

Bill No. 49 of 1945.

A BILL TO REGULATE THE WORKING OF COAL
MINES.

NOTE.

The new Act proposed by this Bill is limited to the operation of coal mines and many of the sections are changed accordingly. There are other changes but only the more important ones are referred to in this note.

By section 5 provision is made for inspection of the mine by the District and Electrical Inspector and for the posting of his report.

By section 6 the Inspector is given power to examine any report book, document, instrument, lamp, or anything he may require and the Electrical Inspector is given authority to make inquiries, etc.

By section 7, where there is an accident, the inspector is given power to take possession of any report, book, document, instrument, lamp or any other thing provided he gives a receipt for it and leaves it in the possession of the nearest detachment of the Royal Canadian Mounted Police where the owner or manager may have access to it at any reasonable time.

By section 11, provision is made before employment for a medical examination both as to physical condition and eyesight, and for a Certificate to be furnished in a satisfactory form to the Workmen's Compensation Board.

By section 12 the age for employment has been increased from seventeen to nineteen years and, in the case of a person in charge of a hoisting engine, to twenty-one years. No female may be employed about a mine unless in a clerical or domestic position.

Section 41 deals with a Certificate of Competency as a mine electrician.

By section 49 provision is made permitting an electrician, mechanic, pipe fitter or any skilled employee repairing coal-cutters, machinery, cables, motors or other equipment at the working face when the mine is in normal operation without being the holder of a Class A miner's certificate. In all other cases he must be accompanied by a person who is the holder of a first, second or third class certificate.

Section 51 requires that a person to act as a mine electrician must be the holder of a certificate as a mine electrician

and, in the case of mines using electrical energy not exceeding thirty kilowatts, the Chief Inspector may under certain circumstances grant a provisional certificate.

Section 58 restricts the manager of any mine, other than a small mine, from acting in the same mine in any other capacity unless specifically authorized in writing by the Chief Inspector.

By section 59 it is provided that no person can act as manager of more than one mine at the same time unless he has the permission of the Chief Inspector and the mines are operated by the same owner.

By section 61, in all mines other than a small mine, the overman is prohibited from performing the ordinary duties of an examiner or shot-lighter, except with the written approval of the District Inspector.

By section 74 provision is made for the demonstration of explosives for blasting by a person who is not the holder of a third class certificate, provided he is accompanied by or under the direction of a first, second or third class certificated man.

By section 75 it is provided that every report to be recorded in a book must be countersigned by the manager within three working days from the day on which the report is made.

Section 84 provides that the maximum number of men allowed to ride in a cage has to be approved by the District Inspector.

By section 90 it is provided that the rope used on cylindrical drums must be examined every six months instead of three months and the safety factor of the rope shall not be less than eight when new.

By section 107 it is provided that where the Minister asks for the surrender or cancellation of a certificate because of an infraction of the regulations, the certificate or certificates to be surrendered are those under which the official was working at the time the offence was committed and any certificate of a higher degree but does not restrict the employment of the offender in respect of any lower certificate he may hold.

By section 110 it is provided that a person taking air measurements must chalk his initials and the date of measurement.

By section 111 it is provided that no person shall brush or waft out gas from any working place in the mine.

By section 115 it is provided that where a person is required at a ventilating door, a place of refuge must be provided close to the door.

By section 121 it is provided that auxiliary or booster fans underground must be installed in such a way that there can be no re-circulation of return air within the fan.

By section 130 it is provided that any part of the mine must be considered to be in a dangerous condition if the percentage of inflammable gas in the general body of the air is two and one-half per centum or upwards.

By section 133 provision is made for retaining solid pillars in the case of overlaying accumulations of water where the area is not dewatered.

By section 140 it is provided that workmen employed in a mine must at the request of the owner, agent or manager appoint a committee to inspect the mine and the cost of such inspection must be borne by the owner.

Section 146 contains the only provision of the Act dealing with explosives, as it is the intention after consultation with the operators and the union officials to establish regulations with respect to explosives.

By section 151 provision is made for the appointment of an assistant manager who shall have the same powers and duties as a manager and be subject to the same responsibilities and liabilities as a manager.

By section 175 provision is made for the establishment by the Lieutenant Governor in Council of a code of electrical rules.

