

service, is appointed law officer to the department of the Provincial Treasurer”.

2. Article 689a of the Revised Statutes, 1909, as R. S., 689a. enacted by the act 9 George V, chapter 16, section 4, and am. amended by the act 10 George V, chapter 19, section 3, is again amended by inserting therein, after the first paragraph thereof, the following:

“Every person who, after having been employed in the revenue branch of the treasury department elsewhere than at the capital, becomes an employee of such department at the capital as legal advisor or law officer, is deemed to have formed part of the civil service counting from the date of his appointment as an officer of the outside service of the said department, and he must pay, with compound interest, to the Provincial Treasurer, by monthly instalments extending over a period of ten years from the date of his appointment as law officer, an amount equal to the whole of the amounts which would have been held back from his salary if this paragraph had been in force at the date of his appointment as an officer of the outside service of the said department.”

Certain persons deemed to have formed part of the civil service from date of appointment to outside service. Payments to be made.

3. This act shall come into force on the day of its sanction. Coming into force.

CHAP. 21

An Act to amend the Revised Statutes, 1909, respecting the Quebec Public Utilities' Commission

[Assented to, 14th of February, 1920]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section third of chapter third of title fourth of the Revised Statutes, 1909, is replaced by the following: R. S. section and articles replaced.

“SECTION III

“THE QUEBEC PUBLIC SERVICE COMMISSION

“§ 1.—*Interpretation*

“**718.** In this section, unless the context otherwise requires,—

Interpreta-
tion.

a. the word "Commission" means the Quebec Public Service Commission;

b. the words "public service" mean every corporation other than a municipal or school corporation, firm, person, or association of persons subject to the legislative authority of this Province, or any lessee, trustee, liquidator or receiver thereof, that owns, operates, manages, or controls any system, works, plant or equipment for the conveyance of telegraph or telephone messages or for the conveyance of passengers or goods over a railway or tramway, or upon any lake, river or stream, or for the production, transmission, delivery or sale of heat, light, water or power.

Proviso.

Nevertheless, a municipal or school corporation which carries on, outside its own territorial limits, any of the operations above-mentioned, shall, for such part of such operations so carried on outside its own limits, be considered as a public service within the meaning of this paragraph b.

"§ 2.—*Organization of Commission*

Public
Service
Commis-
sion.

"719. The Lieutenant-Governor in Council may appoint a commission called the "Quebec Public Service Commission", consisting of three members.

Term of
of office of
members.

"720. Each commissioner shall hold office for ten years from the date of his appointment, but may be removed at any time for cause by the Lieutenant-Governor in Council.

Presiding
officer.

"721. One of such commissioners shall be appointed president of the commission and another of them acting-president thereof, by the Lieutenant-Governor in Council.

Acting-
president.

"722. 1. In case of the absence of the president or of his inability to act, the acting-president shall exercise the powers of the president.

2. Whenever the acting-president appears to have acted for or instead of the president it shall be presumed that he so acted in the absence or owing to disability of the president.

Quorum.

"723. Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every matter submitted to the commission; provided that,—

Proviso.

a. whenever there is no opposing party and no notice

to be given to any interested party, any one commissioner may act alone;

b. the Commission, or the president, may authorize any one of the commissioners to report to the Commission upon any matter within the jurisdiction of the Commission or pending before it, and such commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report; and

c. the hearing of expropriation matters in cases within the jurisdiction of the Commission shall take place before the president alone, or the acting-president in the cases mentioned in article 722.

"724. The opinion of the president upon any question, which in the opinion of the commissioners is a question of law, shall prevail.

"725. The Commission shall not be dissolved by the death or resignation of any of its members.

"726. If, in the opinion of the Lieutenant-Governor in Council, any commissioner is interested in any matter before the Commission, or if any commissioner is unable to act by reason of sickness, absence or other cause, the Lieutenant-Governor in Council may appoint some person to act in his stead; and any person so appointed may complete any unfinished business in which he has taken part, even if the commissioner whom he has replaced has returned or has become able to act.

"727. No commissioner shall hold any office or carry on any employment inconsistent with the performance of his duties, nor shall he, directly or indirectly,—

a. hold, acquire or become interested in, for his own behalf, any stock, share, bond, debenture or other security of any public service;

b. have any interest in any device, appliance, machine, patented process or article, or in any part thereof, which may be used for the purposes of the business of a public service.

