

UNEDITED

The Highways and Transportation Act

being

Chapter 23 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 23

An Act respecting the Department of Highways and Transportation

SHORT TITLE

Short title

- 1 This Act may be cited as *The Highways and Transportation Act*.

R.S.S. 1953, c.23, s.1.

INTERPRETATION

Interpretation

- 2 In this Act:

“construction”

- 1 “**construction**” means the original work of constructing a public improvement or opening or making a public highway;

“ditch” or “drain”

- 2 “**ditch**” or “**drain**” means a ditch or drain opened or covered wholly or in part, whether in the channel of a natural stream, creek or watercourse or not, heretofore or hereafter constructed, repaired, maintained or improved at the expense of the North-West Territories or of the province, and all the work and materials necessary for any bridge, culvert, catch basin or guards connected therewith;

“engineer”

- 3 “**engineer**” means an engineer registered and licensed as a professional engineer under the provisions of *The Engineering Profession Act*, or a surveyor duly qualified to practise in the Province of Saskatchewan;

“ferry”

- 4 “**ferry**” means a scow, barge or boat used for the purpose of carrying passengers, freight, vehicles or animals across a river, stream or other body of water and includes any cable and appliances connected therewith;

“land”

- 5 “**land**” includes any estate, term, easement, right or interest in, to, over, or affecting land;

“maintenance”

- 6 “**maintenance**” means the preservation and keeping in repair of a public improvement;

“municipality”

- 7 “**municipality**” means a city, town, village or rural municipality or a local improvement district;

“owner”

- 8 “**owner**” means a person having an estate or interest in land, at law or in equity, in possession, futurity or expectancy;

“public highway”

9 **“public highway”** means a road allowance or a road, street or lane, vested in Her Majesty or set aside for such purpose under the provisions of *The North-West Territories Act* or any Act of Saskatchewan, and includes any bridge, culvert, drain or other public improvement erected upon or in connection with such public highway;

“public improvement”

10 **“public improvement”** means public highways, culverts, bridges, ditches, drains, ferries, wells and public fireguards, dams, reservoirs or other works constructed for the storage of water, water powers and works connected there with; lands, streams, watercourses and property, real and personal, heretofore or hereafter acquired for any public improvement or land required for securing material in connection with road construction; and any matter or thing done or to be done in connection with any such public improvement under the provisions of this Act;

“road allowance”

11 **“road allowance”** means a road allowance laid out under the authority of any Act of Canada or Saskatchewan;

“surveyor”

12 **“surveyor”** means a person qualified under *The Saskatchewan Land Surveyors Act* to practise as a surveyor in Saskatchewan.

1949, c.6, s.2; R.S.S. 1953, c.23, s.2.

ORGANIZATION AND DUTIES OF THE DEPARTMENT

Organization

3(1) There shall be a department of the Government of Saskatchewan which shall be called the Department of Highways and Transportation, over which the Minister of Highways and Transportation shall preside.

(2) The staff of the department shall consist of a deputy minister, to be called the Deputy Minister of Highways and Transportation, and such other employees as are required for the proper conduct of the business of the department and for the purposes of this Act.

1949, c.6, s.3; R.S.S. 1953, c.23, s.3.

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 employees of the department.

1949, c.6, s.4; R.S.S. 1953, c.23, s.4.

Powers and duties of minister

5 The minister shall:

- (a) have the control and management of all work to be undertaken by the department in connection with any public improvement; of the surveys and surveying of all lands required in connection with all public improvements; and of the government warehouses used for the handling and storing of materials and supplies required for public improvements;

- (b) lay out, plan and determine upon a system of public highways for the province, which system may from time to time be altered or modified as he may determine;
- (c) determine upon the most feasible and economic methods for constructing, improving and maintaining public highways;
- (d) furnish the officers of municipalities with information respecting the construction, improvement and maintenance of public highways;
- (e) have the control and regulation of all matter pertaining to the construction, by any person, across or along any public highway of irrigation ditches, drains, canals, telegraph, telephone or power transmission lines, pipe lines, steam or electric railways or other works;
- (f) determine the conditions of employment for foremen, subforemen, mechanics, workmen, day labourers and teams;
- (g) generally possess and exercise such other powers and duties, not inconsistent with the provisions of this Act, as may be assigned to him by the Lieutenant Governor in Council.

1949, c.6, s.5; R.S.S. 1953, c.23, s.12.

Duties of deputy minister

6 The deputy minister shall:

- (a) prepare or cause to be prepared maps, plans, specifications and estimates for public improvements which are to be constructed, altered or repaired by the department;
- (b) examine, revise and approve the plans, specifications and estimates of other surveyors, engineers and officers with respect to any public improvement to be undertaken by the department and, generally, advise the minister on all surveying and engineering questions affecting such public improvements;
- (c) 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 and executed, and that all letters, reports and other documents are properly copied or filed and, generally, do and perform all acts and things necessary for the carrying out of the provisions of this Act;
- (d) inquire into and report for the information of the minister upon such matters as he may direct.

1949, c.6, s.6; R.S.S. 1953, c.23, s.6.

ANNUAL EXPENDITURES

Expenditure determined by Lieutenant Governor in Council

7(1) There shall be expended annually under provisions of this Act for public improvements, such sums as may be determined by the Lieutenant Governor in Council, not exceeding in the aggregate the amount appropriated by the Legislature for the purpose.

(2) For the purpose of better carrying out the provisions of this Act the Lieutenant Governor in Council may make such general regulations as may be deemed advisable regarding the expenditures to be made by the department on public improvements.

1949, c.6, s.7; R.S.S. 1953, c.23, s.7.

Classes of public highways

8(1) For the better administration of this Act and for the purpose of more effectively carrying out its provisions, all public highways in the province shall be classified by the minister under the following heading:

- (a) provincial highways;
- (b) main market roads;
- (c) colonization roads;
- (d) local roads.

(2) “Provincial highway” means a public highway designated as a provincial highway by the Lieutenant Governor in Council.

(3) “Main market road” means a public highway which in the opinion of the minister is, or should be or is likely to be the main thoroughfare connecting two populous district or parts of one district, or forms the principals means of approach to a city, town, village, or other marketing point.

(4) “Colonization road” means a public highway which, in the opinion of the minister, is required either temporarily or permanently for the development of newly settled districts or for the development of the natural resources of the province.

(5) “Local road” includes any public highway which is not a provincial highway, a main market road or a colonization road.

1949, c.6, s.8; R.S.S. 1953, c.23, s.8.

CONTRACTS

Power to make contracts

9 The department may enter into any contract that may be necessary or advisable in carrying out the provisions of this Act.

1949, c.6, s.9; R.S.S. 1953, c.23, s.9.

