

C H A P. 33

An Act to amend the Revised Statutes, 1909, respecting the manufacture of dairy products

[Assented to, the 29th of December, 1922]

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

1. Article 2031o of the Revised Statutes, 1909, as R. S., 2031o, enacted by the act 5 George V, chapter 31, section 10, ^{repealed.} and amended by the acts 10 George V, chapter 26, section 4, and 11 George V, chapter 37, section 13, is repealed.

2. This act shall come into force on the day of its ^{Coming into} sanction. _{force.}

C H A P. 34

An Act respecting the Roads Department

[Assented, to the 29th of December, 1922]

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

DIVISION I

THE ROADS DEPARTMENT

§ 1.—*The Minister and Staff of the Department*

1. The Minister of Roads has the administration and ^{Minister of} direction of the Roads Department. _{Roads.}

2. The Minister shall have, throughout the Province, ^{Duties.} the control and direction, to the extent prescribed by law, of everything relating to the macadamizing, stoning and gravelling of roads, and, in general, of everything relating to the maintenance and improvement of roads.

3. The Minister of Roads may himself make, or he may ^{Inquiry by} authorize in writing a competent person in his place to ^{Minister.} make, an inquiry upon the conduct of an employee under his control, upon any matter relating to the administration

or conduct of his Department or upon any matter relating to the granting or execution of any contracts or works whatever done under the authority of this act for the construction, maintenance or repair of roads.

Provisions applicable.

The Minister of Roads, or the person delegated by him, shall, in such case, have, for the purposes of the inquiry, all the powers mentioned in articles 591, 592 and 593 of the Revised Statutes, 1909.

Annual report.

4. The Minister shall annually lay before the Legislature, within ten days after the beginning of each session, a report of the affairs of his Department during the year then next preceding.

Designation of Minister of Roads.

5. The Minister of Roads is sufficiently designated, in the proceedings that he is authorized to institute in his name under any statute, by the words "Minister of Roads". When such a proceeding has been instituted in the name of the person filling the office of Minister of Roads, *ès qualité*, such proceeding shall be continued by his successor in such office under the name of his predecessor, *ès qualité*, without it being necessary to proceed by way of continuance of suit.

Deputy Minister of Roads.

6. The Lieutenant-Governor in Council shall appoint a Deputy Minister of Roads.

Other officers.

7. He shall further appoint all the officers, inspectors and clerks found necessary for the good administration of the Department.

Tenure of office.

Such officers, inspectors and clerks shall hold office during pleasure, and shall perform the duties which are assigned to them by law or by the Minister.

Other officers.

8. The Lieutenant-Governor in Council may also appoint, outside of the Department, the road officers or inspectors, whom he shall think necessary for the efficiency of the service, and dismiss them at pleasure.

Signature of deeds, etc.

9. No deeds, contracts, documents or writings shall be binding upon the Department, or held to be the acts of the Minister, unless signed by him or by the Deputy Minister, or, in the cases provided by sections 14, 59 and 63, by the General Superintendent of Maintenance and Repair of Roads.

Certified copies to be authentic.

10. A copy of any document forming part of the archives of the Department and certified by the Minister or the Deputy Minister as a true copy, shall be deemed authentic,

and shall have, *prima facie*, the same legal effect as the original in any court of justice.

§ 2.—*Maintenance and Repair of Roads Bureau*

11. There shall be established in the Department of Roads a branch under the name of "Maintenance and Repair of Roads Bureau".

12. The Lieutenant-Governor in Council shall appoint an officer, called General Superintendent of Maintenance and Repair of Roads, and the other officers and employees, composing the Maintenance and Repair of Roads Bureau.

13. The general superintendent shall carry out, under the direction of the Minister of Roads, the provisions of this act respecting the maintenance and repair of roads.

14. He may, for such purpose, acquire machines, implements and tools, procure supplies of materials, engage inspectors, patrolmen and other employees, and organize maintenance systems by patrolmen or other maintenance systems.

DIVISION II

BUILDING OF HIGHWAYS

15. The Lieutenant-Governor in Council may authorize the Minister of Roads to cause to be built or rebuilt, with such material as may be thought proper, new or already existing highways in the Province and connecting central points of importance.

16. When the Lieutenant-Governor in Council decides to build a new highway or to rebuild an old one, he may:

1. Fix for each municipality, crossed by the said highway its share for each mile or part of mile, built or rebuilt within its limits, and payable after the completion of the work, provided such share has been determined by resolution of the municipality, and such resolution shall not thereafter be changed, except with the consent of the Lieutenant-Governor in Council;

2. Approve any agreement that may be made, by way of resolution, by the council of any municipality, with the Minister of Roads, for the construction of the portion of the highway crossing such municipality.

When certain resolutions to be valid.

17. All resolutions, passed before the coming into force of this act, providing for a contribution by municipalities for the improvement of their roads shall be valid, so soon as approved by the Lieutenant-Governor in Council, and cannot thereafter be changed without his consent.

Collection of money to pay municipal contribution.

18. When the resolution mentioned in the sections 16 and 17 has been passed by the municipality and approved by the Lieutenant-Governor in Council, the secretary-treasurer or clerk of the municipality shall provide, at the time of the preparation of the general tax collection roll, if such roll is made within the three months following the approval of the resolution by the Lieutenant-Governor in Council, and, otherwise, by a special collection roll, for the collection of the moneys necessary to meet, in whole or in part, as mentioned in the resolution, the payments of the contribution or of the loans that may be occasioned by such contribution.

Borrowing powers of municipalities.

19. The contribution authorized by this division shall not be subject to the general or special laws limiting or restricting the power of municipalities to contract debts or loans.

Powers of Minister of Roads re building, etc., of highways.

