

# THE PROVINCE WILL CONTROL ITS WATER POWERS

**Bill of Far Reaching Importance Introduced in the Legislature by Premier Foster—An Important Piece of Constructive Legislation—Government will Guarantee Bonds to the Extent of Three-quarters of the Cost of Development.**

Following is the text of the Water Power Bill introduced in the Legislature on Saturday by Premier Foster:

Whereas, there are numerous rivers, lakes, ponds, creeks and water courses of different kinds within the Province, capable of utilization for water power, and it is important that such water powers be developed in the public interest, and that to this end there should be made such rules for the general management of the running waters and water powers as will reconcile the interests of agriculture, of industrial and lumbering pursuits, and of the forest, with respect for the rights of property;

And Whereas, under an Order-in-Council, of the fifth day of June, 1918, a co-operative agreement was entered into between the Department of the Interior, of the Dominion Government, and the Government of the Province of New Brunswick, for an investigation by the Province, in co-operation with the Dominion Water Power Branch of the Department of the Interior, of the water power resources of the province;

And Whereas, in pursuance of such Order-in-Council, three persons were appointed to represent the province and act with the Superintendent of the Dominion Water Power Branch of the Department of the Interior, or his supervising engineer, in making such investigation;

And Whereas, from the report of the representatives so appointed, it is further deemed desirable and necessary to encourage the development of water power resources in the province in the most efficient manner; to discourage and prevent the incorporation and development of unnecessary and waste projects; to insure that each site developed shall utilize the available power to the maximum efficiency; to insure that water systems are developed along comprehensive lines wherein each unit is a component link in a system; to insure comprehensive storage schemes in the interests of all parties affected; to prevent unnecessary and costly duplication of expenditure on the part of competing plants; to protect the public from worthless power schemes and ill designed plants and dams; to safeguard the public from monopolistic control, by regulation and revision of the rates charged; to see to the proper carrying into effect of regulations made for the development of power when the market demands; to compel the development of existing plants to their limit; and in all ways to have in view the fullest conservation of the water resources;

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

## SHORT TITLE.

1. This Act may be cited as "The Water Power Act, 1919."

## INTERPRETATION.

2. In this Act, unless the context otherwise requires, the following expressions shall have the following meanings assigned to them: "Regulations" shall mean regulations made and approved by the Lieutenant-Governor, in Council, under the authority of this Act.

"Commissioners" shall mean the members of the Water Power Commission appointed under the provisions of this Act.

"Water Course" shall include all water courses or sources of water supply, whether usually containing water or not, and all streams, rivers, lakes, ponds, creeks, springs, ravines, gulches and all water power.

"Domestic Purposes" means and includes household, sanitary and fire protection purposes, and the purpose of watering live stock, and the working of railways or factories by steam, but shall not include the sale or barter of water for such purposes.

"Riparian Proprietor" means and includes any person having a vested interest in land under, adjoining or bordering upon any water course within the Province of New Brunswick.

3. The Lieutenant-Governor, in Council, may appoint a Commission consisting of three persons—a Chairman, Secretary and one other person—to be called the "Water Power Commission."

The duties of the commission shall be:

(1) To devise just and practical rules respecting the flow, the drawing off, the disposal, the distribution, the storage, and generally respecting the preservation and management of the lakes and running waters within the province.

(2) To study in what respect, if any, the laws of the province governing water courses as regards the flow, drawing off, disposal, distribution, storage of water and floating of timber ought to be amended.

(3) To make any suggestions tending to the adoption of practical rules adapted to protect the forests of the province belonging to the Crown or to private persons, and to encourage and facilitate the utilization of water powers.

(4) To consider the classification of the rivers of the province as navigable and floatable rivers, and rivers which are not navigable or floatable, and to submit, if thought advisable, uniform rules respecting such classification.

(5) To consider and recommend rules for the expropriation of—  
(a) real property and riparian rights necessary for the establishment of factories and power plants, for the utilization of water powers for industrial and other purposes, and for the construction and maintenance of dams, canals, sluices, pipes, and flumes; and  
(b) lands necessary for roads to communicate with a convenient highway, as well as for posts, wires, conduits and apparatus used for the transmission of power, light or heat.

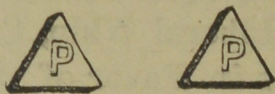
(6) To consider and recommend uniform rules under which companies incorporated for the development of water powers shall exercise rights of expropriation, whether under the superintendence of an administrative commission or otherwise.

(7) For the purposes mentioned in this section, to make any inspection and examination of lakes, rivers, ponds, creeks and water courses in the province which the Commissioners may think neces-

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sary, and to employ the assistance of such engineers and other experts as may be necessary to facilitate the inquiries to be made under this section.