By section 181 it is provided that the Minister may authorize the Chief Inspector to grant provisional certificates where there is a shortage of experienced mine officials.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 49 of 1945.

An Act to regulate the Working of Coal Mines.

(Assented to _____, 1945.)

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 Regulation Act.*"

APPLICATION OF ACT.

2. This Act shall apply to all coal mines in the Province.

INTERPRETATION.

3. In this Act unless the context otherwise requires,—
 - (a) "Adequate Ventilation" shall mean not less than two hundred cubic feet of pure air per minute for each person, horse and mule employed in the mine and as much more as the circumstances may require;
 - (b) "Agent" means a person appointed by, or who in any way acts as a representative of the owner of any mine or group of mines;
 - (c) "Assistant manager" means the officer having control and daily supervision of any mine under the direction of the manager;
 - (d) "Bank" means the pithead or any surface entrance to a mine;
 - (e) "Board" means the Central Board of Examiners appointed pursuant to this Act for the purpose of examinations for first, second and third class certificates, mine electricians' and mine surveyors' certificates;
 - (f) "Boundary lines" means the vertical planes or lines in which the surface boundaries of the location lie;
 - (g) "Check-measurer" means a person appointed by the workmen where they are paid by the measurement of the coal or other mineral gotten by them to check the measurement of such mineral on behalf of the workmen;
 - (h) "Check-weigher" means a person appointed by the workmen where they are paid by the weight of the

coal or other mineral gotten by them, to check the weights and perform other duties in connection with the weighing on their behalf or where they are paid by the car to check the number of cars sent out of the mine;

- (i) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act;
- (j) "Detonator" shall mean any approved detonators, electrical squibs and other approved devices for detonating explosives;
- (k) "District" or "Split" means any part of a mine having an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway;
- (l) "District Inspector" means a District Inspector of Mines appointed under this Act;
- (m) "Electrical Inspector" means an electrical inspector of mines appointed under this Act and who is the holder of an electrical certificate granted pursuant to this Act;
- (n) "Examiner" means a person who is the holder of a first, second or third class certificate, appointed to inspect the working places in a mine, and the roadways and approaches thereto, and other accessible parts of a mine, and to see that such are safe before a shift is allowed to enter such working places or other parts of the mine;
- (o) "Inspector" means the Chief Inspector, Assistant Chief Inspector and the District Inspector;
- (p) "Manager" means the chief officer having control and daily supervision of any mine;
- (q) "Mine" means any mine from which coal is removed by underground mining methods and includes every place where any operations incidental to the extraction of coal by removing the over-laying strata are carried on, every shaft in the course of being sunk, every level or inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving any coal, or for the operation of same; or the shafts, levels, planes, workings, machinery, tramways, railways, sidings, both above and below ground in and adjacent to a mine and all shafts and levels and inclined planes of and belonging to a mine, but does not include open cut prospecting for coal;
- (r) "Miner" means a person employed underground at the working face in a mine to cut, shear, break or loosen coal or rock from the solid, either by hand or machinery, and possessed of a certificate of competency as such, and includes a loader and any other workman employed at the working face, and a timberman;

- (s) "Miners' Board" means the Board of Examiners appointed by the Chief Inspector under this Act to conduct examinations for miners' certificates;
- (t) "Miner's helper" means a person employed underground to work under the supervision of a miner at the working face, and must be a holder of a certificate of competency;
- (u) "Mine Surveyor" means a person appointed to survey or supervise the surveying of the workings of any mine and who is responsible for the accuracy of the plans required under this Act;
- (v) "Minister" means the Minister of the Department of Lands and Mines;
- (w) "Outlet" includes any shaft, slope, incline, tunnel, level or any other means of ingress to or egress from a mine;
- (x) "Overman" means any person in daily charge of the underground workings of any mine or any portion of a mine, next in authority to the manager, or assistant manager;
- (y) "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 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, and includes any contractor for the working of any mine or part thereof, but not so as to exempt the owner from liability;
- (z) "Plan" includes a map or section or a copy or tracing of any original map or section, certified to be a correct copy by the manager or a duly qualified Alberta Mine Surveyor;
- (aa) "Safety lamp" means not only an approved flame type safety lamp but also an approved miner's electric lamp;
- (bb) "Shaft" includes pit and means a vertical excavation through the strata which is or may be used for the purpose of ventilation or drainage, or for lowering or hoisting men or material into or from a mine, or for the ingress or egress of persons, animals or material to or from the mine or any part thereof;
- (cc) "Shot-lighter" means a person who is the holder of a first, second or third class certificate of competency under this Act, or a person who is the holder of a provisional certificate issued by the Chief Inspector, and employed by the manager to fire shots and to examine as to the safety of using and to supervise the use of explosives used in blasting;
- (dd) "Slope" or "Incline" means an excavation in the earth or strata, driven at an angle with the plane