If, at the time of his appointment, a commissioner possesses, or if, after his appointment, he acquires any such thing or any interest therein, as above mentioned, he shall be bound to dispose of the same at once.

The president must give his attention exclusively to the work of the commission, and the duties of his office, and

must not practise any other profession or follow any other occupation whatsoever.

Place of residence of commissioners.

"728. Each commissioner shall, during his term of office, reside in such place as the Lieutenant-Governor in Council, from time to time, determines.

Place of sittings fixed by Lt-Gov. in C.

"729. The Lieutenant-Governor in Council shall fix the place where the Commission shall sit and shall have its office, and shall also provide it with suitable quarters for the holding of its sittings and the transaction of its business generally.

Place of special sittings.

"730. Whenever necessary, the Commission may sit in any part of the Province.

Whenever, under this article, the Commission sits at the chief place of any judicial district, the sheriff is bound to place at its disposal suitable quarters for the holding of its sittings.

In every other place it may have free use of the County Circuit Court room.

Advisory experts.

"731. The Lieutenant-Governor in Council may, whenever he deems it necessary, attach to the Commission experts or technical men, to assist it in an advisory capacity.

Secretary.

"732. There shall be a secretary of the Commission, who shall be appointed by the Lieutenant-Governor in Council, and who shall hold office during pleasure.

His duties.

"733. 1. It shall be the duty of the secretary,—

a. to attend all sessions of the Commission, unless excused by the Commission or the President;

b. to keep a record of all proceedings conducted before the Commission or any commissioner under this section;

c. to have the custody and care of all records and documents of the Commission;

d. to obey all rules of practice and directions which may be made or given by the Commission touching his duties or office;

e. to have every order and rule of practice of the Commission drawn pursuant to the direction of the Commission, signed by the president, sealed with the official seal of the Commission, and filed in the office of the secretary;

f. to discharge all other duties prescribed by the Lieutenant-Governor in Council.

To keep

2. The secretary shall keep suitable books of record, in

which he shall enter a true copy of every such order and rule of practice, and every other document which the Commission shall order to be entered therein; and such entry shall constitute and be the original record of any such order or rule of practice.

3. Upon application of any person, and on payment of such fees as the Lieutenant-Governor in Council may prescribe, the secretary shall deliver to such applicant a certified copy of any such order, rule of practice or other document.

"734. In the absence of the secretary the Commission may replace him temporarily.

"735. Neither the Commission, nor any commissioner, nor the secretary of the Commission, nor any of its officers or employees, shall be personally liable for anything done by it or by him in the exercise of its or his functions.

"736. The commissioners and secretary shall receive such yearly remuneration as is fixed by the Lieutenant-Governor in Council, but not exceeding:

For the president.....	\$ 7,000 00
For each commissioner.....	3,500 00
For the secretary.....	2,400 00

The experts appointed under article 731 shall receive such remuneration as the Lieutenant-Governor in Council shall think proper.

"737. The Lieutenant-Governor in Council may also appoint the employees necessary for the proper performance of the duties of the Commission, and provide for their remuneration.

"738. Whenever the Commission, acting within its jurisdiction, appoints or directs any person, other than a member of its staff, to perform any service required by this section, such person shall be paid therefor such sum for services and expenses as the Lieutenant-Governor in Council may, upon the recommendation of the Commission, determine.

"739. The above remuneration, and all the expenses incurred by the Commission in the performance of its duties, including all reasonable travelling expenses of the commissioners and secretary, and of such members of the staff of the Commission as may be required by the Commis-

sion, shall be paid monthly out of the consolidated revenue fund of the Province.

