

C H A P . 7

An Act respecting the Quebec South Shore Turnpike Trust

[Assented to 9th February, 1918]

Preamble.

WHEREAS, under previous acts by which they are governed, the Quebec South Shore Turnpike Road Trustees have under their control certain roads in the neighborhood of Quebec, and are authorized to collect tolls at toll-gates thereon established for the maintenance of the said roads and for the payment of the bonds and debentures which they have been authorized to issue;

Whereas it is in the public interest to abolish the said trust and expedient to provide for the reconstruction and future maintenance of the said roads, and to abolish all toll-gates and toll-bridges and all tolls which have been heretofore collected;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

South Shore
Road Trust
dissolved.

1. The body known as the Quebec South Shore Turnpike Trust, as established by the act 20 Victoria, chapter 125, and its amendments, is dissolved for all legal purposes.

Date from
which dis-
solution to
take place.

2. The said dissolution shall take effect from the date fixed by a proclamation issued by the Lieutenant-Governor in Council, and which must be published in the *Quebec Official Gazette*.

No more
tolls to be
collected.

3. From and after the date fixed in the said proclamation, every toll-gate must be left open, and no toll, either on the roads or bridges, may be collected.

Liquidation
of assets by
curator.

4. The Lieutenant-Governor in Council may appoint a curator to the property of the said trustees. Such curator, in accordance with the formalities prescribed by the Code of Civil Procedure for the liquidation of vacant successions, shall realize, as soon as the proclamation issued under this act comes into force, all the assets of the said trustees, and distribute them among their creditors, under the direction of the Superior Court of the district of Quebec, or of one of the judges of the said court.

Roads and
bridges to
belong to
municipal-
ities.

5. All the roads and bridges heretofore under the control of the said trustees shall, from and after the date fixed for the coming into force of the said proclamation, be and become municipal roads and bridges, and shall be the

property of the municipalities within whose boundaries they are situated, in accordance with the provisions of the Quebec Municipal Code or of special legislative provisions by which such municipalities are governed.

6. From and after the date fixed for the coming into force of the said proclamation, the Lieutenant-Governor in Council may create a corporation of three members, called "The Levis Roads Commission," whose special duty it shall be to reconstruct and maintain the roads heretofore under the control of the Quebec South Shore Turnpike Road Trustees.

The Commissioners shall be appointed by the Lieutenant-Governor in Council.

The commissioners so appointed shall hold office during good pleasure, and shall not receive any remuneration for their services.

In case of any vacancy in the office of commissioner, for any cause whatsoever, such vacancy shall be filled by another person appointed by the Lieutenant-Governor in Council.

One or more vacancies among the members of the commission shall not have the effect of dissolving the said commission, and any such vacancy may be filled by the Lieutenant-Governor in Council, subject to the provisions of this act.

7. The head office of the commission shall be in the city of Levis; but it may likewise hold its meetings at Quebec.

The quorum at meetings of the said commission shall be two members.

The Lieutenant-Governor in Council shall appoint a chairman, who, in addition to his vote as commissioner, shall have a casting-vote in case of an equal division of votes.

The commission, after having obtained the consent of the Minister of Roads, may choose a secretary and retain the services of as many competent persons as they may require. The remuneration of such officers shall be fixed by the commission and paid by it, as also the expenses of administration and the disbursements, out of the funds under their control in virtue of this act.

8. The commission created by this act shall be dissolved by operation of law at the expiration of five years from the date of the creation of the corporation, and its assets and liabilities shall then be distributed among the

tion of
assets, etc.

municipalities interested, in accordance with the directions of the Lieutenant-Governor in Council.

No personal
liability.

9. The members of the commission may not be sued because of anything done, accomplished or left undone in the performance of their duties under this act.

Consent of
Atty.-Gen.

The commission itself may not be sued except with the consent of the Attorney-General.

Powers.

10. The commission shall also have power to:

a. Reconstruct the said roads and bridges mentioned in this act, under the direction of the Minister of Roads, in a modern and permanent manner;

b. Provide for the maintenance of the said roads and bridges during the five years of its existence;

c. Acquire, as forming part of the cost of construction, all necessary machinery and tools;

d. Acquire by purchase, donation or expropriation, in accordance with section 12 of this act, whatever land is necessary to widen or alter the course of the roads to be reconstructed; the cost of acquisition or expropriation of such land, as well as that of any land already acquired but not yet paid for, to form part of the cost of construction; and all land so acquired to become the property of the municipality in which the road so constructed is situated.