of the horizon, which is or may be used for ventilation purposes or drainage, or the ingress or egress of men, animals or material to or from a mine;

- (ee) "Small mine" means a mine in which not more than thirty men are employed below ground in the space of a twenty-four hour day;
- (ff) "Supreme Court" means the Supreme Court of Alberta;
- (gg) "Tunnel" or "Level" means an excavation in the earth or strata driven horizontally, or at such an inclination as may be necessary, which is or may be used for drainage, ventilation or the ingress or egress of men, material or animals to or from a mine;
- (hh) "Working face" means any part of a mine from which coal, rock or other minerals are being cut, removed, sheared or loosened and includes any place on a roadway at which any brushing from the roof or floor is being done; and in relation to any long-wall operation includes all the area from the solid which is being supported for the purpose of long-wall operations;
- (ii) "Workman" means any person employed in a mine below ground who is not an official of the mine, or a fan man, cager or onsetter, stableman or pumpman, and any body of workmen whose hours for beginning and terminating work in the mine, are approximately the same, shall be deemed to be a shift of workmen.

APPOINTMENT, POWERS AND DUTIES OF CHIEF INSPECTOR, DISTRICT INSPECTORS AND OTHER INSPECTORS.

4.—(1) The Lieutenant Governor in Council may from time to time,—

- (a) appoint a person who is the holder of a first class certificate of competency under this Act, to be the Chief Inspector of Mines and prescribe his duties and fix his remuneration;
- (b) appoint any persons who hold first class certificates of competency under this Act, as District Inspectors of Mines, and may define the district within which any such person is to act, prescribe his duties and fix his remuneration;
- (c) appoint any person who is the holder of a first class certificate of competency under this Act as Deputy Chief Inspector, a Deputy District Inspector or as an assistant to the Chief Inspector or to a District Inspector, and may define the district within which he is to act, prescribe his duties and fix his remuneration;
- (d) appoint one or more inspectors of the electrical equipment of mines and prescribe the qualifications, duties and remuneration of any such inspector.

(2) Notice of every such appointment shall be published in *The Alberta Gazette*.

(3) No person appointed in any capacity pursuant to this section shall, so long as his appointment continues, act as a mining engineer or a manager, viewer, agent or valuer of mines.

(4) The Minister may at any time appoint a mining engineer or other person of scientific or special attainment or practical experience to make a special investigation upon any mining operations so far as they relate to the safety of life and property in any mine and to make a report thereof to the Minister, and the person so appointed shall have the same right of entry into the mine and access to such plans and records as are conferred upon an inspector by this Act, and the Minister may cause any such report to be made public at such time and in such manner as he thinks expedient.

5.—(1) Every inspector appointed under section 4 shall visit every mine in his district as often as his duties permit and the exigencies of the case require.

(2) Every inspector unless he is the Chief Inspector, shall make an annual report of his proceedings during the preceding year to the Chief Inspector.

(3) Immediately after completion of each inspection the District and Electrical Inspector shall cause to be posted in some conspicuous place at or near the mine, a copy or duplicate of his report.

6.—(1) In addition to any other powers or duties with which he may be vested, an inspector shall have power to,—

- (a) require the owner, agent, manager, assistant manager, or other proper officer in charge of any mine, as the case may be, to produce any report book, document, instrument, lamp, or any other thing whatsoever that he may in writing demand and which he considers necessary in the conduct of his inspection and examination of any mine; should the owner, agent, manager, assistant manager, or other proper officer in charge of the mine refuse or neglect to comply forthwith with this demand, the inspector may take whatever means may be necessary to obtain the possession of the report book, document, instrument, lamp or any other thing that he may require;
- (b) make such examination and inquiry as is necessary to ascertain whether the provisions of this Act relating to matters in or about any mine are complied with;
- (c) enter, inspect and examine any mine or any part thereof at all times by day or night;
- (d) examine into and make inquiry respecting the state and condition of any mine or any part thereof and

the ventilation of 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;

(e) exercise any such powers as are necessary to carry out his duties under this Act.