“§ 3. —*Jurisdiction of the Commission and of the President*

Jurisdiction. “740. The Commission shall have jurisdiction:

All matters within jurisdiction of Railway Committee, etc.

a. in all matters within the jurisdiction of the Railway Committee of the Executive Council, to which Committee it is hereby substituted and with the powers of which it is hereby vested; and any engineer or other officer appointed by it for any purpose prescribed by articles 6670 and following respecting the Railway Committee of the Executive Council, shall possess the same powers and be subject to the same obligations as any engineer or officer mentioned in the said articles and performing like duties possesses or is subject to;

Transportation of goods by tramway companies, etc.

b. in all questions relating to the transportation of goods on the lines of any tramway company, or on any part thereof; and for such purpose it may authorize or require any such company to carry goods on its lines or any part thereof, for any period of time and at such prices as it may fix;

Certain matters under R. S. 6592-6596.

c. in all matters within the jurisdiction of the Minister of Public Works and Labour and mentioned in articles 6592 to 6596, both inclusive; and for the purposes thereof it is hereby substituted to the Minister of Public Works and Labour, and is hereby vested with all his powers;

Contestations regarding tolls of public services.

d. whenever it is made to appear to the Commission, upon the complaint of any public service, or of any person having an interest, present or contingent, that there is reason to believe that the tolls demanded by any public service exceed what is just and reasonable; and in such case it may proceed to hold an investigation into all matters relating to the matter complained of; and may in such case make such order as seems to it to be just, and may disallow or change, as it thinks reasonable, any such tolls or charges as, in its opinion, unjustly discriminate between different persons or different municipalities;—the whole, however, subject to the provisions of any contract existing between such public service and a municipality at the time such complaint is made, and subject, as to electric railway companies, to articles 6615 and 6616;

Placing of rails, etc., by a public service, on public roads, etc., in

e. in all cases arising when a public service having the right to enter a municipality for the purpose of placing therein, with or without the consent of the municipality, its rails, posts, wires, pipes, conduits or other appliances, upon, along, across, over or under any public road, street,

square, water-course or part thereof, cannot come to an agreement with such municipality, as to the use, as aforesaid, of the roadway or of the water-course in question, or as to the terms and conditions of such use, and applies to the Commission for permission to use such roadway or water-course, or to fix the terms and conditions of such use; and in such case the Commission may permit, as aforesaid, the use of such roadway or water-course, and prescribe the terms and conditions thereof;

f. in all questions arising whenever a public service, being unable to extend its system, line or apparatus, from a point where it lawfully does business to another point or points where it is authorized to do business, without placing its rails, posts, wires, pipes, conduits or other apparatus upon, along, across, over or under some public road, street, square, water-course or part thereof, which it cannot lawfully so use without the consent of the municipal corporation having control of the same, and being unable to come to an agreement with the said municipal corporation, applies to the Commission for permission to use such public road, street, square or water-course or part thereof; and, for the purposes of such extension only, and without unduly preventing the use thereof by other persons or companies already lawfully using the same, the Commission may permit such use, notwithstanding any law or contract granting any other person or corporation exclusive rights with respect thereto, but shall prescribe the terms and conditions upon which such public service may use such road, street, square or water-course, or part thereof;

g. in all contestations arising between a public service and a municipality with reference to the performance of the terms and conditions mentioned in paragraphs e and f of this article; and the Commission may change such terms and conditions, if, in its opinion, such changes are necessary or desirable;

h. upon the complaint of any municipality or other interested party that a public service doing business in such municipality fails to extend its services to any part of such municipality; and after hearing the parties and their witnesses, and making such inquiry into such matter as it deems equitable, may order the extension of such service and the conditions under which the same shall be done, including the cost of all necessary works, which it may apportion between the public service and the municipality in any manner it deems equitable.

No public service, unless authorized by an act now in force, may increase its present rates, except those respecting the supplying of heat, light or motive power for indus-

certain cases.

Placing of rails, etc., on public roads, etc., in order to reach other places.

Certain contestations between public services and municipalities.

Contestations between public services and municipalities as to extension of services therein.

Increase of rates.

trial or commercial purposes, without having obtained the authorization of the Commission to that effect;

Questions of
municipal
administra-
tion.

i. on any question relating to municipal administration on which the Lieutenant-Governor in Council may deem it expedient to require the Commission to investigate and report; and to that end the Commission shall possess all the powers granted by this section, and such other powers as may be determined by the Lieutenant-Governor in Council.

Contesta-
tions as to
right of
floating
timber on
rivers, etc.

j. in all cases arising upon the complaint of any corporation or person respecting the exercise of its or his right to float timber down any river, lake or stream, and the exercise of the same right, on the same river, the same lake or the same stream, by another corporation or person; and, after hearing the parties, the Commission may fix the conditions upon which each party may float his timber, and may issue such order as it may deem necessary in the interests of the two parties.

