

No. .

----- B I L L -----

- AN ACT RESPECTING PUBLIC WORKS -

His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Alberta enacts as follows;

- SHORT TITLE -

Short
title

1. This Act may be known and cited as "THE PUBLIC WORKS ACT."

- INTERPRETATION -

2. In this Act unless the context otherwise requires -

- "department" 1. The expression "department" means the Department of Public Works for the Province of Alberta;
- "minister" 2. The expression "minister" means the Minister of Public Works for the Province;
- "deputy minister" 3. The expression "deputy minister" means the deputy minister or the person performing his duties for the time being;
- "chief engineer" 4. The expression "chief engineer" means the chief engineer of the department or the person performing his duties for the time being;
- "district surveyor and engineer" 5. The expression "district surveyor and engineer" means the district surveyor and engineer for any public works district appointed as herein provided or any surveyor or engineer employed from time to time by the

minister to perform any of the duties imposed upon district surveyors and engineers by this Act;

- "engineer"
6. The expression "engineer" means such civil engineer or surveyor as is from time to time appointed by the Lieutenant Governor in Council with the approval of a Board consisting of the minister, the deputyminister and the director of surveys.
- "Public works district"
7. The expression "public works district" means anyportion of the Province which may from time to time be set aside as a public works district with a distinctive name;
- "survey or"
8. The expression "surveyor" means a land surveyor duly authorized under the provisions of The Dominion Lands Act or any Act to survey lands in the Province;
- "road allowance"
9. The expression "road allowance" means any road allowance laid out under the provisions of The Dominion Lands Act;
- "public road"
10. The expression "public road" means any road surveyed and set aside as a public highway under the provisions of The North West Territories Act or this Act;
- "ditch or drain"
11. The expression "ditch" or "drain" means any ditch or drain opened or covered wholly or in part and whether in the channel of a natural stream, creek or watercourse or not and also the work and materials necessary for any culvert, catch basin or guards; and

any ditch or drain constructed by the department may be called "Government Ditch" and distinguished by a number;

"Construction"

12. The expression "construction" means the original work of constructing any public work or opening or making any road allowance, road, ditch or drain;

"maintenance"

13. The expression "maintenance" means and includes the preservation and keeping in repair of any public work, road allowance, road, ditch or drain;

"public work "

14. The expression "public work" means lands, streams, watercourses and property (real and personal) heretofore or hereafter acquired for public works; dams, hydraulic works, and other works for improving the navigation of any stream; dams, slides, piers, booms or other works for facilitating the transmission of logs or timber; dams erected for the storage of water, water powers and works connected therewith roads culverts, bridges, ditches, drains, public buildings and wells;

"written
or
writing"

15. The expression "written" or "writing" or terms of like import mean and include words printed, engraved, lithographed or otherwise traced or copied;

"official
valuator"

16. The expression "official valuator" means the official appointed to that position as herein provided;

- "owner" 17. The expression "owner" includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of any land;
- "outlet" 18. The expression "outlet" means any river, creek, watercourse or natural drainage channel;
- "person" 19. The expression "person" includes partnerships and companies;
- "ferry or ferries" 20. The expression "ferry" or "ferries" means any scow, barge or boat used for the purpose of carrying passengers, freight, vehicles or animals across any river, stream or other body of water and the cable and appliances connected therewith;
- "licence" 21. The expression "licence" means the licence issued to any person to operate a ferry under the provisions of this Act;
- "land or lands" 22. The expression "land" or "lands" unless a contrary intention appears, includes lands, messuages, tenements and hereditaments, corporeal or incorporeal, of every nature and description, and every estate or interest therein, and whether such estate or interest is legal or equitable, together with all paths, passages, ways, watercourses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being.

