

BILL

No. 63 of 1911.

An Act to Empower The Mountain Park Coal Company, Limited,
to Construct and Operate a Colliery Railway.

(Assented to 1912.)

WHEREAS the Mountain Park Coal Company, Limited, a company incorporated under the provisions of *The Companies Ordinance* and the amendments thereto on the fifth day of May, 1911, and having its head office at Edmonton in the Province of Alberta was so incorporated with power *inter alia* to mine for coal and other mineral under the provisions of certain leases upon lands situated in Townships forty-five and forty-six, ranges twenty-three and twenty-four west of the fifth meridian;

And whereas a petition has been presented by the said company praying that for the proper development of its said coal fields and the marketing of its coal it is necessary that the company be given power to construct and operate a colliery railway;

And whereas 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 Mountain Park Coal Company, Limited, hereinafter called "the company," may lay out and construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near townships forty-five or forty-six, ranges twenty-three and twenty-four west of the fifth meridian, by the most feasible route to connect with either the Alberta Coal branch of the Grand Trunk Pacific Railway Company or the Brazeau line of the Canadian Northern Western Railway Company or with both of the said railways.

2. The several clauses of *The Railway Act* shall 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 to the railway to be constructed by it except 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 clause of the said *Railway Act* as aforesaid, but sections nine to sixty-one inclusive and section 228 of the said *Railway Act* shall not apply to the company; and where other and inconsistent provision is made in the memorandum and articles of association of the company in respect of the matters dealt with in *The Railway Act* the provision of the said memorandum and articles of association shall prevail.

3. The company may enter into arrangement with any other company or companies for conveying or leasing to such company or companies the railway of the company in whole or in part or any rights acquired under this Act or for the operation by any company or companies of the said railway 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.

4. 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 section shall be null and void.

5. 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.

6. 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 the 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.

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

No. 63

THIRD SESSION
SECOND LEGISLATURE

2 GEORGE V

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Received and read the

First time

Second time

Third time

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