

C O P Y

P.C. 1242

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 21st July, 1931

The Committee of the Privy Council have had before them a Report, dated 1st April, 1931, from the Minister of Public Works, submitting:

That the Shawinigan Water & Power Company has applied, under Section 7, Chapter 140, Revised Statutes of Canada, 1927 - the Navigable Waters Protection Act - for the approval of the annexed plans of a hydro-electric development, and of the site thereof, according to the description attached, proposed to be built in the Upper St. Maurice River, at or near Rapide Blanc, approximately seven miles above the mouth of the Trenché River in the Townships of Tourouvre and Adams, County of Champlain, Province of Quebec;

That the Company in connection with its application has filed with the Department of Public Works the following Undertaking:-

U N D E R T A K I N G

By the Shawinigan Water and Power Company in connection with its application for approval of plans and site of dam at Rapide Blanc, St. Maurice River, Quebec.

The Company hereby covenants, promises and agrees as follows:

The Company shall provide and maintain, insofar as its own property is concerned, suitable roads or pathways to permit of the free passage of the public in vehicles or on foot between the upper and lower levels of the river at the dam.

The Company shall comply with all the conditions of its emphyteutic lease from the Government of the Province of Quebec and with all conditions of any and all orders in Council passed in connection therewith, which conditions insofar as navigation is concerned shall form part of this agreement and, as against the Company, shall be enforceable by the Government of Canada.

Should any navigation project be undertaken by the Government of Canada on the Rivière St. Maurice, the Company, provided such areas are then owned or controlled by it, agrees to convey to His Majesty the King, as represented by the Minister of Public Works, free of charge, all its right, title and interest in such area as may be required as permanent sites for the necessary locks and appurtenant works at Rapide Blanc, and also to provide free of charge all its right, title and interest in such areas as may be temporarily required for the erection of false works, such as coffer dams, etc., to be used in connection with the building of such locks; and the Company shall make no claim for any indemnity whatsoever arising from loss or inconvenience in the operation of the Company's works

The Honourable  
The Minister of Public Works

and caused by the construction of any such canal and appurtenant works, provided always that such construction be carried on and such works be operated in a manner to cause no unreasonable interference with the operations of the company and that such works shall be carried on and completed with reasonable dispatch.

The Company shall install, maintain and operate in connection with the proposed works, at its own expense, such lights at the site of the dam at Rapide Blanc, as the Department of Public Works may at any time deem requisite and necessary.

The Company shall at all times operate the proposed works in such a manner as not to interfere with navigation.

The Company further agrees, on demand by the Minister of Public Works, to provide and deliver to His Majesty at a rate not to exceed that paid by the customer having the lowest contract price with the Company, at such point as the Minister may designate, adequate and suitable electric power for operating, repairing, lighting and otherwise maintaining the canal and appurtenant works, if and when built.

The Governor in Council may at any time make such orders or regulations as he deems expedient for navigation purposes respecting any work approved hereunder, and to which the Navigable Waters Protection Act applies, which said orders or regulations shall be binding on the Company and be carried out at the Company's sole expense.

The Company further agrees that the Minister of Public Works or his duly authorized representative shall have full and free access at any and all times to its works, that he shall have free control of the operation of the compensating or regulating sluices wherever situated, and further, that he shall have the right to measure the discharge of the various channels and passages and shall have the right to adjust the flow of water to control the waters of the river within the limits to be prescribed by the said Minister, all in the interest of navigation.

The Company shall furnish to the Department of Public Works of Canada copies of its records of the flow of the water of the Riviere St. Maurice as well as the elevation above and below the dam at Rapide Blanc.

The Company shall furnish and deliver to the Department of Public Works immediately after the construction of the proposed works has been completed, such complete, general and detailed tracings of all parts of the said works (exclusive of hydraulic, mechanical and electrical equipment) as actually built. These plans to give all dimensions, nature of materials and information of a similar character. They shall be made on tracing linen and shall be provided with proper titles, headings and numbers. The Company shall indemnify and hold harmless the Government of Canada from any and all claims for damages for which it may be held responsible by reason of its approval of the present or any revised of further plans necessary in connection with the proposed works.

Any approval of plans made hereunder shall not confer on the Company the right to interfere with the rights of third parties, except with regard to the public right of navigation.

It is clearly stipulated and understood that nothing is hereby granted except approval of the proposed works under the provisions of the Navigable Waters Protection Act upon and subject to these conditions.

IN WITNESS WHEREOF the seal of the said Company and the hands of its proper officers in that behalf have been affixed this 28th day of March, A.D. 1931, at Montreal, P.Q.

THE SHAWINIGAN WATER & POWER COMPANY

(Sgd.) Julian C. Smith  
Vice-President

WITNESS:  
(Sgd.) J.B. Challies,

" W.S. Hart  
Treasurer.

(Seal of Company)

That the Chief Engineer of the Department of Public Works, on the favourable report of the District Engineer, has recommended the approval of the application from the standpoint of navigation, subject to the conditions of the above Undertaking, and in this recommendation the Deputy Minister of Public Works has concurred:

That the Company has filed with the Department of Public Works proof of its interest in the land required as a site for the proposed work;

That the Department of Justice has reported that all the requirements of Section 7 of the Navigable Waters Protection Act have been complied with, and that this application may now properly be submitted to the Governor General in Council for approval, subject to the conditions of the Company's Undertaking of March 28th, 1931.

The Committee, therefore, on the recommendation of the Minister of Public Works, submit for your Excellency's approval, under the provisions of Chapter 140, Revised Statutes of Canada, 1927 - the Navigable Waters Protection Act - the annexed plans of a hydro-electric development, and of the site thereof, according to the description attached, proposed to be built by The Shawinigan Water & Power Company, in the Upper St. Maurice River, at or near Rapide Blanc, approximately seven miles above the mouth of the Trenché River in the Townships of Tourouvre and Adams, County of Champlain, Province of Quebec, such approval, however, to be subject to the conditions of the Company's Undertaking of March 28, 1931, quoted above.

(Sgd.) E. J. LEMAIRE,

Clerk of the Privy Council