

LEGAL DIVISION

Kepke



CANADA
DEPARTMENT
OF
MINES AND RESOURCES
GENERAL ADMINISTRATIVE OFFICES

21005-24

OTTAWA

21st June, 1946.

MEMORANDUM:

Mr. Allan.

Re - Quebec Hydro on Caughnawaga
Indian Reserve.



I am in receipt of your memorandum of the 18th instant, your file 21005-2A, in connection with the above.

From your said memorandum it would appear that the Hydro Commission wish to exercise their power of expropriation even though this Commission already has a right of way which might accommodate the additional lines they now require. You request to be advised if the power of expropriation by this company would enable them to take an additional right of way and what authority is to judge the need for the additional right of way.

In reply I beg to advise that the power of expropriation granted the Hydro Commission merely gives the Commission the right to apply under Section 48 of the Indian Act. The Governor in Council is, however, the ruling authority.

If the Commission can satisfy the Department that it requires additional rights of way then we may recommend action to the Governor in Council as provided by Section 48.

[Signature]
Solicitor.

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