

Bill \_\_\_\_\_

An Act to make regulations with respect to Coal Mines

His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Alberta enacts as follows:

Short Title

1. This Act may be cited as The Coal Mines Act.

APPLICATION.

Application

2. This Act shall apply to mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay.

3. If any question arises (other than in legal proceedings) whether a mine is a mine to which this Act applies, the question shall be referred to the Minister, whose decision thereon shall be final.

Dispute  
to apply  
deter-  
mined by  
Minister

INTERPRETATION.

4. In this Act and in any Special Rules made thereunder, unless the context otherwise requires:-

Interpret-  
ation

(a) "mine" means a mine to which this Act applies, and includes every shaft in the course of being sunk, and every level and inclined plain in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways, railways and sidings, both below ground and above ground, in and adjacent to a mine, and any such shaft level and inclined plain of and belonging to the mine;

(b) "Shaft" includes slope and pit;

"Shaft"

(c) "Inclined plane" includes slope;

(d) "Plan" includes a map and section,

"Inclined  
Plane"

and a correct copy of tracing of any original plan as so defined;

"Plan"

(e) "Minister" means the Minister of Public Works for the Province;

~~"Deputy  
Minister"~~

(f) "Provincial Inspector" means the Provincial Inspector of mines appointed under this Act.

"Inspector"

(g) "District Inspector", or "Inspector of District," means a District Inspector of mines appointed under this Act.

"District  
Inspector"

(h) "Owner" when used in relation to any mine, means any person or body corporate who is the immediate proprietor, or lessee, or occupier of any mine or of any part thereof, and does not include a person or body corporate who merely receives a royalty or rent from a mine, or is merely the proprietor of a mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; but any contractor for the working of any mine or part thereof shall be subject to this Act in like manner as if he was an owner, but so as not to exempt the owner from any liability;

"Agent"

(i) "Agent" means any person having on behalf of the owner, the care or direction of any mine or part thereof;

"Manager"

(j) "Manager" means the chief officer having the control and daily supervision of any mine;

- "Pit Boss" (k) The expression "Pit Boss" and "Fire Boss" means respectively a pit boss and fire boss holding certificates as such issued under the provisions of the ~~Ordinance~~;
- "Fire Boss"
- (l) "Pit Boss" means any person in charge of any mine or any portion of a mine next ~~under~~ the manager;
- "Board" (m) The expression "board" means the board of examiners provided by this Act.
- "Shift" (n) "Shift" means a division of men or boys or both employed in any mine (other than men or boys engaged in attending to the ventilation of the mine) who go to work in the mine at a set period of the day.
- "Supreme Court" (o) The "Supreme Court" means the Supreme Court of the North-West Territories or any court hereafter constituted exercising within the Province the jurisdiction, powers and authority as to the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories.

EMPLOYMENT OF PERSONS IN COAL MINES—PRECAUTIONS  
FOR SAFETY.

- Register of employees— The owner, agent or manager of every mine to which this Act applies shall keep in the office at the mine a register and shall cause to be entered in such register the name, age, residence and date of first employment of all persons employed in connection with the mine, and shall produce such register to any Inspector under this Act at all reasonable times when required by him and allow him to inspect and copy the same.
- Production of—
- Boy must read and write— No boy of or above the age of twelve years and under the age of sixteen years shall be permitted to work in or about any mine below or above ground unless he is able to read and write and is familiar with the rules of arithmetic.

as far as ~~and~~ including division, and furnishes a certificate to that effect from a duly ~~licensed~~ teacher.

Teacher required to grant certificate

Every such teacher shall, without requiring payment  
 { of any fee, upon the application of any boy desiring  
 { employment, make the necessary examination of the boy and grant him such certificate if he is found to be entitled to the same, and any such teacher refusing to make such examination and grant such certificate shall be liable to a penalty not exceeding ten dollars.

Females and boys under twelve years not to work in mines.

No boy under the age of twelve years nor any woman  
 { or girl of any age shall be employed ~~in the workings of any mine~~  
 { ~~in the workings of any mine~~

Failure to comply with registration or employment regulations is an offence against the Act.

If any person contravenes or fails to comply with or  
 { permit any person to contravene or fail to comply with  
 { any provision of the Act with respect to the registration of persons employed in such mine or to the  
 { employment of persons about any mine, windlass or gin he shall be guilty of an offence against this Act; and in case of any such contravention or non-compliance by any person whosoever the owner, agent and manager shall each be guilty of an offence against this Act.

Prohibition of single shafts

#### SINGLE SHAFTS.

(1) The owner, agent or manager of a mine shall not employ any person in the mine, or permit any person to be in the mine for the purpose of employment therein, unless the following conditions respecting shafts or outlets are complied with, that is to say:

(a) there shall be at least two shafts or outlets with which every seam for the time being at work

in the mine shall have a communication, so that such shafts or outlets shall afford separate means of ingress and egress available to the persons employed in every such seam, whether the shafts or outlets belong to the same mine or to more than one mine;

(b) Such shafts or outlets shall not at any point be nearer to one another than fifteen yards, and there shall be between such two shafts or outlets a communication not less than four feet wide and four feet high;

(c) proper apparatus for raising and lowering persons at each such shaft or outlet shall be kept on the works belonging to the mine; and such apparatus, if not in actual use at the shafts or outlets shall be constantly available for use.

(2) Every owner, agent or manager of a mine who acts in contravention of or fails to comply with this section shall be guilty of an offence against this Act.

(3) The Supreme Court, or any judge thereof, whether any other proceedings have been taken or not, may, upon the application of the Attorney General, prohibit by injunction the working of any mine in which any person is employed or is permitted to be for the purpose of employment in contravention of this section, and may award such costs in the matter of the injunction as the court or judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

Written notice of the intention to apply for such injunction in respect to any mine shall be given to the owner, agent or manager of the mine not less than ten days before the application is made.

Agree-  
ments  
not to  
preclude  
compliance  
with Act.

No person shall be precluded by any agreement from doing such acts as are necessary for providing<sup>a</sup> second shaft or outlet to a mine, where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as are necessary to comply with the provisions of this Act with respect to shafts or outlets.

(1) The foregoing provisions of this Act with respect to shafts or outlets shall not apply—

(a) In the case of a new mine being opened;

(b) <sup>2</sup>to any working for the purpose of making a communication between two or more shafts, or

(c) <sup>2</sup>to any working for the purpose of searching for or proving minerals,

so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft or outlet; nor <sup>P</sup>(a) <sup>2</sup>to any proved mine so long as it is exempted by order of the Minister on the ground either—

(a) <sup>2</sup>that the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second shaft or outlet, or by establishing communication with a second shaft or outlet in any case where such communication existed and has become unavailable; or

(b) <sup>2</sup>that the workings of any seam of the mine have reached the boundary of the property or the extremity of the mineral field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of ordinary working notwithstanding that one of the shafts or outlets may be cut off by so working away the pillars of the seam;

and so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single shaft or outlet; nor <sup>P</sup><sup>2</sup>to any mine.—

(a) While a shaft is being sunk or an outlet being made,  
or

(b) One of the shafts or outlets of which has become by reason of some accident unavailable for the use of the persons employed in the mine,

so long as the mine is exempted by order of the Minister and as the conditions (if any) annexed to the order of exemption are duly observed.

Certificated Managers and other officials.

~~Every~~ Every mine shall be under the control and supervision of a manager, and the owner or agent of every mine shall nominate himself or some other person to be the manager of such mine and shall send a written notice to the Minister of the name and address of such manager.

Pit Boss

(2) The underground workings of every mine shall be under the daily charge of a Pit Boss holding a Certificate under this Act.

Certificates required.

(3) A person shall not be qualified to be a Manager or Pit Boss unless he is the holder of a Certificate under this Act.

Offence.

(4) If any mine is worked for more than thirty days without there being such a manager or Pit Boss as is required by this Act the owner and agent of such mine shall each be guilty of an offence against this Act, provided that

Proviso

Exemption if due diligence has been used.

(a) Such owner or agent shall not be guilty of an offence against this Act if he proves that he has taken all reasonable means by the enforcement of this section to prevent the mine being worked in contravention thereof; and

Temporary absence

(b) If for any reasonable cause there is for the time being no manager of a mine qualified as required by this section, the owner or agent of such mine may appoint

any person holding a certificate as Pit Boss under this Act to be manager for a period not exceeding thirty days or such longer period as elapses before such person has an opportunity of obtaining by examination a certificate as manager under this Act and ~~sends~~ to the Minister a written notice of the name and address of such Pit Boss and of the reason of ~~this~~ appointment; and

(c) A mine in which less than twenty persons are generally employed underground shall be exempt from the provisions of this Act so far as relates to the appointment of a manager, unless the Provincial Inspector by notice in writing, served on the owner, agent or manager requires <sup>the</sup> the same to be under control of a manager; but the operations underground shall be under the charge of persons holding certificates as Pit Boss under this Act unless permission is given by the Minister that the operations underground may be under the charge of a competent person, <sup>said</sup> known to the Inspector.

Mine in which less than twenty people employed.

Incompetency &c., inquiry in case of

If at any time representation is made to the Minister by the Provincial Inspector or any other person that any manager, or Pit Boss holding a Certificate under this Act is by reason of incompetency, or gross negligence unfit to discharge his duty, or has been convicted of an offence against this Act, the Minister may, if he thinks fit inquire into the conduct of such manager or Pit Boss and with respect to such inquiry the following provisions shall have effect:

Inquiry to be public.

