

# BILL

No. 90 of 1912.

An Act to authorize the Guarantee of Certain Securities of  
The Edmonton, Dunvegan and British Columbia Railway  
Company.

(Assented to 1912.)

WHEREAS the Edmonton, Dunvegan and British Columbia Railway Company, a company incorporated by an Act of the Parliament of Canada, is authorized to construct the line of railway mentioned in the schedule hereto;

And whereas it is expedient to authorize the guarantee by the government of certain securities to be secured upon the said line mentioned in the said schedule and to be issued by the company;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the Edmonton, Dunvegan and British Columbia Railway Company (hereinafter called the company), to guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called the securities) of the company in respect of the line of railway mentioned in the first column of the schedule to this Act, to the extent of the amount per mile mentioned in the second column of the said schedule, and for and in respect of the mileage of such line mentioned in the third column of the schedule to this Act, and upon the terms hereinafter set forth.

2. The certificate of the Minister of Railways and Telephones of the Province of Alberta as to the mileage of the said line shall, for the purposes of this Act and of the guaranteed securities, be conclusive, but the said Minister may issue interim certificates from time to time based upon the estimated mileage with regard thereto. A final certificate shall ultimately be issued by the said Minister with regard to the said line to accord with the miles and fractions of miles of the said line actually constructed between the points authorized. The said securities may be made payable in whole or in part in lawful money of Canada or in its equivalent in sterling or other money. Interest thereon shall be payable at the rate of four per cent. per annum half-yearly. The principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to a trustee or trustees approved by the Lieutenant Governor in Council and such deed or deeds of trust shall grant a first mortgage or charge upon the line of railway, and the rolling stock and equipment, present and future, acquired for the purposes of the said line, and the tolls, revenues and income arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held or enjoyed in respect of the said line of railway and the operation and maintenance thereof.

4. The kind of securities to be guaranteed, and the form and terms thereof, and the form and terms of the deed or deeds of trust by way of mortgage securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure of such moneys for the purposes of the said line of railway, and the form and manner of the guarantee or guarantees from time to time or at any time given in respect thereof, shall be such as the Lieutenant Governor may approve.

5. The said guarantee or guarantees shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee or guarantees so signed shall be conclusive evidence that the requirements of this Act with respect to the guaranteed securities and the deed of trust and all matters relating thereto have been complied with.

6. All moneys realized by sale, pledge or otherwise of the securities hereby authorized shall be paid directly by the purchaser, subscriber, pledgee or lender into a bank or banks approved by the Lieutenant Governor in Council to the credit of a special account in the name of the Treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or re-issued and shall be secured by the said deed or deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge.

The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rates as may be agreed upon between the company and the bank holding the same, and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as practicable as the construction of the line of railway mentioned in the schedule hereto is proceeded with to the satisfaction of the government according to the specification fixed by contract between the government and the company, and from time to time as the said work of construction proceeds the government shall (subject to the provisions of the next succeeding clause of this Act), out of the said balances, pay to the company or its nominees, in monthly payments as far as is practicable such sums as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of the work done upon the said line of railway as compared with the whole work done and to be done thereon. The balance, if any, of the proceeds of such securities which may remain after the completion of the said line of railway shall be paid over to the company or its nominees. Pending completion of the said line of railway

the balances at the credit of such special account shall, until paid out as above provided for, be deemed part of the mortgaged premises under said deed or deeds of trust and shall not be taken to be public moneys received by the province.

7. No amount shall be paid by the government out of the moneys arising by the sale, pledge or otherwise of the securities hereby authorized until work equal in value to fifty miles of constructed line has been completed by the company to the satisfaction of the government according to the specifications fixed by contract between the Government and the company, but upon such work equal in value to fifty miles of constructed line being so completed by the company the government shall out of the moneys so realized by sale, pledge or otherwise of the securities hereby authorized pay to the company or its nominees such amount as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of the said work equal in value to fifty miles of constructed line as compared with the whole work done or to be done on the said line.

8. Work to the value of at least one hundred miles of constructed line shall be done by the company upon the line of railway in the schedule mentioned on or before the thirty-first day of December, 1912, and similarly each consecutive year until the whole of the said line is completed and ready for traffic, and the said line shall be completed and ready for traffic on or before the thirty-first day of December, 1914.

9. The said line shall be constructed to a general standard in all respects, apart from grades and curvature (as to which the character of the country through which the line passes shall be taken into consideration) not inferior to the standard set by the specifications of the main line of the Canadian Northern Railway between Winnipeg and Edmonton, and to the satisfaction of the Minister of Railways and Telephones.

10. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the deed or deeds of trust securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the company. The province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said deed or deeds of trust prior to payment by the province under its guarantee, and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

11. Subject to the proviso in this section contained the deed or deeds of trust (hereinafter called the original instruments) securing the securities hereby authorized to be guaranteed may provide for the issue from time to time and ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect in respect of the mileage of the line mentioned in the schedule hereto, and also additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid in respect of additional lines of railway in the Province of Alberta to be hereafter constructed by the company, but not exceeding twenty thousand dollars (\$20,000) per mile of such additional lines; provided always that before any such additional securities are issued

the guarantee by the province of the payment of principal and interest thereof shall first have been authorized and the amount to be issued per mile in respect of such line or lines shall first have been fixed by the Legislative Assembly and that such guarantee shall first have been given pursuant thereto.

12. A supplementary deed or deeds of trust (herein called supplementary instruments) covering the said line mentioned in the schedule hereto in respect of which additional securities are authorized to be issued or such additional lines as aforementioned, as the case may be, in the form approved by the Lieutenant Governor in Council shall from time to time be taken to the trustees of the original instruments, and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which, together with the mortgaged premises covered by the original and supplementary instruments, shall form the security for all the securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument or instruments formed together but one instrument, and as if all securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

13. Should the constructed mileage of the line specified in the schedule be less than the mileage estimated in the said schedule by reason whereof there remains—

A surplus of authorized mileage in respect of which no securities were actually issued or guaranteed; or

A surplus of proceeds of the moneys realized by sale, pledge or otherwise of the guaranteed securities issued in respect thereof,

the Lieutenant Governor in Council may guarantee additional securities in respect of such surplus of mileage or authorize the application of such surplus of proceeds, whichever may be the case, in or in respect of further construction by the company or extensions of the line mentioned in the schedule or of branches thereof, or of other lines of railway in Alberta approved by the Lieutenant Governor in Council.

14. A supplementary deed or deeds of trust covering the mileage further constructed by the company under the last preceding section of this Act shall be taken to the trustees of the original instruments mentioned in sections 11 and 12 of this Act, and the provisions of section 12 shall, where not inconsistent with this section or with the last preceding section, apply to the supplementary deeds executed under this section and to the securities which may be issued and guaranteed in pursuance thereof.

#### SCHEDULE.

<i>Line of Railway</i>	<i>Guarantee per mile</i>	<i>Mileage Guaranteed</i>
A line of railway from Edmonton through Dunvegan to the Western boundary of the province running south of Lesser Slave Lake.....	\$20,000	350

No. 90

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THIRD SESSION  
SECOND LEGISLATURE  
2 GEORGE V  
1912

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BILL

An Act to authorize the Guarantee of  
Certain Securities of The Edmonton,  
Dunvegan and British Columbia  
Railway Company.

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Received and read the

First time .....

Second time .....

Third time .....

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EDMONTON:  
JAMES E. RICHARDS, Government Printer  
A.D. 1912