Expropria-
tion in cities
of Quebec
and Mont-
real.

k. notwithstanding any provision in the charter of either of such cities respectively,—on any question arising in the city of Quebec or Montreal respecting expropriation for any municipal purpose (including the fixing of the compensation), which, under the charter of the said city, is within the jurisdiction of any board of commissioners, commissioner, assessor, arbitrator or other functionary or officer; provided that every provision relating to expropriation in either of the said charters shall continue to govern expropriations in each of such cities respectively, with the exception of the modification introduced by this paragraph.

“§ 4.—*Conditions to be observed by certain public services*

Conditions
to be
fulfilled by
certain
public
services.

“741. 1. In the case of a public service which has for its object the construction, working or maintaining of telegraph, telephone or transmission lines, or the delivery or sale of heat, light or power, the following conditions shall be fulfilled, over and above those which may be prescribed by the Commission, that is to say:

Travel, etc.,
not to be
interfered
with.

a. the public service shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building;

Height of
wires, etc.

b. the public service shall not permit any wire to be less than twenty-two feet above such highway or public place, or erect more than one line of poles along any highway; nevertheless, when there is already a line of poles on a public road, in no case shall another parallel line be erected thereon unless the consent of the Com-

mission to that effect has been obtained in advance; and in such case the Commission shall have authority to order the joint use of the line already erected, or that to be erected, and the conditions thereof;

c. all poles shall be as nearly as possible straight and perpendicular, and the Commission may order that they shall, in cities and towns, be painted; Poles to be straight, etc.

d. the public service shall not unnecessarily cut down or mutilate any shade, fruit or ornamental tree; Protection of shade trees, etc.

e. the opening up of any street, square or other public place, for the erection of poles, or for the carrying of wires underground, shall be subject to the supervision of such person as the municipal council may appoint, and such street, square or other public place shall, without unnecessary delay, be restored as far as possible to its former condition; Supervision of opening of streets, etc.

f. if, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, the public service shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the public service so doing such person may remove such wires and poles at the expense of the public service; Removal of wires, etc., in certain cases.

g. whenever any city, town or village is desirous of having lines of telegraph or telephone, or lines for the conveyance, delivery or sale of light, heat, or power, placed underground, the Commission may, on the application of such city, town or village, require the public service to thus place its lines or wires underground; and may withdraw the right given by this article or by the charter to carry lines on poles in such city, town or village, the whole subject to the conditions which the Commission may prescribe. Placing of wires underground.

2. The public service shall be responsible for all unnecessary damage which it causes in carrying out, maintaining or operating any of its said works. Responsibility for damage.

3. The public service shall not be entitled to compensation on account of its poles or wires being cut by order of the officer in charge of the fire brigade at any fire if, in the opinion of such officer, it is advisable that such poles or wires be cut. No compensation in certain cases.

4. Every person engaged in erecting or repairing any line or instrument of the public service shall have conspicuously attached to his dress a badge on which are legibly inscribed the name of the public service and a number by which he can be readily identified. Employees to wear badges.

Consent of municipalities required in certain cases.

5. Nothing in this article shall be deemed to authorize the public service to sell or distribute light, heat, power or electricity in cities, towns or villages without having previously obtained by by-law the consent of the municipality thereto, unless such public service has authority therefor by its charter.

General supervision by Commission over public services, etc.

"742. The Commission shall have a general supervision over all public services subject to the legislative authority of the Province, as defined by article 718, and may make such orders regarding equipment, appliances, safety devices, extension of works or systems, reporting, and other matters, as are necessary for the safety or convenience of the public or for the proper carrying out of any contract, charter or franchise involving the use of public property or rights.

Inquiries.

The Commission may conduct all inquiries necessary for the obtaining of information as to the manner in which any public service complies with the law, or as to any other matter or thing within the jurisdiction of the Commission.

" § 5. *Miscellaneous provisions*

Authorization by Commission to municipalities to bring complaint, etc.

