORTGAGE.)

Any contract evidencing lease, conditional sale, etc., may be deposited in office of Secretary of State.

6-7 E. VII, Ch. 38, Sec. 4-6.

## LEGISLATIVE AUTHORITY, (see also AUTHORITY.)

Purchaser of railway not having corporate power shall apply to Parliament at its next session for authority to operate same.  
6-7 E. VII, Ch. 38, Sec. 9.

Expression "company" shall apply to any company or person having power to construct or operate a telegraph or telephone system.

7-8 E. VII, Ch. 61, Sec. 1, S.S. (b).

## LIABILITY,

Power of Board to prescribe penalties when not contained in *The Railway Act*; such penalty not to affect any other liability.

7-8 E. VII, Ch. 61, Sec. 3, S.S. 1-3.

Board shall not be liable to any action for any act done by it in taking possession of railway.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 6.

## LIMITATION, (see also MORTGAGE.)

Company charging telegraph or telephone tolls previous to May 1st, 1908, may continue same for four months after this Act comes into force, without filing and approval.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 2.

## LITIGATION, (see also MORTGAGE.)

Deposit of mortgage in office of Secretary of State shall not affect any matter in litigation.

6-7 E. VII, Ch. 38, Sec. 2.

## LOCAL OR GENERAL, (see also TARIFFS.)

Tolls may be either for the whole or for any portion of railway.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 2.

## LONG DISTANCE,

Board may order connections of long distance telephone systems with system of another company or province, etc.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 5.

## M.

## MAIL,

Service of notice, etc., to company, in default of registration of agent's name in office of secretary of Board, may be made by mailing or posting.

7-8 E. VII, Ch. 62, Sec. 10, S.S. 3-4.

## MANDATORY ORDERS,

Board may order company or person to do any act required by *The Railway Act* or special Act, and may forbid the doing of any act contrary to the said Acts.

7-8 E. VII, Ch. 61, Sec. 2, S.S. 2.

**MEMBERS OF SENATE AND HOUSE OF COMMONS.**

Shall be furnished by the company, on any of its trains, with free transportation.

Ch. 37, R.S.C., Sec. 343.

**MINISTER OF JUSTICE.**

On application of Board, Minister may instruct counsel to argue or conduct any case of public interest; costs to be paid in discretion of Board.

6-7 E. VII. Ch. 38, Sec. 1.

**MONEYS, (see also AGREEMENTS.)**

Board, upon taking possession of railway, may receive and pay out moneys for operation of same.

7-8 E. VII. Ch. 61, Sec. 8, S.S. 4-6.

**MORTGAGE, (see also LITIGATION.)**

Deposit in office of Secretary of State of mortgage to secure payment of bonds by company shall be only registration necessary.

6-7 E. VII. Ch. 38, Sec. 2.

As to deposit of mortgage or assignment which has not hitherto been provided for in any Act.

6-7 E. VII. Ch. 38, Sec. 3.

Any contract evidencing lease or mortgage of rolling stock deposited in office of Secretary of State shall be valid as against creditors.

6-7 E. VII. Ch. 38, Sec. 5.

Objection taken by purchaser or mortgagee after notice of previous mortgage has been given shall not be valid.

6-7 E. VII. Ch. 38, Sec. 6.

**MUNICIPALITY.**

On application of municipality, Board may order connection of long distance telephone system with another system.

7-8 E. VII. Ch. 61, Sec. 4, S.S. 5-8.

On complaint by municipality of breach of agreement, Board may take possession of railway.

7-8 E. VII. Ch. 61, Sec. 8, S.S. 1.

**N.****NOTICE, (see also CANADA GAZETTE.)**

Service by Board of documents, notices, etc., on company may be effected by delivery to agent of company in Ottawa.

7-8 E. VII. Ch. 62, Sec. 10, S.S. 2.

In default of appointment of agent by company, service of notice by posting up of document may be made.

7-8 E. VII. Ch. 62, Sec. 10, S.S. 3-5.

## O.

**OBJECTIONS, (see also MORTGAGE.)**

No objection shall be taken by creditor of company after notice given of deposit of mortgage in office of Secretary of State.

6-7 E. VII, Ch. 38, Sec. 3, S.S. 3.

No objection shall be taken by purchaser or mortgagee, subsequent to giving of such notice, to any lease, conditional sale, etc.

6-7 E. VII, Ch. 38, Sec. 6.

**ORDERS AND REGULATIONS,**

In the absence of the chief and assistant commissioners, documents signed by deputy chief shall have full force and effect.

7-8 E. VII, Ch. 62, Sec. 3.

Board may make orders and regulations generally, and prescribe penalties not otherwise provided for.

7-8 E. VII, Ch. 61, Sec. 3.

Board may, by order or regulation, exempt company from payment of demurrage charges.

7-8 E. VII, Ch. 61, Sec. 10.

## P.

**PARTY INTERESTED, (see also AGREEMENTS.)**

Board shall have power to hear and determine complaint of any party interested.

7-8 E. VII, Ch. 61, Sec. 2, S.S. 1-2.

Board may rehear any application before deciding it, or may review, change or vary any decision made by it.

7-8 E. VII, Ch. 62, Sec. 8.

**PASSENGER TARIFFS,**

Manner of regulating publication of tariffs of tolls, other than passenger and freight tariffs, to be determined by Board.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 6.

**PENALTIES, (see OFFENCES.)****PERSONAL PROPERTY, (see AGREEMENTS; "RAILWAY.")****POSSESSION,**

Board may take possession of railway for breach of agreement, on complaint.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 2-8.

**PRECEDENCE,**

Commissioners shall rank as provided for by Governor in Council.

7-8 E. VII, Ch. 62, Sec. 2.

Deputy chief commissioner shall act in absence of chief and assistant commissioners.

7-8 E. VII, Ch. 62, Sec. 3, S.S. 1-2.

Any one member of Board may be delegated to hear cases and report to full Board.

7-8 E. VII, Ch. 62, Sec. 4, S.S. 1(b).

Order of precedence of chief commissioner and assistant chief commissioner.

7-8 E. VII, Ch. 62, Sec. 4, S.S. 2.

**PRESCRIPTION, (see also MANDATORY ORDERS; OFFENCES.)**

Board may, by regulation, prescribe form, size, etc., of tariffs of telegraph and telephone tolls filed with it.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 2.

**PRESIDING OFFICER, (see COMMISSIONERS; PRECEDENCE.)****PRESUMPTION,**

Authority of deputy chief commissioner to act in absence of chief and assistant chief commissioners.

7-8 E. VII, Ch. 62, Sec. 3, S.S. 2.

**PUBLICATION, (see also CANADA GAZETTE.)**

Board may prescribe as to manner and form of publication of telegraph and telephone tolls.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 4.

**PURCHASER, (see also MORTGAGE.)**

Purchaser of railway not having corporate power must apply to Parliament for authority to operate same.

6-7 E. VII, Ch. 38, Sec. 9.

**Q.****QUALIFICATION,**

Any person appointed chief commissioner or assistant chief shall be eligible if a judge of a superior court, or who is a barrister of 10 years' standing.

7-8 E. VII, Ch. 62, Sec. 2, S.S. 1(a).

**QUESTIONS OF LAW,**

Opinion of chief commissioner, or of assistant chief, on questions of law, shall prevail.

7-8 E. VII, Ch. 62, Sec. 4, S.S. 2.

**QUORUM,**

Two commissioners shall form a quorum, and no less number shall attend the hearing of every case.

7-8 E. VII, Ch. 62, Sec. 4, S.S. 1.

**R.****"RAILWAY,"**

Definition of expression as applied to telegraph or telephone systems of company.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 2(b).

**"RATE," (see TOLL.)****RECEIVER, (see also AGREEMENTS.)**

Board, on taking possession of railway, may deal with it as receivers.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 4.

RECIPROCAL DEMURRAGE.

Board may impose charges on railway for default or delay in receiving or delivering traffic.  
7-8 E. VII, Ch. 61, Sec. 10.

REGISTRATION, (see also MORTGAGE.)

Name of agent of railway for receiving service of notice or documents issued by Board shall be registered with secretary of Board.  
7-8 E. VII, Ch. 62, Sec. 10, S.S. 1.

REGULATIONS, (see ORDERS AND REGULATIONS.)

REHEARING.

Board may rehear any application before deciding it, or may review, change, or vary any decision made by it.  
7-8 E. VII, Ch. 62, Sec. 8.

REPEAL.

Sections of *The Railway Act* repealed: 355 to 360, inclusive, Ch. 37, R.S.C.; 415 of Ch. 37, R.S.C., and 7 of 6-7 E. VII, Ch. 38.

Sections or subsections of *The Railway Act* repealed and new sections or subsections substituted, as follows:

SECTION.	SUBSECTION.	AUTHORITY.
136	2	6-7 E. VII, Ch. 38, Sec. 8
299	5	" " " 38, " 9
2	(30)	7-8 " " 61, " 9
10	1	" " " 62, " 1
10	5	" " " 62, " 2
12		" " " 62, " 3
13		" " " 62, " 4
15		" " " 62, " 5
29		" " " 62, " 8
35	1	" " " 62, " 9
62		" " " 62, " 11
314	1-6	" " " 61, " 11

REPRESENTATIVE, (see AGENCY.)

RESTRAINING ORDERS.

Board may forbid the doing or continuing of any act contrary to *The Railway Act* and amendments.  
7-8 E. VII, Ch. 61, Sec. 2, S.S. 2.

REVIEW, (see REHEARING.)

ROLLING STOCK, (see AGREEMENTS; MORTGAGE.)

S.

SALARIES OF COMMISSIONERS.

Chief Commissioner shall be paid \$10,000 per annum, assistant chief \$9,000 per annum, and each of the other commissioners \$8,000 per annum.

7-8 E. VII, Ch. 62, Sec. 9.



**SECRETARY.** (see also ASSISTANT SECRETARY.)

Book containing names of agents of railway shall be kept in office of secretary of Board.

7-8 E. VII, Ch. 62, Sec. 10, S.S. 1.

**SECRETARY OF STATE.** (see BONDS; MORTGAGE.)**SECURITIES.** (see BONDS; MORTGAGE.)**SEIZURE.**

Board may employ persons to enforce its order in taking possession of railway for breach of agreement.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 2.

**SENATE.**

Members of shall be furnished by the company, on any of its trains, with free transportation.

Ch. 37, R. S.C., Sec. 343.

**SERVICE.** (see AGENCY; NOTICE).**SITTINGS OF BOARD.**

More than one sitting of Board may be held at the same time.

7-8 E. VII, Ch. 62, Sec. 6.

Any one member of the Board may be delegated to hear cases and report to the full Board.

7-8 E. VII, Ch. 62, Sec. 4, S.S. 1(b).

**"SPECIAL ACT."**

Definition of expression as applied to a telegraph or telephone system or line.

7-8 E. VII, Ch. 61, Sec. 1, S.S. 1(c).

**STANDARDS.**

On application for connection with long distance telephone system by province etc., Board shall consider standards of efficiency of system of applicant.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 6.

**SUPERVISION.** (see also AGREEMENTS.)

On taking possession of railway for breach of agreement, Board may supervise and direct the management of the company and its railway.

7-8 E. VII, Ch. 61, Sec. 8, S.S. 2.

**SUPREME COURT.**

Provisions of *The Railway Act* in respect of appeal to the Supreme Court (except certain sections) shall apply to telegraph and telephone companies.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 1-2.

## T.

## TARIFFS, (see also LIMITATION.)

All telegraph and telephone tolls to be charged by company shall be subject to approval of the Board.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 1.

Tariffs filed with Board shall be of such form, style, etc., as it may prescribe, and company shall not be entitled to charge tolls in which there is default in filing.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 2.

Provisions of *The Railway Act* in respect of standard freight tariffs shall apply, except as to publication under section 339.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 3.

Board may determine manner in which such tariffs shall be kept open for public inspection.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 4.

Company may, by by-law, prepare and issue tariffs of tolls to be charged in respect of railway.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 1-2.

All such by-laws shall be submitted to and approved by Board.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 3.

## "TELEGRAPH,"

Expression includes wireless telegraph.

7-8 E. VII, Ch. 61, Sec. 1, S.S. (d).

## TELEGRAPH AND TELEPHONE,

All tolls to be charged by the company shall be subject to the approval of the Board.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 1.

Tariffs of company shall be in such form as Board may prescribe; present tolls may be charged, without filing and approval, for a period of four months after this Act comes into force.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 2.

Such tariffs may be dealt with by the Board in manner provided by *The Railway Act* with respect to standard freight tariffs, except as to publication under section 339.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 3.

Board may regulate manner of publication of tariffs.

7-8 E. VII, Ch. 4, S.S. 4.

On application, Board may order connection of long distance telephone system with other lines or exchanges.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 5.

Upon any such application, Board shall consider standards of efficiency of applicant company.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 6.

Provisions of *The Railway Act* in respect of joint tariffs, whether by agreement or otherwise, shall apply to all telephone systems.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 7.

All contracts, agreements, etc., between telephone systems for interchange of messages shall be subject to approval of Board.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 8.

Provisions of *The Railway Act* in respect of offences and penalties, except certain sections, shall apply to telegraph and telephone companies.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 1-2.

**"TELEGRAPH TOLL,"**

Includes any toll or rate to be charged by company for transmission of messages.

7-8 E. VII, Ch. 61, Sec. 1, S.S. (e).

**"TOLL or "RATE,"**

Shall mean telegraph or telephone toll.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 2(c).

**"TRAFFIC," (see also TARIFFS.)**

Expression shall mean the transmission and other dealings with telegraphic and telephonic messages.

7-8 E. VII, Ch. 61, Sec. 5, S.S. 2(d).

**TRANSPORTATION, FREE. (see HOUSE OF COMMONS; SENATE.)**

**U.**

**UNAUTHORIZED TOLLS,**

No tolls shall be charged by company in respect of a railway, or traffic thereon, until by-law authorizing the issue of tariffs of such tolls has been approved by Board.

7-8 E. VII, Ch. 61, Sec. 11, S.S. 5.

**V.**

**VIOLATION, (see AGREEMENTS; OFFENCES.)**

**W.**

**WAREHOUSING, (see "TOLLS.")**

**WATER, (see BALLAST.)**

**WHARFAGE, (see "TOLLS.")**

**WIRELESS TELEGRAPH,**

Expression "Telegraph" includes wireless telegraph.

7-8 E. VII, Ch. 61, Sec. 1, S.S. (d).

**WORKING AGREEMENTS,**

All contracts, agreements, etc., between companies, or any province or corporation, in respect of connection of telephone systems shall be subject to approval of Board.

7-8 E. VII, Ch. 61, Sec. 4, S.S. 8.

## AMENDMENTS TO THE RAILWAY ACT.

SECTIONS OR SUBSECTIONS OF CHAPTER 37, R.S.C., 1906,  
AND OF 6-7 EDWARD VII, CHAPTER 38, REPEALED  
AND NEW SECTIONS OR SUBSECTIONS  
SUBSTITUTED.

SECTION.	SUBSECTION.	AUTHORITY.
136	2	6-7 E. VII, Ch. 38, Sec. 8
299	5	" " " 38, " 9
2	(30)	7-8 E. VII, Ch. 61, Sec. 9
10	1	" " " 62, " 1
10	5	" " " 62, " 2
12		" " " 62, " 3
13		" " " 62, " 4
15		" " " 62, " 5
29		" " " 62, " 8
35	1	" " " 62, " 9
62		" " " 62, " 11
314	1-6	" " " 61, " 11

## NEW SECTIONS OR SUBSECTIONS ADDED,

SECTION.	SUBSECTION.	AUTHORITY.
19A		7-8 E. VII, Ch. 62, Sec. 6
18	2	" " " 62, " 7
41A		" " " 62, " 10
26A		" " " 61, " 8
284		" " " 61, " 10

## SECTIONS AMENDED,

196 of Ch. 37, R.S.C.	6-7 E. VII, Ch. 37, Sec. 1
237 of Ch. 37, R.S.C.	7-8 " " 61, " 12
241 of Ch. 37, R.S.C.	" " " 61, " 13

## SECTIONS REPEALED,

7 of 6-7 E. VII, Ch. 38.	7-8 E. VII, Ch. 60, Sec. 1
415 of Ch. 37, R.S.C.	" " " 18, " 15
355 to 360, inclusive, of Ch. 37, R.S.C.	" " " 61, " 6

ACT TO REGULATE COMMERCE, (UNITED STATES)  
AMENDMENT.AN ACT TO PROMOTE THE SAFETY OF EMPLOYEES AND TRAVELERS UPON  
RAILROADS BY LIMITING THE HOURS OF SERVICE OF  
EMPLOYEES THEREON.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this Act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this Act shall be held to mean persons actually engaged in or connected with the movement of any train.

SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this Act to require or permit any employee subject to this Act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week: *Provided further*, The Interstate Commerce Commission may after full hearing in a particular case and for good cause shown extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

Sec. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof, shall be liable to a penalty of not to exceed five hundred dollars for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge. In all prosecutions under this Act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of this Act shall not apply to the crews of wrecking or relief trains.

Sec. 4. It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this Act, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this Act.

Sec. 5. That this Act shall take effect and be in force one year after its passage.

Approved, March 4, 1907, 11.50 a.m.

## INTERSWITCHING RULES.

ORDER NO. 4988

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

*Wednesday, the 8th Day of July, A.D. 1908.*

Whereas many complaints have been made to the Board against various Railway Companies regarding the charges made for inter-switching;

Therefore the Board, having heard the evidence adduced in support of some of the said charges—certain of the same having been allowed to stand over until the matter could be dealt with in a general manner as far as possible with the view of establishing some fixed basis for payment for interswitching services—and having fully considered the views and submissions of the various interests, and the report and recommendations of its Chief Traffic Officer, under the authority conferred upon it by the Railway Act, **BOTH ORDER, DIRECT, AND DECLARE** as follows:

For the interpretation, application, and operation of this Order—

1. (a) "Interswitching" shall not include the service incidental to the transfer and continuous carriage of through or interline traffic between points outside of and beyond the terminal limits hereinafter prescribed.
- (b) "Contracting Carrier" shall, where it is necessary, between the points of shipment and delivery, to use the line or lines of another carrier or other carriers than the carrier performing the interswitching service, include such other carrier or carriers.
2. It shall be lawful for the contracting carrier to absorb the toll charged for the interswitching of competitive traffic.
3. Upon traffic destined to consignees located upon, or reasonably convenient to, the tracks of the contracting carrier, or to consignees who have customarily accepted the contracting carrier's delivery, or which may be so consigned as not to indicate clearly the delivery required, and which subsequent to shipment is ordered by the shipper, the consignee, or the agent of either, for interswitch delivery involving an additional service by another carrier, and which is so interswitched, the contracting carrier may charge and collect, in addition to its freight charges (including back charges if any), the interswitching toll of the carrier which performs such service, which toll shall not be more than twenty (20) cents per ton for any distance not exceeding four (4) miles, nor more than three dollars (\$3.00) as the minimum and eight dollars \$8.00 as the maximum per carload.
4. Upon traffic destined to consignees located upon or reasonably convenient to tracks other than those of the contracting carrier, or to consignees who have customarily required such other carrier's delivery, the contracting carrier may for the interswitching service rendered necessary for such delivery charge and collect an additional

toll of not more than ten (10) cents per ton for any distance not exceeding four (4) miles, nor more than one dollar and a half (\$1.50) as the minimum, and four dollars (\$4.00) as the maximum, per carload; and the interswitching toll of the carrier which performs such service shall not be more than twenty (20) cents per ton, nor more than three dollars (\$3.00) as the minimum, and eight dollars (\$8.00) as the maximum, per carload,—provided that the contracting carrier shall not thereby be required to reduce its revenue below eight dollars (\$8.00) per carload.

5. Distance shall be computed to or from the nearest point of interchange.

6. The foregoing tolls shall include the empty movement of the car to or from the point at which it was received by the interswitching carrier.

7. Traffic consigned "to order" shall be subject to the provisions of paragraph three (3) and four (4) of this order as the same may apply.

8. Traffic interswitched at the point of shipment shall be subject to clause four (4) of this order, in so far as the same may be applicable.

9. The class and commodity tariffs of all Railway Companies subject to the provisions of the Railway Act shall show clearly and explicitly at what points and under what circumstances interswitching services will be performed, and at whose expense.

10. The tolls herein provided for interswitching service shall not interfere with or supersede any lawfully published freight rates for ordinary freight service from station to station.

11. All and every arrangement or device, such as free or assisted cartage, cartage allowances, or the like, intended to equalize the facilities of competing companies at common points, except such as are lawfully published in the freight tariffs of the Companies, are hereby prohibited.

(Signed) J. P. MABEE,  
*Chief Commissioner,*

Board of Railway Commissioners for Canada

*This order becomes effective September 1st, 1908.*

A. D. CARTWRIGHT,  
*Secretary.*



THE BOARD OF RAILWAY COMMISSIONERS FOR  
CANADA.THURSDAY, THE 30TH DAY OF  
JULY, A.D. 1908.HON. J. P. MABEE,  
*Chief Commissioner.*  
HON. M. E. BERNIER,  
*Deputy Chief Commissioner.*  
JAMES MILLS,  
*Commissioner.*

WHEREAS certain railway companies subject to the legislative authority of the Parliament of Canada have found it convenient for certain tariffs of freight or passenger tolls to be filed with this Board by agents other than officials of the companies, acting jointly for two or more companies:

AND WHEREAS no objection seems to exist to the continuation of the said arrangement—

1. THE BOARD, THEREFORE, ORDERS that the said arrangement may be continued until otherwise ordered: Provided that the said joint agents be duly authorized to act for the several companies by power of attorney, the original of which shall be filed with the Board and bear a number with the prefix "C. R. C. No. P. A." in the upper righthand corner.

2. THE BOARD FURTHER ORDERS that the said power of attorney be in the following form, namely:—  
"C. R. C. No. P. A."..... Company.  
.....

## KNOW ALL MEN BY THESE PRESENTS:

That the ..... Company has made, constituted, and appointed, and by these presents does make, constitute, and appoint ..... its true and lawful attorney and agent for the said Company, and in its name, place, and stead, to file certain tariffs of freight (or passenger) tolls, to wit (here describe the particular series) and supplements thereto, as required of railway companies by The Railway Act of the Dominion of Canada, and by the Regulations of the Board of Railway Commissioners for Canada, and the said ..... Company does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said Company hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue thereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

This power of attorney shall continue in force until revoked by formal and official notice of revocation placed in the hands of the Board of Railway Commissioners for Canada at Ottawa at least ten days before the said notice shall become effective.

By.....  
 (Witness).....  
 dated at.....  
 this .....day of.....  
 A.D.....

(Sgd.) J. P. MABEE,  
*Chief Commissioner,  
 Board of Railway Commissioners for Canada*

GENERAL ORDER  
 No. 1997

Dated November 19th, 1906.

#### EXPRESS TOLLS.

Regulations adopted by the Board relating to the filing of tariffs of tolls by Express companies, under the authority of the Act 6 Edward VII, Chap. 42, Sec. 27.

GENERAL ORDER  
 No. 2139

Dated December 6th, 1906.

#### TELEPHONE TOLLS.

Regulations adopted by the Board providing for the filing of tariffs of tolls of Telephone companies, under the authority of the Act 6 Edward VII, Chap. 42, Sec. 30.

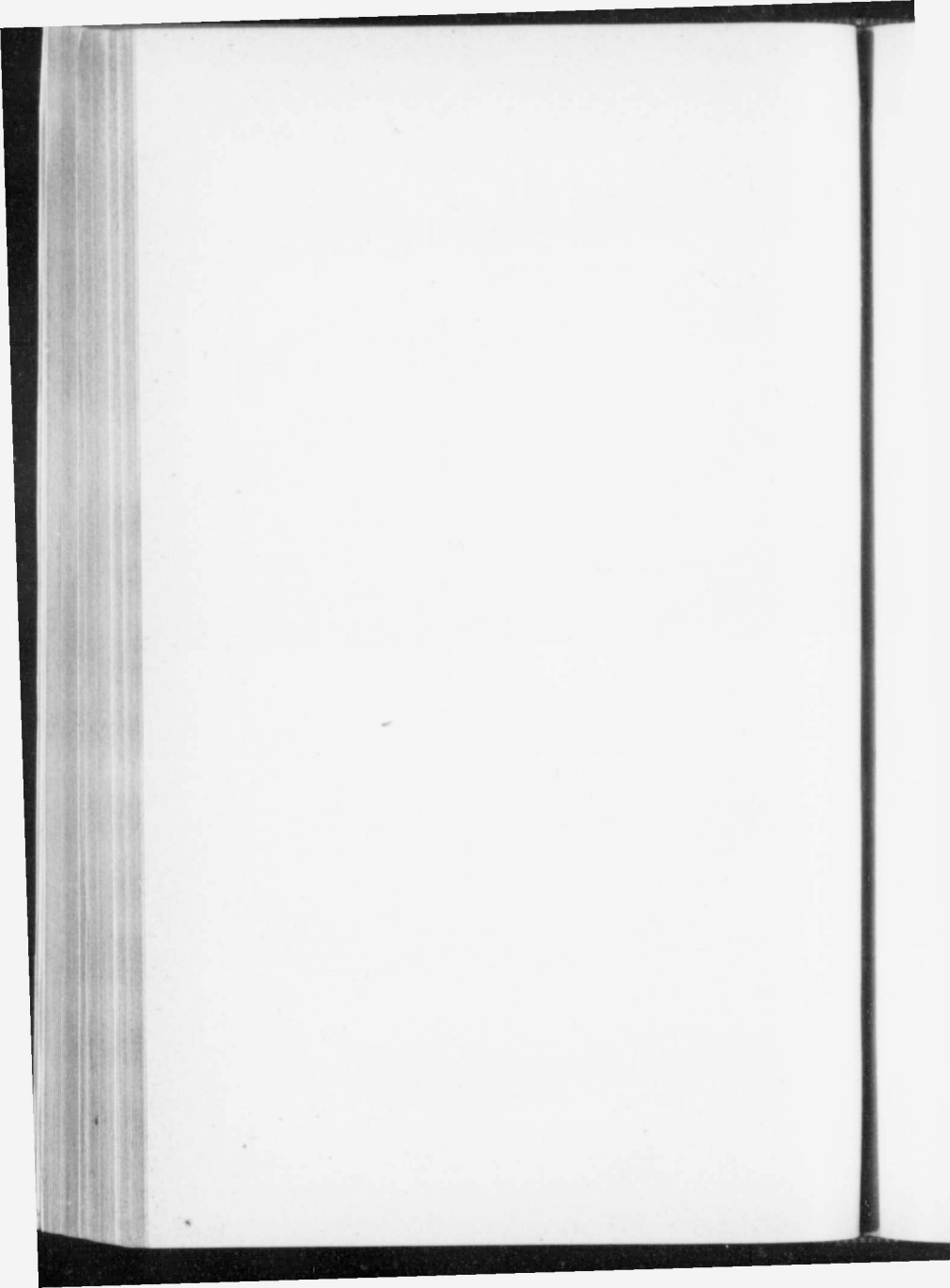
#### RAILWAY COMMISSIONERS' RULES.

The Board of Railway Commissioners promulgated the following, April 21st, 1908, "Rule 1 is rescinded, and the following substituted therefor: 1. Regular sittings of the Board will be held at the Court Room, Ottawa, at 10 a.m. on the first Tuesday of every month, for the hearing of matters, applications, or complaints. (a) In addition to its regular sittings, the Board may appoint special sittings at Ottawa or elsewhere.

"7. (a) Any party to any matter, application, or complaint pending before the Board, may set the same down for hearing at the next monthly sitting of the Board, upon giving at least ten days', or such shorter notice as the Board may order, to all parties interested.

"(b) When contested matters, applications or complaints are ready for hearing, and are not at once set down by any party interested, the Secretary shall set the same down for the first sittings commencing after the expiration of ten days (or such shorter notice as the Board may order) from the date of such setting down.

"(c) When a matter, application, or complaint is set down for hearing by the Secretary, he shall give ten days' notice of hearing (or such shorter time as the Board may order) to all parties interested."





## CHAPTER 37.

### An Act respecting Railways.

#### SHORT TITLE.

1. This Act may be cited as the Railway Act. 3 E. VII., Short title. c. 58, s. 1.

#### INTERPRETATION.

2. In this Act, and in any Special Act as hereinafter defined, Definitions. in so far as this Act applies, unless the context otherwise requires,—

- (1) 'Board' means the Board of Railway Commissioners 'Board.' for Canada;
- (2) 'by-law,' when referring to an act of the company, in- 'By-law.' cludes a resolution;
- (3) 'charge,' when used as a verb with respect to tolls, 'Charge.' includes to quote, demand, levy, take or receive;
- (4) 'company' 'Company.'
  - (a) means a railway company, and includes every such company and any person having authority to construct or operate a railway,
  - (b) in the sections of this Act relating to telephone tolls, means a company, as defined in the last preceding paragraph, having authority to construct and operate, or to operate a telephone system or line and to charge telephone tolls, and includes also a telephone company and every company and person having legislative authority from the Parliament of Canada to construct and operate, or to operate a telephone system or line, and to charge telephone tolls, and
  - (c) in the sections of this Act which require companies to furnish statistics and returns to the Minister or provide penalties for default in so doing, means further any company constructing or operating a line of railway in Canada, even although such company is not otherwise within the legislative authority of the Parliament of Canada, and includes any individual not incorporated who is the owner or lessee of a railway in Canada, or party to an agreement for the working of such a railway;
- (5) 'costs' includes fees, counsel fees and expenses; 'Costs.'

- 'County.' (6) 'county' includes any county, union of counties, riding, or division corresponding to a county, and, in the province of Quebec, any separate municipal division of a county;
- 'Court.' (7) 'court' means a superior court of the province or district, and, when used with respect to any proceedings for  
(a) the ascertainment or payment, either to the person entitled, or into court, of compensation for lands taken, or for the exercise of powers conferred by this Act, or  
(b) the delivery of possession of lands, or the putting down of resistance to the exercise of powers, after compensation paid or tendered,  
includes the county court of the county where the lands lie;
- 'Exchequer Court.' (8) 'Exchequer Court' means the Exchequer Court of Canada;
- 'Express toll.' (9) 'express toll' means any toll, rate or charge to be charged by the company, or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, or for any service incidental thereto, or for or in connection with any or either of these objects, where the whole or any portion of the carriage or transportation of such goods is by rail upon the railway of the company;
- 'Goods.' (10) 'goods' includes personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;
- 'Highway.' (11) 'highway' includes any public road, street, lane or other public way or communication;
- 'Inspecting engineer.' (12) 'inspecting engineer' means an engineer who is directed by the Minister, or by the Board, to examine any railway or works, and includes two or more engineers, when two or more are so directed;
- 'Judge.' (13) 'judge' means a judge of a superior or county court hereinbefore mentioned, as the case may be;
- 'Justice.' (14) 'justice' means a justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises; and, when any matter is authorized or required to be done by two justices, the expression 'two justices' means two justices assembled and acting together;
- 'Lands.' (15) 'lands' means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure;
- 'Lease.' (16) 'lease' includes an agreement for a lease;
- 'Minister.' (17) 'Minister' means the Minister of Railways and Canals;

- (8) 'owner,' when, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, means any person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, is enabled to sell and convey the lands to the company;
- (19) 'plan' means a ground plan of the lands and property taken or intended to be taken; 'Plan.'
- (20) 'legislature of any province' or 'provincial legislature' means and includes any legislative body other than the Parliament of Canada; 'Provincial legislature.'
- (21) 'railway' means any railway which the company has authority to construct or operate, and includes all branches, sidings, stations, depots, wharfs, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel, or other structure which the company is authorized to construct; 'Railway.'
- (22) 'registrar of deeds' or 'registrar' includes the registrar of land titles, or other officer with whom the title to the land is registered; 'Registrar of deeds.'
- (23) 'office of the registrar of deeds' or 'registry of deeds,' or other words descriptive of the office of the registrar of deeds, include the land titles office, or other office in which the title to the land is registered; 'Registry of deeds.'
- (24) 'rolling stock' means and includes any locomotive, engine, motor car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement on its wheels, over or upon the rails or tracks of the company; 'Rolling stock.'
- (25) 'Railway Act, 1888,' means the Act passed in the fifty-first year of Her late Majesty's reign, chapter twenty-nine, intitled *An Act respecting Railways*, and the several Acts in amendment thereof; 'Railway Act, 1888.'
- (26) 'Secretary' means the Secretary of the Board; 'Secretary.'
- (27) 'sheriff' means the sheriff of the district, county, riding, division, city or place within which are situated any lands in relation to which any matter is required to be done by a sheriff, and includes an under sheriff or other lawful deputy of the sheriff; 'Sheriff.'
- (28) 'Special Act' means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, and includes
- (a) all such Acts,
- (b) with respect to the Grand Trunk Pacific Railway Company, the National Transcontinental Railway Act, and the Act in amendment thereof passed in the fourth year of His Majesty's reign, chapter twenty-four, intitled *An Act to amend the National Transcontinental Railway*

*Railway Act*, and the scheduled agreements therein referred to, and

(c) any letters patent, constituting a company's authority to construct or operate a railway, granted under any Act, and the Act under which such letters patent were granted;

'Telephone toll.'

(29) 'telephone toll' means and includes any toll, rate, or charge to be charged by the company to the public, or to any person, for the use of a telephone system or line, or any part thereof, or for the transmission of a message by telephone, or for the installation and use of telephone instruments, lines, or apparatus, or for any service incidental to a telephone business;

'Toll.'  
'Rate.'

(30) 'toll' or 'rate' means and includes any toll, rate or charge made for the carriage of any traffic, or for the collection, loading, unloading or delivery of goods, or for warehousing or wharfage, or other services incidental to the business of a carrier;

'Traffic.'

(31) 'traffic' means the traffic of passengers, goods and rolling stock;

'Train.'

(32) 'train' includes any engine, locomotive or other rolling stock;

'Undertaking.'

(33) 'the undertaking' means the railway and works, of whatsoever description, which the company has authority to construct or operate;

'Working expenditure.'

(34) 'working expenditure' means and includes

- (a) all expenses of maintenance of the railway,
- (b) all such tolls, rents or annual sums as are paid in respect of the hire of rolling stock let to the company, or in respect of property leased to or held by the company, apart from the rent of any leased line,
- (c) all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for,
- (d) all expenses of or incidental to the working of the railway and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company,
- (e) all rates, taxes, insurance and compensation for accidents or losses,
- (f) all salaries and wages of persons employed in and about the working of the railway and traffic,
- (g) all office and management expenses, including directors' fees, and agency, legal and other like expenses,
- (h) all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act, and
- (i) generally, all such charges, if any, not hereinbefore otherwise specified, as, in all cases of English railway companies, are usually carried to the debit of revenue as distinguished from capital account;

(35) when any matter arises in respect of any lands which are not situated wholly in any one district, county, riding, division, city or place, and which are the property of one and the same person, 'clerk of the peace,' 'justice,' and 'sheriff,' respectively, mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situated. 57-58 V., c. 28, s. 144; 3 E. VII., c. 58, ss. 2, 156, and 302; 4 E. VII., c. 32, s. 4; 6 E. VII., c. 42, ss. 27 and 29.

