

BILL

No. 2 of 1913.

An Act to Incorporate The Bowness Improvement Company.

(Assented to 1913.)

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a street railway and a system of water works, sewerage, electric light and other improvements, as hereinafter set forth, within the subdivision of Bowness, near the City of Calgary, 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. John Hextall, capitalist; Fred. Lorne Baxter, accountant; Reginald Frederick Dutton, stenographer, all of the City of Calgary, in the Province of Alberta, together with such persons as become shareholders of the company hereby incorporated, are hereby constituted a body corporate under the name of "The Bowness Improvement 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 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 them, 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 within the subdivision known as "Bowness," near the City of Calgary, being of record in the Land Titles Office for the South Alberta Land Registration District as Plan 4610 A. J. and 5565 A. II., and the north half and the south-west quarter and the south-east quarter of section thirty-four (34), all within township twenty-four (24), range two (2), west of the fifth meridian—

- (a) Lay out, construct and operate lines of railway operated by any motive power other than steam with a gauge of 4 feet 8½ inches;
- (b) Construct and build, erect, buy or lease, control and operate electric light and power plants, gas and water works plants;
- (c) Construct and control sewers, drains and ditches and regulate and prevent the obstruction of same;
- (d) Build and repair sidewalks, streets, curbs, gutters and boulevards, and pave streets;
- (e) Enter into any arrangements with any governments or authorities, supreme, municipal, local or otherwise that may seem conducive to the company's object or any of them, and may obtain from any such government or authority, any rights, privileges and concessions which the company may think it desirable to obtain and may carry out, exercise and comply with any such arrangements, rights, privileges and concessions;

(f) Construct, maintain and alter any buildings or works ^{Construct buildings} necessary or convenient for the purposes of the company, and may construct, improve, maintain, develop, work, manage, carry out or control any roadways, tramways, branches or sidings, bridges, reservoirs, water courses, manufactories, warehouses, electric light works, shops, stores and other works and conveniences which may seem calculated directly or indirectly to advance the company's interests, and to contribute to, subsidise or otherwise assist or take part in the improvement, construction, maintenance, working, management, carrying out or control thereof.

5. The company may also-

- (a) Borrow or raise or secure the payment of money in such ^{Borrow money} manner as the company shall think fit and may make, draw, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading, warrants, debentures and other negotiable or transferable instruments;
- (b) Sell or dispose of any or all of the undertakings of the company or any part thereof for such consideration as the company may think fit and shall sell to any municipality, town or city which may hereafter include the subdivision of Bowness in its limits upon the said municipality, town or city, giving six months' previous notice in writing of its intention to so purchase and upon making proper compensation therefor and such compensation may be determined by arbitration under the provisions of *The Arbitration Act* of the Province of Alberta where a mutual agreement is not possible;
- (c) Obtain any provision order or amending Acts from the ^{To obtain Acts} Legislative Assembly of Alberta for enabling the company to carry out any of its objects or for effecting any modifications of the company's constitution, or for any other purpose which may seem expedient and may oppose any proceedings or applications which may seem calculated, directly or indirectly, to prejudice the company's interests;
- (d) Construct through, under and over lands lying beyond ^{Outlets for sewers} or outside the limits of Bowness, such drains and sewers as may be deemed expedient to secure the proper drainage of the said subdivision, and the disposal of the sewerage thereof;
- (e) Do all such other things as are incidental or conducive ^{General powers} to the attainment of its objects, and to deriving a revenue therefrom;
- (f) For all the purposes connected with the carrying on of ^{Purchase lands} the works of the company, the company is hereby authorized to purchase any lands either within or without the subdivision of Bowness and to enter into any contracts necessary for the carrying on of any of the said business;
- (g) In the event of the owners of the said lands refusing to ^{May appropriate} sell the same at a reasonable price, the company may enter upon, take, use and acquire the same without the consent of the owners of such property, making due compensation therefor to the parties entitled thereto, and such compensation may be determined by arbitration under the provisions of *The Arbitration Act* of the Province of Alberta, where a mutual agreement is not possible.

6. The said railway's electric light and power plants, gas and water works plants, sewers, drains, ditches, side walks, curbs, gutters, boulevards and pavements may be carried upon and along ^{Use of highways} such road allowances, public highways, bridges, streets, lanes and squares as may be necessary and convenient for the purposes of

the construction thereof, 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 authorised by this Act along or across any highway, street, lane or other public place in any city or town unless the company shall first have obtained the consent of the municipal council thereof by an agreement entered into between the company and the said municipality, and ratified by bylaw 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 powers and authority to permit the use by the company of the highways, streets, lanes, squares and other public places of the municipality for the purposes 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 any purpose 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 bylaw approved of by two-thirds vote of the ratepayers.

7. The company shall also have power for the purposes of this undertaking to contract 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 undertakings, 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 shall have been authorised by the Governor-General in Council.

8. The provisional directors may be any of the persons named in the first paragraph of this Act and they are hereby appointed directors of this company.

9. The capital stock of the company shall be \$250,000.00 divided into 2500 shares of \$100 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 or shares subscribed.

10. The annual general meeting of the shareholders shall be on the first day of February in each year.

11. At such meeting of the shareholders of the capital stock assembled who have paid all calls due on their shares shall choose not less than three or more than five persons to be the directors of the company, one or more of whom may be paid directors of the company.

12. The company may issue bonds, debentures or other securities to the extent of \$12,000 per mile of the railway and to the extent of \$5000 per mile of the water-works, sewerage and electric light systems, and such bonds, debentures and other securities may be issued only in proportion to the length of the railway, water-works, sewerage or electric light systems constructed or under contract to be constructed.

13. The company may enter into an agreement with another company or companies for conveying or leasing to such company or companies the railway or other works 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 con-

ditions as are agreed upon and subject to such restrictions as to the directors may 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.

14. 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 favor of any particular person or company in connection with any of its undertakings 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.

15. The construction of the railway and other works 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.

No. 2

FOURTH SESSION
SECOND LEGISLATURE
3 GEORGE V
1913

BILL

An Act to Incorporate The Bowness
Improvement Company.

Received and read the

First time

Second time

Third time.....

EDMONTON :
J. W. JEFFERY, Government Printer
A.D. 1913