

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Various pagings.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

10x	14x	18x	22x	26x	30x
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12x	16x	20x	24x	28x	32x

LAW. CA. 6

~~P. 4~~



4

THE

CONSOLIDATED RAILWAY ACT, 1879.

42 VICTORIA, CHAPTER 9:

WITH

AN INDEX AND SYNOPSIS OF ITS PROVISIONS

BY

R. J. WICKSTEED,

Of the Law and Translation Department, House of Commons.

OTTAWA:

Printed by BROWN CHAMBERLIN, Law Printer to the Queen's
Most Excellent Majesty.

SYNOPSIS OF PROVISIONS.

NOTE.—*The figures indicate the pages.*

PART FIRST.

- Preamble, 1.
- Application of Act, and its incorporation with special Acts, 1, 2.
- Interpretation of words and expressions, 2, 3, 4.
- Railway Company to be a corporation,—its powers as such, 4.
- Powers of the company for making and working railway, 4 to 8.
- Plans and surveys, their construction and use, 8 to 10.
- Lands, materials, &c., for railway and their valuation and acquisition for the main line, and for branches, works, &c., 11 to 22.
- Highways and bridges, crossing or crossed by railway, 22 to 24.
- Fences, gates, cattle-guards, snow-fences, &c., 24, 25.
- Tolls for carriage of passengers and goods, 25 to 27.
- Meetings of Shareholders, 27.
- President and Directors, their election, powers and duties, 27 to 30.
- Calls on stock, provisions respecting, 30 to 32.
- Dividends on stock, provisions respecting, 32, 33.
- Shares and their transfer, 33, 34.
- Shareholders, liability, who may be, &c., 34.
- By-laws, notices, minutes, &c., 34, 35.
- Working of the railway, carriage of passengers and goods, 35 to 37.
- Trains overdue, notices to be given respecting, 37, 38.
- Actions and suits for damages, penalties or forfeitures, 38, 39.
- General provisions as to mails, troops, telegraphs, contracts for works, commencement and completion of railway, accounts to Parliament, dissolution of company, and rights of Her Majesty and others, 39, 40.
- Railway statistics and returns, 40 to 42.

PART SECOND.

- Railway committee, its powers and duties, as to the opening and inspection of railways and other works, the running of trains and stopping them in case of danger, and precautions for the safety of the public, &c., 42 to 48.
- Traffic arrangements by the company, and by one company with another, and with express companies, 49, 50.
- Railway Constables, their appointment, powers and duties, 50 to 52.
- General provisions, as to by-laws,—navigable waters and bridges, apparatus for speedily stopping trains, crossing other railways or highways, moving in cities, towns, &c., precautions respecting cattle, removing noxious weeds, and working expenses, 52 to 58.
- Penal clauses as to improving or obstructing the railway, or causing danger to persons or property on it, obstructing inspection, and contravention of by-laws by employees, 58 to 61.
- Railway fund constituted, application of penalties, 61, 62.
- Application of enactments to certain railways, from certain dates, and to certain provinces, 62, 63.
- Repealing and saving clause, 63, 64.
- Schedules, returns by companies under this Act, 65, 66.



CHAP. 9

An Act to amend and consolidate "The Railway Act, 1868," and the Acts amending it.

NOTE.—The dates in the margin opposite any provision is the year in which it was made by this Act (1879) or by *An Act amending that of 1868*, and repealed by s. 102 of this Act.

[Assented to 15th May, 1879.]

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

1. In citing this Act, it shall be sufficient to use the expression "*The Consolidated Railway Act, 1879.*" Short title, 1879.

APPLICATION OF ACT.

2. The provisions of this Act from section five to section thirty-four, both inclusive, being Part First of this Act, shall apply to the Intercolonial Railway constructed under the authority of the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the construction of the Intercolonial Railway,*" so far as they are applicable to the undertaking and in so far as they are not inconsistent with or contrary to the provisions of the said Act or any other Act respecting it : Application of the several parts of this Act. 31 V., c. 13.

2. The said sections shall also apply to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, so far as they are applicable to the undertaking, and unless they are expressly varied or excepted by the Special Act, be incorporated with the Special Act, form part thereof, and be construed therewith as forming one Act. The same.

3. For the purpose of excepting from incorporation with the Special Act any of the sections forming Part First of this Act, it shall be sufficient in the Special Act to enact, that the sections of this Act proposed to be excepted, referring to them by the words forming the headings of such sections respectively, shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly. How any section may be excepted from incorporation with any Special Act.

4. The provisions of this Act from section thirty-four to section ninety-eight both inclusive, being Part Second, shall apply to the Intercolonial Railway, in so far as they are not varied by, or inconsistent with the Special Act respecting it, to all railways constructed by the Government of Canada, To what Railways the other provisions of this Act shall apply.

Subject to provisions of this Act, 1879.

or being or having become the property of the Dominion of Canada, in or since the year 1868, in so far as they are not inconsistent with any Special Act respecting them, and to all railways which have been in or since the said year, or which may be hereafter constructed under the authority of or made subject to any Special Act passed by the Parliament of Canada, and to all companies incorporated for their construction and working, subject always to any provision hereinafter made as to the application of any section or provision of either part of this Act to any Province, place or railway, or as to the time from which it is to be held as so applying.

PART FIRST.

INTERPRETATION.

Interpretation of words "the Special Act."

5. 1. The expression "the Special Act," used in this Act shall be construed to mean any Act authorizing the construction of a railway, with which this Act or "*The Railway Act, 1868,*" is incorporated :

"Prescribed."

2. The word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the Special Act ; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used :

"The Lands."

3. The expression "the lands" shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof :

"The undertaking."

4. The expression "the undertaking" shall mean the railway and works, of whatever description, by the Special Act authorized to be executed :

In this and the Special Act.

5. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :

"Lands."

6. The word "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure :

"Lease."

7. The word "Lease" shall include any agreement for a lease :

"Toll."

8. The word "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the railway :

"Goods."

9. The word "Goods" shall include things of every kind that may be conveyed upon the railway, or upon steam or other vessels connected therewith :

10. The word "County" shall include any union of Counties, County, Riding, or like division of a County in any Province, or any division thereof into separate municipalities in the Province of Quebec :

11. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications :

12. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy ; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate ; and if the lands in question, being the property of one and the same party, be situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate :

13. The word "Justice" shall mean 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 who is not interested in the matter ; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City or place, the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter ; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together :

14. The word "owner," where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner shall be understood to mean any corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company :

15. The expression "the Company" shall mean the Company or party authorized by the Special Act to construct the railway :

16. The expression "the Railway" shall mean the railway and the works by the Special Act authorized to be constructed.

INCORPORATION.

Companies established under Special Acts, declared to be bodies corporate, &c.

31 V., c 1.

6. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be vested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such corporation, or are expressed or included in "*The Interpretation Act.*"

POWERS.

Powers.

7. The Company shall have power and authority,—

To receive grants of land, &c. ;

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid 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 ;

To purchase land ;

2. To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same :

To occupy public lands, beaches, &c, with consent of the Crown.

3. No railway company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council ; but with such consent any such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the railway, as have not been granted or sold, and as may be necessary for such railway, as also so much of the public beach, or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works, subject, however, to the exceptions contained in the next following sub-section :

As to lands belonging to Her Majesty, &c.

4. Whenever it is necessary for the company to occupy any part of the lands belonging to the Queen, reserved for Naval or Military purposes, they shall first apply for and obtain the license and consent of Her Majesty, under the hand and seal of the Governor, and having obtained such license and consent, they may at any time or times enter into and enjoy any of the said lands for the purposes of the railway ; but in the case of any such Naval or Military Reserves, no such license or consent shall be given except upon a report first made thereupon by the Naval or Military authorities in which such lands are for the time being vested, approving of such license and consent being so given :

5. The Company shall have power and authority to make, carry or place the railway across or upon the lands of any corporation or person on the line of the railway, or within the distance from such line stated in the Special Act, although, through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands : Power to carry Railway across lands of corporations, and others ;
6. To construct, maintain and work the railway across, along, or upon any stream of water, water-course, canal, highway or railway which it intersects or touches ; but the stream, water-course, highway, canal or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to impair its usefulness : And across or along streams &c. Proviso.
7. To make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks, to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ; To complete Railway with one or more tracks, &c. ;
8. To erect and maintain all necessary and convenient buildings, stations, depôts, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway ; To erect necessary buildings, wharves, &c.
9. To make branch railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway ; Branch Railways ;
10. To construct and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of this Act, and of the Special Act ; All other matters and things necessary for Railway ;
11. To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation ; To convey persons and goods on Railway ;
12. To borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for completing, maintaining or working the railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures or other securities granted for To borrow money, &c.

To issue bonds, debentures, &c., pledging Company's property.

the sums so borrowed, payable either in currency or in sterling, and at such place or places within Canada, or without, as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars ;

To enter upon lands, &c., for survey.

13. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway ; and to make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway ;

To remove trees.

14. To fell or remove any trees standing in any woods lands or forests, where the railway passes, to the distance of six rods from either side thereof :

To cross or unite with other Railways.

15 To cross, intersect, join and unite 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 ; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by a judge of one of the superior courts in the Province in which the point of junction or intersection is situated :

But not without application to the Railway Committee under sect. 35.

16. But no railway company shall avail itself of any of the powers contained in the next preceding sub-section without application to the Railway Committee constituted under the thirty-fifth section of this Act, for approval of the mode of crossing, union or intersection proposed ; of which application, notice in writing shall be given to any other railway affected, by sending the same by mail or otherwise, to the address of the President, Superintendent, Managing Director or Secretary of any such railway company, and when such approval has been obtained, it shall be lawful for either railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section ; and this sub-section and the next preceding it shall extend and apply to a railway incorporated under any Act of a Provincial Legislature, in any case in which it is proposed that such railway shall cross, intersect, join or

As to Provincial Railways, 1877.

unite with a railway under the legislative control of Canada :

17. Any railway company may construct a branch or branches not exceeding six miles in length from any terminus or station of their railway, whenever a by-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate ; and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act or in this Act, nor shall any thing in either of the said Acts authorize the company to take for such branch any lands belonging to any party without the consent of such party first obtained :

Any Railway Company may construct branch Railways on certain conditions.

18. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company ; and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct, and to work and use, sidings, switches or branch lines of railway, not to exceed in any one case six miles in length : Provided always, that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose, under the compulsory powers vested in them by this Act, or by any other Act in their behalf ; nor unless the company shall, prior to the first publication of such notice, have deposited in the Registry Office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line ; nor until the company shall have submitted the same to, and such maps and plans shall have been approved by the Governor in Council, after the expiration of the notice : And provided further, that the Order of the Governor in Council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such order, within which the company may construct such branch line :

Power to construct branch lines for certain purposes, 1875.

Proviso : Notice to be given.

Maps and plans : and approval of Governor in Council.

Proviso : time for construction limited.

b. For any and every such purpose, each and every company herein referred to, shall have and may exercise all the powers given them with respect to their main line, by the

Powers of Company as to such branch lines, 1875.

Act incorporating the company, and the Acts amending the same or relating to the company, or the Act authorizing the construction of the main line, and this Act and any Act amending the same; and each and all provisions of the said Acts which are applicable to such extension shall extend and apply to every such siding, switch or branch line of railway:

Changes may be made in the line of a Railway at any time for certain purposes.

19. Any railway company desiring at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of such line of railway, so at any time changed or proposed to be changed, as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the special Act:

Proviso.

Capital Stock may be increased: how and on what conditions.

20. The original Capital Stock of any railway company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the shareholders, at a meeting expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the Post Office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote.

PLANS AND SURVEYS.

Provision respecting surveys and levels.

8. Plans and Surveys shall be made and corrected as follows:—

Map and book of Reference; contents.

1. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the railway, in which shall be set forth—

a. A general description of the said lands;

b. The name of the owners and occupiers thereof, so far as they can be ascertained; and,

c. Every thing necessary for the right understanding of such map or plan;

2. The map or plan and Book of Reference shall be examined and certified by the Minister of Public Works or his deputy, and a duplicate thereof, so examined and certified, shall be deposited in the office of the Department of Public Works, and the company shall be bound to furnish copies of such map or plan and Book of Reference or of such parts thereof as relate to each district or county through which the railway is to pass, to be deposited in the offices of the Clerks of the Peace for such districts or counties respectively :

To be examined, certified and copies deposited.

3. Any person may resort to such copies, and make extracts therefrom or copies thereof, as occasion requires, paying to the Clerks of the Peace, at the rate of ten cents for every hundred words :

Access to Copies.

4. Such map or plan and Book of Reference so certified, or a true copy thereof certified by the Minister of Public Works, or by the Clerks of the Peace, shall be good evidence in any court of law and elsewhere :

Certified copies to be evidence.

5. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any map or plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose; and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly :

Omissions or errors how remedied.

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon such map or plan or Book of Reference shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate :

Certificates relating thereto.

7. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies of, or extracts from such plan and section so far as they relate to the several districts or counties, in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such districts and counties :

Alterations from original survey.

8. Until such original map or plan or Book of Reference, or the plans and sections of the alterations, have been so de-

Railway not to be proceeded with until

map, &c., deposited.

deposited, the execution of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with :

Clerks of the Peace to retain copies of original plan, &c.

9. The Clerks of the Peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies of and extracts from the same, under a penalty for each default of four dollars :

Copies or extracts ;

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the maps, plans and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required :

Line not to deviate more than a mile from Plan.

11. No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and Book of Reference, or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and Book of Reference, or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act :

As to errors in the name of a person entered in a Book of Reference.

12. The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or though some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands :

Map, &c., of Railway to be filed in the Public Works Office.

13. A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed in the office of the Minister of Public Works, and like maps of the parts thereof, located in different districts and counties, shall be filed in the Registry Offices for the districts and counties in which such parts are respectively situate ; and any company failing or neglecting to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any court of competent jurisdiction :

On what scale and paper to be drawn.

14. Every such map shall be drawn on such a scale, and on such paper, as may from time to time be designated for

that purpose by the Minister of Public Works, and shall be certified and signed by the President or Engineer of the corporation.

LANDS AND THEIR VALUATION.

9. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depôts or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the map or plan, or plans or sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line:

Extent of lands to be taken without consent of proprietor.

Extra breadth for Stations, &c.

2. 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 limited in the next preceding sub-section:

Extent of public beach to be taken.

3. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and 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, sell and convey unto the company all or any part thereof: Provided always, that in all cases in which the parties hereinbefore enumerated have no right in law to sell or convey the rights of property of said land, it will be necessary for the said parties to obtain from a competent judge, after due notice to parties interested, the right to sell the said land; and the said judge will give such orders as may be necessary to secure the investment of the purchase money in such a manner as he will deem necessary, according to the law of the Province, to secure the interests of the owner of said land:

Corporations, &c., may convey lands to Company.

Proviso: order of judge required in certain cases, 1879.