"743. Every municipal council, whenever it deems that the interests of the public in a municipality or in a considerable part of a municipality are sufficiently concerned, may, by resolution, authorize the municipality to become a complainant or intervenant in any matter within the jurisdiction of the Commission; and, for that purpose, the council is authorized to take any steps, and to incur any expense and to take any proceedings necessary to submit the question in dispute to the decision of the Commission, and if necessary to authorize the municipality to become a party to an appeal therefrom.

Commission may revise, etc., decision, etc., previously given.

"744. Upon application made for that purpose, the Commission may, after hearing the parties and their witnesses, revise, change or annul a decision, order or rule, previously given or made.

Amalgamations subject to consent of Commission.

"745. When, by any general or special act, a public service is authorized to amalgamate with any other public service, such amalgamation shall be subject to the consent of the Commission, and shall have no effect until the order authorizing the same is published in the *Quebec Official Gazette*.

Powers of Commission as to

When any public service applies to the Commission for an exchange of service with another public service of the same kind, the Commission may make such order as it

judges to be in the public interest, as to connection of exchange of lines, transmission of messages, right of way for trains or service between other facilities, and may determine the compensation and public other conditions for such exchange of service. services.

"746. So long as the Quebec Public Service Commis- Powers of sion shall continue to exist, the powers of the Railway Railway Committee of the Executive Council and of the Minister Committee, of Public Works and Labour respectively, with respect to etc., sus- pending in the matters mentioned in article 740, shall be suspended. certain cases.

"747. If the Attorney-General, a municipality or any party interested, makes complaint to the Commission that by Attorney-General, any public service, municipal corporation, company or etc., against person has unlawfully done or unlawfully failed to do, or public is about unlawfully to do or unlawfully not to do something services, etc. relating to a matter over which the Commission has jurisdiction as aforesaid, and prays that the Commission do make some order in the premises, the Commission shall, after hearing such evidence as it may think fit to require, make such order as it thinks proper under the circumstances.

"§ 6.—Tariff of fees

"748. The Lieutenant-Governor in Council may Tariff of make, amend, replace or repeal all tariffs of fees payable fees fixed by to the Commission, in connection with any matter sub- Lt-Gov. in C. mitted to it. The fees so paid shall form part of the consolidated revenue fund.

"§ 7.—Procedure

"749. The Commission may make rules of practice Rules of regulating its procedure, and the times of its sittings, in practice. so far as not inconsistent with this section.

Such rules of practice shall come into force, after being approved by the Lieutenant-Governor in Council, from the date of their publication in the *Quebec Official Gazette*.

"750. Any summons to a witness may be signed by Summoning any commissioner or by the secretary of the Commission, witnesses. and shall be served in the same manner as a like summons is served in the Superior Court, unless the Commission decides that such service may be effected by registered mail.

The Commission may issue commissions for the taking Commissions of evidence in foreign countries, and may make all proper for taking orders for the purpose and for the return and use of the evidence. evidence so obtained.

Bailiffs.

"751. Every bailiff of the Superior Court is *ex-officio* a bailiff of the Commission, and may make a return under his oath of office of any service made or other proceeding taken by him.

If any person fraudulently avoids any service, the Commission may, upon a return to that effect, prescribe whatever mode of service it deems proper.

Powers as to service of summons.

The Commission shall have, with regard to any service, the powers conferred by article 146 of the Code of Civil Procedure, and, in any case where it deems it sufficient, it may allow any summons, order or other notification to be sent by mail.

Penalty for refusal to obey summons.

"752. Every person who, after having been summoned, fails to appear at the time and place mentioned in the order; or refuses to take the oath, or fails or refuses, without good reason, to give full answer to any question put to him; or who fails or refuses to give evidence under this section; or who fails or refuses to produce any document, book or paper in his possession or under his control; or who fails or refuses to obey any order of the Commission or of one of its members,—may be arrested upon a written order of the Commission or of the president, and may be taken to the common gaol, there to be held for a period of time of not more than thirty days, or may be sentenced to pay a fine of not more than one hundred dollars, and, on failure to pay the same, be imprisoned in the common gaol of the district for not more than thirty days.

Evidence by affidavit.

"753. The Commission may, in its discretion, accept evidence by affidavit or written affirmation.

Obligation to produce books, etc.