'Clerk of the peace.'

'Justice.'  
'Sheriff.'

3. This Act shall, subject to the provisions thereof, be construed as incorporate with the Special Act, and, unless otherwise expressly provided in this Act, where the provisions of this Act, and of any Special Act passed by the Parliament of Canada, relate to the same subject-matter, the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to override the provisions of this Act. 3 E. VII., c. 58, ss. 3 and 5.

Special Act  
to override.

4. If in any Special Act passed by the Parliament of Canada previously to the first day of February, one thousand nine hundred and four, it is enacted that any provision of the Railway Act, 1888, or other general railway Act in force at the time of the passing of such Special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such Special Act, extended, limited or qualified, the corresponding provision of this Act shall be taken to be excepted, extended, limited or qualified, in like manner. 3 E. VII., c. 58, s. 5.

And may  
extend limit  
or qualify.

## APPLICATION.

5. This Act shall, subject as herein provided, apply to all persons, companies and railways, other than Government railways, within the legislative authority of the Parliament of Canada. 3 E. VII., c. 58, s. 3.

To what per-  
sons and rail-  
ways appli-  
cable.

6. Where any railway, the construction or operation of which is authorized by a Special Act passed by the legislature of any province, is declared, by any Act of the Parliament of Canada, to be a work for the general advantage of Canada, this Act shall apply to such railway, and to the company constructing or operating the same, to the exclusion of such of the provisions of the said Special Act as are inconsistent with this Act, and in lieu of any general railway Act of the province. 3 E. VII., c. 58, s. 6.

Railways  
declared to  
be for  
general ad-  
vantage of  
Canada.

7. The provisions of this Act in respect of tolls, tariffs and joint tariffs shall, so far as they are applicable, extend to the traffic carried by any company by sea or by inland water,

Traffic by  
water.



between any ports or places in Canada, if the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic by sea or by inland water between any such ports or places.

Tolls, provisions apply to. Bridge or tunnel company.

2. The provisions of this Act in respect of tolls shall, in so far as they are applicable, extend and apply to,—

(a) any company which has power under any Special Act to construct, maintain and operate any bridge or tunnel for railway purposes, or for railway and traffic purposes, and to charge tolls for traffic carried over, upon or through such structure by any railway; and,

Traffic thereby.

(b) the traffic so carried over, upon or through such structure. 3 E. VII., c. 58, s. 277; 6 E. VII., c. 42, s. 24.

Provincial railways.

8. Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by Special Act of the legislature of any province, and which connects with or crosses or may hereafter connect with or cross any railway within the legislative authority of the Parliament of Canada, shall, although not declared by Parliament to be a work for the general advantage of Canada, be subject to the provisions of this Act relating to,—

(a) the connection or crossing of one railway or tramway with or by another, so far as concerns the aforesaid connection or crossing;

(b) the through traffic upon a railway or tramway and all matters appertaining thereto;

(c) criminal matters, including offences and penalties; and,

(d) navigable waters:

Provided that, in the case of railways owned by any provincial government, the provisions of this Act with respect to through traffic shall not apply without the consent of such government. 3 E. VII., c. 58, s. 7.

#### PROVINCIAL LEGISLATION REGARDING SUNDAY.

Where applicable.

9. Notwithstanding anything in this Act, or in any other Act, every railway, steam or electric street railway or tramway, situate wholly within one province of Canada, and declared by the Parliament of Canada to be either wholly or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality owning, controlling or operating the same wholly or partly, in respect of such ownership, control or operation, shall be subject to any Act of the legislature of the province in which any such railway or tramway is situate which was in force on the tenth day of August, one thousand nine hundred and four, in so far as such Act prohibits or regulates work, business or labour upon the first day of the week, commonly called Sunday.

2. Every such Act, in so far as it purports to prohibit, within the legislative authority of the province, work, business or labour upon the said first day of the week, is hereby ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been duly enacted by the Parliament of Canada. Confirmed.

3. The Governor in Council may, by proclamation, confirm, for the purposes of this section, any Act of the legislature of any province passed after the tenth day of August, one thousand nine hundred and four, in so far as such Act purports to prohibit or regulate, within the legislative authority of the province, work, business or labour upon the said first day of the week; and such Act shall, to the extent aforesaid, be by force of such proclamation, ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been enacted by the Parliament of Canada. Governor in Council may proclaim.

4. Notwithstanding anything in this Act, or in any other Act, every railway, steam or electric street railway or tramway, wholly situate within the province, and which has been declared by the Parliament of Canada to be in whole or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality, owning, controlling or operating the same wholly or partly, in respect of such ownership, control or operation, shall, from and after such proclamation, be subject to such Act in so far as it has been so confirmed. Effect of proclamation.

5. Nothing in this section shall apply to any railway or part of a railway,— Exception.

(a) which forms part of a continuous route or system operated between two or more provinces, or between any province and a foreign country, so as to interfere with or affect through traffic thereon; or,

(b) between any of the ports on the Great Lakes and such continuous route or system, so as to interfere with or affect through traffic thereon; or,

(c) which the Governor in Council by proclamation declares to be exempt from the provisions of this section. 4 E. VII., c. 32, s. 2.

#### COMMISSION.

##### *Constitution.*

10. There shall be a commission, to be known as the Board of Railway Commissioners for Canada, consisting of three members appointed by the Governor in Council. Board, how constituted.

2. Such commission shall be a court of record, and have an official seal which shall be judicially noticed. Court of record.

3. Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but Tenure.

may be removed at any time by the Governor in Council for cause: Provided that,—

(a) a commissioner shall cease to hold office upon reaching the age of seventy-five years; and,

(b) if a judge of any superior court in Canada is appointed chief commissioner of the Board, he shall not be removed at any time by the Governor in Council, except upon address of the Senate and House of Commons.

Reappointment.

4. A commissioner on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment.

Chief commissioner.

5. One of such commissioners shall be appointed, by the Governor in Council, chief commissioner of the Board, and shall be entitled to hold the office of chief commissioner so long as he continues a member of the Board.

Deputy Chief Commissioner.

6. Another of the commissioners shall be appointed, by the Governor in Council, deputy chief commissioner of the Board. 3 E. VII., c. 58, s. 8; 4-5 E. VII., c. 35, s. 1.

Powers of Railway Committee transferred.

11. Whenever, by an Act or document, the Railway Committee of the Privy Council is given any power or authority, or charged with any duty with regard to any company, railway, matter or thing, such power, authority or duty may, or shall be exercised by the Board. 3 E. VII., c. 58, s. 8.

Absence of chief commissioner.

12. In case of the absence of the Chief Commissioner, or of his inability to act, the Deputy Chief Commissioner shall exercise the powers of the Chief Commissioner in his stead; and, in such case, all regulations, orders and other documents signed by the Deputy Chief Commissioner shall have the like force and effect as if signed by the Chief Commissioner.

Deputy to act.

Presumption.

2. Whenever the Deputy Chief Commissioner appears to have acted for and instead of the Chief Commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner within the meaning of this section. 3 E. VII., c. 58, s. 9.

Quorum.

13. Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case: Provided that, in any case where there is no opposing party, and no notice to be given to any interested party, any one commissioner may act alone for the Board.

Questions of law.

2. The Chief Commissioner, when present, shall preside, and his opinion upon any question, which in the opinion of the commissioners is a question of law, shall prevail.

Vacancy.

3. No vacancy in the Board shall impair the right of the remaining commissioners to act. 3 E. VII., c. 58, ss. 10 and 16.

Interest. Kindred or affinity not a disqualification.

14. Whenever any commissioner is interested in any matter before the Board, or of kin or affinity to any person interested in any such matter, the Governor in Council may, either upon the application of such commissioner or otherwise, appoint some

disinterested person to act as commissioner *pro hac vice*; and the Governor in Council may also, in case of the illness, absence or inability to act of any commissioner, appoint a commissioner *pro hac vice*: Provided that no commissioner shall be disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board. 3 E. VII., c. 58, s. 11.

**15.** No commissioner shall, directly or indirectly,— Commissioners not to hold railway stock.  
 (a) hold, purchase, take or become interested in, for his own behalf, any stock, share, bond, debenture or other security, of any railway company subject to this Act; or,  
 (b) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways, or of any rolling stock to be used thereon.

2. If any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof, or any interest therein, shall come to or vest in any such commissioner by will or succession for his own benefit, he shall, within three months thereafter absolutely sell and dispose of the same, or his interest therein. 3 E. VII., c. 58, s. 11. If acquired by will or succession.

**16.** Each commissioner shall during his term of office Residence. reside in the city of Ottawa, or within five miles thereof, or within such distance thereof as the Governor in Council at any time determines. 3 E. VII., c. 58, s. 12.

**17.** The commissioners shall devote the whole of their time Whole time. to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. 3 E. VII., c. 58, s. 13.

**18.** The Governor in Council shall, upon the recommendation of the Minister, provide, within the city of Ottawa, a suitable place in which the sessions of the Board may be held, and also suitable offices for the commissioners, and for the Secretary, and the officers and employees of the Board, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Board. 3 E. VII., c. 58, s. 14. Offices in Ottawa.

**19.** Whenever circumstances render it expedient to hold Sittings outside of Ottawa. a sitting of the Board elsewhere than in the city of Ottawa, the Board may hold such sitting in any part of Canada. 3 E. VII., c. 58, s. 15.

**20.** The commissioners shall sit at such times and conduct Sittings how conducted. their proceedings in such manner as may seem to them most convenient for the speedy despatch of business.

2. They may, subject to the provisions of this Act, sit either together or separately, and either in private or in open court: Provided that any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. 3 E. VII., c. 58, s. 16.

**Experts.** **21.** The Governor in Council may, from time to time, or as the occasion requires, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. 3 E. VII., c. 58, s. 21.

**Secretary.** **22.** There shall be a secretary of the Board who shall be appointed by the Governor in Council, and who shall hold office during pleasure, and reside in the city of Ottawa. 3 E. VII., c. 58, s. 17.

**Duties of Secretary.** **23.** It shall be the duty of the Secretary,—  
 (a) to attend all sessions of the Board;  
 (b) to keep a record of all proceedings conducted before the Board or any commissioner under this Act;  
 (c) to have the custody and care of all records and documents belonging or appertaining to the Board or filed in his office;  
 (d) to obey all rules and directions which may be made or given by the Board touching his duties or office;  
 (e) to have every regulation and order of the Board drawn pursuant to the direction of the Board, signed by the Chief Commissioner, sealed with the official seal of the Board, and filed in the office of the Secretary.

**Record books.** 2. The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order, and every other document which the Board may require to be entered therein, and such entry shall constitute and be the original record of any such regulation or order.

**Certified copies.** 3. Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. 3 E. VII., c. 58, ss. 17 and 18.

**Acting Secretary.** **24.** In the absence of the Secretary from illness or any other cause, the Board may appoint from its staff an acting secretary, who shall thereupon act in the place of the Secretary, and exercise his powers. 3 E. VII., c. 58, s. 19.

**Staff of Board.** **25.** There shall be attached to the Board such officers, clerks, stenographers and messengers as the Board, with the approval of the Governor in Council, from time to time, appoints.

**Dismissal.** 2. The Board may at will dismiss any such officer, clerk, stenographer or messenger. 3 E. VII., c. 58, s. 21.

**26.** The Board shall have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested,—

- (a) complaining that any company, or person, has failed to do any act, matter or thing required to be done by this Act, or the Special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any inspecting engineer, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of this Act, or the Special Act, or any such regulation, order, or direction; or,
- (b) requesting the Board to make any order, or give any direction, sanction or approval, which by law it is authorized to make or give, or with respect to any matter, act or thing, which by this Act, or the Special Act, is prohibited, sanctioned or required to be done.

2. The Board may order and require any company or person to do forthwith, or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter or thing which such company or person is or may be required or authorized to do under this Act, or the Special Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act, or the Special Act; and shall for the purposes of this Act have full jurisdiction to hear and determine all matters whether of law or of fact.

3. The Board shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in a superior court.

4. The fact that a receiver, manager, or other official of any railway, or a receiver of the property of a railway company, has been appointed by any court in Canada or any province thereof, or is managing or operating a railway under the authority of any such court, shall not be a bar to the exercise by the Board of any jurisdiction conferred by this Act; but every such receiver, manager, or official shall be bound to manage and operate any such railway in accordance with this Act and with the orders and directions of the Board, whether general or referring particularly to such railway; and every such receiver, manager, or official, and every person acting under him, shall obey all orders of the Board within its jurisdiction in respect of such railway, and be subject to have them enforced against him by the Board, notwithstanding the fact that such receiver, manager, official, or person is appointed by or acts under the authority of any court.

Decision of Board conclusive.

5. The decision of the Board as to whether any company, municipality or person is or is not a party interested within the meaning of this section shall be binding and conclusive upon all companies, municipalities and persons. 6 E. VII., c. 42, s. 2.

Grand Trunk Pacific Railway.

**27.** In order to the ascertainment of the true net earnings of,—

(a) the Eastern Division of the Grand Trunk Pacific Railway, for the purposes of the scheduled agreements referred to in the Act passed in the fourth year of His Majesty's reign, chapter twenty-four, intituled *An Act to amend the National Transcontinental Railway Act*; and,

(b) the Grand Trunk Pacific Railway Company, upon its system of railways, at all times while the principal or interest of any bonds made by the said Company and guaranteed by the Government are unpaid by the said Company;

the Board shall, upon the request of the Minister, inquire into, hear and determine any question as to the justness and reasonableness of the apportionment of any through rate or rates between the Grand Trunk Pacific Railway Company and any other transportation company, whether such company is or is not a railway company, or, if a railway company, whether it is or not as such subject to the legislative jurisdiction of the Parliament of Canada.

Government interests.

2. In any such determination the Board shall have due regard to the interests of the Government of Canada as owner of the said Eastern Division, and of the Intercolonial Railway, or as guarantor of any such principal or interest, and to the provisions of the National Transcontinental Railway Act, and of the said Act in amendment thereof, and of the said scheduled agreements.

Net earnings.

3. Although, in any such case, the Grand Trunk Pacific Railway Company has agreed to any apportionment, the net earnings shall be ascertained upon the basis of the receipt by the Grand Trunk Pacific Railway Company of such share of such through rate or rates as, in the opinion of the Board, the said Company should have received under a just and reasonable apportionment; and such agreement shall be material evidence only and not conclusive.

Appeal.

4. Either party to any such question may appeal from any such determination to the Supreme Court of Canada. 4 E. VII., c. 32, s. 4.

Board may act upon its own motion.

**28.** The Board may, of its own motion, or shall, upon the request of the Minister, inquire into, hear and determine any matter or thing which, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto, shall have the same powers as, upon any application or complaint, are vested in it by this Act.

From time to time.

2. Any power or authority vested in the Board under this Act may, though not so expressed in this Act, be exercised from

time to time, or at any time, as the occasion may require. 3 E. VII., c. 58, s. 24.

**29.** The Board may review, rescind, change, alter or vary any order or decision made by it. 3 E. VII., c. 58, s. 25. Board may review its orders.

**30.** The Board may make orders and regulations,— Regulations of Board.

(a) limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages; and the Board may, if it thinks fit, limit certain rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof; Speed of trains.

(b) with respect to the use of the steam whistle within any city, town or village, or any portion thereof; Use of steam whistle.

(c) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of railway employees while passing from one car to another; Passing from car to car.

(d) for the coupling of cars; Coupling.

(e) requiring proper shelter to be provided for all railway employees when on duty; Shelter.

(f) with respect to the use on any engine of nettings, screens, grates and other devices, and the use on any engine or car of any appliances and precautions, and generally in connection with the railway, respecting the construction, use and maintenance of any fire-guard or works which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started, or occurring, upon, along, or near the right of way of the railway; Prevention of fires.

(g) with respect to the rolling stock, apparatus, cattle-guards, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public; Protection generally.

(h) with respect to any matter, act or thing which by this or the Special Act is sanctioned, required to be done, or prohibited; and, Other matters.

(i) generally for carrying this Act into effect. Generally.

2. Any such orders or regulations may be made to apply to any particular district, or to any railway, or section or portion thereof, and the Board may exempt any railway, or section or portion thereof, from the operation of any such order or regulation, for such time, or during such period, as the Board deems expedient. Application of orders.

3. The Board may, by regulation, provide penalties, when not already provided in this Act, to which every company or person who offends against any regulation made under this section shall be liable: Provided that no such penalty shall exceed one hundred dollars. Penalties.



Other liability.

4. The imposition of any such penalty shall not lessen or affect any other liability which any company or person may have incurred. 3 E. VII., c. 58, ss. 25 and 40.

*Publication.*

In *Canada Gazette*.

**31.** Any rule, regulation, order or decision of the Board shall, when published by the Board, or by leave of the Board, for three weeks in the *Canada Gazette*, and while the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof. 3 E. VII., c. 58, ss. 30 and 40.

*Regulations and Orders of the Railway Committee of the Privy Council.*

Continued.

**32.** All regulations and orders made by the Railway Committee of the Privy Council, under the provisions of the Railway Act, 1888, in force on the first day of February, one thousand nine hundred and four, shall continue in force until repealed, rescinded, changed or varied under the provisions of this Act.

Board may repeal.

2. The Board shall have the like powers to repeal, rescind, change or vary such regulations and orders, as in the case of regulations or of orders which the Board may make under this Act. 3 E. VII., c. 58, s. 33.

Existing orders of Railway Committee.

**33.** Notwithstanding the repeal of the Railway Act, 1888, the orders of the Railway Committee of the Privy Council in force on the first day of February, one thousand nine hundred and four, may be made rules or orders of the Exchequer Court, or of any superior court of any province in Canada, and may be enforced in all respects, as nearly as may be, in the same manner as provided by this Act, in the case of similar orders by the Board.

Penalties for disobeying.

2. All penalties, forfeitures and liabilities attaching, under this Act, to the violation of any regulation, or disobedience to any order of the Board, shall apply and attach to any violation of or disobedience to any regulation or order of the Railway Committee of the Privy Council occurring after the first day of February, one thousand nine hundred and four, in all respects, as nearly as may be, as if such regulation or order of the Railway Committee of the Privy Council were a regulation or order of the Board. 3 E. VII., c. 58, s. 34.

Powers of Governor in Council continued.

**34.** The Governor in Council shall continue to have authority and jurisdiction to sanction, confirm, rescind or vary, or to take any other action upon any report, order or decision of the Railway Committee of the Privy Council made before the first day of February, one thousand nine hundred and four, under the Railway Act, 1888, in as full and ample a manner as if the

said Act had not been repealed and as if this Act had not been passed.

2. Any order or decision so sanctioned or confirmed shall <sup>Effect.</sup> have the same validity, force and effect as if the said order or decision had been so sanctioned or confirmed prior to the first day of February, one thousand nine hundred and four. 4 E. VII., c. 32, s. 1.

*Salaries and Payments.*

**35.** The Chief Commissioner shall be paid an annual salary <sup>Commission-</sup> of ten thousand dollars, and the other two commissioners shall <sup>ers.</sup> be paid each an annual salary of eight thousand dollars.

2. The Secretary shall be paid an annual salary to be fixed <sup>Secretary.</sup> by the Governor in Council, not exceeding four thousand dollars.

3. Such salaries shall be paid monthly out of the unappropriated <sup>From unap-</sup> funds in the hands of the Receiver General for Canada. <sup>propriated</sup> 3 E. VII., c. 58, s. 20. <sup>funds.</sup>

**36.** The officers, clerks, stenographers and messengers <sup>Staff.</sup> attached to the Board shall receive such salaries or remuneration as approved by the Governor in Council upon the recommendation of the Board. 3 E. VII., c. 58, s. 21.

**37.** Whenever the Board, by virtue of any power vested <sup>Others.</sup> in it by this Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, such person shall be paid therefor such sum for services and expenses as the Governor in Council may, upon the recommendation of the Board, determine. 3 E. VII., c. 58, s. 21.

**38.** The salaries or remuneration of all such officers, clerks, <sup>Paid</sup> stenographers, and messengers, and all the expenses of the <sup>monthly.</sup> Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament. 3 E. VII., c. 58, s. 21.

*Franking Privilege.*

**39.** All letters or mailable matter addressed to the Board <sup>Correspond-</sup> or the Secretary at Ottawa, or sent by the Board or the Secretary <sup>ence free of</sup> from Ottawa, shall be free of Canada postage under such <sup>postage.</sup> regulations as are from time to time made in that regard by the Governor in Council. 3 E. VII., c. 58, s. 22.

*Practice and Procedure.*

- Notices, how signed. **40.** Any notice required or authorized to be given in writing,—
- By Board. (a) by the Board, may be signed by the Secretary or Chief Commissioner;
- By Minister and others. (b) by the Minister, inspecting engineer, or other officer or person appointed by the Minister, or the Board, may be signed by the Minister, or by such inspecting engineer, officer or other person, as the case may be;
- By a company. (c) by any company or corporation, may be signed by the president or secretary, or by its duly authorized agent or solicitor; and,
- By any person. (d) by any person, may be signed by such person or his duly authorized agent or solicitor. 3 E. VII., c. 58, s. 28.
- Notices, how served. **41.** Any such notice required to be given to any company, municipality, corporation, co-partnership, firm or individual shall be deemed to be sufficiently given by delivering the same, or a copy thereof, within the time, if any, limited therefor,—
- Railway company. (a) in the case of any railway company, to the president, vice-president, managing director, secretary or superintendent of the company, or to some adult person in the employ of the company at the head or any principal office of the company;
- Municipality. (b) in the case of any municipality, or civic or municipal corporation, to the mayor, warden, reeve, secretary, treasurer, clerk, chamberlain or other principal officer thereof;
- Other companies. (c) in the case of any company other than a railway company, to the president, vice-president, manager or secretary, or to some adult person in the employ of the company at the head office of such company;
- Co-partnership. (d) in the case of any firm or co-partnership, to any member of such firm or co-partnership, or, at the last place of abode of any such member, to any adult member of his household, or, at the office or place of business of the firm, to a clerk employed therein; and,
- Individuals. (e) in the case of any individual, to him, or, at his last place of abode, to any adult member of his household, or, at his office or place of business, to a clerk in his employ.
- Other cases. 2. If, in any case within the jurisdiction of the Minister, or the Board, it shall be made to appear to the satisfaction of the Minister, or the Board, as the case may be, that service of any such notice cannot conveniently be made in the manner provided in the last preceding subsection, the Minister, or the Board, as the case may be, may order and allow such service to be made by the publication of such notice for any period not less than three weeks in the *Canada Gazette*, and also, if required, in any other newspaper; and such publication in each
- Publication. case

case shall be deemed to be equivalent to service in the manner provided in the said subsection.

3. Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section. Service of other documents.  
3 E. VII., c. 58, s. 28.

**42.** Every company shall, as soon as possible after receiving or being served with any regulation, order, direction, decision, notice, report or other document of the Minister, or the Board, or the inspecting engineer, notify the same to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or his duties, or some of them, are to be performed. Duty of company upon being served.  
3 E. VII., c. 58, s. 29.

**43.** Unless otherwise provided, ten days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient: Provided that the Board may in any case direct longer notice or allow notice for any period less than ten days. Notice of application.  
3 E. VII., c. 58, s. 31.

**44.** Notice of any application to the Board for permission, as provided by the Lord's Day Act, to perform any work on the Lord's Day in connection with the freight traffic of any railway, shall be given to the Department of Railways and Canals, and shall fully set out the reasons relied upon. Notice of application for permission to work on Sunday.

2. The costs of any such application shall be borne by the applicant, and, if more than one, in such proportions as the Board determines. Costs.

3. In all other respects the procedure provided by this Act shall, so far as applicable, apply to any such application. Procedure in other respects.  
3 E. VII., c. 27, s. 3.

**45.** When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice. Ex parte.

2. Any person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. Rehearing.  
3 E. VII., c. 58, s. 32.

Rule of court.

**46.** Any decision or order made by the Board under this Act may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court.

Practice.

2. To make such decision or order a rule, order or decree of any such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chief Commissioner and sealed with the official seal of the Board:—

*'To move to make the within a rule (order or decree, as the case may be) of the Exchequer Court of Canada (or as the case may be).*

*'Dated this                         day of                         A.D. 19             A.B.*

[Seal.] *'Chief Commissioner of the Board of Railway Commissioners for Canada.'*

Copy to the registrar.

3. The Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of such court.

When order rescinded or changed.

4. When a decision or order of the Board under this Act, or of the Railway Committee of the Privy Council under the Railway Act, 1888, has been made a rule, order or decree of any court, any order or decision of the Board rescinding or changing the same shall be deemed to cancel the rule, order or decree of such court, and may, in like manner, be made a rule, order or decree of such court. 3 E. VII., c. 58, s. 35.

Orders may come into force. Upon contingency.

**47.** The Board may direct in any order that such order or any portion or provision thereof, shall come into force, at a future time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or person named by it, of any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of a specified event.

Upon terms.

For limited time.

Interim orders.

2. The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions either for an adjourned hearing of the matter, or for further application. 3 E. VII., c. 58, s. 36.

Relief.

**48.** Upon any application made to the Board under this Act, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that applied for, as to the Board may seem just and proper, as fully in all respects as if

such application had been for such partial, other, or further relief. 3 E. VII., c. 58, s. 37.

**49.** The Board may, if the special circumstances of any case so require, make an interim *ex parte* order authorizing, requiring or forbidding any thing to be done which the Board would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. 3 E. VII., c. 58, s. 38.

Interim  
*ex parte*  
order.

**50.** When any work, act, matter or thing is by any regulation, order or decision of the Board required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case in its opinion so require, upon notice and hearing, or in its discretion, upon *ex parte* application, extend the time so specified. 3 E. VII., c. 58, s. 39.

Extension of  
time.

**51.** The Board may make general rules regulating, so far as not inconsistent with the express provisions of this Act, its practice and procedure. 3 E. VII., c. 58, s. 40.

Rules of  
practice and  
procedure.

**52.** The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it. 3 E. VII., c. 58, s. 40.

Amend-  
ments.

**53.** No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance necessary to give it jurisdiction to make such order. 3 E. VII., c. 58, s. 41.

Order need  
not show  
jurisdiction.

**54.** In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

Effect of  
judgment of  
other courts.

2. The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

*Lis pendens.*

3. The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive. 3 E. VII., c. 58, s. 42.

Findings of  
fact con-  
clusive.

**55.** The Board may of its own motion, or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case, in writing, for the opinion of the Supreme Court of Canada upon any question which in the opinion of the Board is a question of law.

Stated case  
for Supreme  
Court of  
Canada.

2. The Supreme Court of Canada shall hear and determine the question or questions of law arising thereon, and remit the

Proceedings  
thereon.

matter to the Board with the opinion of the Court thereon.  
3 E. VII., c. 58, s. 43.

Review by  
Governor in  
Council.

**56.** The Governor in Council may, at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Governor in Council may make with respect thereto shall be binding upon the Board and upon all parties.

Appeal to  
Supreme  
Court as to  
jurisdiction.

2. An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, but such appeal shall not lie unless the same is allowed by a judge of the said Court upon application and upon notice to the parties and the Board, and hearing such of them as appear and desire to be heard; and the costs of such application shall be in the discretion of the judge.

On questions  
of law.

3. An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law, upon leave therefor having been first obtained from the Board; and the granting of such leave shall be in the discretion of the Board.

Security for  
costs.

4. Upon such leave being obtained the party so appealing shall deposit with the Registrar of the Supreme Court of Canada the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the nearest convenient time; and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected by the appeal, or the respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such Court as speedily as practicable.

Powers of  
the Court.

5. On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may  
be heard.

6. The Board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

Costs.

7. The Court shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section; and, until such rules are made, the rules and practice applicable to appeals from the Exchequer Court shall be applicable to appeals under this Act.

Practice.

8. Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section. Members of Board not liable for costs.

9. Save as provided in this section,—

- (a) every decision or order of the Board shall be final; and, Proceedings of Board final save as above.  
 (b) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari*, or any other process or proceeding in any court. 3 E. VII., c. 58, s. 44; 6 E. VII., c. 42, s. 3.

57. The Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing arising, or required to be done, under this Act, or the Special Act, and the Board shall without delay comply with the requirements of such reference. Governor in Council may refer to Board for report. 3 E. VII., c. 58, s. 45.

58. The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed. Costs.

2. The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed. Payment.

3. The Board may prescribe a scale under which such costs shall be taxed. 3 E. VII., c. 58, s. 46. Scale.

59. When the Board, in the exercise of any power vested in it by this Act, or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used and maintained. Works ordered by the Board.

2. The Board may order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance thereof, or of otherwise complying with such order, shall be paid. 3 E. VII., c. 58, s. 47. Cost, by whom paid.

#### Inquiries.

60. The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before the Board, or upon any matter or thing over which the Board has jurisdiction under this or the Special Act. Board may order.



- Minister may order. 2. The Minister may, with the approval of the Governor in Council, appoint and direct any person to inquire into and report upon any matter or thing which the Minister is authorized to deal with under this Act or the Special Act. 3 E. VII., c. 58, s. 48.
- Powers. **61.** The Minister, the Board, inspecting engineer, or person appointed under this Act to make any inquiry or report may,—
- Entry. (a) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;
- Inspection. (b) inspect any works, structure, rolling stock or property of the company;
- Attendance and returns. (c) require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make;
- Production. (d) require the production of all material books, papers, plans, specifications, drawings and documents; and,
- Oaths. (e) administer oaths, affirmations or declarations;
- Generally. and shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases. 3 E. VII., c. 58, s. 49.
- Annual report to be made. **62.** The Board shall, within three months after the thirty-first day of March in each year, make to the Governor in Council through the Minister an annual report respecting,—
- (a) applications to and proceedings of the Board under this Act, during the year next preceding the thirty-first day of March;
- (b) such other matters as appear to the Board to be of public interest in connection with the persons, companies and railways subject to this Act; and,
- (c) such matters as the Governor in Council directs.
- Report to be laid before House of Commons. 2. The said report shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament. 6 E. VII., c. 42, s. 1.

## WITNESSES AND EVIDENCE.

- Powers regarding witnesses and evidence. **63.** The Board may order that any witness resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles to, any one member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem to it proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents,

ments, or articles, and the use of the evidence so obtained, and otherwise exercise, for the enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpoenas to witnesses or punishment of disobedience thereof: Provided that no person shall be compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose.

2. The Board may issue commissions to take evidence in a foreign country, and make all proper orders for the purpose, and for the return and use of the evidence so obtained. 6 E. VII., c. 42, s. 2. Commissions to take evidence in foreign countries.

64. The Board may accept evidence upon affidavit or written affirmation, in cases in which it seems to it proper to do so. Evidence by affidavit.

2. All persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Board. Who may administer oaths in Canada.

3. All persons authorized by the Governor in Council to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter, or proceeding before the Board. Commissioners for Supreme and Exchequer Court.

4. Any oath administered out of Canada, before any commissioner authorized to take affidavits to be used in His Majesty's High Court of Justice in England, or before any notary public, certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of His Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a judge of any court of supreme jurisdiction in any colony or possession of His Majesty, or dependency of the Crown out of Canada, or before any consul, vice-consul, acting-consul, pro-consul or consular agent of His Majesty, exercising his functions in any foreign place, certified under his official seal, concerning any application, matter or proceeding had or to be had by or before the Board, shall be as valid and of like effect, to all intents, as if it had been administered before a person authorized by the Governor in Council as in this section provided. Oaths outside Canada.

5. Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any such person or commissioner so authorized as aforesaid, or the signature or official seal of any such notary public, or the signature of any such mayor or chief magistrate and the common seal of the corporation, or the signature and official seal of any such consul, vice-consul, Documents with signature of commissioner, etc., to be prima facie evidence.

vice-consul, acting-consul, pro-consul, or consular agent, in testimony of any oath having been administered by or before him, shall be admitted in evidence before the Board without proof of any such signature or seal being the signature or seal of the person or corporation whose signature or seal it purports to be, or of the official character of such person.

Informalities shall not invalidate.

6. No informality in the heading or other formal requisites of any oath made before any person under any provision of this section shall be an objection to its reception in evidence before the Board, if the Board thinks proper to receive it; and if it is actually sworn to by the person making it before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury. 6 E. VII., c. 42, s. 4.

Fees and allowances.

65. Every person summoned to attend before the Minister or the Board, or before any inspecting engineer, or person appointed under this Act to make inquiry and report, shall, in the discretion of the Minister or the Board, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court. 3 E. VII., c. 58, s. 50.

No person to be excused from producing.

66. No person shall be excused from attending and producing books, papers, tariffs, contracts, agreements and documents, in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act, or in any cause or proceeding based upon or arising out of any alleged violation of this Act, on the ground that the documentary evidence required of him, may tend to criminate him or subject him to any proceeding or penalty; but no such book, paper, tariffs, contract, agreement or document so produced shall be used or receivable against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation or inquiry, cause or proceeding. 3 E. VII., c. 58, s. 50.

Documents issued by the company.

67. In any proceeding before the Board and in any action or proceeding under this Act, every written or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company and of the contents thereof, without any further proof than the mere production of such document. 3 E. VII., c. 58, s. 50.

Documents issued by Minister, Board or engineer.

68. Every document purporting to be signed by the Minister, or by the Chief Commissioner and Secretary or either of them, or by an inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence that such document was duly

signed and issued by the Minister, the Board, or inspecting engineer as the case may be.

2. If such document purports to be a copy of any regulation, order, direction, decision or report made or given by the Minister, the Board, or an inspecting engineer, it shall be *prima facie* evidence of such regulation, order, direction, decision or report. 3 E. VII., c. 58, s. 26.

**69.** Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or other document deposited with the Board, or of any portion thereof, shall, without proof of the signature of the Secretary, be *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy; and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Documents certified by the Secretary.

2. A copy of any regulation, order or other document in the custody of the Secretary, or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall be *prima facie* evidence of such regulation, order or document, without proof of signature of the Secretary. 3 E. VII., c. 58, s. 27.

Documents in custody of the Board.

**70.** Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute book, when sealed with the company's seal, shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions. 3 E. VII., c. 58, s. 66.

Proceedings of the company.

**71.** The certificate of proprietorship of any share shall be *prima facie* evidence of the title of any shareholder, his executors, administrators or assigns, or its successors and assigns, as the case may be, to the share therein specified. 3 E. VII., c. 58, s. 100.

Certificate of proprietorship of share.

**72.** A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call or interest accrued thereon, and that such share has been purchased by a purchaser therein named shall be sufficient evidence of such facts. 3 E. VII., c. 58, s. 106.

Certificate of forfeiture of share.

**73.** A copy of any mortgage deed securing any bonds, debentures, or other securities issued under the authority of this

Instruments deposited

with Secretary of State. Act and the Special Act, and of any assignment thereof, or other instrument in any way affecting such mortgage or security, deposited in the office of the Secretary of State of Canada, certified to be a true copy by the Secretary of State, or by the Deputy Registrar General of Canada, shall be *prima facie* evidence of the original, without proof of the signature of such official. 3 E. VII., c. 58, s. 112.