ORGANIZATION AND DUTIES OF THE DEPARTMENT -

- organization
of department
Minister of
Public Works
3. There shall be a department of the public service of the Province of Alberta called the Department of Public Works over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Province to discharge the functions of the Minister of Public Works for the time being shall preside
- Administration.
4. The minister shall have the administration, management and control of the department ^{and} of the general business ^{thereof}; and shall oversee and direct the officers, clerks and servants of the department.
- Government
buildings.
5. The minister shall ^{also} have the management, charge and direction of the construction, heating, lighting, furnishing, maintenance and keeping in repair of all government buildings.
- Appointment
of officials
to care for
government
buildings.
6. With the approval of the Lieutenant Governor in Council the minister shall also appoint and control the officers and servants necessary for the proper care and maintenance of the government buildings.
- Control of
public works.
7. The minister shall also have the control and management of the construction and maintenance of all public works; and of the issue of any and all maps and plans needed by the department or by any other department of the Provincial Government; he shall also deal with all questions affecting obstructions to any road allowance or public highway which has been vested in
- Maps and
plans.
Public
highways.

the Provincial Government for public use, including the crossing of such road allowances or public highways by irrigation ditches, canals or other works; and with the providing and maintaining of public or private ferries as herein provided on any river or stream or other body of water in the Province; and shall have such other powers and duties as may from time to time be assigned to him by the Lieutenant Governor in Council.

Deputy Minister. 8. The Lieutenant Governor in Council may appoint an officer who shall be called the deputy minister who shall also be chief engineer and who shall be the deputy or assistant to the minister.

Duties of deputy minister. 9. The deputy minister shall prepare or cause to be prepared maps, plans, specifications and estimates for all public works which are about to be constructed, altered or repaired as directed by the minister; he shall ~~also~~ report for the information of the minister on any question relating to any public work which is submitted to him; he shall examine, revise and approve the plans, specifications and estimates of other surveyors, engineers, architects, and officers in respect to any public work; and generally he shall advise the minister on all surveying, engineering and architectural questions affecting any public work; he shall also prepare reports and conduct under the direction of the minister the correspondence of the department and see that all contracts entered into by the minister are properly drawn out and executed, that all letters, reports and other documents are properly copied or filed as the case may

be and generally do and perform all such acts and things pertaining to the business of the department as he may from time to time be directed by the minister.

-VERIFICATION OF ACCOUNTS.-

- Accounts may be attested on oath. 10. The minister may require any account sent in by any person employed by the department to be verified by oath, affirmation or statutory declaration which as well as that to be taken by any witness may be administered or taken by the minister or by the deputy minister.
- Examination of Witnesses. 11. The minister may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any person deemed necessary touching any matter upon which his attendance is required; any may by the notice require such person to bring with him all papers, plans, books, documents and things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.
- Compelling attendance.
- Remuneration. (2) For the time lost and expenses incurred by any person in obedience to such notice, such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the Treasurer on the certificate of the minister.
- Penalty for noncompliance. (3) Any person wilfully neglecting or refusing in any way to comply with the notice of the minister, or to be examined as aforesaid shall be guilty of an

offence and liable on summary conviction to a fine of \$25. and on nonpayment of such fine forthwith after conviction to imprisonment for one month.

- PUBLIC PROPERTY -

Public works etc. to be the property of His Majesty and controlled by department.

12. All lands, streams, watercourses and property (real or personal) heretofore or hereafter acquired for the use of public works; all dams, hydraulic works and other works for improving the navigation of any water; all slides, dams, piers, booms, and other works for facilitating the transmission of logs or timber; all dams erected for the storage of water; all hydraulic powers, created by the construction of any public work; all roads and bridges; all public buildings; all vessels, dredges, scows, tools, implements, and machinery for the improvement of navigation; all drains and drainage works; all ferries; all wells; and all property heretofore or hereafter acquired constructed, repaired, maintained or improved at the expense of the North West Territories and of the Province and not under the control of the Dominion Government shall be and remain vested in His Majesty and so far as not under the control of any ~~xxx~~ other department shall be under the control of the department of public works.

Other works may be declared public works.

