

BILL

No. 2 of 1928.

An Act to incorporate Alberta Trackways.

(Assented to _____, 1928.)

WHEREAS a petition has been presented, praying for the incorporation of a company to lay out, construct and operate a trackway or roadway as hereinafter set forth, 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. Daniel Floyd Whitney, Hotel Proprietor; Harry William Lunney, Barrister; Wilmot Douglas Milner, Real Estate Agent, all of the City of Calgary, in the Province of Alberta, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "Alberta Trackways" hereinafter called "the company."

2. The head office of the company shall be in the City of Calgary, in the Province of Alberta.

3. The several clauses of *The Railway Act (Alberta)* shall be, 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 said trackway or roadway, excepting 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 clauses of the said *Railway Act* as aforesaid (and excepting in such regard as a trackway or roadway in its general purposes and uses differs from a railway).

4. The company may lay out, construct and operate a trackway or roadway of a width sufficient to take care of traffic, but in any event not narrower than eighteen feet, and shall be built of concrete or other material approved by the Minister of Railways and Telephones, from—

- (a) A point within or near the western boundary of the City of Calgary to a point at or near the eastern boundary of Banff National Park.
- (b) A point within or near the southern boundary of the City of Calgary to a point on the northerly limits of Macleod, in Township 9, Range 26, west of the Fourth Meridian.

- (c) A point within or near the eastern boundary of the Town of Macleod, thence in an easterly direction to a point in Township 9, Range 22, west of the Fourth Meridian; adjoining the City of Lethbridge.
- (d) A point within or near the southern boundary of the city limits of Lethbridge, thence in a south-easterly direction to the Village of Coutts, in Township 1, Range 15, west of the Fourth Meridian.
- (e) A point on the intersection of the proposed trackway between Calgary and Macleod at a point near Okotoks, thence in a south-westerly direction to a point in Township 20, Range 2, west of the Fifth Meridian.
- (f) A point within or near the northern boundary of the city limits of Calgary, thence in a northerly direction to a point in Township 52, Range 24, west of the Fourth Meridian, on the southern boundary of the city limits of the City of Edmonton.

5. The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the said company.

6. The capital stock of the company shall be one million dollars, 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 on the shares subscribed.

7. The annual general meeting of the shareholders shall be held on the fifteenth day of February in each year.

8. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the company, one or more of whom may be paid directors of the company.

9. The company may issue bonds, debentures or other securities to the extent of forty thousand dollars per mile of the trackway or roadway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of trackway or roadway constructed or under contract to be constructed.

10. The company may enter into an agreement with another company or companies for conveying or leasing to such company or companies the trackway or roadway 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 conditions 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 the 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.

11. The construction of the trackway or roadway 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.

12. The company shall also have power for the purposes of its undertaking to construct and operate an electric telegraph line or lines along the said trackway or roadway, and to construct and maintain such bridges as shall be necessary or convenient for the use of said trackway or roadway, not being bridges over any navigable river or rivers, unless such bridge or bridges over such navigable rivers or waters has or have been authorized by the Governor General in Council.

13. Provided, however, that nothing contained in this Act shall or will be construed as conferring on the company any right or power to operate a telegraph line, other than for the purpose of the company's internal business, or any right or power to transact a public telephone business without express power or permission having first been obtained from the Minister of Railways and Telephones.

14. Sections 73, 149, 150, 151, 152, 153, 154, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 192, 194, 195, and 246, of *The Railway Act* are excepted from incorporation with this Act.

15. Section 62, subsection (1) of *The Railway Act*, shall be qualified as follows:

“The directors of a company under the authority of the shareholders may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures, perpetual or terminal debenture stock or other securities and such securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding seven per cent per annum as the directors think proper.”

16. Section 71 of *The Railway Act* is extended by adding the following subsections:

- (o) Carry on any other business which may seem to the company capable of being conveniently carried on in connection with the operation of the trackway or roadway, or calculated directly or indirectly to enhance the value of or render profitable any of the company's property or rights. The company may provide tourist camps and may provide suitable rooms, buildings and places, and permit the same or any part thereof to be used on such terms as the company shall think fit, for any purpose, public or private, and in particular for public meetings, exhibitions, concerts, theatrical performances and other entertainments, and for baths, refreshment rooms, dressing rooms, laundries and residences.
- (p) The company may carry on the business of an hotel and restaurant proprietor.

17. The company shall have the right to regulate traffic and make rules for the conduct and operation of traffic on the trackway or roadway, subject to the approval of the Minister of Railways.

18. This Act shall come into force on the day it is assented to.

No. 2.

SECOND SESSION
SIXTH LEGISLATURE
18 GEORGE V
1928

B I L L

An Act to incorporate Alberta
Trackways.

Received and read the

First time.....

Second time.....

Third time.....

MR. CLAYPOOL.

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
A.D. 1928