4. But the powers by the next preceding sub-section conferred upon Rectors in possession of glebe lands in the Province of Ontario, ecclesiastical and other corporations, trustees of land for church or school purposes, or either, executors appointed by wills in which they are not invested

Limitation of powers in certain cases.

with any power over the real estate of the testator, administrators of persons dying intestate but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company :

Effect of sale under preceding sub-section.

5. Any contract, agreement, sale, conveyance and assurance so made, under the two next preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the railway company receiving the same, the fee-simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of, or in pursuance of this Act :

Disposition of purchase money.

6. The company shall not be responsible for the disposition of any purchase-money for lands taken by them for their purposes, if paid to the owner of the land, or into court for his benefit, as hereinafter provided :

Effect of contracts made before deposit of map.

7. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and Book of Reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land 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 :

Corporations and others who cannot sell in ordinary course of law, may agree upon a fixed rent.

8. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed :

Lien for payment of such rent.

9. For the payment of the said 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, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper district, county, or registration division :

10. After one month from the deposit of the map or plan and Book of Reference, and from notice thereof in at least one newspaper, if there be 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 parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway; and thereupon agreements and contracts may be made with such parties 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, as may seem expedient to both parties; and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:—

After one month's notice of deposit of map, &c., application to the owner of lands.

Arbitration in default of agreement.

11. The deposit of a map or plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the railway and works:

Deposit of plan, &c., to be general notice.

12. The notice served upon the party shall contain,—

Notice to opposite party; and what it must contain.

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn Surveyor for the Province in which the lands are situated, disinterested in the matter, and not being the arbitrator named in the notice;

That the land, if the notice relate to the taking of land, shewn on the said map or plan, is required for the railway, or is within the limits of deviation hereby allowed;

That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages aforesaid:

13. If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to the Judge of the Superior Court for the dis-

If the opposite party be absent or unknown: application to a Judge.

See s. 101 as to P.E.I. **See s. 101 as to P.E.I.**

trict, if it be in the Province of Quebec, or to the Judge of the County Court for the County, if it be in either of the Provinces of Ontario or New Brunswick, or to a Judge of the Supreme Court if it be in the Province of Nova Scotia, 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 enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the district or county; or if there be no newspaper published therein, then in a newspaper published in some adjacent district or county:

If the County Judge be interested.

14. Whenever any County Judge is interested in any lands taken or required by the company within the county in which he is such judge, any judge of any of the superior courts in the Province in which the lands are, shall, on the application of the company, exercise in such cases all the powers given by this section to the County Judge in cases in which he is not interested:

Party not accepting the Company's offer, and not appointing an Arbitrator.

15. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn Surveyor, for the Province, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid:

Appointment of Arbitrators by opposite party: third Arbitrator.

16. If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Minister of Public Works shall, on the application of the party or of the company (previous notice of at least two clear days having been given to the other party,) appoint one of the Official Arbitrators to be a third arbitrator:

Duties of Arbitrators.

17. The arbitrators or two of them, or the sole arbitrator, being sworn before some Justice of the Peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; and the award of such arbitrators, or any two of them, or of the sole arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least

Award of two to be sufficient.

two clear days' notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required:

18. The arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds 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 to set off the increased value that will attach to the said lands or grounds, 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 or grounds as aforesaid:

Arbitrators to consider increased value of remaining lands.

19 If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the judge:

Costs, how paid.

20. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation shall be deemed wilful and corrupt perjury, and punishable accordingly:

Arbitrators may examine on oath.

21. 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 been prolonged, either by the consent of the parties or by resolution of the arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them:

Time within which award may be made.

22. If the sole arbitrator appointed by the judge, or the Official Arbitrator appointed by the Minister of Public Works, or any arbitrator appointed by the parties, or the third arbitrator appointed by the two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator, the judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by

Arbitrator dying, &c. 7 Sub.-s. 22 of 1868 and 1876.

affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place; and in the case of any arbitrator appointed by the parties, the company and party respectively may each appoint an arbitrator in the place of his arbitrator so deceased or not acting, and in the case of a third arbitrator appointed by the two arbitrators, the provisions of the sixteenth subsection shall apply, but no recommencement or repetition of prior proceedings shall be required in any case :

Company
may desist,
paying costs.

23. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party; but in any such case the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist :

Surveyor or
Arbitrator
not disquali-
fied unless
personally
interested.

24. The surveyor or other person offered or appointed as valuator or as sole arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge :

When disquali-
fication
must be urged.
No objections
admissible
after a third
Arbitrator
has been ap-
pointed.

25. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator :

Awards not
avoided for
want of form.

26. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award :

Possession
may be taken
on payment
of tender, &c.,
of sum award-
ed.

27. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the payment into

Court of the amount of such compensation in the manner hereinafter 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; and if any resistance or forcible opposition be made by any person to their so doing, the judge may, 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 may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do :

Warrant of possession.

28. Such warrant may also be granted by any such 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 are ready forthwith to proceed :

When warrant of possession may issue before award.

b. But no judge shall grant any warrant under this sub-section unless ten days' previous notice of the time and place when and where application for its granting will be made to him, has been served upon the owner of the land, or the party empowered to convey the land, or interested in the land 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 railway company; nor shall any judge grant any such warrant except upon the company giving security to his satisfaction, by deposit in a chartered bank indicated by him to the credit of the company, and such person or party jointly of a sum larger than his estimate of the probable compensation, and not less than double the amount mentioned in the notice served under sub-section twelve of this section; and the cost of the application to and of any hearing before the judge, shall be borne by the railway company, unless the compensation awarded shall be less than they had declared their readiness to pay; and 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 such judge, which he shall have power to make in accordance with the terms of the award :

On what conditions only Judge may grant such Warrant.

Deposit of compensation required, 1879.

Deposit to be paid out only on Judge's order.

29. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible

When the compensation is to stand in the place of the land.

accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party :

As to incumbrances, &c., upon lands, &c., purchased or taken in Ontario, Nova Scotia or New Brunswick. See s. 101 as to other Provinces.

30. If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may, if the lands are situated in either of the Provinces of Ontario, Nova Scotia or New Brunswick, pay such compensation into the office of one of the superior courts for the Province in which the lands are situated, with the interest thereon for six months, and may deliver to the clerk of the court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance ; and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned :

What notice to be published.

31. A notice, in such form and for such time as the court appoints, shall be inserted in some newspaper, if there be any, published in the district or county in which the lands are situate, and at the seat of Government of the Province, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof ; and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same ; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and the Special Act, and to law, appertain :

Order of Court distributing compensation.

By whom costs shall be paid.

32 The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party, as the court may order :

When interest shall be returned to, or paid by the Company.

33. If such order of distribution be obtained in 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, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as may be right :

34. If the lands so taken are situated in the Province of Quebec, and if the company have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the company, or if for other reasons the company deems it advisable, the company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the prothonotary shall state that the title of the company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof; and all such claims shall be received and adjudged upon by the court :

Case in which lands are situate in P.Q. and Company have reason to fear incumbrances provided for.

Special notice in such case.

35. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and the provisions of this Act and to law, shall appertain :

Effect of a judgment of confirmation.

36. The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party, as the court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay the prothonotary the interest for such further period as may be right :

By whom costs to be paid.

Interest.

37. If the railway passes through any land belonging to or in possession of any tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall

The case of Railway passing through Indian lands provided for.

be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals ; and whenever it is necessary that arbitrators should be chosen by the parties, the Minister of the Interior is hereby authorized and required to name an arbitrator on behalf of the Indians ; and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Minister of the Interior, for the use of such tribe or body :

Power to take materials for construction of Road. 1879.

38. Whenever stone, gravel, earth, sand or water is required for the construction or maintenance of any railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated, for the purchase thereof, cause a Land Surveyor duly licensed to act as such in the Province or Territory, to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the roadway ; and all the provisions of this Act as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this sub-section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee-simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary ; and the notice of arbitration, in case arbitration is resorted to, shall state the interest and powers required :

Notice in case of arbitration. 1879.

Power to make sidings, conduits, &c. 1879.

39. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the line of the railway, the company may lay down the necessary sidings, water-pipes or conduits and tracks over or through any lands intervening between the railway and the lands on which such material or water is found, whatever the distance may be ; and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be acquired for a term of years or permanently, as the company may think proper ; and the powers in this and the next preceding sub-section contained may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway :

May be exercised for repairing and maintaining Road. 1879.

Provision when the whole lot or parcel of land can be pur-

40. Whenever, for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the railway, any land may be taken under the compulsory provisions of this section, and by purchasing

the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the roadway line only or only such part as aforesaid, the company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not necessary for the purposes aforesaid.

chased with
advantage.
1879.

10. Whenever any railway company, subject for any cause to the legislative authority of the Parliament of Canada, (and whether the provisions of this Act generally do or do not for other purposes apply to such company or their railway,) requires at any station or place on the line of such railway more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company, (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys, by the seventh section of this Act,) and may transmit such plan to the Minister of Public Works, with an application (supported by affidavit) on behalf of the company, referring to such plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Minister to authorize the taking thereof for such purposes under this Act, — of which application ten days' notice shall be given to the owner or possessor of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the President or one of the Directors of the company, and by their Engineer, and such plan and statement shall be made and transmitted to the Minister in duplicate.

Proceeding
when more
space is re-
quired for the
accommoda-
tion of the
traffic at any
station or
place. 1871.

11. The Minister of Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the ground shewn on such plan, or any less quantity, should be acquired by the Company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Minister.

Certificate of
Minister of
Public Works
required.
1871.

Effect of such certificate, and application of certain provisions of this Act to the land certified as necessary. 1871.

12. Upon the granting of such certificate as aforesaid by the Minister of Public Works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground, all the powers granted by the sections of this Act, headed "LANDS AND THEIR VALUATION," to railway companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and Book of Reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Minister of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground, or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the company shall not require the whole or any portion of the land acquired under the sections last aforesaid, then such land as is not so required shall be sold by public auction after thirty days notice thereof in any newspaper.

Sale of land taken and not afterwards required. 1871.

Proof of certificate. 1871.

13. Any such certificate as aforesaid, purporting to be signed by the Minister of Public Works, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

Application of four next preceding sections. 1871.

14. The provisions of the four next preceding sections shall apply to every railway company heretofore, or which may be hereafter incorporated, and to every railway heretofore constructed, or now in course of construction or hereafter to be constructed, as well as to those railways and railway companies to which this Act is by its provisions declared to be generally applicable.

HIGHWAYS AND BRIDGES.

Railway not to be carried along any highway without leave from municipal authorities.

15. The railway shall not be carried along an existing highway, but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of the road more than one inch, shall not be deemed an obstruction:

2. No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch ; and the railway may be carried across or above any highway within the limits aforesaid :

Railway not to rise more than one inch above level of any highway when crossing the same.

3. The span of the arch of any bridge erected for carrying the railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet ; and the descent under any such bridge shall not exceed one foot in twenty feet :

Height and span of bridge over highways.

4. The ascent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway ; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge :

Ascent of bridges.

5. Every highway or other overhead bridge or other erection or structure over any railway to which this Act applies, existing at the time of the passing of this Act, of which the lower beams or members of the superstructure are not of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway and the bottom of such lower beams or members, shall, within twelve months from that date, be reconstructed to that effect, with suitable approaches thereto, if a bridge, at the cost of the railway company, municipality or other owner thereof, and shall at all times thereafter be maintained at such height ; and every such railway company, before using higher freight cars than those running on their railways at the time of the passing of this Act, or of the reconstruction, as aforesaid of any such bridge or other erection or structure, as the case may be, shall, after having first obtained the consent of the municipality, or of the owners of such bridge or other erection or structure, raise every such bridge or other erection or structure over their railway and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway :

Provision with respect to existing bridges over railways ; and as to the case where the

If Company is about to use loftier freight cars. 1879.

b. And whenever a highway bridge or any other erection or structure shall hereafter be constructed over a railway, or whenever it shall become necessary to reconstruct any highway bridge, or other erection or structure

Highway bridges, &c., hereafter constructed over railways to be made of a cer-

tain height above the top of the highest freight cars, and at whose expense. 1879.

Provision in case of higher cars being used thereafter.

already built over a railway, or to make large repairs to the same, the lower beams or members of the superstructure of any such highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed, or reconstructed at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained, at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running on the railway and the lower beams or members of such bridge or other erection; and thereafter, any railway company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure, raise the said bridge or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used, on the railway :

Precautions when Railway crosses a highway.

6. Signboards stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred.

FENCES.

Fences to be erected on each side of Railway, with gates and crossings.

16. Within six months after any lands have been taken for the use of the railway, the company shall, if thereunto required by the proprietors of the adjoining lands, at their own costs and charges, erect and maintain on each side of the railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway :

Liability of Company until cattle guards are erected.

2. Until such fences and cattle-guards are duly made, the company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway :

3. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done: When to be exempted.

4. If any person rides, leads or drives any horse or any other animal, or suffers any such horse or other animal to enter upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby: Persons prohibited from going on the track, &c., with cattle, &c.

5. No person other than those connected with, or employed by the railway, shall walk along the track thereof, except where the same is laid across or along a highway: Not to walk on track.

6. Each and every railway company heretofore incorporated or which may hereafter be incorporated, and subject to the jurisdiction of the Parliament of Canada, as well as the Government of Canada with respect to all railways constructed by or being the property or under the control of the Dominion of Canada, shall have the right, on and after the first day of November, in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered: Power to erect snow fences on adjoining lands. 1873. Provided always, that any snow fences so erected shall be removed on or before the first day of April then next following. Provided

TOLLS.

17. Tolls shall be, from time to time, fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the railway, in such manner and under such regulations as the by-laws direct: Tolls to be fixed by By-laws or otherwise.

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent court, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof: How payment of Tolls enforced.

When if Tolls not paid, goods distrained may be sold.

3. If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto:

When goods distrained or detained may be sold.

4. 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 they deem necessary, sell such goods by public auction at a time and place to 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; and 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 party entitled thereto:

Proceeds, how dealt with.

How balance to be disposed of,

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver-General, to be applied to the general purposes of Canada, until claimed by the party entitled thereto:

Tolls—how raised or reduced.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls:

A fraction of a mile or ton how estimated in charging tolls.

7. In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton:

Table of tolls to be stuck up in offices and cars.

8 The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing:

Tolls to be approved of by the Govern-

9. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publica-

tions in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof: nor in Council.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council, from time to time, after approval thereof; and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked: The Governor may revise By-laws fixing tolls.

11. The Parliament of Canada may, from time to time reduce the tolls upon the railway, but not without consent of the company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Minister of Public Works of the amount received and expended by the company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended: When Parliament may reduce tolls on Railways.

12. No by-law of any railway company by which any tolls are to be imposed or altered, or by which any party other than the members, officers and servants of the company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council. By-laws imposing tolls, &c., to be approved by the Governor in Council.

GENERAL MEETINGS OF SHAREHOLDERS.

18. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, may elect directors in the manner provided by the next succeeding section. Shareholders may hold general meetings.

PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

19. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day appointed, the directors shall cause such election to be held within as short a delay as possible after the day appointed: Board of Directors to be elected.

2. No person shall be admitted to vote on such subsequent day except those who would have been entitled to vote had the election been held on the day when it ought to have been held: Who entitled to vote.