13. The Lieutenant Governor in Council may from time to time declare any other property (real or personal) and any works, roads, bridges, harbours, booms, slides, buildings or other thing specified in the last preceding section and purchased or constructed at the public ex-

pense to be public works subject to the provisions of this Act; and they shall thenceforth be vested in His Majesty and under the control of the department.

Maps, etc.,
not private
property,
may be re-
quired by
department.

14. Any person having possession of any maps, plans, specifications, estimates, reports, or other papers, books, drawings, instruments, models, contracts, documents or records relating to any public work who refuses or neglects upon demand of the minister or other person authorized to require it forthwith to deliver the same to the department, shall be guilty of an offence and liable on summary conviction thereof to a penalty of \$25. and on nonpayment forthwith on conviction to imprisonment for one month.

Public pro-
perty may
be sold.

15. Any property (real or personal) when no longer required for the use of any public work may be sold, leased or otherwise disposed of under ^{the} authority of the minister; and the proceeds of all such sales, leases and dispositions shall be accounted for as public money:

Proviso

Provided always that such property shall whenever practicable be so sold, leased or disposed of by tender or public auction.

-- CONTRACTS --

Minister
may enter
into contract.

16. The minister shall have power to enter into any contract with any person or corporation that may be necessary or advisable in carrying out the provisions of any Act of the Legislative Assembly; but no deeds, contracts or writings shall hereafter be deemed to be binding on the department not shall be held to be the acts of the minister unless signed by him or ^{by} the deputy minister.

- Tenders to be invited.
- Exceptions.
- Security for performance of contracts.
- Where contracts not let to the lowest bidder.
- Contract to enure to His Majesty
17. It shall be the duty of the minister to invite tenders by public advertisement or by other public notice for the construction and repair of all public works except in cases when from the nature of the work it can be more expeditiously and economically executed by order or commission or by or under the direction of the officers of the department.
18. The minister when any public work is being carried out by contract and in other cases may require that security be given to and in the name of His Majesty for the due performance of the work within the amount and time specified for its completion; and in all cases where it seems to the minister not to be expedient to let such work to the lowest bidder it shall be his duty to report the same and obtain the authority of the Lieutenant Governor in Council previous to passing by such lowest tender; but no sum of money shall be paid to the contractor nor shall any work be commenced on any contract until the contract has been signed by all the parties named therein nor until any security required has been given.
19. All contracts respecting any public works or property (real or personal) under control of the department heretofore or hereafter entered into by the minister or by any other person duly authorised to enter into the same shall enure to the benefit of His Majesty and may be enforced as if they had been entered into with His Majesty under the authority of this Act.

- ACTIONS AND SUITS -

Actions to be instituted by Attorney General. 20. All actions, suits, and other proceedings for the enforcement of any contract or for the recovery of any damages for any tort or breach of contract or for the trial of any right in respect of any property (real or personal) under the control of the department shall be instituted in the name of His Majesty by the Attorney General.

- EVIDENCE ON RECORDS, ETC. -

Copies of records, etc. when attested to be prima facie evidence 21. Copies of any records, documents, plans, books or papers belonging to or deposited in the department attested under the signature of the minister or of the deputy minister shall be prima facie evidence of the same and shall have the same legal effect as the original in any court or elsewhere.

- ANNUAL REPORT OF THE DEPARTMENT -

Annual Report. 22. The minister shall make and submit to the Lieutenant Governor an annual report on all the works under the control of the department to be laid before the Legislative Assembly within ten days from the commencement of the session next following the end of the year for which such report is made with such further information as may be requisite to enable the Legislative Assembly to judge of the working of the department.

-PUBLIC WORKS DISTRICT.-

Public Works district. 23. The Lieutenant Governor in Council may from time to time set aside any portion of the Province as a public works district; and a notice of the Order setting aside any district describing the boundaries of the district shall be published in the official gazette.

District surveyors and engineers.

24. The Lieutenant Governor in Council may appoint one or more qualified persons as district surveyors and engineers for any public works district; and may define their duties and fix the remuneration to be paid such district surveyors and engineers.