Contracts with rural municipalities

10(1) When in the opinion of the minister it is desirable that a rural municipality should undertake the expenditure of moneys under the control of the department and available for public improvements, the department may, under such regulations as are approved in that behalf by the minister, enter into a contract or contracts with such rural municipality for the purpose.

(2) When the council of a rural municipality desires the department to undertake the expenditure of moneys under the control of the council of the municipality and available for public improvements, the department may, on such terms and conditions as are approved by the minister, enter into a contract or contracts with such council for the purpose.

1949, c.6, s.11; R.S.S. 1953, c.23, s.10.

Contracts signed by minister

11 All contracts entered into under the provisions of this Act shall be in writing and shall be signed by the minister.

1949, c.6, s.11; R.S.S. 1953, c.23, s.11.

Tenders invited

12 The minister shall invite tenders by public advertisement or other public notice for the construction and repair of all public improvements, except in cases where from the nature of the work it can be more expeditiously and economically executed by order or commission or under the direction of the officers of the department.

1949, c.6, s.12; R.S.S. 1953, c.23, s.12.

Security for performance of contract

13 When any public improvement is being carried out contract, the minister may require that security be given to and in the name of Her Majesty for the due performance of the work within the time specified for its completion.

1949, c.6, s.13 (1); R.S.S. 1953, c.23, s.13.

Authority for awarding contract to other than lowest bidder

14 Where it seems to the minister to be inexpedient to let the work to the lowest bidder, he shall report same to and obtain the authority of the Lieutenant Governor in Council before awarding the contract to any other than such lowest bidder.

1949, c.6, s.13 (2); R.S.S. 1953, c.23, s.14.

Conditions of payment

15 No sum of money shall be paid to a contractor, nor shall work be commenced on a contract, until the contract has been by all the parties named therein and any security required has been given.

1949, c.6, s.11; R.S.S. 1953, c.23, s.15.

Contract to inure to Her Majesty

16 All contract respecting public improvements or property, real or personal, under control of the department, heretofore or hereafter entered into by the minister or by any person thereunto duly authorized, shall inure to the benefit of Her Majesty and may be enforced as if entered into with Her Majesty and may be enforced as if entered into with Her Majesty under the authority of this Act.

1949, c.6, s.15; R.S.S. 1953, c.23, s.16.

Actions instituted by Attorney General

17 All actions, suits and other proceedings for the enforcement of a contract, or for the recovery of damages for breach of contract, or for the trial of any right in respect of property, real or personal, under the control of the department, shall be instituted in the name of Her Majesty by the Attorney General.

1949, c.6, s.16; R.S.S. 1953, c.23, s.17.

Fair wages paid

18 In every case where public works are carried on, whether by contract, or by order or commission, or under the direction of the officers of the department, all mechanics, labourers and other persons who perform labour on such works shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district in which the work is being performed; and if there is no current rate in such district, then a fair and reasonable rate; and in the event of a dispute arising as to what is the current or a fair and reasonable rate, it shall be determined by the fair wage officer of the Government, whose decision shall be final.

1949, c.6, s.17; R.S.S. 1953, c.23, s.18.

ACCOUNTS

Vouchers

19 All accounts for expenditures under the provisions of this Act shall be paid by the Provincial Treasurer upon the production of proper vouchers by the department.

1949, c.6, s.18; R.S.S. 1953, c.23, s.19.

SUPPLIES AND MATERIALS

Procuring supplies

20(1) The Department may procure all such construction and maintenance equipment and all such supplies as may be requisite for use in connection with public improvements carried on under its direction.

(2) Such supplies may be charged directly against the particular service for which they are required or placed in stock to be subsequently distributed.

1949, c.6, s.19; R.S.S. 1953, c.23, s.20.

Advances

21(1) The Provincial Treasurer may, upon the requisition of the minister, advance out of the consolidated fund such sums of money as are required to pay for supplies which are to be placed in stock as provided in section 20 and for construction and maintenance equipment.

(2) The net amount of such advances shall not at any time exceed the sum of \$5,000,000.

1949, c.6, s.20; 1953, c.9, s.2; R.S.S. 1953, c.23, s.21.

Distribution of supplies

22 The department shall distribute as may be required supplies purchased in the manner provided by section 21, under such regulations as may be prescribed by the Lieutenant Governor in Council.

1949, c.6, s.21; R.S.S. 1953, c.23, s.22.

Charging of supplies

23 The quantity of such supplies so distributed and the value thereof shall be charged by the Provincial Treasurer to the particular service in connection with which the supplies are used on an account thereof being rendered by the department, the amount of such charge being at the same time credited to the account of the advance made by the Provincial Treasurer on the requisition of the minister pursuant to section 21.

1949, c.6, s.22; R.S.S. 1953, c.23, s.23.

Computation of value of supplies

24 In computing the value of any supplies distributed to a particular service, the minister shall take into account the cost of maintaining the department's warehouse and its staff as well as the cost of any mechanical or other assistance that may have been given by any person in connection with the handling, storage, assembling, distributing or auditing of such supplies between the times of their being first ordered and finally distributed, the Provincial Treasurer being hereby authorized to advance the cost of such assistance or other expenditure in the same manner as though the payment were for the original purchase of such supplies.

1949, c.6, s.23; R.S.S. 1953, c.23, s.24.

Statement of standing of advances account

25 The Provincial Treasurer shall publish annually with the public accounts a statement showing the standing at the close of each fiscal year of the account of such advances, taking cognizance of the value of all supplies on hand at the beginning of the fiscal year, the names of all persons or firms to whom payments of \$100 or more have been made for such supplies, with the gross amount of payments for such supplies, together with a statement showing details regarding the taking into stock at a fair valuation of such material as may have been previously distributed or otherwise charged against any particular service, the gross amount charged against any particular service, and credited in reimbursement of the advances made, with the value of the supplies on hand at the close of the fiscal year, any profit or loss that may be found to result from the year's operation being shown clearly but neglected in the consideration of the following year's transactions.

1949, c.6, s.24; 1953, c.9, s.3; R.S.S. 1953, c.23, s.25.

Redistribution of supplies

26 When supplies have once been distributed for any particular service and it is found desirable to discard, transfer or otherwise dispose of them, they may be ordered by the minister to be taken into stock, at their fair value, and redistributed or otherwise dealt with in such manner as may be approved by regulations made by the Lieutenant Governor in Council.

1949, c.6, s.25; R.S.S. 1953, c.23, s.26.

Checking of stock

27 The minister shall make such arrangements as shall give to the Provincial Auditor all needed facility and assistance to check the stock on hand at the close of each year, and shall furnish the Provincial Treasurer with any information necessary to complete the statement required to be published in the public accounts with respect to the value of the stock on hand and the value placed upon any supplies discarded and taken into stock, or any other information material to the above purposes.