(2) Where an electrical inspector is appointed under this Act, in addition to any other powers or duties with which he may be vested, he shall have power to,—

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

(b) exercise any such powers as are necessary to carry out his duties under this Act.

7.—(1) No person shall obstruct an inspector or an electrical inspector in the execution of his duties under this Act and no owner, agent or manager of a mine shall refuse or neglect to furnish to the inspector the means necessary for making an entry, inspection, examination or inquiry under this Act in relation to any mine.

(2) In the event of an accident or where circumstances give rise to an investigation, an inspector is hereby empowered, upon giving a receipt therefor, to take possession of any report book, document, instrument, lamp, or any other thing whatsoever that is or may be of importance to an inquiry or other proceeding into the accident or circumstances; the inspector shall leave the report book, document, instrument, lamp, or any other thing whatsoever taken into his possession within a reasonable time with the nearest detachment of the Royal Canadian Mounted Police and the owner, agent, manager, or other proper official in charge of the mine shall have access to the same at any reasonable time and the inspector shall return the same when it is no longer required for the purpose of the inquiry or other proceeding.

8.—(1) In every case which is not expressly provided for in this Act, if an inspector finds in any mine or any part thereof any matter, thing or practice in or connected with any mine to be dangerous or so defective as in his opinion to threaten or tend to the bodily injury of any person, he shall forthwith give notice in writing thereof to the owner, agent or manager of such 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 he may direct the men to be withdrawn from the mine or part thereof until the same is remedied, and unless the same is forthwith remedied he shall, unless he is the Chief Inspector, report the same to the Chief Inspector.

(2) Every direction by an inspector for the withdrawal of men under this section shall be obeyed in accordance with the inspector's written instructions.

(3) If the owner, agent or manager of the mine objects to remedying the matter complained of in the inspector's order or direction, he shall within forty-eight hours after the receipt of such notice from the inspector, forward his objections in writing stating the grounds thereof to the Chief Inspector, and thereupon the matter shall be decided by arbitration.

9.—(1) Where it appears to the Minister that a formal investigation of any accident in any mine or any matter connected with the working of any mine is expedient, the Minister may direct an inspector to hold such investigation.

(2) The Minister may appoint any person or persons possessing legal or special knowledge to act with the inspector in holding the investigation.

(3) The inspector shall make the investigation in such manner and under such conditions as he thinks most effectual.

(4) In addition to his other powers, the inspector shall for the purpose aforesaid have power,—

- (a) to enter and inspect any mine building or place, the entry or inspection of which appears to him expedient;
- (b) 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) by such summons to require the production of any book, paper or document which he thinks necessary upon such investigation;
- (d) to administer oaths.

(5) Any person attending before an inspector in obedience to any such summons shall be allowed such fees as are allowed to a witness attending on a notice to attend before the Supreme Court.

(6) Every person served with a summons under this section, and who has been tendered the proper witness fees, shall forthwith obey and comply with the terms of the said summons.

(7) The 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.

(8) Any expenses incurred in connection with such investigation shall be paid out of the General Revenue Fund of the Province upon it being so ordered by the Lieutenant Governor in Council.

AGE AND HEALTH OF EMPLOYEES IN MINE.

10. The owner, agent or manager of every mine shall keep in the office at the mine a book in which shall be entered the name, age, residence and date of first employment of every person employed in connection with the mine and such book shall be produced to an inspector for inspection by him when demanded.

11.—(1) No male under the age of seventeen years, and no female of any age, shall be employed or permitted to be in or about a mine for the purpose of employment, and every manager shall on the request of an inspector produce a copy of certificate of birth or an affidavit or statutory declaration made by some person having knowledge of the facts, setting forth the age of any boy employed in or about any mine.

Provided always that nothing herein contained shall prevent the employment of any person engaged in the performance of clerical work, or in performing domestic duties in any hotel, boarding house or residence in connection with a mine.