(2) A notice of such appointment shall be published in the official gazette.

Penalty for obstructing district surveyor.

25. Any person who interrupts, hinders or molests any district surveyor and engineer engaged in making any examination, exploration or survey in connection with any work authorised by this Act shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$50. or to imprisonment for a term not exceeding two months or ^{to} both.

Examination of witnesses

26. Any district surveyor and engineer may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any person deemed necessary touching any matter upon which his attendance is required in connection with any public work; and may by the notice require such person to bring with him all papers, plans, books, documents and ~~other~~ things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.

Compelling attendance.

Remuneration

(2) For the time lost and expenses incurred by any person in obedience to such notice such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the Treasurer on the certificate of the minister.

Penalty for
noncompliance

(3) Any person wilfully neglecting or refusing in any way to comply with the notice of the district surveyor and engineer or to be examined as aforesaid shall be guilty of an offence and liable on summary conviction to a fine of \$25. and on nonpayment of such fine forthwith after conviction to imprisonment for one month.

- SURVEYS -

Surveys of
trails, etc.

27. The minister may from time to time cause surveys to be made either by a duly qualified surveyor or by an engineer of any old trail which existed as such prior to the subdivision of the land which it crosses into sections or any road allowance diversion or new road; and one copy of the plans of such surveys approved by the chief engineer shall be deposited in the land titles office for the land registration district within which old trail, road allowance diversion or new road is situated and a second copy shall be filed in the department.

Location and
width.

(2) Such old trails, road allowance diversions or new roads shall be laid out one chain (or sixty-six feet) in width; and in making the survey of any old trail the surveyor or engineer may make such changes in the location thereof as he deems necessary without however altering its main direction.

Manual of
instructions.

(3) The minister may from time to time prescribe a manual of instructions for the guidance of surveyors and engineers employed in making any surveys authorised by this Act; and may therein direct the manner in which such surveys shall be marked on the ground and the

plans and field notes of the same prepared.

Closing up
roads.

28. The minister may close up the whole or any portion of any road allowance or other public road and may deal with the land in any such road allowance or other public road as may seem expedient.

(2) All documents necessary to transfer the title to the portion of any road allowance or other public trail which has been closed as herein provided shall be signed by the minister.

Survey for
public work.

29. The minister may cause to be made by a duly qualified surveyor the survey of any area required for any public building, dam, reservoir, ditch, drain or any other public work.

Exploration
for public
work,

30. The minister may from time to time cause to be made by any person approved of by him any exploration or investigation needed in connection with the examination of any portion of the Province to determine the feasibility and cost of any proposed public work.

- LANDS REQUIRED FOR PUBLIC WORKS -

Expropriation
of lands for
public works.

31. The minister may by surveyors, engineers, foremen, agents, workmen and servants,

(1) Enter upon and take possession of any lands in whomsoever vested required for any public work;

Entering lands.

(2) Enter into and upon any land to whomsoever belonging and survey and take levels of the same and take such borings or sink such trial pits as he deems necessary for any purpose relative to a

public work;

Taking poss-
ession.

3. Enter upon and take possession of any land the appropriation of which is (in his judgment) necessary for the use, construction, maintenance or repair of any public work or for obtaining better access thereto;

Deposit or
removal of
materials

4. Enter with workmen, carts, carriages and horses upon any land and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for public work or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom for the making, constructing, maintaining or repairing the public work;

Roads.

5. Make and use all such temporary roads to and from such timber, stones, clay, gravel, sand or gravel pits as are required by him for the convenient passing to and from the works during their construction and repair;

Drains.

6. Enter upon any land for the purpose of making proper drains to carry off the water from the public work or for keeping such drains in repair.

Divert
streams or
roads.

7. Divert or alter (as well temporarily as permanently) the course of any brook, rivulet, road street or way or raise or sink the level of the same

in order to carry it over or under, on the level of or by the side of the public work as he thinks proper; but before discontinuing or altering any public road another convenient road in lieu thereof shall be substituted; and the land theretofore used for any road or part of a road so discontinued may be transferred by the minister to, and shall thereafter become the property of, the owner of the land of which it originally formed a part;

Pipes, wires,
poles.