1949, c.6, s.26; R.S.S. 1953, c.23, s.27.

DIRECTOR OF SURVEYS

Qualifications and duties

28(1) There may be an officer of the department, to be called the Director of Surveys, who shall be a duly qualified Saskatchewan land surveyor and also a Dominion land surveyor.

(2) The Lieutenant Governor in Council may define the duties of such officer.

1949, c.6, s.27; R.S.S. 1953, c.23, s.28.

SURVEYS

Trails and public highways

29(1) The minister may from time to time cause to be surveyed and marked out on the ground by a duly qualified surveyor, any old trail which existed as such prior to the subdivision of the land which it crosses into sections, or any land required for a public; and one copy of the plans of such surveys the minister shall be filed with the department and a second copy shall be forwarded to the land titles office for the land registration district within which such old trail or public highway is situated.

(2) The effect of the forwarding and receipt in a land titles office of such copy of plans of survey, whether before or after the coming into force of this Act, shall be to vest the lands shown on such plans in Her Majesty for the public use of the province, without prejudice however to the legal rights of owned to compensation therefor:

Provided that the right and title to all mines and minerals which may be found under such land shall continue to be vested in the owner and his assigns; and provided also that the expression "mines and minerals" shall not be deemed to include, and shall be deemed never to have included, rock, shale, gravel, sand, clay or other material used in the construction, maintenance; or repair of a public improvement.

(3) The minister may approve the survey as marked out on the ground of any land for an old trail or public highway and such approval shall operate as a dedication of the land as a public highway, and nothing herein contained shall be taken to require the plan of such survey to be prepared or deposited in the land titles office before or at the time of such approval.

(4) Such old trails or shall be laid out not less than one chain, or sixty-six feet, in width; and in making the survey of any old trail the surveyor may make such changes in the location thereof as he deems necessary, but without altering its main direction.

1949, c.6, s.28; R.S.S. 1953, c.23, s.29.

CLOSING OF HIGHWAYS

Power to close highways

30(1) The minister may up the whole or and portion of a public highway and may deal with the land in such public highways as may seem expedient.

(2) All documents necessary to transfer the title to the portion of a public highway closed pursuant to subsection (1) shall be signed by the minister.

- (3) The minister may grant a permit to any owner of land or lessee of a tract of land, held under grazing lease or used for grazing purposes, to close up or fence off any specified part of a public highway, where lands held under grazing lease or used for grazing purposes are on both sides thereof.
- (4) Where an old trail crosses any land so closed up or fences off, the holder of such permit shall place a gate and two tie posts at the point of intersection of such trail with the boundary fence and erect a notice board requiring the public to leave the gate closed; provided that the right of the public to the free and uninterrupted use of such trail shall in no wise be affected.
- (5) Any person who fails to leave any such gate properly closed is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 or to imprisonment for thirty days.
- (6) While road construction, repair or improvement or any other work authorized by the minister in accordance with this Act is in progress on any public highway, the minister or any person so authorized by him may close the highway or any portion thereof to traffic for such time as he deems necessary, and any person using a highway so closed shall do so at his own risk, and shall have no right to recover damages in case of accident or injury.
- (7) Every person who uses any highway so closed to traffic or removes, defaces or damages any notice or obstruction placed thereon by authority of the minister is guilty of an offence and liable on summary conviction to a fine not exceeding \$30, and is also liable for any damage or injury done to the highway or to the property of the department occasioned by such action.
- (8) The Lieutenant Governor in Council may make regulations:
- (a) fixing the maximum of any dimension or dimensions and the maximum weight, both gross and tare, of any vehicle or combination of vehicles, including load or contents of any kind or description, which may be operated or moved and of any building, object or contrivance which may be operated or moved upon wheels, rollers or otherwise over or upon any public highway, or section thereof, subject to the height of the clearance at any subway, without a permit issued pursuant to section 57;
 - (b) fixing the maximum gross weight which may be carried on any axle of any vehicle or on any wheel of any vehicle or passenger carrying motor vehicle when operated or moved over or upon any public highway, or section thereof, without a permit issued pursuant to section 57;
 - (c) prohibiting the operation, or the movement upon wheels, rollers or otherwise, upon or over any public highway, or any section thereof, without a permit issued pursuant to section 57, of any class or classes of vehicles or of any vehicle, building, object or contrivance of any kind or description and in particular of any vehicle or combination of vehicles, building, object or contrivance, the dimensions or weight, both gross and tare, of which, including load or contents, exceeds the maximum fixed by regulation, or where the maximum gross weight carried on any axle or wheel of any such vehicle exceeds the maximum fixed by regulation;
 - (d) exempting any vehicle, building, object or contrivance either wholly or to a limited extent from the provisions of any regulation.

(9) The minister may by order, at such times and for such periods of time in any year as he deems necessary for the protection of any public highway, prohibit the operation of vehicles or impose restrictions as to the class or weight of vehicles which may be operated over or upon the highway or any section of the highway.

(10) The minister shall cause notice to be given of any order made under subsection (9) or of any amendment or cancellation thereof, in such manner as he deems advisable.

(11) Every person who violates the provisions of any regulation made under authority of subsection (8) or of any order of the minister made pursuant to subsection (9) is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$100 for the first offence and not less than \$25 nor more than \$200 for a subsequent offence, and is also liable for any damage or injury done or caused to a public highway or any public building or improvement or to any person or property through such violation; and upon a conviction for such subsequent offence, in addition to imposing a fine, the police magistrate or justice of the peace shall order that the vehicle in respect of which the offence was committed shall be immediately seized, taken into the custody of the law and impounded for a specified period of not less than five days, or until the fine and costs have been fully paid and satisfied, whichever is the longer period. The expression "costs" includes the expenses of impounding the vehicle and of keeping it impounded.

1949, c.6, s.29; 1952, c.15, s.3; R.S.S. 1953, c.23, s.30.

LANDS REQUIRED FOR PUBLIC IMPROVEMENTS

Expropriation, etc.

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

- (a) enter upon and take possession of any lands, in whomsoever vested, required for a public improvement;
- (b) 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 improvement;
- (c) enter upon and take possession of any land the expropriation of which the minister deems necessary for the use, construction, maintenance or repair of any public improvement or for obtaining better access thereto;
- (d) enter with workmen and equipment upon any land and deposit thereon, soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for a public improvement 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 purpose of making, constructing, maintaining or repairing the public improvement;
- (e) make and use all such temporary roads to and from such timber, stones, clay, gravel, sand or gravel pits as are required for the convenient passing to and from public improvements during their construction and repair;

- (f) enter upon any land for the purpose of making proper drains to carry off the water from the public improvement or for keeping such drains in repair;
- (g) divert or alter temporarily or permanently, the course of any brook, rivulet or public highway, or raise or sink the level of the same in order to carry public improvement as he thinks proper; but before discontinuing or altering any public highway, another convenient road in lieu thereof shall be substituted; and the land theretofore used for any public highway or part of a public highway 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;
- (h) divert or alter the position of any water pipe, gas pipe, oil pipe, drain or telephone or electric light wire or pole.

