

HOW THE CITY'S POWER BILL WAS AMENDED IN COMMITTEE

Emerges in New Form and Will Be Dealt With Today By House

City Has the Right to Buy and Distribute the Musquash Current—Suggestion is Made for a Commission to Fix Rates or for Purchase of the Company's Property By Arbitration—Action Provided for if the Company Suspends Any Service.

THE TEXT OF THE ORIGINAL BILL

The full text of the original draft of the city's Power bill was as follows:

Terms of the Bill.

1.—An act respecting the New Brunswick Power Company and the city of St. John.

Be it enacted by the Lieutenant-governor and Legislative Assembly as follows:

1.—From the time of the making of a contract between the city of St. John and the New Brunswick Electric Power Commission under the provisions of the Act 10 George V., chapter 63, it shall engage in the business of supplying electric light, heat and power and any and all other forms of use of electrical energy to persons and corporations within the limits of the city of St. John, the parish of Rothesay in the county of Kings, and all contracts made by the said city for such purposes shall be immediately subject to the terms and provisions, so far as the same shall be applicable, of the contract made between the said city and the said commission.

2.—In case upon an appeal from the board of directors of the New Brunswick Power Company to the board of commissioners of Public Utilities under section 6 of the Act 10 George V., chapter 63, the said board of commissioners of Public Utilities shall overrule, modify or vary any order of the board of directors determining the extent and character of the railway, electric and gas service which the public convenience and necessity may require or in case any order shall be made by the board of commissioners of Public Utilities under section 11 of the Act 10, Edward VII, chapter 6, requiring the New Brunswick Power Company to furnish reasonably adequate service and facilities, if the said company shall not forthwith obey the order of the said board of commissioners of Public Utilities the said last mentioned board may upon summary application authorize the said city by its commissioner of Public Safety to take control of the whole or such part of the operations of the said company as in the judgment of the board may be necessary

THE TEXT OF THE AMENDED BILL

Fredericton, April 12.—Following is the text of the bill relating to the city of St. John and the New Brunswick Power Company as amended in committee. It will come before the committee of the whole house tomorrow and what will happen there is still uncertain.

An act respecting the N. B. Power Company and the city of St. John. Strike out the whole bill and in lieu thereof substitute the following:

Whereas by Act 10, George V., chapter 63, it is provided that any municipalities may apply to the N. B. Electric Power Commission for the transmission and supply to the municipality of electric power and energy for the use of the municipality and inhabitants thereof for lighting, heating and power purposes, and any such municipality may, subject to the provisions therein contained, enter into a contract with the commission for the supply of electric power or energy for the purposes mentioned in the said act; and Whereas by section 2 of the said Act 10, George V., chapter 63, it is provided that the expression "municipality" includes a municipality, an incorporated town, or a city; and Whereas it is also provided by section 28 of the said act that a municipality having a contract thereunder with the commission may, among other things, acquire lands and real and personal property, and erect, contract and operate works for the transmission and distribution of electric power or energy in the municipality; and Whereas, without any good or valid reason, doubts have been raised as to whether under the above recited provisions of the said act the city of St. John has the right, upon entering upon such contract with the commission, to engage in the business of supplying electric light, heat and power and other forms of electrical energy, and it is desirable to remove such doubts; Be it therefore enacted by the lieutenant-governor and legislative assembly as follows:

1. From the time of the making of a contract between the city of St. John and the New Brunswick Electric Power Commission, under the provisions of the said Act 10, George V., chapter 63, it shall and may be lawful for the said city of St. John to engage in the business of supplying electric light, heat and power, and any and all other forms of use of electrical energy to persons and corporations within the limits of the city of St. John, and all contracts made by the said city for such purposes shall be subject to the terms and provisions, so far as the same shall be applicable, of the contract made between the said city and the said commission.

