



CHAPTER 31

An Act to amend the Roads' Act

[Assented to, the 1st of April, 1927]

HIS MAJESTY, with the advice and consent of the R. S., c. 91: Legislative Council and of the Legislative Assembly 1926, c. 31. of Quebec, enacts as follows:

1. Section 15 of the Roads' Act (Revised Statutes, R. S., c. 91, 1925, chapter 91) is amended by replacing the word: s. 15, am. "He", in the first line thereof, by the words: "The Minister of Roads".

2. Section 26 of the said act is amended by replacing Id., s. 26, the words: "so as in every case to make of it a road of am. higher quality than that of an earth road", in the fourth, fifth and sixth lines thereof, by the following words: "or to harden the surface thereof with a mixture of sand and clay, following a process approved by the Minister of Roads".

3. The title of subdivision 2 of Division IV of the said Id., Div. IV, act is replaced by the following: § 2, title re- placed.
"§ 2.—*Maintenance and Repair of Provincial and Regional Highways and Improved Roads.*"

4. Section 47 of the said act is amended by striking out Id., s. 47, the words: "For the purposes of this division", in the first am. line thereof.

5. Section 48 of the said act is amended by replacing the Id., s. 48, first two lines thereof by the following: am.
"48. The Minister of Roads may:".

6. Section 49 of the said act is replaced by the following: Id., s. 49, re- placed.
"49. The expression "regional highway" means a road "Regional highway".

classified in the past as a regional highway by notice of the Minister of Roads or by an Order of the Lieutenant-Governor in Council, and every road which the Minister of Roads may classify as a regional highway under section 50."

R. S., c. 91, s. 50, re-placed. Powers of Minister of Roads. **7.** Section 50 of the said act is replaced by the following:

"**50.** The Minister of Roads may:

1. Determine what roads shall form part of a regional highway;
2. Add new roads to a regional highway to complete or extend it or change its course;
3. Decide that certain roads or parts of roads shall not form part of a regional highway."

R. S., c. 91, ss. 50a, 50b, added. **8.** The said act is amended by inserting therein, after section 50 thereof, the following sections:

"Improved road". **50a.** The expression "improved road" means a road which has been improved in the manner explained in section 26.

"Road which the Minister maintains".

50b. The expression "road which the Minister of Roads maintains" means a road forming part of a provincial highway or of a regional highway and every improved road the necessary work of maintenance and repair whereof is done by the Minister of Roads at the expense of the Province."

R. S., c. 91, s. 52, am. **9.** Section 52 of the said act is amended:

a. By replacing the words: "provincial highway or a regional highway", in the first and second lines of the first paragraph thereof, by the words: "road which he maintains";

b. By replacing the words: "provincial highways and regional highways", in the first and second lines of the second paragraph thereof, by the words: "a road which he maintains".

Id., s. 53, am.

10. Section 53 of the said act is amended by replacing the words: "forming part of a provincial highway or of a regional highway", in the first and second lines thereof, by the words: "which the Minister of Roads maintains".

Id., s. 54, am.

11. Section 54 of the said act is amended:

a. By replacing the words: "provincial highway or in a regional highway", in the fourth and fifth lines of the first paragraph thereof, by the words: "road which the Minister of Roads maintains";

b. By replacing the words: "provincial highway or in a regional highway", in the second and third lines of the second paragraph thereof, by the words: "road which the Minister of Roads maintains".

12. Section 55 of the said act is amended by replacing the words: "provincial highway or regional highway", in the second and third lines thereof, by the words: "road which the Minister of Roads maintains". Id., s. 55, am.

13. Section 56 of the said act is amended:

a. By replacing the words: "provincial highway or regional highway", in the sixth line of the first paragraph thereof, by the words: "road which the Minister of Roads maintains"; Id., s. 56, am.

b. By replacing the second paragraph thereof by the following:

"In all cases the person authorized to maintain a conduit under a road which the Minister of Roads maintains shall be responsible for any damages caused to such road by the use of such conduit and shall repair the same at his own cost."

14. Section 57 of the said act is amended by replacing the words: "provincial highway or of a regional highway", in the third and fourth lines of the first paragraph thereof, by the words: "road which the Minister of Roads maintains". Id., s. 57, am.