20. Whenever the building of a new highway or the rebuilding of an old one has been decreed by order of the Lieutenant-Governor in Council, the Minister of Roads may:

1. Determine the course thereof and do all the preliminary work therefor;
2. Take possession of any road whether subject or not to municipal authority;
3. Settle what the work of building or rebuilding shall be, and what ought to be classified as part of the cost of such building or rebuilding;
4. Determine and change the direction, width, outline and level of such highway, the site, dimensions, materials and manner of construction of the roadway, embankments, bridges, drains, guard walls and other road work forming part thereof; deviate and alter water-courses and ditches crossing or parallelling such road; for the drainage of such road, direct and dig water-courses and ditches, lay drains and sewage canals across and along such highway and across any land; remove all posts and conduits;
5. Acquire any land that may be necessary.

Provisions to govern

21. The provisions of articles 6555, 6556, 6557, 6558 and 6562 of the Revised Statutes, 1909, shall apply to the

acquisition by the Minister of Roads of any land under section 20, and if a voluntary sale cannot be effected through the parties failing to agree, all questions arising shall be settled according to the provisions of articles 6565 to 6591, inclusively, of the said Statutes.

For the purposes of this section, the above-mentioned provisions of the Revised Statutes, 1909, 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"; the Quebec Public Service Commission, exercising, however, the jurisdiction conferred upon a judge of the Superior Court by such articles of the said Statutes. The Commission may, in granting immediate possession of the land needed, accept, in lieu of the security required by paragraph 3 of article 6579 of the said Statutes, a certificate from the Provincial Treasurer, stating that the latter holds at the disposal of the court the amount determined upon.

22. A municipality which does not desire to charge itself directly with the contribution mentioned in section 16, may, on petition of the majority of the ratepayers bound to maintain certain parts of the highways, built or rebuilt under this division, enact by resolution that the share of the contribution of the municipality shall be payable by means of an assessment levied, in the manner indicated in section 18, on the ratepayers who are bound to maintain the said parts of the road.

The responsibility of the municipality is not lessened by the passing of the resolution but it must levy, on the ratepayers liable therefor, the necessary assessment to pay the share of the contribution determined.

23. If a corporation takes under its charge the roads of the municipality which it governs, the amounts theretofore paid by the ratepayers, under section 22, shall be deducted from the sums they will have to pay in consequence of the corporation having taken the roads under its charge, the whole so that the total assessment payable by such ratepayers shall not be higher than that payable by the other ratepayers of the municipality.

24. The municipalities, which avail themselves of the provisions of this division, shall be clothed with all the necessary powers to carry them out, and the resolutions, passed by them under the authority thereof, are valid, regardless of any irregularity and of any illegality affecting them, so soon as they have received the approval of the Lieutenant-Governor in Council.

DIVISION III

IMPROVEMENT OF MUNICIPAL ROADS

§ 1.—*Subsidies to municipalities*

“Improve
a road”.

25. In this act, the expression “improve a road” means to gravel, stone, macadamise a road, or to cover the surface thereof with a layer of materials welded by means of cement, bitumen or mechanical pressure; so as in every case to make of it a road of a higher quality than that of an earth road.

Subsidy to a
municipal
corporation

26. The Minister of Roads may grant, to any municipal corporation, rural or village or county, a subsidy equal to the half of the expenses it has incurred for the improvement of an of a road.

Special sub-
sidy.

27. Whenever the road, to be improved, is a road of general interest, the Minister of Roads may grant a special subsidy, in addition to that authorized by section 26.

Amounts of
subsidies.

28. The amount of each of the subsidies, authorized by sections 26 and 27, shall be determined by the Minister of Roads before the works subsidized may be carried out.

What corpo-
ration
must do to
obtain sub-
sidy.

29. A municipal corporation, in order to obtain a subsidy authorized by sections 26 and 27, must:

1. Pass a by-law or a *procès-verbal* ordering the projected improvement and providing for its maintenance, and deliver to the Minister of Roads a copy of such by-law or *procès-verbal*;

2. Carry out the works subsidized under the direction of the Minister of Roads, in accordance with the plans and specifications he causes to be prepared;

3. Make each month, during the carrying out of the works, a special report of the expenses incurred, in accordance with the form furnished by the Roads Department, accompanied by a resolution of the council approving such report, and by an affidavit of the secretary-treasurer attesting its correctness.

By-law or-
dering im-
provement
at expense
of rate-
payers with
view to sub-
sidies.

30. With the object of obtaining the subsidies authorized by sections 26 and 27, a rural or village corporation may, even after having passed a by-law placing the roads at its charge, and notwithstanding any provision of the Municipal Code to the contrary, upon petition of the majority of the ratepayers of a designated part of the

municipality, pass a by-law ordering the projected improvement and its maintenance at the expense of the ratepayers of that part of the municipality, and imposing a direct tax for such purpose on the taxable property of the said part of the municipality. Such corporation may also enact that the improvement, once made at the expense of the ratepayers of a part of the municipality, shall be maintained at the expense of the corporation instead of at that of such ratepayers. Maintenance of improvement.

Every by-law passed under this section shall come into force fifteen days after its promulgation. When by-law in force.

§ 2.—*Improvement of roads at the expense of the Province and of the municipalities*

31. A rural, village or county municipality desiring to benefit by the provisions of this subdivision shall, after an understanding with the Minister of Roads, pass a by-law which shall come into force after it has been approved, as provided in section 34, ordering the improvement of the roads therein described. Such by-law shall authorize the mayor and the secretary-treasurer or clerk to sign in favour of the Provincial Treasurer, whenever the Government is ready to supply a sum of money for the carrying out of the works ordered, forty-one coupons containing an undertaking on the part of the municipality to pay annually, at the time fixed by the Provincial Treasurer and mentioned on the coupons, three per cent interest on the sum to be thus supplied. The by-law shall also provide, by means of a special tax or otherwise, for the payment of three per cent interest on the sums which may be supplied by the Government. By-law by the municipalities ordering improvement.
Coupons.
Interest charge provided for.