(a) The inquiry shall be public, and shall be held at such place as the Minister directs;

Case to be stated.

(b) The Minister shall before the commencement of the inquiry furnish the person into whose conduct the inquiry is to be made with a statement of the case upon which the inquiry is ~~to be made~~ instituted;



Person  
accused  
may  
attend, &c.,

(c) the person into whose conduct the inquiry is to be made may attend to the inquiry by himself, his solicitor or agent, and may, if he thinks fit, be sworn or examined as a witness in the case;

Certificate  
may be  
suspended,

(d) The Minister shall have power to cancel or suspend the certificate of the person in whose conduct the inquiry has been made if he finds that he is by reason of incompetency or gross negligence, or of his having been convicted of an offence against this Act, unfit to discharge his duty.

Delivery  
up of Cert-  
ificate,

(e) The Minister may, if he thinks fit, require the person into whose conduct the inquiry is to be made to deliver up his certificate and if such person fails without sufficient cause to the satisfaction of the Minister to comply with such requisition, he shall be guilty of an offence against this Act. The Minister shall hold the certificate so delivered up until the conclusion of the inquiry, and shall then either restore, cancel or suspend the same according to his judgment in the case;

Witness may  
be summoned,

(f) The Minister may also by summons under his hand require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of the inquiry, and every person so summoned shall be allowed such expenses as would be allowed to a witness attending on a subpoena before the Supreme Court;

Costs,

(g) The Minister may make such order as he thinks fit respecting the costs and expenses of the inquiry, and such order shall, on the application of any person entitled to the benefit of the same, be enforced by any court of summary jurisdiction as if such costs and expenses were a penalty imposed by such court;

Record of  
cancellation

When a certificate is cancelled or suspended in pursuance of this Act the Minister shall cause such cancellation or suspension to be recorded in the register of holders of certificates.

The Minister may at any time, if it is shown to him to be just so to do, renew or restore on such terms as he thinks fit any ~~cancelled~~ certificate which has been cancelled or suspended in pursuance of this Act.

Loss of Certificate,

Whenever any person proves to the satisfaction of the Deputy Minister that he has, without fault on his part, lost or been deprived of any certificate previously granted to him under this Act, the Minister shall cause a copy of the certificate to which the applicant appears by the register to be entitled to be made out and certified by the person who keeps the register and delivered to the applicant; and every copy which purports to be so made and certified shall have all the effect of the original certificate.

Certificates  
how to be  
issued,

Certificates of competency for managers, ~~managers~~ shall be issued by the Minister upon the report of the Board of Examiners, by this Act provided.

#### BOARD OF EXAMINERS.

Board of  
examiners,  
how appointed,

(1) For the purpose of granting certificates of competency to managers, Pit Bosses and Fire Bosses, the Lieutenant Governor in Council may appoint ~~a~~ boards of examiners who shall examine all persons applying for certificates.

Constitution of

- (2) Such board shall consist of—
- (a) The Provincial Inspector of Mines;
  - (b) One Manager of Mines,
  - (c) One working miner.

(3) For the purposes of this section the Province shall be divided into three districts called respectively

~~Divisions~~  
of Board.

Crow's Nest, Canmore and Edmonton districts, the limits whereof shall be defined from time to time by the Minister, ~~and the board for the purpose of examination shall be divided into three divisions, one for each district.~~ <sup>Board in</sup> Each ~~division~~ shall conduct the examination of all candidates ~~in its respective districts.~~ The papers of the candidates shall for the purpose of examination be referred to the board of the district and the successful candidates shall be recommended for certificates under this Act.

Board to draw up rules, conduct examinations, &c.

(1) ~~The~~ board of examiners shall draw up rules for the guidance of its proceedings, and shall conduct examinations for granting certificates of competency under this Act and may from time to time make, alter and revoke rules for the conduct of such examinations and for determining the qualifications of applicants, so, however, that in every such examination regard shall be made to such knowledge as is necessary for the practical working of coal mines in the province, and for the determination of the qualifications of applicants for certificates of competency as managers, pit boss and fire boss respectively and shall from time to time report to the Minister the names of the persons qualified to receive certificates and shall do such other things as are necessary for the proper discharge of their duties under this Act.

The Lieutenant Governor in Council shall have power at any time to alter and revoke any rules made by the board of examiners.

Remuneration of examiners; fees of applicants,

The fees and travelling expenses to be paid to the boards of examiners, and the fees to be paid by applicants for certificates, shall be determined by the

Lieutenant Governor in Council.

Register  
of Cert-  
ificates,  
in the  
Public  
Works  
Department.

A register of the holders of Certificates under this Act shall be kept at the office of the Public Works Department by such persons and in such manner as ~~he~~ from time to time directs.

Previous Cert-  
ificates con-  
tinued in force.

Any person holding a Certificate of service as manager, pit boss or fire boss issued by the Commissioner of Public Works for the North-West Territories, or by the Minister, previous to the coming into force of this Act may continue to be employed as manager, pit boss or fire boss, (according to the tenor of such certificate), in the ~~mine in respect to which the certificate was issued,~~ anything in this Act to the contrary notwithstanding.

Candidates elig-  
ible for Mine  
Managers.

Candidates for certificates as manager, shall be persons who have had five years' practical experience in a mine, or persons holding a diploma in scientific and mining training after a course of study of at least two years at an educational institution approved by the Minister or have taken a degree in scientific and mining subjects at a University so approved of, together with three years' practical experience in a mine.

#### PIT BOSS AND FIRE BOSS.

Pit or Fire  
Boss Cert-  
ificates on  
examination.

~~The~~ board may at any meeting held for the examination of candidates for certificates of competency as managers examine such candidates as present themselves for certificates as pit bosses or fire bosses and to such candidate who successfully passes the examination prescribed by the board shall issue a certificate signed by the Provincial Inspector authorizing him to act in such capacity.

Return of  
Certificates  
issued.

The Provincial Inspector shall make a return to the Minister of all certificates issued under the provisions

of this section and shall transmit to the Minister all fees collected in connection therewith.

"Shot  
Lighter".

No person shall be employed in any gaseous mine as a shot-lighter unless he holds a certificate of competency as fire boss granted by the board of examiners.

No person shall act as pit boss, fire boss or shot-lighter in any mine operated under the provisions of this Act unless he is the holder of a certificate issued by the board authorizing him to act in such capacity or unless he has a Provincial Certificate granted to him by the Inspector until an examination is held granting the same.

All superior class certificates ~~pass~~ under the provisions of this Act shall cover the duties of an inferior class Certificate.

#### PAYMENT OF WAGES.

Wages not  
to be paid  
at Public  
House.

No wages shall be paid to any person employed in or about any mine at or within any public house, beer shop or place for the sale of any spirits, beer, wine or other spiritous or fermented liquor, or other house of entertainment, or an office, garden or place belonging thereto or occupied therewith.

Wages to be  
paid accord-  
ing to weight  
of mineral.

When the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, such persons shall be paid according to the weight or measurement of the mineral gotten by them, and such mineral shall be truly weighed accordingly at a place as near to the pit mouth as is reasonably practicable, or measured at the working face.

Agreement  
may be  
made.

~~Provided that~~ Nothing in this section shall preclude the owner, agent or manager of any mine from agreeing with the persons so employed and paid that deductions shall be made in respect to stones or mineral other than mineral contracted to be gotten which are sent out of the mine with the mineral

contracted to be gotten or in respect to any tubs or cars being improperly filled in those cases in which they are filled by the getter of the mineral, or by the loader, or by the person immediately employed by him, and no such deductions shall be made until such agreement is made in writing on behalf of both parties.

Deductions, mode of determining, (3) If such deductions are not mutually agreed on, they shall be determined,

(a) In any special mode agreed upon between the owner, agent or manager of the mine, on the one hand, and the persons so employed and paid on the other, or

(b) By some person appointed on that behalf by the owner, agent or manager and by a person appointed by such employees who may be the check-weigher if any check-weigher has been appointed as in this Act provided, or

(c) If the persons so appointed are unable to agree, by a third person agreed upon by the persons so appointed, or if they cannot agree upon such appointment, by some person appointed by the Minister.

If any owner, agent or manager, or the persons so employed in any mine, fail to appoint a person to agree upon such deduction, a person may be appointed on his or their behalf by the Minister.

Penalty, Every person who contravenes or fails to comply with or permits any person to contravene or fail to comply with any of the provisions of the preceding sections shall be guilty of an offence against this Act and in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent and manager shall each be guilty of an offence against this Act unless he proves that he has taken all reasonable means to prevent such contravention or non-compliance by publishing and to the best of his power enforcing such provisions.

Check-weighers may be appointed

The persons who are employed in a mine and are paid according to the weight of the mineral gotten by them, may at their own cost, station a person (in this Act called a "check-weigher") at the place appointed for the weighing of such mineral in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed.

Facilities to be afforded

A checkweighman must be a miner of at least three years' experience and be selected from the Colliery at which he will serve. <sup>P</sup>(2) A checkweigher shall have every facility afforded him to take a correct account of the weighing for the persons by whom he is so stationed, including facilities for examining and testing the weighing machine, and checking the taring of the tubs and boxes, when necessary; and also for counting boxes and tallies in order that the number of boxes, weights or quantities credited to each person may be ascertained; and also including a shelter from the weather, and a desk or table at which to write, to be furnished by the owner, agent or manager, and access to all parts of the mine and bankhead necessary for the fulfilment of his duties.