Documents deposited with registrar of deeds.

**74.** A copy of any plan, profile, book of reference, certified copy thereof, or other document, relating to the location or construction of any railway, and deposited under the provisions of this Act with the registrar of deeds of any district or county through which the railway passes, certified by such registrar, in the manner hereinafter required, to be a true copy, shall be *prima facie* evidence of the original so deposited, that such original was so deposited at the time certified thereon, and that the same was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the said original purports to be signed, certified, attested or executed, as shown or appearing by such certified copy; and, in the case of a plan, that such plan is prepared according to a scale and in manner and form sanctioned by the Board. 3 E. VII., c. 58, s. 127.

Records as to railway constables.

**75.** The records relating to appointments and dismissals of railway constables, required by this Act to be kept by the respective clerks of the peace for the counties, parishes, districts or other local jurisdictions in which such constables are appointed, shall, without further proof than the mere production of such records, be *prima facie* evidence of the due appointments of such constables, of their jurisdiction to act as such, and of the other facts by this Act required to be so recorded. 3 E. VII., c. 58, s. 241.

By-law or regulation of company.

**76.** A copy of any by-law, rule or regulation of the company, certified as correct by the president, secretary or other executive officer of the company, and bearing the seal of the company, shall be evidence thereof. 3 E. VII., c. 58, s. 250.

Discrimination.

**77.** Whenever it is shown that any company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies, or classes of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll or difference in treatment, does not amount to an undue preference or an unjust discrimination shall lie on the company. 3 E. VII., c. 58, s. 254

Burden of proof.

**78.**

**78.** If the company files with the Board any tariff and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, the tolls under such tariff while so in force shall, in any prosecution under this Act, as against such company, its officers, agents or employees, be conclusively deemed to be the legal tolls chargeable by such company. 3 E. VII., c. 58, s. 279. Tariff.  
Presumed legal as against company.

## COMPANIES.

*Incorporation.*

**79.** Every company incorporated under a Special Act shall be a body corporate, under the name declared therein, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in the Interpretation Act. 3 E. VII., c. 58, s. 51. General powers.

*Offices.*

**80.** The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Canada: Provided that notice of any such change shall be given to the Secretary of the Board. Head office.  
Change of location.

2. The Secretary of the Board shall keep a register wherein he shall enter all such changes of location so notified to him. To be registered.

3. The directors of the company may establish one or more offices in other places in Canada or elsewhere. 3 E. VII., c. 58, s. 52. Other offices.

*Provisional Directors.*

**81.** The persons mentioned by name as such in the Special Act shall be the provisional directors of the company. Who.

2. A majority of such provisional directors shall form a quorum.

3. The provisional directors may,—

(a) forthwith open stock books and procure subscriptions of stock for the undertaking; Powers.

(b) receive payments on account of stock subscribed;

(c) cause plans and surveys to be made; and,

(d) deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

4. The moneys so received and deposited shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company. Moneys deposited.

5. The provisional directors shall hold office as such until the first election of directors. 3 E. VII., c. 58, s. 53. Tenure of office.

**82.**

R.S., 1906.

**82.** If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. 3 E. VII., c. 58, s. 54.

*Capital.*

**83.** The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each.

2. The moneys raised from the capital stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking. 3 E. VII., c. 58, s. 55.

**84.** So soon as twenty-five per centum of the capital has been subscribed, and ten per centum of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at which meeting the shareholders who have paid at least ten per centum on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the Special Act.

2. Notice of such meeting shall be given by advertisement for the time and in the manner hereinafter required for meetings of shareholders. 3 E. VII., c. 58, s. 56.

**85.** The original capital stock of the company may, with the approval of the Governor in Council, be increased, from time to time, to any amount, if,—

(a) such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose; and,

(b) the proceedings of such meeting have been entered in the minutes of the proceedings of the company.

2. Notice in writing stating the time, place and object of such meeting, and the amount of the proposed increase, shall be given to each shareholder, at least twenty days previously to such meeting, by delivering the notice to the shareholder personally, or depositing the same in the post office, post paid, and properly directed to the shareholder. 3 E. VII., c. 58, s. 57.

## Shares.

**86.** The stock of the company shall be personal property. Personal property.  
5 E. VII., c. 58, s. 97.

**87.** Shares in the company may be sold and transferred by the holders thereof by instrument in writing, made in duplicate. How transferred.

2. One of such duplicate transfers shall be delivered to the directors to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose. Duplicate transfers.

3. No interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. 3 E. VII., c. 58, s. 95. Dividends.

**88.** Transfers, except in the case of fully paid-up shares, shall be in the form following, or to the like effect, varying the names and descriptions of the contracting parties as the case requires, that is to say:— Form of transfer.

‘ I, (A. B.,) in consideration of the sum of \_\_\_\_\_ paid to me by (C. D.,) hereby sell and transfer to him \_\_\_\_\_ share (or shares) of the stock of the \_\_\_\_\_, to hold to him, the said (C. D.,) his executors, administrators and assigns (or successors and assigns, *as the case may be*), subject to the same rules and orders and on the same conditions upon which I held the same immediately before the execution hereof. And I, the said (C. D.,) do hereby agree to accept of the said (A. B.’s) share (or shares) subject to the same rules, orders and conditions.

‘ Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19 \_\_\_\_\_.’

2. In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company. 3 E. VII., c. 58, s. 96. As to paid-up shares.

**89.** No shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon. Restrictions on transfers.

2. No transfer of less than a whole share shall be valid. 3 E. VII., c. 58, s. 97.

**90.** The want of a certificate of proprietorship shall not prevent the holder of any share from disposing thereof. 3 E. VII., c. 58, s. 101. Sale without certificate.

**91.** If any share in the capital stock of the company is transmitted by the death, bankruptcy, last will and testament, *donatio mortis causa*, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement in writing signed by him, which shall declare the manner of such transmission. Transmission of stock otherwise than by transfer.



mission, and he shall deposit therewith a duly certified copy or probate of such will and testament, or sufficient extracts therefrom, and such other documents and proofs as are necessary.

Transferee  
must comply.

2. The person to whom the share is so transmitted as aforesaid, shall not, without complying with this section, be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof. 3 E. VII., c. 58, s. 98.

Company not  
bound to see  
to execution  
of trusts.

92. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or security issued by it is subject, whether or not the company has had notice of the trust; and it may treat the registered holder as the absolute owner of any such share or security, and shall not be bound to recognize any claim on the part of any other person whomsoever, with respect to any such share or security, or the dividend or interest payable thereon: Provided, that nothing in this section contained shall prevent a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights. 3 E. VII., c. 58, s. 99.

Non-payment  
of calls.

93. Every shareholder who makes default in the payment of any call payable by him, together with the interest, if any, accrued thereon, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company his shares in the company, and all the profit and benefit thereof.

Forfeiture.

Procedure.

2. No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred. 3 E. VII., c. 58, ss. 102 and 103.

Effect of  
forfeiture.

94. Every shareholder so forfeiting shall be by such forfeiture relieved from liability in all actions, suits or prosecutions whatsoever which may be commenced or prosecuted against him for any breach of the contract existing between such shareholder and the other shareholders by reason of such shareholder having subscribed for or become the holder of the shares so forfeited. 3 E. VII., c. 58, s. 104.

Sale of  
forfeited  
shares.

95. The directors may, subject as hereinafter provided, sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders, either at the general meeting at which such shares were declared to be forfeited, or at any subsequent general meeting.

Limitation.

2. The directors shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with

interest, and the expenses attending such sale and declaration of forfeiture.

3. If the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and the sale of such shares, the surplus shall, on demand, be paid to the defaulter.

4. If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, who shall be entitled thereto as if such calls had been duly paid.

5. Any shareholder may purchase any forfeited share so sold. 3 E. VII., c. 58, s. 105.

**96.** A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call, and that such share has been purchased by a purchaser therein named shall, together with the receipt of the treasurer of the company for the price of such share, constitute a good title thereto.

2. Such certificate shall be by the treasurer registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company, and such purchaser shall thereupon be deemed to be the holder of such share.

3. The purchaser shall not be bound to see to the application of the purchase money.

4. The title of the purchaser to such share shall not be affected by any irregularity in the proceedings in reference to such sale. 3 E. VII., c. 58, s. 106.

**97.** Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company.

2. Upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay such interest at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon.

3. Such interest shall not be paid out of the capital subscribed. 3 E. VII., c. 58, s. 107.

**98.** Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up: Provided that no action shall be instituted

or maintained against any such shareholder in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. 3 E. VII., c. 58, s. 108.

Municipal corporations may take stock.

**99.** Municipal corporations in any province of Canada duly empowered so to do by the laws of the province may, subject to the limitations and restrictions in such laws prescribed, subscribe for any number of shares in the capital stock of the company. 3 E. VII., c. 58, s. 58.

Aliens.

**100.** All shareholders in the company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the company, and to vote on the same, and, subject as herein provided, shall be eligible to office in the company. 3 E. VII., c. 58, s. 109.

Shareholders have equal rights.

Record of shareholders.

**101.** A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose, and which shall be open to the inspection of the shareholders. 3 E. VII., c. 58, s. 110.

#### *Meetings of Shareholders.*

General.

**102.** A general meeting of the shareholders for the election of directors, and for the transaction of other business connected with or incident to the undertaking, to be called the annual meeting, shall be held annually on the day mentioned in the Special Act, or on such other day as the directors may determine.

Annually.

Special.

2. Other general meetings, to be called special meetings, may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene a special meeting, fail, for twenty-one days thereafter, to call such meeting. 3 E. VII., c. 58, s. 59; 4 E. VII., c. 32, s. 3.

At head office.

**103.** All general meetings, whether annual or special, shall be held at the head office of the company. 3 E. VII., c. 58, s. 60.

Notice of meetings.

**104.** At least four weeks' public notice of any meeting shall be given by advertisement published in the *Canada Gazette*, and in at least one newspaper published in the place where the head office is situate.

Place and day.

2. Such notices shall specify the place and the day and the hour of meeting.

Publication.

3. All such notices shall be published weekly.

4. A copy of the *Canada Gazette* containing such notice shall, Evidence of notice. on production thereof, be sufficient evidence of such notice having been given. 3 E. VII., c. 58, s. 61.

**105.** Any business connected with or incident to the under-Business. taking may be transacted at an annual meeting, except such business as is, by this Act or the Special Act, required to be transacted at a special meeting.

2. No special meeting shall enter upon any business not At special meeting. set forth in the notice upon which it is convened. 3 E. VII., c. 58, s. 62.

**106.** The number of votes to which each shareholder shall Voting. be entitled, at any meeting of the shareholders, shall be in the proportion of the number of shares held by him, on which all calls due have been paid. 3 E. VII., c. 58, s. 63.

**107.** Every shareholder, whether resident in Canada or By proxy. elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:—

‘I, \_\_\_\_\_ of \_\_\_\_\_, one of the Form of proxy. shareholders of the \_\_\_\_\_, do hereby appoint \_\_\_\_\_ of \_\_\_\_\_, to be my proxy, and in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said \_\_\_\_\_ that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he, the said \_\_\_\_\_ thinks proper.

‘In witness whereof, I have hereunto set my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

2. The votes by proxy shall be as valid as if the constituents Valid. had voted in person. 3 E. VII., c. 58, ss. 64 and 65.

**108.** Every matter or thing proposed or considered at any Majority meeting of the shareholders shall be determined by the majority vote. of votes and proxies then present and given.

2. All decisions and acts of any such majority shall bind Binding. the company and be deemed the decisions and acts of the company. 3 E. VII., c. 58, s. 65.

**109.** All notices given by the secretary of the company Notices by of order of the directors shall be deemed notices by the directors secretary. of the company. 3 E. VII., c. 58, s. 67.

*President and Directors.*

**110.** A board of directors of the company, to manage its Chosen at affairs, the number of whom shall be stated in the Special Act, annual meeting. shall be chosen at the annual meeting.

- Or special meeting. 2. If such election is not held at the annual meeting, the directors shall cause such election to be held at a special meeting duly called for that purpose, within as short a delay as possible after the annual meeting.
- Voting. 3. No person shall vote at such special meeting except those who would have been entitled to vote if the election had been held at the annual meeting. 3 E. VII., c. 58, ss. 68 and 69.
- Municipal corporations to be represented. **111.** The mayor, warden, reeve or other head officer of any municipal corporation, in any province of Canada holding stock in any company to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the Special Act, unless in such Special Act provision is made for the representation of such corporation on the directorate of such company. 3 E. VII., c. 58, s. 58.
- Qualifications of directors. **112.** No person shall be a director unless he is a shareholder, owning twenty shares of stock, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen.
- Disability of officers, contractors and sureties. 2. No person who holds any office, place or employment in the company, or who is concerned or interested in any contract under or with the company, or is surety for any contractor with the company, shall be capable of being chosen a director, or of holding the office of director.
- Majority of directors British subjects. 3. If the company has received aid towards the construction of its railway or undertaking or any part thereof from the Government, under any Act of the Parliament of Canada, a majority of its directors shall be British subjects. 3 E. VII., c. 58, ss. 71 and 79; 4 E. VII., c. 32, s. 5.
- Term of office. **113.** The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors. 3 E. VII., c. 58, s. 72.
- Vacancies in directorate. **114.** Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. 3 E. VII., c. 58, s. 70.
- How filled. **115.** In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, be appointed in their stead by the remaining directors.
- If no quorum. 2. In case such remaining directors do not constitute a quorum, the shareholders, at a special meeting to be called for that purpose, may, unless otherwise prescribed in the by-laws, elect such other directors.
- If not filled. 3. If such appointment or election is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. 3 E. VII., c. 58, s. 73.

**116.** The directors shall, at their first or at some other meeting after their election, elect one of their number to be the president of the company; and they may, in like manner, elect a vice-president.

2. The president shall hold his office until he ceases to be a director, or until another president has been elected in his stead.

3. Unless otherwise provided by by-law, the president shall always, when present, preside at all meetings of the directors.

4. The vice-president shall act as chairman in the absence of the president. 3 E. VII., c. 58, s. 74.

**117.** A majority of the directors shall form a quorum.

2. The directors at any meeting regularly held, at which not less than a quorum is present, shall be competent to exercise all or any of the powers vested in the directors; and the act of a majority of a quorum of the directors present at any such meeting shall be deemed the act of the directors. 3 E. VII., c. 58, ss. 68, 75 and 76.

**118.** No director shall have more than one vote, except the chairman, who shall, in case of a division of equal numbers, have the casting vote. 3 E. VII., c. 58, s. 77.

**119.** The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all by-laws of the company, and to the orders and directions from time to time made or given at the annual or special meetings, if such orders and directions are not contrary to or inconsistent with any express direction or provision of this Act or of the Special Act. 3 E. VII., c. 58, s. 78.

**120.** No person who is a director of the company shall enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, other than a contract which relates to the purchase of land necessary for the railway, nor shall any such person be or become a partner of or surety for any contractor with the company. 3 E. VII., c. 58, s. 79.

**121.** The directors may make by-laws or pass resolutions, from time to time, not inconsistent with law, for,—

(a) the management and disposition of the stock, property, business and affairs of the company;

(b) the appointment of all officers, servants and artificers, and the prescribing of their respective duties and the compensation to be made therefor; and,

(c) the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service, and under the circumstances, consider just and reasonable. 3 E. VII., c. 58, s. 80.

- Appointment of officers.** **122.** The directors shall, from time to time, appoint such officers as they deem requisite, and shall take such sufficient security as they think proper from the managers and officers, for the time being, for the safe-keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their duties.
- Security.** 2. Such security may, as the directors deem expedient, be by bond or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes. 3 E. VII., c. 58, s. 81.
- By bond or guarantee.**
- Vice-president.** **123.** In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the Special Act, are required to be signed, performed and done by the president.
- His powers.**
- Entry in minutes.** 2. The directors may, at any meeting of directors, require the secretary of the company to enter such absence or illness among the proceedings of such meeting.
- Certificate.** 3. A certificate of any such absence or illness of the president, signed by the secretary of the company, shall be delivered to any person requiring the same, on payment to the treasurer of one dollar.
- Evidence.** 4. Such certificate shall be *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned. 3 E. VII., c. 58, ss. 82 and 83.
- Accounts.** **124.** The directors shall cause to be kept, and, annually, on the thirtieth day of June, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company, or by the directors or managers thereof, or otherwise for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. 3 E. VII., c. 58, s. 84.

#### *Calls.*

- How made.** **125.** The directors may, from time to time, make such calls of money as they deem necessary upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, if the intervals between such calls, the notices of each call, and the other provisions of this Act and of the Special Act, in respect of calls, are duly observed and given.
- Notice.** 2. At least thirty days' notice shall be given of each call.
- Amount.** 3. No call shall exceed the amount prescribed in the Special Act.
- 4.

4. No call shall be made at a less interval than two months Intervals.  
from the previous call.

5. A greater amount shall not be called in, in any one year, Annual  
than the amount prescribed in the Special Act. amount.

6. Nothing herein contained shall prevent the directors Resolution.  
from making more than one call by one resolution of the Board.  
3 E. VII., c. 58, s. 85.

**126.** At least four weeks' notice of any call upon the share- Publication  
holders of the company shall be given by weekly publication in of notice of  
the *Canada Gazette*, and in at least one newspaper published call.  
in the place where the head office of the company is situate.

2. A copy of the *Canada Gazette* containing any such notice Evidence.  
shall on production thereof be sufficient evidence of such notice  
having been given. 3 E. VII., c. 58, s. 86.

**127.** Every shareholder shall be liable to pay the amount Liability of  
of the calls so made, in respect of the shares held by him, to shareholder.  
the persons, and at the times and places, from time to time,  
appointed by the company or the directors. 3 E. VII., c. 58,  
s. 87.

**128.** If, on or before the day appointed for payment of Overdue calls  
any call, any shareholder does not pay the amount of such bear interest.  
call, he shall be liable to pay interest upon such amount, at  
the rate of five per centum per annum, from the day appointed Five per  
for the payment thereof to the time of the actual payment. cent.  
3 E. VII., c. 58, s. 88.

**129.** If, at the time appointed for the payment of any Failure to  
call, any shareholder fails to pay the amount of the call, he may pay call.  
be sued therefor in any court of competent jurisdiction, and Suit.  
such amount shall be recoverable with lawful interest from the  
day on which the call became payable. 3 E. VII., c. 58, s. 89.

**130.** In any action or suit to recover any money due upon Pleadings.  
any call, it shall not be necessary to set forth the special matter,  
but it shall be sufficient to declare that the defendant is the  
holder of one share or more, stating the number of shares, and  
is indebted in the sum of money to which the calls in arrear  
amount, in respect of one call or more, upon one share or more,  
stating the number and amount of each of such calls. 3 E. VII.,  
c. 58, s. 90.

#### *Dividends and Interest.*

**131.** Dividends, at and after the rate of so much per share Declaration  
upon the several shares held by the shareholders in the stock of of dividends.  
the company, may, from time to time, be declared and paid by  
the directors out of the net profits of the undertaking. 6 E.  
VII., c. 42, s. 5.



Reserve fund.

**132.** The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval.

How invested.

2. The directors may invest the sum so set apart as a reserve fund in such securities, not inconsistent with this or the Special Act, as they select. 3 E. VII., c. 58, s. 92.

No dividend out of capital.

**133.** No dividend shall be,—

(a) declared whereby the capital of the company is in any degree reduced or impaired; or,

(b) paid out of such capital; or,

Or if call unpaid.

(c) paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid:

Proviso as to interest.

Provided that the directors may in their discretion, until the railway is completed and opened to the public, pay interest at any rate, not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid, and that such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. 3 E. VII., c. 58, s. 93.

If shareholder in arrears.

**134.** No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect of any other share held by such shareholder while such call remains unpaid. 3 E. VII., c. 58, s. 94.

No interest.

Arrears deducted from dividend.

**135.** The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. 3 E. VII., c. 58, s. 94.

#### *Bonds, Mortgages and Borrowing Powers.*

Authorized.

**136.** Subject to the provisions of this Act and of the Special Act, the directors of the company may, when thereunto authorized by the Special Act, issue bonds, debentures, perpetual or terminable debenture stock, or other securities, if duly empowered in that behalf by the shareholders, at any special meeting called for the purpose by notice in the manner provided by this Act, or at any annual meeting in case like notice of intention to apply for such authority at such annual meeting has been given, at which meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company and who have paid all calls due thereon, are present in person, or represented by proxy.

Procedure.

2. Such securities shall be signed by the president or other presiding officer and countersigned by the secretary, and such counter-signature, and the signature to the coupons attached to such securities, may be engraved.

Securities,  
how exe-  
cuted.

3. Such securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per centum per annum, as the directors think proper.

When and  
where pay-  
able.  
Interest.

4. No such security shall be for a less sum than one hundred dollars.

Amount.

5. The directors may, for the purpose of raising money for prosecuting the undertaking, issue, and sell or pledge, all or any of the said securities, at the best price, and upon the best terms and conditions, which at the time they may be able to obtain.

Terms of  
sale.

6. The power of issuing securities conferred upon the company by this Act, or under the Special Act, shall not be construed as being exhausted by any issue, and such power may be exercised from time to time: Provided that the limit to the amount of securities fixed in the Special Act shall not be exceeded. 3 E. VII., c. 58, s. 111.

Extent of  
borrowing  
power.

**137.** No power to issue or dispose of any such securities conferred by any Special Act of a provincial legislature shall, if such railway is thereafter brought under the legislative authority of the Parliament of Canada, be subsequently exercised without the sanction of the Governor in Council. 3 E. VII., c. 58, s. 111.

Provincial  
railway.

**138.** The company may secure such securities by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein: Provided that such property, assets, rents and revenues shall be subject, in the first instance, to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

Mortgage.

2. By the said mortgage, the company may grant to the holders of such securities, or the trustees named in such mortgage, all and every the powers, rights and remedies granted by this Act in respect of the said securities, and all other powers, rights and remedies, not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be: and all the powers, rights and remedies, so provided for in such mortgage, shall be valid and binding and available to the said holders in manner and form as therein provided. 3 E. VII., c. 58, s. 112.

Powers  
which may  
be granted  
in mortgage.

**139.** The company may except from the operation of any such mortgage any assets, property, rents or revenue of the company

Property ex-  
cepted from  
mortgage.

- company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company.
- Special description. 2. Where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the sections or portions of the railway not intended to be included therein or conveyed thereby. 3 E. VII., c. 58, s. 112.
- Deposit with Secretary of State. **140.** Every such mortgage deed, and every assignment thereof, or other instrument in any way affecting such mortgage or security, shall be deposited in the office of the Secretary of State of Canada, and notice of such deposit shall forthwith be given in the *Canada Gazette*.
- Notice. 2. Such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of instruments affecting real or personal property. 3 E. VII., c. 58, s. 112.
- No other registration.
- Securities a first charge. **141.** Subject as hereinbefore provided to the payment of penalties and the working expenditure of the railway, and to any lawful restriction or exception contained in the mortgage deed, the securities so authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and the real and personal property thereof, at any time acquired. 3 E. VII., c. 58, s. 113.
- Holder a mortgagee. **142.** Each holder of the said securities shall be deemed to be a mortgagee or encumbrancer upon the mortgaged premises *pro rata* with all the other holders.
- No proceedings except by trustee. 2. No proceedings authorized by law or by this Act shall be taken to enforce payment of the said securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed. 3 E. VII., c. 58, s. 113.
- Default of company. **143.** If the company makes default in paying the principal or interest on any of such securities at the time when such principal or interest, by the terms of the securities, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of such securities so being and remaining in default, shall, in respect thereof, subject to the provisions of the next following section, have and possess the same rights, privileges and qualifications for being elected directors, and for voting at general meetings, as would attach to them as shareholders, if they held fully paid-up shares of the company to a corresponding amount. 3 E. VII., c. 58, s. 114.
- Rights of security holders.

**144.** The rights given by the last preceding section shall not be exercised by any such holder, unless it is so provided by the mortgage deed, nor unless the security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon.

Limitations affecting such rights.

2. The company shall be bound on demand to register such securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares. 3 E. VII., c. 58, s. 114.

Registration.

**145.** The exercise of the rights so given as provided by the two last preceding sections, shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said securities are entitled under the provisions of such mortgage deed. 3 E. VII., c. 58, s. 114.

Other rights not affected.

**146.** All such securities may be made payable to bearer, and shall, in that case, be transferable by delivery until registration thereof, as hereinbefore provided.

Transfer by delivery.

2. While so registered, they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. 3 E. VII., c. 58, s. 115.

Or writing if registered.

**147.** The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange, or otherwise upon the credit of the company, and become party to promissory notes and bills of exchange.

Power to borrow by overdraft, etc.

2. Every such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown.

Note or bill of company, how made.

3. It shall not be necessary in any case to have the seal of the company affixed to any such promissory note or bill of exchange.

No seal necessary.

4. Nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the note or bill of a bank. 3 E. VII., c. 58, s. 116.

No bill payable to bearer.

**148.** Neither the president, vice-president or secretary, or any other officer of the company so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange

Officers not personally liable.

has been issued without proper authority. 3 E. VII., c. 58, s. 116.

*Purchase of Railway Securities.*

**149.** No company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities, issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities: Provided that nothing in this section shall affect the powers or rights which any company in Canada had or possessed on the first day of February, one thousand nine hundred and four, by virtue of any Special Act, to acquire, have or hold shares, bonds, or other securities of any railway company in Canada or the United States. 3 E. VII., c. 58, s. 290.

Company not to purchase railway stock.

Existing rights saved.

CONSTRUCTION.

*Limitation of Time for Construction.*

**150.** If the construction of the railway is not commenced and fifteen per centum of the amount of the capital stock is not expended thereon within two years after the passing of the Act authorizing the construction of the railway, or if the railway is not finished and put in operation within five years from the passing of such Act, then the powers granted by such Act, or by this Act, shall cease and be null and void as respects so much of the railway as then remains uncompleted. 3 E. VII., c. 58, s. 117.

Commencement.

Completion.

*General Powers.*

**151.** The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained,—

(a) enter into and upon any Crown lands without previous license therefor, or into and upon the lands of any person whomsoever, lying in the intended route or line of the railway, and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

Surveys.

(b) receive, take and hold, all voluntary grants and donations of lands or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

Receive grants and bonuses.

(c) purchase, take and hold of and from any person, any lands or other property necessary for the construction,

Acquire property.

maintenance and operation of the railway, and also alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway:

- (d) make, carry or place the railway across or upon the lands of any person on the located line of the railway; Dispose of property not required.
- (e) cross any railway, or join the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; Placing of railway. Connect with other railways.
- (f) make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks, to be worked by the force and power of steam, electricity, or of the atmosphere, or by mechanical power, or any combination of them; Construct and operate railways.
- (g) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharfs, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock, and other apparatus necessary for the accommodation and use of the traffic and business of the railway; Buildings, equipment, etc.
- (h) make branch railways, and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway; Branch railways.
- (i) take, transport, carry and convey persons and goods on the railway, and regulate the time and manner in which the same shall be transported, and the tolls to be charged therefor; Transport passengers and freight.
- (j) fell or remove any trees which stand within one hundred feet from either side of the right of way of the railway, or which are liable to fall across any railway track; Remove trees.
- (k) make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences; Make tunnels and other works.
- (l) divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway; Divert highways and waterways.
- (m) make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway; Construct drains.
- (n) divert or alter the position of any water-pipe, gas-pipe, sewer, or drain, or any telegraph, telephone or electric lines, wires or poles; Divert drains, pipes and wires.
- (o) construct, acquire and use telegraph, telephone or electric lines and plant; Telegraph, etc.

Alter and substitute other works.

(p) from time to time alter, repair or discontinue the works hereinbefore mentioned, or any of them, and substitute others in their stead; and,

Other necessary acts.

(q) do all other acts necessary for the construction, maintenance and operation of the railway. 3 E. VII., c. 58, s. 118.

Company may dispose of lands acquired from Crown.

**152.** Any company which has obtained from the Crown, by way of subsidy or otherwise, in respect of the construction or operation of its railway, a right to any land or to an interest in land, has, and from the time of obtaining such right has had, as incident to the exercise of its corporate powers, authority to acquire, sell or otherwise dispose of the same or any part thereof.

To another company.

2. Such company may convey such right or interest or any part thereof, to any other company which has entered into any undertaking for the construction or operation, in whole, or in part, of the railway in respect of which such land or interest in land was given; and thereafter such other company shall have, in respect of such land or interest in land, the same authority as that of the company which has so conveyed it. 3 E. VII., c. 58, s. 118.

Lands given to company by any person.

**153.** If any lands have been given to the company by any corporation or person, as aid towards, or as consideration in whole or in part for the construction or operation of the company's railway, either generally or with respect to the adoption of any particular route, or on any other account, the authority of the company, and of any other company to which it may convey its right in any of the said lands, shall be the same as if such lands had been obtained by the company from the Crown as aforesaid. 3 E. VII., c. 58, s. 118.

Diversions and alterations, to be made good.

**154.** The company shall restore, as nearly as possible, to its former state, any river, stream, watercourse, highway, water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric line, wire or pole, which it diverts or alters, or it shall put the same in such a state as not materially to impair the usefulness thereof. 3 E. VII., c. 58, s. 119.

Compensation.

**155.** The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the Special Act provided, to all persons interested, for all damage by them sustained by reason of the exercise of such powers. 3 E. VII., c. 58, s. 120.

Exercise of powers in United States.

**156.** Any company operating a railway from any point in Canada to any point on the international boundary line may exercise, beyond such boundary, in so far as permitted by the laws there in force, the powers which it may exercise in Canada. 3 E. VII., c. 58, s. 121.

*Location of Line.*

**157.** The company shall prepare, and submit to the Minister, in duplicate, a map showing the general location of the proposed line of the railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tide-waters, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the Minister may require.

2. Such map shall be prepared upon a scale of not less than six miles to the inch, or upon such other appropriate scale as the Minister may determine, and shall be accompanied by an application in duplicate, stating the Special Act authorizing the construction of such railway, and requesting the Minister's approval of the general location as shown on the said map.

3. Before approving such map and location the Minister may, subject to the Special Act, make such changes and alterations therein as he may deem expedient, and upon being satisfied therewith shall signify his approval upon the map and the duplicate thereof.

4. The map when so approved and the application shall be filed in the Department of Railways and Canals, and the duplicate thereof with the Board.

5. The Minister in approving any such map and location may approve the whole or any portion thereof, and where he approves only a portion thereof he shall signify his approval upon the map and the duplicate thereof accordingly.

6. The provisions of this section shall only apply to the main line, and to branch lines over six miles in length.

**158.** Upon compliance with the provisions of the last preceding section, the company shall make a plan, profile and book of reference of the railway.

2. The plan shall show,—

- (a) the right of way, with lengths of sections in miles;
- (b) the names of terminal points;
- (c) the station grounds;
- (d) the property lines and owners' names;
- (e) the areas and length and width of lands proposed to be taken, in figures, stating every change of width;
- (f) the bearings; and,
- (g) all open drains, watercourses, highways and railways proposed to be crossed or affected.

3. The profile shall show the grades, curves, highway and railway crossings, open drains and watercourses.

4. The book of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers



- of the lots, and the area, length and width of the portion of each lot proposed to be taken, and names of owners and occupiers so far as they can be ascertained.
- Further information.** 5. The Board may require any additional information for the proper understanding of the plan and profile.
- Sections.** 6. The plan, profile and book of reference may be of a section or sections of the railway.
- Quebec.** 7. In the province of Quebec the portion of the railway comprised in each municipality shall be indicated on the plan, and in the book of reference, by separate number or numbers. 3 E. VII., c. 58, s. 122.
- Sanction by Board.** **159.** Such plan, profile and book of reference shall be submitted to the Board which, if satisfied therewith, may sanction the same.
- Effect.** 2. The Board by such sanction shall be deemed to have approved merely the location of the railway and the grades and curves thereof, as shown in such plan, profile and book of reference, but not to have relieved the company from otherwise complying with this Act.
- Board may sanction deviation of 1 mile.** 3. In granting any such sanction the Board shall be bound by the general location as approved by the Minister: Provided that the Board may, unless the Minister otherwise specifically directs, sanction a deviation of not more than one mile from any one point on the said general location so approved.
- Further information.** 4. Before sanctioning any plan, profile or book of reference of a section of a railway, the Board may require the company to submit the plan, profile and book of reference of the whole, or of any portion of the remainder of the railway, or such further or other information as the Board may deem expedient. 3 E. VII., c. 58, s. 123; 6 E. VII., c. 42, s. 7.
- Deposit with Board.** **160.** The plan, profile and book of reference, when so sanctioned, shall be deposited with the Board, and each plan shall be numbered consecutively in order of deposit.
- With registrar of deeds.** 2. The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Secretary, in the offices of the registrars of deeds for such districts or counties respectively. 3 E. VII., c. 58, s. 124.
- Errors.** **161.** The railway may be made, carried or placed across or upon the lands of any person on the located line, although through error or any other cause, the name of such person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey, or as interested in such lands. 3 E. VII., c. 58, s. 125.
- Corrections.** **162.** Where any omission, misstatement or error is made in any plan, profile or book of reference so registered, the

company may apply to the Board for a certificate to correct the Procedure. same.

2. The Board may, in its discretion, require notice to be Notice. given to parties interested, and, if it appears to the Board that such omission, misstatement or error arose from mistake, may grant a certificate setting forth the nature of the omission, misstatement or error and the correction allowed.

3. Upon the deposit of such certificate with the Board, Deposit. and of copies thereof, certified as such by the Secretary, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct the railway in accordance with such correction.

4. Two justices may exercise the powers of the Board under Powers of this section. 3 E. VII., c. 58, s. 126. two justices.

**163.** Every registrar of deeds shall receive and preserve Duties of in his office, all plans, profiles, books of reference, certified registrars of copies thereof, and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when the same were so deposited.

2. All persons may resort to such plans, profiles, books of Extracts and reference, copies and documents so deposited, and may make copies. extracts therefrom, and copies thereof, as occasion requires, paying the registrar therefor at the rate of ten cents for each Fees. hundred words, so copied or extracted, and ten cents for each copy made of any plan or profile.

3. The registrar shall, at the request of any person, certify Certified copies of any such plan, profile, book of reference, or document, so deposited in his office, or of such portions thereof copies. as may be required, on being paid therefor at the rate of ten Fees. cents for each hundred words copied, and such additional sum, for any copy of plan or profile furnished by him, as is reasonable and customary in like cases, together with fifty cents for each certificate given by him.

4. Such certificate of the registrar shall set forth that the Certificate of plan, profile or document, a copy of which, or of any portion registrar. of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that the same is a true copy of such original. 3 E. VII., c. 58, s. 127.

**164.** A plan and profile of the completed railway or of Plan and any part thereof which is completed and in operation, and profile of any part thereof which is completed and in operation, and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, or within six months after beginning to operate any such completed part, as the case may be, or within such extended or renewed line must be filed.