- Vacancies, how to be filled up.** 3. Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws :
- Who qualified to be a Director.** 4. No person shall be a director unless he is a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen :
- Calling of special meetings, &c.** 5. The method of calling general meetings, and the time and place of the first meeting of stockholders, for the appointment of directors, shall be determined and settled in the Special Act :
- Votes to be in proportion to shares.** 6. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion of the number of shares held by him, unless otherwise provided by the Special Act :
- Shareholders; may vote by proxy.** 7. All shareholders, whether resident in Canada or elsewhere, may vote by proxy, if they see fit; Provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say,—
- Form.** I, _____, of _____ one of the 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 said undertaking, that may be mentioned or proposed at any meeting of the shareholders of the said company, or any of them, 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 _____.
- Votes by proxy to be valid.** 8. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company :
- Term of office of Directors.** 9. 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 :
- Vacancies how supplied.** 10. In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors :

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president :

President.
Term of office.
Vice President.

12. The directors at any meeting at which not less than a quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in them :

Quorum.

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors :

Acts of majority to bind the whole.

14. 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 :

Casting vote.

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or special meetings,—such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act :

Directors to be subject to Shareholders and By-laws.

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person being a director of the company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company :

Officers of Company cannot be Directors or contractors.

17. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties :

By-laws for management of stock, &c.

18. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the Canadian Guarantee Company, or of any society incorporated for like purposes, or otherwise, as they may deem expedient, from the manager and officers for the time being, for

May appoint officers.

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 offices, as the directors think proper :

Vice-President to act in the absence of the President.

19. 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 notes, bills, debentures and other instruments, and perform all acts which by the regulations and by-laws of the company, or by the Acts incorporating the company, are required to be signed, performed and done by the president :

Absence of President may be entered in the minutes, and certified, &c.

20. The directors may, at any meeting, require the secretary to enter such absence or illness among the proceedings of such meeting ; and a certificate thereof signed by the secretary, shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise :

Directors to cause annual accounts to be rendered.

21. The directors shall cause to be kept, and annually on the thirty-first day of December 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.

CALLS.

Calls, how made and after what notice.

20. The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act :

Notice of meetings, how published.

2. All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice :

Payment of calls how to be made,

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the

persons, and at the times and places from time to time appointed by the company or the directors :

4. If before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment :

Interest to be chargeable on overdue calls.

5. If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable :

Amount of call may be recovered by suit.

6. In any action or suit to recover any money due upon 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, whereby an action hath accrued to the company by virtue of the Special Act ;

What allegations and formalities necessary in actions for calls.

7. The certificate of proprietorship of any share shall be admitted in all courts, as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified ;

Certificate of proprietorship *prima facie* evidence.

8. But the want of such certificate shall not prevent the holder of any share from disposing thereof :

Proviso.

9. Any person neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof, which forfeiture shall go to the company for the benefit thereof :

Penalty for refusal to pay calls.

10. 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 :

When only forfeiture of share to be taken advantage of.

11. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking :

Effect of forfeiture as to liabilities.

Directors may sell forfeited shares.

12. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the company :

Certificate of Treasurer to be evidence of forfeiture and of title of purchaser.

13. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser ; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be, by the said treasurer, enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the company ; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase-money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold :

Interest may be allowed to Shareholders paying money in advance on their shares.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and 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 to which such advance is made, the company may pay such interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the company agree upon ; but such interest shall not be paid out of the capital subscribed.

DIVIDENDS.

Declaration of dividend.

21. At the general meetings of the shareholders of the undertaking from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise :

At so much per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting may think fit to appoint or determine :

Dividends not to impair the Capital.

3. No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be 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 ;

4. The Directors may, in their discretion, until the Railway is completed and opened to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the directors may appoint for that purpose ;

Directors may pay interest on sums called up in respect of shares.

5. No interest shall accrue to the proprietor of any share upon which any call is in arrear in respect of such share or upon any other share held by the same shareholder while such call remains unpaid.

No interest on shares in arrear.

SHARES AND THEIR TRANSFER.

22. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the Company, and any entry thereof shall be made in a book to be kept for that purpose ; and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered :

Shareholders may dispose of shares.

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties as the case may require :

Form of sale.

I, A. B., in consideration of the sum of _____, paid to me by C. D., hereby do sell and transfer to him _____ share (or shares) of the stock of the _____, to hold to him, the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said _____ share (or shares) subject to the same rules, orders and conditions. Witness our hands this _____ day of _____ in the year 18 _____ ;

3. The stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid ;

Stock to be personal estate—No transfer of part of a share.

4. If any share in the Company be transmitted by the death, bankruptcy or last will, donation or testament; or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to

Transmission of shares other than by transfer, provided for.

whom such share is transmitted shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; and without such proof the party shall not be entitled to receive any share of the profits of the Company, nor to vote in respect of any such share as the holder thereof;

Company not bound to see to the execution of trusts.

5. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trust, and the Company shall not be bound to see to the application of the money paid upon such receipts;

Company not to take stock in their own or any other companies.

6. The funds of the Company shall not be employed in the purchase of any stock in their own or in any other Company.

SHAREHOLDERS.

Shareholders individually liable, and to what extent.

23. Each Shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part;

When and how Municipal Corporations may take stock, &c.

2. Municipal corporations in any Province in Canada being duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the capital stock of the Company, and the Mayor, Warden or Reeve, or other head of any such corporation holding stock 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;

Account of names and residence of Shareholders to be kept.

3. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose.

BY-LAWS, NOTICES, &C.

21. All by-laws, rules and orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in every place where tolls are to be gathered, and a printed copy of so much of them as relates to the safety and liability of passengers shall be openly affixed in each passenger car, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be evidence thereof in any court;

By-laws to be put into writing, and signed by Chairman.

2. All such by-laws, rules and orders shall be submitted from time to time to the Governor for approval;

By-laws to be submitted to Governor.

3. Copies of the minutes of proceedings and resolutions of the shareholders of the Company, at any general or special meeting, and of the minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the minute-books kept by the Secretary of the Company, and by him certified to be true copies extracted from such minute-books, shall be evidence of such proceedings and resolutions in any court;

Copies of minutes to be *prima facie* evidence.

4. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company.

Notices by Secretary valid.

WORKING OF THE RAILWAY.

25. Every servant of the undertaking employed in a passenger train or at a station for passengers, 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;

Servants to wear badges.

2. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways and at usual stopping-places established for receiving and discharging way-passengers and goods from the trains;

Trains to start at regular hours.

- Carriage on payment of fare or freight. 3. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor;
- The Company liable for neglect or refusal. 1868 and 1871. 4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company; from which action the Company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the Company or of its servants;
- Checks to be fixed on parcels. 5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same;
- Penalty for refusing to give checks. 6. If such check be refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare the same shall be refunded by the conductor in charge of the train;
- Passenger a witness in his own behalf. 7. Any passenger producing such check may himself be a witness in any suit brought by him against the Company to prove the contents and value of his baggage not delivered to him;
- Baggage cars not to be in rear of passenger cars. 8. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly;
- Locomotives to have bells and whistles. 9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle;
- To be rung or sounded at every crossing, &c. 10. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, and one-half of such penalty and damages shall be chargeable to and collected by the Company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid;
- Penalty and damages. 11. Any person in charge of a locomotive engine or acting as the conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanor;
- Intoxication of driver or conductor a misdemeanor.

12. Any passenger refusing to pay his fare, may, by the conductor of the train and the servants of the Company, be put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force ;

Passenger refusing to pay fare may be put out.

13. Any person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time ;

Passenger to have no claim if injured when on platform of cars, &c.

14. No passenger shall be entitled to carry, or require the Company to carry upon their railway, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, or any other goods which in the judgment of the Company may be of a dangerous nature ; and if any person sends by the said railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station-master or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of five hundred dollars for every such offence ;

As to goods of dangerous nature.

They must be plainly marked.

15. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and it shall not be lawful for the Company to carry any such goods of a dangerous nature except in cars specially designated for that purpose, on each side of each of which shall be plainly painted in large letters the words " dangerous explosives " ; and for every default of the observance of this provision the Company shall be liable to forfeit and pay the sum of five hundred dollars, to be recovered by any person suing for the same.

Dangerous goods may be refused.

In what manner such goods must be carried. 1868 and 1879.

TRAINS OVERDUE.

26. It shall be the duty of every railway Company, upon whose road there is a telegraph line in operation, to have a blackboard put upon the outside of a 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 for half an hour at any such station according to the time table of such Company, it shall be the duty of the station master or person in charge at such station to write or cause to be written with white chalk on such blackboard a notice in English and French in the Province of Quebec, and in English in the

Duty of station agent, &c., when a train is overdue.

Notice to be posted up,

and what to show.

other Provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; and if when that time has come, the train has not reached the station, it shall be the duty of the station master or person in charge of the station 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. And every such railway Company, station master or person in charge at any such station, shall be liable to a penalty not exceeding five dollars for any wilful neglect, omission or refusal to obey the provisions aforesaid; and any proceeding for the recovery of any such penalty may be brought, in the Province of Quebec, before any two Justices of the Peace or before the Circuit Court of the district or of the county in which district or county such station is situate, and, in the other Provinces, before any two Justices of the Peace or the Stipendiary or Police Magistrate for the city, town, district or county in which such station is situate:

Penalty for contravention.

Suits for penalty, brought. 1873.

Application of penalty and limitation of actions.

The penalty recoverable under the provisions of this section shall belong to the Crown; and every proceeding brought by virtue of this section shall be commenced within one month following the commission of the offence and not after; but nothing in this section shall prejudice the right of any person to the recovery of damages from any such railway Company by reason of the detention of trains as aforesaid; and every such railway Company is hereby required to have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office.

Proviso.

This section to be posted up at stations. 1873.

ACTIONS FOR INDEMNITY; AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of actions for damages.

27. All suits for indemnity for any damage or injury sustained by reason of the railway shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue, and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act and the Special Act:

Fines, how recovered.

2. All fines and forfeitures imposed by Part First of this Act, or the Special Act, or by any by-law, except those for the levying and recovering of which special provision is herein made, shall be recovered in a summary manner before any one or more Justice or Justices of the Peace for the district, county or place where the act occurred;

3. All the fines, forfeitures and penalties recovered under the next preceding paragraph, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the Company, to be applied to the use thereof; How applicable.

4. Any contravention of this Act or of the Special Act by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. Contravention of this Act, &c., to be a misdemeanor. Proviso.

GENERAL PROVISIONS.

28. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on Her 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, and with the whole resources of the Company if required, be carried on the railway, on such terms and conditions, and under such regulations as the Governor in Council may make; Provision as to the carriage of Her Majesty's Mail, &c.

2. The Company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service; Government to have exclusive use of telegraph, if required.

3. The Governor may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the railway, for the use of the Government, and for that purpose may enter upon and occupy so much of the lands of the Company as may be necessary for the purpose; Telegraph line may be constructed by Governor.

4. Any further enactments which the Parliament of Canada may hereafter make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act; Further enactments may be made by Parliament.

Tenders to be advertised for, as to works not of immediate necessity.

5. No contracts for works of construction or maintenance of the railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the Company shall not be compelled to accept any such tender ;

Period for subscription of Capital, and completion of Railway.

6. If the construction of the railway be not commenced, and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease ;

Account to be submitted to Legislature yearly.

7. After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of Parliament, an account shall be annually submitted to the three branches containing a detailed and particular account, attested upon oath of the President, or in his absence, of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement ;

Form or details of account may be varied by Parliament.

8. No further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company ;

Parliament may dissolve any Corporation formed under this Act.

9. Parliament may at any time annul or dissolve any corporation formed under this Act ; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred ;

Saving of Her Majesty's Rights, &c.

10. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.

RAILWAY STATISTICS.

Word "Company" what to mean.
1875.

29. In this and the five next following sections the term "Company" means a company incorporated either before or after the passing of this Act, for the purpose of constructing, maintaining or working a railway in the Dominion, or in any Province thereof, or connecting any Province with any other or others of the Provinces, or extending beyond the

limits of any Province, by any Act of the Parliament of Canada, or of the late Province of Canada, or of the Legislatures of the late Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, British Columbia, or Prince Edward Island, or of the Legislatures of any of the Provinces composing the Dominion of Canada (either alone or in conjunction with any other purpose), and includes any individual or individuals not incorporated, who are owners or lessees of a railway in the Dominion, or parties to an agreement for working a railway in the Dominion :

The term "person" includes a body corporate.

Person.
1875.

30. Every Company shall annually prepare returns of their capital in accordance with the form contained in Schedule One to this Act, and a copy of such returns signed by the President or other head officer of the Company resident in Canada and by the officer of the Company responsible for the correctness of such return or any part thereof, shall be forwarded by the Company to the Minister of Public Works, not later than three months after the end of the calendar year ; together with a copy of the then last annual return of the traffic and working expenditure which every such Company is required to keep, in accordance with the provisions of their respective Acts of incorporation, to be verified in manner and form aforesaid, and furnished in such form as the Minister of Public Works shall approve of or prescribe. Any Company which fails to forward the said returns in accordance with the provisions of this section, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.

Companies to furnish yearly returns to Government ; and in what form and with what details.
1876.

31. Every Company shall weekly prepare returns of their traffic for the last preceding seven days in accordance with the form contained in Schedule Two to this Act, and a copy of such returns signed by the officer of the Company responsible for the correctness of such return, shall be forwarded by the Company to the Minister of Public Works within seven days from the day in each week to which the said returns shall have been prepared ; and another copy of each of such returns, signed by the same officer, shall be posted up by the Company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the Company in Canada, and so as the same can be perused by all comers ; and free access thereto shall be allowed to all comers during the usual hours of business at such office on each day of the said seven not being a Sunday or holiday :

Weekly returns for publication to be furnished by Companies : and copy to be posted up in Head Office.
1875.

And every Company which fails to forward the said weekly return to the Minister of Public Works, or which fails to post up and keep posted up a copy thereof as afore-

Penalty for default.
1875.

said, and allow free access thereto as aforesaid, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.

Penalty for
false return.
1875.

32. If any return which is required by the two next preceding sections is false in any particular to the knowledge of any person who signs the same, such person shall be liable, on conviction thereof on indictment, to fine and imprisonment,—such fine not to exceed two hundred and fifty dollars ;

How recover-
able.
1876.

2. All penalties imposed by this or the two next preceding sections shall be recoverable by the person suing for the same for his own use and benefit in any court having jurisdiction in civil cases to the amount.

Report to
Parliament.
1875.

33. The Minister of Public Works shall lay before both Houses of Parliament within twenty-one days from the commencement of each Session, the returns made and rendered to him, in pursuance of section thirty of this Act.

Returns to be
privileged.
1875.

34. All returns made in pursuance of any of the provisions of this Act, shall be privileged communications, and shall not be evidence in any court whatsoever.

PART SECOND.

THE RAILWAY COMMITTEE.

Railway
Committee
constituted.