Not affording facilities an offence

(3) If at any mine proper facilities are not afforded to a checkweigher, as required by this section, the owner, agent or manager of the mine shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce to the best of his power the requirements of this section.

Check-weigher not to interfere with working of Mine. Remuneration of check-weigher recovery of

The checkweigher shall not be authorized in any way to impede or interrupt the working of the mine, or to interfere with the working of the mine, or to interfere with the weighing, but shall be authorized only to take such account as aforesaid; and the absence of the checkweigher shall not be a reason for interrupting or delaying such weighing.

When a checkweigher has been appointed by the persons employed in a mine who are paid according to the weight of the mineral gotten by them and has acted as such he may recover from any person for the time being employed at such mine and so paid, his

proportion of the check-weigher's wages or recompense, notwithstanding that any of the persons by whom the check-weigher was appointed have left the mine, or others have entered the same since the check-weigher's appointment, any rule of law or equity to the contrary notwithstanding.

Removal of  
check-weigh-  
er,

~~If~~ If the owner, agent or manager of the mine desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the mine, or interfered with the weighing or has otherwise misconducted himself, he may complain in writing to any Justice of the Peace of the District in which the mine is situated who, if of the opinion that the owner, agent or manager shows sufficient prima facie ground for requiring the removal of such check-weigher, shall by summons call upon the check-weigher to appear at a certain time and place therein mentioned.

(2) Such summons and a copy of the complaint shall be served on the check-weigher by any constable in the Province at least five days before the return day of said summons.

(3) In default of appearance of the check-weigher to answer the complaint, proof of the service of the said summons shall be furnished by the said constable in the same way as in ordinary proceedings before such Justice.

(4) Whether the check-weigher appears or not the Justice shall hear the case at the time fixed in the summons and if he thinks sufficient ground is shown by the owner, agent or manager to justify the removal of the check-weigher he shall make a summary order for his removal and the check-weigher shall thereupon be removed, but without prejudice to the stationing of another check-weigher in his place.

(5) The justice may in every case make such order as to the costs of the proceedings as he thinks just, and such



costs may be recovered as a debt by the ordinary process of the courts."

xx. ~~NN~~ In any mine in which the persons employed are paid by mutual agreement otherwise than according to the weight of the mineral gotten by them, they may, at their own cost employ a practical miner, who shall at all times have power and necessary facilities to check the correctness of the modes, methods, measure, measurements, or quantities according to which such persons are paid, on behalf of the persons by whom he is employed; and also for counting boxes and tallies once daily, in order that the number of boxes weights or quantities credited to such persons may be ascertained.

Checker where wages not paid.

Powers, facilities &c.

(2) The provisions of this Act with respect to the powers and duties of a checkweigher, and the facilities to be afforded him and his removal from office shall apply to every person appointed under this section.

Order for payment of debts, limitation of.

Any employee may by order in writing authorize his employer to apply the whole or part of the wages or salary due to such employee to the payment of any debt due by such employee, but any such order shall be effective only for an amount specified therein.

Certain deductions permitted.

(2) Any such employee may without any order retain out of the wages or salary of any such employee any sums due by such employee in respect to powder, coal, oil, rent, doctor's fees or other supplies.

#### RETURNS AND NOTICES.

Returns as to ventilation &c.

The owner, agent or manager of every mine shall on or before the first of February in every year if required by the Provincial Inspector, send to him a return of facts relating to the modes and description of the upcast and down-cast shafts, of the length and sectional area of the

airways, the number of splits and quantity of fresh air in cubic feet per minute, and the average total quantity of fresh air in cubic feet per minute in his mine.

(2) The returns shall be in such forms as ~~are~~ are from time to time prescribed by the Minister who shall from time to time on application furnish forms for the purpose of such returns.

(3) Every owner, agent or manager of a mine who fails to comply with this section or make any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act.

Notice of  
Accidents,

When in or about any mine, whether above or below ground, either-

~~(a)~~ <sup>1</sup> Loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder or other explosive, or of any steam boiler, or

~~(b)~~ <sup>2</sup> Loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of ~~an accident, whatever,~~

the owner, agent or manager of the mine shall immediately after an explosion or accident send notice by telegram to the Minister and District Inspector of the explosion or accident, if there is loss of life; ~~if~~ <sup>if</sup> personal injury ~~send~~ <sup>shall make</sup> notice in writing to the Minister, and to the Inspector of the District, and shall specify in such notice or telegram the character of the explosion or accident and the number of persons killed and injured, and within twenty-four hours <sup>shall make</sup> a return of facts relating to such accident or explosion in the form given in schedule ~~AA~~ <sup>" "</sup> to this Act.

(2) Where any personal injury, of which notice ~~is required to be~~ sent under this section, results in death of the person injured,

notice in writing of the death shall be sent to the Minister and to the Inspector for the District within twenty-four hours after such death comes to the knowledge of the owner, agent or manager.

(3) Every owner, agent or manager, who fails ~~to act~~ ~~in compliance~~ with this section shall be guilty of an offence against this Act.

In any case, -

Where any change occurs in the name of any mine not exempted from compliance with this clause by the Minister, or in the name of the owner, agent or manager of such mine, or in the officers of any incorporated company which is the owner of any such mine, or

(b) Where any working is commenced for the purpose of opening a mine, or

(c) Where any mine is abandoned or the working thereof discontinued, or

(d) Where the working of a mine is commenced after an abandonment or discontinuance for a period not exceeding two months,

the owner, agent or manager of such mine shall give notice thereof to the Minister within two months after such commencement, abandonment, discontinuance, recommencement or change; and if such notice is not given the owner, agent or manager shall be guilty of an offence against this Act.

#### ABANDONED MINES:

Abandoned  
mines to be  
fenced.

Where any mine is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurs, the owner thereof and every other person interested in the mineral of such mine shall cause the top of the shaft and any side entrance from the surface ~~to be~~ ~~and~~ to be kept securely fenced for the prevention of accidents:

Provided that—

~~(a)~~ Subject to any contract to the contrary the owner of the mine shall, as between himself and any other person interested in the minerals of the mine, be liable to carry into effect this section and to pay any costs incurred by any other person interested in the minerals of the mine in carrying this section into effect; and ~~(b)~~ Nothing in the section shall exempt any person from any liability under any other Act, or otherwise.

(2) If any person fails to act in conformity with this section he shall be guilty of an offence against this Act.

Plans of  
abandoned  
mines to  
be fur-  
nished.

~~(1)~~ Where any mine is abandoned, the owner of such mine at the time of such abandonment shall within three months after such abandonment, send to the Minister an accurate plan on a scale of not less, <sup>than</sup> 100 feet to one inch, showing the boundaries of the workings of such mine up to the time of the abandonment with surface connections and with the view of its being preserved under the care of the Minister.

(2) Every person who fails to comply with this section shall be guilty of an offence against this Act.

Appointment  
and qualific-  
ation of In-  
spectors of  
Mines.

#### INSPECTION.

~~(1)~~ The Lieutenant Governor in Council may from time to time appoint any fit person possessed of Mine Managers' Certificates of competency to be Provincial Inspector of Mines under this Act, and assign his duties and may fix his remuneration.

Appointment  
and qualific-  
ation of In-  
spectors of  
Mines.

(2) The Lieutenant Governor in Council may also from time to time appoint any fit persons possessed of Mine Managers' Certificates of competency to be District Inspectors of mines under this Act for the districts specified in such appointment and may assign their duties and fix their remuneration.

Publication  
of appoint-  
ment,

(3) Notice of the appointment of every such Provincial District Inspector shall be published in the Alberta Gazette.

Disqualif-  
ication of  
persons as  
Provincial  
or District  
Inspector,

(4) Any person who practices as a Mining Engineer or Mine Manager in any mine under his jurisdiction in his District shall not act as Provincial or District Inspector under this Act.

Duties of  
District  
Inspect-  
ors,

45. (1) The Inspector shall as far as possible visit every mine in his District as often as his duties permit or the exigencies of the case require.

(2) Every Inspector under this Act shall make an annual Report of his proceedings during the preceding year to the Minister.

District,  
Inspector  
of,

46. The District Inspector shall have power to do all or any of the following things, namely,

(a) To make such examination and inquiry as is necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with in the case of any mine;

(b) To enter, inspect and examine any mine and every part thereof at all reasonable times by day and night, but so as not to impede or obstruct the working of the mine;

(c) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of any special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto;

(d) To exercise such other powers as are necessary

for carrying this Act into effect.

(2) Every person who wilfully obstructs the District Inspector in the execution of his duties under the Act, and every owner agent and manager of a mine who refuses or neglects to furnish to the District Inspector the means necessary for making any entry, inspection, examination or inquiry under this Act in relation to such mine shall be guilty of an offence against this Act.

Plans of mine  
to be kept  
at office

The owner, agent or manager of every mine shall keep in the office at the mine an accurate plan of the workings of such mine, showing the workings up to at least six months previous.

(2) The owner, agent or manager of the mine shall produce to the Provincial<sup>or</sup> District<sup>or</sup> Inspector at the mine such plan and shall if requested by them or either of them, mark on such plan the progress of the workings of the mine up to the time of such production, and shall allow them or either of them to examine the same and shall furnish to the Provincial Inspector for his private information<sup>a</sup> correct copy of such plan when requested by him.

(3) The owner, agent or manager on or before the first day of April of each year shall furnish to the Provincial Inspector a correct plan or tracing not before furnished for the workings up to the first day of January then last passed.

