



CHAPTER 127

An Act to amend the charter of the Beauharnois Light, Heat & Power Company

[Assented to, the 19th of February, 1932]

WHEREAS Beauharnois Light, Heat & Power Company, Preamble.
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, and 20 George V, chapter 136,
has, by its petition, represented:

That, in accordance with the provisions of its charter, it
is constructing a canal from a point at Hungry Bay, on
Lake St. Francis, to a point at or near Melocheville, on
Lake St. Louis, and other works required for the develop-
ment of those parts of the water powers of the river St.
Lawrence between the said two lakes which it has acquired,

That the said canal may be used for public navigation
and that the number of bridges crossing it which must be
opened for the passage of vessels should be as limited as
possible in order to avoid obstructions to navigation;

That the construction of the said canal and works is
nearing completion;

That the construction of the said canal and works re-
quires the closing and abolition of a certain number of
public roads and bridges intersected or affected by the said
canal and works and the opening and construction of cer-
tain new roads and bridges;

That the company prepared a plan and description of
such roads and bridges and submitted them to the councils
of the municipalities in which such roads and bridges are
located, namely: the parishes of St. Cecile, St. Stanislas
de Kostka, St. Clement and St. Louis de Gonzague, the
village of Lake St. Louis and the parish of St. Timothée;

That the council of each of the aforesaid municipalities, with the exception of that of the parish of St. Timothée, has, upon the petition of the company, adopted a by-law to order and authorize, insofar as each such municipality is concerned, the closing and abolition and the opening and construction of such roads and bridges according to the said plan and description, all at the sole cost of the company;

That the said by-laws have been approved by resolutions of the council of the county of Beauharnois;

That among the roads to be closed, as referred to in the said plan and description, there is a section of the road known as "Rang Double" or "Rang St. Joseph Road", part of it lying in the territory of the parish of St. Clement and the other part in the territory of the parish of St. Timothée, each such part extending into the middle of the area between the banks of the said canal;

That the closing of that part of the said section of Rang Double or Rang St. Joseph Road lying in the territory of the parish of St. Clement has been authorized by the by-law adopted by the council of the said parish, and approved by the council of the county of Beauharnois;

That the construction of the company's works has for the past year unavoidably made the use of that section of the said road impossible and that the new road provided in the said plan and description in substitution therefor has already been built by the company, at its own cost and expense, and is being used by the public, and that such new road is as advantageous as the former one;

That all the lands bordering on that section of the said Rang Double or Rang St. Joseph road are owned by the company;

That it was impossible for the company to suspend the construction of its works on account of the refusal of the council of the parish of St. Timothée to authorize the closing of its part of such section of the Rang Double or Rang St. Joseph Road, and that any suspension of the company's operations would have deprived a large number of men of employment and, in addition, would have had serious consequences for the general trade of the Province as well as for the enterprise of the company;

That an action was instituted by a few ratepayers of the parish of St. Timothée to modify or delay the execution of the hereinabove mentioned by-laws adopted by the other municipalities and to set aside the resolutions of the council of the county of Beauharnois approving the same,

and that while the said action has been dismissed on an exception to the form, there has been no adjudication upon the merits of the issue and other similar proceedings might be instituted;

That on account of the nature of the company's works and in order to conform to the standards of the Department of Roads, it is possible that some minor changes may have to be made in the sites of the bridges to be built across the said canal and of the highways approaching such bridges;

Whereas it is essential, in order to enable the company to finance its undertaking, that all doubts be removed regarding the closing and abolition and the opening and construction of the roads and bridges hereinabove mentioned;

Whereas it is necessary that the company be also authorized to make such minor changes as may be required in the sites of the bridges and highways approaching the same;

Whereas the company's charter should be amended for the above purposes; and

Whereas it is expedient to grant the prayer contained in the said petition;

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

1. The act 2 Edward VII, chapter 72, as amended by 2 Ed. VII, c. the acts 1 George V (1910), chapter 77; 18 George V, chapter 72, ss. 13d-113, and 20 George V, chapter 136, is further amended 13g, added. by adding thereto, after section 13c thereof, the following sections:

"13d. The closing, abolition and discontinuance of certain roads, the abolition and demolition of certain bridges and the opening and construction of certain new public roads and of certain new bridges in the county of Beauharnois ordered and authorized by by-law No. Serie 3 adopted by the council of the municipality of the parish of St. Cecile on the 17th day of February, 1931, by-laws Nos. 55 and 56 adopted by the council of the municipality of the parish of St. Stanislas de Kostka on the 28th day of February, 1931, by-law No. 43 adopted by the council of the municipality of the parish of St. Clement on the 24th day of February, 1931, by-law No. 15 adopted by the council of the municipality of the parish of St. Louis de Gonzague on the 21st day of February, 1931, by-law No. 5 Validation of by-laws authorizing closing, etc., of certain roads and bridges.

adopted by the council of the municipality of the village of Lake St. Louis on the 24th day of February, 1931, which by-laws were approved by resolutions adopted by the council of the county of Beauharnois on the 28th day of April, 1931, are hereby declared to have been legally ordered and authorized and to be valid and obligatory;

Power to make changes in location of bridges, etc.

The company may, however, with the consent of the Minister of Roads, make such changes in the location of any bridge crossing its canal and of any road approaching thereto or of either of them as may be necessary or expedient but no such changes shall be made to a location more than five hundred feet distant from the location described in the by-laws hereinabove mentioned without also having first been approved by a resolution of the council of the municipality in which such bridge or road is situate.

Restriction.

Section of certain road declared closed and abolished.

13e. That section of the road in the county of Beauharnois, known as Rang Double or Rang St. Joseph Road beginning at a point opposite lot No. 450 and lot No. 469 on the official plan and book of reference of the parish of St. Timothée and extending to the division line between the parish of St. Timothée and the parish of St. Clement is declared to be closed and abolished and the opening and construction by Beauharnois Light, Heat & Power Company at its own expense of the new road beginning at the point hereinabove first mentioned and extending in a straight line to a point on the division line between the parishes of St. Timothée and St. Clement at or about the north-eastern corner of lot No. 460 on the official plan and book of reference of the parish of St. Timothée is hereby ratified and the said new road is declared to be a public road.

Opening, etc., of new road ratified.

Right safeguarded.

Nothing in the above sections 13*d* and 13*e* shall affect the right which any ratepayer of the municipalities mentioned therein may have for damages.

Construction of highway bridges.

13f. The highway bridges across the company's canal and provided for in the by-laws enumerated in section 13*d* of this act shall be constructed by the company according to plans and specifications to be approved by the Department of Public Works and thereafter the company shall, at its own cost and expense, maintain such highway bridges exclusive of the highway surface.

Expropriation of lands.

13g. The company may expropriate such lands as may be necessary for the purpose of constructing any public road which, in connection with its canal and other works, it may have agreed or may agree to construct on behalf of any municipality in the county of Beauharnois.

Powers of expropriation hereby granted shall be exercised only subject to the provisions of sections 21 to 25 inclusive of chapter 46 of the Revised Statutes of Quebec, 1925". Provisions applicable.

- 2.** Section 8 of the act 1 George V (1910), chapter 77, is repealed. 1 Geo. V (1910), c. 77, s. 8, repealed.
- 3.** This act shall come into force on the day of its sanction. Coming into force.