35. The Governor General may, from time to time, appoint such Members of the Privy Council, to the number of four at least, as he may see fit, to constitute the Railway Committee of the Privy Council, and such Committee shall have the powers and perform the duties assigned to them by this Act.

Duties.

May appoint
a Chairman
and a Secretary.

36. The Railway Committee shall appoint one of its members to be Chairman, and the Deputy of the Minister of Public Works, or some other fit person appointed by the Committee, shall be the Secretary of the Committee.

Railway not
to be opened
till after one
month's
notice to
Railway
Committee
of intention
to open the
same.

37. No railway or portion of any railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Company to whom the railway belongs to the Railway Committee, and until ten days after notice in writing has been given by the Company, to the Railway Committee, of the time when the railway or portion of railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

38. If any railway or portion of a railway be opened without such notices, the Company to whom such Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the notices have been duly given and have expired.

Penalty for
contraven-
tion.

39. The Railway Committee, upon receiving such notification, shall direct one or more of the engineers attached to the Department of Public Works to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling-stock intended to be used thereon, and if the inspecting engineer or engineers report in writing to the Railway Committee that, in his or their 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 establishment for working such railway, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, and so from time to time, as often as such engineer or engineers, after further inspection thereof so report, may order and direct the Company to whom the railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public.

Railway
Committee
upon report
of an engi-
neer and
sanction of
Governor in
Council may
postpone the
opening of
road.

40. If any railway, or any portion thereof, be opened contrary to such order or direction of the Railway Committee, the Company to whom the railway belongs shall forfeit to Her Majesty, the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction.

Penalty for
opening con-
trary to the
order of the
Committee.

41. No such order shall be binding upon any railway Company unless therewith is delivered to the Company a copy of the report of the inspecting engineer or engineers on which the order is founded.

When only
such order to
be binding on
the Company.

42. The Railway Committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any railway, or any engine, car, or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction or from any other cause, or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers as aforesaid to examine and inspect the railway or any portion thereof or of the works connected therewith, or the engines and other rolling stock in use thereon or any portion thereof; and upon the report of the engineer or engineers may condemn the railway, or any portion thereof, or any of the

Committee
may cause
any work to
be inspected,
and may, on
report of
engineer,
condemn the
railway or
rolling stock,
with sanction
of Governor
in Council,
and may order
certain
alterations in
the works,
&c.

rolling-stock or other appliances used thereon, and with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway; and thereupon the Company to which such railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the Chairman of the Committee and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to, as has been required in manner aforesaid by the Committee.

Inspecting engineer may, in case of danger, forbid the running of trains, &c.

43. If in the opinion of any such engineer, it is dangerous for trains or vehicles to pass over any railway, or any portions thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said engineer may forthwith forbid the running of any train or vehicle over such railway or portion of railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running or using such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

Must report to the Committee, who may confirm or disallow his order.

44. The inspecting engineer shall forthwith report the same to the Railway Committee, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspecting engineer, and such confirmation, modification or disallowance shall be duly notified to the railway Company affected thereby.

Power of engineer to examine the works, &c.

45. Any engineer or engineers so appointed as aforesaid to inspect any railway or works, may at all reasonable times, upon producing his or their authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle-guards, works and buildings, and the engines, cars and carriages belonging thereto

Company to afford all necessary information to engineer.

46. Every railway Company and the officers and Directors thereof shall afford to the inspecting engineer or engineers such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to such inspecting engineer or engineers all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part;

2. Any such inspecting engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such railway Company ;

Engineer to be conveyed by Company.

3. The operators or officers employed in the telegraph offices of or under the control of the Company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages ; and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars ;

Telegraph operators to obey his orders.

4. The authority of any such inspecting engineer shall be sufficiently evidenced by instructions in writing, signed by the Chairman of the Railway Committee and countersigned by the Secretary thereof.

Proof of his authority.

47. The Governor in Council, upon the report of the Railway Committee, may authorize or require any railway Company to construct fixed and permanent bridges, or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Governor in Council directs ; and for every day after the period so fixed during which the Company uses such swing, draw or movable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars ; and it shall not be lawful for any railway Company to substitute any swing, draw or movable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the previous consent of the Railway Committee.

Governor may order permanent bridges to be substituted for movable bridges.

Penalty for neglect.

48. In any case where a railway is constructed, or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Railway Committee, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such railway belongs, within such time as the said Committee directs, to carry such road, street or highway either over or under the said railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from such level crossing ; and all the provisions of law at any such time applicable to the taking of land by railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing.

Certain powers vested in Railway Committee with respect to crossing public highways, on a level

Railway Company may be required to repair any level crossing out of repair.

49. Whenever any level crossing on any railway shall be out of repair, the Chief Officer of the Municipality, or other local division, having jurisdiction over the highway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee; and thereupon it shall be the duty of the Committee, with all possible despatch, to appoint a day for an examination into the matter; and the Committee shall by mail give notice to such Chief Officer, and to the Company, of the day so fixed; and upon the day so named such crossings shall be examined by an engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible despatch, comply with the requirement of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the Company in any court of competent jurisdiction, as money paid to the Company's use; Provided always, that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises.

Inspecting Engineer's certificate to be conclusive.

Proviso.

When the Committee may regulate speed of trains, times of running, &c.

Penalty for non-compliance.

50. The Railway Committee, or the inspecting engineer or engineers, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent; and the Company owning, running or using such railway shall comply forthwith with any such order of the Railway Committee or inspecting engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway Company shall forfeit to Her Majesty the sum of two thousand dollars.

Notice of accidents to be given to the Committee.

51. Every railway Company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to such Company of any accident attended with serious personal injury to any person using the same, 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 to the Railway Committee; and if any Company wilfully omits to give such notice such Company shall for-

feit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

52. No inspection had under this Act, nor anything in this Act contained or 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 railway Company of or from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the laws in force in the Province in which such liability or responsibility arises.

Inspection not to relieve Company from liability.

53. Every railway Company, shall, as soon as possible after the receipt of any order or notice of the Railway Committee or inspecting engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the sixty-fourth section of this Act.

Company to notify orders of Committee to its officers, &c.

54. All orders of the Railway Committee shall be considered as made known to the railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the Committee, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the Company, or at the office of the Company; and orders of the inspecting engineer or engineers shall be deemed to be made known to the railway Company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned.

What to be deemed sufficient notice thereof.

55. Every railway Company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee, 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:

Return of accidents to be made semi-annually, and what to contain.

1. The causes and natures of such accidents and casualties;
2. The points at which they occurred and whether by night or by day;

3. The full extent thereof, and all the particulars of the same ; and,

Copy of By-laws.

4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their railway.

Form of return to be appointed by the Railway Committee.

56. The Railway Committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any railway Company to make up and deliver to them 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 Committee deem necessary and require for their information with a view to the public safety.

Penalty for neglect.

57. If such returns so verified be not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Committee, every Company making default shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the Company neglects to deliver the same.

Such returns to be privileged communications.

58. All such returns shall be privileged communications and shall not be evidence in any court whatsoever.

Railway Committee to have, with respect to certain Railways, the powers of the former Railway Commissioners.

59. With respect to all railways coming within the jurisdiction of the Parliament of Canada, to which the provisions of the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, apply, the Railway Committee constituted by this Act shall be invested with all the rights and powers vested in the Board of Railway Commissioners under the said Act, collectively, or in any single member thereof ; and such powers may be exercised by the said Committee collectively or by any single member thereof, as the case may be, in the same manner and as effectually as they might have been exercised by the said Board of Railway Commissioners ; but any inspection that may be required in respect of any such railway, shall be performed in conformity with the provisions of this Act ;

And may continue proceedings commenced by R. Commissioners.

2. All proceedings heretofore commenced by the said Board of Railway Commissioners may be taken up and continued ; and all orders and regulations of the said Board, and all penalties and forfeitures, for their contravention, may be enforced and recovered by the Railway Committee in the same manner and with the same effect as they might have been by the said Board before the passing of this Act.

TRAFFIC ARRANGEMENTS.

60. The Directors of any railway Company may, at any time, make agreements or arrangements with any other Company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from their railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and 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, for any term not exceeding twenty-one years, and to provide either by proxy or otherwise, for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two thirds of the stockholders voting in person or by proxy ;

One Company may agree with another respecting traffic.

2. But every railway Company shall, according to their respective powers, afford all reasonable facilities to any other railway Company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks, and other vehicles ; and no Company shall give or continue any preference or advantage to, or in favor of any particular Company, or any particular description of traffic, in any respect whatsoever, nor shall any Company subject any particular Company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever ; and every railway Company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway, or which has any terminus, station, or wharf of the one near any terminus, station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said railway Companies ; and any agreement made between any two or more railway Companies contrary to the foregoing provisions, shall be unlawful, null and void ;

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favor.

Agreements made in contravention of this Act to be void.

3. Any railway Company granting any facilities to any incorporated express company shall grant equal facilities on equal terms and conditions to any other incorporated express company demanding the same ;

Must grant equal facilities to all express companies.

Penalty on Companies or their officers refusing to neglecting to forward traffic as above required.

4. If any officer, servant or agent of any railway Company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or such Company, for conveyance over or along their railway from that of any other Company, intersecting or coming near to such first-mentioned railway, —or in any way wilfully contravenes the provisions of the second subsection of this section,—such first-mentioned railway Company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any Justice of the Peace, by the railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the Company, or other party so aggrieved;

How recoverable and how to be applied.

Interpretation of word "Traffic."

Railway Company, &c.

5. For the purposes of the four next preceding subsections, the word "Traffic" includes not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway,—the word "railway" includes all stations and depots of the railway;—and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any Railway, and how.

61. The Justices of the Peace for any County in the Provinces of Ontario, Nova Scotia or New Brunswick or Prince Edward Island, assembled at any General or Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, on the application of the Board of Directors of any railway Company, whose railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Judge of the Sessions of the Peace, as may be, or on the application of any clerk or agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:—

Oath of office.

"I, A. B., having been appointed a constable to act upon
"and along (*here name the railway*), under the provisions of
"(*here insert the title of this Act*), do swear that I will well

“and truly serve Our Sovereign Lady the Queen, in the said office of constable, without favor or affection, malice or ill-will, and 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.”

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia or New Brunswick, or Prince Edward Island, by any one such Justice, and in the Province of Quebec by any such Judge, Clerk, or Judge of the Sessions of the Peace; and every constable so appointed, and having taken such oath or made such declaration, shall have full power to act as a constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays landing-places, warehouses, lands and premises belonging to such Company, whether the same be 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 may be worked or leased by such railway Company, and in all places not more than one-quarter of a mile distant from such railway or railways; and shall have all such powers, protections 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 felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constable-wick; and it shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction;

By whom to be administered.

And see s. 101 as to other Provinces. 1878.

Powers of such Constables, and to what localities they shall extend.

Further duties and powers of such Constables.

3. Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia or New Brunswick, or Prince Edward Island, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such constable, who may be acting within their several jurisdictions; and the Board of Directors of such railway

Dismissal of any such Constable. And see s. 101.

Company, or any clerk or agent of such Company thereto authorized by such Board, may dismiss any such constable who may be acting on such railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by which he was dismissed;

Record of appointment of each Constable to be kept. 1868 and 1879

4. Every such railway Company shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district, or other local jurisdiction wherein such railway or railways may pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment, or dismissal, as may be; and the Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the Railway Committee may from time to time authorize, and in such form as the Committee may from time to time direct;

Punishment of Constables guilty of neglect of duty.

5. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district, or other local jurisdiction wherein such railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such constable be in receipt of a salary from the railway Company, or to imprisonment, with or without hard labor, for not more than two months, in the gaol of such county, city, district, or other local jurisdiction;

And of persons resisting them.

6. Every person who assaults or resists any constable appointed as aforesaid, in the execution of his duty, or who incites any person so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labor, for not more than two months.

GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers, &c.

62. Every railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers and other officers and servants of the Company, and by all other Companies and persons using the railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the railway of the Company, as are requisite for ensuring the perfect carrying into effect of the

provisions of this Act, and the orders and regulations of the Railway Committee ;

2. The Company may, from time to time, repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the provisions of this Act or the Act incorporating the Company, or any Act or Acts amending any of them ;

Altering by-laws.
1875.

3. And such by-laws shall be reduced into writing and shall have affixed thereto the common seal of the Company ;

Form.
1875.

4. Any of the conductors, engine-drivers, and other officers and servants of the Company or other railway Companies using any railway, offending against any such by-law shall forfeit for every such offence a sum not exceeding forty dollars, such forfeiture to be imposed by the Company in such by-law as a penalty for every such offence ;

Imposing penalties.
1875.

5. If the infraction or non-observance of any such by-law, by any of the classes in the next preceding sub-section mentioned, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the railway, it shall be lawful for the Company summarily to interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law ;

Summary interference in certain cases.
1875.

6. No such by-law shall have force or effect unless or until it has been approved by the Governor in Council ;

Sanction.
1875.

7. The substance of any such by-law, when approved as aforesaid, if it affects any officer or servant of the Company, may be proved by proving the delivery of a copy to or its receipt by such officer or servant ; and if it affects any other railway Company using the railway, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed, and continued on the front or other conspicuous part of every wharf or station belonging to the Company, according to the nature or subject matter of such by-laws respectively, and so as to give public notice thereof to the parties interested therein, or affected thereby ; and such boards shall, from time to time, be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed ; and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published, and kept published in manner aforesaid ;

How such by-laws shall be notified to railway servants and the public.
1875.

8. Such by-laws, when so confirmed, shall be binding upon and be observed by all parties mentioned in the fourth sub-section of this section, and shall be sufficient to justify all persons

What parties to be bound by such by-laws.
1875.

Proof thereof. 1875. acting under the same ; and for proof of the publication of any such by-laws affecting only any other railway Company using the railway, it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this section directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

Company may impose penalties for contravention of by-laws. **63.** Any railway Company may by a by-law impose upon any officer, servant, or person who, before the contravention of such by-law has had notice thereof and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender.

How notice of by-laws or orders may be proved. **64.** The notice of the by-law or of any order or notice of the Railway Committee, or of the inspecting engineer or engineers, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

When such proof, &c., to be a defence for the Company. **65.** Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this Act.

Not to impede navigation. **66.** No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried.

Railways crossing rivers, &c., regulated. **67.** If the railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Governor in Council from time to time makes ;

As to bridges over navigable rivers of Canada. 1879. **2.** No railway Company shall, from and after the first day of August, 1879, be allowed to pass over any canal, or over the navigable channel of any river, without having first laid such proper flooring under and on both sides of their railway track over such canal or channel, as shall be deemed by the Minister of Public Works sufficient to prevent any thing falling from the railway into such canal or river, or upon the boats or vessels, or craft, or persons navigating such canal or river.

68. It shall not be lawful for any such Company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the Committee.

Plans to be submitted to the Governor in Council.

69. Nothing contained in the three next preceding sections of this Act, shall be construed to limit or affect any power expressly given to any railway Company by its Special Act of Incorporation or any Special Act amending the same.

Exception where special powers given by the Special Act.