(2) A person who has not been previously employed in a mine in the Province shall not be employed in a mine unless and until he has furnished his employer with a certificate in a form satisfactory to the Workmen's Compensation Board, completed by a duly qualified medical practitioner as to the condition of his eyesight and that he is physically fit to work in a mine and such medical certificate shall be kept in the mine office.

(3) Any person not employed in a mine within six months preceding his re-employment shall require to be examined by a duly qualified medical practitioner as to his physical condition and eyesight, who shall furnish a certificate in a form satisfactory to the Workmen's Compensation Board.

12.—(1) No person, except a male of at least nineteen years of age, shall have charge of or operate any engine, windlass or gin, or any part of the machinery, ropes, chains or tackle connected therewith, driven or worked by steam or any mechanical power or by animal or manual labour, used for conveying persons in or about a mine, provided that the hoisting engineer in charge of a hoisting shaft shall be at least twenty-one years of age.

(2) Every person in charge of or operating an engine, windlass or gin, or any part of the machinery, ropes, chains or tackle connected therewith, used for conveying persons in any mine, shall at all times be possessed of a certificate from a duly qualified medical practitioner, obtained not more than six months before, that he is mentally and physically fitted to perform his duties and such medical certificate shall be kept in the mine office.

13. If any person contravenes or fails to comply with or permits any person to contravene or fail to comply with any provision of this Act, with respect to the employment of females or of males under the age of seventeen years, or to the employment of persons about any engine, windlass, gin or hoisting engine, he shall be guilty of an offence against this Act.

14. If it appears that a male under the age of seventeen years was employed on the representation of a statutory declaration or affidavit that he was of the full age of seventeen years, and that the owner, agent or manager of the mine and employer, so employed him believing in good faith that he was of the age so represented, then the owner, agent or manager of the mine and employer shall be exempt from any penalty, and the person furnishing such declaration or affidavit shall, for such misrepresentation, be guilty of an offence against this Act.

HOURS OF EMPLOYMENT.

15.—(1) Subject to the provisions of this Act, no workman shall be below ground in a mine for the purpose of his work or of going to or from his work, or be allowed to be below ground for that purpose, for more than eight hours during any period of twenty-four consecutive hours.

(2) It shall not be deemed to be a contravention of this section if,—

- (a) the period between the times at which the first workman in a shift leaves the surface and the first workman in the shift returns to the surface, and the period between the times at which the last workman in the shift leaves the surface and the last workman in the shift returns to the surface, do not exceed the time fixed by this section; or
- (b) a workman is below ground for the purpose of rendering assistance in the event of accident or for meeting any danger, or for dealing with any emergency or exceptional work which requires to be dealt with without interruption in order to avoid serious interference with ordinary work in the mine, but any workman who is so below ground for more than eight hours during any consecutive period of twenty-four hours shall be paid in respect of the excess his ordinary wages for the excess increased by one-half.

(3) The owner, agent or manager of every mine shall fix for each shift of workmen in the mine, the times at which the lowering of workmen to the mine is to commence and to be completed, and the times at which the raising of workmen from the mine is to commence and to be completed, and the same shall be fixed in such manner that every workman shall have an opportunity of returning to the surface without contravention of the foregoing provisions of this section, and such owner, agent or manager shall

post at the bank a conspicuous notice of the times so fixed, and shall make all arrangements necessary for the observance of those times in lowering and raising the workmen.

(4) The interval between the times fixed for the commencement and for the completion of the lowering and raising of each shift of workmen to and from the mine shall not exceed the time reasonably required for the purpose and the same shall be subject to the approval of the Chief Inspector.

(5) A repairing shift of workmen may, notwithstanding the provisions of this section, for the purpose of avoiding work on Sunday, commence their period of work on Saturday before twenty-four hours have elapsed since the commencement of their last period of work so long as at least eight hours have elapsed since the termination thereof.

(6) In the event of any contravention of this section, no person shall be deemed to be guilty of an offence if he can prove that he has taken all reasonable means to prevent such contravention.