1949 c.6, s.2; R.S.S. 1953, c.23, s.31.

Removing fences, constructing ditches

32 When it is necessary, in the building, maintaining or repairing of a public improvement, to take down or remove any wall or fence of an owner or occupant of land or premises adjoining the public improvement, 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 by law be 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.

1949, c.6, s.31; R.S.S. 1953, c.23, s.32.

Sidings, conduits or track

33(1) When any gravel, stone, earth, sand or water is taken at a distance from the public improvement and the land on which such material or water is found, whatever the distance may be; and all the provisions of this Act apply and may be used and exercised to obtain the right of way from the public improvement to the land on which such materials are situated.

(2) Such right of way 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 improvement is constructed for the purpose of repairing and maintaining the same.

1949, c.6, s.32; R.S.S. 1953, c.23, s.33.

Survey and plan

34(1) Lands taken for any public improvement shall be surveyed and marked on the ground by a surveyor who shall prepare a proper plan of the same.

(2) The minister may approve of the survey as marked on the ground and his approval shall operate as a dedication of the land as a public improvement, and nothing herein contained shall be taken to require a plan of the survey to be prepared before or at the time of such approval.

(3) 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 constructing, maintaining or repairing a public improvement or any works connected therewith on any land after the survey thereof has been approved by the minister, in guilty of an offence and liable on summary conviction to a fine not exceeding \$50 or to imprisonment for a period not exceeding thirty days, or to both.

1949, c.6, s.33; R.S.S. 1953, c.23, s.34.

Plans filed

35 One copy of the plans of any lands required for a public improvement approved by the minister shall be filed with the department and a second copy shall be forwarded to the land titles office for the land registration district within which the public improvement is situated.

1949, c.6, s.34; R.S.S. 1953, c.23, s.35.

Land vests in Her Majesty

36 The effect of the forwarding and receipt in a land titles office of such copy of plans shall be to vest the lands shown on the plans in Her Majesty for the public use of the province, without prejudice however to the legal rights of the owner to compensation therefor:

Provided that the right and title to all mines and mineral which may be found to exist under such lands shall continue to be vested in the owner and his assigns; and provided, also, that the expression “mines and minerals” shall not be deemed to include, and shall be deemed never to have included, rock, shale, gravel, sand, clay or other material used in the construction, maintenance or repair of a public improvement.

1949, c.6, s.35; R.S.S. 1953, c.23, s.36.

Suppression of resistance

37(1) If resistance or opposition is made by any person to the entering into or upon or the taking of possession of any land under section 31, 32 or 33 a judge of the Court of Queen’s Bench may, upon being satisfied that the entering into or upon or the taking of possession, as the case may be, is within the authority conferred by this Act, issue his warrant to the sheriff of the judicial district in which the land is situated directing him to put down such resistance or opposition and take such steps as may be necessary to assure peaceable entry into or upon the land by the minister or a person acting for him or to put the minister or such person in possession of the land.

(2) The sheriff shall take with him sufficient assistance for that purpose and shall put down such resistance or opposition and take such steps as may be necessary to assure peaceable entry into or upon the land by the minister or the person acting for him or to put the minister or the person acting for him in possession of the land, as the case may require; and shall forthwith make a return to the Court of Queen’s Bench of the warrant and of the manner in which he executed the same.

1952, c.15, s.4; R.S.S. 1953, c.23, s.37.

Opening of road on petition and payment of expenses

38 If any person petitions the minister for the opening of a road through land, and the minister is of the opinion that such road may be reasonably opened for the convenience and benefit of the applicant but is not required in the interest of the public generally, the minister may require the applicant 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 road, or any road which in the opinion of the minister will be of equal or nearly equal convenience and benefit to the applicant, 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 the applicant.

1949, c.6, s.37; R.S.S. 1953, c.23, s.38.

COMPENSATION FOR LANDS TAKEN**Notice by minister to interested parties**

39(1) Upon the plan of any land required for a public improvement being forwarded to the land titles office for registration under this Act, the minister shall, except in cases where the compensation therefor has been mutually agreed upon, cause to be served by ordinary process of mail upon the registered owner a notice setting forth the area which is being expropriated and stating to whom claims for compensation are to be made. A copy of the notice shall also be mailed to the first mortgagee, if any, and to any purchaser of the land under an agreement of sale if his name and address are known to the minister.

(2) When the plan has been registered the minister shall, except in cases where compensation has been mutually agreed upon, cause to be served by registered letter upon the registered owner of the land and upon any purchaser under an agreement of sale, if his name and address are known to the minister, or upon their agents, a notice setting forth the compensation which the minister is prepared to pay for the land.

Payment into court

(3) When compensation is claimed by two or more persons who are unable to agree as to the division thereof, the minister may pay the same into the office of the district court of the judicial district in which the land affected is situated, to be paid out to the parties interested in such proportions as may be ordered by a judge of the said court on application therefor.

1949, c.6, s.38; R.S.S. 1953, c.23, s.39.

Claim for increased compensation

40(1) If any person entitled to compensation is dissatisfied with the amount offered, he shall, within one month from the date of the notice mentioned in subsection (2) of section 39, notify the minister of the fact in writing and shall in his notice name the amount he claims, and make a full statement of the facts in support of his claim.

(2) If such notification is not received by the minister within the period mentioned, the person entitled to compensation shall be deemed to be satisfied and shall accept the amount of compensation mentioned in the notice referred to in subsection (2) of section 39.

1949, c.6, s.39; R.S.S. 1953, c.23, s.40.

Minister's decision

41 If a claim is made for increased compensation the minister shall consider such claim and shall notify the claimant of his decision in respect thereof by registered letter addressed to the claimant's last known place of abode.

1949, c.6, s.40; R.S.S. 1953, c.23, s.41.

Notice of arbitration

42(1) Such claimant, if dissatisfied with the decision of the minister, may, within sixty days after notice thereof, given notice in writing to the minister, which may be by registered letter, that he will submit the claim to arbitration and the claim shall thereupon be submitted by the minister to arbitration.

(2) Such arbitration shall be by one arbitrator, who shall be the judge of the district court of the judicial district in which the public improvement or any part thereof is or is to be situated, and all the provisions of *The Arbitration Act* shall apply thereto.

(3) If for any reason such judge is unable to act, the Attorney General shall name any other district court judge to act as arbitrator.

1949, c.6, s.41; R.S.S. 1953, c.23, s.42.