32. A by-law passed before the 21st of March, 1922, in conformity with section 2 of the act 3 George V, chapter 21, as it existed before such date, and approved by the Lieutenant-Governor in Council, has the same effect as a by-law passed in conformity with section 31 of this act and sufficiently authorizes the mayor and the secretary-treasurer or the clerk of the municipality, which has passed it, to sign in favor of the Provincial Treasurer, whenever the Government is ready to supply a sum of money for the carrying out of the works ordered, forty-one coupons containing an undertaking on the part of the municipality to pay annually, at the time fixed by the Provincial Treasurer and mentioned on the coupons, three per cent interest on the sum to be supplied by the Government; such by-law sufficiently provides, by means of a special tax, for the Effect of existing by-law.

payment of the three per cent interest on the sums which may thus be supplied by the Government.

Signing of coupons.

33. In no case is the council of the municipality obliged to pass a resolution in order to authorize the mayor and the secretary-treasurer or clerk to sign the coupons.

Approval of by-law.

No change without consent.

34. When the requirements mentioned in section 31 are complied with to his satisfaction, the Lieutenant-Governor in Council shall approve the by-law. The by-law, when approved by the Lieutenant-Governor in Council, cannot be changed, except with his consent.

Cities and towns.

35. City or town municipalities, in certain exceptional cases left to the discretion of the Lieutenant-Governor in Council, may also avail themselves of section 31 on complying with the requirements prescribed by the sections of this subdivision.

By-law ordering road work on petition of ratepayers bound.

36. Upon petition of the majority of the ratepayers, bound to maintain certain roads, any municipality may pass the by-law mentioned in section 31 and enact more-over in the said by-law that the improvements therein described shall be made at the expense of the persons who are bound to maintain the said roads or parts of roads, and that the part which the municipality must contribute to the payment of the annual interest shall be levied by means of a special assessment on the ratepayers who are bound to maintain the said roads or parts of roads.

Responsibility of municipality.

Levying of amount from ratepayers liable.

The responsibility of the municipality for its share of the payment of the annual interest is not diminished by the passing of the by-law authorized by this section; but the municipality must levy, annually, on the ratepayers bound to maintain the said roads or parts of roads, the money which it is bound to pay to the Provincial Treasurer.

Deduction of sums paid by ratepayers in certain cases.

37. If a corporation takes under its charge the roads of the municipality it governs, the sums theretofore paid by the ratepayers under the section 36 shall be deducted from the sums they will have to pay as a consequence of the corporation having taken the roads under its charge, in such manner that the assessment payable by such ratepayers shall not be higher than that payable by the other ratepayers of the municipality.

Borrowing power of municipalities.

38. No general or special law regulating the borrowing power of a municipality shall apply to the obligation undertaken by a municipality under the provisions of this

subdivision or under the acts 2 George V, chapter 23, section 1, and 3 George V, chapter 21, nor shall such obligation affect in any way the limits of its borrowing power.

39. When a municipality has passed the by-law mentioned in section 31, to the satisfaction of the Lieutenant-Governor in Council, it may, notwithstanding any provision of the general or special acts by which it is governed, borrow, on notes, on a mere resolution, the money necessary to carry out, under the direction of the Minister of Roads, any of the work ordered by the by-law; provided that the total amount of the loans it contracts under this section shall not exceed the amount fixed by the Roads Department as that which may be supplied by the Government for the performance of the work mentioned in such by-law.

The rate of interest on any loan contracted under this section shall not be higher than seven per cent per annum.

40. So soon as the works mentioned in the by-law passed under sections 31, 32, 35 and 36 have been begun, the municipality shall make a report every month to the Minister of Roads. This report shall mention the work that has been done, the amount in detail of the money spent, and the work which is still unfinished. The secretary-treasurer or clerk shall attest, under oath, the correctness of this report, which he shall transmit to the Roads Department by registered letter.

41. When the works are finished, the secretary-treasurer or clerk of the municipality shall inform the Minister of Roads of any balance of money unexpended and in the possession of the municipality arising from the sums supplied by the Government. Such money shall be returned to the Provincial Treasurer for payment into the consolidated revenue fund of the Province.

42. All work for the making, improvement or maintenance of roads, made or improved under the provisions of this subdivision, shall be done by the municipality under the supervision and direction of any officer of the Roads Department thereto authorized by the Minister of such Department.

43. The municipalities, which avail themselves of this subdivision, shall have all the powers necessary to carry them out, and all by-laws and resolutions passed in virtue thereof shall be valid in spite of any irregularity or illegality

affecting the same, so soon as they have received the approval of the Lieutenant-Governor in Council.

Coupons.

44. The coupons, signed by the mayor and secretary-treasurer or clerk of a municipality and containing the undertaking mentioned in sections 31 and 32, shall bear the certificate of the Minister of Roads or of a person specially authorized by the latter, attesting that the by-law authorizing their issue has been approved by the Lieutenant-Governor in Council, and that they have been issued and signed in virtue of such by-law.

Certificate of Minister, etc.

What certificate to attest in certain cases.

When coupons are issued under the agreement mentioned in paragraph 2 of section 16, under the resolution mentioned in section 95 or under the resolution mentioned in section 96, the certificate shall attest that the resolution authorizing their issue has been approved by the Lieutenant-Governor in Council and that they have been issued and signed in virtue of such resolution.

Such coupons cannot be disputed.

The coupons so certified cannot afterwards be disputed for any reason whatever.

DIVISION IV

MAINTENANCE AND REPAIR OF ROADS

§ 1.—*General provisions*

Meaning of maintenance and repair work.