With Board. period as the Board at any time directs, be made and filed with the Board.

At registry offices. 2. Plans of the parts of such railway so completed or in operation located in different districts and counties, prepared on such a scale, and in such manner, and form, and signed, or authenticated in such manner, as the Board may from time to time, by general regulation or in any individual case, sanction or require, shall be filed in the registry offices for the districts and counties in which such parts are respectively situate. 3 E. VII., c. 58, s. 128.

Plans and profiles, how prepared. **165.** All plans and profiles required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and shall be of such character, as the Board may, either by general regulation, or in any case, require or sanction.

Certification. 2. All such plans and profiles shall be certified and signed by the president or vice-president or general manager, and also by the engineer of the company.

Book of reference. 3. Any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board.

Board may refuse sanction. 4. Unless and until such plan, profile and book of reference is so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board. 3 E. VII., c. 58, s. 129.

Further plans, etc., as Board requires. **166.** In addition to such plans, profiles and books of reference, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require. 3 E. VII., c. 58, s. 129.

Deviations, changes or alterations. **167.** If any deviation, change or alteration is required by the company to be made in the railway, or any portion thereof, as already constructed, or as merely located and sanctioned, a plan, profile and book of reference of the portion of such railway proposed to be changed, showing the deviation, change or alteration proposed to be made, shall, in like manner as hereinbefore provided with respect to the original plan, profile and book of reference, be submitted for the approval of the Board, and may be sanctioned by the Board.

Deposit. 2. The plan, profile and book of reference of the portion of such railway so proposed to be changed shall, when so sanctioned, be deposited and dealt with as hereinbefore provided with respect to such original plan, profile and book of reference.

Company may execute works. 3. The company may thereupon make such deviation, change, or alteration, and all the provisions of this Act shall apply to the portion of such line of railway so at any time changed or proposed to be changed, in the same manner as they apply to the original line.

4. The Board may, either by general regulation, or in any particular case, exempt the company from submitting the plan, profile and book of reference, as in this section provided, where such deviation, change, or alteration, is made, or to be made, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting the railway, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change, or alteration does not exceed three hundred feet from the centre line of the railway, located, or constructed, in accordance with the plans, profiles and books of reference deposited with the Board under this Act.

Board may dispense with proceedings.

5. Nothing in this section shall be taken to authorize any extension of the railway beyond the termini mentioned in the Special Act. 3 E. VII., c. 58, s. 130.

Termini to be observed.

**168.** The company shall not commence the construction of the railway, or any section or portion thereof, until the plan, profile and book of reference has been submitted to and sanctioned by the Board as hereinbefore provided, nor until such plan, profile and book of reference so sanctioned has been deposited with the Board, and duly certified copies thereof with the registrars of deeds, in accordance with the provisions of this Act.

Commencement of works.

2. The company shall not make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with. 3 E. VII., c. 58, s. 131.

Alteration.

*Mines and Minerals.*

**169.** No company shall, without the authority of the Board, locate the line of its proposed railway, or construct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made. 3 E. VII., c. 58, s. 132.

Mines to be protected.

**170.** The company shall not, unless the same have been expressly purchased, be entitled to any mines, ores, metals, coal, slate, mineral oils or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works.

Company not entitled to minerals.

Exception.

2. All such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby. 3 E. VII., c. 58, s. 132.

Not included in conveyance.

**171.** No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith

Mining under or within it

yards of any railway.

Application for leave of Board.

Protection and safety of the public.

therewith, or within forty yards therefrom, shall work the same until leave therefor has been obtained from the Board.

2. Upon any application to the Board for leave to work any such mines or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant affecting the railway, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

3. The Board may grant such application upon such terms and conditions for the protection and safety of the public as to the Board seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from such mining operations. 3 E. VII., c. 58, s. 133.

*The taking or using of Lands.*

Crown lands.

Consent.

May not alienate.

In trust.

Compensation.

Public beach and lands covered with water.

Naval or military lands.

**172.** No company shall take possession of, use or occupy any lands vested in the Crown, without the consent of the Governor in Council.

2. Any company may, with such consent, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, so much of the lands of the Crown lying on the route of the railway as have not been granted or sold, and as is necessary for such railway, and also so much of the public beach, or bed of any lake, river or stream, or of the land so vested covered with the waters of any such lake, river or stream as is necessary for making and completing and using its said railway and works.

3. The company may not alienate any such lands so taken, used or occupied.

4. Whenever any such lands are vested in the Crown for any special purpose, or subject to any trust, the compensation money which the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust. 3 E. VII., c. 58, s. 134.

**173.** The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinafter limited in the case of lands which may be taken without the consent of the owner. 3 E. VII., c. 58, s. 134.

**174.** Whenever it is necessary for the company to occupy any part of the lands belonging to the Crown reserved for naval or military purposes, it shall first apply for and obtain the license and consent of the Crown, under the hand and seal of the Governor General.

2. No such license or consent shall be given, except upon a License or report first made thereupon by the naval or military authorities, consent. in which such lands are for the time being vested, approving of such license and consent being so given.

3. The company may, with such license and consent, at any Entry. time or times enter into and enjoy any of the said lands for the purposes of the railway. 3 E. VII., c. 58, s. 135.

**175.** No company shall take possession of or occupy any Indian lands. portion of any Indian reserve or lands, without the consent of the Governor in Council.

2. When, with such consent, any portion of any such reserve Consent. or lands is taken possession of, used or occupied by any company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. 3 E. VII., c. 58, s. 136.

**176.** The company may take possession of, use or occupy Lands of any lands belonging to any other railway company, use and other enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any other railway company, and have and exercise full right and power to run and operate its trains over and upon any portion or portions of the railway of any other railway company, subject always to the approval of the Board first obtained and to any order and direction which the Board may make in regard to the exercise, enjoyment or restriction of such powers or privileges.

2. Such approval may be given upon application and notice, Procedure and, after hearing, the Board may make such order, give such therefor. directions, and impose such conditions or duties upon either party as to it may appear just or desirable, having due regard to the public and all proper interests.

3. If the parties fail to agree as to compensation, the Board Compensation. may, by order, fix the amount of compensation to be paid in respect of the powers and privileges so granted. 3 E. VII., c. 58, s. 137; 6 E. VII., c. 42, s. 8.

**177.** The lands which may be taken without the consent Extent of the owner shall not exceed,— lands.

(a) for the right of way, one hundred feet in breadth, except For right of in places where the rail level is or is proposed to be more way. than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

(b) for stations, depots and yards, with the freight sheds, For stations, warehouses, wharfs, elevators and other structures for the etc. accommodation of traffic incidental thereto, one mile in length by five hundred feet in breadth, including the width of the right of way. 3 E. VII., c. 58, s. 138.

Where more ample space required.

**178.** Should the company require, at any point on the railway, more ample space than it possesses or may take under the last preceding section, for the convenient accommodation of the public, or for the traffic on its railway, or for protection against snowdrifts, or for the diversion of a highway, or for the substitution of one highway for another, or for the construction or taking of any works or measures ordered by the Board under any of the provisions of this Act or the Special Act, or to secure the efficient construction, maintenance or operation of the railway, it may apply to the Board for authority to take the same for such purposes, without the consent of the owner.

Procedure.

2. The company shall give ten days' notice of such application to the owner or possessor of such lands, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

What application must include.  
Plan, etc.

3. The company, upon such application, shall also furnish to the Board, in duplicate,—

(a) a plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as hereinbefore provided with respect to plans and profiles required to be deposited by the company with the Board:

(b) an application, in writing, for authority to take such lands, signed and sworn to by the president, vice-president, general manager or engineer of the company, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands is required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Particulars to be specified.

Authority from Board.

4. After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for.

In duplicate.

5. Such authority shall be executed in duplicate, and one of such duplicates shall be filed, with the plan, profile, book of reference, application and notices, with the Board; and the other, with the duplicate plan, profile, book of reference and application, shall be delivered to the company.

Deposit with registrars of deeds.

6. Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary, shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Provisions of this Act which apply.

7. All the provisions of this Act applicable to the taking of lands without the consent of the owner for the right of way or main line of the railway shall apply to the lands author-

ized under this section to be taken, except the provisions relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof, when so sanctioned, with the Board and with registrars of deeds.

8. The Board may, upon consent in writing having been first obtained from the Minister in that behalf, repeal, rescind, change or vary any certificate of the Minister made under section one hundred and nine of *The Railway Act, 1888*. 3 E. VII., c. 58, s. 139; 6 E. VII., c. 42, s. 9.

Repeal and change of certificates made under 1888, c. 29, s. 109.

**179.** The company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required.

Use of adjoining lands.

2. Before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the province in which the land is situated,—

If owner does not consent.

(a) such sum, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of such superior court; and,

Sum to be deposited.

(b) interest for six months upon the sum so fixed.

Interest.

3. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award, and the surplus, if any thereafter remaining, shall, by order of the judge, be repaid to the company.

As security for compensation.

4. Any deficiency in such deposit to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award. 3 E. VII., c. 58, s. 140.

Deficiency to be paid.

**180.** Whenever,—

(a) any stone, gravel, earth, sand, water or other material is required for the construction, maintenance or operation of the railway, or any part thereof; or,

Obtaining materials for construction or operation.

(b) such materials or water, so required, are situate, or have been brought to a place at a distance from the line of railway; and,

Transport.

(c) the company desires to lay down the necessary tracks, spurs or branch lines, water pipes or conduits, over or through any lands intervening between the railway and

Tracks or conduits.



- the land on which such materials or water are situate, or to which they have been brought;
- the company may, if it cannot agree with the owner of the lands for the purchase thereof, cause a land surveyor, duly licensed to act in the province, or an engineer, to make a plan and description of the property or right of way, and shall serve upon each of the owners or occupiers of the lands affected a copy of such plan and description, or of so much thereof as relates to the lands owned or occupied by them respectively, duly certified by such surveyor or engineer.
- Plan and description.**
- Provisions of this Act which apply.** 2. All the provisions of this Act shall, in so far as applicable, apply, and the powers thereby granted may be used and exercised to obtain the materials or water, so required, or the right of way to the same, irrespective of the distance thereof: Provided that the company shall not be required to submit any such plan for the sanction of the Board.
- Title may be acquired.** 3. The company may, at its discretion, acquire the lands from which such materials or water are taken, or upon which the right of way thereto is located, for a term of years or permanently.
- Arbitration.** 4. The notice of arbitration, if arbitration is resorted to, shall state the extent of the privilege and title required.
- Tracks not to be used for other purposes.** 5. The tracks, spurs or branch lines constructed or laid by the company under this section shall not be used for any purpose other than in this section mentioned, except by leave of the Board, and subject to such terms and conditions as the Board sees fit to impose. 3 E. VII., c. 58, s. 141.
- Purchase of more land than required.** **181.** Whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on terms more advantageous, than those upon which it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity.
- Re-sale.** 2. The company may sell and dispose of any part of the lands so purchased which may be unnecessary for its undertaking. 3 E. VII., c. 58, s. 142.
- Snow fences.** **182.** Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any actually suffered, as are thereafter established, in the manner provided by law with respect to such railway.
- Compensation.**
- Removal.** 2. Every snow fence so erected shall be removed on or before the first day of April then next following. 3 E. VII., c. 58, s. 143.
- Power of representation.** **183.** All tenants in tail or for life, *grévés de substitution*, guardians, curators, executors, administrators, trustees and all persons

persons whomsoever, as well for and on behalf of themselves, their heirs and successors, as on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert* or other persons, seized, possessed of or interested in any lands, may contract and sell and convey to the company all or any part thereof. 3 E. VII., c. 58, s. 144.

**184.** When such persons have no right in law to sell or convey the rights of property in the said land, they may obtain from a judge, after due notice to the persons interested, the right to sell the said land.

2. The said judge shall give such orders as are necessary to secure the investment of the purchase money, in such a manner as he deems necessary, in accordance with the law of the province, to secure the interests of the owner of the said land. 3 E. VII., c. 58, s. 145.

**185.** The powers, by the last two preceding sections conferred upon,—

- (a) rectors in possession of glebe lands in the province of Ontario;
- (b) ecclesiastical and other corporations;
- (c) trustees of land for church or school purposes;
- (d) executors appointed by wills under which they are not invested with any power over the real property of the testator; and,
- (e) administrators of persons dying intestate, but at their death seized of real property;

shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. 3 E. VII., c. 58, s. 146.

**186.** Any contract, agreement, sale, conveyance or assurance made under the authority of any of the last three preceding sections shall be valid and effectual in law, to all intents and purposes whatsoever; and any conveyance so authorized shall vest in the company receiving the same the fee simple in the lands therein described, freed and discharged from all trusts, restrictions and limitations whatsoever.

2. The person so conveying is hereby relieved from liability for what he does by virtue of or in pursuance of this Act. 3 E. VII., c. 58, s. 147.

**187.** The company shall not be responsible for the disposition of any purchase money for lands taken by the company for its purposes, if paid to the owner of the land or into court for his benefit. 3 E. VII., c. 58, s. 148.

**188.** Any contract or agreement made by any person authorized by this Act to convey lands, either before the deposit of the plan, profile and book of reference, or before the setting out and

ascertaining of the lands required for the railway, shall be binding at the price agreed upon, if the lands are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such lands have in the meantime become the property of a third person.

May be carried out.

2. Possession of the lands may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. 3 E. VII., c. 58, s. 149.

Rental when parties cannot sell.

**189.** If, in any case not hereinbefore provided for, any person interested in any lands so set out and ascertained is not authorized by law to sell or alienate the same, he may agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid therefor.

How fixed.

2. If the amount of the rent is not fixed by agreement, it shall be fixed and all proceedings shall be regulated, in the manner herein prescribed. 3 E. VII., c. 58, s. 150.

Rent chargeable to working expenses.

**190.** Such annual rent and every other annual rent, agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, shall, upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division, be chargeable as part of the working expenditure of the railway: 3 E. VII., c. 58, s. 151.

Compensation or damages may be agreed for.

**191.** After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the registrar of deeds, and after notice thereof has been given in at least one newspaper, if any published, in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands, or to persons empowered to convey lands, or interested in lands, which may be taken, or which suffer damage from the taking of materials, or the exercise of any of the powers granted for the railway; and, thereupon, such agreements and contracts as seem expedient to both parties may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained.

Agreements authorized.

Disagreement.

2. In case of disagreement between the parties, or any of them, all questions which arise between them shall be settled as hereinafter provided. 3 E. VII., c. 58, s. 152.

#### *Compensation and Damages.*

General notice.

**192.** The deposit of a plan, profile and book of reference, and the notice of such deposit, shall be deemed a general notice

to all parties of the lands which will be required for the railway and works.

2. The date of such deposit shall be the date with reference to which such compensation or damages shall be ascertained. Date for purpose of valuation.  
3 E. VII., c. 58, s. 153.

**193.** The notice served upon the party shall contain,— Notice to be served.

(a) a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands therein described; and,

(b) a declaration of readiness to pay a certain sum or rent, as the case may be, as compensation for such lands or for such damages. 3 E. VII., c. 58, s. 154.

**194.** Such notice shall be accompanied by the certificate of a sworn surveyor for the province in which the lands are situated, or an engineer, who is a disinterested person, which certificate shall state,— Certificate of surveyor or engineer.

(a) that the land, if the notice relates to the taking of land shown on the said plan, is required for the railway, or is within the limit of deviation allowed by this Act;

(b) that he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

(c) that the sum so offered is, in his opinion, a fair compensation for the land and damages aforesaid. 3 E. VII., c. 58, s. 155.

**195.** If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to a judge of a superior court for the province or district, or to the judge of the county court of the county where the lands lie. Service by publication.

2. Such application shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained. Application for.

3. The judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in a newspaper published in the district or county, or, if there is no newspaper published therein, then in a newspaper published in some adjacent district or county. 3 E. VII., c. 58, ss. 157 and 158. Judge shall order notice.

**196.** If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, the judge shall, on the application of the company, appoint a person to be sole arbitrator for determining the compensation to be paid as aforesaid. If sum offered not accepted. Appointment of arbitrator.

Three arbitrators if required by either party.

Provided that the judge shall, at the request of either party on such application, appoint three arbitrators to determine such compensation, one of whom may be named by each party on such application.

Notice.

2. Six days' notice of such application shall be given by the company to the opposite party.

Service by publication.

3. If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such six days' notice may be made by advertisement as in the last preceding section authorized: Provided that the judge may dispense with, or shorten the time or times for, the publication of the notice in any such case in which he deems it proper. 3 E. VII., c. 58, s. 159; 6 E. VII., c. 42, s. 10.

Arbitrators to be sworn.

**197.** The arbitrators, or the sole arbitrator, as the case may be, shall be sworn before a justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their or his office, and shall proceed to ascertain such compensation in such way as they or he, or a majority of them, deems best.

Duties.

Award.

2. The award of such arbitrators, or of any two of them, or of the sole arbitrator, shall, except as hereinafter provided, be final and conclusive.

Procedure.

3. No such award shall be made, nor shall any official act be done, by a majority of the arbitrators except at a meeting held at a time and place of which the other arbitrator has had at least two clear days' notice, or to which some meeting at which the third arbitrator was present has been adjourned. 3 E. VII., c. 58, s. 160.

Increased value of remaining lands to be considered.

**198.** The arbitrators or the sole arbitrator, in deciding on such value or compensation, shall take into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to any lands of the opposite party through or over which the railway will pass, by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and shall set off such increased value that will attach to the said lands against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands. 3 E. VII., c. 58, s. 161.

Costs.

**199.** If, by any award of the arbitrators or of the sole arbitrator made under this Act, the sum awarded exceeds the sum offered by the company, the costs of the arbitration shall be borne by the company; but if otherwise they shall be borne by the opposite party and be deducted from the compensation.

Taxation.

2. The amount of the costs, if not agreed upon, may be taxed by the judge. 3 E. VII., c. 58, s. 162.

**200.** The arbitrators, or a majority of them, or the sole arbitrator, shall examine on oath or solemn affirmation the parties, or such witnesses as appear before them or him. 3 E. VII., c. 58, s. 163.

**201.** Such arbitrators or arbitrator may with respect to such arbitration,—

- (a) enter upon and inspect any place, building or works being the property of or under the control of the company or the opposite party, the entry or inspection of which appears to them or him requisite; Entry.
- (b) inspect any works, structure, rolling stock or property of the company; Inspection.
- (c) require the production of all books, papers, plans, specifications, drawings and documents relating to the matter before them, or him; and, Production.
- (d) administer oaths, affirmations or declarations. Oaths.

2. They shall have the like power in summoning witnesses and enforcing their attendance and compelling them to give evidence and produce books, papers or things which they are required to produce as is vested in any court in civil cases. Compelling witnesses.

3. The persons attending and giving evidence at any such arbitration shall be entitled to the like fees and allowances for so doing as if summoned to attend before the Exchequer Court. Witnesses' fees.

4. The provisions hereinbefore contained with respect to the production before the Board of books and papers which may tend to criminate the persons producing them shall apply to persons attending and giving evidence at any such arbitration. 3 E. VII., c. 58, s. 163. Incriminating papers.

**202.** The arbitrators or the sole arbitrator shall take down in writing the evidence brought before them or him, unless either party requires that it be taken by a stenographer; in which case a stenographer shall be named by the arbitrators or arbitrator, unless the parties agree upon one. Notes of evidence.

2. The stenographer shall be sworn before the arbitrators, or before any one of them before entering upon his duties. Stenographer.

3. The expense of such stenographer, if not determined by agreement between the parties, shall be taxed by the court or a judge thereof, and shall, in any case, form part of the costs of the arbitration. 3 E. VII., c. 58, s. 163. His expenses.

**203.** After making the award, the arbitrators or the sole arbitrator shall forthwith deliver or transmit by registered letter, at the request of either party in writing, the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the clerk of the court, to be filed with the records of the said court. 3 E. VII., c. 58, s. 163. All papers except award to be filed in court.

Time within which award shall be made.

**204.** A majority of the arbitrators, at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has, either by the consent of the parties, or by resolution of the arbitrators, or by the sole arbitrator, been prolonged, then the sum offered by the company, as aforesaid, shall be the compensation to be paid by the company. 3 E. VII., c. 58, s. 164.

Award not invalidated by want of form.

**205.** No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other property, right or privilege for which such sum is to be the compensation.

Payee need not be named.

2. The person to whom the sum is to be paid need not be named in the award. 3 E. VII., c. 58, s. 164.

Vacancies in office of arbitrator Judge appoints another.

**206.** If any arbitrator appointed by the judge dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, the judge, upon the application of either party, of which application six days' notice shall be given to the opposite party, and upon being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, shall appoint another arbitrator in the place of such arbitrator: Provided that if any arbitrator named by one of the parties and appointed by the judge shall die or refuse or fail to act, such party may, upon such application, name the arbitrator who shall be appointed by the judge in the place of the arbitrator so deceased or not acting.

Proceedings not to be repeated.

2. The proceedings shall not in any such case require to be recommenced or repeated. 3 E. VII., c. 58, s. 165.

Company may abandon proceedings.

**207.** Where the notice given improperly describes the lands or materials intended to be taken, or where the company decides not to take the lands or materials mentioned in the notice, it may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages or costs incurred by him in consequence of such notice and abandonment, which costs shall be taxed in the same manner as costs after an award.

Paying damages and costs.

And give fresh notice.

2. The company may, notwithstanding the abandonment of any former notice, give to the same or any other person notice for other lands or materials, or for lands or materials otherwise described. 3 E. VII., c. 58, s. 166.

Arbitrator not disqualified by Retainer.

**208.** If a person offered or appointed as valuator, or as sole arbitrator, is not himself personally interested in the amount of the compensation he shall not be disqualified because he is professionally employed by either party, or has previously expressed

pressed an opinion as to the amount of compensation, or because he is related or of kin to any shareholder of the company.

Opinion.  
Kindred.

2. No cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection shall be made before the appointment, and its validity or invalidity shall be summarily determined by the judge. 3 E. VII., c. 58, s. 167.

Objection  
must be  
before  
appointment.

**209.** Whenever the award exceeds six hundred dollars, any party to the arbitration may, within one month after receiving a written notice from any one of the arbitrators or the sole arbitrator, as the case may be, of the making of the award, appeal therefrom upon any question of law or fact to a superior court; and upon the hearing of the appeal such court shall decide any question of fact upon the evidence taken before the arbitrators, as in a case of original jurisdiction.

Appeal from  
award.

2. Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from the decision of an inferior court to the said superior court, subject to any general rules or orders from time to time made by the said last mentioned court, in respect to such appeals.

Practice and  
proceedings  
on appeal.

3. Such general rules and orders may, amongst other things, provide that any such appeal may be heard and determined by a single judge.

Single judge.

4. The right of appeal hereby given shall not affect the existing law or practice in any province as to setting aside awards. 3 E. VII., c. 58, s. 168.

Other  
remedies not  
affected.

**210.** (a) If the company has reason to fear any claim, mortgage, *hypothèque*, or encumbrance; or,

(b) If any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute a proper conveyance and guarantee; or,

(c) If the person entitled to claim the compensation or annual rent cannot be found, or is unknown to the company; or,

(d) If, for any other reason, the company deems it advisable;

Payment of  
compensa-  
tion into  
court in  
some cases.

the company may pay such compensation into court, with the interest thereon for six months, and may deliver to the clerk or prothonotary of such court an authentic copy of the conveyance, or of the award or agreement, if there is no conveyance.

2. Such conveyance, or award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned. 3 E. VII., c. 58, s. 174.

Title.

**211.** Where the lands are situated elsewhere than in the province of Quebec, a notice of such payment and delivery, in such form and for such time as the court appoints, shall be inserted in a newspaper, published in the county in which

Lands not in  
Quebec.  
Publication  
of notice.



the lands are situated, or, if there is no newspaper published in the county, then in the official gazette of the province, and also in a newspaper published in the nearest county thereto in which a newspaper is published.

What notice shall state.

2. Such notice shall state that the conveyance, agreement or award constituting the title of the company is obtained under the authority of this Act, and shall call upon all persons claiming an interest in or entitled to the lands, or any part thereof, to file their claims to the compensation, or any part thereof. 3 E. VII., c. 58, s. 174

Lands in Quebec.

**212.** Where the lands are situated in the province of Quebec, the notice shall be published as required in cases of confirmation of title, and the registrar's certificate shall be procured and filed as in such cases. 3 E. VII., c. 58, s. 174.

Compensation in place of land. Encumbrances.

**213.** The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or encumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof; and the company shall be responsible accordingly, whenever it has paid such compensation or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. 3 E. VII., c. 58, s. 173.

Effect of adjudication.

**214.** All such claims filed shall be received and adjudicated upon by the court, and the adjudication thereon shall for ever bar all claims to the land, or any part thereof, including any dower, mortgage, *hypothèque* or encumbrance upon the same.

Disposal of compensation.

2. The court shall make such order for the distribution, payment or investment of the compensation and for the security of the rights of all persons interested, as to right and justice and to law appertains.

Interest.

3. If the order for distribution, payment, or investment is obtained within less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company.

Idem.

4. If from any error, fault or neglect of the company, such order is not obtained until after six months have expired, the court shall order the company to pay into court, as part of the compensation, the interest for such further period as is right.

Costs.

5. The costs of the proceedings, in whole or in part, including the proper allowances to witnesses, shall be paid by the company, or by any other person, as the court orders. 3 E. VII., c. 58, s. 174.

*The right of the Company to take Possession.*

Upon payment or tender.

**215.** Upon payment or legal tender of the compensation or annual rent awarded or agreed upon to the person entitled to

receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinbefore mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon. 3 E. VII., c. 58, s. 169.

*Proceedings in case of Resistance.*

**216.** If any resistance or forcible opposition is made by any person to the exercise by the company of any such power the judge shall, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance or opposition, and to put the company in possession.

2. The sheriff or bailiff shall, in the execution of such warrant, take with him sufficient assistance for such purpose, and shall put down such resistance or opposition and put the company in possession. 3 E. VII., c. 58, s. 169.

Warrant.

How executed.

**217.** Such warrant shall also be granted by the judge without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed. 3 E. VII., c. 58, s. 170.

Warrant for immediate possession in certain cases.

**218.** The judge shall not grant any warrant under the last preceding section, unless,—

(a) ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the lands, or the person empowered to convey the lands or interested in the lands sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done by the company; and,

(b) the company gives security to his satisfaction, by payment into court, of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than fifty per centum above the amount mentioned in the notice served upon the party stating the compensation offered. 6 E. VII., c. 42, s. 11.

Procedure upon application for such warrant. Notice.

Deposit of compensation.

**219.** The costs of any such application and hearing before the judge shall be borne by the company, unless the compensation awarded is not more than the company had offered to pay.

Costs.

2. No part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make

Repayment of deposit.

in accordance with the terms of the award. 3 E. VII., c. 58, s. 172.

#### Procedure.

To be continued in court where commenced.

**220.** Any proceeding under the foregoing provisions of this Act relating to the ascertainment or payment of compensation, or the delivery of possession of lands taken, or the putting down of resistance to the exercise of powers, shall, if commenced in a superior court having jurisdiction, be continued in such superior court, or, if the proceeding is commenced in a county court having jurisdiction, it shall be continued in such county court. 3 E. VII., c. 58, s. 156.

#### Branch Lines.

Power to construct.

**221.** The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case six miles in length, from the main line of the railway or from any branch thereof. 3 E. VII., c. 58, s. 175.

Procedure.

**222.** Before commencing to construct any such branch line, the company shall,—

Plans, etc.

(a) make a plan, profile and book of reference, showing the proposed location of the branch line, with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and deposit the same, or such parts thereof as relate to each district or county through which the branch line is to pass, in the offices of the registrars of deeds for such districts or counties respectively;

Notice of application to Board.

(b) upon such deposit, give four weeks' public notice of its intention to apply to the Board under this section, in some newspaper published in each county or district through which the branch line is to pass, or, if there should be no newspaper published in such county or district, then for the same period in the *Canada Gazette*: Provided that the Board may dispense with or shorten the time of such notice in any case in which it deems proper; and,

Papers to be submitted.

(c) after the expiration of the notice submit to the Board, upon such application, a duplicate of the plan, profile and book of reference so deposited. 3 E. VII., c. 58, s. 175; 6 E. VII., c. 42, s. 13.

Board may authorize branch line.

**223.** The Board, if satisfied that the branch line is necessary in the public interest or for the purpose of giving increased facilities to business, and if satisfied with the location of such branch line, and the grades and curves as shown on such plan, profile and book of reference, may, in writing, authorize the construction of the branch line in accordance with such plan, profile and book of reference, or subject to such changes in location, grades and curves as the Board may direct.

2. Such authority shall limit the time, not exceeding two years, within which the company shall construct and complete such branch line. 3 E. VII., c. 58, s. 175. Time for construction.

**224.** There shall be deposited with the Board the authority and the duplicate of such plan, profile and book of reference, together with such papers and plans as are necessary to show and explain any changes directed by the Board, under the provisions of the last preceding section. Papers to be deposited with Board.

2. The company shall deposit in the registry offices of the counties or districts through which the branch line is to pass copies, certified as such by the Secretary, of the authority, and of the papers and plans, showing the changes directed by the Board. Copies with registrars of deeds.

3. No branch line shall be,—

(a) extended under the foregoing provisions for the construction of branch lines; or, No extension allowed.

(b) constructed so as to form, in effect, an extension of the railway beyond the termini mentioned in the Special Act.

4. Except with reference to branch lines authorized by the Special Act to be constructed between any two points or places definitely fixed or named therein, no power to construct branch lines in any Special Act contained, inconsistent with the foregoing provisions for the construction of branch lines, shall have any force or effect after the first day of February, one thousand nine hundred and seven: Provided that nothing in this subsection shall be deemed to take away or impair the rights or powers of any company under any contract with the Government of Canada, approved and ratified by a Special Act of the Parliament of Canada. 3 E. VII., c. 58, s. 175. Special Act controlled. Saving.

**225.** Upon compliance with the requirements of the last four preceding sections all the other provisions of this Act, except those relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof with the Board and in the offices of the registrars of deeds for the districts or counties through which the railway is to pass, shall, in so far as applicable, apply to the branch lines so authorized, and to the lands to be taken for such branch lines. 3 E. VII., c. 58, s. 175. Provisions applicable.

**226.** Where any industry or business is established or intended to be established, within six miles of the railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Board may, on the application of such owner or person, and upon being satisfied of the necessity for such spur or branch line in the interests of trade, order the Branch lines required by owner of any industry.

Owner to deposit cost.

company to construct, maintain and operate such spur or branch line, and may direct such owner or person to deposit in some chartered bank such sum or sums as are by the Board deemed sufficient, or are by the Board found to be necessary to defray all expenses of constructing and completing the spur or branch line in good working order, including the cost of the right of way, incidental expenses and damages.

Payment therefrom to the company.

2. The amount so deposited shall, from time to time, be paid to the company upon the order of the Board, as the work progresses.

Repayment to owner by rebate on tolls.

3. The aggregate amount so paid by the applicant in the construction and completion of the said spur or branch line shall be repaid or refunded to the applicant by the company by way of rebate, to be determined and fixed by the Board, out of or in proportion to the tolls charged by the company in respect of the carriage of traffic for the applicant over the said spur or branch line.

Lien to owner meantime.

4. Until so repaid or refunded, the applicant shall have a special lien for such amount upon such branch line, to be reimbursed by rebate as aforesaid.

Discharge of lien.

5. Upon repayment by the company to such applicant of all payments made by the applicant upon such construction, the said spur or branch line, right of way, and equipment shall become the absolute property of the company free from any such lien.

Operation of branch to be regulated by Board.

6. The operation and maintenance of the said spur or branch line by the company, shall be subject to and in accordance with such order as the Board makes with respect thereto, having due regard to the requirements of the traffic thereon, and to the safety of the public and of the employees of the company.

Provisions applicable.

7. All the provisions of this Act respecting the construction of spur or branch lines shall apply to any spur or branch line constructed under this section. 3 E. VII, c. 58, s. 176; 6 E. VII, c. 42, s. 14.

#### *Railway Crossings and Junctions.*

Leave of Board.

**227.** The railway lines or tracks of any company shall not cross or join or be crossed or joined by or with any railway lines or tracks other than those of such company, whether otherwise within the legislative authority of the Parliament of Canada or not, until leave therefor has been obtained from the Board as hereinafter provided.

Plans, etc. to be submitted.

2. Upon any application for such leave the applicant shall submit to the Board a plan and profile of such crossing or junction, and such other plans, drawings and specifications as the Board may, in any case, or by regulation, require.

Powers of Board.

3. The Board may, by order,—

(a) grant such application on such terms as to protection and safety as it deems expedient;

(b) change the plan and profile, drawings and specifications so submitted, and fix the place and mode of crossing or junction;

- (c) direct that one line or track or one set of lines or tracks be carried over or under another line or track or set of lines or tracks;
- (d) direct that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated, watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage;
- (e) determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works;
- (f) give directions as to supervision of the construction of the works; and,
- (g) require that detail plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board.

4. No trains shall be operated on the lines or tracks of the applicant over, upon or through such crossing or junction until the Board grants an order authorizing such operation.

No operation until authorized.

5. The Board shall not grant such last mentioned order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with.

Board shall see to compliance.

6 E. VII., c. 42, s. 15.

**228.** Where the lines or tracks of one railway are intersected or crossed by those of another, or upon any application for leave to make any intersection or crossing, or in any case in which the tracks or lines of two different railways run through or into the same city, town or village, the Board may, upon the application of one of the companies, or of a municipal corporation or other public body, or of any person or persons interested, order that the lines or tracks of such railways shall be so connected, at or near the point of intersection or crossing or in or near such city, town or village, as to admit of the safe and convenient transfer or passing of engines, cars and trains, from the tracks or lines of one railway to those of another, and that such connection shall be maintained and used.

Connections of intersecting railway lines.

2. In and by the order for such connection, or from time to time subsequently, the Board may determine by what company or companies, or other corporations or persons, and in what proportions, the cost of making and maintaining any such connections shall be borne, and upon what terms traffic shall be thereby transferred from the lines of one railway to those of another. 6 E. VII., c. 42, s. 15.

**229.** The Board may order the adoption and use at any such crossing or junction, at rail level, of such interlocking switch, derailing device, signal system, equipment, appliances

Safety appliances at rail level crossings.

and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. 6 E. VII., c. 42, s. 16.

*Navigable Waters.*

Navigation not to be obstructed.

**230.** No company shall cause any obstruction in, or impede the free navigation of any river, water, stream or canal, to, upon, along, over, under, through or across which its railway is carried. 3 E. VII., c. 58, s. 179.

Bridges to be properly floored.

**231.** No company shall run its trains over any canal, or over any navigable water, without having first laid, and without maintaining, such proper flooring under and on both sides of its railway track over such canal or water, as is deemed by the Board sufficient to prevent anything falling from the railway into such canal or water, or upon the boats, vessels, craft, or persons navigating such canal or water. 3 E. VII., c. 58, s. 180.