70. In all cases where a railway passes any draw or swing-bridge over a navigable river, canal or stream which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes, the said railway Company shall be subject to a fine or penalty of four hundred dollars.

When a Railway passes over a swing-bridge, &c., train to stop for three minutes.

71. Whenever any railway Company or other road company is lawfully incorporated by an Act of a Provincial Legislature, with power to construct a railway or other road on a line intersected by any navigable water, and it is necessary for such construction that such road should be carried across or along such navigable water, the sixty-sixth, sixty-seventh, sixty-eighth and seventieth sections of this Act shall, subject to the provisions hereinafter made, apply to such Company in respect of the carrying such road by such Company across or along such navigable water;

Certain sections to apply to Provincial Companies crossing navigable w.
1876.

2. Any Company proposing to construct any work under this section shall give public notice for six weeks, in two newspapers published nearest the site of the proposed work, that the plan and proposed site has been submitted to the Railway Committee of the Privy Council under the sixty-eighth section, and that it is intended to apply to the Governor in Council to authorize the work;

Notice to be given by any such Company.
1876.

3. Subject to the provisions of the said sixty-sixth, sixty-seventh, sixty-eighth and seventieth sections, the Governor in Council may, after the expiration of the notice prescribed by the second sub-section of this section, authorize such Company to carry such road across or along such navigable water, pursuant to a plan and on a site to be approved by the Railway Committee under the said sixty-eighth section, upon such conditions as shall appear reason-

How only the road; may be constructed in such places.
l. 76.

able: Provided that no unnecessary damage be caused to any lands by reason of the work, and that compensation be made for any damage caused to any lands by reason of the work,—the amount of such compensation in case of disagreement to be settled under the provisions of this Act;

Act respecting
Bridges,
35 V., c. 25,
to apply.
1876.

4. In case any Company constructs any work under the provisions of this section, such Company shall, as to the work so constructed but no further or otherwise, be subject to the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled: "*An Act respecting Bridges,*" and the whole of such work shall be deemed to be "bridge" within the purview of the said Act and subject to all the provisions thereof.

Power re-
served to
Parliament.
1876.

5. Parliament may, at any time, annul or vary any order of the Governor in Council, made under the third sub-section of this section; and no such legislation shall be deemed an infringement of the rights of the Company.

Not to apply
to certain
rivers.
1876.

6. No order shall be made under this section to authorize the crossing of the River St. Lawrence or the River St. John.

Company to
use the best
apparatus for
communica-
tion between
conductors
and engine-
drivers, and
for stopping
or disconnect-
ing cars,
fixing seats in
cars, &c.

72. Every railway Company which runs trains upon the railway for the conveyance of passengers shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Railway Committee may order.

Penalty for
not comply-
ing with the
72nd section.

73. Every railway Company which fails to comply with any of the provisions contained in the next preceding section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

Further pre-
cautions at
level cross-
ings.

74. Every railway Company shall station an officer at every point on their line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

75. Every locomotive or railway engine or train of cars, on any railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute.

Further precautions when one Railway crosses another on a level.

76. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced.

Or runs through a city, town, &c.

77. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections the Company shall incur a penalty of one hundred dollars.

Or moves reversely.

78. If the Railway Committee orders any railway Company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

Foot passengers to use foot bridge, if provided for that purpose at level crossing.

79. 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 on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection.

No cattle to be allowed to be at large on any highway within half a mile of any Railway.

80. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

Such cattle may be impounded.

81. No person, any of whose cattle being at large, contrary to the provisions of section seventy-nine, are killed by

if killed, owner not

entitled to any action. any train at such point of intersection, shall have any action against any railway Company in respect to the same being so killed.

Crossings to be fenced. **82.** At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

Ground belonging to the Company to be cleared of weeds, &c. **83.** Every railway Company shall cause all thistles and other noxious weeds growing on the cleared land or ground adjoining the railway and belonging to such Company to be cut down and kept constantly cut down, or to be rooted out of the same.

Consequences of omitting to do so. **84.** If any railway Company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the Mayor, Reeve, or Chief Officer of the Municipality of the Township, County or District in which the land or ground lies, or from any Justice of the Peace therein, such Company shall thereby incur a penalty of two dollars to the use of the municipality, and in the Provinces of Nova Scotia and New Brunswick, to the overseer of the poor for the locality, for each day during which they neglect to do anything which they are lawfully required to do by such notice, and the said Mayor, Reeve, or Officer or Justice of the Peace may cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and may recover the expenses and charges incurred in so doing, and the said penalty, with costs of suit, in any court having jurisdiction in civil cases to the amount sought to be recovered.

Interest of purchase money or rent of real property to be deemed working expenses. **85.** The interest of the purchase-money or rent of any real property acquired or leased by any railway Company, and necessary to the efficient working of such railway, and the price or purchase-money of any real property or thing, without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working such railway, and shall be paid as such out of the earnings of the railway.

PENAL CLAUSES.

Penalty on persons obstructing free use of Railway. **86.** Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common gaol of the District or County where the conviction takes place, for any

term less than two years; or in the penitentiary, for a term not to exceed five years, and not less than two years.

87. All persons wilfully and maliciously, and to the prejudice of the railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the railway, vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or law, to a felony, in which case such person shall be guilty of a felony; and the court by and before whom the person is tried and convicted may cause such person to be punished in like manner as persons guilty of misdemeanor or felony, as the case may be, are directed to be punished by the laws in force in Canada.

Penalty on persons damaging Railway.

If the offence be a felony.

88. If any person wilfully and maliciously displaces or removes any railway switch or rail of any railway, or breaks down, rips up, injures or destroys any railway track, or railway bridge or fence of any railway or any portion thereof, or places any obstruction whatsoever on any such rail or railway track or bridge, with intent thereby to injure any person or property passing over or along such railway, or to endanger human life, such person shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labor in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such railway, actually suffers any bodily harm, or if any property passing over and along such railway be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.

Punishment of persons doing any thing to Railway with intent to injure persons or property.

And if such damage be actually done.

89. Whosoever unlawfully and maliciously puts or throws upon or across any railway, any wood, stone or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, sleeper or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves or diverts any point, or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light, upon or near to any railway, or unlawfully or maliciously does or causes to be done any other matter or thing, with intent in any of the

Placing any obstruction on Railway, removing rails, moving points, &c., with intent to endanger life or property, to be a felony, and how punishable.

1879. *And see 32, 33 Vic., c. 22 s. 39.*

cases aforesaid, to endanger the safety of any person travelling or being upon such railway, is guilty of felony, and and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years with or without hard labor.

Committing any injury, stoppage, &c., to be a misdemeanor.

90. If any person wilfully and maliciously does or causes to be done, any act whatever whereby any building, fence, construction or work of any railway, or any engine, machine or structure of any railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor, and be punished by imprisonment with hard labor not exceeding one year, in the common gaol of the territorial division in which the offence was committed or has been tried.

Punishment of persons boring or cutting casks or packages on Railway.

91. Every person who bores, pierces, cuts, opens, or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay or premises of or belonging to any such railway Company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labor, for not more than one month.

Punishment of persons obstructing Inspectors in the execution of their duty.

92. Every person wilfully obstructing any inspecting engineer in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same Justice, or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

Punishment of officers, &c., contravening by-laws, &c.

93. If any officer or servant of, or person employed by any railway Company, wilfully or negligently contravenes any by-law or regulation of the Company lawfully made and

in force, or any order or notice of the Railway Committee, or of the inspecting engineer or engineers, of which a copy has been delivered to him, or 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, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall, in the discretion of the court before whom 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, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for over two years, shall be in the penitentiary.

94. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

Penalty in certain cases, and how recoverable.

95. One moiety of such penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the Company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

Application of penalty.

96. The Company may in all cases under the three next preceding sections pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay.

The Company may pay penalty and deduct from wages.

RAILWAY FUND.

97. Every railway in Canada to which this Act applies, shall, so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the railway Committee, not exceeding ten dollars per mile of railway constructed and in use; such rate to be paid half-yearly on

Railway Inspection Fund.

the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund."

INTERPRETATION CLAUSE.

What the words "Railway Company" shall include.

98. In the construction of the provisions of this Act, from section thirty-five to section ninety-seven, both inclusive, the expression "Railway Company," or "Company" shall include any person being the owner or lessee of or a contractor working any railway constructed or carried on under the powers of an Act of Parliament.

APPLICATION OF PENALTIES.

How penalties recovered and applied.

99. All penalties recovered under this Act, in respect to the application of which no other provision is made, shall be paid to the Receiver General of Canada, to the credit of "The Railway Inspection Fund."

APPLICATION OF CERTAIN SECTIONS.

Extent of certain enactments in this Act declared. 1875.

100. The enactments contained in sub-section eighteen of section seven, in sub-section twenty-eight (*b*) of section nine, and in sub-sections one to eight, both inclusive, of section sixty-two, and subsection four of section twenty-five, of this Act, were declared by the Act thirty-eight Victoria, chapter twenty-four (1875), to apply to every railway Company theretofore incorporated or which might thereafter be incorporated and subject to the jurisdiction of the Parliament of Canada, and also to the Governor in Council with respect to all railways constructed by or under the control and management of the Government of Canada, or of any Minister or Department thereof, or being the property of the Dominion of Canada, and they shall so apply accordingly.

This Act, except sections 29 to 34, to apply to P.E.I. 1878.

101. All the provisions of this Act, except those contained in sections twenty-nine to thirty-four, both inclusive, shall, as provided by the Act forty-one Victoria, chapter three (1878), be held to have applied thereafter to the Province of Prince Edward Island, unless declared to be applicable to one or more only of the Provinces composing the Dominion; but this shall not be construed as a declaration that any part of this Act or of the Acts consolidated in it, did or did not apply to the said Province before the passing of the said Act in 1878;

As to application to a Judge in the said Province of P.E.I. 1878.

2. Whenever under any provision of this Act applying to the said Province, application is to be made to a Judge, such application may in the said Province be made to a Judge of the Supreme Court or of a County Court; and the compensation referred to in sub-section thirty of section nine

of this Act, may in the said Province be paid into the office of the Supreme Court, which shall be held to be the Court referred to in sub-sections thirty-one, thirty-two and thirty-three of the said section ;

3. The provisions made in section nine of this Act as to incumbrances on lands acquired for railway purposes shall apply to lands in the Provinces of Manitoba and British Columbia, and in the North-West Territories ; and as respects lands in the said Territories the Court of Queen's Bench in the Province of Manitoba shall, unless and until there be a Superior Court therein, be held to be the Court referred to in the said section : in the said Provinces and Territories any Judge of a Superior Court or County Judge shall have all the powers given by this Act to a County Judge, and in the said Territories such powers shall, if there be there no such Judge or County Judge, be held and exercised by a Judge of the Court of Queen's Bench for Manitoba ; and the Justices of the Peace in the said Provinces and Territories respectively shall have and exercise the powers given by section sixty-one to Justices of the Peace in the Provinces therein mentioned.

Certain provisions to apply to B. Columbia, Manitoba and N.-W. Territories. 1879.

REPEALING AND SAVING CLAUSE.

102. Subject to the provisions hereinafter made, the Act passed in the thirty-first year of Her Majesty's reign, and known as "*The Railway Act, 1868* ;" the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend The Railway Act, 1868* ;" the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "*An Act to amend the general Acts respecting Railways* ;" the Act passed in the year last mentioned, and intituled "*An Act to amend the Act thirty-fourth Victoria, chapter forty-three, intituled, 'An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend The Railway Act, 1868* ;" the Act passed in the thirty-eighth year of Her Majesty's reign, and intituled "*An Act further to amend the general Acts respecting Railways* ;" the Act passed in the year last mentioned, and intituled "*An Act to extend and amend the law requiring Railway Companies to furnish returns of their capital, traffic and working expenditure* ;" the Act passed in the thirty-ninth year of Her Majesty's reign, and intituled "*An Act to amend 'The Railway Statistics Act* ;" the Act passed in the year last mentioned, and intituled "*An Act to make provision for the crossing of navigable waters by Railway or other road Companies incorporated under Provincial Acts* ;" the Act passed in the same year, and intituled "*An Act to amend the Railway Act, 1868* ;" the Act

Repeal of former Acts.

31 V., c. 68, (1868.)

34 V., c. 43, (1871.)

36 V., c. 80, (1873.)

36 V., c. 81, (1873.)

38 V., c. 24, (1875.)

38 V., c. 25, (1875.)

39 V., c. 14, (1876.)

39 V., c. 15, (1876.)

39 V., c. 32, (1876.)

40 V., c. 45,
(1877.)

41 V., c. 3,
(1878.)

Proviso as to
the effect of
such repeal.

How this Act
shall be con-
strued and
have effect.

passed in the fortieth year of Her Majesty's reign. and intituled "*An Act to amend 'The Railway Act, 1868,'*" and the Act passed in the forty-first year of Her Majesty's reign, and intituled "*An Act to extend to the Province of Prince Edward Island 'The Railway Act, 1868,' and certain Acts amending the same,*" are hereby repealed and this Act is substituted for them: Provided always, that all Acts or enactments repealed by any of the said Acts shall remain repealed, and that all things lawfully done and all rights acquired under the Acts hereby repealed, or any of them, shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under the corresponding provisions of this Act, which shall not be construed as a new law but as a consolidation and continuation of the said repealed Acts, subject to the amendments and new provisions hereby made and incorporated with them; and anything heretofore done in pursuance or in contravention of any provision in any of the said repealed Acts which is repeated without material alteration in this Act, may be alleged or referred to as having been done in pursuance or in contravention of the repealed Act in which such provision was made or of this Act; and every such provision shall be construed as having and as having had the same effect and from the same time as under such repealed Act; and any reference in any former Act or document to any such repealed Act or to any provision in any of the said repealed Acts shall hereafter be construed as a reference to this Act or to the corresponding provision in this Act.

RETURNS BY RAILWAY COMPANIES.

SCHEDULE ONE (1875.)

RETURN in pursuance of *The Consolidated Railway Act, 1879*, by the Railway Company of their authorized Share and Loan Capital, and the sums received in respect of their Ordinary Capital and Preferential Capital, and Debenture Stock, or Funded Debt, on the 31st December, 18 , specifying the rate per cent. of the Dividends for the year 18 , on each of the said Capitals, showing also the Loans outstanding on the 31st December, 18 , classified according to the several rates per cent. of interest, and the Capital subscribed to other undertakings, whether such undertakings are on lease to, or worked by the subscribing Company, or are independent.

Name of Company.	*Authorized Capital up to the 31st December, 18 , including capital authorized as subscriptions to other undertakings, whether such other undertakings are on lease to, or worked by the subscribing Company, or are independent.			Paid-up Stock and Share Capital at 31st December, 18 , including subscriptions paid up to other undertakings.								
	†By Shares.	By Loans.	Total.	Ordinary.	Rate per cent. of Dividend.	Guaranteed.	Guaranteed Rate of Dividend.	Rate of Dividend paid.	Preferential.	Preferential Rate of Dividend.	Rate of Dividend paid.	Total paid up Stock and Share Capital at 31st Dec., 18 .
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

Capital raised by Loans and Debenture Stock at 31st December, 18 .							
Loans.	Rate of Interest.	† Debentures.	Rate of Interest.	Total raised by Loans and Debenture Stock at 31st Dec., 18 .	Total Stock and Share Capital paid up, and Capital raised by Loans and Debenture Stock, at 31st Dec., 18 .	Subscriptions to other Companies.	Remarks.
\$		\$		\$	\$	\$	

NOTE.—This Return should be dated and signed by the officer or officers of the Company responsible for its correctness.

