

# BILL

No. 89 of 1911-12.

An Act to Amend The Railway Act.

(Assented to 1912.)

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

*The Railway Act*, being chapter 8 of the Statutes of Alberta, 1907, is amended as follows:

1. Section 26: By repealing same and substituting therefor <sup>Section 26</sup> amended the following:

"26. The directors shall, at their first or at some other meeting after the election, elect one of their number to be president of the company, who, unless otherwise provided by by-law, shall always when present be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director or until another president be elected in his stead, and the directors may in like manner elect one or more vice-presidents who may act as chairman in the absence of the president in such priority as may be prescribed by by-law. The directors at any meeting at which not less than a quorum are present shall be competent to elect a chairman from among their number to preside at such meeting in the event of the president or a vice-president being absent."

2. Section 24: By adding thereto the following:

"In the absence or illness of the president or vice-presidents any director of the company acting under the express authority of the board may while so acting exercise the rights and powers of the president or vice-presidents as hereinbefore set forth."

3. Section 62: By striking out after the word "securities" <sup>Section 62</sup> amended in the twelfth line of subsection 1 thereof the words "signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature to the coupons attached to the same may be engraved.

(2) By adding to said subsection the following:

"If the securities issued are in the form of bonds such bonds may be signed by the president or vice-president or a director and countersigned by the secretary or an assistant or local secretary of the company; and any coupons attached to such bonds shall bear the signature of the treasurer or secretary of the company:

"Provided that the signature of the president on the bonds, and the signature of the treasurer or secretary on the coupons, may be engraved, lithographed or otherwise mechanically reproduced facsimile of such signatures respectively; and such reproduced and all other signatures of the officers aforesaid shall, for all purposes, be valid and binding upon the company, notwithstanding that at the date of the issue or certification of the bonds or coupons the persons whose signatures so appear are not the president, vice-president, director, treasurer or secretary of the company as the case may be.

“(b) If the securities are issued in the form of debenture stock, certificates for such stock may be signed in the same way as herein provided for the signature of bonds, or may be signed by the secretary or an assistant or local secretary of the company, countersigned by the registrar or an assistant or local registrar of the stock for the time being, or such other officers as the directors may designate.”

4. Section 63: By repealing subsections 1, 2 and 3 thereof and substituting therefor the following: Section 63  
amended.

“63. The company may secure such securities by one or more mortgage deeds creating such mortgages, charges or encumbrances upon the whole or any part or portions of such property, assets, rents and revenues of the company, present and future or both, as may be described therein; but such property, assets, rents and revenues shall be subject in the first instance to the payment of any penalty then or thereafter imposed upon the company for noncompliance with the requirements of this Act and next to the payment of the working expenditure of the railway.

“(2) By the said mortgage or mortgages the company may grant to the holders of such securities or the trustees named in such mortgage all or any of the powers, rights and remedies granted by this Act, in respect of the said securities and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act as the case may be; and all the powers, rights and remedies so provided for in any such mortgage shall be valid and binding and available to the said holders in manner and form as therein provided.

“(3) The company may except from the operation of any such mortgage deed any assets, property, rents or revenues of the company, present or future, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company; but where any such exception is made the company shall in such mortgage deed expressly specify and describe with sufficient particularity to identify the same and assets, property, rents or revenue of the company or the section or portions of the railway not intended to be included therein or conveyed thereby.”

5. Section 64: By repealing same and substituting therefor the following: Section 64  
amended

“64. The securities hereby authorized shall rank upon the properties of the company described in and covered by the mortgage deed or deeds securing the same respectively (and not excepted therefrom as hereinbefore provided) after the payment of the penalties and the working expenditure of the railway as hereinbefore provided, and according to the priorities, if any, established in respect of such securities by such mortgage deed or deeds.

“(2) Each holder of the said securities shall be deemed to be a mortgagee or encumbrancee upon the mortgaged premises *pro rata* with all other holders of the same issue and in accordance with and having regard to the priorities, if any, so established; but no proceedings authorized by law or by this Act shall be taken to enforce payment of the said securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed or deeds and in accordance with the provisions thereof.”

6. By adding immediately after section 80 the following: Section 80a added

"80a. No company shall, without the authority of the Minister, locate the line of its proposed railway or construct the same, or any portion thereof, so as to obstruct or interfere with or injuriously affect the working of or access to any mine then open or for the opening of which preparations are at the time of such location being lawfully and openly made. Company not to obstruct access to any mine

"80b. No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith or within forty pards therefrom shall work the same until leave therefor has been obtained from the Minister; and upon any application to the Minister for leave to work any such mines or minerals the applicant shall submit a plan and profile of the portion of the railway to be affected thereby and of the mining works or plant affecting the railway proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same. The Minister may grant such application upon such terms and conditions for the protection and safety of the public as to the Minister seems expedient and may order that such other works be executed or measures taken as under the circumstances appear to the Minister best adapted to remove or diminish the danger arising or likely to arise from such mining operations." Section 80b added  
Application to ministers to work mines under railway

7. Section 82: By adding thereto the following:

"(3) The provisions of this section shall extend and apply to the lands of every railway company or person having authority to construct or operate a railway otherwise than under the legislative authority of the Province of Alberta in so far as the taking of such lands does not unreasonably interfere with the construction and operation of the railway or railways constructed and operated or being constructed and operated by virtue of or under such other legislative authority."

No. 89

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THIRD SESSION  
SECOND LEGISLATURE  
2 GEORGE V  
1912

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BILL

An Act to Amend the Railway Act.

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Received and read the

First time .....

Second time .....

Third time .....

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