

# BILL

No. 28 of 1923.

An Act to amend The Railway Act.

(Assented to \_\_\_\_\_, 1923.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Railway Act Amendment Act, 1923.*"

**2.** Section 2 of *The Railway Act*, being chapter 48 of the Revised Statutes of Alberta, 1922, is amended by striking out paragraph (w) thereof and substituting therefor the following:

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

**3.** Section 149 of the said Act is amended—

(a) as to subsection (2) thereof by adding at the end of the subsection the word “lands”;

(b) by adding as subsection (4) thereof the following:

“(4) The Minister may, upon application made to him by the company, relieve the company temporarily or otherwise from erecting and maintaining such fences, gates and cattle guards, where the railway passes through any locality in which, in the opinion of the Minister, such works or structures are unnecessary.”

**4.** Section 160 of the said Act is amended as to subsection (6) thereof by striking out the words “to carry freight traffic” where they occur therein, and substituting therefor the words “to carry traffic.”

**5.** Section 194 of the said Act is amended by striking out the words “If the cattle of any person” where they occur at the beginning of the section, and substituting therefor the words “If the cattle, horses, swine or other animals of any person.”

**6.** Section 196 of the said Act is amended—

(a) as to subsection (2) thereof by adding the following:

“Provided also that if there is any insurance existing on the property destroyed or damaged the total amount of damages sustained by any claimant in respect of the destruction or damage of such property shall, for the purposes of this subsection, be reduced by the amount accepted or recovered by or for the benefit of such claimant in respect of such insurance.”

(b) by adding as subsection (3) the following:

“(3) No action shall lie against the company by reason of anything in any such policy of insurance or by reason of the payment of any moneys thereunder.”

(c) by changing the numbers (3) and (4) to (4) and (5);

(d) by adding as subsection (6) the following:

“(6) The Minister may order, upon such terms and conditions as he deems expedient, that fire guards be established and maintained by the company along the route of its railway, and upon any lands of His Majesty or of any person, lying along such route, and, subject to the terms and conditions of any such order, the company may at all times enter into and upon any such lands for the purpose of establishing and maintaining such fire guards thereon, and freeing, from dead or dry grass, weeds and other unnecessary inflammable matter, the land between such fire guards and the line of railway.”

7. Sections 218*a* and 218*b* are added to the said Act as follows:

“VARIOUS OFFENCES.

“**218*a***. Every person who—

- “(a) wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company; or
- “(b) removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of the Legislative Assembly of the Province of Alberta, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway; or
- “(c) enters upon any railway train without the knowledge or consent of an officer or servant of the company, with intent fraudulently to be carried upon the said railway without paying the fare thereon; or
- “(d) wilfully obstructs or impedes any officer or agent of any company in the execution of his duty upon any train, or railway, or upon any of the premises of the company; or
- “(e) not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes;

shall be liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment, to imprisonment for a term not exceeding two months.

“**218*b***. Every person who—

- “(a) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods in, on or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay, or premises belonging to any company, with intent to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof; or
  - “(b) unlawfully drinks, or wilfully spills or allows to run to waste any such liquors, or any part thereof;
- shall be liable on summary conviction to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both.”

**8.** Section 225*a* is added to the said Act as follows:

“**225*a*.** Every person not connected with the railway or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, shall be liable on summary conviction to a penalty not exceeding ten dollars.”

**9.** This Act shall come into force upon the day on which it is assented to.

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THIRD SESSION  
FIFTH LEGISLATURE  
13 GEORGE V  
1923

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BILL

An Act to amend The Railway Act.

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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HON. MR. SMITH.

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EDMONTON:  
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1923