8. Divert or alter the position of any water pipe, gas pipe, sewer, drain or any telephone or electric light wire or pole.

Removing
fences.

32. Whenever it is necessary in the building, maintaining or repairing of the public work to take down or remove any wall or fence of any owner or occupier of land or premises adjoining the public work or to construct any back ditch or drain for carrying off water, such wall or fence shall be replaced as soon as the necessity which caused its taking down or removal has ceased; and after the same has been so replaced or when such drain or back ditch is completed the owner or occupier of such land or premises shall maintain such wall or fence, drain or back ditch to the same extent as such owner or occupier might be by law required to do if such wall or fence had never been so taken down or removed or such drain or back ditch had always existed.

Constructing
ditches.

Obligation of
land owner.

Sidings, con-
duits or tracks.

33. Whenever any gravel, stone, earth, sand or water is taken as aforesaid at a distance from the public

Right of way.

work, the minister may cause to be laid down the necessary sidings, water pipes, or conduits or tracks over or through any land intervening between the public work and the land on which such material or water is found whatever the distance is; and all the provisions of this Act shall apply and may be used and exercised to obtain the right of way from the public work to the land on which such materials are situate; and such right may be acquired for a term of years or permanently as the minister thinks proper; and the powers in this section contained may at all times be exercised and used in all respects after the public work is constructed for the purpose of repairing and maintaining the same.

Survey and plan.

34. Lands taken for any public work shall be surveyed and marked on the ground by a duly qualified surveyor or engineer who shall prepare a proper plan of the same, but nothing herein contained shall be taken to require such plan to be prepared before or at the time of the entry or taking possession of such lands as in the last preceding section provided for;

(2) Every person who interrupts, hinders or molests any person while engaged under authority of the minister in removing any obstruction, making an examination for or in constructing, maintaining or repairing any public work or any works connected therewith on any land after the survey thereof has been approved by the minister shall be guilty of an offence and upon summary conviction thereof liable to a penalty not exceeding \$50.00 and costs or to imprisonment for a period not

exceeding thirty days or to both.

Plan to be approved by chief engineer.

35. The plans of any lands required for any public work shall be examined and approved by the chief engineer; and one copy thereof shall thereupon be filed in the department.

Application to judge for vesting order.

36. The minister may thereupon apply ex parte to a judge of the supreme court for an order vesting in His Majesty every estate and interest in the lands shown on the plan in the next preceding section mentioned; and the judge shall upon the production to him of a copy of the said plan certified by the minister or chief engineer and a certificate of the minister stating that the said lands are required for the purposes of this Act make the said order which shall have the effect of divesting all persons other than His Majesty of any interest in the said land.

Notice of compensation

37. Upon the filing in the Department of the plan of any land taken for any public work as hereinbefore provided the minister shall except in cases hereafter provided for cause to be served by ordinary process of mail upon all persons shown by the records of the land titles office to be interested in the lands so taken a notice setting forth the compensation which he is ready to pay for the lands so taken;

Provided that when compensation is claimed by two or more persons who are unable to agree as to a division thereof the minister may pay the same to the clerk of the supreme court nearest to the land affected to be paid out to the parties interested in such proportions

ions

as may be ordered by a judge of the supreme court on application therefor.

Claim for increased compensation, 38. If any person entitled to compensation for lands taken for any public work is dissatisfied with the amount offered therefor as herein provided he shall within one month from the date of the notice provided in the next preceding section notify the minister in writing of such dissatisfaction and shall in such notice state the amount he claims as compensation for the lands so taken together with a full statement of the facts in support of his claim, and in the event of no such claim for increased compensation being received by the minister within the said period the person entitled to compensation shall be deemed to be satisfied with and shall be bound to accept the amount of compensation mentioned in the notice referred to in the next preceding section hereof.