Failure of claimant to give notice

43 If the claimant does not so notify the minister, and give notice make the deposit as in section 44 required, within sixty days from the registration of the notice given by the minister to the claimant pursuant to section 41, the claimant shall be deemed to have accepted the minister's decision and shall not thereafter question it.

1949, c.6, s.42; R.S.S. 1953, c.23, s.43.

Security for costs

44 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 in any event not less than \$25.

1949, c.6, s.43; R.S.S. 1953, c.23, s.44.

Payment of costs

45(1) If the difference between the sum awarded to the claimant and the amount offered by the minister is less than the difference between the sum awarded to the claimant and the amount claimed, the claimant shall pay all costs and expenses of the arbitration; and if the difference between the sum awarded to the claimant and the amount offered by the minister is greater than the difference between the sum awarded to the claimant and the amount claimed, the department shall pay the costs and expenses of the arbitration.

(2) If the costs and expenses are to be paid by the claimant, the minister may deduct such costs and expenses from the moneys deposited, and the surplus, if any, shall be returned to the claimant.

(3) If the claimant is not required to pay the minister's costs of the arbitration, the full amount deposited by him shall be returned to him.

(4) The only costs allowable upon an arbitration under this section shall be arbitrator's and witnesses' fees.

1949, c.6, s.44; R.S.S. 1953, c.23, s.45.

Basis of award

46(1) In estimating the amount to which the claimant is entitled the arbitrator shall consider and find separately as to the following:

- (a) the value of the land taken and all improvements thereon;
 - (b) damage, if any, to the remaining property of the claimant;
 - (c) the original cost only of any extra fencing which may be necessary by reason of the taking of the land, such cost to be computed at the rate of \$150 per mile.
- (2) If the value of the remaining property of the claimant is increased by reason of the construction of the public improvement through his property, by the extension of the same in either direction, or by the construction of any other public improvement in connection therewith, the increase shall be deducted from the amount to which the claimant would otherwise be entitled, and the balance, if any, shall be the amount awarded to him.
- (3) The judge, for his services as arbitrator, may be allowed such fee, and such allowance to reimburse him for his expenses incurred while attending the arbitration, as are fixed by regulations approved by the Lieutenant Governor in Council.

1949, c.6, s.25; R.S.S. 1953, c.23, s.46.

PUBLIC PROPERTY

Public improvements the property of Her Majesty controlled by department

47 All lands, steams, watercourses and property real or personal, heretofore or hereafter acquired for the use of any public improvement; all dams, reservoirs and other works erected for the storage of water; all hydraulic powers created by the construction of any public improvement; all roads, culverts and bridges; 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 or of the province and not under the control of the Government of Canada, shall be and remain vested in Her Majesty in right of Saskatchewan, and, so far as not under the control of any other department, shall be under the control and administration of the department.

1949, c.6, s.46; R.S.S. 1953, c.23, s.47.

Other works may be declared public improvements

48 The Lieutenant Governor in Council may from time to time declare any other property, real or personal, any works, roads, bridges, or other things specified in section 47 and purchased or constructed at the public expense, to be public improvements subject to the provisions of this Act, and they shall thenceforth be vested in Her Majesty in right of Saskatchewan and under the control of the department.

1949, c.6, s.47; R.S.S. 1953, c.23, s.48.

Power to dispose of public property

49(1) Any lands, and any property, real or personal, taken for public improvements, when no longer required for the use of a public improvement, may be sold, leased or otherwise disposed of under the authority of the minister; and the proceeds of the sales, leases and dispositions shall be deposited to the credit of the consolidated fund.

(2) Lands or property when required to be sold, leased or otherwise disposed of, may be so sold, leased or otherwise disposed of under the hand of the minister or deputy minister; provided that such lands or property shall whenever practicable be sold, leased or disposed of by tender or public auction.

1949, c.6, s.48; R.S.S. 1953, c.23, s.49.

Public reserves

50 All public reserves now vested or which may hereafter become vested in Her Majesty in right of Saskatchewan, by reason of the registration in the land titles office of the plan of the subdivision into lots or blocks of any land, shall be under the control of the minister, and such lands may be sold, leased or otherwise disposed of or placed under the control of any municipality under regulations to be prescribed by the Lieutenant Governor in Council.

1949, c.6, s.49; R.S.S. 1953, c.23, s.50.

Maps, etc., not private property may be required by minister

51 Any person having possession of maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records relating to any public improvement, who fails, upon demand of the minister or any other person authorized to make the demand, forthwith to deliver the same to the department, is guilty of an offence and liable on summary conviction to a fine of \$25 and in default of payment to imprisonment for thirty days.

1949, c.6, s.50; R.S.S. 1953, c.23, s.51.

PROTECTION OF PUBLIC IMPROVEMENTS

Penalty for obstructing public highway

52(1) Any person who obstructs or interferes in any manner with a public highway is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 or to imprisonment for thirty days, or to both.

(2) Where a person is convicted under subsection (1) the convicting police magistrate or justice of the peace may, in addition to the penalty imposed, order such person to remove the obstruction within a specified period and if he fails to comply with such order he is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in default of payment to imprisonment for a period not exceeding sixty days.

(3) If such person fails to comply with an order made under subsection (2) the minister may cause the order to be carried out at the expense of such person, and the expense thereof may be recovered from him as a debt due to Her Majesty.

1949, c.6, s.51; 1953, c.9, s.4; R.S.S. 1953, c.23, s.52.

Penalty for injuring public improvements

53(1) Each of the following persons:

- (a) a person who unlawfully breaks, cuts, fills up or otherwise injures a public improvement; and
- (b) where the injury is caused by means of a vehicle, building, object or contrivance, the owner of the vehicle, building, object or contrivance; and
- (c) the owner of an animal that causes any injury to a public improvement;

is guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in default of payment to imprisonment for a period not exceeding sixty days.

(2) Where such person or owner is convicted the convicting police magistrate or justice of the peace may order such person or owner to pay to Her Majesty the cost of repairing the injury and if such person or owner fails to comply with such order the cost of repairing the injury may be recovered from such person or owner as a debt due to Her Majesty.

1953, c.9, s.5; R.S.S. 1953, c.23, s.53.

Traffic on bridges

54 Any person who drives a motor vehicle across a bridge at a speed exceeding twenty-five miles an hour is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

1949, c.6, s.53; R.S.S. 1953, c.23, s.54.

Obstructing bridges

55 Any person who wilfully and without lawful excuse, places an obstruction on a bridge the property of Her Majesty, or who prevents, hinders or causes delay to any person desiring to travel across such bridge, is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

1949, c.6, s.54; R.S.S. 1953, c.23, s.55.

