



CHAPTER 35

An Act to amend the Roads' Act

[Assented to, the 15th of March, 1928]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 10 of the Roads' Act (Revised Statutes, 1925, R. S., c. 91, chapter 91) is amended by striking out the figures: "15", s. 10, am. in the fourth line thereof.

2. Section 22 of the said act is replaced by the following: Id., s. 22, replaced.

"**22.** The provisions of sections 91, 92, 93, 94 and 98 of the Quebec Railway Act (Chap. 230) shall apply to the acquisition by the Minister of Roads of any land which he may require to build a new highway or to rebuild an old one or to do the work which he has decided upon for the purpose of widening or straightening a road maintained by him." Provisions applicable to certain acquisitions.

If a voluntary sale cannot be effected through the parties failing to agree, all questions arising shall be settled according to the provisions of sections 101 to 124 of the said Railway Act, as amended by the act 17 George V, chapter 66. Idem.

For the purposes of this section, the above-mentioned provisions of the Quebec Railway Act are amended by replacing therein, wherever they occur, the words: "the company", by the words: "the Minister of Roads", and the word: "railway", by the word: "highway" or "road", as the case may be. "Company," means. "Minister of Roads", etc.

The judge may, in granting immediate possession of the land needed, accept, in lieu of the security required by subsection 3 of section 112 of the said act, a certificate from the Provincial Treasurer, stating that the latter holds at the disposal of the court the amount determined upon." Certificate to replace security.

R. S., c. 91, s. 30, am. **3.** Section 30 of the said act is amended by striking out the words: "and providing for its maintenance", in the second line of paragraph 1 thereof.

Id., s. 31, repealed. **4.** Section 31 of the said act is repealed.

Id., s. 46a to 46c, added. **5.** The said act is amended by inserting therein, after section 46 thereof, the following sections:

Tree planting, etc. **"46a.** The Minister of Roads may plant, preserve, trim or fell trees along a road which he maintains, and, with the permission of the owner of the land, upon any land contiguous to such road.

Trunk or branches of trees interfering with traffic. **"46b.** When the trunk or branches of a tree, growing on land contiguous to a road which the Minister of Roads maintains, interfere with traffic, or when their bad condition causes the fear of their falling on the public road, and the owner of the tree refuses or neglects to fell the tree or cut such branches, or, in the case of trees planted by the Minister of Roads, refuses permission to go on his land, any member of the Quebec Public Service Commission may, at the request of the Minister of Roads, after having given the owner of the land at least fifteen days' notice, authorize the person named by him in an order signed by him to go on the land and to fell the tree or cut the branches, as the case may be.

Compensation. Such order shall fix at the same time the compensation, if there be occasion therefor, to be paid to the owner.

Removal of tree, etc. **"46c.** When a tree or a branch of a tree is blown over onto a road or is broken or threatens to fall on the road, anyone appointed to look after the maintenance of the road may cut and remove it."

R. S., c. 91, s. 74, am. **6.** Section 74 of the said act is amended:
a. By replacing the first paragraph thereof by the following:

Moneys for carrying out of act. **"74.** The moneys necessary for the carrying out of the Roads' Act shall be taken:";

b. By replacing the word: section", in the fourth line of paragraph 2 thereof, by the word: "act".

R. S., c. 91, s. 99, replaced. **7.** Section 99 of the said act is replaced by the following:

Widening, etc. of main communication road. **"99.** When the Minister of Roads himself proceeds to acquire the land needed for the widening or alteration of the course of a main communication road, sections 91, 92, 93, 94, 98 and 101 to 124 of the Quebec Railway Act (Chap. 230) as amended by the act 17 George V, chapter 66, shall

apply, by replacing therein, wherever they occur, the words: "the company", by the words: "the Minister of Roads", Provisions applicable. and the word: "railway", by the words: "main communication road".

The judge may, in granting immediate possession of the lands needed, accept, in lieu of the security required by subsection 3 of section 112 of the said Railway Act, a certificate from the Provincial Treasurer, stating that the latter holds at the disposal of the court the amount determined upon." Immediate possession.

8. Section 104 of the said act is replaced by the following: R. S., c. 91, s. 104, replaced.

104. Save as provided in section 103, the provisions of sections 91, 92, 93, 94, 98, 101 to 111, and 115 to 124 of the Quebec Railway Act (Chap. 230), as amended by the act 17 George V, chapter 66, shall apply to the acquisition and expropriation of land and servitudes effected under this division. Provisions applicable.

For the purposes of this section, the above cited provisions of the Quebec Railway Act are amended by replacing therein, wherever they occur, the words: "the company", by the words: "the Minister of Roads", and the word: "railway", by the word: "highway" or "road", as the case may be." Interpretation.

9. This act shall come into force on the day of its sanction. Coming into force.