45. Work necessary for the maintenance and repair of provincial highways, regional highways or improved roads, means:

1. Any work necessary to keep the roadway in such a state that a vehicle in a proper condition may, conforming to laws and by-laws, circulate thereon without such vehicle being damaged by striking against such roadway, at any time, save during the season of winter roads and at such times as the Minister of Roads may prohibit traffic owing to thaw;

2. The repair of holes and ruts; the oiling, tarring and relaying of macadams; regravelling; the renewal in general of the upper layer of roadways;

3. The maintenance and repair of shoulders;

4. The cleaning of ditches, only in so much as is necessary for the draining of the roadway; but not the removal of snow or ice during the season of winter roads;

5. The maintenance and repair of railings; the establishing, maintenance and repair of guide-posts and danger-signals;

6. The repair of the embankments and walls supporting the roadway;

7. The rebuilding, maintenance and repair of bridges having a span of not more than twenty feet.

Damages to the tires and springs of a vehicle shall not be considered due to any lack of maintenance or repair of the highway or road on which such damages occurred. Damages to tires, etc.

§ 2.—*Maintenance and repair of provincial and regional highways*

46. For the purposes of this division the following "Provincial highways, subject to the changes and alterations which may be made to them under section 47, are declared to be "provincial highways", to wit: highways".

The Montreal-Quebec highway;

The Edward VII highway connecting Montreal and Rouse's Point;

The Sherbrooke-Derby Line highway;

The Levis-Jackman highway;

The Chambly road;

The Three-Rivers-Grand'Mère highway.

47. The Lieutenant-Governor in Council may by an order published in the *Quebec Official Gazette*: Powers of Lt.-Gov. in C. re provincial highways.

1. Determine what roads shall form part of a provincial highway;

2. Add new roads to a provincial highway, to complete or extend it or to change its course;

3. Decide that certain roads or parts of roads shall no longer form part of a provincial highway.

48. In this division, the expression "regional highway" means a road classified as a regional road by the Minister of Roads before the coming into force of this act, under the acts 11 George V, chapter 11, and 12 George V, chapter 42, and also the roads declared to be "regional highways" by the Lieutenant-Governor in Council, under section 49. "Regional highway".

49. The Lieutenant-Governor in Council may declare to be a "regional highway" any road he may so designate in an order published in the *Quebec Official Gazette*. Powers of Lt.-Gov. in C. re regional highways.

He may by an order published in the same manner, remove from such class any road already classified as a regional highway. Change of classification.

50. The Minister of Roads may cause to be carried Powers of

Minister of Roads *re* provincial and regional highways. Cost. out, as he deems proper, the necessary work for the maintenance and repair of provincial highways and regional highways. Such work shall be at the charge and expense of the Province.

Actions of boundary. **51.** The Minister of Roads may cause a provincial highway or a regional highway to be delimited and bounded. He may, for such object, bring actions of boundary in his own name, and exercise all the rights of the municipal corporation owning the road.

Legal suits. He may likewise, in his own name, with regard to provincial highways and regional highways, take all suits that a proprietor may.

Permission of Minister necessary to close, etc., roads forming part of a highway. **52.** No municipal corporation owning a road forming part of a provincial highway or of a regional highway shall, without the permission of the Minister of Roads, be entitled to close, abolish or dispose of such road or allow any encroachment thereon.

Permission of Minister necessary to build sidewalks, etc., **53.** No municipal corporation shall, without previously obtaining the permission of the Minister of Roads, make a sidewalk, water-course, aqueduct, drain or any other work whatsoever in a provincial highway or in a regional highway.

Powers of General Sup. *re* these highways. The General Superintendent of Maintenance and Repair of Roads may, without any formality, fill up, in a provincial highway or in a regional highway, any excavation which is not authorized by the Minister of Roads and may demolish any work done without such authorization.

Intervention of the Quebec Public Service Commission for certain works on these highways. **54.** If it is necessary, in order to have access to any land, to pass over the ditch of a provincial highway or regional highway, the Quebec Public Service Commission, at the request of the Minister of Roads or of the proprietor or occupant of such land, whenever the General Superintendent of the Maintenance and Repair of Roads cannot come to an agreement with such proprietor or occupant, shall decide in what manner the necessary work shall be done to allow of such access and by whom the expense of construction and maintenance of such work shall be borne.

Idem. **55.** The Quebec Public Service Commission may, on the petition of a municipal corporation or of any interested party, after having heard the Minister of Roads, decide by whom, and in what manner and at whose cost, the work of laying, repairing or maintaining a conduit under a provincial highway or regional highway shall be done.

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

56. Whenever, for the benefit of certain lands, it is necessary to make or to maintain a water-course into which also run the waters of a provincial highway or of a regional highway and the General Superintendent of Maintenance and Repair of Roads cannot come to an agreement with the persons interested in such water-course, the Quebec Public Service Commission may, at the request of the Minister of Roads, of a municipal corporation or of any person interested in such water-course, determine in what manner the work shall be done and by whom the cost shall be borne.

The Commission may, in such case, allow the summoning of the parties interested in the water-course to be made collectively by means of a notice in French and in English posted up in two public places of the locality where the water-course is situated.

§ 3.—*Maintenance and repair of improved roads*

57. In this subdivision, the expression "improved road", applies only to roads improved by means of moneys supplied, wholly or in part, by the Government of the Province; but it does not apply to provincial highways, regional highways nor toll roads.

58. Every municipal corporation shall be bound to keep in good order any improved road, under its jurisdiction, and to perform all the necessary maintenance and repair work thereon.

59. On the report of the General Superintendent of Maintenance and Repair of Roads, to the effect that a municipal corporation neglects to maintain an improved road or to make such repairs as are required thereon, the Minister of Roads shall give a notice to such corporation, under his signature, or that of the Deputy Minister of Roads, or that of the General Superintendent of Maintenance and Repair of Roads, ordering such corporation to perform the maintenance and repair work which he prescribes and determining the delay within which work shall begin.

60. If, within fifteen days following the date of mailing of the notice in an envelope addressed to the interested

Responsibility for damages.

Jurisdiction of Que. Pub. Service Commission as to certain water-courses.

Summoning of interested persons.

"Improved road".

Municipal corporation to maintain improved road.

Order to corporation in default.

