

C H A P . 2

An Act respecting the Quebec North Shore Turnpike Road Trustees.

[Assented to 16th March, 1916]

Preamble.

WHEREAS, under previous acts by which they are governed, the Quebec North 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 the revenue from the said tolls is altogether insufficient to maintain the said roads in a proper condition and to meet the interest payments on the debentures, of which \$97,200.00 of debentures, called preferred or having a first privilege upon the revenue, have not paid interest for about three years, and of which about \$301,928.00 of debentures, of subsequent rank, called non-preferred, have not paid interest for about thirty-five years;

Whereas the said trustees are, in consequence, absolutely insolvent, and they have acknowledged their insolvency and admitted their inability to construct and maintain the roads under their control in a proper condition, suitable for modern traffic and to the needs of the public;

Whereas, moreover, the said trustees, to the number of five, owing to their inability to discharge their obligations, have resigned from office, and the bond-holders, although called upon so to do, have neglected or refused to see to having them replaced;

Whereas, consequently, there are no longer any Quebec North Shore Turnpike Road Trustees to see to the maintenance of the roads, the collection of the tolls and the other obligations imposed upon them by previous acts;

Whereas the said roads can no longer remain in their present bad condition, as they will continue to deteriorate, and will soon become impassable and dangerous;

Whereas it is in the public interest and is necessary to provide for the reconstruction and future maintenance of the said roads, and to abolish all the 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:

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

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*. Date from which dissolution to take effect.

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. No more tolls to be collected.

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. Liquidation of assets by curator.

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 Municipal Code or of special legislative provisions by which such municipalities are governed. Roads and bridges to belong to municipalities.

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 four members, called "The Quebec Roads Commission," whose special duty it shall be to reconstruct and maintain the roads heretofore under the control of the Quebec North Shore Turnpike Road Trustees. "Quebec Roads Commission" authorized

The Commissioners shall be appointed by the Lieutenant-Governor in Council, but one of the commissioners must be recommended by the corporation of the city of Quebec, and another by the municipalities interested. On the failure of the city of Quebec or of the said municipalities to make such recommendation within a reasonable delay, the Lieutenant-Governor in Council shall appoint such person as he may deem suitable. Appointment of Commissioners.

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

Vacancy, how filled. In case of any vacancy in the office of commissioner, for any cause whatsoever, such vacancy shall be filled by another person, who must be recommended by the corporation of the city of Quebec, or by the municipalities interested, as the case may be, if the vacancy is that of the commissioner previously recommended by such corporation or by such municipalities, as the case may be.

Vacancies not to dissolve commission. 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.

Head office. **7.** The head office of the commission shall be in the city of Quebec.

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

Chairman. 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.

Secretary and other officers. The commission 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.

Dissolution after ten years. **8.** The commission created by this act shall be dissolved by operation of law at the expiration of ten years from the date of the creation of the corporation, and its

Distribution of assets, &c. assets and liabilities shall then be distributed among the 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 ten years of its existence;

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

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.

12. 1. Every municipality interested in the roads and bridges mentioned in this act may avail itself of the Good Roads Act, 1912, and its amendments (3 George V, chapter 21, 4 George V, chapter 19, and 5 George V, chapter 3), with these modifications:

a. That the coupons signed by the municipality or its authorized officers must contain an engagement on the part of the municipality to pay, annually, at the time fixed by the Provincial Treasurer and mentioned in the coupon, interest at three per cent on the sum mentioned in the resolution;

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 subject to the other provisions of the Good Roads Act, 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*.

13. 1. After the work undertaken in a municipality is completed, the commission shall provide for its proper maintenance during the whole year. 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 Quebec and to the interested municipalities, a statement of the

Duties.

Municipalities may take advantage of "Good Roads Act, 1912," with certain modifications.

Provisions applicable.

Maintenance of roads and bridges.

Statement to parties interested.

amounts required for the maintenance of the roads in each one.

Cost of maintenance to be divided.

2. Half the cost of maintenance shall be payable by the interested municipality, one quarter by the city of Quebec, 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 \$40,000.00.

Provisional maintenance.

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

Municipalities may be compelled to take action.

14. 1. Any municipality to which this law 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 Quebec, or of any other neighboring municipality, or of the Quebec Roads Commission.

Jurisdiction of Public Utilities 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.

Exchange of debentures authorized.

15. 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 North Shore Turnpike roads, amounting to the sum of \$97,200.00, 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. The Lieutenant-Governor in Council may likewise authorize the exchange of the other debentures, not preferred, issued by the said trustees, and amounting to about \$301,928.00, for similar debentures of the Province as hereinafter described, but for an amount of not more than twenty per cent of their face value.

Issue of debentures authorized.

16. 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.

17. 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 to any recourse he may have against the assets of the trustees. Subrogation.

18. 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 North Shore Turnpike Road Trustees, by the curator appointed under this act. Provisions repealed.

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

CHAP. 3

An Act to amend the act 5 George V, chapter 12, relating to turnpike road companies.

[Assented to 9th March, 1916]

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

1. Section 7 of the act 5 George V, chapter 12, is 5 Geo. V, c. amended, in the English version only, by replacing the words: "to an end through lack of agreement", in the fourth line thereof, by the words: "to an end, failing an agreement". 12, s. 7, am. as to English version.

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