

Regina: Respecting Street Railway System and other public works

being a Private Act

Chapter 44 of the *Statutes of Saskatchewan, 1910-11*
(effective March 14, 1911) as amended by the *Statutes of
Saskatchewan, 1947, c.56.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

- 1 Power to construct, maintain etc.
- 2 Power to raise money for purposes of
the railway
- 3 *Saskatchewan Railway Act*
- 4 Power to raise money for gas works and
other revenue bearing works
- 5 Debts not part of general or debenture
debt
- 6 Application of *The Municipal Public
Works Act*

1910-11

CHAPTER 44

An Act respecting the City of Regina's Street Railway System and
other Public Works

(Assented to March 14, 1911)

Preamble

WHEREAS the burgesses of the city of Regina, Saskatchewan, by a vote taken in pursuance of a resolution of the council of said city dated the seventh day of May, 1910, declared in favour of the immediate construction by the said city of a street railway as a municipal undertaking;

And whereas it the intention of the said council that the said railway be constructed, owned and operated as a municipal public work of said city;

And whereas the said city is the owner of certain vacant lots and blocks of land in the said city which are neither occupied nor used by the said city and which it is not the intention of the said city to occupy for corporate purposes;

And whereas it is the desire of the said city that authority be granted the said city to deal with the said lots and blocks as hereinafter set forth and for such purpose the council of the said city has presented its petition praying that such authority be granted:

Now therefore His Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Power to construct, maintain etc.

1 That it shall and may be lawful for the said city of Regina to construct, maintain and operate as a municipal public work in the said city a system of street railway to be known as "Regina Municipal Railway" and such system may be constructed, maintained and operated upon, across, over or along such of the public roads, streets, highways, squares or other public places in the said city as the said city has or may hereafter approve of with power subject to the approval of the Lieutenant Governor in Council to extend the construction and operation of the said system beyond the city limits.

Power to fix tolls, etc.

(2) The said city shall have power from time to time to prepare, fix and issue a tariff of fares and tolls to be charged for passengers and traffic carried upon the said railway such tariff however to be subject to the approval of the minister of railways for Saskatchewan.

Power and authority granted to be in addition to existing power

(3) The power and authority hereby granted is in addition to any power and authority now existing under *The City Act* or under any existing Statute or law; and all the work already done, moneys expended and contracts made by or on behalf of the said city of Regina on, for or in connection with the said railway as well as that certain debenture bylaw passed by the council of the said city on the seventh day of November, 1910, and numbered 569 and intituled: "A bylaw of the city of Regina to provide for the raising of the sum of \$100,000 for the purpose of

assisting in the construction of a municipal system of street railway for the city of Regina” and each of the said acts, matters and things are hereby ratified, validated and confirmed.

1910-11, c.44, s.1.

Power to raise money for purposes of the railway

2 For the purpose of defraying the cost of constructing, maintaining and operating the said railway it shall and may be lawful for the said city and power and authority is hereby conferred upon the said city to raise money by all or by any one or more of the following methods, namely: By the sale of the said lots or blocks or any of them; by borrowing from any person, corporation or company upon the security of mortgages, hypothecations or pledges of the said lots or blocks or any of them; by mortgages, hypothecations or pledges of the property from time to time constituting the plant, assets and personal property of the said railway system as well as by the assignment, mortgaging, or pledging of any of the revenues derived or to be derived by the operation of the said railway or by the mortgaging, assigning, pledging or hypothecation of any contracts now or hereafter held by the city for the sale by the city to any person, corporation or company of any of its lots or blocks of land.

Powers to be deemed additional to existing powers and not in derogation

(2) The power and authority granted by subsection (1) of this section to raise money for the purposes above mentioned is not to be considered in any way in derogation of but shall be considered to be in addition to any other power and authority conferred upon the city to contract debts under any existing Statute or law or under any Statute or law hereafter applicable to the said city.

Debt for railway purposes authorised without consent of burgesses

(3) Any debt hereafter created for the above purposes (where it is not intended that the same shall be secured by the issue of city debentures) may be contracted by the city without the submission of any bylaw to a vote of the burgesses for their assent.