* This should include all capital authorized to be raised by Acts of Parliament, or by Provincial Legislatures, but should not include capital authorized only for purposes which have lapsed by abandonment or otherwise.

† In cases where a subscription is authorized out of *existing* capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.

‡ Care should be taken not to confound debenture stock with ordinary debenture loans, and not to enter the same under both heads.

SCHEDULE TWO (1875.)

.....Railway of Canada.

RETURN of Traffic for week ending 18 , and the corresponding week, 18 .

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18
18

Increase.....
 Decrease

Aggregate Traffic from.....18.....

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
18
18

MEMORANDUM.

Parts of this Act in which provisions of former Acts, &c., amending "The Railway Act, 1868," are incorporated.

1871—34	Vic., cap. 43	—In sections 10, 11, 12, 13, 14 and 25.		
1873—36	do	80	do	16, sub-section 6.
1873—36	do	81	do	26.
1875—38	do	24	do	7, sub-sec. 18; 9, sub-sec. 28; 62, sub-secs. 1 to 7.
1875—38	do	25	do	29, and 31 to 34, both inclusive, and schedule.
1876—39	do	14	do	30 and 32, sub-section 2.
1876—39	do	15	do	71.
1876—39	do	32	do	9, sub-section 22.
1877—40	do	45	do	7 do 16.
1878—41	do	3	do	61 and 101.
1879—	<i>New.</i>	—In sections 9, sub-secs. 38, 39, 40; 15, sub-sec. 5; 67, sub-sec. 2; 89, 101.		

INDEX.

NOTE.—A figure only indicates the section referred to ; a figure with "sub" before it indicates the sub-section of any section.

- Accidents,—notice of, to be given to Railway Committee, 51.
do special returns of serious, to be made, 56.
do and casualties, semi-annual returns of, 55.
do returns of, to be privileged communications, 58.
do prevention of, by apparatus for stopping trains, 72, 73.
do precautions at road crossings, 74, 75.
do and in passing through towns, or arriving, 76, 77.
do foot passengers to use bridges when provided, 78.
do precautions as to cattle. *See* cattle.
- Accounts,—yearly to Parliament, 28, sub. 7.
do Parliament may require further details, 28, sub. 8.
- Act,—application, part first of this, 2.
do do part second, 4.
do do on certain enactments in, 100.
do do to Prince Edward Island, British Columbia, and North-West Territories, 101.
- Acts repealed,—saving clause, and how this act shall be construed, 102.
- Action to recover calls, 20 sub. 6.
do do estopped by forfeiture of shares, 20, sub. 11.
do against shareholders, for debts of Company, execution against Company, must precede, 23.
do against Company, for refusal to carry passenger or goods, 25, sub. 4.
do do for refusing baggage checks, 25, sub. 6.
- Administrators,—powers of, to convey lands, &c., 9, subs. 3, 4.
Affidavit,—of absence of owner, &c., of property taken, 9, sub. 13.
- Affirmation in place of oath, 9, sub. 20.
- Agreement made by Corporation valid, 9, sub. 5.
do made before property is set out for Railway, 9, sub. 7.
- Alterations in plan and survey, provisions respecting, 8, subs. 7, 8.
- Animals, penalty for suffering to enter on railway, 16, sub. 4.
- Apparatus for quick stopping, best to be used, 72.
- Application of Act, and parts of, 2, 4, 100, 101.
- Arbitration, as to compensation for crossing or uniting, &c., with other railways, 7, sub. 15.
do costs of how paid, 9, sub. 19.
do in case of materials required for railway, 9, sub. 38.
- Arbitrator,—name of, to be given to opposite party, if Company's offer is not accepted, 9, sub. 12.
do sole, when and how to be appointed, 9, sub. 15.
do appointment of, 9, sub. 16.
do third, official, to be appointed by Minister of Public Works, if not appointed by the other two, 9, sub. 16.
- Arbitrators, duties of; award of two on vote to be final, 9, sub. 17.
do to consider increased value of land, 9, sub. 18.
do to examine persons on oath or affirmation, 9, sub. 20.
do to fix day for making award, 9, sub. 21.
do dying or becoming disqualified, 9, sub. 22.
do if he be the third arbitrator, 9, sub. 22.
do vote not disqualified unless personally interested, 9, sub. 24.
do appointed by the Judge, when disqualification must be urged, 9, sub. 24.
do and if appointed by party, 9, sub. 25.
do in case of Indian lands when used by Railway, 9, sub. 37.
- Atmospheric or animal powers may be used on railway, 7, sub. 7.
- Auction—sale by, of land not required by railway, 12.
do goods, unclaimed, may be sold by, 17, sub. 4.
- Award—price agreed upon to be considered as fixed by, 9, sub. 7.
do may be made by majority, or by sole arbitrator, 9, sub. 20.
do if not made on day appointed, price offered to stand, 9, sub. 21.
do not invalidated by want of form, 9, sub. 26.
do or agreement to give power to take possession, 9, sub. 27.
do amount of, how paid in case of Indian lands, 9, sub. 37.
- Badges—Company's servants to wear, 25.
- Baggage cars not to be in rear of passenger cars, 25, sub. 8.
do checks to be furnished for, 25, sub. 5. Claims for lost, sub. 7.
- Balance of proceeds of sale of unclaimed goods, how dealt with, 17, subs. 4, 5.
- Beach—public, extent to be taken, 9, sub. 2.

- Bell to be sounded at crossings, 25, sub. 10.
- Borrowing powers of Company, bonds, &c., 7, sub. 12.
- Branch railways—powers to make and manage, 7, sub. 9.
- do provisions respecting, 7, sub. 17.
- do and after notice deposit of plans, &c., 7, sub. 18.
- Breadth of lands to be taken for roadway or depôts, &c., 9.
- Book of reference—errors in, how corrected, 8, sub. 5.
- do contents of, 8, sub. 1.
- do how examined and deposited, 8, sub. 2.
- do deviation from line shewn in, limited, 8, sub. 11.
- do names of owners entered, how corrected, 8, sub. 12.
- do deposit of, when to be made, 9, sub. 10.
- do to be general notice to owners, 9, sub. 11.
- Bridges over highways, width and height of, 15, sub. 3.
- do grade of highway under, limited, 15, sub. 3.
- do carrying highway over railway, clear height of, 15, sub. 5.
- do existing bridges to be altered, if lower, 15, sub. 5.
- do carrying railway to be examined by order of the Railway Committee, 39.
- do may be condemned by Committee, 42.
- do permanent may be ordered in place of moveable, 47.
- do Company may not substitute moveable without consent of Railway Committee, 17.
- Buildings—Company may erect, 7, sub. 8.
- By-laws—to fix and regulate tolls, 17.
- do to be subject to approval of Governor in Council, 17, sub. 10.
- do or, if affecting others than employés of Company, 17, sub. 12.
- do for management of Company, how made, and for what purposes, 24.
- do to be subject to approval by Governor, 24, sub. 2.
- do for regulation of employees, 62, sub. 1.
- do may be altered, 62, sub. 2.
- do may impose penalties, 62, sub. 4.
- do may authorize summary interference in certain cases, 62, subs. 5, 6.
- do how notified to employees and public, 62, sub. 7.
- do who bound by, and how proved, 62, sub. 8.
- do penalties for contravention of, 63, sub. 4.
- Calls—how made, what notice, and interval, 20.
- do to be published in *Canada Gazette*, 20, sub. 2.
- do Shareholder liable to pay amount of, 20, sub. 3.
- do not paid, to bear interest at 6 per cent, 20, sub. 4.
- do amount of, may be recovered by suit, 20, sub. 5.
- do formalities required in actions to recover, 20, sub. 6.
- do non-payment to entail forfeiture of shares, 20, sub. 9.
- do on share to be paid before dividend paid, 21, sub. 3.
- do paid, Directors may pay interest on, until Railway is completed, 21, sub. 4.
- Canal, power to construct railway across or along, 7, sub. 6.
- Cars or carriages—may be condemned by Railway Committee, 42.
- do considered dangerous may be forbidden to run, 43.
- do inspecting Engineer may at all times examine, 45.
- Capital stock of railway, how it may be increased, 7, sub. 20.
- do not to be impaired by dividends, 21, sub. 3.
- Canada Gazette*—tolls on railway to be published in, 17, sub. 9.
- do Order-in-Council reducing tolls to be published in, 17, sub. 10.
- do notices of meetings and calls to be published in, 20, sub. 2.
- Cattle—not to be at large within a certain distance of railway, 79.
- do or may be impounded, if so found, 80.
- do and no compensation for, if killed, 81.
- Cattle-guards at all road crossings may be required, 16.
- do until made, Company responsible for damages, but not after they are made, 16, subs. 2, 3.
- do Inspecting Engineer may at all times examine, 45.
- Certificate, Treasurer's of, forfeiture, to be title and evidence, 20, sub. 13.
- do of proprietorship of share, to be evidence, 20, sub. 7.
- do do want of, not to prevent disposal of share, 20, sub. 8.
- do of Minister of Public Works, when extra ground required by Company, 11.
- do effect of such certificate, 12.
- do proof of such certificate, 13.
- do Crown may question authenticity of, 13.
- do of two Justices of omission, &c., in map, plan, &c., effect of, 8, sub. 5.
- do of correction, &c., of map, &c., to be deposited, 8, sub. 6.
- Chairman of Directors to have casting vote, 19, sub. 14.
- Change in location of line, for certain purposes, 7, sub. 19.
- Checks—to be affixed on parcel of baggage and duplicate given to passenger, 25, sub. 5.
- do penalty for refusing to give, 25, sub. 6.
- do passenger producing, may be witness to prove contents of lost baggage, 25, sub. 7.
- Church and school trustees, limitation of powers to convey to Company, 9, sub. 4.
- City or town, branch to connect with main line or branch of, 7, sub. 18.
- Claims, &c., on lands taken, how cleared, by payment into Court, &c., 9, subs. 30, 31.

- "Clerk of the Peace," interpretation of, 5, sub. 12.
do duties and powers of, 8, subs. 2, 3.
do copies of plan of alterations, &c., to be deposited with, 8, sub. 7.
do duties with respect to copies of plans, &c., 8, subs. 9, 10.
- Commencement and completion of railway limited, 28, sub. 6, 8, sub. 8.
- Committee, joint, to be appointed for carrying out traffic arrangements between two railway companies, 60.
- "Company," interpretation of, 5, sub. 15.
do powers of, 7.
do what to mean, as respects railway statistics, 29.
- Confirmation of title of Company in Quebec, and its effect, 9, subs. 34, 35, 36.
- Compensation—Arbitrators in fixing, to consider increased value of remaining lands, 9, sub. 18.
do for lands to stand instead of such lands as to claims, &c., 9, sub. 29.
- Conductor, intoxication of, to be a misdemeanor, 25, sub. 11.
- Constables—Railway, appointment of, 61.
do powers of, and to what localities they extend, 61, sub. 2.
do dismissal of, 61, sub. 3.
do record of, to be kept by Clerk of Peace, 61, sub. 4.
do penalty for neglect of duty, 61, sub. 5.
do penalty for resisting, 61, sub. 6.
- Contract, &c., to convey lands made before survey, &c., binding, 9, sub. 7.
do for works, not to be given until tenders invited, 28, sub. 5.
- Contractor not to be Director of Company, 19, sub. 16.
- Contractors included by word "Company" in certain cases, 98.
- Copies of plans, &c., or of alterations, certified by Clerk of Peace, to be evidence, 8, sub. 10.
do maps, &c., of proposed railway, where to be deposited, 8, sub. 2.
do do 8, sub. 3.
do do certified by Minister of Public Works or Clerk of Peace, to be evidence, 8, sub. 4.
- Costs of arbitration, how paid, 9, sub. 19.
do Company liable for, if desisting from first notice, 9, sub. 23.
do of proceedings on such claims, by whom paid, 9, sub. 32.
- Corporations, &c., may convey lands to Company, 9, sub. 3.
do previous order of Judge, in certain cases, 9, sub. 3.
do &c., conveying to Company, indemnified, 9, sub. 5.
do &c., who cannot sell, may agree upon annual rent, with lien for, 9, subs. 8, 9.
do Municipal, may take stock of Company, 23, sub. 2.
- Crossings—to be examined by Engineer, directed by Railway Committee, 39.
do level, out of repair, 49.
do railway, signboards to be placed at, 15, sub. 6.
do farm, Company may be required to erect gates at, 16.
do intersecting or connecting with other railways, 7, subs. 15, 16.
do to be fenced, 82; *and see Accidents.*
- "County," interpretation of word, 5, subs. 10.
- County Judge, provision if he is interested in lands required, 9, sub. 14.
- Curators, &c., may convey lands to Company, 9, sub. 3.
- Curve, to lessen, location of line may be changed, 7, sub. 19.
- Culverts to be examined by Engineer, directed by Railway Committee, 42.
do may be condemned by Railway Committee, 42.
- Damages—contracts, &c., as to compensation for, to lands, 9, sub. 10.
do compensation for, to be offered in notice, 9, sub. 12.
do arising from neglect, &c., of Company not avoided by notice, condition or declaration of Company, 25, sub. 4.
- Damaging railway—punishment for, 87.
do and if with intent to injure persons or property, 88.
do by placing obstructions on track, &c., 39.
do or injuring in any way, 90.
do goods, or packages of freight, &c., 91.
- Dangerous goods—no passenger to carry; must be plainly marked; Company may refuse to take;
must be carried in special cars, 25, subs. 14, 15.
do places or works, or rolling stock, reported to the Railway Committee, who may condemn or order alterations, 42.
- Debentures, bonds, &c., power to issue,—amount, 7, sub. 12.
- Deposit of map, &c., to be general notice to owners of land required, 9, sub. 11.
- Depots or stations, extra breadth of land allowed for, 9.
- Desistment from, first notice and proceedings upon, 9, sub. 23.
- Deviation from plans, how far allowed, 8, sub. 11.
- Directors, &c., may fix tolls on railway, 17.
do general meetings for election of, 18, 19.
do vacancies in Board of, how filled, 19, sub. 3.
do who qualified to be, 19, sub. 4.
do term of office of, 19, sub. 9.
do vacancies among, how filled, 19, sub. 10.
do to elect President and Vice-President, 19, sub. 11.
do quorum of to exercise powers of whole, 19, sub. 12.

