



CHAPTER 163

An Act to amend the charter of the town of Montreal East and to ratify certain deeds of sale and conveyance and of establishment of servitude with respect to certain emplacements in the said town.

[Assented to, the 11th of March, 1931]

WHEREAS the town of Montreal East has, by its petition, represented:

That Montreal Light Heat & Power Consolidated was desirous of purchasing certain property within the limits of the said town for the purpose of constructing thereon a power sub-station, and was also desirous of constructing a double transmission line to connect the said sub-station with the transmission line of the Shawinigan Water & Power Company, the right of way required for the said double transmission line to be approximately one hundred and twenty feet in width, English measure, and to comprise part of lot No. 7, the whole of lot No. 6, part of lot No. 61, the whole of lot No. 62, and the whole of subdivision lot No. 1860 of original lot No. 77, all on the official plan and book of reference of the parish of Pointe aux Trembles;

That said subdivision lot No. 1860 of the said original lot No. 77 was the property of the town of Montreal East, and that the whole of the remaining lots or parts of lots required for the said right of way was either owned by, or under option to, one Napoléon Courtemanche who was desirous of granting and establishing over the said lots and parts of lots a servitude to and in favour of Montreal Light, Heat & Power Consolidated, and its property, for the placing, construction and maintenance of the said proposed double transmission line;

That in order to effect such object and to be in a position to establish the said servitude over the whole emplacement between the said sub-station and the said transmission line of the Shawinigan Water & Power Company, the said Napoléon Courtemanche was desirous of purchasing the said lot No. 1860 of the said original lot No. 77 from the said town and of obtaining a renunciation by the said town to any and all rights of passage and/or other rights which the said town might have, or pretend to have, over the said subdivision lot, and also over the proposed power sub-station property;

That an agreement was accordingly entered into between the said Napoléon Courtemanche and the said town, according to which the said town undertook to sell the said emplacement to the said Napoléon Courtemanche in consideration of the sum of one dollar and in further consideration of the undertaking of the said Napoléon Courtemanche to reconvey the said emplacement to the said town under the conditions hereinafter set forth, namely: that the said Napoléon Courtemanche would undertake subsequently to cede to the said town the whole of the said right of way, subject to the said servitude to be created by him in favour of Montreal Light, Heat & Power Consolidated and its property, such cession to be for the purpose of opening and constructing a roadway or street between the two steel towers of the said transmission line, and to cede, in addition, to the said town another part of the said lot No. 7, which was not required by the said Montreal Light, Heat & Power Consolidated for the said transmission line, which said part of the said lot No. 7, was required by the said town for the continuation of the said roadway or street beyond the said transmission line to the limits of the parish of Rivière des Prairies;

That Montreal Light, Heat & Power Consolidated was itself willing to grant a servitude of passage over the northeast part of the property which it was desirous of acquiring for the erection of the said power sub-station, which northeast part is now known and designated as subdivision lot No. 1859 of said original lot No. 77, in order that the said roadway or street might be continued to Sherbrooke street;

That it was to the advantage of the said town to have the said roadway or street and transmission line constructed within its limits;

That in order to give effect to the agreement arrived at between the said town, the said Napoléon Courtemanche and the said Montreal Light, Heat & Power Consolidated,

the said town sold to the said Napoléon Courtemanche, by deed passed before J. Emery Coderre, notary, the 23rd April, 1930, under number 2739 of his minutes, subdivision lot No. 1860 of said original lot No. 77, and renounced to any and all rights of passage or other rights which it had, or may have had, or pretend to have, in, to, over or upon the property sold, or in, to, over or upon the subdivision lots Nos. 1858 and 1859 of said original lot No. 77 belonging to the said Napoléon Courtemanche;

That the said deed of sale was made for the price and sum of one dollar and in consideration of the conveyance to be made in favour of the said town of the entire right of way and including that part of said lot No. 7 required for the continuation of the said roadway or street beyond the transmission line of the Shawinigan Water & Power Company, hereinabove referred to, to the limits of the parish of Rivière des Prairies, after the establishment of the servitude in favour of Montreal Light Heat & Power Consolidated and its property, hereinabove referred to;

That a special condition of the said sale was that the said town undertook to apply to the Legislature for the passage of an act ratifying and confirming the said sale and renunciation, as well as the deed to be executed by the said Napoléon Courtemanche for the purpose of granting and establishing the said servitude in favour of Montreal Light, Heat & Power Consolidated and its property, hereinabove referred to, and the deed to be executed by the said Napoléon Courtemanche for the purpose of conveying to the said town the whole of the said right of way and including that part of said lot No. 7 required for the continuation of the said roadway or street beyond the said transmission line of the Shawinigan Water & Power Company to the limits of the parish of Rivière des Prairies;

That by deed of grant, sale and establishment of servitude from Napoléon Courtemanche to Montreal Light, Heat & Power Consolidated passed before J. Emery Coderre, notary, the 26th April, 1930, under No. 2744 of his minutes, the said Napoléon Courtemanche created the said servitude;

That by deed of sale and conveyance from the said Napoléon Courtemanche to the said town passed before J. Emery Coderre, notary, the 10th May, 1930, under No. 2756 of his minutes, the said Napoléon Courtemanche effected the cession of the said right of way in favour of the said town;

That the said Napoléon Courtemanche has accordingly fulfilled all the obligations undertaken by him in the said deed of sale passed before J. Emery Coderre, notary, the 23rd April, 1930, under No. 2739 of his minutes, and the said town is now desirous of fulfilling the obligation undertaken by it in the said deed to apply for an act ratifying and confirming the said deeds;

Whereas the said town of Montreal East has, by its said petition, further represented:

That by section 2 of the act 4 George V, chapter 88, being an act to amend the charter of the said town, it is stipulated that by-law No. 15, respecting the erection and inspection of buildings in the said town, shall apply to the whole of the territory of the said town and the said town now desires to cancel the said by-law and to adopt a new by-law respecting the erection and inspection of buildings; and

Whereas the said town accordingly has prayed that an act be passed ratifying, confirming and validating the said deeds and amending its charter by repealing section 2 of the said act 4 George V, chapter 88; 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 the Province of Quebec, enacts as follows:

Validation
of certain
deeds.

1. The above-mentioned deeds passed on the 23rd of April, 1930, the 26th of April, 1930, and the 10th of May, 1930, between the town of Montreal East and Napoléon Courtemanche and between Napoléon Courtemanche and Montreal Light, Heat & Power Consolidated and between Napoléon Courtemanche and the town of Montreal East, under Nos. 2739, 2744 and 2756 of the minutes of J. Emery Coderre, notary, are hereby ratified, confirmed and validated.

4 Geo. V, c.
88, s. 2, re-
pealed.

2. Section 2 of the act 4 George V, chapter 88, is repealed.

Coming into
force.

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