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(Assented to

1913)

WHEREAS John Walters, Kenneth A. McLeod, Daniel Robert Fraser, John Macdonald and John Kenneth Macdonald have by their petition prayed that they may be incorporated under the title of "Athabasca Gas and Power Transmission Company with the powers hereinafter conferred;

AND WHEREAS it is deemed expedient to grant the prayer of the said petitioners;

THEREFORE His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. John Walters, Kenneth A. McLeod, Daniel Robert Fraser, John Macdonald and John Kenneth Macdonald and such other persons as now are or hereafter shall become members of the said company, are hereby declared to be a body corporate and politic by and under the name of "Athabasca Gas and Power Transmission Company" and by that name shall have perpetual succession and a common seal and shall have power from time to time and at all times hereafter to be able and capable to purchase, lease, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors to and for the actual use of the said company any lands, tenements, hereditaments and real and immovable property and estate and also moveable and personal property and the same to sell, lease, alienate, exchange and

otherwise dispose of or encumber whensoever the said company may deem it proper x to do so and by the same name shall and may be able and capable to sue and be sued, implead and be impleaded answer and be answered unto any matter whatsoever and to carry on within the Province of Alberta the business of a gas and power purchasing, transmitting and selling company in all of its branches and in particular to or from some point at or near Pelican Rapids or at or near Grand Rapids on the Athabasca Rifer in the said Province to the corporate limits of any city or town within the said Province, construct, lay down, establish, fix and carry out all necessary trenches, excavations, cables, wires, lines, equipment, towers and works and to bore for, procure and purchase natural gas and power and to transmit, accumulate, distribute supply and sell and enter into contracts for the sale or supply of gas, electricity and power and to carry on the business of electricians and chemical engineers, suppliers of electricity power and gas for the purposes of light, heat, motive power or otherwise and with power to construct, lay, relay, take up, connect, disconnect, repair, maintain and operate along, across or under any highways bridges, waters, watercourses, and streams any and all necessary lines, conduits, cables, poles, wires or towers for the proper carrying out of the powers hereby conferred, and subject to the restrictions hereinafter set out to enter upon any lands for the purpose of constructing, laying and maintaining any and all necessary lines, conduits, cables poles, wires or towers or other plant or equipment necessary for the purposes of its undertaking.

2. In this Act where the following words occur they shall be con-

strued in the manner hereinafter mentioned unless a contrary intention appears:

(1) "Land" or "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

(2) "Lientenant Governor in Council" shall mean the Lieutenant Governor in Council of the Province of Alberta;

(3) "Highways" shall mean any public road, street, lane or other public way of communication;

(4) "Company" shall mean "Athabasca Gas & Power Transmission Company and its successors and assigns.

3. The powers herein conferred may be exercised within the limits of any city or town but not unless and until the company shall first obtain the consent of the Council of such city or town, such consent to be by by-law on such terms and conditions as the by-law may provide.

4. Subject as hereinafter provided the Company may break up, dig, trench and use so much and so many of the highways without the limits of any city or town as are necessary for laying the mains, pipes and lines to conduct, transmit or carry gas, electricity or power, doing no unnecessary damage in the premises and taking care as far as may be to preserve a free and uninterrupted passage over the said highways and if any question shall arise as to whether the construction and maintenance of said service interferes unduly with such free and uninterrupted passage over such highway the Lieutenant Governor in Council may pass regulations which shall be binding upon the Company for the preservation, so far as possible of such free and uninterrupted passage.

5. If any of the Company's lines, conduits, cables poles, wires or towers or any of its equipment necessary for the purpose of its

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undertaking have been placed upon, in or under any land which subsequently becomes part of a highway the rights of the company to the use and occupation of such highway shall continue in all particulars subject to the restrictions and regulations imposed by Section 4 hereof.

6. If any of the company's lines, conduits, cables, poles, wires or towers or any of its equipment necessary for the purpose of its undertaking have been placed upon, in or under any land which subsequently becomes private property or becomes vested in His Majesty in the right of the Province the rights of the company to the use and occupations of the land so occupied shall be and are hereby continued subject, in the case of private property, to payment of the value to the owner as provided in Section 7 hereof.

7. The Company is hereby authorized and empowered to take acquire private lands within the said Province for the purpose of a right-of-way for its lines, conduits, cables, poles, wires or towers or any of its equipment necessary for the purpose of its undertaking with the powers and on the terms and conditions and in the manner following:

(1) The Company shall prepare a map or maps showing the location of its lines, conduits, cables, poles, wires or towers or other necessary equipment in respect to the lands it is desired to take and give such further and other information as the Lieutenant Governor in Council may require.

(2) Subsections 2 to 6 both inclusive of Section 72, sections 73 to 80 both inclusive, sections 83 to 90 both inclusive and sections 93 to 120 both inclusive of The Railway Act, being chapter 8 of the Statutes of Alberta for the year 1907, subject to the following ~~amend~~

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alterations shall be and the same are hereby incorporated with and shall be deemed to be a part of this Act:

(a) Strike out the words "railway" and "railways" and "railway lines" and "line of railway" wherever they appear in the above mentioned sections and insert in the place thereof the words "lines, conduits, cables, poles, wires or towers or other necessary equipment" of the Company.

(b) Strike out the words "profile" and "profiles" wherever they appear in the above mentioned sections.

(c) Strike out the words "stating a special Act authorizing the construction of such railway and" where they appear in subsection 2 of section 72.

