

BILL

No. 7 of 1914.

An Act respecting Weno Power and Light Company,
Limited.

(Assented to _____, 1914.)

WHEREAS a petition has been presented by Weno Power and Light Company, Limited (hereinafter called the "company"), praying for permission to lay gas and water mains and to construct the necessary transmission lines for the transmission of electrical energy for lighting, heating, motive or other power along and upon the road allowances, public highways, bridges, streets, lanes and squares, hereinafter set out;

And whereas it is expedient to grant the prayer of the said petition;

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

1. The company may lay gas and water mains and construct the necessary transmission lines for the transmission of electrical energy for lighting, heating, motive or other power along and upon the road allowances, public highways, bridges, streets, lanes and squares, lying within the subdivided portion of sections ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), and sixteen (16) in township twenty-four (24) range twenty-nine (29), west of the 4th meridian, and section eighteen (18), township twenty-four (24), range twenty-eight (28), west of the 4th meridian, and also the original road allowances immediately adjoining the said sections.

2. The rights or the powers acquired by the company under this Act in whole or in part may be conveyed or leased to any other company or companies.

3a. If a city, town or village (hereinafter called the "municipality") is hereafter incorporated to include the territory mentioned in section one of this Act (or any part thereof), and if the company has carried on or constructed in such territory any of its works as authorized by this Act, the council of such municipality shall not levy any special rate, or construct works for the sale or distribution of gas, water, or electricity for lighting, heating, motive or other power, until such council has, by by-law, fixed a price to offer for the works and property of the company, nor until after thirty days have elapsed after notice of such price has been communicated to the company, without the company having accepted the same, nor until the price accepted by the company or awarded by the arbitrator or arbitrators has been paid, or has been secured to the satisfaction of the company; and in case the company and the municipality do not agree, the said price shall be determined by arbitration under the Act respecting Arbitration, being chapter 6 of the Statutes of Alberta, 1909.

3b. In any arbitration to determine the price to be paid for the works and property of the company, the arbitrator or arbitrators shall determine the actual value of such works and property having regard to what the same would cost if the works should be then constructed or the property then bought making due allowance for deterioration and wear and tear, and making all other proper allowances, but not allowing anything for prospective profits or franchise and shall increase the amount so ascertained by ten per cent. thereof, and such increased amount shall be the amount which the arbitrator or arbitrators shall award as the price to be allowed for the said works and property.

3c. If within one month after the company and municipality have been notified of the award the municipality shall give notice in writing to the company that they will not accept the terms thereof their offer may be withdrawn provided they first pay all costs of the reference and award, and provided also that in the event of such withdrawal the municipality shall not until after the expiration of two years from such withdrawal be entitled to again avail themselves of the provisions of this Act respecting arbitration.

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same into various commercial commodities, and use, lease, sell or otherwise dispose of the same for the benefit of the company;

(d) Purchase, take on lease, or otherwise acquire, own, hold, cultivate, improve, lease, mortgage, sell, exchange, or otherwise dispose of and otherwise turn to account, lands, real estate and personal property of every kind, and any estate or interest therein, and commercially deal with the same;

(e) Acquire, construct, erect, lay down, drill, maintain, enlarge, alter, work and use all such lands, buildings, erections, derricks, easements, gas and other works, wells, reservoirs, machinery, plant, stock, pipes, pipe lines, lamps, motors, fittings, meters, apparatus, equipment, material and things, and supply all such materials, products and things as may be necessary, incident or convenient in connection with the acquisition, production, use, storage, regulation, measurement, supply, piping and distribution, purchase and sale of and other dealing in all or any of the products of the company;

(f) Acquire, construct, lay down, establish, fix, carry out and maintain all power houses, buildings, erections, works, generating stations, sub-stations, cable, wires, lines, poles, accumulators, lamps, apparatus, machinery, equipment, and things necessary or convenient for the carrying out of the objects hereby granted and conferred, and acquire, generate, accumulate, distribute, supply and deal in electricity and natural or artificial gas, for light, heat, power, or any other purposes whatsoever, and light cities, towns, villages, or other municipalities, streets, houses, buildings and places, both public and private;

