

Authority to
flood
ungranted
Crown land.

12. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to flood and, so far as may be requisite for his said purposes, to keep submerged such portions of the ungranted lands of the Crown on or near to the shores of the lakes herein mentioned as will be affected by raising the level of the said lakes to the extent authorized by this Act.

Navigation
not to be
interfered
with

13. Nothing herein contained shall authorize the said Edward Spencer Jenison to so construct, maintain or operate his said works, or any of them so that the navigation of the said Kaministiquia River shall be interfered with, or so that the passage of timber or logs floating down the same during high water shall be prevented; but the dams or weirs or other works to be constructed under the provisions of this Act shall be so built as to permit the free passage over or through the same of all timber or logs which it shall be lawful for any person to float down the said river during high water.

Rights with
respect to
Crown lands
subject to
control.

14. The rights, powers and privileges hereby conferred upon the said Edward Spencer Jenison with reference to any of the Crown Lands of the Province of Ontario which may be affected by the said works shall be, as to such lands, subject in all respects to the terms of the contract or agreement entered into between the said Commissioner of Crown Lands for the Province of Ontario and the said Edward Spencer Jenison bearing date the 21st day of April, 1896.

Authority to
erect poles for
electricity.

15. It shall be lawful for the said Edward Spencer Jenison and he is hereby authorized and empowered, to erect lines of poles and wires for the purpose of transmitting electricity which may be generated by his said works over and upon any lands with the owners of which he may enter into any agreement to that end, or along, over and upon any public roads and highways, or across any of the waters within the said District of Thunder Bay, and to erect and maintain upon any such roads and highways or in any such waters the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines, provided the same are so constructed as not to interfere with the public use of such roads or highways or impede the free access to any house or other building erected in the vicinity of the same or interrupt the navigation of the said waters.

Terms to be
compiled with
before taking
any portion of
lot 10 X.

16. Before the said Jenison shall be entitled to expropriate or take possession of any portion of said lot 10 X, the arbitrator shall determine whether sufficient horse power for the purpose of supplying electricity to the Towns of Fort William and Port Arthur and other purposes for which electric power will in his opinion be required, presently or within a reasonable period of time in the future, at or near the said Falls or the said Towns of Fort William and Port Arthur, or along the Kaministiquia River between said Towns and said Falls can be supplied by the said Jenison by the construction of electric works as aforesaid on the property owned by the said Jenison or which can be obtained by him at a reasonable price at or near Ecarte Rapids lying above said lot 10 X, and so that the waters taken shall be returned to said river before it reaches said lot 10 X, and in case the arbitrator determines that sufficient horse power can be obtained at or upon such last named locality then the said Jenison shall not be entitled to exercise any rights of expropriation in regard to lot 10 X aforesaid.

If arbitrator
finds that
sufficient
water power
cannot be
obtained at
Ecarte Falls.

17. In the event of the arbitrator determining that sufficient water power cannot be obtained by the construction of the works at or near Ecarte Falls above said lot 10 X as aforesaid, then he shall by his award determine what part of the said lot 10 X and what quantity should be expropriated for the purpose of the works of the said Jenison, and the price to be paid therefor, and in so determining the arbitrator shall allot the part which, having regard to the purposes of the said Jenison's works, can be expropriated with the least damage to the said Ka-ka-be ka Falls Company.