



## CHAPTER 23

### An Act to promote the development of the Gaspesian area

*[Assented to, the 12th of November, 1936]*

**W**HEREAS the distress and suffering resulting from Preamble.  
unemployment have specially affected the popu-  
lation of the Gaspesian area.

Whereas Chandler is suffering from the closing of the mill there, the erection of which had attracted a large number of workers;

Whereas the re-opening and operating of the Chandler mill would help to alleviate unemployment, to do away with the evil of direct relief, to lighten public budgets, and restore the well-being of the population of the Gaspesian area;

Whereas it is urgently necessary to take effective measures to facilitate the early re-opening of the Chandler pulpmill;

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

**1.** The Lieutenant-Governor in Council may au- Expropria-  
thorize any person, firm or corporation, who or which, tion of cer-  
in his opinion, affords sufficient guarantees of solvency, tain immove-  
to acquire, by expropriation, the immoveables and all ables, etc.,  
authorized.  
the immoveable rights affecting the same, on which  
the mill for the production of pulp and paper at Chand-  
ler, in the electoral district of Gaspé-South, is construct-  
ed, as well as the buildings and machinery used for  
such purposes, in the manner and upon the conditions  
hereinafter stipulated.

Serving of  
notice upon  
party expro-  
priated.

**2.** The person, firm or corporation obtaining such right of expropriation must cause a notice to be served upon the party against whom the expropriation is sought:

Contents of  
such notice.

a. Setting forth the order-in-council authorizing the expropriation;

b. Containing a declaration to the effect that he or it is ready to pay a certain specified sum, as compensation;

c. Giving the name of his or its arbitrator.

How notice  
to be served.

Such notice must be served by a bailiff of the Superior Court.

Insertion in  
newspapers  
in certain  
case.

If the bailiff in his return states that the party against whom the expropriation is sought is absent from the Province or that the corporate seat of such party, if a firm or a corporation be concerned, is situated outside of the Province, the acting chief justice of the Superior Court may, upon petition presented in the district of Quebec, order that the said notice be inserted once in English and in French, in a newspaper published in the city of Montreal and in a newspaper published in the city of Quebec, and in the *Quebec Official Gazette*.

Proceeding  
by default in  
certain case.

If, within eight days following the publication of such notice in such newspapers and in the *Quebec Official Gazette*, the adverse party does not appear, the petitioner proceeds by default against the party to be expropriated.

Naming of  
sole arbitrat-  
or.

**3.** If, within eight days after the service of such notice upon the adverse party, or in the case and within the delay contemplated by the last paragraph of the preceding section, such party does not give the name of his arbitrator or does not accept the offer of the petitioner, then the acting chief justice of the Superior Court, upon application to that effect presented in the district of Quebec, shall name the sole arbitrator to determine the amount of the compensation.

Application  
for appoint-  
ment of third  
arbitrator.

**4.** If the adverse party, within the prescribed delay, has made known the name of his arbitrator and the amount which he asks as compensation, either party may apply to the acting chief justice of the Superior Court for the appointment of a third arbitrator.

How applica-  
tion to be  
made.

Such application shall be in writing; two days' notice of presentation thereof shall be given to the adverse party and it shall be presented in the district of Quebec.

The judge, upon proof that the formalities above <sup>Appointment</sup> prescribed have been complied with, shall appoint such <sup>by judge.</sup> third arbitrator, who, with the two arbitrators already appointed, shall proceed with the arbitration.

**5.** 1. Before proceeding, the arbitrators shall make <sup>Swearing of</sup> oath, before a judge of the Superior Court, to fulfil the <sup>arbitrators.</sup> duties of their office well and faithfully.

2. If one of the arbitrators dies before rendering the <sup>Replacing of</sup> award, or becomes incapacitated from acting, or if he <sup>arbitrator by</sup> refuses or neglects to act within a reasonable delay, the <sup>parties.</sup> party who appointed him shall appoint some one in his place.

Upon the application of either of the parties, present- <sup>Replacing of</sup> ed in the district of Quebec, two days' notice having <sup>arbitrator by</sup> been given to the other, the acting chief justice of the <sup>acting chief</sup> Superior Court, in the event of the death, incapacity <sup>justice.</sup> or refusal to act of an arbitrator, if it respects the one he has appointed, or if either party refuses to appoint an arbitrator to replace the arbitrator appointed by such party, shall appoint another in his place.

3. No cause of disqualification may be urged against <sup>Objections</sup> an arbitrator appointed by the acting chief justice of <sup>to arbitrator</sup> the Superior Court, after his appointment. The objec- <sup>appointed</sup> tions must be raised previously, and the validity or <sup>by acting</sup> invalidity thereof shall be summarily decided by the <sup>chief justice.</sup> acting chief justice of the Superior Court.