Spans of headway and waterway.

**232.** Whenever the railway is, or is proposed to be carried over any navigable water or canal by means of a bridge, the Board may by order in any case, or by regulations, direct that such bridge shall be constructed with such span or spans of such headway and waterway, and with such opening span or spans, if any, as to the Board may seem expedient for the proper protection of navigation.

Operation of draw.

2. The Board may in like manner, if any such bridge is a draw or swing bridge, direct when, under what conditions and circumstances, and subject to what precautions, the same shall be opened and closed. 3 E. VII., c. 58, s. 181.

Proceedings for construction of works in navigable waters.

**233.** When the company is desirous of constructing any wharf, bridge, tunnel, pier or other structure or work, in, upon, over, under, through, or across any navigable water or canal, or upon the beach, bed or lands covered with the waters thereof, the company shall, before the commencement of any such work,—

Approval by Governor in Council.

(a) in the case of navigable water, not a canal, submit to the Minister of Public Works, and in the case of a canal to the Minister, for approval by the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, to the satisfaction of such Minister; and

Board to authorize.

(b) upon approval by the Governor in Council of such site and plans, apply to the Board for an order authorizing the construction of the work, and, with such application, transmit to the Board a certified copy of the order in council and of the plans and description approved thereby, and also detail plans and profiles of the proposed work,

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and

and such other plans, drawings and specifications as the Board may, in any such case, or by regulation, require.

2. No deviation from the site or plans approved by the Governor in Council, shall be made without the consent of the Governor in Council. No deviation.

3. Upon any such application, the Board may,—

Powers of Board.

(a) make such order in regard to the construction of such work upon such terms and conditions as it may deem expedient;

(b) make alterations in the detail plans, profiles, drawings and specifications so submitted;

(c) give directions respecting the supervision of any such work; and,

(d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to the Board best adapted for securing the protection, safety and convenience of the public.

4. Upon such order being granted, the company shall be authorized to construct such work in accordance therewith. Company to construct.

5. Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and if the Board is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with, the Board may grant such order. 3 E. VII., c. 58, s. 182. Operation also to be authorized by Board.

**234.** The Governor in Council may, upon the report of the Board, authorize or require any company to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of its railway, within such time as the Governor in Council directs. Bridges.

2. No company shall substitute any swing, draw or movable bridge for any fixed or permanent bridge already built and constructed without the previous consent of the Governor in Council. 3 E. VII., c. 58, s. 183. Consent of Governor in Council.

#### *Highway Crossings.*

**235.** The railway may be carried upon, along or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter authorized: Provided that the Board shall not grant leave to any company to carry any street railway or tramway, or any railway operated as a street railway or tramway, along any highway which is within the limits of any city or incorporated town, until the company has first obtained consent therefor by a by-law Railway on highway. Consent of municipality.



law of the municipal authority of such city or incorporated town.

**Highway to be kept open.** 2. The company shall, before obstructing any such highway by its works, turn the highway so as to leave an open and good passage for carriages, and, on completion of the works, restore the highway to as good a condition as nearly as possible as it originally had.

**Rights saved.** 3. Nothing in this section shall deprive any such company of rights conferred upon it by any Special Act of the Parliament of Canada, or amendment thereof, passed prior to the twelfth day of March, one thousand nine hundred and three. 3 E. VII., c. 58, s. 184.

**Level.** **236.** Whenever the railway crosses any highway at rail level, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, unless otherwise directed by the Board, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction. 3 E. VII., c. 58, s. 185.

**Plan of crossing of highway to be submitted.** **237.** Upon any application for leave to construct the railway upon, along, or across an existing highway, or to construct a highway across an existing railway, the applicant shall submit to the Board a plan and profile of such crossing, showing the portion of railway or highway affected.

**Powers of Board.** 2. The Board may, by order, grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highway be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom.

**As to land required.** 3. When the application is for the construction of the railway upon, along or across an existing highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

**Supervision.** 4. The Board may give directions respecting supervision in the construction of any such work.

**Details to be approved by Board.** 5. When the Board orders the highway to be carried over or under the railway, or any works to be executed, the Board may direct that the detail plans, profiles, drawings and specifications of all necessary structures, shall, before construction, be submitted to and approved by the Board.

6. The Board may make regulations respecting the plans, profiles, drawings and specifications required to be submitted under this section. 3 E. VII., c. 58, s. 186. Regulations by Board.

**238.** Where the railway is already constructed upon, along or across any highway, the Board may order the company within a specified time to submit to the Board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereof, as in the last preceding section provided. 3 E. VII., c. 58, s. 187. As to existing crossings.

**239.** The Board may order any company to erect over its railway at or near, or in lieu of any highway crossing at rail level, a foot bridge or foot bridges, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges. 3 E. VII., c. 58, s. 292. Foot bridges.

**240.** The highway at any overhead railway crossing shall not at any time be narrowed by means of any abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the centre of any overhead structure, constructed after the first day of February, one thousand nine hundred and four, be less than fourteen feet, unless otherwise directed or permitted by the Board. 3 E. VII., c. 58, s. 188. Overhead crossings.

**241.** Every structure, by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure. 3 E. VII., c. 58, s. 189. Facilities for traffic.

**242.** The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not, unless the Board otherwise directs, be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach. Inclination of approach.

2. A good and sufficient fence at least four feet six inches in height from the surface of the approach or structure shall be made on each side of such approach, and of the structure connected with it. 3 E. VII., c. 58, s. 190. Fencing approaches.

**243.** Signboards at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words *Railway Crossing* painted on each side thereof in letters at least six inches in length. Signboards at level crossings.

2. In the province of Quebec such words shall be in both the English and the French languages. 3 E. VII., c. 58, s. 191. In Quebec.

*Telegraph, Telephone and other Lines and Wires.*

Company may construct and work.

Arrangements with other companies.

Part II. of the Telegraphs Act to apply.

Municipal telephone systems, connection with.

Board may order upon terms.

Contracts giving exclusive privileges not to be taken into consideration.

Wires, etc., across the railway.

Plans to be submitted to Board.

Board may authorize.

**244.** The company may construct and operate telegraph and telephone lines upon its railway for the purposes of its undertaking.

2. The company may, for the purpose of operating such lines or exchanging and transmitting messages, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of any such companies, or may lease its own lines to any such companies.

3. Part II. of the Telegraphs Act shall apply to the telegraphic business of the company. 3 E. VII., c. 58, s. 192.

**245.** Whenever any municipality, corporation or incorporated company has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company in such district, and cannot agree with the company with respect thereto, such municipality, corporation or incorporated company may apply to the Board for leave therefor.

2. The Board may order the company to provide for such connection or communication upon such terms as to compensation or otherwise as the Board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

3. Notwithstanding anything in any Act contained, the Board, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises. 3 E. VII., c. 58, s. 193; 6 E. VII., c. 42, s. 17.

**246.** No lines or wires for telegraphs, telephones, or the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway without leave of the Board.

2. Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway proposed to be affected, showing the proposed location of such lines and wires and the works contemplated in connection therewith.

3. The Board may grant such application and may order by whom, how, when, and on what terms and conditions, and under what supervision, such work shall be executed.

4. Upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order. 3 E. VII., c. 58, s. 194. Works may be executed.

**247.** When any company is empowered by Special Act of the Parliament of Canada to construct, operate and maintain lines of telegraph, or telephone, or for the conveyance of light, heat, power or electricity, the company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square, or other public place, enter thereon for the purpose of exercising the said powers, and, as often as the company thinks proper, may break up and open any highway, square or other public place, subject, however, to the following provisions:— Lines and wires on highways.  
Consent of municipality.  
Conditions.

- (a) The company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building; Travel and access.
- (b) The company shall not permit any wire to be less than twenty-two feet above such highway or public place, or erect more than one line of poles along any highway; Wires.
- (c) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities and towns, be painted; Poles.
- (d) The company shall not unnecessarily cut down or mutilate any shade, fruit or ornamental tree; Trees.
- (e) The opening up of any street, square, or other public place for the erection of poles, or for the carrying of wires under ground, shall be subject to the supervision of such person as the municipal council may appoint, and such street, square or other public place shall, without any unnecessary delay, be restored, as far as possible, to its former condition; Supervision.
- (f) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the company so doing such person may remove such wires and poles at the expense of the company; Temporary removal of wires and poles.
- (g) Whenever any city, town or incorporated village is desirous of having lines of telegraph, or telephone, or lines for the conveyance of light, heat, power or electricity, placed under ground, the Board may, on the application of such city, town or incorporated village, and on such terms and conditions as the Board may prescribe, require the company to thus place its lines or wires under ground, and abrogate the right given by this section, or by the Special Act, to carry lines on poles, in such city, town or incorporated village. Board may order wires under ground.

**Damages.** 2. The company shall be responsible for all unnecessary damage which it causes in carrying out, maintaining or operating any of its said works.

**Cutting wires at any fire.** 3. The company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut.

**Workmen to wear badges.** 4. Every person employed upon the work of erecting or repairing any line or instrument of the company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the company and a number by which he can be readily identified.

**If municipality does not consent.** 5. If the company cannot obtain such consent from such municipal council or other authority, the company may apply to the Board for leave to exercise such powers, and upon such application shall submit to the Board a plan of such highway, square, or other public place, showing the proposed location of such lines, wires and poles.

**Board may authorize.** 6. The Board may grant such application in whole or in part, and may change or fix the route of such lines, wires or poles, and may, by order, impose any terms, conditions or limitations in respect thereof that it deems expedient, having due regard to all proper interests.

**Company may then act as in case of consent.** 7. Upon such order being made the company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of this section applicable in case of consent obtained from such municipal council or other authority, except in so far as the said provisions are expressly varied by order of the Board.

**No sale of light, power, etc., without consent.** 8. Nothing contained in this section shall be deemed to authorize the company to exercise the powers therein mentioned for the purpose of selling or distributing light, heat, power or electricity in cities, towns or villages, without the company having first obtained consent therefor by a by-law of the municipality. 3 E. VII., c. 58, s. 195.

**Definitions.**

'Company.'

**248.** In this section,—

(a) 'company' means a telephone company, and every person and company having legislative authority from the Parliament of Canada to construct and operate, or to operate a telephone system or line, and to charge telephone tolls, not including, however, a railway company or any person having authority to construct or operate a railway; and,

'Municipality.'

(b) 'municipality' means the municipal council or other authority having jurisdiction over the highways, squares or public places of a city, town or village, or over the highway, square or public place concerned;

(c) 'long distance line or service' means any trunk line or service connecting a central exchange or office in any city, town or village, with a central exchange or office, or with central exchanges or offices, in another or other cities, towns or villages.

2. Notwithstanding anything contained in any Act of the Parliament of Canada or of the legislature of any province, the company shall not, except as in this section provided, construct, maintain or operate its lines of telephone upon, along, across or under any highway, square or other public place within the limits of any city, town or village, incorporated or otherwise, without the consent of the municipality.

Consent of municipality required.

3. If the company cannot obtain the consent of the municipality, or cannot obtain such consent otherwise than subject to conditions not acceptable to the company, the company may apply to the Board for leave to exercise its powers upon such highway, square or public place; and all the provisions of the last preceding section, with respect to proceedings where the company cannot obtain the consent of the municipal council or other authority, shall apply to such application and to the proceedings thereon.

If such consent cannot be obtained.

4. The provisions of the last two foregoing subsections shall not apply to the construction, maintenance and operation by the company of any long distance line or service or any trunk line or service connecting two or more exchanges in any city, town or village: Provided that the location of every such line, pole or conduit in a direct and practicable route shall be subject to the direction and supervision of the municipality, or of such officer as it may appoint, unless the municipality or such officer after one week's notice in writing shall have omitted to prescribe such location and make such direction.

Long distance and trunk lines.

5. All matters in dispute relating to the location and installation of long distance lines or services, or of such trunk lines or services as are mentioned in the last preceding subsection, shall be determined by the Board in the same manner and with the same powers as are provided by the last preceding section with respect to proceedings where the company cannot obtain the consent of the municipal council or other authority.

Settlement of disputes.

6. Nothing in this section shall affect the right of any company to operate, maintain, renew or reconstruct underground or overhead systems or lines heretofore constructed, except that, upon application of the municipality, the Board may order any extension or change in the location of the line of the company in any city, town or village, or any portion of such line, or the removal of any poles and the carrying of the wires or cables carried thereon underground, or the construction of any new line; and such extension, change in location, removal or construction shall be ordered upon such terms as to compensation or otherwise, and shall be effected within such time, as the Board directs. 6 E. VII., c. 42, s. 35.

Changes in line.

*Canals, Ditches, Wires, etc.*

When canals, pipes or wires require to be carried across a railway.

**249.** When any person having authority to create, develop, enlarge or change any water power, or any electrical or power development by means of water, or to develop and operate mineral claims or mines, desires for any such purpose to carry any canal, tunnel, flume pipe, ditch or wire across, over or under any railway, and is unable to agree with the railway company as to the terms and conditions upon which the same may be so carried over, under or across the said railway, an application may be made to the Board for leave to construct the necessary works.

Application to Board.

Plan and profile.

2. Upon such application the applicant shall submit to the Board a plan and profile of the railway at the point where it is desired to make such crossing, and a plan or plans showing the proposed method of carrying such canal, tunnel, flume pipe, ditch or wire across, over or under the said railway, and such other plans, drawings and specifications as the Board in any case or by any regulation requires.

Terms of order.

3. The Board may, by order, grant such application on such terms and conditions as to protection and safety, payment of compensation or otherwise, as it deems just and proper, may change the plans, profiles, drawings and specifications so submitted, and fix the place and mode of crossing, and may give directions as to the method in which the works are to be constructed and as to supervision of the construction of the works and the maintenance thereof, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required shall before construction or installation be submitted to and approved by the Board. 6 E. VII., c. 42, s. 12.

*Drainage.*

Ditches and drains.

**250.** The company shall in constructing the railway make and maintain suitable ditches and drains along each side of, and across and under the railway, to connect with ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, and so that the then natural, artificial, or existing drainage of the said lands shall not be obstructed or impeded by the railway.

2. Whenever,—

If drainage insufficient.

(a) any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands; or,

Or municipality desires.

(b) any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company;

the Board may, upon the application or complaint of the municipality or landowner, order the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to inspect the locality in question, and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board.

Board may order.

3. The Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be affected, or pipes laid, constructed and maintained, having due regard to all proper interests. 3 E. VII., c. 58, s. 196.

Terms and conditions.

**251.** Whenever by virtue of any Act of any province through which the railway runs, proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, upon and across the property of any other landowner in such province, the like proceedings may, at the option of such municipality or landowner, be had or taken by such municipality or landowner for drainage, or drainage works, upon and across the railway and lands of the company, in the place of the proceedings before the Board in the last preceding section provided.

Drainage proceedings under Provincial Acts.

2. In case of any such proceedings, the drainage laws of the province shall, subject to any previous order or direction of the Board made or given with respect to drainage of the same lands, apply to the lands of the company upon or across which such drainage is required, to the same extent as to the lands of any landowner of such province: Provided that the company shall have the option of constructing the portion of any drain, or drainage work, required to be constructed upon, along, under or across its railway or lands.

Provincial laws to apply.

Option of company.

3. In the event of the company not exercising such option, and completing such work within a reasonable time, and without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are provided under the laws of such province to be constructed.

If option not exercised.

4. Notwithstanding anything in this section contained, no drainage works shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works, or the specifications or plans thereof, have been first submitted to and approved of by the Board.

Approval of Board.

5. The proportion of the cost of the drain, or drainage works, across or upon the railway, to be borne by the company, shall, in all such cases, be based upon the increase of cost of

Costs.



such work caused by the construction and operation of the railway. 3 E. VII., c. 58, s. 197.

*Farm Crossings.*

**252.** Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes.

**2.** Live stock, in using such crossings, shall be in charge of some competent person, who shall take all reasonable care and precaution to avoid accidents. 3 E. VII., c. 58, s. 198.

**253.** The Board may, upon the application of any land-owner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land on either side of the railway, and safe in the public interest.

**2.** The Board may order and direct how, when, where, by whom, and upon what terms and conditions such farm crossing shall be constructed and maintained. 3 E. VII., c. 58, s. 198.

*Fences, Gates and Cattle-guards.*

**254.** The company shall erect and maintain upon the railway,—

**(a)** fences of a minimum height of four feet six inches on each side of the railway;

**(b)** swing gates in such fences at farm crossings of the minimum height aforesaid, with proper hinges and fastenings: Provided that sliding or hurdle gates, constructed before the first day of February, one thousand nine hundred and four, may be maintained; and,

**(c)** cattle-guards, on each side of the highway, at every highway crossing at rail level with the railway.

**2.** The railway fences at every such highway crossing shall be turned into the respective cattle-guards on each side of the highway.

**3.** Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway.

**4.** Whenever the railway passes through any locality in which the lands on either side of the railway are not inclosed and either settled or improved, the company shall not be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs. 3 E. VII., c. 58, s. 199.

**255.** The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed, when not in use. 3 E. VII., c. 58, s. 200.

*Bridges, Tunnels and other Structures.*

**256.** Every bridge, tunnel or other erection or structure, Headway. over, through or under which any railway passes, shall be so constructed and maintained as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members, or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder.

2. The Board may, if necessary, require any existing bridge, tunnel, or other erection or structure to be reconstructed or altered, within such time as it may order, so as to comply with the requirements mentioned in the last preceding subsection; and any such bridge, tunnel, or other erection or structure, when so reconstructed or altered shall thereafter be maintained accordingly. Powers of Board to order alteration.

3. Except by leave of the Board the space between the rail level and such beams, members or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, shall in no case be less than twenty-two feet six inches. Space.

4. If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, the Board, upon application of the company, and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, and upon such terms and conditions as to the Board shall appear just and proper and in the public interest. Structures not owned by company.

5. The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains, except such as are equipped with air brakes, are run. 3 E. VII., c. 58, s. 202. Board may exempt certain structures.

**257.** The company shall not commence the construction, or reconstruction of or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board. Certain alterations.

2. Upon any application to the Board for such leave, the company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require. Board to approve.

- Powers of Board. Terms. 3. Upon any such application the Board may,—  
 (a) make such order with regard to the construction of such work, and upon such terms and conditions, as it deems expedient;
- Alterations. (b) make alterations in the detail plans, profiles, drawings and specifications so submitted;
- Supervision. (c) give directions respecting the supervision of any such work; and,
- Other works. (d) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used, and operated, and that such measures be taken, as, under the circumstances of each case, may appear to the Board best adapted for securing the protection, safety and convenience of the public.
- Company may construct. Board to authorize operation. 4. Upon such order being granted the company shall be authorized to construct such works in accordance therewith.
5. Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and the Board may grant such order if it is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with. 3 E. VII., c. 58, s. 203.

#### Stations.

- To be suitable. **258.** Every station of the company shall be erected, operated, and maintained with good and sufficient accommodation and facilities for traffic.
- Location to be approved by Board. 2. Before the company proceeds to erect any station upon its railway, the location of such station shall be approved of by the Board.
- On railways subsidized by Parliament. 3. In the case of any railway, whether subject to the legislative authority of the Parliament of Canada or not, subsidized in money or in land, after the eighteenth day of July, one thousand nine hundred, under the authority of an Act of the Parliament of Canada, the payment and acceptance of such subsidy shall be taken to be subject to the covenant or condition, whether expressed or 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 Board, maintain and operate stations, with such accommodation or facilities in connection therewith as are defined by the Board, at such points on the railway as are designated in such order. 3 E. VII., c. 58, s. 204.

#### Wages.

- Current rate. **259.** In every case in which the Parliament of Canada votes financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid

such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate.

2. In the event of a dispute arising as to what is the current or a fair and reasonable rate, it shall be determined by the Minister, whose decision shall be final. 3 E. VII., c. 58, s. 205. Minister may determine.

## INSPECTION.

**260.** Inspecting engineers may be appointed by the Minister or the Board, subject to the approval of the Governor in Council. Appointment of inspecting engineers.

2. It shall be the duty of every such inspecting engineer, upon being directed by the Minister or the Board, as the case may be, to inspect any railway, or any branch line, siding, or portion thereof, whether constructed, or in the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates, and cattle-guards, telegraph, telephone, or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Minister, or the Board, as the case may be, may direct, and forthwith to report fully thereon in writing to the Minister or the Board, as the case may be. Duties.

3. Every such inspecting engineer shall have the same powers with regard to any such inspection as are by this Act conferred upon a person appointed by the Board to make an inquiry and report upon any matter pending before the Board. Powers of inspection.

4. Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair of the railway, or any portion thereof. Duties of company respecting inspecting engineers.

5. Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices or under the control of any such company. Inspecting engineers may travel free. Use telegraph wires.

6. The operators, or officers, employed in the telegraph offices or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages. Transmission of telegrams.

7. The production of his appointment in writing, signed by the Minister, the Chief Commissioner, or the Secretary, shall Proof of engineer's authority.

shall be sufficient evidence of the authority of such inspecting engineer. 3 E. VII., c. 58, s. 206.

Leave of Board for opening railway.

**261.** No railway, or any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided.

Application therefor.

2. When the company is desirous of so opening its railway, or any portion thereof it shall make an application to the Board for authority therefor, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, stating that the railway, or portion thereof, desired to be so opened, is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection.

Inspection.

3. Before granting such application, the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened.

When opening reported to be safe.

4. If the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the railway or portion thereof so proposed to be opened for the carriage of traffic, will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening of the railway or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

Board may grant application.

When opening reported dangerous.

5. If such inspecting engineer, after the inspection of the railway, or any portion thereof, shall report to the Board that, in his 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 construction or equipment of such railway, or portion thereof, he shall state in his report the grounds for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such report and grounds, and the Board may refuse such application in whole or in part, or may direct a further or other inspection and report to be made.

Notice.

Board may refuse.

Further inspection.

6. If thereafter, upon such further or other inspection, or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make an order granting such application in whole or in part, and may name the time therein for the opening of the railway, or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

Order for opening.

Leave to carry freight traffic.

7. The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry freight traffic

over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section. 3 E. VII., c. 58, s. 207.

**262.** Whenever any complaint is made to the Board, or the Board receives information, that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or erroneous construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, the Board may direct an inspecting engineer to examine the railway, or any portion thereof. When railway out of repair. Inspection.

2. The Board may, upon the report of the inspecting engineer, order any repairs, renewal, reconstruction, alteration or new work, materials or equipment to be made, done, or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no portion of the railway in respect of which such order is made, shall be used, or used otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose. Board may order repairs. May enjoin operation meantime.

3. The Board may by such order condemn and thereby forbid further use of any rolling stock which, from such report, it may consider unfit to repair or use. 3 E. VII., c. 58, s. 208. Rolling stock may be condemned.

**263.** If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, in writing,— Inspecting engineer may forbid operation. By notice.

- (a) forthwith forbid the running of any train over such railway or portion of railway; or,
- (b) require that the same be run only at such times under such conditions, and with such precautions, as he by such notice specifies; and,
- (c) forbid the running or using of any such rolling stock.

2. Such notice shall state the reasons for such opinion of the inspecting engineer, and distinctly point out the defects or the nature of the danger to be apprehended. What notice shall state.

3. The notice may be served upon the company owning, running, or using such railway or rolling stock, or upon any officer having the management or control of the running of trains upon the railway, or the management or control of the rolling stock. Service of notice.

4. The inspecting engineer shall forthwith report such notice to the Board, which may either confirm, modify or disallow the act or order of such engineer. Action of Board.

5. Notice of such confirmation, modification or disallowance, shall be duly given to the company. 3 E. VII., c. 58, s. 209. Notice thereof.

## OPERATION.

*Equipment and Appliances for Cars and Locomotives.*

- 264.** Every company shall provide and cause to be used on all trains modern and efficient apparatus, appliances and means,—
- Modern and efficient.**
- Communication.** (a) to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver;
- Brakes.** (b) to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and, except under circumstances of sudden danger or emergency, without causing undue discomfort to passengers, if any, on the train; and,
- Couplers.** (c) to securely couple and connect the cars composing the train, and to attach the engine to such train, with couplers which couple automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars.
- Drive wheel brake.** 2. Such apparatus, appliances and means for the checking of speed or the stopping of any train shall include a power drive wheel brake and appliances for operating the train brake system upon the locomotive.
- Power or train brakes.** 3. There shall also be such a number of cars in every train equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner possible, without requiring brakemen to use the common hand brake for that purpose.
- Continuous, instantaneous action.** 4. Upon all trains carrying passengers such system of brakes shall be continuous, instantaneous in action, and capable of being applied at will by the engine driver or any brakeman, and the brakes must be self-applying in the event of any failure in the continuity of their action.
- Box freight cars.** 5. All box freight cars of the company shall, for the security of railway employees, be equipped with,—
- Outside ladders.** (a) outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of each ladder below the frame, the ladders being placed close to the ends and sides to which they are attached; and,
- Hand grips.** (b) hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladders:
- Proviso.** Provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, the Board may require any of such cars not already fitted with the side attachments by this section required, to be fitted with the said improved attachment.

6. Every company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines, in accordance with any standard from time to time adopted by competent railway authorities. Height of draw-bars.

7. The Board may upon good cause shown, by general regulation, or in any particular case, from time to time grant delay for complying with the provisions of this section. Delay may be allowed for compliance. 3 E. VII., c. 58, ss. 211 and 212.

265. The Board may, subject to the requirements of the last preceding section, upon application, order that any apparatus or appliance specified in such order shall, when used upon the train in the manner and under circumstances in such order specified, be deemed sufficient compliance with the provisions of the said section: Provided that the Board shall not by such order allow any exception to or modification of the requirements of the said section. Board may determine what equipment sufficient. 3 E. VII., c. 58, s. 212.

266. The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. Oiling. 3 E. VII., c. 58, s. 230.

267. Every locomotive engine shall be equipped and maintained with a bell of at least thirty pounds weight and with a steam whistle. Bell and whistle. 3 E. VII., c. 58, s. 213.

#### *Uniformity of Construction and Operation of Rolling Stock.*

268. The Board shall endeavour to provide for uniformity in the construction of rolling stock to be used upon the railway, and for uniformity of rules for the operation and running of trains. Board shall provide for. 6 E. VII., c. 42, s. 18.

#### *The Working of Trains.*

269. The Board may make regulations,— Regulations.
- (a) designating the number of men to be employed upon trains; Number of men.
  - (b) providing that coal shall be used on all locomotives instead of wood in any district; and, Coal.
  - (c) generally providing for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains by the company. Safety. 6 E. VII., c. 42, s. 18.

270. All regular trains shall be started and run, as nearly as practicable, at regular hours, fixed by public notice. Regularity in train time. 3 E. VII., c. 58, s. 215.



- Blackboard.** **271.** Every company, upon whose railway there is a telegraph line in operation shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office; and when any passenger train is overdue at any such station, according to the timetable of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station.
- At stations.**
- Overdue trains.**
- Idem.** 2. If there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station.
- English and French.** 3. Such notices shall, in the province of Quebec, be written in the English and French languages, and, in the other provinces, in English. 3 E. VII., c. 58, s. 231.
- Position of passenger cars.** **272.** No passenger train shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried. 3 E. VII., s. 58, s. 219.
- Trains to stop at swing bridges.** **273.** When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop, and shall not thereafter proceed until a proper signal has been given for that purpose.
- Board may exempt.** 2. Wherever there is adopted or in use on any railway, at any such bridge, an interlocking switch and signal system or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations as to speed and other matters, as the Board deems proper. 3 E. VII., c. 58, s. 223.
- Use of bell and whistle.** **274.** When any train is approaching a highway crossing at rail level the engine whistle shall be sounded at least eighty rods before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway.
- Exception.** 2. This section shall not apply to trains approaching such crossing within the limits of cities or towns where municipal by-laws are in force prohibiting such sounding of the whistle and ringing of the bell. 3 E. VII., c. 58, s. 224.
- 275.**

**275.** No train shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board.

Rate of speed in unfenced portions of cities.

2. The Board may limit such speed in any case to any rate which it deems expedient. 3 E. VII., c. 58, s. 227.

Board may limit.

**276.** Whenever in any city, town or village, any train is passing over or along a highway at rail level, and is not headed by an engine moving forward in the ordinary manner, the company shall station on that part of the train, or of the tender if that is in front, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross the track of such railway. 3 E. VII., c. 58, s. 228.

Trains or cars moving reversely in cities.

#### *Precautions at Railway Crossings.*

**277.** No train or engine or electric car shall pass over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or the same company, until a proper signal has been received by the conductor or engineer in charge of such train or engine from a competent person or watchman in charge of such crossing that the way is clear.

Signal at rail level crossings.

2. In the case of an electric car crossing any railway track at rail level, if there is no competent person or watchman in charge of the crossing, it shall be the duty of the conductor, before crossing and before giving the signal to the motorman that the way is clear and to proceed, to go forward and see that the track to be crossed is clear. 3 E. VII., c. 58, s. 225.

Electric railway crossings.

**278.** Every engine, train or electric car shall, before it passes over any such crossing as in the last preceding section mentioned, be brought to a full stop: Provided that whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regulations as to speed and other matters as the Board deems proper. 3 E. VII., c. 58, s. 226.

Stoppage of trains at rail level crossings.

Where safety devices are installed, Board may otherwise order.

#### *Respecting the Obstruction of Highway Traffic.*

**279.** Whenever any railway crosses any highway at rail level, the company shall not, nor shall its officers, agents or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or, in shunting to obstruct

Train must not obstruct highway more than five minutes.

public traffic for a longer period than five minutes at one time, or, in the opinion of the Board, unnecessarily interfere therewith. 6 E. VII., c. 42, s. 21.

*Employees to wear Badges.*

Not entitled to exercise office without.

**280.** Every employee of the company employed in a passenger train or at a passenger station shall wear upon his hat or cap a badge which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. 3 E. VII., c. 58, s. 216.

*Respecting Passengers who refuse to pay Fare.*

Expulsion.

**281.** Every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the company, be expelled from and put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects: Provided that the conductor shall first stop the train and use no unnecessary force. 3 E. VII., c. 58, s. 217.

*Injuries on Platform, Baggage or Freight Car.*

No claim for injuries in certain cases.

**282.** No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. 3 E. VII., c. 58, s. 218.

*The Checking of Passengers' Baggage.*

Company to affix checks.

**283.** A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport; and a duplicate of such check shall be given to the passenger delivering the same.

Excess baggage.

2. In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act. 3 E. VII., c. 58, s. 220.

*Accommodation for Traffic.*

At all stations.

**284.** The company shall, according to its powers,—  
(a) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway;

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(b)

- (b) furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic; Carriage and delivery.
  - (c) without delay, and with due care and diligence, receive, carry and deliver all such traffic; and, No delay.
  - (d) furnish and use all proper appliances, accommodation and means necessary for receiving, loading, carrying, unloading and delivering such traffic. Appliances.
2. Such adequate and suitable accommodation shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways. What adequate and suitable accommodation shall include.
3. If in any case such accommodation is not, in the opinion of the Board, furnished by the company, the Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests; or may prohibit or limit the use, either generally or upon any specified railway or part thereof, of any engines, locomotives, cars, rolling stock, apparatus, machinery, or devices, or any class or kind thereof, not equipped as required by this Act, or by any orders or regulations of the Board made within its jurisdiction under the provisions of this Act. May be ordered by Board.
4. Such traffic shall be taken, carried to and from, and delivered at the places aforesaid on the due payment of the toll lawfully payable therefor. Payment of tolls.
5. Where a company's railway crosses or joins or approaches, in the opinion of the Board, sufficiently near to any other railway, upon which passengers or mails are transported, whether the last mentioned railway is within the legislative authority of the Parliament of Canada or not, the Board may order the company to so regulate the running of its trains carrying passengers or mails, and the places and times of stopping them, as to afford reasonable opportunity for the transfer of passengers and mails between its railway and such other railway, and may order the company to furnish reasonable facilities and accommodation for such purpose. Board may regulate time so as to allow connections to be made between railways for passengers and mails.
6. For the purposes of this section the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally. Specific works may be ordered by Board.
7. Every person aggrieved by any neglect or refusal of the company to comply with the requirements of this section shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, Right of action on default.

Condition against negligence invalid.

notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant. 3 E. VII., c. 58, s. 214; 6 E. VII., c. 42, ss. 19, 20 and 23.

Traffic over connecting lines.

**285.** Where a branch line of one railway joins or connects the line or lines of such railway with another, the Board may, upon application of one of the companies, or of a municipal corporation or other public body, order that the railway company which constructed such branch line shall afford all reasonable and proper facilities for the interchange, by means of such branch, of freight and live stock traffic, and the empty cars incidental thereto, between the lines of the said railway and those of the railway with which the said branch is so joined or connected, in both directions, and also between the lines of the said first mentioned railway and those of other railways connecting with the lines of the first mentioned railway, and all tracks and sidings used by such first mentioned railway for the purpose of loading and unloading cars, and owned or controlled by, or connecting with the lines of, the company owning or controlling the first mentioned railway, and such other tracks and sidings as the Board from time to time directs.

2. The Board may, in and by such order, or by other orders, from time to time determine as questions of fact and direct the price per car which shall be charged by and paid to the company owning or controlling the first mentioned railway for such traffic.

3. This section shall apply whether or not the point of connection is within the same city, town or village as the point of shipment or delivery, or so near thereto that the tolls to and from such points are the same. 6 E. VII., c. 42, s. 28.

#### *Dangerous Commodities.*

Transportation of dangerous goods.

**286.** No passenger shall carry, nor shall the company be required to carry upon its railway, gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature.

Nature must be marked outside.

2. Every person who sends by the railway any such goods shall distinctly mark their nature on the outside of the package containing the same, and otherwise give notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered. 3 E. VII., c. 58, s. 221.

Company may refuse to carry.

**287.** The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

Carriage in special cars.

2. The company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which cars shall plainly appear in

large letters the words *Dangerous Explosives*. 3 E. VII., c. 58, s. 222.

### *Packing.*

**288.** The spaces behind and in front of every railway frog <sup>In what spaces.</sup> or crossing, and between the fixed rails of every switch, where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

2. The spaces between any wing rail and any railway frog, *Idem.* and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches.

3. Such packing shall not reach higher than to the under <sup>Height of.</sup> side of the head of the rail.

4. Such packing shall consist of wood or metal, or some <sup>Of what to consist.</sup> equally substantial and solid material, of not less than two inches in thickness, and, where by this section any space is required to be filled in on any railway, shall extend to within one and a half inch of the crown of the rails in use, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

5. The Board may, notwithstanding the requirements of this section, allow the filling and packing therein mentioned to be left out from the month of December to the month of Apr'1 in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines. 3 E. VII., c. 58, s. 230. <sup>Board may regulate.</sup>

### *His Majesty's Mail and Forces.*

**289.** His Majesty's mail, His Majesty's naval or military <sup>Carriage of mails, troops, equipment, etc.</sup> forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on His Majesty's service, shall, at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any police force, respectively, be carried on the railway, and with the whole resources of the company if required, on such terms and conditions and under such <sup>Regulations</sup> regulations as the Governor in Council makes. 3 E. VII., c. 58, s. 232.

