



CHAPTER 128

An Act respecting certain water-powers on the Gatineau River

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

WHEREAS the Gatineau Power Company has developed Preamble.
certain water-powers at Chelsea Falls, on the Gatineau River, and has, by its works erected for that purpose, raised the level of the river above the said Falls and thereby submerged in whole or in part, since the 12th of March, 1927, certain properties of which one Freeman T. Cross claims to be the owner and with respect to which he claims to have suffered serious loss and damage:

Whereas the said Cross has instituted in the Superior Court, in the district of Montreal, a petitory action against the said company with respect to some of the said properties, which action is still pending;

Whereas the said Cross has opposed certain proposed amendments to the Water-Course Act as being apt to affect the rights asserted by him in the said petitory action, but has expressed his willingness to allow the said Gatineau Power Company to acquire all of his said properties submerged or affected by the said development provided he be paid fair compensation;

Whereas the said company has expressed its desire to expropriate the said properties;

Whereas it appears that the parties are unable to agree as to what would be fair compensation;

Whereas it appears proper, under the circumstances, to provide by special legislation that the said company shall not be disturbed in the operation of its said power development and that fair compensation to the said Cross shall be assessed in his favour and awarded to him by the Courts in the said pending case;

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

- 1.** The Gatineau Power Company shall not be disturbed by the said Cross, his successors or assigns, in the operation of its power development at Chelsea Falls by maintaining the level of the Gatineau River above the said Falls at any controlled elevation not exceeding 321.5 feet above sea level at Farm Point as determined by the geodetic survey bench mark on the church of the United Church of Canada at Wakefield Village, provided fair compensation to the said Cross shall be assessed and paid as hereinafter determined.
- 2.** The Gatineau Power Company shall make just and fair compensation to the said Cross for all his properties and rights taken for or affected by the said development up to the said elevation and by the operation thereof.
- 3.** The date with reference to which valuation shall be made shall be the date of the Order-in-Council approving the plans for such development.
- 4.** In fixing the compensation to be awarded to the said Cross, the Superior Court shall include such amount as it deems just for the disbursements, fees and costs incurred in such pending action and in connection with the passing of the present act.
- 5.** Such compensation shall be assessed and awarded to the said Cross in his said pending case against the company, with such interest as the Court may deem proper, and the parties to the said case may, under the control of the said Court, make such amendments to their pleadings and / or fyle such supplementary pleadings, and submit such further evidence with respect to the new issues raised thereby as may appear proper to the said Court to give full effect to the provisions of this act.
- 6.** The Court shall in the judgment to be rendered in the said case determine what properties and rights shall, on payment of the said compensation, interest and costs, become vested in the Gatineau Power Company, and make such order for the lowering of the level of the said river on or opposite the properties of the said Cross and for the payment of damages, interest and costs as may appear to

be proper in the event the said company should fail to pay the amounts awarded as full compensation, interest and costs.

7. On payment or deposit in full of the amount awarded, ^{Effect of} the said properties and rights shall be vested in the com-^{payment.} pany and the compensation shall stand in lieu of such properties and rights.

8. The judgment to be rendered in the said case shall ^{Effect of} be deemed for all purposes of appeal or otherwise a judg-^{judgment.} ment of the said Court.

9. This act shall come into force on the day of its ^{Coming into} sanction. ^{force.}