(4) Every owner, agent or manager of any mine who~~—~~  
<sup>4</sup> fails to keep such a plan as is prescribed by this section, or

~~(b) fails to keep such a plan~~ refuses to produce the same to the Provincial or District Inspector, and allow it to be examined by him, or

~~(b) refuses to produce the same to the Provincial or District Inspector~~

~~(c)~~ Refuses to request ~~the~~ mark on such plan the state of the workings of the mine, or,

~~(d)~~ Conceals any part of such workings, or,

~~(e)~~ Produces an imperfect or inaccurate plan, shall, unless he shows that he was ignorant of the concealment of the imperfection or inaccuracy, be guilty of an offence against this Act.

~~(5)~~ The Provincial Inspector may in addition by notice in writing (whether a penalty for such offence has been inflicted or not) require the owner, agent or manager to cause an accurate plan, such as is prescribed by this section, to be made within a reasonable time at the expense of the owner of the mine, on a scale of not less than 100 feet to one inch, or on the same scale as the plan then used at the mine.

~~(6)~~ If the owner, agent or manager fails within twenty days after the requisition of the Provincial Inspector, or ~~or~~ within such further time as is shown to be necessary, to make such plan, he shall be guilty of an offence against this Act.

~~(7)~~ If in any respect (which is not provided against by any express provisions of this Act ~~or~~ by any special rule) the District Inspector finds any mine or any part thereof, or any matter, thing or practice in or connected with any mine to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine and shall state in such notice the particulars in which he considers such mine or any part thereof or any matter, thing or practice to be dangerous or defective, and require the same to be remedied; and unless the same is forthwith remedied the District Inspector shall report the same to the Provincial Inspector.

Causes of  
danger not  
specially  
provided  
against,  
proceedings  
in case of,

(2) If the owner, agent or manager of the mine objects to remedy the matter complained of he shall within ten days after the receipt of such notice send his objection in writing, stating the grounds thereof to the ~~Deputy~~ Minister and thereupon the matter shall be decided by arbitration by the Minister together with one arbitrator appointed by the Provincial Inspector and one appointed by such owner or agent; and the award of the Minister with one of the arbitrators shall be final. A copy of the award shall be sent by registered mail to the persons affected thereby.

Investigations.  
Powers of  
Minister  
and In-  
spectors.

(3) Five days' notice of the time and place at which the Minister will hear such matter shall be given to the parties interested.

(4) If the owner, agent or manager fails—

(a) ~~When~~ no objection is sent as aforesaid to comply with the requisition of the notice within ten days after the expiration of the time for objection,

(b) ~~When~~ there has been an arbitration, to comply with the award within the time fixed by the award, he shall be guilty of an offence against this Act..

(5) No person shall be precluded by any agreement from doing such acts as are necessary to comply with the provisions of this section, or be liable under any contract to any penalty or forfeiture for doing such acts.

Where it appears to the Minister that a formal investigation of any accident in any mine or of any matter connected with the working of any mine is expedient, the Minister may direct the Provincial or District Inspector to hold such investigation, and with respect to such investigation the following provisions shall have effect:



(1) The Minister may appoint any person or persons possessing legal or special knowledge to act with the Provincial or District Inspector as assessor or assessors in holding the investigations.

(2) The Provincial or District Inspector shall make such investigation in such manner and under such conditions as he thinks most effectual for the making of a full investigation.

(3) The Provincial or District Inspector for the purposes of the investigation shall have all the powers conferred upon the Provincial or District Inspector by this Act and as part thereof or in addition thereto the following powers, namely:—

(a) Power to enter and inspect any mine, building or place the entry or inspection of which appears to him ~~or the District Inspector~~ expedient;

Inquiries,

(b) Power by summons signed by himself to require the attendance of any person, and to require of such person such answers or returns to inquiries as he thinks fit;

(c) Power to require the production of any book, paper or document which he thinks important upon such investigation;

(d) Power to administer an oath.

(4) Any person attending before the Provincial or District Inspector in obedience to any such summons shall be allowed the fees paid to a witness attending a trial in the Supreme Court.

(5) Any person who without reasonable excuse either fails (after having had any fees to which he is entitled tendered to him) to comply with any summons requiring him to attend before the Provincial or District Inspector upon any such investigation, or refuses to produce any document which he is required to produce, or prevents or impedes ~~when engaged upon~~ such investigation shall for each such

offence be liable to a penalty not exceeding \$50 ~~or fifty dollars~~ or to imprisonment for a term not exceeding twenty days.

(6) The Provincial or District Inspector shall make a report upon such investigation, which the Minister may cause to be made public at such time and in such manner as he thinks fit.

(7) Any expense incurred in and about any such investigation (including the remuneration of any person appointed to act as assessor) shall be paid out of the General Revenue fund of the Province.

#### CORONERS' INQUEST.

With respect to coroner's inquest on the bodies of persons whose death may have been caused by explosions or accidents in mines, the following provisions shall have effect:—

Provisions as to coroners' inquests.

(1) When a coroner holds an inquest on the body of any person whose death may have been caused by an explosion or accident of which notice is required by this Act to be given to the Minister or District Inspector, the coroner shall immediately notify the District Inspector of his intention to hold such inquest, and in the absence, non-arrival, or non-attendance of the District Inspector the coroner shall adjourn such inquest whenever practicable, to enable the District Inspector or some other properly qualified person appointed by the Minister to be present to watch the proceedings.

(2) The coroner, at least four days before holding the adjourned inquest, shall send to the Minister or to the District Inspector notice in writing of the time and place of holding such adjourned inquest.

(3) The coroner before the adjournment may take evidence to identify the body, and may order the interment thereof.

(4) The District Inspector, or such other person so appointed, or a person appointed by the workmen of the mine at which the accident occurred, shall be at liberty at any such inquest to examine any witness. ~~subject nevertheless to the order of the coroner.~~

(5) Where evidence is given at an inquest, at which the District Inspector or such other person so appointed is not present, of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about the mine appearing to the coroner or jury to require a remedy, the coroner shall send to the District Inspector notice in writing of such neglect or default.

(6) Any person having a personal interest in, or in the management of, the mine in which the explosion or accident occurred or any relative of the deceased person upon whose body the inquest is to be held, shall not be qualified to serve on the jury empanelled on the inquest, or to act as coroner therein, ~~and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury.~~

(7) If in the opinion of the District Inspector it will lead to a more thorough investigation and will be more conducive to the ends of justice, he may require the ~~constable or other officer~~ to summon as jury men not more than three working men employed at any other mine than that at which the accident occurred, who shall form part of the jury sworn in such inquest.

(8) Every person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

GENERAL RULES.

General  
Rules,

The following general rules shall be observed, so far as is reasonably practicable, in every mine:—

Ventil-  
ation,

Rule 1. (a) An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables and workings of the mine, and the travelling roads to and from such working places shall be in a fit state for working and passing therein.

Divis-  
ion into  
Districts  
or splits,

(b) An adequate amount of ventilation shall mean not less than 100 cubic feet of pure air per minute for each man, boy, horse and mule employed in a mine and as much more as the District Inspector may direct. Every mine shall be divided into Districts or splits of not more than seventy men in each District, and each district shall be supplied with a separate current of fresh air. All intake air shall travel free from all stagnant water, stables and old workings and every place shall be bratticed up within four yards of the face. On all main roads where a door is required the District Inspector may order that two doors shall be placed so that while boxes are being taken through the one the other shall remain closed and no air shall be lost.

Intake  
air to  
be pure,

(c) The amount of ventilation passing in the mine shall be measured every week by the pit boss or his assistant, the same to be recorded in a book kept at the mine and a copy sent monthly to the District Inspector—

on or before the <sup>30.</sup>(12th) of each month.

RULE 2. In every mine in which inflammable gas has been found within the preceding twelve months, if the District Inspector is of the opinion that the amount of gas found warrants him in doing so, he may order that a competent person or persons holding certificates as pit boss, fire boss or shot-lighter, who shall be appointed for the purpose, shall inspect with a safety-lamp, that part of the mine being or intended to be worked, and the roadways leading thereto within four hours of the time of each shift commencing work, and if inflammable gas has been found within the preceding three months, then within three hours of the time of commencing work, and shall make a true report to the manager, or pit boss at the time in charge of the pit, of the condition thereof as far as ventilation is concerned; and a workman shall not go to work in such part until the same and the roadways leading thereto are safe. Every such report shall be recorded without delay in a book which shall be kept at the mine for the purpose and shall be signed by the person making the inspection.

Inspection,

RULE 3. In every mine in which inflammable gas has not been found within the preceding twelve months, once in every twenty-four hours a competent person or persons, who shall be appointed for the purpose, shall inspect the mine and the roadways leading thereto, and shall make a true report of the condition thereof especially with regard to the ventilation.

Places not in use to be fenced,

RULE 4. All entrances to any place in a mine not ~~is~~ actual ~~use~~ course of working and extension shall be properly fenced around the whole width of such entrance, so as to prevent persons inadvertently entering the same.

Stations and inspection,

RULE 5. A station or stations shall be appointed at the entrance to a mine, or to the different parts of the same mine, as the case requires, and <sup>a</sup>workman shall not pass beyond any such station until the mine or part of the mine beyond the same has been inspected and stated to him to be safe.

Withdrawal  
of workmen  
in case of  
danger.

