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No 185.

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

BILL.

An Act to provide for the greater security of
Life, and the protection of Property on
the Railroads in this Province.

Received and read, first time, Wednesday, 18th
March, 1857.

Second reading, Monday, 23rd March, 1857.

Mr. BENJAMIN.

TORONTO:
PRINTED BY JOHN LOVELL,
YONGE STREET.

An Act to provide for the greater security of Life, and the protection of Property, on the Railways in this Province.

WHEREAS the many serious accidents which have lately occurred on the Railways in this Province render it necessary and incumbent on the Legislature to take steps to provide against their recurrence, as far as possible, in order that greater security and protection may be given to both life and property; Therefore Her Majesty, &c., enacts as follows: Preamble.

I. From and after the passing of this Act no Railway Bridge, being more than forty feet in length, shall be constructed of any other material than Iron, to be either tubular or girder. All Railway Bridges to be of iron.

II. A Board of Railway Commissioners, consisting of three persons, shall be appointed by the Government, who shall in their action be independent of the Board of Works, and who shall report quarterly to the Provincial Secretary, which Reports shall be laid before the Governor in Council, at the first Council which shall be held after the receipt of each Report: The said Commissioners shall be Engineers, and may have a Secretary: And the said Commissioners and their Secretary shall hold their appointments during good behavior, and shall not hold any other office under the Crown, or be appointed or elected to any other office, by any corporation, or by the people. Board of Railway Commissioners to be appointed.

III. It shall be the duty of the said Commissioners, or any one of them, to inspect and examine all the Wooden Bridges and other wooden constructions already existing on the various lines of Railway within the Province of Canada, and who shall have power, and they are hereby required and enjoined after due examination of the same, to notify the various companies of any defects they or either of them may discover in such Bridges or other wooden constructions, along the lines of these respective Roads, and who shall at the time any such notice is given by them of any defect point out how the said defect may be removed, and shall forthwith furnish a plan or plans by which such required work shall be executed, and shall require the Company to whom any such notice is given forthwith to do the same, and to put on sufficient force to enable the work to be completed with all possible dispatch; and in case any such work so ordered to be constructed or substituted shall not be commenced within a given time, then it shall be the duty of the said Board of Commissioners, or either of them, forthwith to take charge of such portion of the Road, where the said work is required to be done, and have the work done without delay under his or their superintendence: So soon as the said Board of Commissioners or either of them shall commence the work as aforesaid, they or he, as the case may be, shall notify the Board of Directors, and the Officer having charge Board to examine all wooden works on Railways, and if they find them defective, to order them to be properly constructed; or in default of the Company's obeying such order, the Board may construct them at the Company's expense.

of the funds of the Company affected by the order, not to pay out any portion of the receipts of such Company which may accrue or be received from the date of such notice ; but that they, the said Board of Directors and the Company, shall hold all such funds so accruing as aforesaid, after the notice aforesaid, subject to the order of the said Board of Commissioners, 5 or either of them, until the expenditure required to be made for the works in progress shall have been fully completed, paid up and discharged by the Company ; and the said Board of Directors and officer having charge of the funds, shall be and are hereby required, upon the receipt of the notice aforesaid, from the Board of Commissioners or either of them, to retain 10 and hold all sums of money so received subject to the order of the said Board of Commissioners or either of them, until the work in hand shall have been finished and paid for.

Receipt when the work is paid for—its effect.

IV. Upon any work so undertaken by the said Board of Commissioners or either of them, being completed, the said Board of Commissioners 15 or either of them, shall give a certificate to the Company affected by the same, and upon the receipt of which certificate the order for the retention of money shall cease, and from that date be of none effect.

Provision if the Directors of the Company do not furnish the necessary funds.

V. Upon the refusal of any Board of Directors, or their disbursing officer, to pay the orders of the said Board of Commissioners or either of 20 them, according to the provisions of this Act, then it shall be competent for the said Board of Commissioners or either of them, to file a copy of the notice with the Judge of the County or Circuit Court, shewing that the said Company had been duly notified to do such work and that they had failed or neglected to do it, and that the notice to retain the money had been 52 given, and upon the money being required the said Board of Commissioners, or either of them, had given orders for the payment of certain sums, which payments had not been made but had been refused ; and upon a certified copy of the notices being produced to the aforesaid Judge of the said County or Circuit Court having jurisdiction within the limits of 30 the County where the said work is progressing or going on, it shall be the duty of such Judge to grant an immediate order directing the Board of Directors in question, and their disbursing officer, to pay all the orders of the said Board of Commissioners, or either of them, upon their presentation at the office of the said Company ; and the neglect or refusal to 35 obey any such order or orders so issued by the said Judge shall subject the President of said Board of Directors of the Company, and the disbursing officer of the same, to an immediate arrest and imprisonment upon a Warrant to be issued by the Judge who shall have made the order for the payment of the money, and the parties so arrested shall be 40 confined in the Common Gaol of the County or District until the order or orders given by the said Judge shall have been conformed to : And the said parties shall not be admitted to bail, but shall be held in durance until all orders given upon them shall have been paid.

Order of the Judge, and mode of enforcing it, by arrest of Directors, &c.

Duplicates of laws, &c., made by the Board, to be filed with the Board of Works.

VI. It shall be the duty of the said Board of Commissioners to 45 deposit a Duplicate of all papers and plans served upon any Company, at the office of the Board of Works ; which Duplicate shall be received in Court as the originals, and shall be admitted as evidence in case any suit may arise ; and the copies of the notices required to be filed with the Judge of the County or Circuit Court, as hereinbefore provided, shall be 50 the copy of the notice so filed in the office of the Board of Works, which copy shall be signed and countersigned by the Secretary of the Board of

Works, attaching thereto the seal of the office, which seal shall be held to be proof of the validity of the document produced.

VII. This Act shall take immediate effect, and the first section shall apply to Railways in the course of construction as well as those already constructed; and the parties, companies, or corporate bodies, who shall fail to comply with the provisions of this Act, upon receiving a copy of the same from the Board of Commissioners, shall be subject to all the proceedings, restraints and penalties by this Act provided.

Act to apply to Railways now in course of construction.

VIII. In case of any accident occurring on any Railway, and it shall appear by an inquest or special investigation that such accident was the result of any negligence of said Commissioners, or either of them, or the result of any act or negligence of any officer or employee of the Company on whose Railway the accident shall have occurred, such Commissioner, officer, or employee as aforesaid shall, upon the verdict of a Coroner's Jury, be forthwith committed for trial at the first Assizes or Court of Queen's Bench, to be held in the County or District where such accident shall have happened, and in case of conviction before the Court, such offender shall be subject to a fine in any sum not exceeding one thousand pounds of lawful money of the Province of Canada, and imprisonment not less than six months in the Common Gaol of the County or District, nor more than seven years in the Provincial Penitentiary, power being hereby given to the Judge to direct the application of the fine.

Punishment of any Commissioners or officer of any Railway by whose negligence any accident shall occur.

IX. Any person convicted of placing any obstruction on any Railway, shall, in case of accident where no loss of life occurs, be subject to imprisonment in the Provincial Penitentiary, for any period not less than three years nor more than twenty-one; and in case of any such accident resulting in death, then the party convicted shall suffer death.

Punishment for placing obstructions upon Railways.