Use of bridges by engines

56(1) Every person who uses a bridge or culvert, the property of Her Majesty, in connection with the movement of a portable or traction engine with metal lugs, by whatsoever power drawn or propelled, shall provide sufficient planks or timbers of an aggregate width equal to the full width of the two rear wheels.

(2) Such planks or timbers shall be not less than three inches in thickness, not less than ten inches in width, and not less than twelve feet in length, and shall be laid across such bridge or culvert, upon the floor thereof, in the direction of the course of the engine and under the wheels to the extent of the full width thereof, and shall be kept thereunder continuously during the passage of the engine over the bridge or culvert.

(3) Any person who violates the provisions of this section is guilty of an offence and liable on summary conviction to a fine of not less than \$50.

1949, c.6, s.55; R.S.S. 1953, c.23, s.56.

Permit to operate vehicle over maximum weight or to move building, etc., over highway

57(1) Where the owner of a motor vehicle having a weight or carrying on any axle or wheel thereof a gross weight in excess of the maximum gross weight prescribed by regulations made under the authority of this Act desires to operate the vehicle on a public highway, he shall obtain from the minister a permit to do so.

(2) Where a person desires to operate or move, upon or over a public highway, a vehicle, other than a motor vehicle, or any building, object or contrivance, having a gross weight in excess of 20,000 pounds, or any vehicle, building, object or contrivance having any dimension or dimensions, including its load, greater than those allowed by regulations made under the authority of this Act, or a vehicle carrying on any axle or wheel thereof a gross weight in excess of that prescribed by such regulations, he shall obtain from the minister a permit to do so.

(3) The granting or refusing of a permit under subsection (1) or (2) shall be in the discretion of the minister, and a permit shall be subject to such terms and conditions as may be specified therein, and to the height of the clearance at any subway and to cancellation or suspension by the minister at any time, and may be general or may limit its duration or the particular section of the highway which may be used.

(4) The owner, driver, operator or mover of any vehicle, building, object or contrivance who has obtained a permit from the minister under this section shall nevertheless be responsible for any damage which may be caused to any public building or public improvement, or to any person or property by reason of the driving, operating or moving of any such vehicle, building, object or contrivance.

(5) In this section and section 58 "motor vehicle" and "vehicle" have the same meaning as in *The Vehicles Act*.

1949, c.6, s.56; 1952, c.15, s.5; R.S.S. 1953, c.23, s.57.

Power of officer to weigh vehicle and load

58(1) A police officer or police constable or a traffic officer appointed for the purpose of enforcing the provisions of *The Vehicles Act*, or any official appointed by the minister, having reason to believe that the gross weight of a vehicle and its load or the gross weight on any axle or wheel of a vehicle is in excess of the maximum gross weight prescribed by regulations made under the authority of this Act, or by permit issued by the minister under section 57 of this Act, may weigh the same by means of portable or stationary scales and may require the person in charge of the vehicle to take the vehicle and its load to the nearest scales if not more than ten miles distant. If the nearest scales are closed for the night, the police officer, police constable or traffic officer or official may detain the vehicle until the reopening of the scales on the following morning.

(2) The police officer, police constable or traffic officer or official may require the person in charge of the vehicle to unload immediately such portion of the load as may be necessary to decrease the gross weight of the vehicle and its load or the gross weight on any axle or wheel of the vehicle to the maximum gross weight prescribed therefor by the said regulations or permit of the minister.

(3) If the nearest weighing machine is more than ten miles distant, or in lieu of proceeding to a weighing machine, the police officer, police constable or traffic officer or official may require the person in charge of the vehicle to produce forthwith an inventory showing the true weight of the vehicle and its load, or the gross weight on any axle or wheel of the vehicle, verified in writing by the owner of the vehicle.

(4) Every person driving or moving upon or over a public highway a vehicle, building, object or contrivance shall, upon being requested or signalled so to do by a police officer or police constable or a traffic officer mentioned in subsection (1) or by any official appointed by the minister, stop driving or moving the vehicle, building, object or contrivance in order to permit such officer, constable or official to make any examination or investigation deemed necessary by him to determine the dimensions and weight of such vehicle, building, object or contrivance and the gross weight on any axle or wheel of such vehicle.

(5) A person who fails to comply with any request made by a traffic officer or official pursuant to any power conferred by this section is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$100 for the first offence and not less than \$25 nor more than \$200 for a subsequent offence and, in default of payment of a fine, to imprisonment for a period not exceeding thirty days.

1949, c.6, s.57; R.S.S. 1953, c.23, s.58.

Penalty for obstructing surveyors and engineers

59 Any person who interrupts, hinders or molests a surveyor or an engineer engaged in making any examination, exploration or survey in connection with a work authorized by this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 or to imprisonment for a period not exceeding sixty days, or to both.

1949, c.6, s.58; R.S.S. 1953, c.23, s.59.

Erection of snow fences and removal of drifted soil

60(1) The minister may from time to time by his agents or servants enter upon land adjoining a public highway and:

- (a) erect snow fences thereon and maintain and remove the same;
- (b) make snow ridges thereon;
- (c) remove drifted soil which has accumulated along the boundary fence and spread it on the land and, if deemed necessary for that purpose, remove the boundary fence, replacing it in its former position after such purpose has been fulfilled.

(2) Any person who obstructs or interferes with any agent or servant of the minister engaged in exercising on his behalf any of the powers conferred by subsection (1), or who takes down, removes or otherwise interferes with a snow fence or snow ridge erected or made under the authority of subsection (1), is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.

1949, c.6, s.59; R.S.S. 1953, c.23, s.60.

Power of minister to open temporary road across private property

61(1) The minister may open and maintain a temporary road or of way for public purposes across any private property or when in the opinion of the minister the condition of the public roads in the neighbourhood makes such action expedient.

(2) The minister shall pay to the occupier of any land so opened as a temporary road or right of way such compensation for the use thereof and for any and all damages occasioned as may be mutually upon by the minister and such occupier, or, in the event of disagreement, such compensation as is determined by arbitration.

(3) In the event of disagreement the minister shall cause to be served by registered letter upon the occupier of the land or his agent a notice setting forth to compensation which the minister is prepared to pay for the temporary use of the land; and thereupon the provisions of sections 40 to 45 and subsection (3) of section 46 shall *mutatis mutandis* apply.

(4) Where the minister opens a temporary road or right of way across land which has been or may thereafter be fenced, the minister may provide for the placing of gates at the points of intersection of the temporary road or right of way with the boundary fence and for the erection of notice board requiring the public to leave the gates closed.

(5) Any person who fails to comply with a notice so erected or who maliciously takes down, covers up, mutilates, defaces or alters such notice is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

1949, c.6, s.60; R.S.S. 1953, c.23, s.61.

SIGNBOARDS, BUILDINGS, STRUCTURES, TREES, FENCES, ETC.