RULE 6. If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or such part thereof, or ~~of~~ any cause whatever, the mine or the said part is dangerous, every workman shall be withdrawn from the mine or such part thereof ~~and~~ is so found dangerous, and a competent person who shall be appointed for the purpose, shall inspect the mine ~~or~~ such part thereof as is so found dangerous, and if the danger arises from inflammable gas shall inspect the same with a locked safety lamp, and in every case shall make a true report of the condition of the mine or part thereof; and a workman shall not, except in so far as is necessary for inquiring into the cause of danger or for the removal thereof, or for exploration, be readmitted into the mine or such part thereof as was so found dangerous until the same is stated by such report not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for the purpose and shall be entered by the person making the same.

Safety-lamps, provision as to the use of. RULE 7. In every working approaching any place where there is likely to be an accumulation of explosive gas, no lamp or light other than a locked safety lamp shall be allowed or used; and whenever safety lamps are required by this Act, or by any special rules made in pursuance of this Act to be used, a competent person, who shall be appointed for the purpose, shall examine every safety lamp immediately before it is taken into the workings for use, and ascertain if it is secure and securely locked; and in any part of a mine, in which safety lamps are so required to be used, they shall not be used until they have been examined and found secure and securely locked

and shall not without due authority be unlocked and in the said part of a mine a person shall not unless he is appointed for the purpose, have in his possession any key or contrivance for opening the lock of such safety lamp, or any lucifer match or apparatus of any kind for striking a light, and in any mine in which more than forty safety lamps are used at any one time there shall be a person appointed whose duty it is to see that the lamps are in good order and given out to the workmen.

Use of  
explos-  
ives be-  
low ground,

RULE 8. The following provisions shall relate to the use of any explosive in a mine:—

- (a) It shall not be stored in the mine;
- (b) It shall not be taken into the mine except in a secure case or canister containing not more than five pounds;
- (c) A workman shall not have or use at one time in any one place more than one of such cases or canisters.
- (d) In the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel pricker, ~~hammer~~, charger, tamping rod, or stemmer, nor shall coal or coal dust be used for tamping;
- (e) No explosive shall be forcibly pressed into a hole of insufficient size, and, when a whole has been charged, the explosive shall not be unrammed, and no hole shall be bored for a charge at a distance of less than six inches from any hole where the charge has missed fire;

(f) It shall not be taken into or be in the possession of any person in any mine except in the following cases—

(1) In cases of stone work and sinking shafts in which the ventilation is so managed that the return air from the place where the explosive is used passes into the main return aircourse without passing any place in actual course of working, or,

(2) When the persons ordinarily employed in the mine or out of the same.

(g) In any case in which any explosive is used—

(1) Under the next preceding sub-head, or

~~(1) Under the next preceding sub-head~~

(2) Unless exempted by the Provincial Inspector, no shot shall be fired except by a person holding a certificate as a shotlighter under this Act.

(h) If the Inspector, together with any person experienced

in the composition and use of explosives whom he associates with himself for the purpose, reports that any explosive is free from danger, the Minister may order that the provisions of sub-head (d) shall not apply to such explosive until such time as such order is revoked.

(e) In the application of this rule to any mine which is divided into districts in such a manner that each district has an independent intake and return air-way from the main air-course and the main return air-course each of such districts shall be considered a separate mine.

Water and  
bore holes.

RULE 9. Where a place is likely to contain a dangerous accumulation of water the working approaching such place shall not exceed eight feet in width or height, and there shall be constantly kept at a sufficient distance, not being less than five yards in advance, at least one ~~bore~~ bore-hole near the centre of the working and sufficient flank bore-holes on each side.

Signals and  
man-holes  
on planes  
worked by  
machinery.

RULE 10. Every underground plane on which persons travel which is self-acting or worked by an engine, windlass or gin, shall be provided (if exceeding thirty yards in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case, at intervals of not more than twenty yards, with sufficient man-holes for places of refuge, and every back or counter-balance used for raising or lowering coal or other minerals, if exceeding thirty yards in length, unless exempted in writing by the Inspector, shall be provided with some proper means of communicating distinct and definite signals between the lower end and between the entrance of every working place thereon for the time being in work, and the upper end thereof.



Man-holes  
for other  
travelling  
roads

RULE 11. (1) Every road on which persons travel underground where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof ~~over any part thereof~~, and where the load is drawn by a horse or other animal, shall be provided, where there is not standing room of at least two feet, of intervals of not more than twenty-five yards, with sufficient man-holes or with places of refuge and every such place of refuge shall be of sufficient length and of at least three feet in width between the mine cars running on the tramroad and the side of such road.

(2) Where the load is drawn by machinery or other mechanical appliances at a speed exceeding two miles per hour and there is not standing room of at least two feet, there shall be provided at intervals of not more than twenty yards sufficient man-holes or places of refuge, and every such place of refuge shall be of sufficient length and of at least three feet in width between the mine cars running on the tramroad and the side of such road.

(3) Whenever in the opinion of the Inspector the precautions required by this rule with respect to roads ~~over~~ which the produce of the mine is drawn by machinery or other mechanical appliances are not sufficient for the safety of the men travelling thereon, he may require the owner, agent or manager of such mine to provide a separate travelling road.

Man-holes  
to be  
kept  
clear,

RULE 12. Every man-hole and every place of refuge shall be constantly kept clear and frequently white-washed and no person shall place anything in a man-hole or place of refuge so as to prevent access thereto.

Old shafts,  
&., to be  
fenced

RULE 13. The top of every shaft which for the time being is out of use, or used only as an air-shaft shall be kept securely fenced.

- Working, &.,  
shafts to  
be fenced,
- Shafts to be  
secured,
- Roof and  
sides to be  
secured,
- Signalling  
on working  
shafts,
- Overhead  
cover in  
shaft,
- Chains,
- RULE 14. The top and all entrances between the top and bottom of every working, ventilating or pumping shaft shall be properly fenced; but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations if proper precautions are used.
- RULE 15. Where the natural strata are not safe every working or pumping shaft shall be securely cased, lined or otherwise made secure.
- RULE 16. The roof and sides of every travelling road and working place shall be made secure, and a person shall not, unless appointed for the purpose of exploring or repairing, travel or work in any such travelling road or working place which is not so made secure.
- RULE 17. Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons shall, if exceeding fifty yards in depth, and not exempted in writing by the Inspector, be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in work, between the surface and the bottom of the shaft to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface and the bottom of the shaft.
- RULE 18. A sufficient cover over head shall be used for every cage or tub employed in lowering or raising persons in any working shaft, except where the cage or tub is worked by a windlass, or where persons are employed at work in the shaft, or where a written exemption is given by the Provincial Inspector.
- RULE 19. A single link chain shall not be used for lowering persons in any working shaft or place except for the short coupling chain attached to the cage or load.

Prevention  
of ropes  
slipping  
on drum,

RULE 20. There shall be on the drum of every machine used for lowering or raising persons such flanges or horns and also, if the drum is conical such other appliances as are sufficient, to prevent the rope from slipping.

Brake and  
Indicator,

RULE 21. There shall be attached to every machine worked by steam, water or mechanical power, and used for raising or lowering persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope) showing the person who works the machine the position of cage or load in the shaft.

Boys not to  
be employed  
about hoisting  
machinery

RULE 22. (1) Where there is a shaft, an incline plane or level in any mine, whether for the purpose of an entrance to such mine or of a communication of one part to another part of such mine and persons are taken up or down or along such shaft, plane or level by means of any engine, windlass or gin driven or worked by steam or any mechanical power, or by an animal or by manual labour a person shall not be allowed to have charge of such engine, windlass or gin or of any part of the machinery, ropes, chains or tackle connected therewith unless

he is a male person of at least eighteen years of age.

(2) Where the engine, windlass or gin is worked by an animal, the person under whose direction the driver of the animal acts shall for the purpose of this rule

be deemed to be the person in charge of the engine, windlass or gin, but such driver shall not be under fourteen years of age; but ~~the~~ provisions of ~~this~~ rule shall not apply to operations known in mines as counter or back balances.

Machinery  
to be  
fenced,

RULE 23. Every fly wheel and all exposed and dangerous parts of the machinery used in or about the mine shall be kept securely fenced.

Gauges and  
safety  
valves on  
boilers,

RULE 24. Every steam boiler shall be provided with a proper steam gauge and water gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety valve.

Ladders,

RULE 25. A ladder permanently used for the ascent or descent in the mine shall not be fixed in a vertical or overhanging position, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows; and every such ladder shall have substantial platforms at intervals of not more than twenty yards.

Dressing-  
rooms,

RULE 26. If more than twenty persons are ordinarily employed in the mine below ground, sufficient accommodation shall be provided, ~~and~~ not in the engine house or boiler house, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Shafts  
for  
work people  
to be fenced,

RULE 27. Where one portion of a shaft is used for the <sup>and</sup> ascent ~~or~~ descent of persons by ladders or otherwise, and another portion is used for raising the material gotten in the mine, the first mentioned portion shall be either cased or otherwise securely fenced off from the last mentioned portion, or no person shall be permitted to travel in the shaft when the shaft is working.

Wilful  
damage,

RULE 28. No person shall wilfully damage, or without proper authority remove or render useless, any fence,

fencing, casing, lining, guides, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve or other appliance or thing provided for any mine in compliance with this Act.

Directions  
to be ob-  
served,

RULE 29. Every person shall observe such directions with respect to working as are given to him with a view to comply with this Act, or the special rules in this Act provided for..

