



CHAPTER 28

An Act respecting the expropriation of Beauharnois
Light, Heat and Power Company

[Assented to, the 17th of May, 1941]

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

1. In this act:

1. "Corporation" means Beauharnois Light, Heat and Power Company, incorporated by the act 2 Edward VII, chapter 72, as amended by the acts 1 George V (1910), chapter 77; 18 George V, chapter 113; 20 George V, chapter 136, and 22 George V, chapter 127;
2. "Minister" means the Minister of Lands and Forests;
3. "Registrar" means Montreal Trust Company, a corporation incorporated by the act 52 Victoria, chapter 72, and its amendments.

Inter-
pretation:
"Corpora-
tion";

2. The Lieutenant-Governor in Council may authorize the Minister to acquire, by mutual agreement or by expropriation, the undertaking of the Corporation or the totality or a portion of its moveable and immoveable property.

Acquisition
of under-
taking
authorized.

3. Such expropriation shall be effected pursuant to articles 1066a to 1066z, inclusive, of the Code of Civil Procedure (as enacted by the act 4 George VI, chapter 71), in the same manner as if every property expropriated were an immoveable within the meaning of the said articles, but with the following modifications:

Procedure in
case of expro-
priation.

1. The plan prescribed in articles 1066c, 1066v and 1066w shall not be required. As to the moveables,

mention that they are expropriated shall be a sufficient description thereof, unless they are expropriated in part only. In such case, those which are expropriated or those which are excepted must be described. If the entire undertaking is expropriated, a special description is required only for the immoveables;

2. The Superior Court of the district of Montreal shall be deemed to be the Superior Court of the district in which the expropriated property is situated;

3. The deposit, by the Minister's order, at the registry office of the divisions of Montreal, Beauharnois and Soulanges, of the description and estimate of valuation of the expropriated property shall have the effect of the deposit contemplated in the said article 1066*v*.

Disposition
of property
acquired.

4. The property acquired through the carrying out of the two preceding sections shall be entrusted to The Quebec Streams Commission and shall be governed by Division VIII of the Water-Course Act (Revised Statutes, 1925, chapter 46).

Acquisition
of capital
stock
authorized.

5. The Lieutenant-Governor in Council may authorize the Minister to acquire, by mutual agreement or by expropriation, all the shares of the capital stock of the Corporation.

Procedure in
case of ex-
propriation.

6. Such expropriation shall be effected pursuant to articles 1066*a* to 1066*z*, inclusive, of the Code of Civil Procedure (enacted by the act 4 George VI, chapter 71), in the same manner as if the said shares were an immoveable within the meaning of the said articles, but with the following modifications:

1. The delay fixed in sub-paragraph *d* of article 1066*b* for acceptance of the offer shall be increased to thirty days;

2. The plan and description prescribed by articles 1066*c*, 1066*v* and 1066*w* shall not be required;

3. The Superior Court of the district of Montreal shall be deemed to be the Superior Court of the district in which the expropriated property is situated;

4. The deposit, by the Minister's order, at the head office of the Corporation and at that of the Registrar, of a copy of the Order-in-Council authorizing the expropriation and of the estimate of valuation of the expropriated property shall have the effect of the deposit contemplated in the article 1066*v*;

5. The notice contemplated in article 1066w shall be served at the head office of the Corporation and at that of the Registrar.

7. For the purposes of the said expropriation, the body of shareholders expropriated shall be deemed to be the expropriated party, and the said shareholders, as well as the directors of the Corporation in office at the time of the expropriation and their successors, shall continue, for such purposes, to act as they could have done before the expropriation under the laws and by-laws governing the Corporation; the whole under the name: "The Shareholders of Beauharnois Light, Heat and Power Company".

Forthwith after the service of the notice of expropriation, the said directors must call a meeting of the expropriated shareholders to deliberate upon the acceptance or refusal of the offer of indemnity, the claim to be made in the event of refusal, and the conducting of the proceedings relating to the expropriation. Only one contestation may be filed on behalf of the body of expropriated shareholders; none of them may file a separate contestation.

All decisions at meetings of expropriated shareholders shall be made by a majority of votes, according to the number of shares expropriated.

The payment of the indemnity shall be validly made to the Registrar or to any other person in the Province whom the body of expropriated shareholders may appoint by resolution transmitted to the Minister.

8. All the shares acquired in virtue of the three foregoing sections of this act shall be held by the Government of this Province, which may exercise all the powers given by law to shareholders.

After such acquisition:

1. The number of the directors of the Corporation shall be reduced to three;

2. The directors of the Corporation shall be appointed by the Lieutenant-Governor in Council during pleasure and they need not be shareholders of the Corporation;

3. The Provincial Auditor shall be the auditor of the Corporation;

4. The name of the Corporation shall be "Quebec Hydro-Electric". Such change of name shall not effect any change in the rights and obligations of the Corpora-

tion, and proceedings to which it is a party may be continued under its new name without procedure by way of continuance of suit;

5. Notice of such change and of the reduction in the number of the directors shall be published, by the Minister, in the *Quebec Official Gazette*, and such publication shall be conclusive proof thereof.

Acquisition of bonds, etc., authorized.

9. The Lieutenant-Governor in Council may authorize the Minister to acquire, by mutual agreement or by expropriation, all the first mortgage bonds of the Corporation, the hypothecary obligation of the Corporation constituted by deed before H. B. McLean on the 21st of May, 1940, under the number 8478 of his minutes, and the claim against the Corporation in the sum of twelve million dollars (\$12,000,000.00) resulting from the operations authorized by Order No. 202 of the Provincial Electricity Board, dated the 30th of April, 1940.

Provisions applicable.

10. The provisions of section 6 shall apply, *mutatis mutandis*, to such expropriation.

2 Ed. VII, c. 72, s. 2, replaced.

11. Section 2 of the act 2 Edward VII, chapter 72, is replaced by the following:

Head office.

"2. The head office of the company shall be in the city of Montreal."

Acquisition of securities, etc., authorized in certain event.

12. In the event of the acquisition of the shares of the Corporation, the Lieutenant-Governor in Council may authorize the Provincial Treasurer to acquire securities of the Corporation or to grant to it advances or to guarantee its loans or other engagements.

Provision for cost of development, etc.

13. In the event of the acquisition of the Corporation's undertaking or of its property in whole or in part, the Lieutenant-Governor in Council may authorize the Provincial Treasurer to place at the Minister's disposal the sums required for the development or operation of the undertaking.

Payment of expenditure.

14. The expenditure required for the carrying out of this act shall be payable out of the consolidated revenue fund.

Retroactive effect.

15. Section 11 of this act shall have effect as from the 12th of May, 1941.

Coming into force.

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