(8) Generally to gather such information as to what waters in the province are capable of development for power purposes, and the measures necessary to facilitate such development, and what rights of property exist in respect to such waters.

4. In matters not provided for in this Act, the Commissioners shall be guided from time to time by instructions from the Lieutenant-Governor-in-Council.

5. The Commissioners shall report to the Lieutenant-Governor-in-Council as often as the Commissioners shall deem advisable as to their researches as well as to their recommendations and suggestions.

6. The Commissioners may at any time declare by order in writing that it is in the public interest that any water course or any part thereof shall become vested in the Crown. Said order shall contain a general description of the water course or portion thereof so to become vested in the Crown, and the said Commissioners shall thereupon cause a copy of the said order to be registered in the office of the Registrar of Deeds for the County or Counties through which the said water course or part thereof passes, and thereupon all property in and the right to the use of all the water in the said water course or in any particular part thereof at all times thereafter, and all lands under the said water shall thereby become and be vested in the Crown in the right of the Province forever, notwithstanding any grant, deed or transfer thereof theretofore made; saving, however, the right of every riparian proprietor to the use of said water for domestic purposes. The owner of any lands so taken shall receive such compensation therefor as may be agreed upon between the said owner and the said Commissioners. If the said owner and said Commissioners are unable to agree on the said compensation, the same may be settled and adjusted in the manner provided by the New Brunswick Railways Act, Chapter 91, of the Consolidated Statutes, 1903, and Amending Acts, for the settlement of claims for right of way, and all the Provisions of the said Act respecting arbitration shall apply to the proceedings under this Act with the words "Commissioners" substituted for "Railway Company."

7. Every grant of Crown Land hereafter made shall be construed and held, whether the same is so expressed therein or not, to have reserved to the Crown all rivers and streams contained therein, and the beds of all said rivers and streams.

8. When any grant shall hereafter be made by the Crown of land bounded on any river or stream, said grant shall not convey the bed of said river or stream or any portion thereof.

9. (1) Nothing in this Act shall effect the rights of any person or corporation which establishes to the satisfaction of the Lieutenant-Governor-in-Council, that he or it has previous to the passing of this Act, developed a water power or powers or used water for other than domestic purposes; provided that such person or corporation may be required and compelled by the Water Power Commissioners to develop the said power or powers to the fullest possible extent and efficiency, or make additional use of said water, and may issue to such person or corporation such authority for the use of said water power or powers, and under and subject to such conditions and provisions, as may be deemed proper for insuring the full development of such water power or powers or other use of said water; provided, further, that nothing in this Act shall apply to or shall effect the right or interest to, or in any way, lands or water courses heretofore acquired and lawfully held by any corporation, city, town, village or municipality for the bona fide purposes of developing water powers for generating electricity or for supplying water for fire or domestic purposes to the inhabitants of any city, town, village or municipality; but the said Water Power Commissioners may, by regulation, require such corporation, city, town, village or municipality to develop such powers to the fullest possible extent and efficiency, or to make other uses of such water powers not inconsistent with the provisions of this Act and in accordance with such regulations; and further provided that if such regulations are not complied with, such lands and water courses may be dealt with under the Provisions of section 6 of this Act.

(2) The Commissioners shall have the power, subject to the approval of the Lieutenant-Governor-in-Council, to make such regulations as may be necessary to carry out the provisions of this section.

10. The Water Power Commissioners are hereby authorized and empowered to fix from time to time the charges, rents, royalties or dues to be paid for the use of water, water for power or other purposes.

11. Subject to the property in and the rights to the use of water and land referred to in section 6 hereof, all water courses, without distinction, within the Province of New Brunswick shall be administered under regulations made under the authority of this Act by the Lieutenant-Governor-in-Council.

12. The Lieutenant-Governor, in Council, is hereby authorized and empowered,—

(1) To cause to be made investigations and to collect and record data concerning the power industry and its relation to other industries, and concerning the location, capacity, development, costs and relation to markets of power sites and of power developments to the extent it may be deemed necessary or useful for the purposes

## SHOOTING ACCIDENTS AT AMHERST

Acherst, N. S., April 14.—Two serious shooting accidents occurred on Saturday and Sunday. Raymond Smith of Fort Lawrence, while pulling a double-barreled gun through a fence, got the trigger caught and had his hand and forearm shattered Sunday morning. A similar accident happened to Drummond Nottel, teller in the Bank of Montreal. He and a friend were 9 miles from town when the accident happened. Nottel lost a large quantity of blood and his condition is serious. Amputation of the arm was necessary.

## LEMBURG AGAIN UNDER FIRE

Copenhagen, April 14.—Ukrainian forces heavily bombarded Lemberg on Thursday and Friday many persons being killed and wounded, according to a despatch received here from that city.