City council to approve of mortgage, etc., before execution and delivery

(4) Any mortgage, pledge, hypothecation or other form of security at any time proposed to be given by the city covering the property mentioned in subsection (1) of this section or covering any part of the same and for the purposes above set forth shall before the execution and delivery thereof be approved of by bylaw of the said city and when so approved of and executed by the mayor and city clerk under the corporate seal and delivered shall be and constitute a valid and effectual mortgage, pledge or hypothecation or other security according to the nature and tenor thereof and the same shall be and constitute a good and valid security for the amount of money thereby secured to be repaid:

Proviso

Provided however that as regards third parties nothing herein contained shall be construed as dispensing with compliance with the laws of Saskatchewan respecting the registration and filing of mortgages, incumbrances or liens.

1910-11, c.44, s.2.

Saskatchewan Railway Act

3 Notwithstanding anything contained in *The Saskatchewan Railway Act*, where there appears to be conflict between the provisions of that Act and *The City Act* respecting procedure in the administration of the Regina Municipal Railway the provisions of *The City Act* shall govern.

1947, c.56, s.2.

**PROVISIONS RESPECTING OTHER REVENUE BEARING
MUNICIPAL PUBLIC WORKS**

Power to raise money for gas works and other revenue bearing works

4 It shall and may be lawful for the said city and power and authority is hereby conferred upon the said city to raise money for the purpose of defraying the cost of construction, maintenance and operation of a gas plant or of any other revenue bearing municipal public work for the said city by all or any of the following methods, namely: by the sale of the said lots or blocks or any of them; by borrowing from any person, corporation or company upon the security of mortgages, hypothecations or pledges of the said lots or blocks or any of them; by mortgages, hypothecations or pledges of the property from time to time constituting the plant and assets of such revenue bearing municipal public work as well as by the assignment, mortgaging or pledging of any of the revenues derived or to be derived by the operation of such works or by the mortgaging, assigning, pledging or hypothecation of any contracts now or hereafter held by the city for the sale by the city to any person, corporation or company of any of its lots or blocks of land:

Provided however that before any money is so raised for such purposes the council shall before the third reading thereof submit a bylaw to the burgesses and thereby obtain the consent of a majority of the burgesses voting thereon authorising the city to construct, maintain and operate such public work as a municipal undertaking; the assent of the burgesses to such bylaw may be taken as provided by sections 210 to 240 of *The City Act*, both inclusive.

(2) The power and authority granted by subsection (1) of this section to raise money for the purpose set forth herein is not to be considered in any way in derogation of but shall be considered to be addition to any other power and authority conferred upon the city to contract debts under any existing statute or law or under any statute or law hereafter applicable to the city.

(3) Any mortgage, pledge, hypothecation or other form of security at any time proposed to be given by the city covering the property mentioned in subsection (1) of this section or covering any part of the same and for any of the purposes set forth in subsection (1) of this section shall before the execution and delivery thereof be approved of by bylaw of the said city and when so approved of and executed by the mayor and city clerk under the corporate seal and delivered shall be and constitute a valid and effectual mortgage, pledge, hypothecation or other security according to the nature and tenor thereof and the same shall be and constitute a good and valid security for the amount of money thereby secured to be repaid:

Provided however that as regards third parties nothing herein contained shall be construed as dispensing with compliance with the laws of Saskatchewan respecting the registration and filing of mortgages, incumbrances and liens.

1910-11, c.44, s.4.

Debts not part of general or debenture debt

5 Any and all debts contracted by the city for the construction, maintenance or operation of the said street railway, gas plant or other revenue bearing municipal public work where the same are secured to be repaid in any manner other than by the issue of debentures of the said city shall not be considered a part of the general or debenture debt of the city within the meaning of *The City Act* and it shall not be necessary to cite the amount of any such debts in any bylaw for borrowing money by the issue of city debentures; such debts shall not in any way impair the right to incur debenture indebtedness which the city is empowered to incur under *The City Act* or be reckoned in computing the same.

1910-11, c.44, s.5.

Application of *The Municipal Public Works Act*

6 The city shall notwithstanding the special powers contained in section 4 of this Act for raising money be in respect of any municipal public work which it may undertake (such work being a work of any of the classes of works set forth in *The Municipal Public Works Act*) entitled to and may exercise any and all the rights and powers conferred by *The Municipal Public Works Act*.

1910-11, c.44, s.6.