Work done at expense of corpora-

tion in certain cases.

corporation, such corporation has not taken the necessary steps to conform to the injunctions contained in such notice or has not made the arrangement authorized by section 63, the Minister of Roads shall cause the maintenance and repair work, which he deems necessary, to be made at the expense of the corporation interested.

Minister's certificate of cost.

61. The Minister of Roads shall determine the cost of the work which he has performed under section 60, in a certificate which he shall transmit to the Provincial Treasurer.

Request of corporation for maintenance of its improved roads.

62. Any municipal corporation may pass a by-law or resolution requesting the Minister of Roads to have its improved roads, or a portion thereof, maintained and repaired by the General Superintendent of Maintenance and Repair of Roads. 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.

Roads taken charge of by Minister.

63. The Minister of Roads may, on conditions which he determines, taking into account the nature and the importance of the traffic on the roads, the circulation thereon and the resources of the municipality, take charge of the maintenance and repair of improved roads of any corporation, making a request therefor under section 62, or he may grant the subsidy he deems proper to the municipality which desires to maintain and repair its improved roads. He may consent to take charge only of a portion of the roads mentioned in the by-law or resolution.

Subsidy.

Portion of roads only.

Contract.

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.

Effect of contract.

64. No by-law or resolution, passed under section 62, shall be amended by the council which has passed it, when a contract authorized by such by-law or resolution has been signed under section 63, save with the consent of the Minister of Roads.

Work of maintenance performed.

Certificate of Minister.

65. The General Superintendent of Maintenance and Repair of Roads shall maintain and repair such roads as formed the object of the arrangements, authorized by section 63, and the Minister of Roads shall transmit to the Provincial Treasurer a certificate, establishing that

the work agreed upon has been performed and determining the amount of the contribution exigible from the corporation according to the contract.

66. Whatever persons are bound, under any by-law or act, to perform any road work mentioned in the preceding sections, all sums or contributions, recoverable under said sections, shall be exigible from the corporation controlling such roads. Corporation liable for contribution.

67. A certificate issued by the Minister of Roads, under sections 61 and 65, and signed by him or by the Deputy Minister, shall be final and shall establish beyond dispute the exigibility of the debt or contribution from the corporation designated. Such debt or contribution is recoverable by the Crown by ordinary suit. Effect of Minister's certificate. Suit by Crown.

68. As soon as the Provincial Treasurer has signified to him the amount due by a municipal corporation in virtue of a certificate issued by the Minister of Roads, under sections 61 and 65, the secretary-treasurer or clerk of such corporation shall forthwith, in conformity with the provisions of the Municipal Code or of the act governing such corporation, prepare a special collection roll and levy the amount claimed, either on the whole municipality, or only on the properties bound to maintain the road on which the work has been performed, according as the road by-laws in force in the municipality shall require. Levying of amount due by corporation.

§ 4.—*Maintenance of winter roads*

69. The maintenance of winter roads on a provincial highway, a regional highway or an improved road which the Minister of Roads maintains or repairs, shall, like on any other municipal road, be under the control of the municipal corporation to which such highway or such road belongs, and be in charge, either of such municipal corporation, or of the persons designated by the same, in conformity with the Municipal Code or the special legislative provisions governing such corporation. Winter roads.

70. Balizes shall not be planted on the paved portion of a provincial highway, a regional highway or an improved road. Balizes.

Any person planting balizes contrary to such prohibition shall be liable to a fine not exceeding one dollar for each balize so planted, and may be condemned also to pay the damages which he has caused. Penalty.

DIVISION V

EARTH ROADS AND BRIDGES

Subsidies for earth roads and bridges. **71.** The Minister of Roads may grant subsidies for the building, maintenance and repair of earth roads and of bridges. He shall determine the conditions which must be fulfilled for the obtaining of such subsidies.

Direction of Minister. The subsidized work shall be performed under his direction and in conformity with his instructions.

Subsidy first determined. The amount of each subsidy shall be determined by the Minister of Roads before the subsidized work may be performed.

DIVISION VI

PAYMENT OF EXPENSES OF CONSTRUCTION, MAINTENANCE AND REPAIR OF ROADS

Payment of certain moneys. **72.** The moneys necessary for the carrying out of subdivision 1 of division III, of divisions IV and V, and of division VIII when maintenance or repair is concerned, shall be taken:

1. Out of the sums voted each year by the Legislature for the improvement and maintenance of roads;

2. Out of the moneys which the Provincial Treasurer may be authorized by order of the Lieutenant-Governor in Council to take out of the consolidated revenue fund, for the purposes of this section.

Loans by Prov. Treas. authorized by Lt.-Gov. in C. **73.** The Lieutenant-Governor in Council may authorize the Provincial Treasurer to contract such loans as may be thought necessary for the carrying out of division II, of subdivision 2 of division III, of division VII, and of division VIII when building or improvement is concerned, but the said loans shall not exceed in the aggregate, either under this act or under the acts 2 George V, chapter 23, section 1, and 3 George V, chapter 21, the sum of forty million dollars.

Issue of debentures, etc. **74.** The Provincial Treasurer may effect such loans by means of debentures or inscribed stock issued for a term of not more than forty-one years, at a rate of interest of not more than six per cent per annum. The said debentures or inscribed stock shall be in such form and for such amount as the Lieutenant-Governor in Council may determine and shall be payable, in principal and interest, at the place mentioned by him.

Debentures, The debentures or inscribed stock issued in virtue of

this act shall not be subject to the duties imposed by the Quebec Succession Duties' Act.

etc., not subject to succession duties.

75. The Lieutenant-Governor in Council, pending the negotiation of the said loans, may also authorize the Provincial Treasurer to advance, out of any unappropriated public moneys, the sums necessary to carry out division II and subdivision 2 of division III of this act, on complying with the requirements of section 77 in case of work ordered under sections 31, 32, 35 and 36, and with the requirements of section 78 in case of the works therein mentioned.

Temporary advances, pending loans.