Duties.

11. As soon as any interested municipality has availed itself of the borrowing-power hereinafter mentioned, for the construction of the roads and bridges which are the object of this act, the commission shall proceed to reconstruct, wholly or in part, the said roads and bridges situated within the boundaries of such municipality, either by macadamizing, stoning or gravelling the said roads, or by adopting any other system deemed suitable for the said roads and bridges, and approved by the Minister of Roads.

Plan to be
prepared.

12. 1. Before proceeding under section 11 of this act with the reconstruction of a road, the commission may prepare a plan for the widening of or alteration in the course of such road, and after the approval of such plan by the Lieutenant-Governor in Council, it may acquire, by purchase, donation or expropriation, the lands shown on such plan as necessary for the widening or for the alteration in the course of such road; and after the road, so altered, has been constructed, the commission shall be relieved from constructing or maintaining the portions of the old

Need not

road shown on the plan as no longer forming part of the ^{maintain} road in its new course. ^{old road.}

2. In case difficulty arises between any parties with ^{Provisions} regard to expropriation, the questions so arising shall be ^{applicable} settled in accordance with the provisions of articles ^{re expro-} 6555, 6556, 6557, 6558, 6562, and 6565 to 6591 inclusive, of the Revised Statutes, 1909, as amended. The words: "the company", wherever they appear in such articles, shall mean the Levis Roads Commission, and the word: "railway" shall mean the road to be built.

The judge may at any time grant to the ^{commission} immediate possession of the land required, on terms fixed ^{possession.} by him.

In deciding as to the amount of the compensation to ^{Ownership} be paid, the judge may, when the matter can be suitably ^{of old road.} arranged in that way, apportion to the proprietor the ownership of the land occupied by the old road, and debit him with the value of such land.

13. 1. Every municipality interested in the roads ^{Municipal-} and bridges mentioned in this act may avail itself of the ^{ities may} Good Roads Act, 1912, 3 George V, chapter 21, and its ^{take ad-} amendments, with these modifications: ^{vantage of}

a. That instead of complying with the formalities requir- ^{Roads Act,} ed by section 2 of the said Good Roads Act, 1912, the ^{1912", with} municipality interested, in order to avail itself of the ^{certain mo-} said act, need only pass a resolution by which it agrees to pay ^{difications.} to the Provincial Treasurer the interest, at the rate of three per cent per annum, for forty-one years, on the sums to be expended by the commission upon the building of roads and bridges within its boundaries. Such resolution must, at the same time, authorize the mayor or warden, and the secretary-treasurer or clerk, as the case may be, to sign coupons to establish the obligations of the municipality, so soon as the Government furnishes to the commission the funds required;

b. That the necessary amounts shall be paid to and controlled by the commission appointed under this act; and

c. That the work shall be performed by such commission in accordance with section 10 of this act.

2. The interested municipality shall, however, remain ^{Provisions} subject to the other provisions of the Good Roads Act, ^{applicable.} 1912, and its amendments—except sections 5, 5a, and 22—and the commission shall assume the obligations imposed by sections 14, 15 and 17 of the said act and its amendments, *mutatis mutandis*.

Maintenance of roads and bridges.

Statement to parties interested.

Cost of maintenance to be divided.

Provisional maintenance.

Amounts to be fixed by commission.

Effect of order.

Acknowledgement to be available as service.

Municipalities may be compelled to take action.

14. 1. After the work undertaken in a municipality is completed, the commission shall provide for its proper maintenance. The commission must itself see to the performance of the work of maintenance and repair, and must, before the first of May in each year, or, if necessary, at any other time, transmit to the Minister of Roads, to the city of Levis and to the interested municipalities, a statement of the amounts required for the maintenance of the roads in each one. The maintenance of winter roads shall, however, be at the sole charge of the municipalities in which they are situated.

2. Half the cost of maintenance shall be payable by the interested municipality, one-quarter by the city of Levis, and the Lieutenant-Governor in Council may order the payment of the remaining quarter out of the consolidated revenue fund of the Province, provided, however, that the total cost of maintenance, administration expenses, salaries and other disbursements, do not exceed the annual amount of \$5,000.00; the surplus, if any, shall be paid by the municipality in which the road is situated.

3. Until the said work of reconstruction is completed in a permanent and finished manner, the commission may maintain the same in a provisional way in accordance with the formalities mentioned in this section.

