

BILL

No. 41 of 1911.

An Act to Incorporate The South East Calgary Electric Railway Company.

(Assented to 1911.)

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate an electric 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. Daniel W. Trotter, capitalist; Patrick Burns, capitalist; Colonel James Walker, capitalist; William H. McLaws, barrister; Samuel G. Grosch, broker; and Louis P. Strong, manager, all of the City of Calgary, in the Province of Alberta, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The South East Calgary Electric Railway Company," hereinafter called "the company."

2. The head office of the company shall be at the City of Calgary, in the Province of Alberta, or at such other place within the said province as the directors may from time to time determine.

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 an Act, excepting so far as the same may be inconsistent with the expressed enactments hereof or inapplicable to a railway of the nature hereby authorized, 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 lines of railway operated by any motive power with a gauge of four feet eight and one-half inches between the following points in the Province of Alberta:

- (a) From a point at the limits of the City of Calgary; thence in a south-easterly direction to a point at or near the Village of Shepard in the Province of Alberta.

The said railway may be carried upon and along such road allowances, public highways, streets, lanes and squares as may be necessary and convenient for the purposes of the construction of the said railway, the consent and approval of the Minister of Public Works first having been obtained before construction of any of its works authorized by this Act are commenced. It is further provided that the company shall not carry on or construct any of its works authorized by this Act along or across any highway, street, lane or other public place in any city or town unless the company shall have first obtained the consent of the municipal council thereof by an agreement entered into

between the company and the said municipality, and ratified by by-law of the said council, if required, by the Statute or Ordinance under which the same derives its corporate powers, the municipal council thereof shall be deemed to have full power and authority to permit the use by the company of the highways, streets, lanes, squares and other public places of the municipality for the purpose of any of its said works:

Provided that the company shall not be entitled to use any of the public streets, roads or highways or public places within the limits of the City of Calgary for the purposes of a street railway system or otherwise unless it has obtained the consent of the council of the said city to an agreement entered into between the company and the said city ratified by by-law.

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 two hundred and fifty thousand (\$250,000) dollars, divided into twenty-five hundred shares of one hundred (\$100.00) dollars each, 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. of the share subscribed.

7. The annual general meeting of the shareholders shall be held on the first day of June in each year.

8. At such meeting the shareholders for the capital stock assembled who have paid all calls due on their shares shall choose not less than three nor more than nine persons to be the 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 (\$20,000) dollars per mile of the railway and its branches or sidings, 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 restrictions 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 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.

13. The construction of the railway hereby authorized shall be commenced within two years and shall be completed within five years from the date of the coming into force of this Act.

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

15. The company shall also have power to acquire, construct, maintain, operate and dispose of any public parks, places of amusement and hotels, and to otherwise improve the same subject to any law in force in that behalf.

16. The company shall also have the power to purchase, take on lease or otherwise acquire and to hold, use and occupy any lands, buildings or any interest therein, and to sell, lease or otherwise use the same in any manner the company may think necessary or convenient.

17. The company shall also have power to purchase or acquire the shares, stock or any other securities whatsoever and to hold, sell or otherwise dispose of said shares, stock or other securities in any other company having objects similar in whole or in part to those of the company, and to vote all shares so held through such agent or agents as the directors of the company may appoint.

18. The company shall also have power to generate, procure, sell and distribute electricity for power, light or domestic purposes, and for such purposes shall have power to construct, acquire, operate and maintain such lands, water power sites, buildings or erections as are necessary or convenient therefor. And for the purposes of the powers conferred by this clause the provisions of the Ordinance respecting water, gas, electric and telephone companies shall be deemed to be incorporated with and be part of this Act and shall apply to the said company.

No. 41

THIRD SESSION

~~SECOND LEGISLATURE~~

2 GEORGE V

1911

BILL

An Act to Incorporate The South East
Calgary Electric Railway Company.

Received and read the

First time

Second time

Third time

L. M. ROBERTS

EDMONTON:
JAMES E. RICHARDS, Government Printer
A.D. 1911