Compensation fixed by arbitration in case of disagreement. 39. The minister shall consider such claim for increased compensation and shall notify the claimant of his decision in respect thereto by registered letter addressed to the claimant's last known place of abode.

(2) Such claimant if dissatisfied with the decision of the minister may within sixty days after being notified as aforesaid of the decision of the minister give notice in writing to the minister which may be by registered letter that he will submit the ^{claim}~~matter~~ to arbitration and the said claim shall thereupon be submitted to arbitration and such arbitration shall be to two arbitrators under the provisions of The Arbitration Ordinance of the North West Territories.

(3) If the claimant does not so notify the minister and make the deposit as in the next following subsection required within the said period of sixty days from the registration of the notice mentioned in the first subsection he shall be deemed to have accepted the minister's decision and shall not thereafter be at liberty to question it.

(4) The claimant shall with the notice of submission to arbitration deposit with the minister as security for the costs of the arbitration a sum equal to ten per cent. of the amount claimed by him but not in any event less than \$25.

(5) All costs and expenses of the arbitration shall be paid by the claimant unless the arbitrators shall award him a sum at least ten per cent. greater than the amount fixed by the minister by his final decision and the minister shall be entitled to deduct his costs and expenses of the arbitration out of the moneys deposited by the claimant and the surplus, if any, shall be returned to the claimant.

(6) In the event of the claimant not being required to pay the minister's costs of the arbitration the full amount deposited by him shall be returned to him.

(7) The only costs allowable upon any arbitration under this section shall be arbitrators and witness fees.

(8) In estimating the amount to which the claimant is entitled the arbitrators shall consider, and find

separately as to, the value of the land taken and of all improvements thereon the damage, if any, to the remaining property of the claimant and the original cost only of any extra fencing which may be necessary by reason of the taking of the land and if the value of the remaining property of the claimant is increased by reason of the construction of the public work through his property the increase of value shall be deducted from the amount so estimated and found and the balance, if any, shall be the amount awarded to the claimant.

- DIRECTOR OF SURVEYS -

Director of surveys. 40. The Lieutenant Governor in Council may appoint a duly qualified Dominion Lands Surveyor to be Director of Surveys for the province, and may define the duties of such officer and fix the remuneration to be paid to him for his services.

- OFFICIAL VALUATORS -

Official valuers. 41. The Lieutenant Governor in Council may appoint one or more competent persons as official valuers and may define the duties of such officers and fix the remuneration to be paid them for their services.

Inspection and report. 42. The minister may employ any official valuator to inspect and report regarding the value of any lands taken for public works, and may empower such valuator to make an offer of compensation to the owner of the lands so taken and such offer shall have the same force and effect as if made by the minister under the provisions of Section 35 of this Act.

Suppression of 43. If any resistance or opposition is made by any resistance to person to the taking by the minister or any person minister. authorised by him of lands for public works as provided by this Act a judge of the supreme court of the North West Territories may on proof of the proper taking of such lands as herein provided issue his warrant to the sheriff of the judicial district within which such lands are situated directing him to put down such resistance or opposition and to put the minister or some other person acting for him in possession of such lands; and the sheriff shall take with him sufficient assistance for such purpose and shall put down such resistance or opposition and shall put the minister, or the person acting for him in possession thereof; and shall forthwith make a return to the supreme court of such warrant and of the manner in which he executed the same.

Provisions of secs. 31 to 41 retro-active.

44. The provisions of sections 31 to 41 inclusive of this Act in so far as they are applicable shall apply to all cases of the taking of lands for public works proceedings for which have been begun before the coming into force of this Act, but have not been completed by the transfer of such lands to His Majesty.

Administration and disposal of public lands.

45. The minister shall have the administration and management of all lands taken for public works as herein provided and of all other lands the property of the Province; and such lands may be disposed of from time to time under regulations to be prescribed by the Lieutenant Governor in Council.