Prohibitions

62(1) No person shall erect or place any notice, sign, signboard, billboard or advertising device or post, paste, paint or display in any manner whatever any notice, sign or advertisement, or cause the same to be erected, placed, posted, pasted, painted or displayed, upon or within one-quarter of a mile from a provincial highway outside a city, town, village or hamlet. This subsection does not apply where a device, notice or sign is used only for the purpose of advertising for sale, by the occupant of the land on which the advertisement appears, goods or produce manufactured, grown or raised on the premises or of advertising accommodation or services offered by him; provided that such device, notice or sign is not larger than four feet by three feet or does not exceed such greater dimensions as may be authorized by permit obtained from the minister.

(2) Unless authorized by permit obtained from the minister, no person shall erect or place, or cause to be erected or placed, a building or structure of any nature whatsoever within three hundred feet from a provincial highway outside a city, town, village or hamlet, and no person shall make, or cause to be made, any addition to such a building or structure so erected or placed. Every application for a permit shall be accompanied by such plans, designs, specifications and other information as the minister may require. For greater certainty, and without limiting the generality of this subsection, it is declared that the expression "structure" includes a gasoline filling station, garage, automobile service station and refreshment station.

(3) Unless authorized by permit obtained from the minister, no person shall plant or place, or cause to be planted or place, any tree, shrub, brush, hedge, fence or other object upon or within three hundred feet from a provincial highway outside a city, town, village or hamlet; provided that nothing contained in this subsection shall apply to a wire fence.

(4) Unless authorized by permit obtained from the minister, no person shall construct any canal for the purpose of irrigation or for any other purpose within three hundred feet from a provincial highway outside a city, town, village or hamlet. Every application for a permit shall be accompanied by a sketch showing the course of the proposed canal and by such other information as the minister may require.

(5) The granting or refusing of a permit under subsection (1), (2), (3) or (4) shall be in the discretion of the minister and a permit shall be subject to such conditions as may be specified therein.

(6) The minister may make an agreement with the owner of land adjacent to a provincial highway for the removal of any tree, shrub, brush, hedge, fence or other object growing or standing upon such land if the minister is of opinion:

- (a) that the roadbed of the highway may be injuriously affected by such object; or
- (b) that such object may cause the drifting of snow and an accumulation thereof on the highway; or
- (c) that the vision of pedestrians or drivers of vehicles on the highway may be dangerously obstructed by such object; or
- (d) that such object is unsightly;

and may do all things necessary for the performance by him of any agreement so made.

(7) A person who violates subsection (1), (2), (3) or (4) is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

(8) Upon a conviction for violation of subsection (1), (2) or (3), the convicting magistrate or justice of the peace shall order the offender to remove, erase, obliterate or destroy, within a specified period, the thing in respect of which he is convicted, and upon a conviction for violation of subsection (4) shall order the offender to fill in, within a specified period, the canal in respect of which he is convicted; and after the expiry of the period specified in any such order, failing due compliance with the order, the offender shall from time to time be liable on summary conviction to a further fine not exceeding \$50 for each day during which the breach continues or to imprisonment for not less than thirty days or to both fine and imprisonment.

(9) If the offender fails to comply with an order made under subsection (8) the minister may cause the order to be carried out at the expense of the person in default, and the expense thereof may be recovered from such person as a debt due to Her Majesty.

1949, c.6, s.61; 1950, c.6, s.3; 1951, c.7, s.2;
R.S.S. 1953, c.23, s.62.

Destruction or defacement of signs, etc.

63 A person who destroys, damages, defaces or removes any sign, signboard or notice, the property of Her Majesty, erected or placed upon or adjacent to a public highway pursuant to this Act or the regulations, is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$100 in addition to the value of the property destroyed or removed or the cost of repairing the damage done, and in default of payment to imprisonment for a period not exceeding thirty days.

1949, c.6, s.62; R.S.S. 1953, c.23, s.63.

Removal of certain notices, signs, signboards, etc.

64(1) Where any notice, sign, signboard, billboard, advertising device or advertisement has been heretofore or boards, etc. is hereafter erected, placed, posted, pasted, painted or displayed within one quarter of a mile from a provincial highway outside a city, town, village or hamlet, the minister may by order in writing direct the person who caused the same to be erected, placed, posted, pasted, painted or displayed or the owner or occupant of the land, building or structure on which the notice, sign, signboard, billboard, advertising device or advertisement is erected, placed, posted, pasted, painted or displayed; to remove, erase, obliterate or destroy the same within sixty days from the date of service of the order upon him. This subsection does not apply where a device, notice or sign is used only for the purpose of advertising for sale, by the occupant of the land on which the advertisement appears, goods or produce manufactured, grown or raised on the premises or of advertising accommodation or services offered by him; provided that such device, notice or sign is not larger than four feet by three feet or does not exceed dimensions authorized by permit obtained from the minister under subsection (1) of section 62.

(2) An order made under subsection (1) shall be served by personal service or by registered mail; and an order served by registered mail shall be deemed to have been served on the day of the date of the receipt from the postmaster for the envelope containing the order.

(3) If any person on whom an order made under subsection (1) has been served fails to comply with the order within the said sixty days he is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

(4) If any person on whom an order made under subsection (1) has been served fails to comply with the order within the said sixty days the minister may, whether or not proceedings have been instituted or a conviction has been obtained under subsection (3), cause the removal, erasure, obliteration or destruction of the notice, sign, signboard, billboard, advertising device or advertisement and dispose of it or any part thereof in such manner as he deems fit, and the expense of such removal, erasure, obliteration, destruction or disposal may be recovered from the said person as a debt due to Her Majesty.

1951, c.7, s.3; R.S.S. 1953, c.23, s.64.

ANIMALS ON PROVINCIAL HIGHWAYS**Prohibition, removal of animals, and lien for expenses**

65(1) No animal shall be allowed to be on a provincial highway unless it is in direct and continuous charge for expenses of a person who is competent to control it and who is controlling it in such manner that it does not obstruct or cause any injury to the highway or create any hazard to traffic on the highway.

(2) Any officer of the department, traffic officer within the meaning of *The Vehicles Act*, police officer or police constable may take into his custody an animal that is on a provincial highway contrary to subsection (1) and cause it to be taken to, fed and kept in a suitable place, and he shall have a lien upon the animal for the expenses of the removal, care, feeding and keeping of the animal.

(3) Subsection (2) of section 4 and sections 5 and 6 of *The Agisters and Livery Stable Keepers Act* shall apply *mutatis mutandis* for the purpose of recovering such expenses and disposing of any surplus moneys.

(4) Nothing in subsection (1) imposes any civil liability for damages on the owner of an animal that is on a provincial highway contrary to subsection (1).