No person shall be excused from attending and producing any book, tariff, contract, agreement or document, in obedience to the subpoena or order of the Commission, or of any person authorized to hold any inquiry under this section, or in any cause or proceeding based upon or arising out of any alleged violation of this section, on the ground that the documentary evidence required of him may tend to subject him to any action for a penalty recoverable under the laws of this Province; but no such book, tariff, contract, agreement or document so produced shall be used or receivable against such person in any such action or proceeding thereafter instituted against him.

Proviso.

Special powers of Commission, etc.

"754. The Commission, any commissioner or any person authorized by the Commission to make any inquiry or report, may,—

a. enter upon and inspect any place, building or work

being the property or under the control of any public service;

b. inspect any work, structure, rolling-stock or other property of such public service;

c. require the attendance of all such persons as it or he thinks fit to summon and examine, and take the testimony of such persons;

d. require the production of any book, plan, specification, drawing or document;

e. administer oaths, affirmations or declarations;—

and shall have the like powers to summon witnesses, enforce their attendance, and compel them to give evidence and produce the books, plans, specifications, drawings and documents which they may require them to produce as mentioned in article 752.

“755. The fact that a receiver, manager or other official of any public service, or a sequestrator of the property thereof, has been appointed by any court in the Province, or is managing or operating a public service under the authority of any such court, shall not prevent the exercise by the Commission of any jurisdiction conferred by this section; but every such receiver, manager or official shall be bound to manage and operate any such public service in accordance with this section and with the orders and directions of the Commission, whether general or referring particularly to such public service; and every such receiver, manager or official, and every person acting under him, shall obey all orders of the Commission within its jurisdiction in respect of such public service, and be subject to have them enforced against him by the Commission, notwithstanding the fact that such receiver, manager, official or person is appointed by or acts under the authority of any court.

Jurisdiction not affected by receivers, etc., appointed by the court.

“756. 1. The Commission may, if the special circumstances of any case so require, make a provisional order, after notice, and in cases of urgency without notice, authorizing, requiring or forbidding anything to be done which the Commission would be empowered, in a contested case, to authorize, require or forbid; and such provisional order shall remain in force until the final decision of the Commission or the homologation thereof, when necessary, or, in case of appeal, until the final judgment of the Court of King's Bench.

Provisional orders.

2. If a provisional order has been made without notice, any interested party may, at any time before homologa-
Remedy against order.

tion of the final order or before the final judgment, apply by petition to have the same modified or set aside.

Commission may fix the time for coming into force of orders.

"757. The Commission may direct in any order that such order or any portion thereof shall come into force at a future time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Commission, or person named by it, of any terms which the Commission may impose upon any party interested, and the Commission may direct that the whole or any portion of such order shall have force for a limited time, or until the happening of a specified event.

Control by Commission over works ordered to be done, etc.

"758. When, in the exercise of the powers conferred upon it by this section or by any special act, the Commission directs the performance of a service by any person other than a member of the staff, under article 738, or directs any structure, appliance, equipment or work to be provided, constructed, reconstructed, altered, repaired, installed, used or maintained, it may order by what company, municipality or person interested, and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, such work shall be carried out.

Extension of time to do works.

"759. When any order of the Commission requires any work, act, or thing to be performed or done within a specified time, the Commission may, upon notice, extend the time so specified.

Notification of orders of Commission.

"760. Every public service shall, as soon as possible after having received or having been served with any order or other document of the Commission, notify the same to each of its or his officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or duties or some of them are to be performed.

Decision on facts final.

"761. The decision of the Commission upon any question of fact within its jurisdiction shall be final.

Entering upon property, etc., to enforce orders.

"762. 1. The Commission may take such steps and employ such persons as are necessary for the enforcement of any order made by it, and for the purposes thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the moveable and immoveable property of such public service, together with the books

and offices thereof, and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of the public service in all respects, including the employment and dismissal of officers and servants thereof, for such time as the Commission continues to direct such management.

2. Upon the Commission so taking possession of such property, it shall be the duty of every officer and employee of the public service to obey the orders of the Commission or of such person or persons as it places in authority in the management of any or all departments of the under-taking. Duty of employees of public service to obey orders of Commission.