4. The commission shall fix, wherever necessary, the amount payable by each interested municipality and by the city of Levis, to pay for the work of construction, maintenance and repair of the said roads and bridges, the cost of administration, salaries and other expenses, shall fix the delay within which such amount must be paid and after which it shall bear interest, and shall issue orders under the signature of the president, calling upon each of the municipalities interested, and on the city of Levis, to pay over to the commission the amount so fixed.

5. Such order shall have the effect of a judgment of the Superior Court of the district of Quebec condemning a municipal corporation to the payment of a sum of money; and copies of the same may be certified as true copies by the secretary of the commission.

An acknowledgment of receipt of a copy of any order, signed by the secretary-treasurer or the clerk of any municipal corporation, shall be evidence of the service of such order at the office of such corporation.

15. 1. Any municipality to which this act is applicable, and which refuses to avail itself of its provisions, or neglects to comply with such provisions, may be compelled so to do by an order of the Quebec Public Utilities' Commission,

on the application of the city of Levis, or of any other neighboring municipality, or of the Levis Roads Commission.

2. The Quebec Public Utilities' Commission, in so far as this section is concerned, shall have all the jurisdiction established by the general acts when the latter give the commission jurisdiction over a public utility as defined by the said acts. Jurisdiction of Public Utilities' Commission.

16. The Lieutenant-Governor in Council, if a proclamation is issued under section 2 of this act, may authorize the exchange of the debentures called preferred, issued under the authority of the Trustees of the Quebec South Shore Turnpike roads, amounting to the sum of \$41,384.00, for debentures of the Province, of the same denomination, bearing interest at the rate of five per cent per annum from the date of issue, and repayable at a term of not more than forty years. Exchange of debentures authorized.

17. The Provincial Treasurer, with the previous authorization of the Lieutenant-Governor in Council, shall issue the above debentures in the form determined by the Lieutenant-Governor in Council. Issue of debentures authorized.

18. Every debenture-holder who exchanges the debentures he holds for the Government debentures, must, when such exchange is made, renounce in favour of the Government any recourse he may have against the assets of the trustees. Subrogation.

19. Every act inconsistent with this act is repealed from and after the date fixed by the proclamation issued under section 2, except for the purposes of the liquidation of the property of the Quebec South Shore Turnpike Road Trustees, by the curator appointed under this act. Provisions repealed.

20. Notwithstanding any existing contract, the construction and maintenance, during either summer or winter, of roads or pieces of road heretofore under the control of the Quebec South Shore Turnpike Road Trustees, and over which the cars of the Levis County Railway run, shall be settled and determined, on the application of any interested municipality, of the said Levis County Railway, or of the commission created by this act, as to the contribution to be made by the Levis County Railway, by the Quebec Public Utilities' Commission, if the latter commission is of opinion that it is just and equitable to compel the said Maintenance of roads over which street cars operate.

company to contribute to the construction or maintenance of the said roads.

Coming into
force.

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

CHAP. 8

An Act to amend the act 2 George V, chapter 3, ratifying the sale of the Viau and Lachapelle bridges and of the macadamized roads on Ile Jésus

[Assented to 9th February, 1918]

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

2 Geo. V, c.
3, s. 9, am.

1. Section 9 of the act 2 George V, chapter 3, is amended:

a. By adding, after the words: "as a macadamized road", at the end of the section, the following: "except for that piece of the Masson road situate within the boundaries of the village of the parish of St. Vincent de Paul, and extending from and including lot No. 321 of the cadastre of St. Vincent de Paul, to the western end of the said Masson road, which piece shall be at the charge and under the care of the municipality of the parish of St. Vincent de Paul, counting from the 1st of May, 1918";

b. By adding the following paragraph thereto:

Masson
road.

"The council of the county of Laval for the purposes of the maintenance of the Montée Ste. Rose and of the Masson road, shall comprise all the municipalities, both those of towns and those governed by the Quebec Municipal Code, situate within the boundaries of Ile Jésus; nevertheless the corporation of the town of Laval sur le Lac can be called upon to contribute to such maintenance only to the extent of a total valuation limited to fifty thousand dollars, for a term of ten years, counting from the date of its incorporation as a town, and this as regards both the expense already incurred and that which may be necessary in future during such term of ten years; after such period of ten years, the town of Laval sur le Lac shall contribute to such maintenance with the other municipalities in proportion to their respective valuation".

Laval
county
council.

Laval sur
le Lac.

Coming into
force.

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