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C H A P T E R

An Act to Incorporate the Kootenay and Alberta Railway Company.

(Assented to , 1909)

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway, as hereinafter set forth, and 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. Francis M. Steel, Civil Engineer, Joseph E. Woods, Civil Engineer, and Charles Kettles, Rancher, all of the Town of Pincher Creek, in the Province of Alberta,

together with such persons as may become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "Kootenay and Alberta Railway Company", hereinafter called the "Company".

2. The Head Office will be situate at the Town of Pincher Creek, in the Province of Alberta,

3. The several clauses of The Railway Act of Alberta shall be, and the same are hereby, incorporated with and shall be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, excepting so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act as aforesaid.

4. The Company may lay out, construct and operate a railway of the gauge of four (4) feet, eight and one-half (8½) inches from a point on the Crow's Nest Pass Branch of the Canadian Pacific Railway at or near Cowley, in the Province of Alberta, going south-westerly through the valley known as Beaver Valley and thence directly or nearly directly west to the North Kootenay Pass in the Rocky Mountains; and also from a point on the Crow's Nest Pass Branch of the Canadian Pacific Railway at or near Cowley aforesaid, going south-easterly through the Town of Pincher Creek, the Settlement of Fishburn, the Town of Cardston, and thence almost directly east to a point at or near Coutts, in the Province of Alberta, or where the Great Northern Railway meets the International Boundary Line between Canada and the United States.

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

6. The capital stock of the company shall be Five Hundred Thousand Dollars (\$500,000.00), 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.

7. The annual general meeting of the shareholders shall be held on the first Monday in January in each year, or at such other times as the directors in general meeting shall determine.

8. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the company, one or more of whom may be paid directors of the company.

9. The company may issue bonds, debentures or other securities to the extent of Twenty Thousand Dollars (\$20,000) per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

10. The company may enter into an agreement with another company or companies for conveying or leasing to such company or companies the railway of the company hereby incorporated, in whole or in part, or any rights or powers acquired under

This Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company or companies, on such terms and conditions as are agreed upon, and subject to such restriction as to the directors seem fit; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the approval of the Lieutenant-Governor in Council.

11. The company shall at all stations upon their railway always permit the loading of grain into cars from farmers' vehicles or flat warehouses, subject to reasonable regulations to be made by the said company, and shall at all reasonable times afford proper facilities therefor.

12. The company agrees to afford all reasonable facilities to any other railway company for the receiving and forwarding and delivery of traffic upon and from the line of railway belonging to or worked by such companies respectively, and the company shall not make or give undue or unreasonable preference or advantage to or in favor of any particular person or company, or any particular description of traffic in any respect whatsoever, nor shall the company subject any particular person or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage whatsoever, and the said company shall afford all due and reasonable facilities for receiving and forwarding by its railways all the traffic arriving by such other railway or railways without any unreasonable delay, and without any such preference or advantage or prejudice or

disadvantage as aforesaid, so that no obstruction is presented to the public desirous of using such railway as a continuous line of communication, and so that all reasonable accommodation by means of the railways of the several companies is at all times afforded to the public in that behalf, and any agreement made between the company and any other company or companies contrary to this agreement shall be null and void.

13. The company shall also have power for the purposes of its undertaking to construct and operate an electric telegraph line or lines and a telephone line or lines along the said railway, and to construct and maintain such bridges as shall be necessary or convenient for the use of said railway, not being bridges over any navigable river or rivers, unless such bridge or bridges over such navigable rivers or waters has or have been authorized by the Governor-General in Council.

14. This act ~~and~~ shall come into force on the day it is assented to.

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ACT TO INCORPORATE

Kootenay and Alberta

Railway Company.

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FERRY, NEWELL & BOLTON.