3. The Commission may, upon so taking possession of such undertaking and property, determine, receive and pay out all moneys due to or owing by the public service, and give cheques, acquittances and receipts for moneys to the same extent and as fully as the proper officers thereof could do if no such order as aforesaid had been made. Commission authorized to carry on business of the public service.

4. The costs and expenses of and incidental to proceedings to be taken by the Commission under this article shall be in the discretion of the Commission, and the Commission may direct by whom and to what extent they shall be paid. Costs of taking possession.

"763. The Commission, if it is proved that a public service has not complied with an order given by the Commission, and if it is of opinion that there are no effectual means of compelling the public service to obey such order, shall transmit to the Attorney-General a certificate signed by its president and secretary, setting forth the nature of the order, and the default of the public service to comply therewith. Notice to Attorney-General that orders not obeyed.

Such default so established shall be ground, after public notice in the *Quebec Official Gazette* of the receipt of the said certificate by the Attorney-General, for an action to dissolve the public service or to annul the letters patent incorporating it. Action in such case to dissolve the public service.

The proceedings upon such action shall be governed *mutatis mutandis* by articles 978 and following of the Code of Civil Procedure, or by article 1007 thereof, as the case may be. Procedure on such actions.

"764. Whenever the Commission has made an order containing a condemnation to pay money, the execution of such order after homologation shall be effected by the Superior Court for the district in which is situated the Execution of orders to pay money.

head office or principal place of business in the Province of any public service so condemned, or of the district in which the Commission has its head office, upon transmission to the prothonotary of such district of a duly certified copy of the homologated order.

Notice of
order to
public
service, etc.,
to be given.

"765. No order involving any outlay, loss or deprivation to any public service, municipality or person, shall be made without due notice and full opportunity to all parties concerned to make proof and be heard at a public sitting of the Commission, except in case of urgency, and in such case as soon as practicable thereafter.

Homologation
of orders.

"766. Every order of the Commission ordering the payment of money, or otherwise susceptible of execution under the rules of the Code of Civil Procedure, must, in order to be executed, be homologated by a judge of the Superior Court of the district in which such order was given, or of the district in which the head office of the Commission is situated. Such homologation shall be granted upon summary petition either by the Commission itself or by one of the parties, after reasonable notice. In case of urgency, however, the judge may grant the homologation without notice.

No issue may be joined on such petition for homologation, which must be granted by the judge.

No appeal shall lie from the judgment pronouncing such homologation, but the order so homologated shall be subject to appeal in such manner and in such cases as provided in articles 768*b* and following.

Adjudication upon
costs.

"767. In every matter submitted to it, the Commission shall adjudicate upon the costs incurred by it or by the parties, and shall tax them at its discretion.

In fixing such costs the Commission must take into consideration every tariff in force.

Annual
statement.

"768. 1. The Commission shall, in the month of July in each year, transmit to the Attorney-General, for the year ending on the thirtieth day of June previous, a report showing briefly,—

a. applications to the Commission and summaries of the orders made thereon;

b. the number and the nature of the inquiries, which it has held of its own motion;

c. such matters as the Lieutenant-Governor in Council directs.

To be laid

2. The report shall be laid before both Houses of the

Legislature during the first fifteen days of the then next ^{before} session. ^{Houses.}

"768a. A substantial compliance with the requirements ^{Substantial} of this section shall be sufficient to give effect to every ^{compliance} rule, order, act or regulation of the Commission, and no ^{with section} such rule, order, act or regulation shall be declared void ^{shall suffice.} for any omission of a technical nature in respect thereto.

"§ 8.—Appeals

"768b. An appeal shall lie to the Court of King's Bench ^{Appeals to} (Appeal Side) in conformity with article 47 of the Code of ^{Court of K.} Civil Procedure, from any final decision of the Commission ^{B.} upon any question as to its jurisdiction, or upon any question of law, except in expropriation matters, but such appeal can be taken only by permission of a judge of the said court, given upon a petition presented to him within fifteen days from the rendering of the decision, or from the homologation thereof, in cases where the same is required, notice of which petition must be given to the parties and to the Commission within the said fifteen days. The costs of such application shall be in the discretion of the judge.