### *Telegraphs and Telephones.*

**290.** The company shall, when required so to do by the <sup>Government may have exclusive use.</sup> Governor in Council, or any person authorized by him, place at the exclusive use of the Government of Canada any electric telegraph and telephone lines, and any apparatus and operators which it has.

Compensation. 2. The company shall thereafter be entitled to receive reasonable compensation for such service. 3 E. VII., c. 58, s. 233.

Government may erect wires on right of way. **291.** The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone to be constructed along the line of any railway, for the use of the Government of Canada, and, for that purpose, may enter upon and occupy so much of the lands of the company as is necessary for the purpose. 3 E. VII., c. 58, s. 234.

#### Accidents.

Notice of accidents to Board. **292.** Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board.

Board may regulate. 2. The Board may by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which this section shall apply, and may declare any such information so given to be privileged. 3 E. VII., c. 58, s. 236; 6 E. VII., c. 42, s. 22.

Appointment of officer to inquire into accidents. **293.** The Board may appoint such person or persons as it thinks fit to inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Officer to report to Board. Powers of Board. 2. The person or persons so appointed shall report fully, in writing, to the Board, his or their doings and opinions on the matters respecting which he or they are appointed to inquire, and the Board may act upon such report and may order the company to suspend or dismiss any employee of the company whom it may deem to have been negligent or wilful in respect of any such accident. 3 E. VII., c. 58, s. 236.

#### Animals.

Cattle not allowed at large near railway. **294.** No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless they are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection, or straying upon the railway.

May be impounded. 2. All horses, sheep, swine or other cattle found at large contrary to the provisions of this section may, by any person who finds

finds them at large, be impounded in the pound nearest to the place where they are so found, and the pound-keeper with whom the same are impounded shall detain them in like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

3. If the horses, sheep, swine or other cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, at such point of intersection, he shall not have any right of action against any company in respect of the same being so killed or injured.

No right of action.

4. When any horses, sheep, swine or other cattle at large, whether upon the highway or not, get upon the property of the company and are killed or injured by a train, the owner of any such animal so killed or injured shall, except in the cases otherwise provided for by the next following section, be entitled to recover the amount of such loss or injury against the company in any action in any court of competent jurisdiction, unless the company establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent, or of the custodian of such animal or his agent.

Cattle killed or injured on property of company.

Burden of proof.

5. The fact that any such animal was not in charge of some competent person or persons shall not, if the animal was killed or injured upon the property of the company, and not at the point of intersection with the highway, deprive the owner of his right to recover. 3 E. VII., c. 58, s. 237.

Right to recover preserved.

**295.** No person whose horses, cattle, or other animals are killed or injured by any train shall have any right of action against any company in respect of such horses, cattle, or other animals being so killed or injured, if the same were so killed or injured by reason of any person,—

No right of action if

(a) for whose use any farm crossing is furnished failing to keep the gates at each side of the railway closed, when not in use; or,

Gates not closed.

(b) wilfully leaving open any gate on either side of the railway provided for the use of any farm crossing, without some person being at or near such gate to prevent animals from passing through the gate on to the railway; or,

Or wilfully left open.

(c) other than an officer or employee of the company while acting in the discharge of his duty, taking down any part of a railway fence; or,

Or fence taken down

(d) turning any such horse, cattle, or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or,

Or cattle turned within railway inclosure.

(e) except as authorized by this Act, without the consent of the company, riding, leading or driving any such horse, cattle, or other animal, or suffering the same to enter upon any railway, and within the fences and guards thereof.

Or railway used without consent.

3 E. VII., c. 58, ss. 200 and 201.



*Thistles and Weeds.*

Company to  
remove.

**296.** Every company shall cause thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down or to be rooted out and destroyed each year, before such thistles or weeds have sufficiently matured to seed. 3 E. VII., c. 58, s. 238.

*Fires.*

Company to  
keep right of  
way clear.

**297.** The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter. 3 E. VII., c. 58, s. 239.

Liability for  
fire caused  
by locomotive.

**298.** Whenever damage is caused to crops, lands, fences, plantations, or buildings and their contents, by a fire, started by a railway locomotive, the company making use of such locomotive, whether guilty of negligence or not, shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction: Provided that if it be shown that the company has used modern and efficient appliances and has not otherwise been guilty of any negligence, the total amount of compensation recoverable in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars.

Proviso.

Apportionment of compensation.

2. The compensation, in case the total amount recovered therefor is less than the claims established, shall be apportioned amongst the parties who suffered the loss as the court or judge may determine.

Company has  
insurable  
interest.

3. The company shall have an insurable interest in all property upon or along its route, for which it may be held liable to compensate the owners for loss or damage by fire caused by a railway locomotive, and may procure insurance thereon in its own behalf. 3 E. VII., c. 58, s. 239.

*Purchase of Railway by Person without Corporate Power to operate.*

Non-corporate purchaser to obtain authority to operate.

**299.** If any railway, or any section of any railway, is sold under the provisions of any deed or mortgage, or at the instance of the holders of any mortgage, bonds, or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person not having corporate power to hold and operate the same, the purchaser shall not run or operate such railway until authority therefor has been obtained as in this section provided.

Application to Minister.

2. The purchaser shall transmit to the Minister an application in writing stating the fact of such purchase, describing the termini and lines of route of the railway purchased, specifying the Special Act under which the same was constructed and operated, and requesting authority from the Minister to run

and operate the railway, and shall, with such application, transmit a copy of any writing preliminary to the conveyance of such railway, made as evidence of such sale, and also a duplicate or authenticated copy of the deed of conveyance of such railway, and such further details and information as the Minister may require.

3. Upon any such application, the Minister may, if he is satisfied therewith, grant an order authorizing the purchaser to run and operate the railway purchased until the end of the then next session of the Parliament of Canada, subject to such terms and conditions as the Minister may deem expedient. Minister may authorize.

4. The purchaser shall thereupon be authorized, for such period only and subject to such order, to operate and run such railway, and to take and receive such tolls in respect of traffic carried thereon, as the company previously owning and operating the same was authorized to take, and the purchaser shall also be subject to the terms and conditions of the Special Act of the said company, in so far as the same can be made applicable. Purchaser thereupon authorized to operate railway.

5. Such purchaser shall apply to the Parliament of Canada at the next following session thereof after the purchase of such railway, for an Act of incorporation or other legislative authority, to hold, operate and run such railway. Application to Parliament.

6. If such application is made to Parliament and is unsuccessful, the Minister may extend the order to run and operate such railway until the end of the then next following session of Parliament, and no longer. One extension allowed.

7. If during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister, as may be determined by the Governor in Council. Closing of road.  
3 E. VII., c. 58, s. 240.

#### *Railway Constables.*

**300.** (a) Any two justices of the peace, or a stipendiary or police magistrate, in the provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia, or Prince Edward Island; Who may appoint.

(b) Any judge of the Court of King's Bench, or of the Superior Court, or any clerk of the peace, clerk of the Crown, or judge of the sessions of the peace, in the province of Quebec;

(c) In the province of Saskatchewan or Alberta, any judge of the Supreme Court of the Northwest Territories, pending the abolition of the said Court in the province, and thereafter any judge of such superior court as may be established by the legislature of the province in lieu thereof;

(d) Two justices of the peace, in the Northwest Territories; and,

(c) Any commissioner of a parish court in the province of New Brunswick;

within whose respective jurisdictions the railway runs, may, on the application of the company or any clerk or agent of the company, appoint any persons recommended for that purpose by such company, clerk or agent, to act as constables on and along such railway.

Oath to be taken.

2. Every person so appointed shall take an oath or make a solemn declaration, which may be administered by any judge or other official authorized to make the appointment or to administer oaths, in the form or to the effect following, that is to say:—

Form of oath.

‘I, A.B., having been appointed a constable to act upon and along (*here name the railway*), under the provisions of the Railway Act, do swear that I will well and truly serve our Sovereign Lord the King in the said office of constable, without favour or affection, malice or ill-will; that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God.’

Appointment in writing.

3. Such appointment shall be made in writing signed by the official making the appointment, and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed on such written appointment by the person administering such oath or declaration. 3 E. VII, c. 58, s. 241.

Territorial limits of constable.

**301.** Every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against unlawful acts,—

(a) on such railway, and on any of the works belonging thereto;

(b) on and about any trains, roads, wharfs, quays, landing places, warehouses, lands and premises belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such company; and,

(c) in all places not more than a quarter of a mile distant from such railway.

Powers of constable.

2. Every such constable shall have all such powers, protection and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of offences, and for keeping the peace, as any constable duly appointed has within his constablewick. 3 E. VII, c. 58, s. 241.

**302.** Any such constable may take such persons as are charged with any offence against the provisions of this Act, or any of the Acts or by-laws affecting the railway, punishable by summary conviction, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes. Justices.

2. Every such justice may deal with all such cases, as though the offence had been committed and the persons taken within the limits of his jurisdiction. Venue. 3 E. VII., c. 58, s. 241.

**303.** (a) Any county court judge, or stipendiary police magistrate, in either of the provinces of Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia or Prince Edward Island; Who may dismiss constables.

(b) Any judge of the Court of King's Bench, or of the Superior Court, or judge of the sessions of the peace, in the province of Quebec; and,

(c) In the province of Saskatchewan or Alberta, any judge of the Supreme Court of the Northwest Territories, pending the abolition of that Court in the province, and thereafter any judge of any such superior court as may be established by the legislature of the province in lieu thereof;

may dismiss any such constable who is acting within their several jurisdictions.

2. The company, or any clerk or agent of the company, may also dismiss any such constable who is acting on such railway. Idem.

3. Upon every such dismissal, all powers, protection and privileges, which belonged to any such person by reason of such appointment, shall wholly cease. Powers to cease on dismissal.

4. No person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed. May not be reappointed. 3 E. VII., c. 58, s. 241.

**304.** The company shall within one week after the date of the appointment or dismissal, as the case may be, of any such constable appointed at the instance of the company, cause to be recorded in the office of the clerk of the peace for every county, parish, district, or other local jurisdiction in which any such constable is so appointed,—

- (a) such appointment or a certified copy thereof;
- (b) the name and designation of any such constable;
- (c) the date of his appointment;
- (d) the name of the authority making such appointment; and, in the case of dismissal,
- (e) the fact of the dismissal of any such constable;
- (f) the date of any such dismissal; and,
- (g) the name of the authority making such dismissal. 3 E.

VII., c. 58, s. 241

Book to be kept by clerk of the peace.

**305.** Such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. 3 E. VII., c. 58, s. 241.

ACTIONS FOR DAMAGES.

- Limitation.** **306.** All actions or suits for indemnity for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or, if there is continuation of damage, within one year next after the doing or committing of such damage ceases, and not afterwards.
- Pleadings.** 2. In any such action or suit the defendants may plead the general issue, and may give this Act and the Special Act and the special matter in evidence at the trial, and may prove that the said damages or injury alleged were done in pursuance of and by the authority of this Act or of the Special Act.
- Certain actions excepted.** 3. Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, for or relating to the carriage of any traffic, or to any action against the company for damages under the following provisions of this Act, respecting tolls.
- Company not relieved.** 4. No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any company of or from or in any wise diminish or affect, any liability or responsibility resting upon it, under the laws in force in the province in which such liability or responsibility arises, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance, or nonfeasance, of such company. 3 E. VII., c. 58, s. 242.

BY-LAWS, RULES AND REGULATIONS.

- Company may make.** **307.** The company may, subject to the provisions and restrictions in this and in the Special Act contained, make by-laws, rules or regulations respecting,—
- Speed.** (a) the mode by which, and the speed at which, any rolling stock used on the railway is to be moved;
- Time tables.** (b) the hours of the arrival and departure of trains;
- Loads.** (c) the loading and unloading of cars, and the weights which they are respectively to carry;
- Traffic.** (d) the receipt and delivery of traffic;

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(e)

- (e) the smoking of tobacco, expectorating, and the commission of any nuisance in or upon trains, stations, or other premises occupied by the company; Nuisances.
- (f) the travelling upon, or the using or working of the railway; Operation.
- (g) the employment and conduct of the officers and employees of the company; and, Officers and employees.
- (h) the due management of the affairs of the company. 3 E. Management.  
VII., c. 58, s. 243.

**308.** The company may, for the better enforcing of the observance of any such by-law, rule or regulation, thereby prescribe a penalty not exceeding forty dollars for any violation thereof. Penalty may be prescribed.  
3 E. VII., c. 58, s. 244.

**309.** All by-laws, rules and regulations, whether made by the directors or the company, shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company. To be in writing under common seal.  
3 E. VII., c. 58, s. 245.

**310.** All such by-laws, rules and regulations, except such as relate to tolls and such as are of a private or domestic nature and do not affect the public generally, shall be submitted to the Governor in Council for approval. Must be approved by Governor in Council.

2. The Board shall make a report to the Governor in Council upon such by-laws, rules and regulations, and the Governor in Council may thereupon sanction such by-laws, rules and regulations or any of them, or any part thereof, and may, from time to time, rescind the sanction thereof, or of any part thereof. Board to report.

3. No such by-law, rule or regulation shall have any force or effect without such sanction. No effect without sanction.  
3 E. VII., c. 58, s. 246.

**311.** Such by-laws, rules and regulations when so approved shall be binding upon, and shall be observed by all persons, and shall be sufficient to justify all persons acting thereunder. Binding when approved upon all persons.  
3 E. VII., c. 58, s. 248.

**312.** A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby. Printed copy to be posted up.

2. A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected. Copy to every officer and employee affected.

In Quebec  
both  
languages.

3. In the province of Quebec every such notice, by-law, rule and regulation shall be published both in the English and French languages. 3 E. VII., c. 58, s. 247.

Company  
may enforce.

**313.** If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof. 3 E. VII., c. 58, s. 249.

#### TOLLS.

##### *By-laws.*

Authorizing  
tariffs of  
tolls.

**314.** The company or the directors of the company, by by-law, or any officer of the company thereunto authorized by by-law of the company or directors, may from time to time prepare and issue tariffs of the tolls to be charged, as hereinafter provided, for all traffic carried by the company upon the railway, or in vessels, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

Tolls.

2. Such tolls may be either for the whole or for any particular portions of the railway.

Approval of  
Board.

3. All such by-laws shall be submitted to and approved by the Board.

In whole or  
in part.

4. The Board may approve such by-laws in whole or in part, or may change, alter or vary any of the provisions therein.

No tolls to  
be charged  
until by-law  
approved by  
Board.

5. No tolls shall be charged by the company until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor shall the company charge, levy or collect any money for any service as a common carrier, except under the provisions of this Act. 3 E. VII., c. 58, ss. 251 and 252.

##### *Equality.*

Tolls to be  
charged  
equally.

**315.** All such tolls shall always, under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in or upon the like kind of cars, passing over the same portion of the line of railway, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

No discrimi-  
nation.

2. No reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular person or company travelling upon or using the railway.

Tolls may be  
proportion-  
ately less in  
certain cases.

3. The tolls for larger quantities, greater numbers, or longer distances may be proportionately less than the tolls for smaller quantities or numbers, or shorter distances, if such tolls are,

under substantially similar circumstances, charged equally to all persons.

4. No toll shall be charged which unjustly discriminates Localities. between different localities.

5. The Board shall not approve or allow any toll, which Duty of Board. for the like description of goods, or for passengers carried under substantially similar circumstances and conditions in the same direction over the same line, is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that owing to competition, it is expedient to allow such toll.

6. The Board may declare that any places are competitive Competitive points. points within the meaning of this Act. 3 E. VII., c. 58, s. 252.

**316.** No company shall, without leave therefor having been Pooling prohibited. obtained from the Board, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, or divide its earnings or any portion thereof with any other railway company or common carrier, or enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result. 3 E. VII., c. 58, s. 252.

**317.** All companies shall, according to their respective Facilities for traffic. powers, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock.

2. Such facilities to be so afforded shall include the due and Through traffic. reasonable receiving, forwarding and delivering by the company, at the request of any other company, of through traffic, and, in the case of goods shipped by ear load, of the ear with the goods shipped therein, to and from the railway of such other company, at a through rate; and also the due and reasonable receiving, forwarding and delivering by the company, at the request of any person interested in through traffic, of such traffic at through rates.

3. No company shall,—

(a) make or give any undue or unreasonable preference No undue preference. or advantage to, or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever;

(b) by any unreasonable delay or otherwise howsoever, make Or discrimination. any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person, or company;



- Or prejudice. (c) subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever; or,
- Allotment of freight cars. (d) so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Canada with which it connects.
- Connecting railway to afford reasonable facilities. 4. Every company which has or works a railway forming part of a continuous line of railway with or which intersects any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf.
- Facilities for junction of private sidings, branches, etc. 5. The reasonable facilities which every railway company is required to afford under this section, shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by any such company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways.
- Equal facilities to be granted to express companies. 6. Every company which grants any facilities for the carriage of goods by express to any incorporated express company or person, shall grant equal facilities, on equal terms and conditions, to any other incorporated express company which demands the same.
- Agreements to the contrary void. 7. Any agreement made between any two or more companies contrary to this section shall be unlawful and null and void. 3 E. VII., c. 58, ss. 253, 271 and 278; 6 E. VII., c. 42, s. 23.
- Board may determine. **318.** The Board may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of the three last preceding sections.
- May make declaratory regulation. 2. The Board may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance

compliance or non-compliance with the provisions of the three last preceding sections.

3. For the purposes of the last preceding section, the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally. 3 E. VII., c. 58, s. 253; 6 E. VII., c. 42, s. 23.

Specific works may be ordered by Board.

**319.** In deciding whether a lower toll, or difference in treatment, does or does not amount to any undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls. 3 E. VII., c. 58, s. 254.

What Board may consider in deciding undue preference.

**320.** In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or may determine, what portion of such single sum is charged in respect of the carriage by rail. 3 E. VII., c. 58, s. 254.

Apportionment of toll for carriage by land and water.

#### *Freight Classification.*

**321.** The tariffs of tolls for freight traffic shall be subject to and governed by that classification which the Board may prescribe or authorize, and the Board shall endeavour to have such classification uniform throughout Canada, as far as may be, having due regard to all proper interests.

Tariff of tolls subject to classification by Board.

2. The Board may make any special regulations, terms and conditions in connection with such classification, and as to the carriage of any particular commodity or commodities mentioned therein, as to it may seem expedient.

Special terms and conditions.

3. The company may, from time to time, with the approval of the Board, and shall, when so directed by the Board, place any goods specified by the Board in any stated class, or remove them from any one class to any other, higher or lower class: Provided that no goods shall be removed from a lower to a higher class until such notice as the Board determines has been given in the *Canada Gazette*.

Changes of class.

4. Any freight classification in use in the United States may, subject to any order or direction of the Board, be used by the company with respect to traffic to and from the United States.

United States freight classification.

3 E. VII., c. 58, s. 255.

## Tariffs.

**Form and particulars.**

**322.** All tariff by-laws and tariffs of tolls shall be in such form, size and style, and give such information, particulars and details, as the Board may, by regulation, or in any case, prescribe. 3 E. VII., c. 58, s. 256.

**Disallowance.**

**323.** The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

**Substitution.**

**Commencement.**

2. The Board may designate the date at which any tariff shall come into force.

**Amendment.**

3. Any tariff in force, except standard tariffs, hereinafter mentioned, may, subject to disallowance or change by the Board, be amended or supplemented by the company by tariffs, in accordance with the provisions of this Act.

**Consolidation and re-issue.**

4. When any tariff has been amended or supplemented from time to time, the Board may order that a consolidation and reissue of such tariff be made by the company. 3 E. VII., c. 58, s. 257.

**Fraction of a mile.**

**324.** In all cases a fraction of a mile in the distance over which traffic is carried on the railway shall be considered as a whole mile.

**Fraction of five pounds in weight.**

2. In estimating the weight of any goods in any one single shipment on which the toll amounts to more than the minimum, or 'smalls' toll, any fraction of five pounds shall be waived by the company, and five or any fraction above five and up to ten pounds shall be deemed ten pounds by the company.

**Fraction of five cents.**

3. In estimating the tolls to be charged in passenger tariffs, any fraction of five cents less than two and a half cents shall be waived by the company, and above two and a half cents and up to five cents shall be considered as five cents by the company. 3 E. VII., c. 58, s. 258.

**Division of freight tariffs.**

**325.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of goods between points on the railway shall be divided into three classes, namely:—

**Standard.**

(a) The standard freight tariff;

**Special.**

(b) Special freight tariffs; and,

**Competitive.**

(c) Competitive tariffs. 3 E. VII., c. 58, s. 259.

**What standard tariff to specify.**

**326.** The standard freight tariff, or tariffs, where the company is allowed by the Board more than one standard freight tariff, shall specify the maximum mileage tolls to be charged

for each class of the freight classification for all distances covered by the company's railway.

2. Such distances may be expressed in blocks or groups, and such blocks or groups may include relatively greater distances for the longer than for the shorter hauls. Distances.

3. The special freight tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any particular commodity or commodities, or for each or any class or classes of the freight classification, or to or from a certain point or points on the railway; and greater tolls shall not be charged therein for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer. What special freight tariffs to specify.

4. The competitive tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any class or classes of the freight classification, or for any commodity or commodities, to or from any specified point or points which the Board may deem or have declared to be competitive points not subject to the long and short haul clause under the provisions of this Act. 3 E. VII., c. 58, s. 260. What competitive tariffs to specify.

**327.** Every standard freight tariff shall be filed with the Board, and shall be subject to the approval of the Board. Standard freight tariff

2. Upon any such tariff being filed and approved by the Board the company shall publish the same, with a notice of such approval in such form as the Board directs in at least two consecutive weekly issues of the *Canada Gazette*. Filing. Approval. Publication.

3. When the provisions of this section have been complied with, the tolls as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the cases of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods. Tolls specified to be the only lawful tolls.

4. Until the provisions of this section have been complied with, no toll shall be charged by the company. 3 E. VII., c. 58, s. 261. No toll until compliance.

**328.** Special freight tariffs shall be filed by the company with the Board, and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect. Special freight tariffs.

2. When any such special freight tariff reduces any toll previously authorized to be charged under this Act the company shall file such tariff with the Board, and shall, for three days previous to the date on which such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of such tariff, at every station or office of the company where freight is received, or to which freight is to be carried thereunder, and also post up in a prominent place, at each such office or station, a notice in large type directing public attention If tolls previously in force are reduced.

Notice.

to the place in such office or station where such tariff is so kept on file: Provided that the Board may by regulation or otherwise determine and prescribe any other or additional method of publication of such tariff during the period aforesaid.

If previous  
tolls  
advanced.

3. When any such special freight tariff advances any toll previously authorized to be charged under this Act, the company shall in like manner file and publish such tariff ten days previously to the date on which such tariff is intended to take effect.

Effect of  
filing.

4. Upon any such special freight tariff being so filed, the company shall, until such tariff is superseded, or is disallowed by the Board, charge the toll or tolls as specified therein; and such special freight tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, so far as it reduces or advances the tolls therein. 3 E. VII., c. 58, s. 262.

Competitive  
tariffs.

**329.** Competitive tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect: Provided that where it may be necessary to meet the exigencies of competition, or as the Board may deem expedient, the Board may make rules and regulations governing the filing or publication of such tariffs, and may provide that any such tariffs may be acted upon and put in operation immediately upon the issue thereof by the company, before they have been filed with the Board. 3 E. VII., c. 58, s. 262.

Filing.

Division of  
passenger  
tariffs.

**330.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of passengers between points on the railway shall be divided into two classes, namely:—

Standard.  
Special.

- (a) The standard passenger tariff; and,  
(b) Special passenger tariffs.

What stand-  
ard passen-  
ger tariff  
shall specify.

2. The standard passenger tariff shall specify the maximum mileage tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be expressed in like manner as provided herein in respect of standard freight tariffs.

What special  
passenger  
tariffs shall  
specify.

3. Special passenger tariffs shall specify the toll or tolls to be charged by the company for passengers, in every case where such tolls are lower than the tolls specified in the company's standard passenger tariff. 3 E. VII., c. 58, s. 263.

Standard  
passenger  
tariff.

**331.** A standard passenger tariff shall be filed, approved and published in the same manner as required by this Act in the case of a standard freight tariff.

Approved  
and pub-  
lished.

2. Until the company files its standard passenger tariff and such tariff is so approved and published in the *Canada Gazette*, no tolls shall be charged by the company.

Tolls author-  
ized.

3. When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in

the case of special passenger tariffs, be the only tolls which the company is authorized to charge for the carriage of passengers. 3 E. VII., c. 58, s. 264.

**332.** The company shall file all special passenger tariffs with the Board, and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff, at every station or office of the company where passengers are received for carriage thereunder, and also post up in a prominent place at each such office or station a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may, owing to the exigencies of competition or otherwise, notwithstanding anything in this section contained, determine the time or manner within and according to which publication of any such tariff is to be made.

Special passenger tariffs.

Notice.

2. The date of the issue and the date on which, and the period, if any, during which, any such tariff is intended to take effect, shall be specified therein.

Date and period.

3. Upon any such tariff being so duly filed the company shall, until such tariff is superseded or is disallowed by the Board, charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

Effect of filing.

4. Until such tariff is so duly filed, no such toll or tolls shall be charged by the company. 3 E. VII., c. 58, s. 265.

No toll before filing.

**333.** Where traffic is to pass over any continuous route in Canada operated by two or more companies, the several companies may agree upon a joint tariff for such continuous route, and the initial company shall file such joint tariff with the Board, and the other company or companies, shall promptly notify the Board of its or their assent to and concurrence in such joint tariff.

Joint tariffs, may be agreed upon.

2. The names of the companies whose lines compose such continuous route shall be shown by such tariffs.

Names of companies.

3. If the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by sea or inland water, between any places or ports in Canada, and if any such vessel carries traffic between a port in Canada reached by such company and a port in Canada reached by the railway of another company, the vessel and the railway of either company shall be deemed to constitute a continuous route in Canada within the meaning of this section. 3 E. VII., c. 58, s. 266; 6 E. VII., c. 42, s. 24.

Continuous route in the case of carriage by water.

**334.** In the event of failure by such companies to agree upon any such joint tariff as provided in the last preceding section,

Where failure to agree.

- Board may require. tion, the Board on the application of any company or person desiring to forward traffic over any such continuous route, which the Board considers a reasonable and practicable route, or any portion thereof, may require such companies, within a prescribed time, to agree upon and file in like manner a joint tariff for such continuous route, satisfactory to the Board, or may, by order, determine the route, fix the toll or tolls and apportion the same among the companies interested, and may determine the date when the toll or tolls so fixed shall come into effect.
- Companies to comply. 2. Upon any such order being made the companies shall as soon as possible, or within such time as the Board may require, file and publish a joint tariff in accordance with this Act, and in accordance with such order.
- Apportionment of through rate. 3. In any case when there is a dispute between companies interested as to the apportionment of a through rate in any joint tariff, the Board may apportion such rate between such companies.
- Power of Board. 4. The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allotted to any company out of such through rate than the toll such company would otherwise be entitled to charge. 3 E. VII., c. 58, s. 267.
- Joint tariff. **335.** When traffic is to pass over any continuous route from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, and such route is operated by two or more companies, whether Canadian or foreign, the several companies shall file with the Board a joint tariff for such continuous route. 3 E. VII., c. 58, s. 268.
- Idem. **336.** As respects all traffic which shall be carried from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country by any continuous route owned or operated by any two or more companies, whether Canadian or foreign, a joint tariff for such continuous route shall be duly filed with the Board. 3 E. VII., c. 58, s. 269.
- Continuous carriage. **337.** No company shall, by any combination, contract or agreement, express or implied, or by other means or devices, prevent the carriage of goods from being continuous from the place of shipment to the place of destination.
- Break in bulk, etc. 2. No break in bulk, stoppage or interruption made by such company shall prevent the carriage of goods from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily inter-
- Continuity. rupt

rupt such continuous carriage, or to evade any of the provisions of this Act. 3 E. VII., c. 58, s. 272.

**338.** Joint tariffs shall, as to the filing and publication thereof, be subject to the same provisions in this Act as are applicable to the filing and publication of local tariffs of a similar description; and upon any such joint tariff being so duly filed with the Board the company or companies shall, until such tariff is superseded or disallowed by the Board, charge the toll or tolls as specified therein: Provided that the Board may except from the provisions of this section the filing and publication of any or all passenger tariffs of foreign railway companies.

Filing and publication of joint tariffs.

Proviso.

2. The Board may require to be informed by the company of the proportion of the toll or tolls, in any joint tariff filed, which it or any other company, whether Canadian or foreign, is to receive or has received. 3 E. VII., c. 58, s. 273.

Information which Board may require.

**339.** The company shall deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each of its tariffs, at the following places respectively:—

Where tariffs may be inspected.

- (a) Standard passenger and freight tariffs at every station or office of the company where passengers or freight respectively, are received for carriage thereunder; Standard tariffs.
- (b) Special passenger and freight tariffs, at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder, and, as to such freight tariffs, as soon as possible, at each of its stations or offices to which freight traffic is to be carried thereunder; Special tariffs.
- (c) Competitive tariffs, at each freight station or office of the company where goods are to be received and delivered thereunder; Competitive tariffs.
- (d) Joint tariffs for traffic passing over any continuous route in Canada, operated by two or more companies, at each freight station or office where traffic is to be received, and at each freight station to which such tariffs extend; Joint tariffs in Canada.
- (e) Joint tariffs for traffic passing over any continuous route operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, at each freight station or office where such traffic is to be received, and at each freight station or office in Canada to which it is to be carried as its destination; Joint tariffs, Canadian or foreign.
- (f) Joint tariffs for traffic carried by any continuous route owned or operated by two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada Idem.



into a foreign country, at each freight station or office in Canada to which such tariffs extend.

Freight  
classifica-  
tions.

2. The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours.

Notice to be  
posted at  
station of  
place where  
tariffs open  
to inspection

3. The company shall post up in a prominent place at each of its stations where passengers or freight, respectively, are received for carriage, a notice in large type directing the public attention to the place in such station where the passenger or freight tariffs, respectively, are kept on file for public inspection during business hours, and the station agent, or person in charge at such station, shall produce to any applicant, on request, any particular tariff in use at that station which he may desire to inspect.

Power of  
Board as to  
publication  
of tariffs.

4. Notwithstanding anything in this section, the Board may, in addition to or in substitution for the publication of any tariff required by this section, by regulation or otherwise, determine and prescribe the manner and form in which any such tariff shall be published or kept open by the company for public inspection, and may exempt from any such publication any competitive tariffs, or any joint tariff for traffic carried by any continuous route,—

May exempt

(a) operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country; or,

(b) owned or operated by any two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country. 3 E. VII., c. 58, s. 274.

#### *General Provisions respecting Carriage.*

Contracts,  
etc., impair-  
ing carriers'  
liability.

**340.** No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of the carriage of any traffic, shall, except as hereinafter provided, relieve the company from such liability, unless such class of contract, condition, by-law, regulation, declaration or notice shall have been first authorized or approved by order or regulation of the Board.

Power of  
Board.

2. The Board may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

Board may  
prescribe  
terms.

3. The Board may by regulation prescribe the terms and conditions under which any traffic may be carried by the company. 3 E. VII., c. 58, s. 275.

Free or  
reduced  
traffic.

**341.** Nothing in this Act shall be construed to prevent,—  
(a) the carriage, storage or handling of traffic, free or at reduced rates, for the Dominion, or for any provincial or municipal

municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation;

- (b) the issuing of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, or any member of any organized association of commercial travellers with his baggage;
- (c) railways from giving free carriage or reduced rates to their own officers and employees, or their families, or for their goods and effects, or to members of the provincial legislatures or of the press, or to such other persons as the Board may approve or permit; or,
- (d) the principal officers of any railway, or any railway transportation company, from exchanging passes, or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects:

Provided that the carriage of traffic by the company under this section may, in any particular case, or by general regulation, be extended, restricted, limited or qualified by the Board. 3 E. VII., c. 58, s. 275.

**342.** Notwithstanding anything in this Act, the Board may make regulations permitting the company to issue special rate notices prescribing tolls, lower than the tolls in force upon the railway, to be charged for specific shipments between points upon the railway, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the company, or be in the public interest, and not otherwise contrary to the provisions of this Act.

2. Every such special rate notice, or a duplicate copy thereof, shall be filed with the Board, and shall exist merely for the purpose of giving effect to the special rate charged for the specific shipment mentioned therein. 3 E. VII., c. 58, s. 275.

**343.** The company shall furnish free transportation upon any of its trains, for members of the Senate and House of Commons of Canada with their baggage, and also for the members of the Board, and for such officers and staff of the Board as the Board may determine, with their baggage and equipment, and shall also, when required, haul free of charge any car provided for the use of the Board. 3 E. VII., c. 58, s. 275.

#### Collection of Toll

**344.** In case of refusal or neglect of payment on demand of any lawful tolls, or any part thereof, the same shall be recoverable

able in any court of competent jurisdiction. 3 E. VII., c. 58, s. 280.

- Seizure and sale of goods subject to tolls.** **345.** The company may, instead of proceeding as aforesaid for the recovery of such tolls, seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof.
- Sale of goods.** 2. If the tolls are not paid within six weeks, and, where the goods are perishable goods, if the tolls are not paid upon demand, or such goods are liable to perish while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods, and, out of the money arising from such sale, retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale.
- Application of proceeds.**
- Surplus.** 3. The company shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. 3 E. VII., c. 58, s. 280.
- Unclaimed goods.** **346.** If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the official gazette of the province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods.
- Sale.**
- Proceeds.**
- Balance.** 2. The balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto. 3 E. VII., c. 58, s. 280.
- If unclaimed.** **347.** In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be deposited with the Minister of Finance for the public uses of Canada.
- Limitation of time for claim.** 2. Such balance may be claimed by the person entitled thereto at any time within six years from the date of such deposit. 3 E. VII., c. 58, s. 280.

#### *Express Tolls.*

- Approval of tolls.** **348.** All express tolls shall be subject to the approval of the Board.
- Disallowance of tolls.** 2. The Board may disallow any express tariff or any portion thereof which it considers unjust or unreasonable, and shall have and may exercise all the powers with respect to express tolls and such tariffs as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and all the provisions of this Act applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not incon-

sistent with the provisions of this section and the five next following sections, shall apply to express tolls and tariffs. 6 E. VII., c. 42, s. 27.

**349.** Tariffs of such express tolls shall be filed with the Board and shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation or by order in any particular case, prescribes. 6 E. VII., c. 42, s. 27.

Tariff of  
tolls.

**350.** No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner hereinbefore provided; or, in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto, or in any case where such express toll in any tariff has been disallowed by the Board. 6 E. VII., c. 42, s. 27.

Goods not to  
be carried  
until tariff is  
filed, or after  
disallowance.