(d) Strike out the words "subject to the special Act" where they appear in subsection 3 of section 72.

(e) Strike out the words "over six miles in length" where they appear in subsection 4 of section 72 and insert instead the words "outside of any or all cities or towns within the said Province.

(f) Strike out the words "the profile shall show the grades, curves, highway and railway crossings, open drains and watercourses" where they occur in subsection 5 of section 72.

(g) Strike out the words "and the grades and curves thereof" where they appear in section 73.

(h) Strike out the words "that nothing in this section shall be taken to authorize any extension of the railway beyond the terminal mentioned in the special "Act" in section 79.

(i) Strike out all the words after the word "breadth" in the third line of section 83.

(j) Strike out all the words from the word "space" in the second

line to the word "to" in the eighth line of section 84 and insert after the word "railway" in the ninth line the words "or its undertaking".

(k) After the word "Council" in the fifth line of section 90 insert the words "or this Act".

(l) Strike out the words "the taking of material or" where they appear in the eighth and ninth lines of section 99.

(m) Strike out the words "Rolling stock" where they appear in subsection (b) of section 109.

(3) Notwithstanding anything herein contained the provisions of this section shall be deemed to be in substitution for clause 23 of the Ordinance respecting Water, Gas, Electric and Telephone Companies hereinafter referred to.

8. Subject to such regulations as may from time to time be made in that behalf by the Minister of Railways and Telephones the Company is hereby authorised and empowered to construct, maintain and operate for the sole purpose of the Company a telephone line along, over and across any and all of its lines, conduits, cables, poles, wires or towers.

9. Except as to the exception set out in subsection (3) of section 7 hereof all the rights, powers and privileges conferred by the Ordinance respecting Water, Gas, Electric and Telephone Companies being chapter 21 of the Ordinances of 1901 shall be deemed to be conferred upon the Company and the same are hereby incorporated with and shall be deemed to be a part of this Act unless expressly inconsistent therewith.

10. The head office of the Company shall be in the City of Edmonton in the said Province.

11. The capital of the Company shall be one million dollars divided into one hundred thousand shares of ten dollars each with power to attach to such shares such preferential, deferred or special rights, privileges or conditions as the directors may by by-law determine and such shares or any part thereof may be allotted or fully paid up shares whether for a cash consideration or for other valuable consideration, or for services rendered to the company or by way of bonus, and such shares or any part thereof may be issued at a discount, at par, or at a premium and no liability shall attach to the shares or the holders thereof beyond the amount which may be unpaid to the company in respect to the purchase thereof or which may be fixed by the directors on allotment.

12. The capital of the Company may be increased from time to time with the approval of the Lieutenant Governor in Council by the creation of new shares of such amount as may be deemed expedient, provided that such increase be sanctioned by a general meeting of the company and the directors may deal with said new shares as though they had formed part of the original capital of the company.

13. The persons named in the first section of this Act shall be and are hereby constituted the provisional directors of the Company, of whom three shall form a quorum for the transaction of business, and they shall hold office until the first election of directors under this Act, and shall have power to pay all the expenses in connection with the obtaining of this Act either in cash or in shares of the company and to open stock books and procure subscriptions of stock for the undertaking

and to fix the conditions of allotment and allot and receive the considerations therefor and to make calls upon subscribers in respect of their shares and to sue for and recover the same, and the said provisional directors and their successors in office shall have power to carry out all the rights, powers and privileges conferred by this act as are not required to be exercised by the Company in general meeting.

14. The constitution, rules and regulations touching the administration of the said company shall be formulated at a general meeting thereof, called for that purpose by the directors of the said company and of which at least ten days' notice shall be given, by public advertisement or otherwise, to all the members thereof, and the constitution, rules and regulations then adopted shall, subject to the approval of the Attorney General, have full force and effect in so far as the same shall not be inconsistent with the laws in force in the Province of Alberta and the provisions of this Act;

Provided always that the said company may, from time to time subject to the approval of the Attorney General, alter, repeal and change such constitution, rules and regulations in the manner therein provided.

15. The said company may from time to time, borrow money at such rate of interest and upon such terms as they may deem proper; and may for such purpose make, execute or issue any mortgages, bonds, debenture or other instruments under the seal of the said company, which bonds or debentures shall operate subject to any mortgage given in part payment of the purchase money of real estate or buildings for the Company as mortgages and charges against the land and effects of the



said company without registration and each holder of any of the said debentures or bonds issued under the provisions of this section shall be deemed to be a mortgagee and encumbrancer pro rata with the other holders thereof upon any interest in any real estate held by the said company, and also upon any such interest in any policy or policies of insurance against loss or damage by fire effected upon the buildings owned by the company.

16. Any such mortgage, bond, debenture or other instrument shall be signed by the president of the said company and countersigned by the secretary.

17. No member of the company shall be in any way liable for or chargeable for the payment of any debt or demand due by the said company beyond the amount remaining unpaid by the said member in respect to any shares and for any unpaid accounts he may owe to the company and any member shall have the right to assign and transfer his shares;

18. The said corporation shall have power to draw, make, accept and endorse bills of exchange or promissory notes necessary for the purpose of the said company, under the hands of the president and secretary thereof, after authority of the committee of the said company so to do; and in no case shall it be necessary that the seal of the company be affixed to any such bill or note, nor shall the president or secretary be individually liable or responsible therefor:

Providing that nothing herein contained shall be construed to authorize the corporation to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as notes or bills of a bank.