"768c. The delay to appeal shall not begin to run ^{Delay for} until the day on which the decision of the Commission, or ^{appeal.} the judgment of homologation, as the case may be, has been served upon the party or upon his attorney.

"768d. When the petition to appeal has been granted, ^{Appeal to} the appeal shall be brought by an inscription filed in the ^{be by} office of the clerk of the Court of King's Bench (Appeal ^{inscription} Side). ^{etc.} within eight days after the permission to appeal has been granted.

The inscription must contain the description of the ^{Contents of} parties, the date of the order, the date, hour and place ^{inscription.} when and where the security hereinafter mentioned will be given, and the description of the surety or sureties.

After the inscription has been filed, and within the said eight days, the inscription must be served upon the adverse party.

"768e. At the time mentioned in the inscription, which ^{Giving of} must be within five days after the filing of the inscription, ^{security.} or within such further delay as the clerk of the Court of King's Bench may order, the appellant shall give security before the clerk of the Court of King's Bench in conformity with the rules governing security in appeals from

the Superior Court to the Court of King's (Bench Appeal Side).

Procedure
after execu-
tion of
surety-bond.

"768f. As soon as the security-bond is executed, it shall be the duty of the clerk of appeals to give notice thereof to the secretary of the Commission. The latter, on receipt of such notice, must forthwith make up and complete, according to the form prescribed by the court of appeal, the record of the matter in respect of which the appeal is taken, with a list of all the documents included therein and a copy of all the entries in his register, the whole certified under his signature and the seal of the Commission, and transmit the same to the clerk of appeals on payment of the fees fixed by the tariff and of the cost of transport.

The clerk of appeals, on receipt of the documents and of the record, must acknowledge receipt thereof to the secretary of the Commission.

Procedure
in case
record not
admitted.

"768g. If the record is not transmitted within the fifteen days following the date of the receipt, by the secretary of the Commission, of the notice that the security-bond has been executed, and if the secretary is in default, the appellant may obtain from a judge of the Court of King's Bench an order commanding the secretary of the Commission to transmit such documents and record.

Other
proceedings.

In other respects the proceedings upon appeals taken in virtue of this section, shall be had, until final judgment by the Court of King's Bench, in conformity with the provisions of the Code of Civil Procedure respecting the taking of appeals before such court.

Interpreta-
tion.

In applying such articles to such appeals the word "prothonotary", wherever it occurs therein, shall mean the secretary of the Commission, and all words therein designating the court which has rendered the judgment appealed from shall apply to the Commission.

Costs.

"768h. The Court of King's Bench shall adjudge the costs on such appeal, and shall order that the record be transmitted to the secretary of the Commission.

Such transmission shall be effected by the clerk of appeals, who shall annex to the record a copy of the judgment of the court."

Interpreta-
tion.

2. In every act, proclamation, order in council, instrument or document whatsoever, wherever the words: "Quebec Public Utilities' Commission" or the word: "Commission", referring to the "Quebec Public Utilities' Com-

mission" occur, such word or words, as the case may be, shall mean the Quebec Public Service Commission.

3. Every provision contained in the charter of the city of Montreal, the act 62 Victoria, chapter 58, and the acts amending the same, as well as every provision contained in the charter of the city of Quebec, the act 29 Victoria, chapter 57, and the acts amending the same, inconsistent with the provisions of this act, and especially with the provisions of paragraph *k* of article 740 of the Revised Statutes, 1909, as above enacted, is hereby repealed or amended accordingly. Provisions repealed or amended.

4. This act shall come into force on the day of its sanction. Coming into force.

CHAP. 22

An Act to amend the Revised Statutes, 1909, respecting the pension of the president of the Quebec Public Service Commission

[Assented to, 14th of February, 1920]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following section and article are inserted in the Revised Statutes, 1909, after section third of part second of chapter third of title fourth thereof as replaced by the act 10 George V, chapter 21: R. S. section and article enacted.

"SECTION IV

"PENSION OF THE PRESIDENT OF THE QUEBEC PUBLIC SERVICE COMMISSION

"768i. Articles 3278, 3279, 3280, 3280a, and 3281 shall apply, *mutatis mutandis*, to the President of the Quebec Public Service Commission." Provisions to apply to President of P. S. Commission.

2. This act shall come into force on the day of its sanction. Coming into force.