(2) The said lands when required to be leased or

transferred may be so leased or transferred under the hand and official seal of the minister.

- PUBLIC FERRIES -

Public
ferries.

46. The minister may when he deems it expedient to do so establish and maintain a public ferry or ferries on any river, stream or other body of water in the Province; and may operate such ferry or ferries as a public work collecting thereon such tolls as he may fix and determine.

- PRIVATE FERRIES -

Licence for
private
ferry.

47. The minister may from time to time issue an annual licence to any person or persons for the establishment and operation of a private ferry or ferries on any river, stream or other body of water in the Province granting the exclusive right to maintain and operate the said ferry or ferries within the limits specified in such licence and upon such terms as he may deem fit.

Licence to
specify tolls,
etc.

48. Every ferry licence granted shall specify the maximum rate of tolls which may be charged on such ferry, the kind and size of the scow, barge or boat to be used in such ferrying, the limits of the river, stream or other body of water within which such ferry is to be operated and the hours during which such ferries shall be operated.

Licence to be
posted up.

49. Every person holding a licence for a ferry

shall keep it posted up at all times in a conspicuous place on such ferry.

No tolls to be charged school children.

50. Notwithstanding anything contained in this Act no toll shall be charged for children going to or returning from school and in no case shall His Majesty's mail be obstructed or a higher rate be charged for the conveyance thereof than the rates that may be charged according to the terms of the licence between the hours of six o'clock in the morning and nine o'clock in the evening.

Mails not to be obstructed.

Punishment of persons refusing to pay tolls.

51. If any person using an authorised ferry refuses to pay the authorised toll or rates chargeable for ferrying him or his property the licensee of such ferry may forthwith seize any property in possession of the offender then being ferried and hold the same; and such person shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$50. and in default of payment thereof to imprisonment for a period not exceeding two months; and the property so seized shall be liable for the payment of the fine and the toll and the costs of the prosecution and may be sold under distress warrant to satisfy such charges.

Approaches to ferry to be kept in order.

52. The immediate approaches to every ferry shall be kept in such order and condition by the licensee as is necessary to make the ferry accessible at all times for loaded vehicles and animals attached thereto without danger or injury.

Ferry not
to injure
ford.

53. A ferry on any stream, river or other body of water that may be fordable at any time shall not be used to block up or injure such ford or fords or the landing therefrom; nor shall the licensee do any act which will make the ford on any such stream, river or other body of water more difficult or dangerous than it would otherwise have been.

Punishment
for inter-
ference with
rights of
licensed
ferryman.

54. Any person unlawfully interfering with the rights of any licensed ferryman by taking, carrying or conveying within the limits of any such ferry licence across the stream, river or other body of water on which the same is situate any person or personal property or any vehicle or animal in any scow, barge or boat or any raft or other contrivance for hire or regard or hindering or interfering with such licensee in any way shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$100. for each such offence and in default of payment thereof to imprisonment for any period not exceeding three months.

- PROVISION FOR LOW WATER-

Licensee to
provide
small boat
or canoe.

55. In case the water in any stream, river or other body of water in respect of which the licence for the operation of a ferry has been issued becomes too shallow to permit of such ferry being operated the licensee shall provide and keep a small boat or canoe with which he shall transfer foot passengers and their baggage across such stream, river or other body of water; and for such service the licensee shall be allowed to charge the fees

prescribed in his licence for like services by means of the ferry.

- INSPECTION OF FERRIES -

Inspection of ferries.

56. The minister may from time to time appoint such person as he may see fit to inspect and report on the condition of any ferry or with reference to the complaint of any person using or desiring to use such ferry; and if at any time the person or persons holding a ferry licence fail to comply with the written instructions of the minister by neglecting to repair any scow, barge or boat used in connection with such ferry or to provide a new scow, barge or boat in place of any one considered as being unsafe or by not providing safe and sufficient immediate approaches to such ferry he or they shall forfeit his or their licences.

- PENALTIES FOR OFFENCES BY LICENCEES -

Penalty for violating terms of licence or Act.