2. If in case of an appeal from an order of the board of directors of the New Brunswick Power Company to the board of commissioners of public utilities, under section 6 of the Act 10, George V., chapter 63, the said board of commissioners of public utilities shall overrule, modify or vary any order of the board of directors, determining the extent and character of the railway, electric and gas service which the public convenience may require, or in case any order shall be made by the board of commissioners of public utilities under section 11 of Act 10, Edward VII, chapter 6, requiring the New Brunswick Power Company to furnish reasonably adequate service and facilities, and the said company shall not forthwith obey any order of the said board of commissioners of public utilities, the said last mentioned board may appoint some public person or persons to take control of the whole or such part of the operations of the said company as in the judgment of the board may be necessary to provide reasonable, adequate and proper service for the public, and for such time or times as the board of commissioners

to provide reasonably adequate and proper service for the public. In such case if there be not sufficient revenue from the operations carried on by the city through the commissioner of Public Safety as aforesaid or if said revenue be not available to pay for the cost of such operation then the same or any balance remaining unpaid may be paid out of the general revenues of the city of St. John and shall be a first lien upon the property of the New Brunswick Power Company and the lieutenant-governor-in-council may by order in council upon such terms and conditions as the said order may direct, authorize the city of St. John to sell the property and the proceeds of such sale being made the said city of St. John is hereby authorized to execute a good and sufficient conveyance to the purchaser or purchasers thereof free and clear of all liens, mortgages or encumbrances thereon. Out of the proceeds of any such sale the said city shall first pay and discharge the lien created by this act and the costs incident to enforcing the same and shall then pay the balance into court to the credit of the provincial secretary-treasurer to be paid out and distributed under an order of a judge of the supreme court to the party or parties, firm or firms, corporation or corporations entitled thereof.



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John, such competition would be likely to materially lessen the earnings of the said New Brunswick Power Company, and would work hardship upon the shareholders of the said company, and it is desirable to give the said city of St. John and the New Brunswick Power Company authority to vest in the said city, the street railway, electric and gas plants, and the property of the said New Brunswick Power Company:

Be it, therefore, hereby further enacted that if the said New Brunswick Power Company do at any time within six months from the passage of this act, offer to the city of St. John to sell to the said city, all the street railway, electric and gas plants, and all other property, both real and personal, of the said New Brunswick Power Company, at a price to be determined by arbitration based upon the actual cash value of the said systems and property, it shall and may be lawful for the common council of the city of St. John, by-by-law, to accept such offer and to enter into such agreement with the said New Brunswick Power Company, as may be deemed necessary to give effect thereto, and to provide for arbitration as to the actual cash value of the said systems and property, and in case such arbitration is agreed upon the provisions of the New Brunswick Railway Act shall apply thereto mutatis mutandis.

The provisions of section 28 of the act 2, George V., chapter 42, entitled "an act to provide for the government of the city of St. John by an electric commission" and subsequent sections providing for a referendum on by-laws passed by the council, shall apply to the by-laws provided for in this section.

The authority granted by section 28 of the act 10 George V., chapter 63, to a municipality having a contract under such act with the commission, to issue debentures for any of the purposes mentioned in sub-section (1) of said section 28, shall apply to, and authorize the issue by the city of St. John of such debentures as may be necessary for the purpose of paying for such plants and property of the New Brunswick Power

Company, the amounts which may be awarded under said arbitration.

5. If the city of St. John and New Brunswick Power Company so agree a commission of three persons, composed of the chairman of the board of commissioners of public utilities, a member representing the Province of New Brunswick and a member representing the city of St. John, shall be appointed by the lieutenant-governor-in-council.

6. Such commissioners shall determine and fix the price at which the New Brunswick Power Company shall distribute the electric power energy for the use of the citizens of the city of St. John

for lighting, heating and power purposes under any contract which the city of St. John may enter into with the New Brunswick Electric Power Commission for the supply of electric power or energy for the purpose aforesaid.

7. The findings of such commissioners shall be made an order of the board of commissioners of public utilities and shall have all the authority and effect of such order.

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