RULE 30. A competent person or persons, who shall be appointed for the purpose shall once at least in every twenty-four hours examine the state of the external parts of the machinery and the state of the headgear, working places, levels, planes, ropes, chains and other works of the mine which are in actual use, and once at least in every week shall examine the state of the shafts by which persons ascend or descend, and the guides or conductors therein, and make a report of the same in a book kept at the mine.

Props,

RULE 31. In any mine whenever required by the District Inspector, the coal, during the operation of holing or under-cutting, shall be supported by coal or wooden props, under the direction of a person appointed for that purpose.

Inspectors  
may be  
appointed  
by work-  
men,

RULE 32. The persons employed in a mine may from time to time appoint two of their number to inspect the mine at their own cost, and the persons so appointed shall be allowed once at least in every month, accompanied, if the owner, agent or manager of the mine thinks fit, by himself or one or more of the officers of the mine, to go to every part of the mine, and to inspect the shafts, levels, planes, working places, return airways, ventilating apparatus, old workings and machinery, and shall be

afforded by the owner, agent or manager and all persons in the mine every facility for the purpose of such inspection and shall make a true report of the result of such inspection, and such report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the persons ~~who made~~ the same.

Committee  
of inquiry  
in case of  
accident,

RULE 33. The employees at any mine may appoint a committee, chosen from among themselves to examine the seat of an accident resulting in death or injury to persons.

Ambulances,

RULE 34. Properly constructed ambulances or stretchers with splints and bandages shall be kept at the mine where more than twenty men are employed ready for immediate use in case of accident.

Using barom-  
eter and ther-  
mometer when  
gas found,

RULE 35. After dangerous gas has been found in any mine a barometer and a thermometer shall be placed above ground in a conspicuous position near the entrance to the mine.

Penalty,

36. Every person who contravenes or does not comply with any of the general rules in this section shall be guilty of an offence against this Act, and in the event of any contravention of or non-compliance with any of the general rules in the case of any mine by any person whomsoever, being proved, the owner, agent and manager shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance by publishing and the best of his power enforcing the said rules, ~~as regulations for the working of the mine.~~

#### SPECIAL RULES.

Special  
Rules,

~~The~~ The owner, agent or manager of any mine may, if he thinks fit transmit to the Provincial Inspector for approval by the Minister, rules (referred to in this chapter as special rules) for the conduct and guidance of the persons acting in the management of such mine or

employed in or about the ~~mine~~ same as, under the particular state and circumstances of such mine, appear best calculated to prevent dangerous accidents, and to provide for the safety and proper discipline of the persons employed in or about the mine.

(2) Such special rules when approved by the Minister or if not objected to by him within forty days after the receipt of them by the Provincial Inspector, and shall be observed in and about every mine in the same manner as if they were enacted in this Act.

(3) If any person who is bound to observe the special Rules established for any mine acts in contravention of fails to comply with any of such special rules, he shall be guilty of an offence against this Act, and also the owner, Agent or manager of such mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance by publishing and to the best of his power enforcing such rules, ~~as regulations for the working of the mine~~

Special  
Rules, how  
established,

The proposed Special Rules referred to in the first subsection of the preceding section shall be sent to the Provincial Inspector in duplicate and signed by the owner, Agent or Manager.

How modified.

~~(1)~~ If the Minister is of the opinion that the proposed Special Rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine or for the safety or convenience of the persons employed in or about the mine, or are unreasonable, he may within forty days after the rules are received by the Provincial Inspector, object to the rules, and propose to the owner, agent or manager in writing any modifications in the rules by way either of omission, alteration, substitution or addition.

(2) If the owner, agent or manager does not within twenty days after the modifications proposed by the Minister are received by him, object in writing to them, the proposed Special Rules with such modifications shall be in force.

( 3 ) If the owner, agent or manager sends his objection in writing within the said twenty days to the Minister the matter shall be referred to the Lieutenant Governor\*in\*Council; and the rules shall be established as settled by an order of the Lieutenant Governor\*in\* Council.

How amended.

After Special Rules are in force & under this Act in any mine the owner, agent or manager of such mine may from time to time propose in writing to the Provincial Inspector for the approval of the Minister any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original Special Rules \_\_\_\_\_



shall apply to all such amendments and new rules in like manner ~~as~~ nearly as may be, as they apply to the original rules.

~~NY~~ The Minister may from time to time propose in writing to the owner, agent or manager of a mine in which there are no special rules, and to the owner, agent or manager of a mine in which there are ~~no~~ special rules any such special rules or any amendments of the special rules in force in such mine as he may think proper and the provisions of this Act with respect to the original ~~special~~ special rules shall apply to all such proposed special rules and amendments in like manner as nearly as may be.

(2) Copies of this Act shall for the purpose of this section be supplied free of charge to the owner, agent or manager of any mine who applies for the same.

(3) Copies of any special rules in force in any mine shall be furnished ~~under this section~~ at the expense of the owner, agent or manager and posted up in legible characters in some conspicuous place at or near the mine where they may be conveniently read by the persons employed, and so often as the same become defaced, obliterated or destroyed, ~~shall cause them to~~ be renewed with all reasonable despatch.

(4) Any owner, agent or manager who fails to comply with this section shall be guilty of an offence against this Act, unless he proves that he has taken all reasonable means by enforcing the observance of this section to prevent such non-compliance.

Certified copy  
to be  
evidence,

The Provincial Inspector shall when required certify a copy which is shown to his satisfaction to be a true copy of any special rules which for the time being are in force under this Act in any mine; and a copy so certified shall be conclusive evidence of such rules, and of the fact that they have been signed by the Provincial Inspector and brought into force under this Act.

NOTICES.

Notices,  
how  
served.

All notices required by this Act shall be in writing or print, or partly in writing and partly in print; and all notices and documents required by this Act to be served or sent to the ~~Deputy~~ Minister or Provincial Inspector, may be either delivered personally or sent addressed to them at the Public Works Department ~~per~~ prepaid registered letter, and all notices and documents required by this Act to be served or sent to the District Inspector may be either delivered personally or sent by prepaid registered mail addressed to the last known place of abode of the District Inspector, and all notices and documents required by this Act to be sent by the Minister, Provincial or District Inspectors may be either served personally ~~before~~ the parties affected thereby or sent by prepaid registered mail to their last known place of abode, <sup>such notices</sup> and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and put into the post.

PENALTIES.

Penalty upon  
persons other  
than owner,  
agent or  
manager.

Every person employed in or about a mine other than an owner, agent or manager, who is guilty of any act or omission which in the case of an owner, agent or manager would be an offence against this Act,

General  
penalty for  
offences by  
owner, agent  
or manager.

Every owner, agent or manager, pit boss or fire boss who is guilty of an offence against this Act shall be liable to a penalty not exceeding eighty dollars.

(2) If such offence is committed or continued after notice thereof given by the Inspector, a further penalty

of five dollars for each violation or for each day that such violation continues after such notice, shall be imposed.

For off- Every person other than an agent, owner, manager, pit  
ences by boss or fire boss who is guilty of an offence against this  
other per- sons, Act shall be liable to a penalty of eight dollars.

Prose- No prosecution shall be instituted against any owner,  
cutions, agent, manager or pit boss for an offence against this Act,  
who may institute, except, —

- (a) By the Provincial Inspector, or
- (b) With the consent in writing of the Minister, or
- (c) By some person appointed by the Minister.

Employment If it appears that a boy was employed on the represent-  
of boy, ex- ation of his parent or guardian that he was of the age at  
emption in case of bona fide belief, which his employment would not be a contravention of this  
fide belief, Act, and under the belief in good faith, that he was of such  
age, ~~the~~ owner, agent or manager ~~of the mine~~ shall, not-  
withstanding the boy was not of age, be exempt from any  
penalty in respect to such employment, and the parent or  
guardian shall, for the misrepresentation, be deemed guilty  
of an offence against this Act.

Reasonable In any prosecution or other proceeding against an  
Precaution, owner, agent, manager, pit boss or fire boss for an offence  
defence of, against this Act, such owner, agent, manager, pit boss or  
fire boss shall be discharged, if he proves —————

to the satisfaction of the tribunal~~y~~ before which the same is tried~~y~~ that he took all reasonable means to prevent the commission of such offence.

Limitation of  
time

Any complaint or suit made or brought in pursuance of this Act shall be made or brought within six months from the time when the matter of such complaint or suit came to the knowledge of the prosecutor.

Application  
of penalties

When a penalty is imposed under this Act for neglecting to send a notice of any explosion or accident or for any offence against this Act which has occasioned loss of life or personal injury, the Minister may (if he thinks fit) direct such penalty to be paid to or distributed among the persons injured and the relatives of any persons whose death has been occasioned by such explosion, accident or offence, or among some of them, ~~provided that such persons did not in his opinion occasion or contribute to occasion the explosion or accident, and did not commit and were not parties to the commission of the offence.~~

Payment  
to  
Province

Except as in this Act otherwise provided, all penalties imposed in pursuance of this Act shall when collected from or paid by the person liable therefor ~~from~~ part of the General Revenue fund of the Province.

~~When a person who is an owner, agent or manager~~

~~default, or personal negligence of the persons accused each~~  
 persons shall be liable if the Court of Justice is  
 of opinion that a pecuniary penalty will not meet  
 the circumstances of the case to imprisonment with  
 or without hard labour for a period not exceeding  
~~three months.~~

Offences against this Act may ~~be~~ tried in a  
 summary way by a Justice of the Peace or by a police  
 Magistrate or by any person or court having the  
 powers of authority of a Justice of the Peace or of  
 a Police Magistrate and the provisions of part LVIII.  
 of the Criminal Code 1892 shall apply to the pro-  
 ceedings under this Act; and the forms to be used in  
 such proceedings shall be framed as nearly as may be  
 in accordance with said part LVIII.