57. Any licensee violating any of the terms or conditions of his licence or of this Act shall be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding \$50. and in default of payment thereof to imprisonment for any period not exceeding one month unless the fine and costs are sooner paid; and shall be further liable to forfeit his licence under the direction of the minister.

Fees to be paid to general revenue fund.

58. All money received for ferry licences, fees or bonuses under this Act shall be deposited to the credit of the general revenue fund of the Province.

Penalty for
unlicensed
ferry.

59. Any person operating a private ferry without having first obtained a licence therefor as provided by this Act shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine of \$10. for each and every day that such ferry is operated without such licence.

- PROTECTION OF PUBLIC WORKS -

Penalty for
obstructing
public high-
way.

60. Any person who obstructs or interferes in any manner with any road allowance or other surveyed highway vested in His Majesty as herein provided shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine not exceeding \$50. or imprisonment for thirty days or both.

Penalty for
injuring
public work.

61. Any person who carelessly or wilfully breaks, cuts, fills up or otherwise injures any public work shall be guilty of an offence and upon summary conviction thereof be fined a sum not exceeding \$100. and costs and in default of payment after conviction may be imprisoned for a period not exceeding sixty days; and the justice of the peace may further order the offender to forthwith repair any such damage or remove any obstruction as aforesaid.

Traffic on
bridges.

(2) Any person who rides or drives any horse, mule or horned cattle upon or across any bridge the property of His Majesty at a pace faster than a walk shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$25.

Obstructing
bridges.

(3) Any person who wilfully, and without lawful excuse, places any obstruction on any bridge the property of His Majesty or who in any way prevents, hinders or causes delay to any person desiring to travel across such bridge shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$50.

(4) Every person who uses any bridge or culvert the property of His Majesty in connection with the movement of any portable steam engine or any steam traction engine shall provide sufficient plank or timbers of not less than three inches in thickness and ten inches in width, twelve feet or over to be laid longitudinally upon the floor of such bridge or culvert under the wheels of such portable steam engine or steam traction engine; and any person neglecting or refusing to provide and use such planks shall be guilty of an offence and liable upon summary conviction thereof to a penalty not exceeding \$50.

- GENERAL -

Registration
of plan to
vest street,
etc. in
Crown.

62. The registration in the land titles office of the plan of the subdivision into lots or blocks of any land not within the limits of an incorporated city or town shall vest the title to all streets, lanes, parks or other reserves for public purposes shown on such plan in His Majesty; and no change or alteration in the boundaries of any such street, lane, park or public reserve shall be made without the consent of the minister having been first obtained.

Opening of
road on
petition and
payment of
expenses.

63. If any one or more persons petition the minister for the opening of a road through any land and the minister is of the opinion that such road may be reasonably opened for the convenience and benefit of such person or persons as aforesaid but that such road is not required in the interest of the public generally the minister may require the said person or persons to deposit with the provincial treasurer such sum as he considers sufficient to cover the cost of opening the road and paying compensation in connection therewith and if the said road or any road which in the opinion of the minister will be of equal or nearly equal convenience and benefit to such person or persons as aforesaid is thereafter opened the sum so deposited or so much thereof as may be necessary may be applied towards paying the expenses of opening the road and paying compensation in connection therewith and any balance which remains shall be repaid to such person or persons as aforesaid.

Lieutenant
Governor to
prescribe
forms.

64. The Lieutenant Governor in Council may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Act.

Repeal.

65. ~~Chapter 4 of the Ordinances of 1901, Chapter 3 of the Ordinances of 1903, 2nd. Session and Chapter 2 of the Ordinances of 1904 are hereby repealed.~~

No. 17

First Session, First Legislature
6 Edward VII, 1905.

B I L L

An Act Respecting Public Works.

Received and read the
First time *June 21/06*
Second Reading *July 13/06*
Third Reading *July 13/06*

Mr. *W. W. [Signature]*

EDMOND HENRY
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