**351.** No express toll shall be charged in respect of which there is default in such filing, or which is disallowed by the Board: Provided that any company, person or corporation which was, immediately previous to the thirteenth day of July, one thousand nine hundred and six, charging express tolls, may, without such filing or approval, for a period of six months next after the last mentioned date, or for such further period as the Board allows, charge such express tolls as such company, person or corporation, immediately previous to the said date, might lawfully have charged. 6 E. VII., c. 42, s. 27.

Tolls not to  
be charged  
until filed  
and  
approved.  
Proviso.

**352.** The Board may by regulation, or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this Act. 6 E. VII., c. 42, s. 27.

Board may  
define  
carriage by  
express.

**353.** No contract, condition, by-law, regulation, declaration or notice made or given by any company or any person or corporation charging express tolls impairing, restricting or limiting the liability of such company, person or corporation with respect to the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, shall have any force or effect unless first approved by order or regulation of the Board.

Conditions  
limiting  
liability to  
be approved  
by Board.

2. In order to allow time for the companies, persons and corporations to comply with the provisions of this section, all contracts, conditions, by-laws, regulations, declarations or notices within the meaning of this section lawfully in use immediately previous to the thirteenth day of July, one thousand nine hundred and six, may continue to be used and shall have effect

Saving as to  
existing con-  
tracts, etc.

- effect until such later date as the Board may by order, in any case, or by regulation, fix and allow.
- Regulation of carriage by express. 3. The Board may in any case or by regulation,—
- (a) determine the extent to which the liability of such company, person or corporation may be so impaired, restricted or limited; and,
- (b) prescribe the terms and conditions under which goods may be collected, received, cared for or handled for the purpose of sending, carrying or transporting them by express, or under which goods may be sent, carried, transported or delivered by express by any such company, person or corporation. 6 E. VII., c. 42, s. 27.

Annual return by company. **354.** Every company and every person and corporation charging express tolls shall make to the Board an annual return of its capital, business and working expenditure, and such other information and particulars, including a statement of unclaimed goods, as the Board directs.

Form, etc., of return. 2. Such return shall be made in such form, covering such period, and at such time, and shall be published in such manner, as the Board from time to time directs. 6 E. VII., c. 42, s. 27.

#### Telephone Tolls.

Approval of telephone tolls. **355.** Notwithstanding anything in any Act heretofore or hereafter passed by Parliament, all telephone tolls to be charged by the company shall be subject to the approval of the Board. 6 E. VII., c. 42, s. 30.

Tariff of tolls to be filed with Board. **356.** The company shall file with the Board tariffs of the telephone tolls to be charged, and such tariffs shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation, or in any particular case, prescribes, and the company shall not charge, and shall not be entitled to charge, any telephone toll in respect of which there is default in such filing, or which is disallowed by the Board: Provided that any company, previous to the thirteenth day of July, one thousand nine hundred and six, charging telephone tolls may, without such filing and approval, for a period of four months after the said date, or for such further period as the Board allows, charge such telephone tolls as such company was immediately previous to the said date authorized by law to charge.

Proviso. 2. Such telephone tariffs may be dealt with by the Board in the same manner as is provided by this Act, with respect to standard freight tariffs; and all the provisions of this Act, except as to publication under section three hundred and thirty-nine, applicable to the company with respect to standard freight tariffs and tolls chargeable thereunder, shall, in so far as they are applicable and not inconsistent with this Act, apply to the company with respect to such telephone tariffs and telephone

tolls chargeable under such telephone tariffs. 6 E. VII., c. 42, s. 30.

**357.** The Board may, by regulation or otherwise, determine and prescribe the manner and form in which any tariff or tariffs of telephone tolls shall be published or kept open for public inspection. 6 E. VII., c. 42, s. 33.

Publicity of telephone tolls.

**358.** Whenever any province, municipality, or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, is desirous of using any long distance telephone service or long distance line owned, controlled, or operated by any company, upon which service or line the company is authorized to charge telephone tolls, in order to connect such telephone system, service or line with the telephone system, service or line operated or to be operated by such province, municipality, or corporation for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system, service or line and any telephone or telephone exchange on the other telephone system, service or line, and cannot agree with such company with respect to obtaining such connection or communication, or such use, such province, municipality or corporation may apply to the Board for relief, and the Board may order such company to provide for such connection or communication, or such use, upon such terms as to compensation as the Board deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms and conditions such connection or communication, or such use, shall be had, constructed, installed, operated, and maintained.

Board may order telephone company to make connection with municipal telephone system.

2. Upon any such application the Board shall, in addition to any other consideration affecting the case, take into consideration the standards as to efficiency and otherwise of the apparatus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the connection or communication or use applied for can, in the opinion of the Board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of such company. 6 E. VII., c. 42, s. 31.

Board shall consider standard of efficiency.

**359.** Where the telephone system or line operated by the company is connected or used in communication with the telephone system or line operated by another such company or by any province, municipality or corporation, whether the authority of such province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada or otherwise, and whether such connection or communication has been previously or is here-

Provisions of this Act with respect to joint tariffs to apply.

after established either by agreement of the parties or under an order of the Board, the provisions of this Act with respect to joint tariffs, in so far as they are applicable and not inconsistent with this Act, shall apply to such company or companies and to such province, municipality or corporation.

Power of Board to enforce order.

2. The Board shall have, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines. 6 E. VII., c. 42, s. 32.

Agreements between telephone companies and municipalities to be approved by Board.

**360.** All contracts, agreements and arrangements between the company and any other such company, or any province, municipality or corporation having authority to construct and operate or to operate a telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise for the regulation and interchange of telephone messages or service passing to and from their respective telephone systems and lines, or for the division or apportionment of telephone tolls, or generally in relation to the management, working, or operation of their respective telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, shall be subject to the approval of the Board; and shall be submitted to and approved by the Board before such contract, agreement or arrangement shall have any force or effect. 6 E. VII., c. 42, s. 34.

#### AGREEMENTS.

##### *Amalgamation Agreements.*

Agreement for sale, lease or amalgamation of railway.

**361.** Where the company is authorized, by any Special Act of the Parliament of Canada to enter into an agreement with any other company for selling, conveying or leasing to such company the railway and undertaking of the company, in whole or in part, or for purchasing or leasing from such company the railway and undertaking of such company, in whole or in part, or for amalgamation, such agreement shall be first approved by two-thirds of the votes of the shareholders of each company, party thereto, at an annual general meeting, or at a special general meeting, of each company, called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy.

Approval of shareholders

2. Upon such agreement being so approved, and duly executed it shall be submitted to the Board with an application for a recommendation to the Governor in Council for the sanction thereof.

Board to recommend sanction.

3. Notice of the proposed application for such recommendation shall be published in the *Canada Gazette* for at least one month prior to the time, to be stated therein, for the making of such application, and also, unless the Board otherwise orders, for a like period in one newspaper in each of the counties or electoral districts through which the railway to be sold, leased or amalgamated, runs, in which a newspaper is published.

Notice in  
*Canada  
Gazette.*

4. Upon such notice being given the Board shall grant or refuse such application, and upon granting the same shall make a recommendation to the Governor in Council for the sanction of such agreement.

Action of  
Board.

5. Upon such agreement being sanctioned by the Governor in Council, a duplicate original of such agreement shall be filed in the office of the Secretary of State of Canada; and thereupon such agreement shall come into force and effect, and notice thereof shall be forthwith given in the *Canada Gazette*.

Proceedings  
upon sanc-  
tion.

Notice.

6. The production of the *Canada Gazette* containing such notice shall be *prima facie* evidence of the requirements of this section being complied with. 3 E. VII., c. 58, s. 281.

Evidence of  
notice.

**362.** Upon any agreement for amalgamation coming into effect, as provided in the last preceding section, the companies, parties to such agreement, shall, subject to the provisions of this Act and the Special Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company, under the name, and upon the terms and conditions in such agreement provided; and the amalgamated company shall possess and be vested with all the railways and undertakings, and all other the powers, rights, privileges, franchises, assets, effects, and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies, parties to such agreement, or to which they, or any or either of them, may be or become entitled; and shall be liable for all claims, demands, rights, securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties, to as full an extent as any or either of such companies was, at or before the time when the amalgamation agreement came into effect. 3 E. VII., c. 58, s. 282.

Amalgama-  
tion.

Powers, etc.,  
of amalga-  
mated com-  
pany.

**363.** Notwithstanding anything in any agreement made or sanctioned under the provisions of the last two preceding sections, every act, matter or thing, done, effected or confirmed under or by virtue of this Act or the Special Act, before the date of the coming into effect of such agreement, shall be as valid as if such agreement had never come into effect; and such agreement shall be subject and without prejudice to every such act, matter or thing, and to all rights, liabilities, claims and demands, present or future, which would be incident to, or consequent upon such act, matter or thing if such agreement had never come into effect.

Saving of  
rights and  
claims.



Amalgamated company in place of former companies.

2. In the case of an agreement for amalgamation, as to all acts, matters and things so done, effected or confirmed, and as to all such rights, liabilities, claims and demands, the amalgamated company shall for all purposes stand in the place of and represent the companies who are parties thereto, and the generality of the provisions of this section shall not be deemed to be restricted by any Special Act, unless this section is expressly referred to in such Special Act, and expressly limited or restricted thereby. 3 E. VII, c. 58, s. 283.

#### Traffic Agreements.

Directors may make traffic agreements.

**364.** The directors may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other company, either in Canada or elsewhere, for the interchange of traffic between their railways or vessels, and for the division and apportionment of tolls in respect of such traffic.

And agreements for

2. The directors may also make and enter into any agreement or arrangements, not inconsistent with the provisions of this or the Special Act, for any term not exceeding twenty-one years,—

Running powers.

(a) for the running of the trains of one company over the tracks of another company;

Division of tolls.

(b) for the division and apportionment of tolls in respect of such traffic;

Management and working

(c) generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith; and,

Joint committee.

(d) to provide, either by proxy or otherwise, for the appointment of a joint committee for the better carrying into effect of any such agreement or arrangement, with such powers and functions as are considered necessary or expedient;

Conditions.

subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the Board, application, notices and filing, as hereinbefore provided with respect to amalgamation agreements: Provided that publication of notices in the *Canada Gazette* shall be sufficient notice, and that the duplicate original of such agreement or arrangement shall, upon being sanctioned, be filed with the Board.

Proviso.

Board may exempt from conditions.

3. The Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions, with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the Board to be unnecessary.

Saving.

4. Neither the making of any such arrangement or agreement, nor anything therein contained, nor any approval thereof, shall restrict, limit, or affect any power by this Act vested in

the Board, or relieve the companies from complying with the provisions of this Act. 3 E. VII., c. 58, s. 284.

## INSOLVENT COMPANIES.

**365.** Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors, and may file it in the Exchequer Court. Scheme may be filed in Exchequer Court.

2. Such scheme of arrangement may or may not include provisions for settling and defining any rights of shareholders of the company as among themselves, and for the raising if necessary of additional share and loan capital. May affect shareholders and capital.

3. There shall be filed with such scheme of arrangement,—

(a) a declaration in writing under the common seal of the company to the effect that the company is unable to meet its engagements with its creditors; and, Declaration to be filed.

(b) an affidavit made by the president and directors of the company, or by a majority of them, that such declaration is true to the best of their respective judgments and beliefs. Affidavit.

4. After the filing of the scheme, the Exchequer Court may, on the application of the company, on summons or motion in a summary way, restrain any action against the company on such terms as the Exchequer Court thinks fit. Court may restrain action.

5. Notice of the filing of the scheme shall be published in the *Canada Gazette*. Notice of filing.

6. After such publication of notice, no execution, attachment, or other process against the property of the company shall be available without leave of the Exchequer Court, to be obtained on summons or motion in a summary way. 3 E. VII., c. 58, s. 285. No execution without leave.

**366.** The scheme shall be deemed to be assented to,— Assent to scheme.

(a) by the holders of mortgages or bonds issued under the authority of this or any Special Act relating to the company, when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds; By bond-holders.

(b) by the holders of debenture stock of the company, when it is assented to in writing by three-fourths in value of the holders of such stock; By debenture holders.

(c) by the holders of any rent charge, or other payment, charged on the receipts of or payable by the company in consideration of the purchase of the undertaking of another company, when it is assented to in writing by three-fourths in value of such holders; By charge holders.

(d) by the guaranteed or preference shareholders of the company, when it is assented to in writing by three-fourths in value of such shareholders, if there is only one class of such shareholders, or three-fourths in value of each class, if there are more classes of such shareholders than one; and, By preference shareholders.

- By ordinary shareholders. (e) by the ordinary shareholders of the company, when it is assented to by a special meeting of the company called for that purpose.
- Assent of leasing company. 2. Where the company is lessee of a railway, the scheme shall be deemed to be assented to by the leasing company when it is assented to,—
- Bondholders. (a) in writing, by three-fourths in value of the holders of mortgages, bonds and debenture stock of the leasing company;
- Preference shareholders. (b) in writing, by three-fourths in value of the guaranteed or preference shareholders of the leasing company, if there is only one such class, and by three-fourths in value of each class, if there are more classes than one of such shareholders; and,
- Ordinary shareholders. (c) by the ordinary shareholders of the leasing company, at a special meeting of that company called for that purpose.
- No assent required from class not interested. 3. The assent to the scheme of any class of holders of mortgages, bonds or debenture stock, or of any class of holders of a rent charge or other payment as aforesaid, or of any class of guaranteed or preference shareholders, or of a leasing company, shall not be requisite in case the scheme does not prejudicially affect any right or interest of such class or company. 3 E. VII., c. 58, s. 286.
- Application for confirmation of scheme. **367.** If, at any time within three months after the filing of the scheme, or within such extended time as the Exchequer Court, from time to time, thinks fit to allow, the directors of the company consider the scheme to be assented to, as by this Act required, they may apply to the Exchequer Court by petition in a summary way for confirmation of the scheme.
- Notice of application. 2. Notice of any such application shall be published in the *Canada Gazette*.
- Confirmation of court. 3. The Court, after hearing the directors, and any creditors, shareholders or other persons whom it thinks entitled to be heard on the application, may confirm the scheme, if satisfied that the scheme has been assented to, as required by this Act, within three months after the filing of it, or within such extended time, if any, as the court has allowed, and that no sufficient objection to the scheme has been established.
- Enrolment in court. 4. The scheme when confirmed shall be enrolled in the Exchequer Court, and thenceforth it shall be binding and effectual to all intents, and the provisions thereof shall, against and in favour of the company and all persons assenting thereto or bound thereby, have the like effect as if they had been enacted by Parliament.
- Notice thereof. 5. Notice of the confirmation and enrolment of the scheme shall be published in the *Canada Gazette*. 3 E. VII., c. 58, s. 287.
- Rules of practice. **368.** The Judge of the Exchequer Court may make general rules for the regulation of the practice and procedure of the

Court under the three last preceding sections of this Act, which rules shall have force and effect when they are approved by the Governor in Council. 3 E. VII., c. 58, s. 289.

**369.** The company shall at all times keep at its principal or head office printed copies of the scheme when confirmed and enrolled, and shall sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy. 3 E. VII., c. 58, s. 288. Copies of the scheme to be kept for sale.

#### STATISTICS AND RETURNS.

**370.** Every company shall annually prepare returns in accordance with the forms contained in schedule one to this Act, of its capital, traffic and working expenditure, and of all information required, as indicated in the said forms, to be furnished to the Minister. Annual general returns.

2. Such returns shall be dated and signed by and attested upon the oath of the secretary, or some other chief officer of the company, and shall also be attested upon the oath of the president, or in his absence, of the vice-president or manager of the company. Attestation.

3. Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company extended, or, if no such returns have been previously made, from the commencement of the operation of the railway, and ending with the last day of June in the then current year. Period included.

4. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Minister within one month after the first day of July in each year. Duplicate for Minister.

5. The Minister may, from time to time, change or vary the forms in the said schedule one contained, or may substitute other forms in lieu thereof, and, upon any such change, variation or substitution being so made, the company shall, in the manner hereinbefore provided, prepare, make and forward returns accordingly; and the company shall also, at all times, give such information to the Minister as the Minister may, from time to time, require for statistical purposes. Minister may change forms.

6. The Minister shall lay before both Houses of Parliament, within twenty-one days from the commencement of each session thereof, the returns made and forwarded to him in pursuance of this section. 3 E. VII., c. 58, s. 303; 6 E. VII., c. 42, s. 26. Company to give information.

**371.** Every company shall prepare returns of its traffic weekly, that is to say, from the first to the seventh of the month inclusive, from the eighth to the fourteenth inclusive, from the fifteenth to the twenty-first inclusive, and from the twenty-second to the close of the month inclusive. Returns to be submitted to Parliament.

2. Such returns shall be in accordance with the form contained in schedule two to this Act. Traffic returns weekly.

- Copy to Minister. 3. A copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Minister, within seven days from the day to which the said returns have been prepared.
- Extension of time. 4. The Minister may in any case extend the time within which such returns shall be forwarded. 3 E. VII., c. 58, s. 304.
- Semi-annual returns of accidents. **372.** Every company shall, within one month after the first days of January and July, in each and every year, make to the Minister, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth,—
- Showing
- Causes and nature. (a) the causes and natures of such accidents and casualties;
- Locality and time. (b) the points at which they occurred, and whether by night or by day; and,
- Extent and particulars. (c) the full extent thereof, and all the particulars of the same.
- Copies of by-laws. 2. Such company shall also, when required by the Minister, return a true copy of the existing by-laws of the company, and of its rules and regulations for the management of the company and of its railway.
- Form. 3. The Minister may order and direct, from time to time, the form in which such returns shall be made up. 3 E. VII., c. 58, ss. 305 and 306.
- Minister may require further returns as to accidents. **373.** The Minister may order and direct any company to make up and deliver to the Minister, 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 Minister deems necessary and requires for his information with a view to public safety. 3 E. VII., c. 58, s. 306.
- Returns privileged. **374.** All returns made in pursuance of any of the provisions of the four sections of this Act last preceding shall be privileged communications, and shall not be evidence in any court whatsoever, except in any prosecution for,—
- Exception. (a) default in making such returns in accordance with the requirements of this Act;
- (b) perjury in making any oath required by this Act in connection with such returns;
- (c) forgery of any such return; or,
- (d) signing any such return knowing the same to be false. 3 E. VII., c. 58, s. 308.
- Board may require returns. **375.** The Board may from time to time, by notice served upon the company, or any officer, servant or agent of the company,

pany, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires,—

- (a) the assets and liabilities of the company; Assets and liabilities.
- (b) the amount of its stock issued and outstanding, and the date at which any such stock was so issued; Stock.
- (c) the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued; Consideration for stock.
- (d) the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made; Earnings and expenditures.
- (e) the amount and nature of any bonus, gift, or subsidy, received by the company from any source whatsoever, and the source from which, and the time when, and the circumstances under which, the same was so received or given; Bonuses and subsidies.
- (f) the bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if any, have been redeemed; Bonds.
- (g) the amount and nature of the consideration received by the company for the issue of such bonds; Idem.
- (h) the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for any such liabilities, and the circumstances under which the same were created; Liabilities.
- (i) the cost of construction of the company's railway or of any part thereof; Cost of construction.
- (j) the amount and nature of the consideration paid or given by the company for any property acquired by it; Cost of property.
- (k) the particulars of any lease, contract or arrangement entered into between the company and any other company or person; and, Leases and contracts.
- (l) generally, the extent, nature, value and particulars of the property, earnings and business of the company. Generally.

2. The Board may summon, require the attendance of and examine under oath, any officer, servant or agent of the company, or any other person, as to any matters included in such return, or which were required by notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of the company, or such officer, servant, agent or person.

3. Any information furnished to the Board by any such return, or any evidence taken by the Board in connection therewith, Board may require attendance and production.  
Information for use of Board only.

with, shall not be open to the public, or published, but shall be for the information of the Board only.

And Governor in Council.

4. The Governor in Council may nevertheless require the Board to communicate to him in Council any or all information obtained by it in manner aforesaid.

Board may make information public on notice to company.

5. The Board may authorize any part of such information to be made public when, and in so far as there may appear to the Board to be good and sufficient reasons for so doing: Provided that if the information so proposed to be made public by the Board, is of such character that the company would, in the opinion of the Board, be likely to object to the publication thereof, the Board shall not authorize such information to be published without notice to the company and hearing any objection which the company may make to such publication. 3 E. VII., c. 58, s. 309.

#### OFFENCES, PENALTIES AND DAMAGES.

##### *Purchase of Railway Securities.*

Company not to purchase.

**376.** Every director of a railway company who knowingly permits the funds of any such company to be applied either directly or indirectly in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities, contrary to the provisions of this Act, shall incur a penalty of one thousand dollars for each such violation.

Penalty. Separate offences.

2. The acquisition of each share, bond or other security or interest as aforesaid shall be deemed a separate violation of this section.

Recovery and application.

3. Such penalty shall be recoverable on information filed in the name of the Attorney General of Canada, and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer. 3 E. VII., c. 58, s. 290.

##### *Filing and Registry.*

Registrar of deeds neglecting his duty.

**377.** Every registrar of deeds with whom it is by this Act required that any plan, profile, book of reference, certified copy thereof, or other document relating to the location or construction of any railway shall be deposited, who refuses or neglects,—

Receiving and preserving documents.

(a) to receive and preserve in his office all such plans, profiles, books of reference, certified copies thereof, and other documents duly tendered to him for such deposit; or,

Endorsements.

(b) to endorse thereon the day, hour and minute when the same were so deposited; or,

Copies.

(c) to allow any person to make extracts therefrom and copies thereof as occasion requires, upon payment of the fees in that behalf by this Act prescribed; or,

Certificates.

(d) to certify, at the request of any person, in the manner and with the particulars by this Act required, copies of any such

such plan, profile, book of reference or document, or such portions thereof as may be required, upon being paid therefor at the rate provided by this Act;

shall be liable on summary conviction to a penalty of ten dollars, and also to an action for damages at the suit of any person injured by any such refusal or neglect. 3 E. VII., c. 58, s. 127. Penalty.

**378.** Every company which fails or neglects, within six months after the completion of the undertaking, or within six months after beginning to operate any completed part of the railway, as the case may be, or within such extended or renewed period as the Board at any time directs,— Company neglecting to file.

(a) to file with the Board a plan and profile of its completed railway, or of any such part thereof as is completed and in operation, and of the land taken or obtained for the use thereof; or, Plan and profile.

(b) to file in the registry offices for the respective districts and counties, in which the parts of such railway so completed, or completed and in operation, are situate, plans of the parts thereof and of the land taken or obtained for the use thereof, located in such districts and counties respectively, prepared on such a scale and in such manner, and form, and signed or authenticated in such manner, as the Board may from time to time by general regulation, or in any individual case, sanction or require; Plans of lands taken.

shall incur a penalty of two hundred dollars, and a like penalty for each and every month during which such failure or neglect continues. 3 E. VII., c. 58, s. 128. Penalty.

#### *Construction and Repairs.*

**379.** Every company which fails or neglects to comply with any direction of the Governor in Council, given upon the report of the Board, requiring such company within such time as the Governor in Council directs, to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of the company's railway, shall, for every day after the expiration of the period so fixed, during which the company fails or neglects to comply with such direction, forfeit and pay to His Majesty the sum of two hundred dollars. 3 E. VII., c. 58, s. 183. Failing to comply with directions as to construction of bridges. Penalty.

**380.** Every company which, except as authorized by Special Act of the Parliament of Canada, or amendment thereof, passed previously to the twelfth day of March, one thousand nine hundred and three,— Improper use of highways.

(a) carries its railway or causes or permits the same to be carried upon, along or across an existing highway without having first obtained leave therefor from the Board; or,



(b) obstructs any such highway by its works before turning the highway so as to leave an open and good passage for carriages; or,

(c) on completion of the works fails or neglects to restore the highway to as good a condition, as nearly as possible, as it originally had;

Penalty. shall incur a penalty of not less than forty dollars for each such offence. 3 E. VII., c. 58, s. 184.

Failure to erect sign-boards at crossings.

**381.** Every company which fails or neglects to erect and maintain, at each crossing where a highway is crossed at rail level by the railway of the company, a signboard having the words *Railway Crossing* painted on each side thereof, in letters at least six inches in length, and, in the province of Quebec, in both the English and French languages, shall incur a penalty not exceeding forty dollars. 3 E. VII., c. 58, s. 191.

Penalty.

Structures not complying with this Act.

**382.** (a) If any bridge, tunnel or other erection or structure over, through or under which any railway passes is not so constructed, or reconstructed or altered, within such time as the Board may order, and thereafter so maintained, as to afford at all times an open and clear headway of at least seven feet between the top of the highest freight car used on the railway, and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; or,

Idem.

(b) If, except by leave of the Board, the space between the rail level and such beams, members, or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, is in any case less than twenty-two feet six inches;

Penalty.

the company or owner so constructing shall incur a penalty not exceeding fifty dollars, for each day during which such company or owner wilfully refuses, neglects or omits to comply with the requirements of this Act, as to construction, reconstruction, alteration or maintenance, in this section mentioned: Provided that nothing in this section shall apply to any bridge, tunnel, erection or structure over, through or under which no trains except such as are equipped with air brakes are run, exempted by the Board from such requirements. 3 E. VII., c. 58, s. 202.

Proviso

Non-compliance with order of Board.

Works.

**383.** If any company refuses or neglects to comply with any order of the Board, made upon the report of the inspecting engineer, under the authority of this Act,—

(a) directing any repairs, renewals, reconstruction, alteration or new work, material or equipment to be made, done or furnished by the company upon, in addition to, or in substitution for any portion of the railway; or,

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(b)

(b) directing that, until such repairs, renewals, reconstruction, alteration and work, materials or equipment are made, done and furnished to the satisfaction of the Board, no portion of the railway in respect of which such order is made shall be used, or used otherwise than subject to certain restrictions, conditions and terms by such order imposed; or,

(c) condemning and forbidding further use of any rolling stock therein specified;

the company shall for each such refusal or neglect forfeit to His Majesty the sum of two thousand dollars.

2. Any person wilfully and knowingly aiding or abetting any such disobedience or non-compliance shall be liable therefor, upon conviction, to a penalty of not less than twenty dollars, and not more than two hundred dollars.

3. No prosecution for any penalty under this section shall be instituted without the authority of the Board first obtained.

3 E. VII., c. 58, ss. 208 and 210.

*Operation.*

**384.** If any railway or portion thereof is opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board as hereinbefore provided, the company or person to whom such railway belongs, shall forfeit to His Majesty the sum of two hundred dollars for each day on which the railway is or continues open without such leave.

**385.** If any company refuses or neglects to comply with any notice in writing of any inspecting engineer, given under the authority of this Act, and duly served upon the company, forbidding the running of any train over the railway of the company, or any portion thereof, or requiring that trains be run only at such times, under such conditions and with such precautions as specified in such notice, or forbidding the running or using of any rolling stock specified in the notice, such company shall forfeit to His Majesty the sum of two thousand dollars.

**386.** Every company required by this Act,—

(a) to provide and cause to be used on its trains modern and efficient apparatus, appliances and means, or any apparatus, appliances and means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling and connecting of the cars and the engine composing the train; or,

(b) to equip its box freight cars, for the security of its employees, with outside ladders and hand-grips; or, if the

Board so requires, with any other improved side attachment required by the Board, or to adopt and use upon its rolling stock draw bars of a height determined by the Board;

which fails to comply with any requirement of this Act in that behalf shall forfeit to His Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

Penalty.

Damages.

2. Every such company shall also be liable to pay to all such persons as are injured by reason of the non-compliance with such requirements, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person, unless such agreement is authorized by the law of the province in which it is made, and by regulation of the Board. 3 E. VII., c. 58, s. 211.

Freight car in rear of passenger car.

Penalty.

**387.** Every officer or employee of any company who directs or knowingly permits any freight, merchandise or lumber car to be placed in any passenger train, in the rear of any passenger car in which any passenger is carried, is guilty of an indictable offence. 3 E. VII., c. 58, s. 219.

Refusing to check baggage.

Penalty.

**388.** If any company improperly refuses upon demand to affix a check to any parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport, or to deliver a duplicate of such check to such passenger, the company shall be liable to such passenger for the sum of eight dollars recoverable in a civil action. 3 E. VII., c. 58, s. 220.

Penalty for not stopping at swing bridges.

Board may permit.

**389.** A company shall be liable to a penalty not exceeding four hundred dollars if, when the railway passes over any navigable water or canal by means of a draw or swing bridge which is subject to be opened for navigation, any train of the company upon such railway is not brought to a full stop before coming on or crossing over such bridge, or if such train thereafter proceeds before a proper signal has been given for that purpose.

2. This section shall not apply in the case of any bridge over which, by order of the Board under the authority of this Act, engines and trains are permitted to pass without stopping. 3 E. VII., c. 58, s. 223.

Employee of company failing to comply.

Penalty.

**390.** Every employee of the company who fails to comply with the rules of the company made for carrying into effect the provisions of this Act with regard to the stopping of trains before crossing any such draw or swing bridge, or for preventing such trains from proceeding over any such bridge before a proper signal has been given for that purpose, shall be liable to a penalty not exceeding four hundred dollars, or to six months' imprisonment, or to both. 3 E. VII., c. 58, s. 223.

**391.** The company shall incur a penalty of eight dollars if, Penalty for failure  
when any train of the company is approaching a highway cross-  
ing at rail level,—

(a) the engine whistle is not sounded at least eighty rods To sound whistle.  
before reaching such crossing; and,

(b) the bell is not rung continuously from the time of the Or ring bell.  
sounding of the whistle until the engine has crossed the  
highway.

2. The company shall also be liable for all damage sustained Damages.  
by any person by reason of any failure or neglect to so sound  
the whistle or ring the bell.

3. This section shall not apply to trains approaching such Exception.  
crossings within the limits of cities or towns where municipal  
by-laws are in force prohibiting such sounding of the whistle  
and ringing of the bell. 3 E. VII., c. 58, s. 224.

**392.** Every employee of the company whose duty it is to Employee neglecting to sound bell or whistle.  
sound the whistle or ring the bell at any such highway crossing,  
who neglects to perform such duty as required by this Act, shall  
for each offence incur a penalty of eight dollars. 3 E. VII., Penalty.  
c. 58, s. 224.

**393.** The company shall incur a penalty of one hundred Penalty for  
dollars if,—

(a) any train or engine of the company passes over any Crossing level railway crossing without signal.  
crossing where two main lines of railway, or the main tracks  
of any branch lines, cross each other at rail level, whether  
they are owned by different companies or by the same com-  
pany, before a proper signal has been received by the con-  
ductor or engineer in charge of such train or engine, from a  
competent person or watchman in charge of such crossing,  
that the way is clear; or,

(b) any train of the company, before it passes over any such Train not stopping.  
crossing, is not brought to a full stop, unless engines and  
trains are, by order of the Board under the authority of  
this Act, permitted to pass over such crossing without  
stopping; or,

(c) any train of the company passes in or through any Excessive speed.  
thickly peopled portion of any city, town or village at a  
speed greater than ten miles an hour, unless the track is  
fenced or properly protected in the manner prescribed by  
this Act, or unless permission to pass at greater speed is  
given by some regulation or order of the Board; or,

(d) whenever in any city, town or village any train of the Moving reversely without warning.  
company is allowed to pass over or along a highway at  
rail level, not headed by an engine moving forward in the  
ordinary manner, the company does not station on that  
part of the train, or of the tender if the tender is in front,  
which is then foremost, a person who shall warn persons  
standing on or crossing or about to cross the track of such  
railway.

- Electric railway companies  
Crossing at rail level without signal from watchman.  
Or from conductor if no watchman.  
Not stopping.
2. Every company operating an electric street railway shall incur a penalty of one hundred dollars if,—
- (a) any electric car of such company passes over any crossing, where its line of railway crosses any line of railway subject to the provisions of this Act, at rail level, before a proper signal has been received by the conductor in charge of such electric car, from a competent person or watchman in charge of such crossing, that the way is clear; or,
- (b) if there is no competent person or watchman in charge of such crossing, the conductor, before crossing the same, does not go forward and see that the track to be crossed is clear, before giving the signal to the motor-man that the way is clear and to proceed; or,
- (c) any such electric car, before it passes over such crossing, is not brought to a full stop, unless electric cars are by order of the Board under the authority of this Act permitted to pass over such crossing without stopping. 3 E. VII., c. 58, s. 228.
- Obstructing highway.
- Penalty.
- Blackboard.
- Notice of overdue trains.
- Idem.
- 394.** Whenever at any highway crossing at rail level any engine, tender or car, or any part thereof, is wilfully allowed by the company, its officers, agents or employees to stand on any part of such highway for a longer period than five minutes at one time, or, in shunting, to obstruct public traffic for a longer period than five minutes at one time, every officer, agent or employee of the company, who has directly under or subject to his control, management or direction any such engine, tender or car, shall be liable on summary conviction to a penalty not exceeding fifty dollars, and the company shall also be liable to a like penalty: Provided that, if the offence is in the opinion of the court excusable, the prosecution for the penalty may be dismissed and the costs shall be in the discretion of the court. 3 E. VII., c. 58, s. 229.
- 395.** (a) If any company upon whose railway there is a telegraph line in operation wilfully neglects, omits or refuses to have a blackboard put upon the outside of the station house over the platform of the station, in some conspicuous place, at each station of such company in which there is a telegraph office; or,
- (b) if when any passenger train is overdue at any such station according to the time-table of such company, the station agent, or person in charge at such station, wilfully neglects, omits or refuses to write or cause to be written in white chalk on such blackboard a notice, in English and French in the province of Quebec, and in English in the other provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; or,
- (c) if, when there is any further change in the expected time of arrival, such station agent, or person in charge of

the station, wilfully neglects, omits or refuses to write or cause to be written on the blackboard, in like manner, a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station;

such company shall be liable, upon summary conviction, to a penalty not exceeding five dollars for each such wilful neglect, omission or refusal.

2. Such station agent or person in charge at any such station, shall likewise be liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to write or cause to be written upon such blackboard any of such notices as hereinbefore required. 3 E. VII., c. 58, s. 231.

Station  
master also  
liable.

#### *Bridges and Tunnels.*

**396.** Every company which shall erect, operate or maintain any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. 3 E. VII., c. 58, s. 293.

In violation  
of this Act.

Penalty.

#### *Tariff and Tolls.*

**397.** All goods carried or being carried over any continuous route, from a point in Canada through a foreign country into Canada, operated by two or more companies whether Canadian or foreign, shall, unless such companies have filed with the Board a joint tariff for such continuous route, be subject upon admission into Canada, to Customs duties, as if such goods were of foreign production and coming into Canada for the first time.

Neglect to  
file joint  
tariff.

Goods subject  
to  
Customs  
duties.

2. Such goods shall be subject to a Customs duty of thirty per centum of the value thereof, if they would not be subject to any Customs duty in case they were of foreign production, and coming into Canada for the first time.

30 per cent.

3. If any such duty is paid by the consignor or consignee of such goods, the same shall be repaid on demand to the person so paying, by the company or companies owning or operating so much of such continuous line or route as lies within Canada. 3 E. VII., c. 58, ss. 268 and 270.