Special accounts of such advances shall be kept in the Treasury Department, and the proceeds of the loans contracted shall first of all be applied to pay them off.

Special accounts, etc

The advances made to carry out the acts 2 George V, chapter 23, and 3 George V, chapter 21, shall be refunded in the same way.

Certain other advances refunded.

76. The debentures signed under the act 2 George V, chapter 23, section 1, between the 3rd day of April, 1912, and the 21st day of December, 1912, and which are deposited or may hereafter be deposited in the Treasury Department, contain an undertaking binding the municipalities interested to pay their share of the interest on the loans which they have authorized, and the said municipalities shall be bound to pay the Provincial Treasurer annually, at the time fixed by him, until the expiration of the forty-one years, the two per cent annual interest prescribed by the law, from the day on which the Government has supplied or will supply, in whole or in part, the money required for the improvement of their respective roads.

Deposit of certain debentures, etc.

77. The sums required to carry out the work ordered in virtue of subdivision 2 of division III (sections 31, 32, 35 and 36) shall be paid by the Provincial Treasurer upon a certificate of the Minister of Roads or of the Deputy Minister of Roads establishing that such sums have been applied for by the municipality interested, that they are necessary and that payment thereof may be made under the by-law passed by the municipality, and approved by the Lieutenant-Governor in Council.

Payment of sums to carry out certain works, etc.

Neither the Minister of Roads nor the Deputy Minister of Roads shall sign the above mentioned certificate unless the coupons mentioned in sections 31 and 32 have been certified in conformity with section 44 and regularly deposited in the Treasury Department, except in the case of debentures signed between the 3rd day of April, 1912, and the 21st day of December, 1912.

When certificate to be signed.

Payment of the sums required for certain work. **78.** The sums required for the work done under division II (sections 15 to 24) shall be paid by the Provincial Treasurer, on a certificate from the Minister of Roads or from the Deputy Minister of Roads.

Payment of sums for expropriated land, etc. **79.** The sums awarded for expropriated lands or for damages caused, as well as the costs when they are adjudged against the Minister of Roads, shall be paid out of the monies set apart for the highways or roads with respect to which the claim arose.

Sinking-fund. **80.** A sufficient sinking-fund shall be created for the redemption of the loans authorized by the preceding sections. The annual instalments intended for this fund as well as the annual interest accrued thereon shall be invested or deposited by the Provincial Treasurer under the direction of the Lieutenant-Governor in Council.

Application of certain revenues. **81.** Any balance of revenues arising from the carrying out of the law respecting motor vehicles (R. S., 1909, articles 1388-1435), which has not been used in the manner therein mentioned, shall be used, to the extent of the sums due, for the payment of the interest and sinking-fund of the loans contracted under this division.

Arrangement *re* federal subsidies. **82.** The Lieutenant-Governor in Council may also authorize the Minister of Roads to arrange with the Government of Canada, or any of its authorized members, as to the way any subsidy, which may be granted by the Parliament of Canada for the improvement of roads, shall be applied for the purposes of this act, in whole or in part.

DIVISION VII

MAIN COMMUNICATION ROADS

Minister may order improvement, etc., of main communication roads. **83.** When the Minister of Roads considers that any road, owing to the agricultural or industrial interests of the region through which it runs or to the traffic and number of vehicles passing over it, is a main communication road, he may, by conforming to the provisions of this division, either order whatever may be necessary to be done for making, repairing, improving or maintaining the same, or have what he has ordered done at the expense of the municipal corporation interested.

Minister to decide. **84.** After obtaining information regarding the importance of such road and the means to be taken for making, repairing, improving or maintaining the same, the

Minister of Roads may decide in what manner and with what materials the work shall be done, and communicate his decision to the municipal corporation having control of the road, by a notice, sent in a registered envelope addressed to the mayor of such corporation, or to the warden in the case of a county road not at the charge of the local corporation where it is situated.

Notice to municipalities.

At the same time, the Minister shall state the estimated cost of the work ordered by him, and the delay within which the same must be begun and finished.

Estimated cost, etc.

If the Minister orders a road or certain parts of such road to be widened or its course altered, he shall give, with the notice, the description of the land that must be acquired.

Description of land required.

85. The municipal corporation having jurisdiction over the road, the widening or alteration of the course whereof is required, shall, by complying with the provisions of title twenty-seventh of the Municipal Code (articles 787 to 802) if it is governed by the Municipal Code, or, if it is governed by a charter, by complying with the provisions of such charter with regard to expropriations, have power to appropriate the land ordered by the Minister to be acquired; and, in such case, the restrictions regarding the expropriation powers of county or rural corporations, enacted by article 789 of the Municipal Code, shall not apply.

Municipality to have right to expropriate.

Provisions applicable.

Exception.

86. On receipt of the notice mentioned in section 84, it shall be the duty of the person receiving it to at once call a special meeting of the municipal council, whereof he is the head, at the nearest possible date, to take the Minister's communication under consideration, unless a general meeting is to be sooner held.

Special council meeting to be called.

87. Within the seven days following the special or general meeting, as the case may be, it shall be the duty of the secretary-treasurer or clerk of the corporation to send a certified copy of the resolution, passed by the council at the said meeting, to the Minister of Roads in a registered envelope.

Copy of resolution to be sent to Minister.

88. If the corporation decides to itself do the works ordered by the Minister, the resolution must mention the date they will be begun; this resolution shall be the only formality required for ordering the performance of the said works notwithstanding the existence of any by-law respecting the improvement or maintenance of the road.

Formalities if corporation decides to do work.

When the Minister has recommended that land be acquired, if the corporation is governed by the provisions

Date of expropriation proceedings. of the Municipal Code, the resolution must fix the date at which the assessors shall begin expropriation proceedings, failing an agreement between the council and the owners of the land.

Minister may have work done in certain cases.