(g) Carry on the business of electricians, mechanical engineers and manufacturers and workers and dealers in electricity, natural or artificial gas or other fuel products, motive power, heat and light, and any business in which the application of electricity, gas or any power, like or otherwise, is or may be convenient, useful or ornamental, and manufacture, sell and lease to other corporations and to public and private consumers of light, heat or power, all goods, wares, merchandise, property and substances now used in the production thereof, or incidental thereto, or that hereafter may be invented, discovered or become known therein, and manufacture, contract for and furnish light, heat and power to other corporations, persons and firms, public and private;

(h) Enter into any contract, agreement, and arrangements with any federal, territorial, provincial, municipal, civic or local authorities, or with any railway company that may seem conducive to the company's objects or any of them, and to obtain from any such authority or company, property, franchises, rights, privileges or concessions which the company may think is desirable to obtain, and to carry out, adopt, exercise and comply with such contracts, agreements and arrangements, franchises, rights, privileges and concessions;

(i) Purchase stock in or take over any incorporated company, association or syndicate, carrying on or formed for the purpose of carrying on, in whole or in part, any of the objects for which this company is incorporated;

(j) Accept stock or shares in or the bonds, mortgages, debentures, or other security of any other company in payment or part payment for any services rendered or for any sale made to or debt owing from any such company.

4. The company may lay gas mains and construct the necessary transmission lines for the transmission of electrical energy for lighting, heating, motive, or other power in particular along and upon the road allowances, public highways, bridges, streets, lanes and squares lying within sections ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15) and sixteen (16) in township twenty-four (24), range twenty-nine (29), and section eighteen (18) in township twenty-four (24), range twenty-eight (28), west of the fourth meridian, and also the original road allowance immediately adjoining the said sections, the consent and approval of the Minister of Public Works first having been obtained before construction of any of its works on the said road allowances, public highways, etc., are commenced; provided that the rights and privileges by this clause granted to the company over the said road allowances, public highways, etc., shall terminate on the expiration of fifteen years from the day on which this Act is assented to.

5a. If a city, town, village or rural municipality (hereinafter called the "municipality") is hereafter incorporated to include the territory mentioned in section four (4) of this Act (or any part thereof), and if the company has carried on or constructed in such territory any of its works as authorized by this Act, the council of such municipality shall not levy any special rate, or construct works for the sale or distribution of gas, or electricity for lighting, heating, motive or other power, until such council has, by by-law, fixed a price to offer for such works and property of the company, nor until after thirty days have elapsed after notice of such price has been communicated to the company, without the company having accepted the same, nor until the price accepted by the company or awarded by the arbitrator or arbitrators has been paid, or has been secured to the satisfaction of the company; and in case the company and the municipality do not agree, the said price shall be determined by arbitration under the *Act respecting Arbitration*, being chapter 6 of the Statutes of Alberta, 1909, or any amendments thereto.

5b. In any arbitration to determine the price to be paid for the works and property of the company, the arbitrator or arbitrators shall determine the actual value of such works and property having regard to what the same would cost if the works should be then constructed or the property then bought, making due allowance for deterioration and wear and tear, and making all other proper allowances, but not allowing anything for prospective profits or franchise and shall increase the amount so ascertained by ten per cent. thereof, and such increased amount shall be the amount which the arbitrator or arbitrators shall award as the price to be allowed for the said works and property.

5c. If within one month after the company and municipality have been notified of the award the municipality shall give notice in writing to the company that they will not accept the terms thereof, their offer may be withdrawn; provided they first pay all costs of the reference and award, and provided also that in the event of such withdrawal the municipality shall not until after the

expiration of two years from such withdrawal be entitled to again avail themselves of the provisions of this *Act respecting Arbitration*.