- Directors, act of majority of quorum, of to be act of, 19, sub. 13.
do to be subject to control of shareholders, &c., 19, sub. 15.
do employees or contractors not to be, 19, sub. 16.
do to make by-laws for management of Company, 19, sub. 17.
do shall appoint officers and take security from them, 19, sub. 18.
do shall keep account of receipts and expenses of Company, 19, sub. 21.
do may make calls after notice, and with certain interval, 20.
do Mayor, &c., of Municipal Corporation taking \$20,000 of stock to be one of, 23, sub. 2.
do may make traffic arrangements with another Company, 60.
do of Company may apply to Justices and Judges for appointment of railway constables, 61.
- Discharge from party in whose name share stands, to be a sufficient, to the Company, 22, sub. 5.
- Dividends to be declared at general meetings, 21.
do determined by general meeting, 21, sub. 2.
do not to impair capital, 21, sub. 3.
do or interest on transferred shares, when paid to purchaser, 22.
- Dissolution of Corporation not to affect previous liability, 28, sub. 9.
- Earth, stone, &c.—required by Railway, proceedings for purchase of lands for containing, 9, sub. 38.
do may be taken by traversing intervening lands, 9, subs. 39, 40.
- Ecclesiastical corporations, powers of conveyance to Company limited, 9, sub. 4.
- Election of Board of Directors, 19.
do Directors on subsequent day, who to vote at, 19, sub. 2.
- Engine may be condemned by Railway Committee, 42.
do driver, intoxication of, a misdemeanor, 25, sub. 11.
- Engines to be examined by Engineer directed by Railway Committee, 39.
do Inspecting Engineer may at all times examine, 45.
- Engineer or President of Company to certify map of railway, 8, sub. 14.
- Engineer, inspecting—to report his order to forbid running of trains, &c., to Railway Committee, 44.
do Company and officers to afford him all necessary information, 46.
do to be conveyed by Company, 46, sub. 2.
do proof of his authority, 46, sub. 4.
do his certificate as to condition of level crossing to be final in dispute between municipality and railway, 49.
do orders of, to be notified to servants of Company, 53.
do may regulate speed of trains, or times of running, 50.
do orders of, what to be deemed sufficient notice thereof, 54.
- Executors, &c.—may convey lands to Company, 9, sub. 3.
do powers to convey land limited, 9, sub. 4.
- Express Companies, all to be allowed equal facilities, 60, sub. 3.
- Evidence, returns by railway not to be, in Court, 34.
- Fare, passenger refusing to pay, may be put out, 25, sub. 12.
- Fences—Inspecting Engineer may at all times examine, 45.
do on each side of bridge carrying highway over Railway, 15, sub. 4.
do Company to erect on each side of Railway, if required by proprietors of adjoining lands within 6 months, 16.
do &c., until made, Company liable for damages to cattle, &c., on Railway, but not afterwards, 16, subs. 2, 3.
do snow, Company may enter lands after 1st November, to erect, must be removed before 1st April, 16, sub. 6.
- Fines and forfeitures—how recovered, 27, sub. 2.
do how applied, 27, sub. 3. *And see Penalty.*
- Fixtures—machinery, &c., Company to have power and authority to erect or purchase, 7 sub. 8.
do extra breadth of land allowed for, 9.
- Forces, Her Majesty's, enactments made by Parliament for carriage of, not to be deemed infringement of privileges of Company, 28, sub. 4.
- Forfeited or unsubscribed shares—Directors may sell or pledge, 20, sub. 12.
- Forfeiture of shares on non-payment of calls, 20, sub. 9.
do to be declared at general meeting, 20, sub. 10.
do to indemnify against actions for breach of contract, 20, sub. 11.
- Forfeiture—certificate of, from Treasurer, to be title and evidence, 20, sub. 13.
do by Company, of privileges, by contravention of Act, 27, sub. 4.
- Freight, &c.—cars not to be in rear of passenger cars, 25, sub. 8.
- Gates, sliding or hurdle, at farm crossings, to be erected if required, 16.
do Inspecting Engineer may at all times examine, 45.
- Glebe lands, rectors in possession of, in Ontario, powers over, limited as to conveyance to Railway Company, 9, sub. 4.
- Goods, Interpretation of word, 5, sub. 9.
do may be seized and detained until payment of toll therefor, to be at owners' risk, 17, sub. 2.
do detained for non-payment of tolls, may be sold after six weeks,—surplus money or goods to be returned to person entitled, 17, sub. 3.
do unclaimed after 12 months, may be sold by Company, by auction, after notice, 17, sub. 4.
do trains to furnish sufficient accommodation for, 25, sub. 2.
do to be taken, carried and discharged, on payment of legally authorized toll or freight, 25, sub. 3.
do dangerous. *See Dangerous.*

- Governor—By-laws subject to approval of, &c., 24, sub. 2.
do may cause line of telegraph to be made along line of railway for use of Government, 28, sub. 3.
do may appoint Railway Committee from Privy Council, 35.
do may sanction order of Railway Committee to postpone opening of Railway, 39.
do alterations in railway or rolling stock, required by Railway Committee, subject to approval of, 42.
do to sanction action of Railway Committee on order of Engineer forbidding running of trains, 44.
do on report of Railway Committee, may order permanent bridges to be substituted for movable bridges, 47.
do may sanction order of Railway Committee, requiring Company to carry road crossed by railway under or over it, 48.
- Governor in Council to approve of maps and plans indicating location of branch line, 7, sub. 18.
do may revise by-laws of Company, fixing tolls, 17, sub. 10.
do by-laws, imposing or altering tolls or affecting others than employes subject to approval of, 17, sub. 12.
do to make regulations for carriage of H. M. Mail, Naval or Military Forces and Militia, 28.
do may require Company to place electric telegraph exclusively at disposal of Government, 28, sub. 2.
- Gradient—to reduce, location of line may be changed, 7, sub. 19.
Grants and donations of lands—power to receive and hold, 7, sub. 1.
Gravel, &c.—required for railway, proceedings for obtaining lands on which they are situated, 9, sub. 38, 39, 40.
Grevés de substitution, &c.—may convey lands to Company, 9, sub. 3.
Guardians, &c.—may convey lands to Company, 9, sub. 3.
- Highways—word interpreted, 5, sub. 11.
- Idiots, &c.—infants, issue unborn, persons representing may convey lands to Company, 9, sub. 3.
Incorporation of Companies under Special Act, 6.
Incumbrances on lands taken by Company, how cleared off, 9, subs. 30 to 37.
Indians—case of railways passing through lands belonging to, 9, sub. 37.
Inspection—not to relieve Company from liability, 52.
do of Railways—See Railway Committee, 35 *et sequen.*
Inspectors of Railways—penalty for obstructing, 92.
Intercolonial Railway—Part First, to apply to, 2.
do Part Second do 4.
- Interest on loans to Company—not to exceed 8 per cent. per annum, 7, sub. 12.
do on compensation paid into Court to be returned to Company, and when additional required to be paid, 9, subs. 33 to 36.
do unpaid, call, liable to, 20, sub. 4.
do may be paid on paid up calls until railway is completed, 21, sub. 4.
do none to be paid on any share while call remains unpaid, 21, sub. 5.
do &c., on transferred shares when paid to purchaser, 22.
- Interpretation of words and expressions in this Act and Special Act, 5.
Intoxicated Engineer or Conductor, to be guilty of misdemeanor, 25, sub. 11.
- Judge, County, provision if he is interested in lands required, 9, sub. 14.
do of any of Superior Courts, to exercise powers given to County Judge, if latter is interested in lands required, 9, sub. 14.
- “Justice,” word interpreted, 5, sub. 13.
Justices, two, may correct description, &c., of lands in map, &c., after notice to owners, 8, sub. 5.
and grant certificate of correction, 8, sub. 6.
- Justices of Peace, may appoint railway constables on application of Directors or authorized agents of Company, 61.
- Lands, interpretation of word, 5, subs. 3, 6.
do public, wild, and beaches, power to occupy, 7, sub. 3.
do do (Naval and Military Reserves), power to occupy, 7, sub. 4.
do of Her Majesty or any corporation of persons, power, &c., to enter upon, 7, sub. 13.
do required for branch line, notice to be given, 7, sub. 18.
do to be passed over and taken for proposed route, map of, &c., to be deposited with Department of Public Works, 8, sub. 2.
do erroneous description, &c., in map, &c., may be corrected, 8, sub. 5.
do not shewn on map, provisions respecting, 8, sub. 11.
do of persons not entered or erroneously mentioned in book of reference, may be taken, &c., within limits of deviation, 8, sub. 12.
do proceedings when more required at any station or place on line of railway, 9.
do proceedings for taking, without consent of proprietors, 9.
do sale by auction of, when not required for railway, 12.
do extent of which may be taken without consent of proprietor, 9.
do persons representing any persons interested in, may convey to company, 9, sub. 3.

- Lands, the fee simple of, conveyed by corporations to railway company, 9, sub. 5.
- do contract to convey, before setting out of railway binding if set out one year from date of contract, 9, sub. 7.
 - do corporations, &c., who cannot sell, may rent, 9, sub. 8.
 - do description of, &c., in notice to be served on owner in case of disagreement, 9, sub. 12.
 - do compensation for, sum offered to be included in notice to opposite party, 9, sub. 12.
 - do the increased value of remaining, to be considered by Arbitrators when deciding compensation, 9, sub. 18.
 - do immediate possession of, before award, may be given on affidavit and after security given, 9, sub. 28.
 - do notice to be given to owner of, before granting warrant of possession, 9, sub. 28.
 - do compensation for, to stand instead of, as to claims, &c., 9, sub. 29.
 - do Indian, case of railway passing through, 9, sub. 37.
 - do proceedings for the purchase of, where stone, gravel, &c., are situated and required for railway, 9, sub. 33.
 - do between main line of railway and lands on which gravel, &c., is found, right of way over, 9, sub. 39.
 - do for stations or gravel pits, company may sell part not required, but compulsory provisions not to apply to portion not necessary, 9, sub. 40.
- Lease, interpretation of, 5, sub. 7.
- Lessees included by word "company" in certain cases, 98.
- Levels and surveys, maps, plans, &c., provisions respecting, 8.
- Level crossing, Railway Committee may require railway to alter crossing so that road may pass over or under it, 48.
- do out of repair, 49.
- Liability incurred not affected by dissolution of corporation, 28, sub. 9.
- do inspection not to relieve company from, 52.
 - do of shareholders limited, 23.
- Location of line, change in, may be made for certain purposes, 7, sub. 19.
- Locomotive engines to have bells and whistles, 25, sub. 9.
- do misdemeanor for person in charge of to be intoxicated, 25, sub. 11.
 - do considered dangerous by Inspecting Engineer may be forbidden to run, 43.
- Lumber, &c., cars not to be in rear of passenger cars, 25, sub. 8.
- Lunatics, &c., persons representing, may convey lands to, 9, sub. 3.
- Machinery, Company to have power and authority to purchase, 7, sub. 8.
- Mails, H. M., carriage of, on railway, 28.
- Manufactory, branch to connect with main or branch of railway, 7, sub. 18.
- Map and plan of branch line to be deposited in Registry Office, of city, county, &c., and approved by Governor-in-Council, 7, sub. 18.
- do and books of reference, to be examined by Minister of Public Works, and copies deposited in Department of Public Works, and with Clerks of the Peace for districts and counties through which railway is to pass, 8, sub. 2.
 - do omissions, &c., in, may be corrected after notice to owners of lands erroneously described, 8, sub. 5.
 - do original, or of alterations, deposit required before work is proceeded with, 8, sub. 8.
- Map and profile of completed railway to be filed with Minister of Public Works, 8, sub. 13.
- do do how drawn and certified, 8, sub. 14.
 - do places where extra breadth required to be shown on, 9.
 - do notice of deposit, before application to owners of lands, 9, sub. 10.
 - do do to be general notice to owners of lands, 9, sub. 11.
- Materials, power to take land for, 38, 39, 40.
- Mayor, &c., of Municipal Corporation holding \$20,000 of stock to be Director of Company, *ex-officio*, 23, sub. 2.
- Mine, branch to connect, with main line or branch, &c., 7, sub. 18.
- Misdemeanor, any contravention of Act not provided for, to be, 27, sub. 4.
- Meetings, General, of shareholders for election of Directors, 18.
- do do how called, 19, sub. 5.
 - do notices of, published in *Canada Gazette*, 20, sub. 2.
- Military and Naval Forces, Her Majesty's Militia, &c., carriage of, on railway, 28.
- Mortgage, &c., of property of Company, 7, sub. 12.
- do on lands, how cleared by paying compensation into court, &c., 9, subs. 30 to 36.
- Municipal Council, sanction of, for branch railway when required, 7, sub. 17.
- do corporations may take stock, &c., 23, sub. 2.
- Municipality may require Company to repair level crossing out of repair, 49.
- do make repairs and recover cost, and in default of Company obeying Inspecting Engineer's directions, 49.
- Naval Forces, Her Majesty's, carriage of on railway, 28.
- do and Military Reserves, power to occupy, 7, sub. 4.
- Navigable waters, provisions respecting railway carried across or along, 7, sub. 6,—66 to 72.
- Notice of intention to build branch line, and to appropriate lands, &c., 7, sub. 9.
- do to shareholders of meeting to increase capital stock, 7, sub. 20.
 - do correction to owners of lands erroneously described, &c., in map, &c., 8, sub. 5.
 - do to owner of additional ground required for station, &c., 10.