1953, c.9, s.6; R.S.S. 1953, c.23, s.65.

DANGEROUS RAILWAY CROSSINGS

Erection of signs

66(1) The minister may by order declare any level crossing of a public highway over a railway, outside a city or town, to be a dangerous railway crossing, and he shall, in such case, if the crossing is on a provincial highway, cause suitable signs indicating danger, or stop signs, to be erected or placed on the approaches thereto.

(2) On the application of the council of any city or town, the department shall supply the municipality with such signs, and it shall be the duty of the municipality to cause them to be erected or placed forthwith on the approaches to crossings which the council has by resolution declared to be dangerous.

1949, c.6, s.64; R.S.S. 1953, c.23, s.66.

STOP SIGNS AT HIGHWAY INTERSECTIONS

Erection of stop signs

67 The minister may, where he deems it expedient in the public interest to do so, cause a stop sign to be erected or placed on any approach to a provincial highway, including an approach from another provincial highway.

1952, c.15, s.6; R.S.S. 1953, c.23, s.67.

PUBLIC FERRIES

Power to establish

68(1) The minister may, when deemed expedient to do so, establish one or more public ferries on any river, stream or other body of water in the province; and he shall maintain and operate such ferries as public improvements, and collect all tolls payable under regulations made pursuant to subsection (2).

(2) The Lieutenant Governor in Council may make such regulations as may be deemed expedient governing the operation of public ferries and fixing the tolls to be charged thereon.

1949, c.6, s.65; R.S.S. 1953, c.23, s.68.

PRIVATE FERRIES

Licence

69 The minister may issue annual licences for the establishment and operation of private ferries on any river, stream or other body of water in the province, granting an exclusive right to maintain and operate such private ferries within the limits specified in the licences.

1949, c.6, s.66; R.S.S. 1953, c.23, s.69.

Licence specifies tolls

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

1949, c.6, s.67; R.S.S. 1953, c.23, s.70.

Regulations

71 The Lieutenant Governor in Council may make regulations fixing the licence fees which shall be collected by the minister for the issue of licences, the amount of bonus which the minister may pay to the holder of a licence, and the conditions under which the licensee shall operate a private ferry.

1949, c.6, s.68; R.S.S. 1953, c.23, s.71.

INSPECTION OF FERRIES

Inspection

72 The minister may 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.

1949, c.6, s.69; R.S.S. 1953, c.23, s.72.

OFFENCES AND PENALTIES

Persons refusing to pay tolls

73(1) If any person using a licensed ferry refuses to pay the toll or rates chargeable for ferrying him or his property, the licensee of the ferry may forthwith seize any property in possession of the offender then being ferried and hold the same.

(2) A person so refusing is guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and in default of payment to imprisonment for a period not exceeding two months; and the property seized shall be liable for payment of the fine, the toll and the costs of the prosecution, and may be sold under distress warrant to satisfy such charges.

1949, c.6, s.70; R.S.S. 1953, c.23, s.73.

Interference with rights

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

1949, c.6, s.71; R.S.S. 1953, c.23, s.74.

Violation of licence or Act

75 A licensee or permittee who violates any of the terms or conditions of his licence or permit or any of the provisions of this Act, for violation of which no penalty is herein provided, is guilty of an offence and liable on summary conviction to a fine not exceeding \$50, and in default of payment to imprisonment for a period not exceeding thirty days; and is further liable to forfeit his licence or permit under the direction of the minister.

1949, c.6, s.72; R.S.S. 1953, c.23, s.75.

Unlicensed persons

76 A person operating a private ferry, without having first obtained a licence therefor as provided by this Act, is guilty of an offence and liable on summary conviction to a fine of \$10 for every day upon which such ferry is operated without licence.

1949, c.6, s.73; R.S.S. 1953, c.23, s.76.

DEPOSITS IN CONSOLIDATED FUND**Deposit of moneys**

77 All moneys collected by the department from tolls on public ferries, and from the issue of licences and permits under this Act shall be deposited to the credit of the consolidated fund.

1949, c.6, s.74; R.S.S. 1953, c.23, s.77.

RAILWAYS**Minister exercises powers under *The Saskatchewan Railway Act***

78 All matters connected with railways over which the Government of Saskatchewan by any Act, agreement or otherwise may have any control shall be administered by the department; and, in addition to the powers exercisable by him under this Act, the minister shall have and exercise all the powers, authorities and duties conferred upon, vested in or directed to be performed by him under the provisions of *The Saskatchewan Railway Act*.

1949, c.6, s.75; R.S.S. 1953, c.23, s.78.

Penalty for refusal to deliver up plans, etc.

79 The minister may require any person having the possession of any papers, plans, maps, drawings, reports, books, accounts, records, documents or other things relating to any railway system, not being the private property of such person, to deliver the same without delay to the department under a penalty of \$20 for each day's delay.

1949, c.6, s.76; R.S.S. 1953, c.23, s.79.

EXAMINATION OF WITNESSES

Powers of minister

80(1) The minister may, by notice in writing signed by him, require the attendance before him or before any person designated by him in such notice, at a time and place to be named in the notice, of any person whose attendance is deemed necessary in connection with any matter under the jurisdiction of the department; and 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 before him; and the minister or such person designated by him may, at the time and place appointed by the notice, examine the person so notified to be present, on oath, touching such matter.

(2) When the circumstances of the case warrant, the minister may, with the approval of the Lieutenant Governor in Council, pay such remuneration to a witness for time lost and expenses incurred as is deemed just and reasonable.

(3) A person wilfully neglecting or refusing to comply with the notice of the minister, or to be examined by the minister or a person designated by him, is guilty of an offence and liable on summary conviction to a fine of \$25 and in default of payment to imprisonment for thirty days.

1949, c.6, s.77; R.S.S. 1953, c.23, s.80.

EVIDENCE OF RECORDS

Copies of records as evidence

81 Copies of records, documents, plans, books or papers belonging to or deposited with 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.

1949, c.6, s.78; R.S.S. 1953, c.23, s.81.

MANUAL OF INSTRUCTIONS

Manual of instructions

82 The minister may from time to time prescribe a manual of instructions for the guidance of surveyors employed in making surveys authorized 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.

1949, c.6, s.79; R.S.S. 1953, c.23, s.82.

ANNUAL REPORT

Annual report

83(1) The minister shall make and submit to the Lieutenant Governor in Council an annual report on all the works under the control of the department, which shall be laid before the Legislative Assembly within fifteen days from the commencement of the session next following the end of the year for which the report is made.

(2) The report shall include such information as may be requisite to enable the Legislative Assembly to judge of the working of the department.

1949, c.6, s.80; R.S.S. 1953, c.23, s.83.

FOR HISTORICAL REFERENCE ONLY