

AN ACT RESPECTING THE DIAMOND
COAL COMPANY LIMITED

WHEREAS the Diamond Coal Company, Limited, duly incorporated under the provisions of the Companies Ordinance 1901 has by its petition prayed that it be enacted 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. The Diamond Coal Company, Limited, hereinafter called "the Company" may lay out, construct and operate by steam or electric power a railway or spur of the gauge of four feet eight and one half inches from a point at or near the Company's mines in Township Ten (10) Range Twentyone (21), West of the Fourth Meridian thence to run in a Westerly or South Westerly direction to join the revision of the Crows Nest Branch of the Canadian Pacific Railway Company's lines in Township Nine (9), Range Twenty-two (22), West of the Fourth Meridian.

2. Any construction work heretofore done by the said Company according to the map, plan or profile of the said spur which may be filed in the Department of Public Works at the time of the coming into force of this Act shall be deemed and taken to have been properly done under the powers

granted herein, and the use by the said Company of said spur so constructed is hereby ratified and confirmed.

3. The Company may enter into an agreement with another Company or Companies for conveying or leasing to or from such Company or Companies the railway of the Company hereby authorized to be constructed, inwhole 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 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.

4. The Company ~~will~~ 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.

5. The Company agrees to afford all reasonable facilities ~~in~~ 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 favour 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.

6. The railway or spur authorized by this Act shall be constructed and put into operation within two years from the coming into effect of this Act, and should the Company fail to comply with the provisions of this section then the powers hereby granted shall cease and be null and void as respects so much of the railway as there remains uncompleted.

7. The Company shall also have power for the purpose 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.

8. The several clauses of the Railway Act of Alberta shall (with the exceptions hereinafter stated) be and the same are hereby incorporated with and shall be deemed to be part of this Act, and shall apply to the Company and the railway or spur 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.

9. The following clauses of The Railway Act of Alberta shall not apply to the Company except in so far as the same or similar rights or liabilities as are mentioned in the said clauses are conferred or imposed by the Companies Ordinance and Amendments, or the Company's Memorandum or Articles of Association:-

Sections One to Sixty-six inclusive, Sections Sixty-eight, Two hundred and thirty-nine and two hundred and forty.

10. All property, assets, rents and revenues of the Company present and future shall be liable in the first instance to the payment of any penalty imposed upon the Company at any time hereafter for non compliance with the requirements of this Act and next to the payment of the working expenditure of the railway in priority to any mortgage, charge, or

encumbrance created by the Company upon their said railway or any lands, tenements, hereditaments, goods, chattels or effects held by the Company in connection with the said railway or for use in the operation thereof.

11. The Company may for the purposes of its undertaking acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes and may dispose of surplus light, power or heat generated by the Company's works and not required for the Company's undertaking and for the purpose of such acquisition, utilization and disposal may construct, operate and maintain lines for the conveyance of water, light, heat, power and electricity.

12. The Company may lay off into town lots or for other purposes such of its lands as may not be required for the purposes of its undertaking and may dispose of any of such lands.

13. The Company may manufacture bricks, cement blocks, or artificial stone for the purposes of its undertaking and may dispose of the surplus of any such manufactured product and may deal in all supplies necessary for its railway or mine or the operation thereof.

14. This Act shall come into force on the day it is assented to.

B I I I

TO HIS HONOUR THE HONOURABLE
GEORGE HEDLEY VICARS BULYEA
LIEUTENANT GOVERNOR OF THE
PROVINCE OF ALBERTA

The Petition of the undersigned Diamond Coal Company Limited, a body corporate having its head office in the City of Calgary in the Province of Alberta HUMBLY SHEWETH:-

THAT your Petitioner is a body corporate incorporated under the provisions of the Companies Ordinance.

THAT your Petitioner desires to obtain from the Legislature an Act enabling it the said Diamond Coal Company Limited to construct, operate, maintain and take over a spur track or line of railway from a point at or near the Company's Mine in Township Ten (10) Range Twentyone (21) West of the Fourth Meridian thence to run in a Westerly direction to a point at or near Township Nine (9) in Range Twenty-two (22) or Twenty-three (23) West of the Fourth Meridian, and granting to your Petitioner the necessary or requisite rights, powers and privileges in connection therewith.

WHEREFORE your Petitioner Humbly Prays that your Honour may be pleased to sanction the passing of an Act enabling your Petitioner the Diamond Coal Company Limited to construct operate maintain and take over the ^{said} spur track or line of railway and granting to your petitioner the necessary or requisite rights, powers and privileges in connection therewith.

AND as in duty bound your Petitioner will pray.

DATED the 2nd day of February 1910.

~~DIAMOND COAL COMPANY LIMITED~~

BY ..

Secretary and
Managing Director.

And

three of the members of the said
Company.

DATED 2nd FEBRUARY 1910

Re

DIAMOND COAL COMPANY LIMITED.

P E R M I T T I O N
