

CHAP. 2

An Act to provide for the abolition of toll bridges and turnpike roads in the Province.

[Assented to 3rd April, 1912.]

Preamble.

WHEREAS there are in the Province a great many toll bridges, turnpikes, and turnpike roads;

Whereas such toll bridges, turnpikes and turnpike roads are a hindrance to trade, industry, agriculture and free traffic on public roads;

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

Who subject
to act, etc.

1. Notwithstanding any general or special act, charter, or letters patent to the contrary, all syndicates, persons, corporations or companies owning or in possession of or operating toll bridges, turnpikes or turnpike roads are subject to the provisions of this act, and from the date of its coming into force, the tolls on all such bridges, turnpikes and roads, as well as all rights and privileges connected therewith may be abolished in the manner provided, by private agreement or by expropriation.

Abolition of
tolls.

Indemnity to
owners, etc.,
of toll brid-
ges, etc.

2. The Lieutenant-Governor in Council may, within five years from the coming into force of this act, pay an amount not exceeding five hundred thousand dollars, to indemnify or contribute to indemnifying all syndicates, persons, corporations or companies owning, possessing or operating such bridges, turnpikes and roads, or their hypothecary or other creditors, or the holders of their bonds, debentures or other securities for the purpose of making them free from all tolls.

Contracts re
abolition of
tolls.

3. Whenever tolls are abolished by private agreement, the Lieutenant-Governor in Council may make contracts with the persons mentioned in section 2 of this act, or with any municipalities interested, to determine the conditions of the abolition of the right to collect tolls on such bridges, turnpike roads or turnpikes, and fix the amount to be contributed by the Government and the manner of paying the sums agreed upon between the parties.

Expropri-
ation pro-
ceedings by
Minister.

4. When tolls may be abolished by expropriation the Lieutenant-Governor in Council may authorize the Minister of Public Works and Labour to take, for that purpose, proceedings in expropriation against all syndicates, persons,

companies or corporation who are owners of such bridges, roads or turnpikes or who possess or operate the same, and to determine the indemnity to which they, their creditors and the holders of their bonds, debentures or other securities are entitled.

5. Any municipality may also take the expropriation proceedings authorized by this act. Or by municipality.

6. The expropriation proceedings shall be taken, heard and decided under articles 7581 to 7599 of the Revised Statutes, 1909, *mutatis mutandis*, except that; How expropriation to be effected.

1. The Quebec Public Utilities Commission shall have jurisdiction instead of the arbitrators;

2. A notice of at least thirty days shall be given at the head-office or domicile of the expropriated party, for all interested parties, by notarial deed, before the proceedings in expropriation are begun.

Such notice shall state:

a. The property the expropriation whereof is asked for;

b The amount of the indemnity tendered and the method of apportioning it among the various parties interested.

7. The Quebec Public Utilities Commission shall hear and decide each case submitted to it under this act, in accordance with the laws governing it and its rules of practice, without other remuneration than that provided by article 736 of the Revised Statutes, 1909. Jurisdiction of Quebec Public Utilities Commission.

8. The Quebec Public Utilities Commission may, during the proceedings, issue a provisional order at once making all bridges, roads and turnpikes the expropriation whereof is demanded, free from all tolls, on payment into the hands of the Provincial Treasurer of such amount as it may deem proper, without prejudice to the amount of the indemnity and the apportionment thereof that may be determined by the final judgment. Provisional order making bridges, &c., toll free.

9. The order of the Quebec Public Utilities Commission fixing the amount of the indemnity is not subject to appeal. Order of Quebec Public Util. Commission not

10. Fifteen days after the order of the Quebec Public Utilities Commission fixing the amount of and the manner of apportionment of the indemnity, the bridges, roads and turnpikes mentioned in it shall be free from all tolls and become the property of the party who expropriated them, provided the amount of the indemnity has been previously paid, or deposited in the event of the refusal to so accept or appealable. When bridges, &c., to be toll free.

impossibility of receiving it, in the hands of the Provincial Treasurer as a deposit under article 1484 of the Revised Statutes, 1909, for and in the name of the persons entitled to the same.

Who to
maintain
bridges, &c.

11. Unless there is a previous agreement between the parties interested, upon the point, the Quebec Public Utilities Commission, shall by its order fixing the indemnity, determine by whom and in what way the expropriated bridges or roads shall be maintained, and, if it thinks proper, may put them, generally, at the charge of one or several local, county, city, town or village municipalities interested therein.

Sale of toll
bridges, &c.

12. Notwithstanding any general or special act, letters patent, charter or by-law, any syndicate, company or corporation, which is the owner of bridges, roads or turnpikes, or of privileges connected therewith, may validly sell the same upon resolution of the majority in value of their shareholders, subject, however, to the rights of their creditors,

Contracts
for abolition
of tolls.

Every municipality is hereby authorized to make all contracts required for the abolition within its limits or elsewhere, of the said bridges, roads and turnpikes, and to acquire the same and provide for their maintenance after the tolls are abolished.

Joining of
municipali-
ties.

13. Several municipalities may join for the exercise of the rights conferred by this act.

Payments
how made.

14. The payments authorized by this act shall be made out of the consolidated revenue fund of the Province, after having been approved by the Lieutenant-Governor in Council in each case.

Loans by
municipali-
ties.

15. Every municipality is authorized to borrow by by-law passed and approved in the ordinary manner any sum of money required for abolishing toll bridges, turnpikes and turnpike roads, either within the limits of the municipality itself, or elsewhere.

Who to carry
out act.

16. The Minister of Public Works and Labour shall see to the carrying out of this act.

Coming into
force.

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