A man will do anything to preserve a good digestion but give up his habits.

Spring will soon be strong enough to sit up and dispense with harbingers.

This is the best part of spring; the rug-beating comes in May.

The tomato seed is beginning to feel those growing pains.

A proverb is an undisputed fact with whiskers on it.

Love levels all things with the possible exception of the head.

of this Act.

(2) To cause to be made public from time to time such portion of the information secured hereunder as he shall deem expedient in the public interest, and to provide for the publication of its reports and investigations in such form and manner as may be best adapted for public information and use.

(3) To make regulations:

(a) for the expropriation of real property and riparian rights necessary for the development of water powers and all other matters within the scope of this Act; for the establishment of factories and power plants; for the utilization of water powers; for industrial and other matters; for the diversion, taking or use of water for power or other purposes, and the granting of the right to divert, take and use water for such purposes, and for the construction and maintenance of drains, canals, sluices, pipes and flumes;

(b) for the construction on or through Crown or other lands of sluices, races, dams or other works necessary in connection with such diversion, taking or use of water;

(c) for the transmission, distribution, sale and use of power and energy generated therefrom;

(d) for the damming of and diversion of any stream, water course, lake or other body of water for the purpose of storing water to augment or increase the flow of water for power or other purposes;

(e) for defining the location, extent and value of all Crown or private lands that may be taken, acquired and used for water power or other purposes;

(f) for fixing compensation to be paid to the owners of lands taken or used or injuriously affected;

(g) for fixing compensation to be paid to the Commissioners for their services and expenses;

(h) for any other matter necessary for giving the provisions of this Act full effect.

13. Subject to the provisions of this Act and the regulations made thereunder, the Commissioners may grant to any person, corporation or municipality that may be authorized under this Act to divert, take or use water for power or other purposes or to construct works in connection with the diversion, taking or use of water for such purposes, the right, for the purposes of such undertaking, to take, acquire and use the requisite lands, whether private or Crown, providing just compensation is paid therefor.

14. Every regulation made under the authority of this Act shall have force and effect only after such regulation has been published for two successive weeks in the Royal Gazette.

15. Nothing in this Act shall authorize the Commissioners to grant or lease any fishing right or privilege in any water course of the province; nor shall anything in this Act vest in the Crown any right of fishing that may have been heretofore acquired by any person, persons, or corporation, but, subject to the right to the development of water power under this Act, all rights of fishing shall be held as fully and as exclusively as if this Act had not been passed.

16. (1) When any person or corporation shall lay before the Lieutenant-Governor, in Council, a proposition for the development of a water power or powers, and shall satisfy the Lieutenant-Governor, in Council, as to the financial ability of the person or corporation to develop such water power or powers, and shall procure a certificate of a hydro-electric engineer of recognized standing, approved of by the Commission, of the amount of power available, the estimated cost to develop the same, and the market for its use either at the power site or by electric transmission, it shall be lawful for the Lieutenant-Governor, in Council, on such person or corporation acquiring, by letters patent or supplementary letters patent, all the rights and privileges necessary to the efficient development of such water power or powers, to aid the development of any such water power or powers by guaranteeing the issue of the bonds of any company complying with the provisions of this section, to an amount not in excess of three-quarters of the cost of the development of such water powers or powers.

(2) In case of the guarantee of any such bonds, the same shall be secured by a trust mortgage of all the property and interests of the company issuing the same, which said trust mortgage shall contain Sinking Fund provisions for the redemption of the bonds guaranteed, and such further and other provisions as may be deemed necessary to safeguard the interests of the province.

(3) The balance of the cost of developing such water power or powers shall be provided by the company developing the same, for which par, non-votable stock, preferred as to dividends to the extent of seven per cent., may be issued.

(4) All earnings over and above the sums necessary to pay the operating expenses, the interest on the said bonds, the amounts required for said Sinking Fund, and the interest on said preferred stock, shall be divided equally between the Crown in the right of the Province and the said Company.

(5) The said Company shall also issue certain stock to be used for voting purposes only, and all the voting power of the said Company shall be vested in the said stock. Forty-nine per cent. of said stock shall be allotted to the Crown in the right of the Province; forty-nine per cent. thereof shall be allotted to the Company, and two per cent. thereof to the Board of Commissioners of Public Utilities; one per cent. in trust for the Crown, and one per cent. in trust for the Company, the right to vote the shares representing the said two per cent. so allotted to be in the chairman of the said Board.

## FARMER DIED FROM A BOIL

The death of a young farmer was recently reported from blood-poisoning, which developed from a boil. Such a small beginning to end so disastrously! Yet this is liable to happen to anyone who allows a sore or wound to become infected.

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