89. If the date chosen by the council for beginning the work or the proceedings in expropriation, is deemed too remote, or if the resolution is not sent within the delay specified in the notice, or if the corporation, after deciding to do the prescribed work and to acquire the necessary land itself, neglects to begin on the fixed date, or, having begun the work or proceedings, does not continue the same with sufficient diligence, or, again, if the Minister of Roads is requested by the resolution to have the work done or the necessary land acquired himself, he may, without further notice and notwithstanding the existence of any municipal by-law respecting the improvement or maintenance of the road, take all necessary measures for having the work done at the expense of the corporation controlling the same, and for acquiring the land needed for the widening or alteration of course ordered by him.

Cost may be recovered from corporation.

90. The cost of the work which the Minister of Roads causes to be done under section 89, as well as the purchase price of the land acquired, may be recovered, by the Provincial Treasurer, from the corporation controlling the road, by an ordinary action taken in his name, as soon as the Minister of Roads informs him of the amount.

Certificate of Minister to be final.

The certificate of the Minister of Roads shall be final, and shall establish beyond dispute the exigibility of the debt from the corporation designated.

Special collection roll on whole municipality.

91. As soon as the Provincial Treasurer has notified any corporation of the amount due by such corporation for work done or for land acquired by the Minister of Roads under section 89, the secretary-treasurer of such corporation must at once, on complying with the provisions of the Municipal Code, or of the charter governing the corporation, as the case may be, draw up a special collection roll and levy the amount claimed upon the whole municipality. Nevertheless, if the work has been done on a local front road not at the charge of the corporation, the council may order the secretary-treasurer to levy the amount claimed only upon the taxable immovables of the range where such front road lies.

Proviso.

When work done on county road.

92. When the work has been done on a county road, the county council or the board of delegates of the county, as the case may be, may declare by by-law what local

corporations are bound to pay for the work done and land acquired, and also the proportion to be contributed by each one; in such case, the secretary-treasurer of the county council shall collect the amount claimed, in accordance with the said by-law.

93. When the corporation itself does the work ordered under the authority of this division, it must keep a separate account for the same, in the manner indicated by the Minister of Roads, and send it to the latter before the 8th day of February of the year following that in which the work was done. Separate accounts to be kept.

94. The amounts paid by a corporation for work ordered or done by the Minister of Roads under this act, may be counted for obtaining the subsidies the payment whereof is authorized by sections 26 to 30 of this act. Amounts counted for obtaining subsidies.

95. Instead of benefiting by the subsidies mentioned in section 94, a corporation may, with the consent of the Minister of Roads, pass a resolution binding itself to pay to the Provincial Treasurer the interest, at three per cent per annum, for forty-one years, on the amount claimed under section 90, or on such portion of that amount as may be agreed upon between it and the Minister of Roads, and benefit to that extent by the provisions of sections 31 and following of this act. In such case, the corporation is dispensed from passing the by-law required by section 31, and from complying with the provisions of sections 40, 41 and 42; the first paragraph of section 77 shall not apply, but the Provincial Treasurer shall carry to the account of sums paid, under sections 77 and 78, the amount which the Minister or Deputy Minister of Roads certifies as having to be so carried under this section. Or corporation may pay interest at 3% per annum. Provisions applicable.

96. Any municipal council may, with the approval of the Minister of Roads, contribute by paying money, either to the municipal corporation which is having the work done, or to the Provincial Treasurer, for making, repairing, improving and maintaining a main communication road, whether such road is situate within or without the limits of the territory governed by it. Any municipality may contribute.

Any resolution passed by a municipal corporation promising such contribution shall be valid and binding so soon as it is approved by the Lieutenant-Governor in Council on the recommendation of the Minister of Roads. Approval by Lt.-Gov. in C.

97. When the Minister of Roads himself proceeds to acquire the land needed for the widening or alteration of Provisions applicable

to expropriation by Minister.

the course of a main communication road, articles 6555, 6556, 6557, 6558, 6562, and 6565 to 6591, inclusive, of the Revised Statutes, 1909, as amended, shall apply, by replacing, wherever they occur, the words: "the company", by the words: "the Minister of Roads", and the word: "railway", by the words: "main communication road"; the Quebec Public Service Commission, exercising, however, the jurisdiction conferred upon a judge of the Superior Court by such articles of the Revised Statutes. The Commission may, in granting immediate possession of the lands needed, accept, in lieu of the security required by paragraph 3 of article 6579 of the said Statutes, a certificate from the Provincial Treasurer, stating that the latter holds at the disposal of the court the amount determined upon.

Que. Pub. Service Commission. Certificate in lieu of security, in certain event.

Land to be property of municipality

98. The land acquired by the Minister of Roads under this division shall become the property of the municipal corporation having jurisdiction over the improved road, when the work ordered has been done.

Expenses.

99. The expenses incurred by the Minister of Roads for the purposes of this division shall be paid by the Provincial Treasurer, upon the certificate of the Minister or Deputy Minister of Roads, out of the funds available under sections 73, 74 and 75.

DIVISION VIII

ACQUISITION OF CERTAIN PROPERTIES

Government may acquire:

100. The Government of the Province, represented by the Minister of Roads, may acquire, by agreement or expropriation:

Certain land;

1. Land containing sand, gravel or stone required for work on roads built or improved, wholly or in part, at the cost of the Province, or that the Minister of Roads causes to be built or improved at the cost of municipalities;

Certain servitudes.

2. Temporary servitudes of right of way over lands lying between such roads and the neighboring rivers or water-courses, or the places where such sand, gravel or stone is taken out.

Immediate possession after five days' notice.

101. If the Minister of Roads does not agree with the owner or possessor upon the amount of the indemnity, he may, in the name of the Government, take possession, by his officers or the municipality or municipalities interested, of the necessary land and make use thereof or exercise the servitude for such work on the roads, as if the

expropriation had taken place, after a five days' notice, to the owner or possessor, of his intention so to do.