Payable by  
company.

**398.** If any company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by such company, either alone or with any other company or person, shall,—

Contraven-  
tions in  
respect of  
tolls.

(a) wilfully do or cause to be done, or willingly suffer to be done, any act, matter or thing, contrary to any order, direction, decision or regulation of the Board made or given under this Act, in respect of tolls; or,

(b) wilfully omit or fail to do any act, matter, or thing thereby required to be done; or,

(c) cause or willingly suffer or permit any act, matter or thing, so directed or required to be done, not to be so done; or,

(d) contravene any such order, direction, decision or regulation, or any of the provisions of this Act, in respect of tolls;

Penalty. such company, director, officer, receiver, trustee, lessee, agent or person shall for each such offence be liable to a penalty of not more than one thousand dollars, and not less than one hundred dollars.

No prosecution without leave of Board. 2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

False billing, etc. **399.** Any company or any officer or agent thereof, or any person acting for or employed by such company, who, by means of false billing, false classification, false report of weight, or by any other device or means, knowingly, wilfully or willingly suffers or permits any person or persons to obtain transportation for goods at less than the required tolls then authorized and in force on the railway of the company, shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

Penalty. 2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

Idem. **400.** Any person, or any officer or agent of any incorporated company, who shall deliver goods for transportation to such company, or for whom as consignor or consignee the company shall transport goods, who knowingly or wilfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the company, its agent or agents, obtains transportation for such goods at less than the regular tolls then authorized and in force on the railway shall, for each offence, be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

Penalty. 2. The Board may make regulations providing that any such person or company shall, in addition to the regular toll, be liable to pay to the company a further toll not exceeding fifty per centum of the regular charge.

Further toll. 3. The company may, and when ordered by the Board shall, open and examine any package, box, case or shipment, for the purpose of ascertaining whether this section has been violated.

Opening of packages. 4. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

**401.** Any person or company, or any officer or agent of any company,— Unjust discrimination.

- (a) who shall offer, grant, or give, or shall solicit, accept or receive any rebate, concession, or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic shall, by any device whatsoever, be transported at a less rate than that named in the tariffs then in force; or,
- (b) for whom the company or any of its officers or agents, shall by any such means be induced to transport traffic, and thereby to discriminate unjustly in favour of any such person, company, officer or agent as against any other person or company; or,
- (c) who shall aid or abet the company in any unjust discrimination;

shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars. Penalty.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. No prosecution without leave of Board.

3 E. VII., c. 58, s. 279.

**402.** If the company files with the Board any tariff, and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, any departure from the tolls in such tariff, while so in force, shall, as against such company, its officers, agents or employees, be an offence under this Act. Departure from tolls in tariff. Penalty.

2. No prosecution shall be had or instituted in respect of any such offence without the leave of the Board first being obtained. No prosecution without leave of Board.

3 E. VII., c. 58, s. 279.

**403.** Every company which carries or transports, and every officer or employee thereof who directs or knowingly permits to be carried or transported, any goods by express,— Carrying by express without filing tariff, etc.

- (a) unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner required by this Act; or,
- (b) in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or,
- (c) in any case where such express toll in any tariff has been disallowed by the Board;

shall be liable to a penalty not exceeding one hundred dollars for each such offence. Penalty.

6 E. VII., c. 42, s. 27.

**404.** Every company shall, in addition to any penalty herebefore provided in respect of any infraction by the company, or any officer, servant or agent of the company, of any order, direction, decision or regulation made or given by the Board under this Act in respect of tolls, be liable, at the suit of any person Additional penalty in respect of tolls.



Treble damages.

person injured by reason of any such infraction, to three times the amount of the actual damage which such person may be proved to have so sustained.

No action without leave of Board.

2. No action shall be commenced for the recovery of any such triple damages without the leave of the Board first being obtained. 3 E. VII., c. 58, s. 279.

*Obstructing Inspecting Engineers.*

As to transmission of telegraph messages.

**405.** Every operator or officer employed in any telegraph office of the company, or under the control of the company, who neglects or refuses to obey, without unnecessary delay, all orders of any inspecting engineer for the transmission of messages shall, for every such offence, be liable on summary conviction to a penalty of forty dollars. 3 E. VII., c. 58, s. 206.

Penalty.

Obstructing inspecting engineer on duty.

**406.** Every person who wilfully obstructs any inspecting engineer in the execution of his duties shall be liable on summary conviction to a penalty not exceeding forty dollars, and, in default of payment thereof forthwith, or within such time as the convicting justice appoints, to imprisonment with or without hard labour for any term not exceeding three months. 3 E. VII., c. 58, s. 206.

Penalty.

*Animals.*

Leaving gates open.

**407.** Every person who,—

(a) wilfully leaves open any gate on either side of the railway, provided for the use of any farm crossing, without some person being at or near such gate to prevent animals passing through it on to the railway; or,

Taking down fences.

(b) not being an officer or employee of the company acting in the discharge of his duty, takes down any part of a railway fence; or,

Turning animals into railway inclosure.

(c) turns any horse, cattle or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person, using all reasonable care and precaution to avoid accidents; or,

Allowing animals to go upon railway.

(d) except as authorized by this Act, without the consent of the company, rides, leads or drives any horse, or other animal, or suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof;

Penalty.

shall, on summary conviction, be liable to a penalty of twenty dollars for each such offence.

Damages to the company

2. Every such person shall also be liable to the company for any damage to the property of the company, or for which the company may be responsible, by reason of any such act or omission.

Damages to person injured.

3. Every person guilty of any offence under this section shall, in addition to the penalty and liability therein provided, be liable to pay to any person injured by reason of the commission

of such offence all damages thereby sustained. 3 E. VII., c. 58, s. 201.

*Walking upon the Railway.*

**408.** Every person, not connected with the railway or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars. Walking on track. Penalty. 3 E. VII., c. 58, s. 291.

*Foot Bridges at Highway Crossings.*

**409.** Any person who uses any highway crossing at rail level for the purpose of passing on foot along such highway across the railway, except during the time when such highway crossing is used for the passage of carriages, carts, horses or cattle along the said highway, is liable on summary conviction to a penalty not exceeding ten dollars, if,— Using highway crossings on foot. Penalty.

(a) the company has erected and completed, pursuant to order of the Board, over its railway, at or near or in lieu of such highway crossing, a foot bridge or foot bridges for the purpose of enabling persons passing on foot along such highway to cross the railway by means of such bridge or bridges; and, If there is a foot bridge.

(b) such foot bridge is maintained or such foot bridges are maintained by the company in good and sufficient repair. Maintained. 3 E. VII., c. 58, s. 292.

*Dangerous Commodities.*

**410.** Every person who,—

(a) sends by any railway any gunpowder, dynamite, nitro-glycerine, or any other goods which are of a dangerous or explosive nature, without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice thereof in writing to the station agent or employee of the company whose duty it is to receive such goods, and to whom the same are delivered; Sending dangerous goods, unmarked. or,

(b) carries or takes upon any train any such goods for the purpose of carriage; Taking them on train. shall forfeit to the company the sum of five hundred dollars for every such offence. Penalty. 3 E. VII., c. 58, s. 221.

**411.** Every company which carries any goods of a dangerous nature, except in cars specially designated for that purpose, with the words *Dangerous Explosives* plainly appearing on each side of each of such cars, shall for each such offence incur a penalty of five hundred dollars. Company improperly carrying such goods. Penalty. 3 E. VII., c. 58, s. 222.

*Notification of Accidents.*

**412.** Every company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, Omitting to give notice of accident.

particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues. 6 E. VII., c. 42, s. 22.

Penalty.

*Officers and Employees.*

Intoxication of railway employees.

**413.** Every conductor, locomotive engineer, train dispatcher, telegraph operator, station agent, switchman, signal man, bridge tender, or any other person who is intoxicated, or under the influence of liquor, while on duty, in charge of or in any employment having to do with the movement of trains upon any railway, is guilty of an offence, and shall be punished by fine, not exceeding four hundred dollars, or imprisonment, not exceeding five years, or both, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave as causing injury to any person or property, or as exposing or likely to expose any person or property to injury, although no actual injury occurs. 6 E. VII., c. 42, s. 25.

Penalty.

Selling liquor to railway employees on duty.

**414.** Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment, with or without hard labour, for a period not exceeding one month, or to both. 6 E. VII., c. 42, s. 25.

Penalty.

Employee violating by-laws, etc.

**415.** Every officer or servant of any company and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company or its directors lawfully made and in force, or any order or notice of the Minister, or of the Board, or of an inspecting engineer, of which a copy has been delivered to him, or which has 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, if such violation causes injury to any person or to any property, or, although no actual injury occurs, exposes any person or any property to the risk of such injury, or renders such risk greater than it would have been without such violation, is guilty of an offence, and shall, in the discretion of the court before which the conviction is had, and according as such court considers 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, be punished by fine or imprisonment or both.

Penalty.

2. No such fine shall exceed four hundred dollars, and no Limit of punishment.  
 such imprisonment shall exceed the term of five years.
3. The company may, in all cases under this section, pay Recovery of penalty from employee.  
 the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay. 3 E. VII., c. 58, s. 296.

*Contravention of By-laws and Regulations of the Company.*

- 416.** Every person who wilfully or negligently violates Violation of by-laws and rules.  
 any by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars: Provided that no such person shall be convicted of any such offence, unless at the time of the commission thereof a printed copy of Printed copy must be posted.  
 such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train, or at or near which the offence was committed. 3 E. VII., c. 58, s. 297.

*Thistles and Weeds.*

- 417.** Every company which fails or neglects to cause the Failure to have weeds removed from right of way.  
 thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down, or to be rooted out and destroyed, each year, before such thistles or weeds have sufficiently matured to seed, or which fails or neglects to do anything which it is required by law to do for the purpose of cutting down, or rooting out and destroying such thistles and weeds before they have sufficiently matured to seed, shall incur a penalty of two dollars for every Penalty.  
 day during which such failure or neglect continues.

2. The mayor, reeve or chief officer of the municipality, Municipal officers may remove.  
 township, county or district in which any portion of the right of way or land of the company lies, upon which the company has failed to cut down, or root out and destroy, such thistles and weeds as by law required, or to do anything which the company is by law required to do for the purpose aforesaid, or any justice of the peace in such municipality, township, county or district, may enter upon the portion of the right of way and lands aforesaid, and, by himself and his assistants or workmen, cut down, or root out and destroy, such thistles or weeds, and for that purpose cause to be done all things which the company is by law required to do.

3. Such mayor, reeve, chief officer or justice of the peace may Expenses.  
 recover the expenses and charges so incurred, and the said penalty, with costs, in any court of competent jurisdiction.

4. Such penalty shall be paid to the proper officer of the Payment.  
 municipality. 3 E. VII., c. 58, s. 238.

*Railway Constables.*

- 418.** Every constable appointed under the authority of this Act who is guilty of any neglect or breach of duty in his office of constable shall be liable, on summary conviction, to a penalty not exceeding eighty dollars, or to imprisonment with or without hard labour for a term not exceeding two months.
2. Such penalty may, if the constable is in receipt of a salary from the company, be deducted from any such salary due to such offending constable.
3. Any offence under this section may be prosecuted and adjudged within any county, city, district, or other local jurisdiction wherein the railway passes. 3 E. VII., c. 58, s. 241.

*Returns.*

- 419.** Every company which fails or neglects to prepare and furnish to the Minister, within the time, and in the manner and form, and with such particulars and verification as by this Act required or intended,—
- (a) any return of its capital, traffic and working expenditure, or of any other information required as indicated in the forms contained in schedule one to this Act, or in any of such forms as changed, varied or substituted by the Minister, under the authority of this Act; or,
- (b) any weekly return of its traffic in accordance with the forms contained in schedule two to this Act; or,
- (c) any other information which may be from time to time required by the Minister under the authority of this Act;
- shall incur a penalty not exceeding ten dollars for every day during which such default continues.
2. Every person who knowing the same to be false in any particular signs any such return is guilty of an offence punishable on summary conviction. 3 E. VII., c. 58, ss. 303 and 304; 6 E. VII., c. 42, s. 26.
- 420.** Any company which fails or neglects to deliver to the Minister in the form ordered and directed by the Minister, or as by this Act required,—
- (a) within one month after the first days of January and July respectively in each year, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding the said dates respectively, setting forth the particulars and verified in manner as by this Act required; or,
- (b) if required by the Minister, a true copy of the existing by-laws of the company and of its rules and regulations for the management of the company and of its railway, within fourteen days after having been so required by the Minister; or,

- (c) any other or additional returns of serious accidents occurring in the course of the public traffic on the railway belonging to such company, if thereunto required with a view to public safety by the Minister, within fourteen days after the same have been so required; Of additional particulars.
- shall forfeit to His Majesty the sum of one hundred dollars for every day during which the company so neglects to deliver any such return. 3 E. VII., c. 58, s. 307. Penalty.

**421.** If the Board at any time, by notice served upon the company or any officer, servant or agent of the company, requires the company or such officer, servant or agent to furnish to the Board, at or within any time stated in such notice, a written statement or statements showing in so far and with such detail and particulars as the Board requires,—

- (a) the assets and liabilities of the company; Assets and liabilities.
- (b) the amount of the company's stock issued and outstanding and the date at which any such stock was so issued; Stock.
- (c) the amount and nature of the consideration received by the company for such issue, and in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which any stock was issued; Consideration therefor.
- (d) the gross earnings or receipts or expenditure by the company during any period specified by the Board, and the purposes for which such expenditure was made; Receipts and expenditures.
- (e) the amount and nature of any bonus, gift or subsidy received by the company from any source whatsoever and the source from which and the time when, and the circumstances under which, the same was so received or given; Bonus and subsidies.
- (f) the bonds issued at any time by the company and what portion of the same is outstanding, and what portion, if any, has been redeemed; Bonds.
- (g) the amount and nature of the consideration received by the company for the issue of such bonds; Idem.
- (h) the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the company, or any part thereof, and the consideration received by the company for such liabilities, and the circumstances under which the same were created; Liabilities.
- (i) the cost of construction of the company's railway or of any part thereof; Cost of construction.
- (j) the amount and nature of the consideration paid or given by the company for any property acquired by it; Cost of property.
- (k) the particulars of any lease, contract or arrangement entered into between the company and any other company or person; and, Leases and contracts.
- (l) generally, the extent, nature, value and particulars of the property, earnings, and business of the company; or, Generally.
- (m) any of the matters in this section mentioned; Any matter.

If wilful or negligent. and if such company, officer, servant or agent wilfully or negligently refuses to make such return when and as thereunto required by the Board, or fails to make any such return to the utmost of its or his knowledge, or means of knowledge, the company and every such officer, servant or agent, so in default, shall severally be liable on conviction to a penalty not exceeding one thousand dollars.

Penalty.

Imprisonment for officer or servant.

2. Each such officer, servant or agent so convicted shall, in addition to such penalty, be liable to imprisonment, in the common gaol of the county in which such conviction is made, for any period not exceeding twelve months. 3 E. VII., c. 58, s. 309.

Making false returns.

**422.** If any company or any officer, servant or agent of such company wilfully or negligently makes any such return to the Board falsely, or makes any false statement in any such return, such company and every such officer, servant or agent shall be severally liable on conviction to a penalty not exceeding one thousand dollars.

Penalty.

Imprisonment.

2. Such officer, servant or agent shall also, on such conviction, be liable to imprisonment, for any period not exceeding twelve months, in the common gaol of the county where such conviction is had. 3 E. VII., c. 58, s. 309.

Publishing information without leave.

**423.** If any officer or servant of the Board, or any person having access to or knowledge of any return made to the Board, or of any evidence taken by the Board in connection therewith, shall, without the authority of the Board first obtained, publish or make known any information, having obtained the same, or knowing the same to have been derived from such return or evidence, he shall be liable, on conviction, to a penalty not exceeding five hundred dollars for each offence, and to imprisonment not exceeding six months, in the common gaol in the county where such conviction is had. 3 E. VII., c. 58, s. 309.

Penalty.

#### *Schemes of Arrangement with Creditors.*

Failure of company to keep or sell copies.

**424.** If any company fails to keep at all times, at its principal or head office, printed copies of any scheme of arrangement between the company and its creditors, after such scheme has been confirmed and enrolled as provided by this Act, or to sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy, the company shall incur a penalty not exceeding one hundred dollars, and a further penalty not exceeding twenty dollars for every day during which such failure continues after the first penalty is incurred. 3 E. VII., c. 58, s. 288.

Penalty.

#### *Various Offences.*

Destroying or injuring structures.

**425.** Every person who,—

(a) wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company; or,

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(b)

- (b) removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway; or Removing or defacing notices.
- (c) enters upon any railway train, without the knowledge or consent of an officer or servant of the company, with intent fraudulently to be carried upon the said railway without paying fare thereon; or, Fraudulently entering train.
- (d) wilfully obstructs or impedes any officer or agent of any company in the execution of his duty upon any train, or railway, or upon any of the premises of the company; or, Obstructing officer of company.
- (e) not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes; Trespass on property of company.

shall be liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment to imprisonment for a term not exceeding two months. 3 E. VII., c. 58, s. 291. Penalty.

**426.** Every person who,—

- (a) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay or premises of or belonging to any company, with intent to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof; or, Opening package with intent to steal contents.

(b) unlawfully drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof; Drinking or wasting liquor.  
 is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both. 3 E. VII., c. 58, s. 298. Penalty.

*Penalties not otherwise provided.*

**427.** Any company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such company, that does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company, or person, shall, if no other penalty is provided in this or the Special Act for any such act or omission, be liable for each such offence to a penalty of not less than twenty dollars, and not more than five thousand Company or officer doing or omitting to do anything against this Act.



Penalty. dollars, in the discretion of the court before which the same is recoverable.

Damages. 2. Such company, director, officer, receiver, trustee, lessee, agent or person shall also, in any case, in addition to any such penalty, be liable to any person injured by any such act or omission for the full amount of damages sustained thereby. 3 E. VII., c. 58, s. 294.

Each day's violation of this Act a distinct offence.

**428.** When the violation of or failure to comply with any provision of this Act, or with any regulation, order or direction of the Governor in Council, the Minister, the Board, or any inspecting engineer, is made, by this Act or any regulation thereunder, an offence subject to penalty, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence. 3 E. VII., c. 58, s. 299.

*Continuing Offences.*

Company liable for act or omission of officer.

**429.** For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Governor in Council, the Minister, the Board, or any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company, shall, if within the scope of his employment, in every case be also deemed to be the act, omission or failure of such company.

Idem.

2. Anything done or omitted to be done by the company, which if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and, upon conviction of any such offence, the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons. 3 E. VII., c. 58, s. 299.

*Penalties constitute a charge.*

Penalties a first charge on railway.

**430.** If any company has been convicted of any penalty under this Act, such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. 3 E. VII., c. 58, s. 301.

*Procedure.*

If penalty \$100 or less.

**431.** If any penalty, prescribed for any offence under this Act, or under any regulation of the Board, is one hundred dollars or less, with or without imprisonment, the penalty may, subject to the provisions of this Act, be imposed and recovered on summary conviction before a justice of the peace.

If more than \$100 and less than \$500.

2. If the penalty prescribed is more than one hundred dollars and less than five hundred dollars, the penalty may, subject

as aforesaid, be imposed and recovered on summary conviction before two or more justices, or before a police magistrate, a stipendiary magistrate, or any person with the power or authority of two or more justices of the peace.

3. Whenever the Board shall have reasonable ground for belief that any company, or any person or corporation is violating or has violated any of the provisions of this Act, in respect of which violation a penalty may be imposed under this Act, the Board may request the Attorney General of Canada to institute and prosecute proceedings, on behalf of His Majesty, against such company or person for the imposition and recovery of the penalty provided under this Act for such violation, or the Board may cause an information to be filed in the name of the Attorney General of Canada for the imposition and recovery of such penalty.

Board may require Attorney General to proceed.

4. No prosecution shall be had against the company for any penalty under this Act, in which the company might be held liable for a penalty exceeding one hundred dollars, without the leave of the Board being first obtained. 3 E. VII., c. 58, ss. 25 and 300.

No prosecution without leave of Board if penalty exceeds \$100.

SCHEDULE ONE.

.....Railway Company.

RETURN for the year ending June 30, 19 , required by the Minister of Railways and Canals, showing the conditions of the Capital and Revenue Account, etc., etc., of the railways in the Dominion of Canada.

NO. 1.—LOCATION AND GENERAL DESCRIPTION OF RAILWAY, *Showing the county or counties through which the railway runs, the terminal points, connections, if any, and giving a general description of the line and the country through which it passes.*

June 30, 19 .

NO. 2.—OFFICIAL NAME AND ADDRESS OF THE COMPANY AND OFFICIAL SEAL.

NO. 3.—NAMES AND RESIDENCES OF DIRECTORS AND OFFICERS OF THE COMPANY, JUNE 30, 19 .

Names of Directors.	Residences.
President, Vice-President, Secretary, Treasurer,	General Manager, Engineers, Superintendents.

No. 4.—LIST OF ALL STATUTES, Dominion or Provincial, in any manner affecting the railway or any part thereof, from the date of first construction to June 30, 19 .

No. 5.—LIST OF ALL STATUTES, Dominion or Provincial, under which any subsidy, loan or bonus, has been paid or voted, in respect of the railway, or any part thereof, passed prior to June 30, 19 .

No. 6.—LIST OF ALL CONTRACTS MADE BY THE COMPANY, for the construction of any part of the railway up to June 30, 19 .

Date.	Contractors.	Description of Work.	Location and Mileage.	Prices.

Copies of any contracts must be furnished by the company to the Minister when required.

#### No. 7.—CAPITAL ACCOUNT TO JUNE 30, 19 .

	Amount Author- ized.	Amount Share Capital Sub- scribed. Bonds Issued.	Amount Share Capital Paid up Bonds Sold.	*Rate of Interest or Dividend.
	\$ cts.	\$ cts.	\$ cts.	p.c.
Total amount of ordinary share capital .....				
"  of preference share capital .....				
"  " .....				
"  " .....				
"  of ordinary bonds .....				
"  " .....				
"  " .....				
"  " .....				
"  of Government loans .....				
"  " bonuses .....				
"  " subscription to shares .....				
"  " subscription to bonds .....				
"  municipal loans .....				
"  " bonuses .....				
"  " subscription to shares .....				
"  " subscription to bonds .....				
"  of capital from other sources .....				
Total capital .....				

\*State whether dividend is cumulative or not.

With this return shall be transmitted a copy of the annual accounts or statements from the directors to the company prepared under the provision of this Act, whereby the directors are required to cause to be kept, and annually on the thirtieth day of June to be made up and balanced a true, exact and particular account of the moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company, or the directors. Sec. 124.

This statement must also agree with the totals shown in such annual accounts or statements from the directors to the company.

If there is more than one issue of preference shares and bonds, state them and the amount of each class.

**NO. 8.—LOANS OR BONUSES FROM GOVERNMENTS OR MUNICIPALITIES, UP TO JUNE 30, 19 .**

From what Source.	Amount of Loan Granted.	Amount of Bonus Granted.	Amount of Subscription to Shares.	Amount of Subscription to Bonds.	Rate of Interest.	Date of Repayment.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	p.c.	
Governments.....						
Total .....						
Municipalities.....						
Total .....						

**NO. 9.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY, UP TO JUNE 30, 19 .**

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
\$ cts.	%		\$ cts.

No. 10.—SALES OF LAND MADE BY THE COMPANY, UP TO JUNE 30, 19 .

Acres Sold.	Price per Acre.	Amount.
	\$ cts.	\$ cts.

No. 11.—FLOATING DEBT, YEAR ENDING JUNE 30, 19 .

Total Amount.	Rate of Interest.	Remarks.
\$ cts.	%	

NOTE.—The floating debt includes all debts other than the bonded debts.

No. 12.—CHARACTERISTICS OF ROAD, ETC., JUNE 30, 19 .

OWNED.		Miles.
*Length of main line from..... to ..		
† " branch from..... to.....		
" " .....		
" " .....		
" " .....		
LEASED.		
Length of branch railway from..... to .....		
" " .....		
" " .....		
" " .....		
Total mileage worked.....		
Length of road laid with iron rails.....		
" " steel rails.....		
" of sidings.....		
" of double track (if any).....		
Weight of rail per yard, main line, iron..... lb		
" " steel.....		
" " branches, iron.....		
" " steel.....		
Number of car sheds and shops.....		
" of engine-houses.....		
" of engines, steam or motor, owned by the Company.....		
" " hired.....		
" of power houses owned; hired..... (with steam power.....)		
" of sleeping cars owned by the Company..... (with water power.....)		
" " hired.....		
" " No. with air brakes..... owned..... hired.....		
" " " automatic couplers..... owned..... hired.....		
" of parlour cars owned by the Company.....		
" " hired.....		
" " No. with air brakes..... owned..... hired.....		
" " " automatic couplers..... owned..... hired.....		

No. 12.—CHARACTERISTICS OF ROAD, ETC., JUNE 30, 19 —  
Continued.

Number of dining cars owned by the Company.....	
"    "    "    hired.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with automatic couplers, owned, hired.....	
official cars owned by the Company.....	
"    "    "    hired.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with automatic couplers, owned, hired.....	
of first-class passenger cars owned by Company.....	
"    "    "    hired.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with auto. couplers.....	
of second-class and immigrant cars owned by Company.....	
"    "    "    hired.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with auto. couplers.....	
baggage, mail and express cars owned by Company.....	
"    "    "    hired.....	
of baggage, mail and express cars with air brakes, owned, hired.....	
"    "    "    with auto. couplers.....	
of cattle and box freight cars owned by Company.....	
"    "    "    hired.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with auto. couplers.....	
of refrigerator cars owned by the Company.....	
"    "    "    hired.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with auto. couplers.....	
of platform cars owned by Company.....	
"    "    "    hired.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with auto. couplers.....	
of coal cars owned by Company.....	
"    "    "    hired.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with auto coupler.....	
of conductors, vans.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with automatic couplers.....	
of tool cars.....	
"    "    "    with air brakes, owned, hired.....	
"    "    "    with automatic couplers.....	
of snow-ploughs and sweepers.....	
of flangers.....	
of other rolling stock.....	
of ties to mile, main line.....	
"    "    branches.....	
Nature of fastenings used to secure joint of rail.....	
Number of grain elevators.....	
†Capacity of "    "    at.....	
"    "    "    .....	
"    "    "    .....	
Number of highway crossings at rail-level at which watchmen are employed.....	
"    "    "    without watchmen.....	
"    of overhead bridges carrying highway over railway.....	
"    "    "    farm crossings over railway.....	
Height of overhead bridges above rail-level.....	
Number of highway crossings under railway.....	
"    of farm crossings under railway.....	
"    of level crossings of other railways.....	
"    of junctions with other railways.....	
"    "    branch lines.....	
Radius of sharpest curve.....	
Number of feet per mile of heaviest gradient.....	
Gauge of railway.....	

\* If the line, or any portion of it, is under construction, the length being constructed is to be given.

† The length of the main line is the distance from point to point, irrespective of double track or sidings.

‡ State where these are situated, and the capacity of each.

No. 12.—CHARACTERISTICS OF ROAD, ETC., JUNE 30, 19 .—  
Continued.

Mileage in Provinces.	Miles Completed. (Rails laid).	Miles in Operation.
Ontario.....		
Quebec.....		
Nova Scotia.....		
New Brunswick.....		
Manitoba.....		
British Columbia.....		
Prince Edward Island.....		
Saskatchewan.....		
Alberta.....		
Northwest Territories.....		
Yukon Territory.....		
Total.....		

No. 13.—ACTUAL COST OF RAILWAY AND ROLLING STOCK,  
UP TO JUNE 30, 19 .

	\$	cts.
1. Cost of land and land damages.....		
2. Cost in connection with the administration of land grant in aid, if any.....		
3. Cost of grading, masonry and bridging, station buildings, etc.....		
4. Cost of rolling stock of all kinds, including workshops.....		
Total.....		

The above total to show the actual cash cost of construction and of rolling stock.

No. 14.—OPERATIONS OF THE YEAR ENDING JUNE 30, 19 ,  
AND NUMBER OF MILES RUN.

1. Miles run by passenger trains.....	
2. " freight trains.....	
3. " mixed trains.....	
4. Total miles run by trains.....	
5. " engines.....	
6. Total number of passengers carried.....	
7. " tons of freight (of 2,000 lbs.) carried.....	
8. Average rate of speed of passenger trains.....	
9. " " freight trains.....	
10. Average weight of passenger trains in motion.....	
11. " " freight trains in motion.....	

A train consists of one or more cars.

No. 15.—DESCRIPTION OF FREIGHT CARRIED DURING THE YEAR ENDING JUNE 30, 19 .

—	Weight in Tons.
1. Flour in barrels, No .....	
2. Grain in bushels, No. ....	
3. Live stock, No. ....	
4. Lumber of all kinds, ft. B.M .....	
5. Coal and other fuel.....	
6. Manufactured goods.....	
All other articles.....	
Total weight carried.....	

No. 16.—EARNINGS OF RAILWAY FOR YEAR ENDING JUNE 30, 19 .

—	\$ cts.
1. From passenger traffic .....	
2. " freight traffic.....	
3. " mails and express freight.....	
4. " other sources.....	
Total.....	

No. 17.—OPERATING EXPENSES—MAINTENANCE OF WAY, BUILDINGS, ETC., FOR THE YEAR ENDING JUNE 30, 19 .

—	\$ cts.
1. Wages, etc., of labour employed on track, including sidings.....	
2. Cost of rails and fastenings.....	
3. Ballasting.....	
4. Repairs of bridges and culverts.....	
5. " and renewals of buildings .....	
6. " of fencing.....	
7. Clearing snow.....	
8. Engineering superintendence.....	
Total .....	



No. 18.—OPERATING EXPENSES—COST OF MOTIVE POWER  
FOR YEAR ENDING JUNE 30, 19 .

	\$ cts.
—	
1. Wages of engineers, motormen, firemen and cleaners.....	
2. Fuel.....	
3. Repairs of engines and tenders.....	
4. Oil, tallow, waste, etc., for engines.....	
5. Pumping engines.....	
6. Repairs of tools and machinery.....	
7. Superintendence.....	
Total.....	

No. 19.—OPERATING EXPENSES—MAINTENANCE OF CARS  
FOR YEAR ENDING JUNE 30, 19 .

	\$ cts.
—	
1. Wages and material for repairs of passenger cars.....	
2. " " " freight cars and snow ploughs.....	
3. " " " other rolling stock.....	
4. Superintendence.....	
Total.....	

No. 20.—OPERATING EXPENSES—GENERAL AND OPERATING  
CHARGES FOR YEAR ENDING JUNE 30, 19 .

	\$ cts.
—	
1. Office expenses, including directors, auditors, management, travel- ling expenses, stationery, etc.....	
2. Station agents, clerks, porters, etc.....	
3. Conductors, baggagemen and brakemen.....	
4. Compensation for personal injuries.....	
5. Loss or damage to freight.....	
6. Cattle killed.....	
7. Ferries and ferry-boats.....	
8. Foreign agencies.....	
9. Small stores, including lights, lamps and signals.....	
10. All other charges.....	
11.....	
12.....	
13.....	
Total.....	

No. 21.—SUMMARY OF OPERATING EXPENSES FOR THE YEAR  
ENDING JUNE 30, 19 .

—	\$ cts.
A. Maintenance of way, buildings, etc.....	
B. Motive power.....	
C. Maintenance of cars.....	
D. General and operating expenses.....	
Total cost of operating railway.....	
Operating expenses per train mile.....	

The above statement is to include the full cost of operating the railway, and the total is to correspond with the annual accounts or statements prepared under the provision of this Act in No. 7 of this schedule set forth.

No. 22.—ACCIDENTS DURING THE YEAR ENDING JUNE  
30, 19 .

Cause of Accident.	PASSENGERS.		EMPLOYEES.		OTHERS.		TOTAL.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
	1. Fell from cars or engines.							
2. Jumping on or off trains or engines when in motion.....								
3. At work on or near the track, making up trains								
4. Putting arms or heads out of windows.....								
5. Coupling cars.....								
6. Collisions, or by trains thrown from track								
7. Struck by engine or cars on highway crossing...								
8. Walking, standing, lying, sitting or being on track								
9. Explosions.....								
10. Striking bridges.....								
11. Other causes.....								
Total.....								

No. 23.—DETAILS OF ACCIDENTS DURING YEAR ENDING JUNE  
30, 19 .

Date.	Name, Address and Occupation of Person.	Place of Accident.	Cause.	Nature and Extent of Injury.

Passengers and employees are to be entered separately.

CANADA, }  
 Province of . . . . . } Affidavit for President, or, in his  
 County of . . . . . } absence, for Vice-president  
 To Wit: } or Manager.

I, ..... of the <sup>(1)</sup>.....  
 of.....in the county of.....  
 and province aforesaid <sup>(2)</sup>.....of the  
 Railway Company, being duly sworn, make oath and say:—

That, to the best of my knowledge, information and belief,  
 the foregoing returns are true and correct.

SWORN before me at the.....of..... }  
 in the county of.....this..... }  
 day of.....19 . }  
 .....  
<sup>(3)</sup>.....

<sup>(1)</sup>. City, town, township or parish. <sup>(2)</sup>. President, Vice-President or Manager.  
<sup>(3)</sup>. Official capacity of person administering oath.

CANADA, }  
 Province of . . . . . } Affidavit for the Secretary or some  
 County of . . . . . } other chief officer.  
 To Wit: }

I, ..... of the <sup>(1)</sup>.....  
 of.....in the county of.....  
 and province aforesaid, <sup>(2)</sup>.....of the  
 Railway Company, being duly sworn, make oath and say:—

That, to the best of my knowledge, information and belief,  
 the foregoing returns are true and correct.

SWORN before me at the.....of..... }  
 in the county of.....this..... }  
 day of.....19 . }  
 .....  
<sup>(3)</sup>.....

<sup>(1)</sup>. City, town, township or parish. <sup>(2)</sup>. Secretary or other chief officer.  
<sup>(3)</sup>. Official capacity of person administering oath.

SCHEDULE TWO.

.....Railway Company.

RETURN of traffic for week ending 19 ,  
and corresponding week of 19 .

Week ended.	PASSENGERS.		FREIGHT AND LIVE STOCK.		Mails and Sundries	Total.	Per Mile per Period.	Miles Open.
	Number	Amount	Tons.	Amount				
		\$ cts.		\$ cts.	\$ cts.	\$ cts.	\$ cts.	
..... 19								
..... 19								
Increase . . .								
Decrease . . . .								

Aggregate Traffic from July 1, 19 .

Date.	PASSENGERS.		FREIGHT AND LIVE STOCK.		Mails and Sundries	Totals.	Per Mile per Period.	Miles Open.
	Number	Amount	Tons.	Amount				
		\$ cts.		\$ cts.	\$ cts.	\$ cts.	\$ cts.	
From . . . . 19								
Corresponding period of . . 19								
Increase . . .								
Decrease . . . .								

3 E. VII., c. 58, sch. 2.

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