



CHAPTER 23

An Act respecting the exploitation of falls and rapids on watercourses in the public domain and their concession in future

[Assented to, the 18th of May, 1935]

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

1. The Water-Course Act (Revised Statutes, 1925, R. S., c. 46, chapter 46) is amended by replacing section 78 thereof by the following Divisions and sections: ^{s. 78, re-}
^{placed.}

"DIVISION VIII

"DEVELOPMENT AND EXPLOITATION OF WATER POWERS

"78. The Quebec Streams Commission, after filing, with the Minister charged with the carrying out of this act, all plans and details necessary to show exactly the works which it can undertake and the probable cost thereof, may be authorized by the Lieutenant-Governor in Council: <sup>Authoriza-
tion of Lt.-
Gov. in C.
for:</sup>

a. To develop and exploit the unconceded waterfalls and rapids situated on watercourses in the public domain; <sup>Developing,
etc., falls,
etc.;</sup>

b. To construct, maintain and operate any establishment, plant, machinery, network, system and accessories and to execute all works for the transmission, supplying and distributing of electric power derived from the above-mentioned water powers or purchased by the said commission; <sup>Construct-
ing, etc.,
plant, etc.;</sup>

c. To purchase from any central electric station energy for its own purposes or for resale to any municipal corporation for its own use or for sale by retail according to law. <sup>Purchasing
energy.</sup>

How works
may be car-
ried out.

"79. As authorized for the purpose by the Lieutenant-Governor in Council, the commission shall itself proceed to the carrying out of the works contemplated by the preceding section, or it shall award the undertaking of such works by tender and contract, after public advertisement and notice that the plans and specifications are deposited for examination in the office of the commission.

Awarding of
contract.

The award of the undertaking shall be established by a contract granted to the contractor who files the lowest tender, and who, at the same time, in the opinion of the commission, has sufficient experience, ability and means to carry out the work properly. Such contract, however, must be entered into by the commission, with the approval of the Lieutenant-Governor in Council.

Authoriza-
tion to
acquire:

"80. 1. The Quebec Streams Commission, with the authorization of the Lieutenant-Governor in Council, may acquire, by agreement or by expropriation:

Falls, etc.;

a. All falls or rapids detached from the public domain by a grant or lease and not exploited or which are not in course of development;

Certain im-
moveables;

b. The immoveables necessary for the carrying out and the maintenance of the works which it is authorized to perform by this division, as well as all immoveable rights, charges, leases for rent or emphyteutic leases, constituted rents or any other rights whatsoever affecting such immoveables;

Idem;

c. The immoveables which will be affected in any way whatsoever by the carrying out, maintenance and conservation of the said undertakings and works;

Idem;

d. The immoveables required for the making of public or private roads in order to give access to the said undertakings and works or to replace roads, inundated or otherwise destroyed or damaged;

Servitudes.

e. All servitudes deemed useful or necessary.

Provisions
applicable
to expro-
priations.

2. The expropriation under this division shall be effected in conformity with the Quebec Railway Act (Chap. 230), and the Superior Court of the district or any judge of such court may grant prior possession, on such conditions as he may deem proper.

Selling of
certain land.

3. The commission may, with the authorization of the Lieutenant-Governor in Council, when the expropriation of a portion only of a land whether entered on a cadastre or not is sufficient, acquire the whole of such land and afterwards sell the portions thereof which it does not require.

"81. The Quebec Streams Commission may also, with ^{Acquiring of exploited falls, etc.} the authorization of the Lieutenant-Governor in Council, acquire, by agreement, any exploited or partially exploited falls or rapids, with the constructions and accessories used in operating them, including the land, the bed and the beaches of the water courses affected by the exploitation.

"82. 1. Any municipal or other corporation, operating ^{Purchasing} a system for the production, transmission, distribution ^{of electric power by municipal-} or sale of electricity for purposes for which such power may ^{ities.} be employed, may apply to the Quebec Streams Commis-
sion to purchase electric power.

2. The commission, on such application, shall give the ^{Supplying of} municipal corporation an estimate, per horsepower or ^{estimates by} kilowatt, of the cost at which it can supply it with electric ^{commis-} power, with at the same time a power distributing system ^{sion.} estimate.

3. When an understanding is arrived at in this con- ^{Approval} nection between the commission and the corporation apply- ^{for contract} ing to purchase electric power, the contract establishing ^{establishing} such understanding must be submitted for approval to the ^{understand-} Lieutenant-Governor in Council and shall have force and ^{ing.} effect only after such approval.

"83. To assure the carrying out of the undertakings, ^{Payment of} the construction of the works and the acquisition of the ^{sums re-} immoveables contemplated by this division, the Lieutenant- ^{quired.} Governor in Council may authorize the Provincial Treas-
urer to pay the required sums out of the consolidated re-
venue fund.

Where it is necessary for the Province to contract one ^{Loans} or more loans for the purposes of the preceding paragraph, ^{therefor.} such loan or loans shall require to be previously authorized
by the Legislature of the Province.

"84. The property of which the Quebec Streams ^{Property} Commission becomes owner and the profits realized ^{and profits.} through the application of this act shall belong to the
Province.

The sums of money collected by such commission and ^{Sums col-} which the Provincial Treasurer deems to be available shall ^{lected.} be delivered to the latter on demand.

The Provincial Treasurer must, on receipt of such sums, ^{Application} apply them to repayment of the advances or payments ^{of such} made, under this division, out of the consolidated revenue ^{sums.} fund, or employ them, to the extent thereof, in repayment
of the loans which may have been contracted under the
preceding section.

Rendering
of accounts.

"85. The commission shall render an account, to the Minister charged with the carrying out of this act, in the manner and at the periods which the latter may indicate, of its receipts, payments and expenditures, and of its assets and liabilities.

"DIVISION IX

"FUTURE GRANTS OF WATERFALLS AND RAPIDS

Approval
required for
certain alie-
nations, etc.

"86. From and after the 15th of April, 1935, any alienation or lease of hydraulic power having an average natural force of five hundred horsepower or over, forming part of the public domain, can only be made under an act of the Legislature, if such alienation or such lease be in favour of any corporation other than a municipal corporation.

Carrying out
of act.

"87. The Minister of Lands and Forests shall have charge of the carrying out of this act."

Coming into
force.

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