102. Save as provided in section 101, the provisions of articles 6555, 6556, 6557, 6558, 6562, 6565 to 6578, inclusively, and 6582 to 6591, inclusively, of the Revised Statutes, 1909, shall apply to the acquisition and expropriation of land and servitudes effected under this division. Provisions governing expropriations.

For the purposes of this section, the above cited provisions of the Revised Statutes, 1909, 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"; the Quebec Public Service Commission, however, exercising the jurisdiction conferred by the said articles on a judge of the Superior Court. Amendments to same. Que. Pub. Service Commission.

103. All the sums necessary for the acquisition, either by agreement or expropriation, of the land and servitudes contemplated in this division shall be taken out of the funds available under sections 72 or 73, as the case may be. Payment of necessary sums.

DIVISION IX

RESPONSIBILITY OF MUNICIPAL CORPORATIONS AND OF THE GOVERNMENT.

104. Whenever, under this act or any other act respecting roads, the Minister of Roads maintains, repairs or improves a road or a highway or performs maintenance, repair or improvement work thereon, such action shall not have the effect of withdrawing such road or highway from the authority of the municipal corporation having control thereof, nor altering the latter's obligations towards the public. Such corporation shall not, however, be responsible for damage 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 undertaken by the Minister of Roads, under sections 50, 60, 63 and 89. Effect of road work by Minister. Proviso.

105. Whenever, through the carrying out of this act, any one claims to have suffered damage to his immovable property for which the Roads Department would be responsible but arising from some other cause than expropriation, and puts forward claims in that respect, the Minister of Roads, failing an agreement with such persons, shall submit such claims to the Quebec Public Service Commission shall hear claims for damages. Quebec Public Service Commission shall hear claims for damages.

sion, which shall hear them and give its decision in the same manner as for any other matter within its competence.

DIVISION X

OWNERSHIP OF ROADS BUILT OR REBUILT BY THE GOVERNMENT

Ownership of certain roads, etc.

106. All roads or bridges or other necessary works, built or rebuilt by the Government under this act, are, shall remain or shall become the property of the municipalities within which they are situated.

SECTION XI

PROTECTION OF ROADS BUILT OR REBUILT BY THE GOVERNMENT

Duty of rural inspector.

107. The rural inspector, on notice from the Minister of Roads that the bad condition of a line ditch or water-course exposes the roads or bridges, so built or rebuilt by the Government, to be deteriorated or damaged, shall order the persons bound to maintain the said line ditch or water-course to dig, clean and repair same within a reasonable delay fixed by him.

Idem.

108. If the work is not done within the said delay, the inspector shall himself cause it to be done and shall recover the cost thereof, with twenty per cent in addition and the costs, by action in his name in the manner in which fines are recovered under the Municipal Code.

Damages caused by individuals.

109. If a person, travelling on a provincial highway, a regional highway or an improved road or on a bridge built with the Government assistance, infringes any law and injures such highways, road or bridge or causes damage thereto, he may be adjudged, upon suit brought by the Minister of Roads, to pay for the damage so caused.

DIVISION XII

REGULATIONS OF THE LIEUTENANT-GOVERNOR IN COUNCIL.

Making of regulations, etc.

110. The Lieutenant-Governor in Council may make regulations fixing the way in which interest or contributions exigible from municipalities shall be paid, and, in general, all regulations or forms of by-laws and resolutions, reports or other forms which he thinks necessary to carry out the provisions of this act.

DIVISION XIII

FINAL PROVISIONS

111. The acts mentioned in the annex of this act are re-Acts repeal-
pealed; but the orders, regulations, resolutions, contracts and ed, etc.
other deeds made and in force, obligations incurred and
rights acquired under said acts, shall remain in force and
effect and may be continued, completed, executed and
exercised under the said acts, notwithstanding their repeal,
save, however, as provided in section 32 respecting the
municipal by-laws passed before the 21st day of March,
1922.

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

ANNEX

Acts repealed by the act 13 George V, chapter 34

<i>Description</i>	<i>Title</i>	<i>Extent of Repeal</i>
3 George V, chapter 21.	An Act to amend the Revised Statutes, 1909, respecting Roads (Good Roads Act, 1912).....	The whole, except section 28.
4 George V, chapter 18.	An act respecting the appointment of a Minister of Roads.....	Section 7, enacting articles 2041 <i>p</i> to 2041 <i>t</i> of the Revised Statutes, 1909.
4 George V, chapter 19.	An act to amend the Good Roads Act, 1912.....	The whole.
5 George V, chapter 3.	An Act to amend the Good Roads Acts, 1912.....	The whole.
7 George V, chapter 9.	An Act to amend the Good Roads Act, 1912.....	The whole.
8 George V, chapter 11.	An Act respecting Main Communication Roads...	The whole.

ANNEX—Continued

Acts repealed by the act 13 George V, chapter 34

<i>Description</i>	<i>Title</i>	<i>Extent of Repeal</i>
9 George V, chapter 6.	An Act to amend the Good Roads Act, 1912.....	The whole.
10 George V, chapter 7.	An Act to amend the Good Roads Act, 1912, and the act respecting main communication roads.....	The whole.
11 George V, chapter 12.	An Act to amend the law respecting the building and improvement of roads in the Province.....	The whole.
12 George V, chapter 42.	An Act respecting the maintenance and repair of roads and to amend various acts concerning roads.....	The whole, except sections 4, 24, 26 and 28.

C H A P. 35

An Act to amend the Quebec Mining Law

[Assented to, the 29th of December, 1922]

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

R. S., 2110, am.
Provisions applicable.

1. Article 2110 of the Revised Statutes, 1909, is amended by adding thereto the following paragraph:
"But in the one or the other of such cases, the land must first be staked in conformity with the provisions of articles 2126 to 2130, inclusively."

R. S., 2214b, added.

2. The following article is inserted in the Revised Statutes, 1909, after article 2214a, as enacted by the act 4 George V, chapter 20, section 6: