



CHAPTER 60.

An Act to Incorporate the "Red Mountain Tunnel Company, Limited."

[*May 20th, 1898.*]

WHEREAS a petition has been presented by the persons herein- Preamble.
 after mentioned for an Act to incorporate a Company for the purpose of running, constructing and maintaining a tunnel through and under Red Mountain, situate in the Trail Creek Mining Division of the West Kootenay District, British Columbia, for the purpose of draining the underground workings of the mines situate upon the said Red Mountain, and now being opened up and developed thereon, and also for the purpose of affording air, ventilation, light and power to the said mines, and providing a convenient and inexpensive way of conveying ore from the underground workings of the said mines to points of shipments, with power to run exploring and branch tunnels from the main tunnel; also to sink or raise mining, working or air shafts along the line or course of the tunnel or branches. To explore for minerals by the use of drills, shafts and excavations. To construct, maintain and operate, by electricity or otherwise, tramways and roadways for the purpose of carrying ores and freight through the said tunnels, or as may be otherwise required. To erect and maintain crushing, electrical, hydraulic, concentrating or smelting works, or other plants, and to deal in the products of the same. To supply, sell and dispose of compressed air, light or power, and to erect and place any air pipes, electric line, cable or other electric apparatus above or below ground, along, over and across streets, bridges and lands. To erect, construct and maintain any dam, raceway, flume or other contrivance or plan for diverting and utilising water, and to construct all works necessary to obtain and make power available. And to enter into any agreements and make contracts with persons or companies owning any interests in mining lands or otherwise, and to receive compensation for

the use of the tunnels or works of the Company, for drainage or other benefits derived from the tunnels or branches. To purchase, or otherwise acquire and hold patents, machinery, lands, premises, buildings, and all real and personal property necessary to carry out the objects of the Company, and with all other necessary or incidental rights, powers, and privileges as may be necessary, incidental or conducive to the attainment of the above objects or any of them:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Incorporation.

1. That Charles Rudolph Hosmer and Herbert S. Holt, both of the City of Montreal, and Joseph Benjamin McArthur, of the City of Rossland, and such other persons and corporations as shall in pursuance of this Act become shareholders in the Company herein incorporated, are hereby constituted a body corporate under the name of the “Red Mountain Tunnel Company, Limited,” and hereinafter called “the Company.”

Head office.

2. The head office of the Company shall be at the City of Rossland, or at such other place in British Columbia as the Directors of the Company shall hereafter determine.

Capital stock.

3. The capital stock of the Company shall be One Million Dollars (\$1,000,000.00), divided into ten thousand (10,000) shares, of one hundred dollars each.

Calls.

4. No calls shall be made at any one time for more than twenty per cent. of the amount subscribed, nor shall a greater amount than eighty per cent. of the amount subscribed be called up in any one year. Calls shall not be made at a less interval than one month from the previous call.

Increase of stock.

5. The capital stock of the Company may be increased from time to time to any amount if such increase be sanctioned by vote in person, or by proxy, of the shareholders holding at least two-thirds in amount of the subscribed stock of the Company at a meeting expressly called by the Directors for that purpose, by a notice in writing to each shareholder, delivered to him personally or properly directed to him at his last known place of abode, and deposited in the post office at least thirty days previously to such meeting, stating the time and place and object of such meeting and the amount of the proposed increase. And the proceedings of such meeting shall be entered in the minutes of the proceedings of the Company, and thereupon the capital stock may be increased to the amount sanctioned by such vote:

- (a.) The new shares being incorporated stock of the Company shall be issued upon such terms and conditions and with such rights and privileges as the shareholders at any such meeting shall determine; and in particular such shares may be issued with a preferential or qualified right to dividends, or at a discount, and may be issued as paid-up or non-assessable shares when issued in consideration for the transfer of any property, or for work and services rendered to the Company: New shares, how issued.
- (b.) The Directors may, from time to time, sell and dispose of fully paid up and non-assessable preference or ordinary shares of the Company at such less sum than the face value thereof, as may be authorised by a vote in person, or by proxy, of the shareholders who hold at least a majority in amount of the issued stock of the Company at any special meeting to be called for that purpose. And the purchaser or purchasers of such preference or ordinary shares shall not on that account be in any manner liable or charged with the payment of any debt or demand due by the Company: Preference stock, etc.
- (c.) The Directors may, with the sanction of the vote of the majority in value of the issued shares obtained at any meeting called for the purpose, issue out of the capital stock such shares being preference shares or ordinary shares thereof as the Directors may in their discretion see fit, or certificates of preference or ordinary shares without subscription therefor by any person or persons, and without allotment to any person or persons, with power to the Directors to pledge the same for advances of money made to the Company in the carrying on of the undertaking, and such shares are to be fully paid up and non-assessable in the hands of pledgees, and in the case of default in payment of the advances made thereon the pledgees thereof, or any pledgee of any said shares, shall be entitled, upon request and production of the share or shares, or certificate of shares, to be registered as the owner or owners thereof without subscription therefor; and any such registered holder of any such shares and his assignees shall be deemed and considered to be the registered holder of any such shares as fully paid up, and the said shares shall be non-assessable from any cause. Certificates of preference stock, etc.
6. The liability of the shareholders shall be limited to the amount, if any, unpaid upon their shares: Provided that all shares issued as paid-up shares under the authority of this Act, are hereby declared to be fully paid up and non-assessable for any cause whatsoever, and shareholders holding the same shall be subject to no liability thereon. Liability on shares. Paid-up stock.
7. The persons named in the first section of this Act shall be the Provisional Directors of the Company, and the said Provisional Directors. Provisional Directors.

tors (of whom two shall form a quorum) shall hold office as such until the first election of Directors under this Act, and may forthwith open books and allot shares and receive payment on account of the shares allotted, enter into contracts on behalf of the Company, and cause surveys and estimates to be made. And any one or more of them may authorise and empower any shareholder of the Company, by proxy, to act for one or more of them at any meeting of such Directors.

General meeting.

8. The Provisional Directors shall, within three months after the passing of this Act, call a general meeting of the shareholders at such time and place as they may think proper, by giving at least fourteen (14) days' notice thereof by letter addressed to each shareholder of the time and place of such meeting, at which meeting the whole of the Provisional Directors shall retire from office, and a Board of not less than three, nor more than seven, Directors as may be from time to time determined by the shareholders, by resolution, shall be elected, and the Directors so elected shall hold office until the annual general meeting of the Company next after their respective election.

Powers of Directors.

9. The Directors shall have full power to pass by-laws, rules, regulations or resolutions for the management of the Company, and alter, amend or repeal the same as may be necessary; the acquisition, management or disposition of its stock subject to the approval in general meeting assembled of a majority in value of the shareholders; the declaration and payment of dividends out of the profits of the Company; the form and issuing of share certificates and the transfer of shares; the appointment and remuneration and removal of all officers, agents, clerks, workmen and servants of the Company; the rules to be observed by the officers and servants of the Company and all persons using the appliances or property of the Company; and may also make rules and regulations for the maintenance of the Company's undertakings; the rates for compressed air and electricity supplied, and rents for telephones, compressed air and electrical appliances let for hire, the use of tunnels, tramways, air shafts and other privileges of the Company, and for fixing the time or times when the same may be used, and the time or times and places where the said rates shall be payable, and for the collection of tolls for freight on ores or otherwise.

Extraordinary meeting.

10. The Directors shall, upon requisition made in writing, by two or more shareholders holding in the aggregate one-third of the issued capital, convene an extraordinary meeting of the Company.

Quorum, etc.

11. In order to constitute a meeting (whether ordinary or extraordinary) there shall be present three or more shareholders holding, either personally or by proxy, in the aggregate not less than one-fourth of the subscribed stock of the Company.

Ordinary meeting.

12. The business of an ordinary meeting shall be to receive and consider the profit and loss account and balance sheet, the reports of

the Directors and auditors, to elect Directors and other officers in place of those retiring, to declare dividends and to transact any other business which under the "Companies' Clauses Act, 1897," ought to be transacted at an ordinary meeting, and any business which is brought under consideration by the report of the Directors issued with the notice convening such meeting.

13. At all general meetings of the Company no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then due upon the shares held by him. Shareholder entitled to vote.

14. The Directors of the Company may from time to time borrow for the purposes of the Company such sum or sums of money as they may consider expedient, and may issue bonds or debentures of the Company in sums not less than one hundred dollars each, and on such terms and credit as they may think proper, and may pledge or mortgage all the machinery, implements, tools, franchises, income, easements, rights, privileges, and the property generally of the Company, together with its uncalled capital or any part thereof for the payment of the money so raised or borrowed and the interest thereon: Provided always, that before any such bonds or debentures are issued the consent of three-fourths in value of the shareholders of the Company shall be first had and obtained at a special meeting to be called and held for that purpose. Bonds, etc.

15. The provisions of the "Companies' Clauses Act, 1897," shall apply to the Company and to the undertakings authorised hereby, save in so far as they are expressly varied or excepted by this Act, or as any of the provisions hereof are repugnant to or inconsistent with the provisions of the said Act to the extent of such repugnancy or inconsistencies. "Companies Clauses Act, 1897."

16. The Company shall have power to run, drive, build, construct and maintain a tunnel under and through Red Mountain, situate in the Trail Creek Mining Division of West Kootenay District, British Columbia, commencing at a point on the Columbia River between the Town of Trail and Murphy Creek; thence under and through the ground intervening between the Columbia River and the said Red Mountain and under and through Red Mountain coming out at a point at or near the "California" Mineral Claim, and by means of the same to provide drainage, air, ventilation, light and power to the underground workings of such mining properties as may be traversed, intersected or cut thereby, and to build a tramway in, through, along and out of the same, and to carry and transport thereon ores and freight. Tunnel to be constructed.

17. And for the purposes aforesaid the Company shall have power— Powers.

(a.) To run, drive, build, construct and maintain from time to time exploring and branch tunnels from the main tunnel and sink or Branch tunnels, etc.

raise mining, working or air shafts from the main or branch tunnels, and to connect the same with the underground workings of mines:

Prospect.

(b.) To search for, prospect, examine and explore for minerals in the said tunnel and its branches by the use of drills, shafts, excavations or otherwise:

Tramways.

(c.) To construct, complete, maintain and operate a line or lines of single or double track tramway, with all necessary switches, side tracks and turnouts, and all other requisite appliances in connection therewith for the passage of cars, carriages and other vehicles adapted to the same, in, upon, along, through and out of the said tunnel and its branches and throughout the same, and to transport and carry freight and ores upon the same, by electricity or such other motive power as the Company may deem expedient, and also to erect, maintain and construct all necessary works, buildings, pipes, poles, wires and appliances or conveniences necessary or proper for the use of the said tramway or in connection therewith. And the Company shall have power to extend the lines of the said tramway from either end of their said tunnel to such place or places in the neighbourhood thereof as may be convenient or found necessary for the purpose of making connection with steam or electric railways or tramways, or otherwise, as the Company's business may require. And all the powers herein contained shall apply to the construction, operation and maintenance by the Company of such extensions:

Electric works,
etc.

(d.) To erect, construct, operate and maintain compressed air and electric works, power houses, generating plant and such other appliances and conveniences as are necessary and proper for the generating of compressed air and electricity, and for transmitting the same to any part of the said tunnels and branches, and to any mines intersected by the same or connected therewith, to be used as a motive power for the tramways authorised by this Act or other works of the Company, or to be supplied by the Company as a motive power for driving, hauling, lifting, propelling, heating, ventilating, smelting, crushing, milling, drilling, or mining, or any other operation of any nature or kind whatsoever for which compressed air or electricity may be used, supplied, applied or required. And for any of the above purposes the Company is hereby authorised and empowered by its servants, agents, contractors and workmen, from time to time, to make and erect such compressed air and electric works, and to sink, lay, place, fit, maintain and repair such electric lines, wires, accumulators, storage batteries, transformers, cables, mains, pipes, switches, connections, branches, motors, dynamos,

engines, machines, cuts, drains, water-courses, buildings and other devices, and to erect and place any electric line, cable, main, wire, pipe or other compressed air and electric apparatus, above or below ground, in, along, over or across any tunnel, shaft, street, bridge or highway, or any line or lines of railway, tramway or street railway, or the lines of any other electric company, in, over, under or about Red Mountain or its vicinity, and to erect poles or pipes for the purpose of placing the same in such manner as the Company shall think fit, necessary or proper for the purpose of carrying out the operations of the Company in respect of and incidental to the working, generating or supplying of compressed air and electricity:

- (e.) It shall be lawful for the Company to contract with any person, body corporate or politic, for supplying compressed air and electricity to any such person, body corporate or politic, or to any streets, ways, lanes, passages, tramways, mines, smelters, mills, manufactories, shops, warehouses, public or private houses, buildings and places, and for such purposes the Company may from time to time lay down, carry, fit up, connect and furnish any accumulator, storage battery, cable, wire, pipe, switch, connection, branch, burner, lamp, meter, transformer, or other apparatus for or in connection with any compressed air or electric main, pipe, lead or cable which for such purposes may be required, and to let any such apparatus for hire for such sums as may be agreed upon: The supplying power, etc.
- (f.) Any person appointed by the Company may, at all reasonable times, enter any premises to which compressed air or electricity is or has been supplied by the Company, in order to inspect the lines, accumulators, fittings, works and apparatus for the supply or application of compressed air and electricity belonging to the Company, and for the purpose of ascertaining the quantity of compressed air and electricity consumed or supplied, or where a supply of compressed air or electricity is no longer required, or where the Company is authorised to take away or cut off the supply of compressed air or electricity from any premises for the purposes of removing any pipes, wires, accumulators, transformers, motors, distribution boards, meters, fittings, lamps, works, or other apparatus belonging to the Company: Company's power to enter premises to inspect.
- (g.) Where any electric lines, accumulators, transformers, motors, meters, generators, distribution boards, lamps, pipes, fittings, works or apparatus belonging to the Company are placed in or upon any premises not being in possession of the Company, for the purpose of supplying compressed air or electricity, such electric lines, accumulators, transformers, motors, meters, generators, distribution boards, lamps, pipes, fittings, works or appar- Electric fixtures not liable for distress for rent.

atus, shall not be subject to distress for rent for the premises where the same may be, nor taken in execution, under any process of law or equity, against the person in whose possession the same may be :

Disconnection for non-payment of dues.

(h.) If any person neglect to pay any charge for compressed air or electricity, or any other sum due from him to the Company, either in respect of the supply of compressed air or electricity to such person, or in respect of the rent reserved by the Company for the use of electric lines, meters, accumulators, transformers, motors, distribution boards, lamps, pipes, fittings, works or apparatus lent or supplied for hire to such persons, the Company may cut or disconnect any pipe or electric line or other work through which compressed air or electricity may be supplied, and remove such articles and works above mentioned as were lent for hire to such person :

Company may acquire power already developed.

(i.) The Company is hereby authorised and empowered to acquire, by purchase or otherwise, the right to use, and to use and employ, power already developed by others, at any point or points, and whether the same be in the form of electrical power, compressed air, or otherwise :

Clearing around lines of fluming, pipe, wire, etc.

(j.) The Company may also by its workmen, servants, or agents, enter into and upon any mines or lands adjoining the works of the Company, or any line or lines of pipe, fluming or wire laid or erected by the Company as a means of transmitting power for or in connection with any of the purposes referred to in this Act, and clear the said mines of ore, waste rock or débris, and the said lands of timber and underwood to such width on each side of said works, or such line or lines of pipe, fluming or wire, as aforesaid, as the Company may deem necessary for the proper protection of the same; subject, however, to making compensation for such clearing in manner hereinafter mentioned.

Power to conduct mining operations.

18. The Company shall have power to engage in all kinds of mining operations, to crush, win, get, quarry, smelt, calcine, refine, dress, amalgamate, manipulate and prepare for market gold and silver ore, metal and mineral substances of all kinds, and to carry on all and any metallurgical operations, and to acquire, by location or otherwise howsoever, mining properties and claims, and work the same, and utilise the electric power, generated as aforesaid, in so doing.

(a.) To purchase, take on lease, or otherwise acquire, and to sell, dispose of, and deal with gold and silver mining rights and mines of all kinds, and undertakings connected therewith, and metalliferous lands in the Province of British Columbia, and any interest therein, and to explore, work, exercise, develop and turn to account the same, and to take over, by all requisite

deeds of assignment from any trustees for the Company, any property, rights, water privileges and easements, and mining claims or leases, acquired by any trustee on behalf of the Company, and to use any of the said property, rights, water privileges and easements in the carrying on of the undertaking, or for any of the purposes of the Company:

- (b.) To buy, sell, refine, manufacture and deal in minerals of all kinds, and in particular gold and silver, and buy and sell plant, machinery, implements, conveniences, provisions and things capable of being used in connection with metallurgical operations, or required by the workmen employed by the Company:
- (c.) To construct, carry out, maintain, improve, manage and work tunnels, shafts, winzes, upraises, drifts, roads, ways, bridges, reservoirs, aqueducts, flumes, raceways, drains, wharves, furnaces, mines, saw-mills, smelting, concentrating and crushing works, hydraulic works, electric works, factories, warehouses, ships and other works and conveniences which may seem directly and indirectly conducive to any of the objects of the Company, and to contribute, subsidise and otherwise aid or take part in any such operations:
- (d.) To search for, prospect, examine and explore mines and grounds supposed to contain minerals, and to search for and obtain information in regard to mines, mining districts and localities:
- (e.) To erect, construct, build and maintain all such dams, reservoirs, raceways, flumes or other contrivances or plans for diverting, utilising and storing water, and to construct all works necessary to obtain, store and make water power available.

19. It shall and may be lawful for the Company to contract with any person, body corporate or politic, for providing drainage and supplying ventilation for and to mines, and the Company may, from time to time, run, drive, build, lay and construct any tunnels, shafts, winzes, upraises, pipes, drains, flumes or other works which for such purposes may be required, and to charge such rates and tolls for the use of the same and providing of such drainage and ventilation as may be agreed upon.

Contracting with person for drainage and ventilation.

20. It shall and may be lawful for the Company to contract with any person, body corporate or politic for taking, transferring and carrying of ore, minerals and other freight upon their tramway, and to charge such rates and tolls for the same as may be agreed upon.

Tramway rates.

21. The Company shall have power to construct telegraph and telephone lines in, through, and along the Company's tunnels and its branches, and over and along the route taken by the tramways and electric lines of the Company, and to do such other things as may be

Telegraph and telephone lines.

necessary to fully and completely carry on and operate the Company's undertakings.

General Provisions.

Power of amalgamation and of sale.

22. The Company may unite, amalgamate and consolidate its stock, property, business and franchises with any other company incorporated for all or any of the purposes which this Company is formed to carry on, and may sell, lease or otherwise dispose of any or all of its franchises, powers, rights, privileges and undertakings to any other company, person or persons, and may enter into working engagements with, or may enter into a lease of, or take and hold shares in, or acquire the right to work the line or lines of any other company which has been, or may hereafter be, empowered to carry on undertakings altogether or in part similar to those of this Company.

Company's power to construct its works on roads, highways, etc.

23. The Company may, subject to the consent and under the supervision of the Chief Commissioner of Lands and Works, or of the proper authority having control of the streets, roads, highways and bridges, open and break up the soil and pavement, and any sewers, drains or tunnels within or under such streets, roads, highways and bridges, and lay down and place within the said limits its tracks, pipes, wires and poles, and from time to time repair, alter and remove the same, and for the purposes aforesaid may remove and raise all earth and materials in and under such streets, highways and bridges, and to do all other acts which the Company shall from time to time deem necessary for the purpose of running its tramways, and supplying compressed air and electricity, and maintaining a telephone service as hereinbefore more fully specified, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Precautions to be observed in opening of roads, etc.

24. When the Company opens or breaks up the roadway or pavement of any highway, street or bridge, or any sewer, drain or tunnel, it shall, with all convenient speed, complete the work for which the same shall be broken up, and shall fill in the ground, reinstate and make good to the satisfaction of the Chief Commissioner of Lands and Works, or the proper authority, the road or pavement, or the sewer, drain or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be open or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be opened or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for one month after replacing the same.

25. The Company may purchase, acquire, or lease and hold, and may sell, dispose of, or surrender any lands, mines, mineral claims, buildings or tenements for all or any of the purposes of the Company. Power to hold and deal with property.

26. It shall be lawful for the Company, its servants, agents or workmen from time to time, and at all times hereafter, as they shall see fit, and they are hereby authorised and empowered to enter, either underground or on the surface, into and upon any mines, mineral claims, or land of any person or persons, bodies politic and corporate, set out, survey, and ascertain, take, expropriate, hold and enjoy such part or parts thereof, or any right, easement or privilege as it may require for the purpose of running, driving, laying and constructing the said main tunnel, and any branch tunnels, shafts, winzes, upraises, pipes, drains, flumes or other works, and to contract with the owners or occupiers of such mines, mineral claims or lands, for the purchase of such part or parts thereof, or of any right, easement or privilege expropriated, held or enjoyed by the Company, and for the right to take all timber, stone, gravel, sand, and other materials from the said mines, mineral claims and lands, except as hereinafter provided, for the use and construction of the said works of the Company : Expropriation of right of way for line of works.

Provided always, that before the Company enters into, upon or under any mines or mineral claims for the purposes aforesaid, any person employed in that behalf by the Company shall appear before a Stipendiary Magistrate or Justice of the Peace and take a solemn declaration that he will not at any time thereafter disclose to any person or persons the value of such mines or mineral claims, or the amount of ore contained therein, or the manner in which the same is being worked by the owners or occupiers thereof:

(a.) Nothing in this Act contained shall be taken to deprive the owners or occupiers of any mine or mineral claim, the part or parts thereof, or any right, privilege or easement thereto belonging expropriated by the Company for the purposes aforesaid, of their right to such ore as may be excavated by the Company in the course of construction of its said works; and upon the owners or occupiers of such mine or mineral claim serving written notice upon the foreman of the Company's works that they may require delivery to be made to them of the ore so excavated, the Company shall deliver the same free of charge to such owners or occupiers at the mouth of its tunnel, or at such other place or places as the Company and such owner or occupiers may agree upon.

27. In case of disagreement between the Company and the owner or owners of the said mines, mineral claims or lands, or of any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase money or value thereof, or as to the amount of Arbitration.

damages arising through the disturbance of the underground workings of any mine, or of the surface of any of the said mines, mineral claims or lands, in the course or by reason of the construction of the said main tunnel, or any tunnels, shafts, winzes, upraises, drifts, dams, reservoirs, raceways or flumes, or the laying of any pipe, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: The Company shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, after their appointment, appoint a third arbitrator.

Award.

28. The arbitrators to be appointed as hereinbefore mentioned shall award, determine and adjudge and order whether any, and if so, what sum or sums of money the Company shall pay to any person or persons in respect of any of the matters so referred, and the award of the majority shall be final.

Application of
"Arbitration Act."

29. The several provisions of the "Arbitration Act," or of any Act passed in substitution thereof, shall be incorporated into and deemed to be a part of this Act, except in so far as the same may be repugnant to or inconsistent with the express enactment hereof.

Completion of title
on tender of amount
awarded.

30. Upon payment or tender of the amount so awarded, the owners or occupiers of the mines, mineral claims, lands, rights or privileges aforesaid shall, at the cost and expense of the Company, make, do and execute all such acts, deeds, matters and things necessary on the part of such owners or occupiers, or any of them, to vest a complete and perfect title to such part or parts of said mines, mineral claims, lands or such rights, easements or privileges in the Company or its successors.

Commencement of
actions for damages.

31. All actions or suits for indemnity for any damage or injury sustained by reason of the works or operations of the Company, shall be commenced within twelve months next after the time when such supposed injury is sustained, or if there is continuance of damage, within twelve months next after the doing or committing of such damage ceases, and not afterwards, and the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act.

Time for commence-
ment of construc-
tion.

32. The Company shall begin the construction of the said tunnel within twelve (12) months from the passage of this Act, and shall construct two thousand feet each year thereafter until completion, but failure to continue construction shall not prejudice the rights and privileges of the Company in respect to so much of the said tunnel as shall have been constructed in accordance with this section.

Wires underground.

33. No Act of this Legislature requiring the Company, in case efficient means are devised for carrying telegraph, telephone or electric

wires underground, to adopt such means, and abrogating the right given by this Act to continue carrying lines on poles shall be deemed an infringement of the privileges granted by this Act.

34. No Chinese or Japanese person shall be employed in the construction or operation of the undertaking hereby authorised, under a penalty of five dollars per day for each and every Chinese or Japanese person employed in contravention of this section, to be recovered on complaint of any person, under the provisions of the "Summary Convictions Act." Chinese and Japanese.

35. This Act may be cited as the "Red Mountain Tunnel Company, Limited, Act, 1898." Short title.

VICTORIA, B. C. :

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