

# BILL

No. 79 of 1913 (Second Session).

An Act to authorize the Guarantee of Certain Securities  
of the Canadian Northern Railway Company.

(Assented to 1913.)

WHEREAS, by chapter 14 of the Statutes of Alberta passed in the year 1909, intituled "An Act to authorize the Guarantee of Certain Securities of the Canadian Northern Railway Company" (hereinafter called the principal Act), provision was made for the guaranteeing by the Province of Alberta of securities to the extent of \$13,000 per mile in respect of certain lines of railway mentioned and described in the schedule to the said Act, which the Canadian Northern Railway Company (hereinafter called the company) was authorized to construct, and for the securing of the guaranteed securities by means of certain mortgages or deeds of trust;

And whereas, by section 10 of the principal Act it was enacted that subject to the proviso in the said section contained, the mortgages or deeds of trust securing the securities thereby authorized to be guaranteed might 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 not exceeding \$2,000 per mile of the mileage of any of the lines mentioned in the schedule thereto, and also of additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid, not exceeding \$15,000 per mile of additional lines of railway in the Province of Alberta to be thereafter constructed by the Canadian Northern Railway Company; provided always that before such additional securities were issued the guarantee by the province of the payment of the principal and interest thereof should first have been authorized by the Legislative Assembly and that such guarantee should first have been given pursuant to such authorization;

And whereas, by chapter 17 of the Statutes of Alberta, 1911-12, intituled "An Act to authorize the Guarantee of Certain Securities of the Canadian Northern Railway Company" (hereinafter called the first supplementary Act), provision was made for the guaranteeing by the Province of Alberta of additional securities to the extent of \$13,000 per mile of one additional line of railway mentioned and described in the said first supplementary Act which the company was authorized to construct, and also for the securing of the said additional securities by certain further mortgages or deeds of trust supplementary to the mortgages or deeds of trust made or created under and pursuant to the said principal Act;

And whereas, it was by the first supplementary Act provided that all the provisions of the principal Act not inconsistent with the provisions of the first supplementary Act should apply to the additional line of railway and to the additional securities issued and guaranteed in pursuance of the first supplementary Act;

And whereas, the provision of the said principal Act hereinbefore recited providing for the issue from time to time and ranking *pari passu* with the securities thereby authorized to be guaranteed and without preference or priority one over the other of additional securities of similar kind, tenor and effect, not exceeding \$2,000 per mile of the mileages of the lines of railway to which the said principal Act referred but subject always to the proviso in the principal Act contained providing that before such additional securities are issued, the guarantee by the province of the payment of the principal and interest thereof shall first have been authorized by the Legislative Assembly and that such guarantee shall first have been given pursuant to such authorization was intended to apply to the additional line of railway and to the additional securities issued and guaranteed in pursuance of the first supplementary Act in the same way and to the same extent and effect as if the said additional line of railway had been included in the schedule to the principal Act;

And whereas, it is expedient to authorize the guarantee by the province of additional securities pursuant to the said provision in the principal Act contained;

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 company, to guarantee the payment of principal and interest of additional bonds, debentures, debenture stock or other securities (hereinafter called the additional securities) of the company to the extent and upon the terms hereinafter set forth.

**2.** The amount of the additional securities to be so guaranteed shall not exceed the sum represented by \$2,000 per mile of the lines of railway respectively mentioned in the schedule to the principal Act and the additional line of railway mentioned in the first supplementary Act and for the purposes of this Act and of the first supplementary Act the said additional line of railway shall be deemed to have been added to the schedule to the principal Act.

**3.** The additional securities shall form part of the issue secured by the mortgage dated the 10th day of June, 1909, and made between the Canadian Northern Railway Company, the National Trust Company, Limited, and the British Empire Trust Company, Limited, as trustees, and His Majesty, the King, representing the Province of Alberta (being the deed of trust by way of mortgage securing the guaranteed securities authorized to be issued and guaranteed by the principal Act); and by confirmatory and supplementary deeds made between the same parties and dated respectively the twentieth day of January, 1910, and the twentieth day of June, 1912.

**4.** Before the additional securities are issued and guaranteed supplementary mortgages or deeds of trust covering the lines mentioned in the schedule to the principal Act and the additional line of railway mentioned in the first

supplementary Act in the form approved by the Lieutenant Governor in Council shall, as provided in section 11 of the principal Act be taken to the trustees of the mortgage dated the 10th day of June, 1909, hereinbefore referred to.

5. The certificate of the Minister of Railways and Telephones for Alberta as to the mileage of the said lines of railway respectively shall, for the purposes of this Act, and of the additional securities, be conclusive.

6. All the provisions of the principal Act not inconsistent with the provisions of this Act, shall apply to the additional securities issued and guaranteed in pursuance hereof.

7. When the constructed mileage of any line or lines of railway mentioned or referred to in the schedule to the principal Act, or of the line of railway mentioned in the first supplementary Act, or the aggregate mileage of some or all of such lines is less than the mileage as estimated or set out in the said schedule or Act, by reason of which there remains a surplus of authorized mileage in respect of which no securities at the rates specified with regard thereto in the said principal Act or the first supplementary Act were actually issued or guaranteed, or a surplus of the proceeds of the money realized by sale, pledge or otherwise of the guaranteed securities 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 the further construction by the company of extensions or any of the lines mentioned in the said principal Act, or the first supplementary Act, or of branches therefrom or of other lines of railway in Alberta approved by the Lieutenant Governor in Council.

8. The time for the construction of the lines of railway which the company is authorized to construct, or in respect of which the province is authorized to guarantee the securities, which, but for the passing of this Act would have expired, is hereby extended until the thirty-first day of December, 1914.

No. 79

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FIRST SESSION  
THIRD LEGISLATURE

4. GEORGE V.  
1913.  
(SECOND SESSION)

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**BILL**

An Act to authorize the Guarantee of  
Certain Securities of the Canadian  
Northern Railway Company.

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Received and read the

First time . . . . .

Second time . . . . .

Third time . . . . .

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MR. SUTTON

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