6. The company's rates shall be reasonable and shall be subject to the approval of the Minister of Municipal Affairs; provided however, that the said Minister shall not have the right to insist upon such rates as will prevent the company operating its works at a fair profit; but it shall be his privilege to exact from the company the imposition of reasonable rates only, and for the purpose of determining what are reasonable rates regard shall be had as to the number of persons using the company's gas or electricity and the area over which the company's works are at the time extended.

7. The company shall connect with its gas mains or electrical transmission lines or either of them any building erected on property adjoining which such gas mains or electrical transmission lines are constructed, either in or along the street, avenue, or lane on which the said property immediately fronts or abuts, upon the proper person signing the company's application therefor and paying the expenses of such connection and of the installation of the proper pipes or wires as the case may be:

Provided always that the Minister of Municipal Affairs shall have the power to determine the rights granted and conferred to the company over the highways, road allowances, streets, lanes, etc., set out in section 4 hereof, if the company does not in his opinion comply with the terms of this section within a period of six (6) months after any proper application has been made and the conditions pursuant to the terms of this section complied with by such applicant.

8. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the said company.

9. The capital stock shall be one hundred thousand dollars (\$100,000), divided into one thousand (1,000) shares of one hundred dollars (\$100) each, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent. on the share subscribed, and no call shall be made without at least thirty days' notice having been given to the subscriber.

10. The annual general meeting of the shareholders shall be held on the last day of January in each year, or on the succeeding day in the event of that date falling on a holiday; provided that the directors may change the date of such general meeting from time to time by giving thirty days' notice of any such change.

11. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five (5) nor more than twelve (12) persons to be directors of the company, one or more of whom may be paid directors of the company.

12. The company may borrow, raise or secure the payment of money in such a manner as the company shall think fit and in particular may mortgage, pledge or hypothe-

cate its real and personal property, or issue debentures or debenture stock, perpetual or otherwise, charged upon all or any of the company's property (both present and future), (including its uncalled capital), and may purchase, redeem or pay off any such securities; may sign bills, notes, contracts and other evidence of or security for money borrowed or to be borrowed by it, and may pledge debentures as security for temporary loans.

13. The company shall have power to make and formulate by-laws for the internal management of the affairs of the company and the duties of the officers thereof, to be approved and adopted at a special general meeting of the shareholders of the company.

14. The company may increase its capital stock from time to time to an amount not exceeding one million dollars (\$1,000,000), by resolution of the directors, sanctioned by a two-thirds vote of a general meeting of the shareholders, duly called for that purpose, and by filing with the registrar of joint stock companies a certified copy of such resolution, accompanied by such fee as would require to be paid for the increase of capital of a company under *The Companies Ordinance*.

15. In the event of the property and assets of the said company being insufficient to liquidate its debts, liabilities and engagements the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

16. The company may enter into an agreement with any other company for conveying or leasing to such company or companies, in whole or in part any of the works of the company, hereby incorporated, or any rights or powers acquired under this Act or for an amalgamation with such company or companies on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds vote at a special general meeting of the shareholders, duly called for the purpose of considering the same, at which meeting the shareholders representing at least two-thirds in value of the stock are present in person, or represented by proxy.

17. The company shall have the power to purchase and take over all the business, assets, undertakings, contracts, rights, effects and properties, real and personal of whatever kind and wheresoever situated, belonging to or vested in the Weno Power and Light Company, Limited, or to which it is or may be or may become entitled, on condition that it assume, pay, distribute, carry out and perform all the debts, liabilities, obligations and contracts of the said last mentioned company, upon such terms and conditions as may be agreed upon, including therein the right of the directors of the first mentioned company to allot shares in the said company to the shareholders of Weno Power and Light Company, Limited, and to receive and to accept as sufficient payment of said shares so allotted or of the

call made upon the same the transfer made upon the company by this Act incorporating all of the rights, title and interests of the said shareholders, of, in and to the said Weno Power and Light Company, Limited, and of, in and to his or their share or shares in the same, or such portion thereof as may be agreed upon, which said last mentioned company was incorporated on the sixteenth day of April, A.D. 1914, to and by virtue of *The Companies Ordinance* of the North-West Territories and amendments thereto, with head office at the City of Calgary.

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