- Notice previous to selling land not required by railway, 12.
- do of deposit of map, &c., to be a general notice so all owners of lands required by company, 9, sub. 11.
 - do to owner of land in case of disagreement, what it shall contain, 9, sub. 12.
 - do to be inserted in newspaper if owner is absent or unknown, 9, sub. 13.
 - do of appointment of one of official arbitrators to be third arbitrator, 9, sub. 16.
 - do of meetings of arbitrators, two clear days, 9, sub. 17.
 - do to either of parties in arbitration not necessary, 9, 17.
 - do for lands may be desisted from and new notice given, company paying costs, 9, sub. 23.
 - do to owner of land before granting of warrant of possession, 9, sub. 28.
 - do of arbitration in case of lands containing stone, &c., required by company, 9, sub. 38.
 - do in *Official Gazette* before selling unclaimed goods, 17, sub. 4.
 - do of meetings or of calls, 20, sub. 2.
 - do in writing to company when sending dangerous goods, 25, sub. 14.
 - do at station when overdue trains may be expected, 26.
 - do inviting tenders for works of railway, 28, sub. 5.
 - do to Railway Committee of intention to open railway, and readiness for inspection, 37.
 - do to Railway Committee before opening railway, and penalties for opening without, 33.
 - do to company by Railway Committee to make good defects, 42.
 - do to company by Inspecting Engineer forbidding running of carriages or locomotive, 43.
 - do to company of confirmation, &c., of such order, 44.
 - do by municipality requiring company to repair level crossing, 49.
 - do by Railway Committee to municipality and company of day fixed for examination as to repair of level crossing, 49.
 - do of accidents to be given to Railway Committee, 51.
 - do of orders of Railway Committee; what to be, 54.
 - do of orders of Inspecting Engineer, what to be, 54.
- Oath, &c., Arbitrators may examine witnesses on, 9, sub. 20.
- Oath of office of Railway Constable, 61.
- Obstructing free use of railway, punishment for, 86.
- do and causing damage to life or property, 89.
- Obstruction of highway by works of railway, 15.
- Officers of Company, Directors shall appoint and take security from, 19, sub. 18.
- do &c., contravening by-laws, punishment of, 93.
- Gifts, extra breadth allowed for, 9.
- Orders, &c., to be certified and kept in writing, in office of Company, 24. *In l see* By-laws.
- Overdue passenger train, notice on blackboard at station, stating when train is expected, 26.
- Owner, interpretation of word, 5, sub. 14.
- do of lands, if absent or unknown, proceedings, 9, sub. 13.
- Parliament—enactments by, as to service to Government, not to be deemed infringement of privilege of Company, 23, sub. 4.
- do may annul or dissolve any Company, 23, sub. 9.
 - do may reduce tolls by consent, after leaving 15 per cent. profit, 17, sub. 11.
- Passengers, Company to furnish sufficient accommodation for, 25, sub. 2.
- do to be taken, transported and discharged, on payment of legally authorized toll or fare, 25, sub. 3.
 - do refusing to pay fare may be put out, 25, sub. 12.
 - do injured while on platform of car have no claim on Co for damages, 25, sub. 13.
 - do not to carry dangerous goods, 25, sub. 14.
 - do cars to be placed behind freight, &c, cars, 25, sub. 8
 - do formalities required before opening railway for conveyance of, 37.
- Penal clauses, offences and punishment, 86 to 96.
- Penalty, for neglecting to file map, &c., of completed railway in office of Minister of Public Works, 8, sub. 13.
- do on Clerk of Peace refusing to exhibit plan, &c., 8, sub. 9.
 - do for not putting up notice of probable arrival of overdue train at station, 26.
 - do how recoverable, 94, 95.
 - do Company may pay for employees and deduct from wages, 96, 99.
 - do for failing to forward annual returns of capital, traffic, &c., 30.
 - do for default in forwarding weekly returns of traffic, &c, 31.
 - do for false return, 32.
 - do respecting railway statistics, how recoverable, 32, sub. 2.
 - do for opening railway without preliminary notices to Railway Committee, 38.
 - do for opening railway contrary to order of Railway Committee, 40.
 - do on telegraph operators refusing to obey orders of Inspecting Engineer, 46, sub. 3.
 - do for Company using movable bridges when directed to use permanent, 47.
 - do for Company omitting to give notice of accidents to Railway Committee, 51.
 - do for neglecting to deliver returns of accidents, 57.
 - do for neglecting to forward traffic, 60, sub. 4.
 - do on constable neglecting duty, 61, sub. 5.
 - do for resisting constable, 61, sub. 6.
- Perjury, false statement made before Arbitrators to be, 9, sub. 20.
- “Person,” what to include under head, “Railway Statistics” 29.
- Plea of general issue by Company when sued for damages, 27.

- Plan of additional ground required for station, &c., to be transmitted to Minister of Public Works with application, &c., 10.
- Plan. See Map and Plan.
- Plans, documents, &c., to be submitted to Inspector Engineer, 46.
- Powers, general, of the Company, 7.
- "Prescribed," interpretation of, 5, sub. 2.
- President to be elected by other Directors, 19, sub. 11.
- do in absence of, Vice-President to act, 19, sub. 19.
- do absence of, to be entered in minutes, 19, sub. 20.
- Profile and map of completed railway to be filed with Minister of Public Works, 8, sub. 13.
- Provincial Railways, subs. 15 and 16 of sec. 7 to apply to, in certain cases, 7, sub. 16.
- Public wild lands and beaches, power to occupy, 7, sub. 3.
- Public Works, Minister of, to examine and certify map, plan and book of reference of proposed railway 8, sub. 2.
- do Department of, copies of maps, &c., of railway to be deposited in, 8, sub. 2.
- do Company may take extra ground, &c., on certificate of Minister of, 12.
- do Proof of certificate, 13.
- do Minister of, to lay railway returns before Parliament, 33.
- do Deputy of Minister of, to be Secretary of Railway Committee, 36.
- do Railway Committee may direct one of engineers of Department of, to examine railway proposed to be opened, 39.
- do Minister of, to designate scale and paper of map of completed road, 8, sub. 14.
- do do may appoint an arbitrator in case of death, disqualification, &c., 9, sub. 22.
- do do to appoint third arbitrator, if not otherwise appointed, 9, sub. 16.
- Purchase money, Company not responsible for disposition of, 9, sub. 6.
- Quarry, branch, to connect with main or branch line, 7, sub. 18.
- Quorum of Directors to exercise powers of whole, 19, sub. 12.
- do act of majority of, to be act of Directors, 19, sub. 13.
- Rails, one or more lines of, may be laid, 7, sub. 7.
- do not to rise more than one inch from level of highway, 15.
- Railway, penalty for opening contrary to order of Railway Committee, 40.
- do Company not bound by order unless notified, 41.
- "Railway, The," interpretation of expression, 5, sub. 16.
- Railways, incorporated by Provincial Legislature, certain provision to apply to, 7, sub. 15.
- do and tolls, chargeable for rent or purchase money, 9, sub. 9.
- do commencement and completion of, 28, sub. 6.
- do not to be opened until after one month's notice, 37.
- do penalty for opening without notices from Railway Committee, 38.
- do Inspecting Engineers may examine, 45.
- do Company, &c., to afford necessary information, 46.
- do interpretation of word, as respects traffic, 60, sub. 5.
- do Inspection Fund, 97.
- do constructed under Special Act of Parliament of Canada, to be governed by this Act, unless excepted by Special Act, 2, sub. 2.
- do Committee, the approval of, of mode of crossing, intersection, &c., with other lines must be obtained, 7, sub. 16.
- do certain, to be subject to, of Part 2 of this Act, 4.
- Railway Committee, Governor may appoint from Privy Council, 35.
- do do to appoint Chairman and Secretary, 36.
- do do may condemn railway, &c., order alterations in works, 42.
- do do may postpone opening of railway, 39.
- do do to fix form of record, appointment, &c., 61, sub. 4.
- do do consent of, must be obtained before substituting movable bridge for permanent bridge, 47.
- do do may require highway to be carried over or under railway, 48.
- do do to settle dispute between Municipality and Company as to level crossing out of repair, 49.
- do do may regulate speed of trains, times of running, 50.
- do do orders of, what to be deemed sufficient notice thereof, 54.
- do do to have powers of Board of Railway Commissioners, under C. 60, C.S.C., 59.
- do do with sanction of Governor-in-Council may confirm or disallow order of Engineer forbidding running of trains, 41.
- do constables, appointment of, 61. See Constables.
- Rectors, powers limited as to glebe lands in Ontario, 9, sub. 4.
- Registry office of city, county, &c., deposit in, of maps, &c., 7, sub. 18.
- Rent, offer to pay, to be made to opposite party, 9, sub. 12.
- do on interest of purchase money, to be working expense, 85.
- Repeal of former Acts and saving clause, 102.
- Return, false, penalty for, 32.
- do semi-annual, of accidents to be made to Railway Committee, 55.
- do what to set forth, 55, subs. 1, 2, 3, 4.
- Returns of capital and traffic and working expenditure to be annually forwarded by Company, 30.
- do weekly, of traffic to be forwarded, &c., and posted in head office of Company, 31.

- Returns to be privileged communications, 34.
 - do special return of serious accidents to be made, 56.
 - do railway companies, form of, schedules 1 and 2.
 - do of accidents to be privileged communications, 58.
- Rights of Her Majesty and others, not affected except as mentioned in Act, 28, sub. 10.
- Rivers, &c., what extent of land covered by waters of, may be taken, 9, sub. 2.
 - do and canals. See Navigable waters, &c.
- Rolling Stock, to be examined by Engineer directed by Railway Committee, 39.
 - do may be condemned by Railway Committee on report, 42.
- Rules and Orders. See By-laws.
- Sale to company by corporations, &c., to vest fee simple, 9, sub. 5.
- School or church purposes, power of trustees limited, 9, sub. 4.
- Secretary, certificates of, and their effect, 24, sub. 1, 3 and 4.
 - do notices by, to be evidence, 24, sub. 4.
- Shareholders, two-thirds of, to consent to traffic arrangements made between railway companies, 60.
 - do individual liability of, 23.
 - do account of names and residence entered in book, 23, sub. 3.
- Shares, forfeited or unsubscribed, Directors may sell or pledge, 20, sub. 12.
 - do forfeited, purchaser's title not affected by irregularity in proceedings, 20, sub. 13.
 - do may be paid up in advance, interest allowed, 20, sub. 14.
 - do how transferred, dividend on, &c., 22.
 - do form of sale, 22, sub. 2.
 - do not transferable until all calls paid, 22, sub. 3.
 - do no transfer of a fraction of, 22, sub. 3.
 - do transmission of, otherwise than by transfer, 22, sub. 4.
- "Sheriff" interpretation of word, 5, sub. 12.
- Short title of Act, 1.
- Siding, this Act and amending Acts to apply to, 7, sub. 18.
- Signboards at highway crossings, provisions respecting, 15, sub. 6.
- Snow-fences, when may be erected and when to be removed, 16, sub. 6.
- Special Act, this Act to be incorporated with, unless varied or excepted, 2, sub. 2.
 - do manner of excepting parts from incorporation, 3.
- "Special Act, The," interpretation of the expression, 5, sub. 1.
- Spring, branch to connect with, 7, sub. 18.
- Station, proceedings when more land is required for, 10.
- Stations, power to erect, 7, sub. 8.
- Stations, extra breadth of land allowed for, 9.
 - do or gravel pits, whole lots may be purchased for, and portion not necessary may be sold, 9, sub. 40.
 - do Inspecting Engineer may at all times examine, 45.
- Statistics and returns, 29 to 34.
- Stock, capital, may be increased, and how, 7, sub. 20.
 - do of Company to be personal estate, 22, sub. 3.
 - do company not to purchase stock in their own or in any other company, 22, sub. 6.
- Stone, sand, &c. See Earth, materials, &c.
- Streams. See Rivers. Navigable waters.
- Street, railway crossing, on the level, 48.
- Suits for damage, &c., limitation of, 27.
- Surveys, examinations, &c., power to make, and where, 7, sub. 13.
 - do and levels, maps, plans and book of reference, provisions respecting, 8.
- Surveyor, certificate of, as to land, is required, 9, sub. 12.
 - do Judge to appoint, as sole arbitrator in certain cases, 9, sub. 15,
- Telegraph, Co. may be required to place, at exclusive disposal of Government, 28, sub. 2.
 - do line may be constructed by and for use of Government, 28, sub. 3.
 - do enactments, Parliament, respecting use of, 28, sub. 4.
 - do Co.'s may be used by Inspecting Engineer, 46, sub. 2.
 - do operators to obey orders of do 46, sub. 3.
- Tenants in tail or for life, &c., may convey lands to Co., 9, sub. 3.
- Tenders for works to be invited by public notice, 28, sub. 5.
- Termini, railway not to extend beyond, in special Act, 7, sub. 19.
- "Toll," interpretation of word, 5, sub. 8.
- Tolls, &c., power, &c., to regulate, for transport of persons, &c., 7, sub. 11.
 - do for passengers and goods transported to be fixed by by-law, 17.
 - do enforcement of payment of, 17, subs. 2, 3.
 - do on unclaimed goods to be paid out of proceeds of, 17, sub. 4.
 - do may be raised or reduced, 17, sub. 6.
 - do same, to be payable at same time, under same circumstances, upon all goods and by all persons, 17, sub. 6.
 - do fractions of a mile or ton, how reckoned in charging, 17, sub. 7.
 - do table of, to be posted where tolls are collected, 17, sub. 8.
 - do subject to approval of Governor in Council and publication in *Canada Gazette*, 17, subs. 9, 12.
 - do how altered by Order in Council, 17, sub. 10.
 - do may be reduced by Parliament by consent, 17, sub. 11.

- Tolls for carriage of Her Majesty's mail or forces, &c., enactments by Parliament, provisions respecting 28, sub. 4.
- Town or city, branch line to, 7, sub. 18.
- Tracks, one or more, may be made, 7, sub. 7.
do none but employees to walk on, 16, sub. 5.
- Traffic, interpretation of, 60, sub. 5.
do arrangements may be made by one company with another, 60.
do railway companies to afford each other every facility for, 60, sub. 2.
do penalty for neglecting to forward, 60, sub. 4.
- Train overdue, what notice to be posted at station, 26.
- Trains to start at regular hours, and furnish sufficient accommodation for passengers and goods, 25, sub. 2.
do may be forbidden to run on railway considered dangerous, 43.
do speed of, and times of running may be regulated by, 50.
- Trees, power, &c., to fell and remove on either side, 7, sub. 14.
- Trusts, &c., lands conveyed to company discharged from, 9, sub. 5.
do company not bound to see to execution of, 22, sub. 5.
- Trustees, &c., may convey lands to company, 9, sub. 3. And *see* Church, School, &c.
- Tunnel to be examined by Engineer directed by Railway Committee, 39.
do may be condemned by Railway Committee, 42.
- "Two Justices," interpretation of expression, 5, sub. 13.
- Undertaking, interpretation of word, 5, sub. 4.
- Unsubscribed or forfeited shares, how dealt with, 20, sub. 12.
- Vacancies in Board of Directors, how filled, 19, sub. 3.
- Valuator, &c., not disqualified unless personally interested, 9, sub. 24.
- Viaduct may be condemned by Railway Committee, 42.
- Vice-President to be elected by other Directors, 19, sub. 11.
do to act in absence of President, 19, sub. 19.
- Village, branch line to connect with, 7, sub. 18.
- Vote, who entitled to, at election of Directors, 19, subs. 1, 2.
do each Director to have but one, 19, sub. 14.
do casting, of Chairman, 19, sub. 14.
- Votes to be in proportion to number of shares held, 19, sub. 6.
do and proxies, majority of, to determine question, 19, sub. 8.
- Voting by proxy, permitted to all Shareholders, 19, subs. 7, 8.
- Warrant of possession, to put company in possession of lands, 9, subs. 27, 28.
do notice to be given,—deposit of compensation required, and how dealt with, 9, sub. 28.
- Water course, power to construct railway across or along, 7, sub. 6.
- Water, &c., required by company, proceedings for purchase of lands, when it is found, and laying pipes, 9, subs. 38, 39.
- Weeds, noxious, removal of, 83.
- Well, branch to connect with lines, 7, sub. 18.
- Wharves, power to erect, 7, sub. 8.
- Whistle of locomotive to be sounded at every crossing, 25, sub. 10.
- Working expenses, interest of, purchase money or rent, to be, sub. 85.
do the railway, provisions respecting, 25.

NOTE.—The unrepealed Acts relating to the Intercolonial Railway are 31 Vic., c. 13—36 V., c. 45—37 V., c. 15—38 V., c. 22—39 V., c. 16—42 V., cc. 10 and 11. And those relating to the Canadian Pacific Railway are 37 V., c. 14, (extended to N.W.T. by 38 V., c. 49, s. 77)—42 V., cc. 13 and 14. To the first of these Railways this Act applies so far as its provisions are applicable, s. 2; and to the second in like manner, under 37 V., c. 14, s. 4, subs. 9 to 18.