15. The title preceding section 58 of the said act, namely: "§3.—*Maintenance and Repair of Improved Roads*", is repealed. Id., Div. IV, § 3, title repealed.

16. Section 58 of the said act is repealed.

Id., s. 58, repealed.

17. Section 63 of the said act is amended by striking out the words: "Such by-law or resolution shall authorize the head of the council and the secretary-treasurer or clerk to sign an agreement with the Minister of Roads", in the fifth, sixth and seventh lines thereof. Id., s. 63, am.

18. Section 64 of the said act is replaced by the following: Id., s. 64, replaced.

"**64.** 1. The Minister of Roads may agree to maintain and repair entirely at the expense of the Province, in whole or in part, the improved roads mentioned in the by-law or resolution. He may, in the case of a city or town corpora- Maintenance, etc., of improved roads.

tion, determine the conditions to be fulfilled by the corporation.

Id., in case of certain city or town corporations.

2. When the Minister of Roads, in the case of a city or town corporation of a population of over five thousand, imposes conditions and requires the payment of a contribution, the arrangements made between the Minister of Roads and the corporation shall be set forth in a contract signed by the representatives of the corporation designated in the by-law or resolution and by the Minister of Roads, or the Deputy Minister of Roads, or the General Superintendent of Maintenance and Repair of Roads.

Certain contracts obligatory.

3. Contracts signed up to April 1st, 1927, by the Minister of Roads and municipal corporations, other than city or town corporations whose population exceeds five thousand, shall oblige the Minister of Roads to have the necessary work done for the maintenance and repair of the roads therein described, at the expense of the Province; but such corporations shall be discharged from the obligation of paying the annual contribution stipulated in such contracts for the year 1927 and subsequent years.

Discharge.

Cessation of maintenance, etc.

4. The Minister of Roads may, by a notice published by him in the *Quebec Official Gazette*, cease to maintain and repair a road improved at the expense of the Province."

R. S., c. 91, s. 70, replaced.

19. Section 70 of the said act is replaced by the following:

Maintenance, etc., by municipal corporation.

"**70.** When the Minister of Roads has declared that an improved road or a road forming part of a provincial highway or of a regional highway shall no longer be maintained at the expense of the Province, the maintenance of such road shall be borne by the municipal corporation to which it belongs."

R. S., c. 91, Div. IV, § 4, title replaced.

20. The title preceding section 71 of the said act, namely: "§ 4.—*Maintenance of Winter Roads*", is replaced by the following: "§ 3.—*Maintenance of Winter Roads*."

Id., s. 71, am.

21. Section 71 of the said act is amended:

a. By replacing the words: "provincial highway, a regional highway or an improved road which the Minister of Roads maintains or repairs", in the first, second and third lines of the first paragraph thereof, by the words: "road which the Minister of Roads maintains";

b. By striking out the words: "such highway or", in the fifth line of the said first paragraph thereof.

Id., s. 106, replaced.

22. Section 106 of the said act is replaced by the following:

106. The municipal corporation, owner of a road which the Minister of Roads maintains or upon which he does construction or improvement work, shall not be responsible for damages due to the fault of employees of the Minister of Roads, committed in the discharge of their duties, nor to any default in the fulfilment of the obligations imposed on the Province or undertaken by the Minister of Roads under any provision of this act. Such corporation shall retain its rights and control over such road subject to the restrictions created by this act and it shall continue to have, with regard to such roads, all obligations toward the public which the law imposes upon it, save those which are removed by this act.” Damages,
etc.

23. Section 109 of the said act is amended by replacing the words: “Whenever a provincial highway, a regional highway, or an improved road, the maintenance and repair whereof has been assumed by the Minister of Roads”, in the first, second and third lines of the first paragraph thereof, by the words: “Whenever a road which the Minister of Roads maintains” R. S., c. 91,
s. 109, am.

24. Section 110 of the said act is amended by striking out the words: “highway or”, in the sixth line thereof. Id., s. 110,
am.

25. Section 112 of the said act is amended by replacing the words: “highway or road”, in the fifth line thereof, by the words: “road which he maintains” Id., s. 112,
am.

26. Section 113 of the said act is amended: Id., s. 113,

a. By replacing the words: “provincial highway, a regional highway or an improved road”, in the first and second lines thereof, by the words: “road which the Minister of Roads maintains”;

b. By striking out the word: “highway”, in the fourth line thereof.

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