



CHAPTER 29.

An Act to amend the "Highway Act."

RSBC 1911, c. 99

[1st March, 1913.]

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia,
enacts as follows:—

1. This Act may be cited as the "Highway Act Amendment Act, Short title
1913."

2. Section 8 of the "Highway Act," being chapter 99 of the Re-enacts s. 8
"Revised Statutes of British Columbia, 1911," is hereby repealed,
and the following is substituted therefor.

"8. It shall be lawful for the Minister, in his absolute discretion, Power of Minister
in respect of
highways.
to make public highways of any width not exceeding sixty six feet,
and to vary and alter any existing roads, and to take at any point
additional land beyond the width of sixty-six feet where necessary
to secure the efficient construction, maintenance, or use of the high-
way, and to declare the same by a notice in the Gazette, setting
forth the direction and extent of such highway; and for such purpose,
by himself, his agents, servants, and workmen, without any notice
to and without any consent on the part of any person owning or
occupying the land, or having or claiming any estate, right, title, or
interest therein, to enter upon, set out, ascertain, and take possession
of any private roads and any lands in the Province, and any timber
thereon; and also in the like discretion to enter upon any land for
the purpose of cutting any drains that may be thought necessary,
with power to take any gravel, timber, stone, and other materials
required for the construction of any highway or bridge."

3. Subsections (6) and (7) of section 22 of said chapter 99 are Re-enacts s. 22,
subsecs (6) and (7).
hereby repealed, and the following subsections are substituted there-
for:—

"(6.) Wilfully or without lawful authority placing or maintaining by day or by night any obstruction on any part of a highway, or changing the level of a highway in any way whatsoever, or stopping the natural flow of water through any drain or culvert on or under any highway:

"(7.) Constructing or maintaining a ditch the water from which causes damage to any public property."

Amends s. 22,
subsec. (8) and (9).

4. Subsections (8) and (9) of said section 22 are hereby amended by inserting between the words "vehicle" and "carrying," in the third line of each of the said subsections, the words "drawn by animal power"; and by striking out the first three words in each of the said subsections, and substituting therefor the words "driving or causing to be driven."

Amends s. 22,
subsec. (10).

5. Section 22 of said chapter 90 is hereby further amended by adding to subsection (10) thereof the following words: "or riding a bicycle or other wheeled vehicle on any sidewalk constructed in whole or in part at the expense of the Province."

Amends s. 23.

6. Section 23 of said chapter 99 is hereby amended by inserting between the words "vehicle" and "has," in the second line, the words "drawn by animal power."

Amends s. 31.

7. Section 31 of said chapter 99 is hereby amended by substituting the word "may" for the word "shall" in the first line thereof.

8. Said chapter 99 is hereby further amended by adding after section 32 the following:—

" PART III.

" Extraordinary
traffic" defined.

" 33. 'Extraordinary traffic' means and shall include any carriage of articles over any of the public highways of the Province, at either one or more times, whether in vehicles drawn by animal power or not, which taken in conjunction with the nature or existing condition of the highway is, in the opinion of the Minister, so exceptional or improper in the quality or quantity of the articles carried, or in the mode or time of use of the road, as substantially to alter or increase the burden imposed by the proper use of the road by ordinary traffic, and to cause damage and expense beyond what is reasonable or common.

Prohibition.

" 34. When in the opinion of the Minister any highway or bridge is liable to damage through extraordinary traffic thereon, the Minister shall have power, and he is hereby authorized, to prohibit the use of any such highway or bridge by any person or persons owning, operating, or in charge of the said extraordinary traffic; and any such person driving on or using such highway after notice of prohibition shall be guilty of an offence against this Act, and

Penalty.

shall be liable, on summary conviction thereof, to a penalty not exceeding one hundred and not less than fifty dollars, and, in default of immediate payment of such penalty, to imprisonment, with or without hard labour, in the discretion of the convicting Magistrate, for a term not exceeding six months:

“ Provided that any person or persons to whom this section applies ^{Composition} may enter into an agreement with the Minister for the payment to him of a composition in respect to such weight or traffic as in the opinion of the Minister is definable as causing extraordinary expense, and thereupon the person so paying the same shall not be subject to any proceeding as aforesaid.

“ 35. The Minister shall have power, and is hereby authorized, to ^{Temporary closing of highway.} close for traffic any highway in the Province at such a time and for such period of time as may be necessary for the construction or protection of public works or otherwise.”

VICTORIA, B.C.

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