#### INFORMATION FOR MINISTER.

Information  
 to be  
 supplied  
 Minister.

The owner, agent or manager of every mine shall  
 at any time when required by the Minister send to  
 the Minister such information and facts relating  
 to his mine as may be asked for.

#### REGULATIONS AND FORMS.

Power to  
 make new  
 regulations

The Lieutenant Governor in Council may from time  
 to time make such additional regulations and pres-  
 cribe such forms as may be deemed necessary for  
 the proper carrying into effect of the provisions  
 of this Act.

## ( S C H E D U L E    I A. )

FORM OF NOTICE OF EXPLOSION OR ACCIDENT TO BE SENT TO  
MINISTER OF PUBLIC WORKS AND INSPECTOR OF MINES.

Name of Mine \_\_\_\_\_

Date \_\_\_\_\_

To the ~~Provincial Inspector of Mines.~~

Edmonton, Alberta, or to the District Inspector, (If  
to the District Inspector insert the last known place of abode  
of such Inspector).

In pursuance of "The Coal Mines Act" I beg to give  
you notice that an explosion ( or accident) has occurred at  
this mine, of which the following are the particulars:

Name \_\_\_\_\_

Occupation \_\_\_\_\_

Age \_\_\_\_\_

Date of Accident \_\_\_\_\_

Time " " \_\_\_\_\_

Place of " \_\_\_\_\_

Cause " " \_\_\_\_\_

Date of first employment \_\_\_\_\_

Nature of injuries \_\_\_\_\_

Where pit boss and fire boss

were at time of accident \_\_\_\_\_

I am, Sir,

Your obedient servant,

(Signature.)

1906

B I L L

Preamble.

Bill to incorporate

Whereas, a petition has been presented that it be enacted 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:

Head Office.

2. The head office of the Company shall be at  
province of Alberta.

Provisional  
directors  
powers.

3. The persons above named are hereby constituted the provisional directors of the Company and of them a majority shall be a quorum and they shall hold office until the first election of directors and may forthwith open stock books and procure subscriptions of stock for the undertaking and receive payments on account of stock subscribed,  
and

and cause plans and surveys to be made.

Capital stock.

4. The Capital stock of the Company shall be divided into shares of        each, and may be

Calls

called by the directors from time to time as they may deem necessary, but no one shall exceed ten per cent. on the shares subscribed.

First meeting  
of shareholders.

5. As soon as twenty-five per cent. of the capital stock has been subscribed, and ten per cent. of the amount subscribed paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders at such time as they think proper, at which meeting the shareholders who have paid all calls shall elect three or more directors, not exceeding nine.

Notice of

6. At least four weeks' notice of such meeting shall be given by advertisement published once a week for four successive weeks in the Alberta Gazette, and in at least one newspaper published in

Voting

7. Each shareholder shall be entitled to a number of votes, proportionate to the number of shares held by him, and may vote either in person or by proxy.

DIRECTORS.



Interested  
director may  
not vote.

8. No person who holds any office of profit in, or who is interested in any contract with the Company, or is surety for any Contractor with the Company shall be capable of voting on any matter touching such office of profit, contract or contractor, and shall, as soon as such office exists or such contract is made, forthwith make full disclosure of his interest therein or in respect thereof.

Powers of  
directors

9. The directors shall have power to make bylaws concerning the business of the Company consistent with this Act and with the laws in force in the Province of Alberta.

#### SHARES.

The company not  
bound to see to the  
execution of  
trusts.

10. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or security issued by it is subject, whether or not the Company has had notice of the trust.

11.

Powers given  
to enter upon  
lands.

12. The Company may, for the purposes of the  
said railway and so far as it is within the  
jurisdiction of the Province to grant such powers:

(a) Enter into and upon any lands held by the Crown  
in the right of the Province, without previous  
license therefor, or into and upon the lands of  
any person whomsoever lying in the intended route  
or line of the railway; and make surveys, examin-  
ations and other necessary arrangements on such  
lands for fixing the site of the railway;

Acquire and  
dispose of  
property

(b) Purchase, take and hold of and from any person,  
any lands or other property necessary for the  
construction, maintenance or operation of the rail-  
way, and also alienate any lands or property which  
for any reason have become unnecessary for the said  
purposes;

Carry railway  
across lands.

(c) Make, carry or place the railway across or  
upon the

upon the lands of any person on the located line of the railway;

Cross and connect with other railways (d) Cross any railway or join the railway with any other railway, subject to the provisions of the laws in force in that behalf;

Construct buildings and equipment (e) Construct, erect and maintain all necessary and convenient roads, buildings, stations, wharves, docks, elevators, and other structures, and construct bridges and acquire any chattels necessary or useful for the business of the railway;

Remove trees. (f) Fell or remove any trees which stand within one hundred feet from either side of the right of way of the railway;

Construct aqueducts, etc. (g) With the consent of the Minister of Public Works and subject to such conditions as he may impose, make or construct, in, upon, across, under or over any river, stream, watercourse, canal or highway, temporary or permanent tunnels, aqueducts, bridges, roads, ways or other erections necessary or useful for the purposes of the railway;

Divert highways and waterways (h) Subject as aforesaid, divert or alter, as well temporarily as permanently, the course of any stream, watercourse or highway, or raise or sink the level thereof;

(i)

Make drains. (i) Subject as aforesaid, make drains or conduits into, through or under any lands adjoining the railway for the purpose of conveying water from or to the railway;

Construct telegraph, telephone and electric lines (j) For the purposes of the better operation of its undertaking, construct, acquire and use telegraph, telephone or electric lines and plant;

Do other necessary acts (k) Do all other things necessary for the construction, maintenance and operation of the railway.

Companies to make compensation 13. The Company shall in the exercise of such powers do as little damage as possible and shall make full compensation to all parties interested for all damage by them sustained.

#### LOCATION OF LINE.

Map 14. The Company shall prepare a plan on a scale of not less than six miles to the inch showing the location of the proposed line of railway and shall submit the same together with a profile and book of reference to the Minister of Public Works in duplicate.

Application for approval of

Approval (2) Before approving such location the Minister of Public Works may require such additional information as he sees fit and may make such changes and alterations in the location as he may deem expedient,

expedient, and upon being satisfied therewith shall signify his approval on such plan, profile and book of reference.

Plan, profile  
and book of  
reference

(3) Upon the Minister of Public Works signifying his approval as aforesaid, the Company shall deposit with the Registrar of the Land Registration District in which the lands lie such plan, profile and book of reference of the railway.

Plan

(4) The plan shall show the right of way, with lengths of sections in miles, the names of terminal points, the station grounds, the property lines, owners' names, the areas, lengths and widths of the lands proposed to be taken, in figures (every change in width being given), and the bearings, also all open drains, watercourses, highways and railways proposed to be crossed or affected.

Profile

The profile shall show the grades, curves, highways and railway crossings, open drains and watercourses.

Book of reference

The book of reference shall describe the portion of land to be taken in each lot to be traversed, giving the number of the lots and the area, length and width of the portion thereof proposed to be taken, and the names of owners and occupiers so far as they can be ascertained.

May be of section (5) The plan, profile and book of reference may be of railway.

of a section or sections of the railway.

Errors in documents not to affect construction

15. The railway may be made, carried or placed across or upon the lands of any person on the located line, although the name of such person has not been entered in the book of reference, through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or as interested in such lands.

16. Any deviation from the line of railway, as shewn upon such map, exceeding three hundred feet, shall require the approval of the Minister of Public Works, and before such approval a plan, profile and book of reference shall be submitted to the Minister as provided in subsection 1 of Section        and such plan, profile and book of reference shall, after such approval, be registered as required by Subsection 3 of the said Section.

#### TAKING OR USING LANDS.

Crown lands

17. The Company may, with the approval of the Lieutenant Governor in Council first obtained, take or use any lands vested in the Crown in the right of the Province.

Extent of land  
which may be  
taken

18. The Company may, without the consent of the  
the  
owner of any lands, take for/right of way a  
strip not exceeding one hundred feet in breadth,  
except where the rail-level is, or is to be, more  
than five feet above or below the surface of the  
adjacent land, when such additional width may be  
taken as shall suffice to accomodate the slope and  
side ditches;

For stations, etc. (2) For stations, depots and yards, with all  
matters incidental thereto, a strip not exceeding  
one mile in length by five hundred feet in breadth  
including the width of the right of way.

Provided, that if in/<sup>any</sup>case the Company obtains  
the approval of the Lieutenant Governor in Council,  
such further land may be taken as may be deemed  
proper, subject to such conditions as the Lieutenant  
Governor in Council may impose.

19. The Company shall not be entitled to any mines  
or metals, coal, slate, mineral oils or other  
minerals in or under any lands acquired by it,  
except only such parts thereof as are necessarily  
dug, carried away or used in the construction of  
the works unless the same have been expressly  
purchased, and all such mines and minerals. except  
as aforesaid

as aforesaid, shall be deemed to be excepted from the conveyance of such lands unless they have been expressly named therein and conveyed thereby.

Using adjoining lands.

