

BILL

No. 6 of 1923.

An Act to Empower the Canadian-American Collieries, Limited, to Construct and Operate a Colliery Railway.

(Assented to _____, 1923.)

WHEREAS the Canadian-American Collieries, Limited, a company incorporated under *The Companies Ordinance* and the amendments thereto, having its head office in the City of Edmonton, in the Province of Alberta, was so incorporated with power *inter alia* to mine coal and other minerals under the provisions of certain leases upon lands situated in the said Province;

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 Canadian-American Collieries, Limited, hereinafter called "the company," may lay out, construct and operate a railway (hereinafter referred to as "the said railway") of the gauge of four feet eight and one-half inches, from a point in or near Section Twenty (20), Township Fifty-two (52), Range Four (4), west of the Fifth Meridian, by the most feasible route to connect with the main line of the Canadian National Railway in the said Province at or near Mile 835 on the said last mentioned railway line or at any other feasible point of juncture with the said line.

2. The company may enter into an agreement or agreements with the Canadian National Railways, or with any other railway company that operates a railway or railways in the said Province, for the operation of the said railway by the said Canadian National Railways or by such other railway company, and for the maintenance thereof by the company or by the said Canadian National Railways or other railway company as may be agreed, and for the re-

imbursement to the company of the cost of construction of the said railway by the said operating company by an allowance or allowances by way of rebate or otherwise on the freight shipped or passing over the said railway or any part thereof; or for such reimbursement in any other manner that may be agreed upon; and for the transfer to or acquisition by the said Canadian National Railways or other railway company of the said railway and all the powers of the company in connection therewith and of its right-of-way, stations, station-grounds and other buildings and erections in connection therewith, water-stations, telegraph and telephone lines, and all other property included in the construction of the said railway, upon the company being so reimbursed, the cost of construction thereof, or otherwise as may be agreed upon, and for all and any purposes incidental to the construction, operation and acquisition of the said railway by the said Canadian National Railways or by such other railway company.

3. 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 said railway 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 said clauses of the said *Railway Act*, and for greater certainty it is hereby declared that the several clauses of the said *Railway Act* referring to the construction of branch lines and spur lines or tracks are incorporated herein but sections 9 to 61 inclusive and sections 143 and 228 of the said *Railway Act* shall not apply to the company; and where other or 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 provisions of the said memorandum and articles shall prevail; and in the event of an operating agreement or agreements being entered into as aforesaid by the company, notwithstanding anything in the said *Railway Act*, the said railway may, if so provided in such operating agreement, be operated under and pursuant to the provisions of any Statute of Canada applicable to the operation of a railway line by the Canadian National Railways or any other railway company incorporated by or under the authority of the Parliament of Canada, and in such event the provisions of *The Railway Act* as to the operation of the said railway shall, to the extent that it shall be necessary to give effect to the provisions as to operation so hereby made applicable to the said railway, be taken to be superseded; but nothing herein contained shall be taken to prevent the said railway being operated either by the

company or by the Canadian National Railways or any such other railway company under the provisions as to operation contained in the said *Railway Act*:

Provided that notwithstanding anything herein contained, upon the acquisition of the said railway by the Canadian National Railways or by any other railway company the provisions of section 143 of *The Railway Act* shall apply to the company so acquiring the said railway.

4. The company, or the Canadian National Railways, or such other railway company as aforesaid, with which any such operating agreement is entered into may apply to the Board of Railway Commissioners for Canada, or any other proper authority, provincial or federal, for all necessary and proper orders and authorities to provide for the operation of the said railway.

5. The construction of the railway hereby authorized shall be commenced within two years and shall be completed within three 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 telephone and telegraph line or lines along the said railway and to construct and maintain such bridges as shall be necessary and convenient for the use of the said railway, not being bridges over any navigable river or rivers or waters, unless such bridge or bridges over such navigable river or rivers or waters has or have been authorized by the Governor General of Canada in Council.

7. Any railway line duly constructed under legislative authority may be joined on to the said line of railway upon application to the Minister of Railways and upon such terms as the Minister may determine.

No. 6.

THIRD SESSION
FIFTH LEGISLATURE
13 GEORGE V
1923

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An Act to Empower the Canadian-American Collieries, Limited, to Construct and Operate a Colliery Railway.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BOYLE.

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