

*Laws of Her Majesty's Province of United Canada*, passed in the year 1856. Quebec: Stewart Derbyshire and George Desbarts, 1856.

20 Victoria – Chapter 11

**An Act for the punishment of the Officers and Servants of Railway Companies contravening the Bylaws of such Companies, to the danger of person and property. Assented to 16th May, 1856.**

Whereas it is necessary to adopt means for preventing, as far as possible, the great risk and damage to life and property which frequently arise from the non-observance by the officers and Servants of Railway Companies of the By-laws and Regulations made for their guidance: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. If any officer or servant of, or person employed by, any Railway Company, shall wilfully or negligently contravene any By-law or Regulation of such Company lawfully made and in force, and of which a copy shall have been delivered to him, or shall have been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention shall cause injury to any property or to any person, or shall expose any property or any person to the risk of injury, or render such risk greater than it would have been without such contravention, although no actual injury shall occur, such contravention shall be a misdemeanor, and the person convicted thereof shall be liable, in the discretion of the Court before whom the conviction shall be had, and according as such Court shall consider the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, to be punished by fine or imprisonment, or both, so as no such fine shall exceed one hundred pounds, nor any such imprisonment the term of five years: and such imprisonment, if for two years or upwards, shall be in the Provincial Penitentiary.

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

II. It shall be lawful for any Railway Company by any By-law to be hereafter made, to impose upon any officer or servant, or person 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 to retain any such forfeiture out of the salary or wages of the offender; provided he shall, before such contravention, have had cognizance of such By-law, which may be proved by proving the delivery of a copy thereof to him, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed; and such proof, with proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery from it of the amount so retained, and such forfeiture shall be over and above any penalty under the preceding section.