20. The Company, for the purpose of constructing the railway, may enter upon any land distant not more than six hundred feet from the centre of the located line, and may occupy the land as long as necessary for the purposes aforesaid, subject to the provisions of this Act with regard to compensation,

21. No owner, lessee or occupier of any mines under the railway or any of the works connected therewith or within forty yards therefrom, shall work the same until leave therefor has been first obtained from the Minister of Public Works.

(2) Upon any application for such leave, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby and of the mining works of the plant proposed to be constructed or operated affecting the railway giving all reasonable and necessary information and details as to the extent and character of the same.

(3) The Minister of Public Works may grant such application



such application upon such terms and conditions as to the protection and safety of the public as he may deem expedient, and may order such other works to be executed or measures taken as under the circumstances appear best adapted to remove or diminish the danger arising or likely to arise from such mining operations.

22. Whenever stone, gravel, earth, sand or other material required for the construction, maintenance or operation of the railway is situate not more than six miles from the railway, the Company may lay down necessary tracks, spurs and branch lines for the purpose of conveying such stone, gravel, earth or other material to the railway, and may for this purpose acquire the land necessary for such tracks, spurs and branch lines, and also the lands upon which stone, gravel, earth sand or other material is situate, for a term of years or otherwise, subject to the provisions of this Act with regard to compensation.

23. The Company shall not be responsible for the disposition of any purchase money for the lands taken by it if paid to the owner of such lands or into Court for his benefit.

24.

Contracts for  
purchase of  
lands.

24. Any contract or agreement to convey lands, either before or after the deposit of the plan, profile and book of reference, or before or after the setting out and ascertaining of the lands required, shall be binding at the price agreed upon for the said lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has in the meantime become the property of a third person.

25. After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the Registrar of the Land Registration District in which the lands lie, and after notice thereof has been given in every newspaper published within twenty miles from any point on the said railway, but not exceeding in any event five in number, the railway may make contracts or agreements with the owners of such lands or may serve upon the owners thereof a notice containing:

(a) A description of the lands to be taken or the powers to be exercised with regard to any lands, and describing the lands.

(b) A declaration of readiness to pay some  
certain sum

certain sum as compensation for such lands or for damages.

(2) The date of such agreement or of the service of such notice or of the order of the Judge mentioned in Section        shall be the time with reference to which any compensation or damages are to be ascertained.

Notice to be  
accompanied by  
certificate

26. The notice to be served shall be accompanied by the certificate of a Dominion Land Surveyor or an engineer who is a disinterested person, and shall state that the land is required for the purposes of the railway;

That he knows the land and the amount of damage likely to arise from the exercise of the powers;

That the sum offered is in his opinion a fair compensation for the land and damages.

27. In the following Sections the expression "Court" shall mean such Superior Court as may be exercising jurisdiction within the Province, and the expression "Judge" shall mean a Judge of such Court.

28. If the opposite party is absent from the district in which the lands lie, or is unknown, an application for service by advertisement may be made to a

made to a Judge upon affidavit of some officer of the Company that the said party cannot after diligent inquiry be found, and the Judge shall order a notice as is in Section 26 mentioned, but without the surveyor's certificate, to be inserted three times in the course of one month in such newspaper as the Judge may direct.

Failure to  
accept after  
service of  
notice

29. If, within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the Company that he accepts the sum offered by it, the Judge shall, on the application of the Company, six days notice of which shall be given to the opposite party, appoint a person to be sole arbitrator to determine the compensation to be paid as aforesaid; provided that three arbitrators may be appointed.

Arbitrators to be  
sworn, award  
final

30. The arbitrators or the sole arbitrator shall be sworn faithfully and impartially to perform their duties, and their award, or the award of any two of them, if there are three, shall be final and conclusive.

Increased value  
of <sup>all</sup> lands to be  
considered

31. Upon such arbitration the increased value common to all lands in the locality, which will be given to

be given to any lands through or over which the railway will pass, by reason of its passage or construction, shall be set off against the damage suffered in the individual case.

Costs of arbitration.

32. If a sum exceeding that offered by the Company is awarded, the costs of the arbitration shall be borne by the Company, but if otherwise, by the opposite party, and may in either case be taxed by the Judge.

Examination of witnesses.

33. The arbitrators or arbitrator may examine such witnesses as appear before them on oath, and may require the attendance of any person and the production of any books, papers or documents, and answers to such inquiries as he or they think fit to make.

Evidence to be reduced to writing and transmitted to the clerk of the Court

34. The evidence in any arbitration shall be taken in writing and the depositions sent by registered letter to the clerk of the Superior Court of the Province at Edmonton.

Awards not to be invalidated by technical objections

35. No award shall be invalidated by reason of any want of form or any technical objection if the requirements of this Act have been substantially complied with.

When possession may be taken by Company.

36. Upon payment or legal tender of the compensation awarded, or agreed upon, to the person

person entitled to receive the same, or upon the payment into Court thereof, the Company shall have power forthwith to take possession of the lands, and if any opposition is made by any person to its doing so the judge may, upon proof to his satisfaction of the facts issue his warrant to the sheriff having jurisdiction in the District to put down such opposition and put the Company into possession, and the said sheriff shall take with him sufficient assistance for the purpose and shall put down such opposition and put the Company into possession.

When forcible resistance is offered.

Warrant for immediate possession.

37. Such warrant may also be granted by a Judge without any award or agreement, on affidavit to his satisfaction that the immediate possession of the lands, or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the Company is ready to proceed.

Notice of

38. No such warrant as in the last preceding section mentioned shall be granted except upon ten days notice in writing to the owner of the land and the deposit by the Company in Court of a sum not less than fifty per cent. above the amount mentioned in the notice served under section 32 hereof.

32 hereof.

Payment of  
compensation  
into Court

39. The Company may in any proper case, without action, by leave of a judge, pay the compensation, or any part thereof, into court.

Notice of  
payment in

40. Notice of any such payment into court shall be given as the judge may direct, and the costs of any such proceeding shall be in his discretion.

Compensation to  
stand instead  
of lands.

41. The compensation for any lands taken without the consent of the owner shall stand in the stead of such lands.

42. The Company shall make crossings for persons across whose lands the railway is carried, with necessary gates not less than 16 feet in width convenient and proper for crossing the railway for farm purposes.

43. The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use, and in crossing with live stock the same shall be in charge of some competent person who shall use all reasonable care and precaution to avoid accidents.

(2) No person whose cattle are killed or injured by any train owing to the nonobservance of this Section shall have any right of action against the Company in respect to the same being so killed or

killed or injured.

44. The Company shall erect and maintain upon each side of the railway fences of the minimum height of four feet six inches and any gates therein for farm crossings shall be swing gates and shall be of the <sup>minimum</sup> height aforesaid.

45. The Company shall also erect and maintain cattle guards on each side of the highway at every highway crossing at rail level. The railway fences at every such crossing shall be turned into the respective cattle guards on each side of the highway.

46. Such fences, gates and cattle guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway.

Limitation of  
powers

47. If the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon, within two years from the passing of this Act, or if the railway is not finished and put in operation within five years from the passing of this Act, the powers conferred upon the Company shall cease and be null and void with respect to so much of the railway as remains then uncompleted.



48. The Company shall, within six months from the passing of this Act, deposit with the Minister of Public Works the following documents:-

1. A map or plan upon the scale of not less than half an inch to the mile, showing the location upon which it is intended to construct the proposed work, and showing also the lines of existing or authorized works of a similar character within or in any way affecting the district or any part thereof which the proposed work is intended to serve, and such map or plan shall be signed by the engineer or other party making the same.

2. A book or reference in which shall be clearly set out the following information in separate schedules, viz:

SCHEDULE A. The name of each municipality within which the proposed works, or any part thereof, are intended to be constructed.

The population of each such municipality as returned by the next preceding census, and the ratable value of the property within such municipality as returned by the next preceding assessment roll in force.

SCHEDULE B. A general description of the nature, extent and proposed character of the contemplated

contemplated works, and an estimate of the probable cost thereof, distinguishing the general items of construction and the cost thereof respectively, as well as the nature, extent and probable cost of all engine and car stock or other outfit or equipment necessary to the use and operation of the railway, such schedule to be signed by the engineer or other person preparing the same.

SCHEDULE C. An exhibit showing the total amount of the capital proposed to be raised for the purposes of the undertaking, and the manner in which it is proposed to raise the same.

SCHEDULE D. An estimate of the probable revenues of the proposed undertaking, showing the sources whence the same are expected to be derived, the annual earnings therefrom respectively, the probable annual cost of operation or working expenditure, and the annual net revenue applicable to the payment of interest on the proposed investment.

Such schedules to be signed by the person preparing the same.

3. If default is made in filing the said documents, the powers of the Company hereby granted

granted shall cease as to such portions of the road with respect to which the same are not filed.

Company and railway to be subject to provisions of general railway act.

49. The Company hereby incorporated and the railway hereby authorized to be constructed shall be subject to the provisions of any general Act respecting railways which may hereafter be passed by the Legislature of the Province of Alberta, as well with respect to matters not referred to herein, and with respect to such matters until such general Act respecting railways shall have been passed by the said Legislature, the said Company and railway shall be subject to and governed by any rules, regulations, conditions or stipulations contained in any order of which the said Company or railway shall have received notice of the Lieutenant Governor in Council which may hereafter be passed either with respect to the said Company or railway or with respect to railway companies and railways generally, in so far as such rules, regulations, conditions and stipulations do not conflict with the provisions of this Act.