4. No cause of disqualification against an arbitrator <sup>Objections to</sup> named by either of the parties may be admitted after <sup>arbitrator</sup> the appointment of the third arbitrator. <sup>named by</sup> <sup>parties.</sup>

**6.** At their first meeting, the arbitrators, or the sole <sup>Appointing</sup> arbitrator, may appoint a secretary, whose duty shall be <sup>of secretary.</sup> to take down all the proceedings in writing, which shall be signed by the arbitrators after each sitting.

**7.** The arbitrators or a majority thereof, or the sole <sup>Examina-</sup> arbitrator, may examine the parties upon oath, and <sup>tion of par-</sup> shall examine the premises with a view to fixing the <sup>ties, etc.</sup> compensation to be awarded.

**8.** The arbitrators shall proceed at the time and <sup>When arbi-</sup> place fixed by them, of which they have given notice <sup>trators to</sup> of at least five days to the parties interested. <sup>proceed.</sup>

**9.** The arbitrators, after having examined and valu- <sup>Decision of</sup> ed the immoveables, buildings and machinery, and <sup>arbitrators.</sup> having heard the parties and their witnesses under oath

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Decision final.	administered by them, shall give their decision by means of a certificate. Such decision shall be final and without appeal.
Defects in form.	<b>10.</b> No defect of form shall render the award null.
Award.	In the award, it shall not be necessary to name the person, firm or corporation to whom or to which the sum has to be paid.
Transmission of minutes, etc.	<b>11.</b> The secretary of the arbitrators shall transmit to the prothonotary of the Superior Court of the district of Quebec the minutes of the proceedings as well as the certificate comprising the award.
Costs of arbitration.	<b>12.</b> The arbitrators may decide as to which party shall pay the costs of arbitration.
Fees.	They shall also decide as to the amount of fees to be allowed each arbitrator.
Taking possession after payment or tender.	<b>13.</b> Upon payment or legal tender of the compensation awarded to the party entitled thereto, or upon the deposit in the Superior Court of the district of Quebec of the amount of such indemnity in the manner hereinafter mentioned, the award shall give to the party in whose favour it was rendered the power of taking immediate possession of the immoveables, buildings and machinery forming the object of the expropriation proceedings.
Issue of warrant in case of opposition.	If any resistance or opposition be made to such taking possession, the acting chief justice of the Superior Court may, upon a petition presented in the district of Quebec and upon satisfactory proof of the award, direct his warrant to the sheriff of the judicial district of Gaspé, at Percé, or to a bailiff of such district, as he may deem convenient, to put the party entitled thereto in possession and to cause all resistance or opposition to cease,—all which the sheriff or bailiff shall do, taking with him the necessary assistance.
Restriction.	The acting chief justice of the Superior Court shall not grant such warrant unless notice of the time and place where application is to be made to him has been served two days previously upon the adverse party.
Security.	<b>14.</b> Security must be given by a deposit, in a chartered bank designated by the acting chief justice of the Superior Court, of a sum sufficient in his opinion to pay the compensation awarded and all the costs of the proceedings.

**15.** The petition, the warrant of possession, the certificate of the deposit above mentioned, and all other documents connected with such incidental proceedings, shall remain of record in the Superior Court of the district of Quebec, and a special register of such proceedings shall be kept by the prothonotary.

No part of the deposit, or of the interest arising therefrom, shall be reimbursed or paid to the party, without the order of the acting chief justice of the Superior Court.

**16.** The party against whom such expropriation is directed who is not paid in full, in capital, interest and costs, the amount awarded to him by the arbitrators, within two months after such award, may exercise his recourse against the said person, firm or corporation, to recover the property and possession of everything expropriated, by ordinary civil action, in which he may claim the damages to which he may be entitled.

**17.** Immediate possession of everything forming the object of such expropriation, before the award is rendered, may be granted by complying with the formalities hereinafter prescribed:

1. The adoption of an order-in-council authorizing the taking of immediate possession and fixing the amount which must be deposited as security in the bank designated in the order-in-council;

2. The filing, with the prothonotary of the Superior Court of the district of Quebec, of an authentic copy of such order-in-council and of a certificate from the bank concerned, to the effect that the deposit as security has been made.

The date of the receipt of such documents by the prothonotary shall be marked by him on the back of the documents, and judgment shall be entered in favour of the person, firm or corporation who or which has obtained the right to expropriate, granting immediate possession. Such judgment shall be final and without appeal.

Such judgment shall be executable immediately, and if any resistance or opposition be made to the taking of possession, proceedings may be had in conformity with the provisions of section 13 above.

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