16. The owner, agent or manager of every mine shall appoint a person or persons to direct at the bank the lowering and raising of workmen to and from the mine, and shall cause a book to be kept, in which shall be truly entered the times at which workmen are lowered into and raised from the mine, and the cases in which any workman is below ground for more than the time fixed by this Act and the cause thereof.

17.—(1) In the case of mines which are entered otherwise than by shafts, and of workmen who are not lowered to or raised from the mine by means of machinery, the words "the admission of workmen to the mine" shall be deemed to be substituted for the words "the lowering of workmen to the mine", and the words "the return of workmen from the mine" shall be deemed to be substituted for the words "the raising of workmen from the mine".

(2) If the place at which workmen check in and out on commencing and leaving work is distant more than one-half mile by the nearest practicable way from the place at which men leave and return to the surface, then the place at which workmen check in and check out shall be deemed to be the place at which workmen leave and return to the surface.

18. The workmen in a mine may, at their own cost, appoint and station one or more persons whether holding the office of check-weigher or not, to be at the bank at all times when workmen are to be lowered or raised, for the purposes of observing the times of lowering and raising, and the provisions of this Act relating to the appointment of the check-weigher, and to the relations of the owner, agent or manager of the mine to the check-weigher, shall apply to any person appointed under this section.

19. The Lieutenant Governor in Council may, in the event of great emergency, or of any grave economic disturbance due to the demand for coal exceeding the supply available at the time, suspend the operation of this Act so far as it relates to the limiting of hours of work below ground to such extent and for such period as may be named in the order either in respect to all mines or any class of mines.

WAGES.

20.—(1) All wages earned by any person or persons employed in, on, or about a mine shall, unless there is a subsisting agreement in conformity to this Act between the employer and employed to the contrary, be paid twice a month, and the wages earned from the first day to the fifteenth day of each month (both days inclusive), shall be paid on the twenty-third day of the month, and the wages earned from the sixteenth day to the last day of each month (both days inclusive), shall be paid on the eighth day of the following month:

Provided that if any of the said days is a holiday the wages payable on such day shall be paid on the next preceding day.

(2) Whenever any default occurs in the payment of wages of any employee at any mine upon the day appointed by this Act for the payment thereof, every person who is the owner, agent or manager of the mine shall send or cause to be sent on the day after the occurrence of such default to the Chief Inspector a notice in writing setting out the default and the date thereof and in case such notice is not sent within the said time, every person who is the owner, agent or manager of the mine shall be guilty of an offence.

(3) (a) An agreement may be made between the employer and the employed as to the payment of wages at more frequent intervals than twice a month and with a waiting period between the agreed date for payment and the last day of the period for which wages are paid other than is prescribed in subsection (1).

(b) A duplicate of every such agreement shall be filed with the Chief Inspector.

(c) During the subsistence of the agreement the provisions thereof as to the periods for which wages are to be paid and the days upon which wages are to be paid shall be deemed to be substituted for the provisions of subsection (1) of this section and shall have the same force and effect as if such provisions had been enacted as a part of this Act.

(d) Upon the production of any duplicate agreement filed in compliance with this section by the Chief Inspector or a District Inspector in any court, such duplicate agreement shall be deemed and accepted by every such court as conclusive evidence of the terms of such agreement.

(e) Upon it being made to appear to the Minister that any agreement for the payment of wages does not conform

to the provisions of this subsection, he may by order, of which notice shall be published in *The Alberta Gazette*, declare that any such agreement is null and void as and from the date of publication of notice of the order or any later date mentioned therein.

21.—(1) The owner, agent or manager shall cause to be kept a record of all the workmen employed in or about the mine, in which there shall be set down the sum due to each workman upon each day upon which wages ought to be paid under the provisions of this Act, or of any agreement, and also the amount of any sum or sums actually paid to him.

(2) Every manager shall permit an inspector at any reasonable hour to inspect such record and to make extracts therefrom.

(3) The owner, agent or manager shall before each pay day furnish without charge to each employee a wage statement, showing the total wages earned, the deductions made, setting out each item and the net amount earned and payable to the employee.

22.—(1) Unless it is otherwise expressly provided to the contrary by an agreement between the employer and the employees, when the amount of wages paid to any of the persons employed in a mine depends on the amount of the coal or other mineral gotten by them, they shall be paid according to the weight of the mineral gotten by them, and such mineral shall be truly weighed accordingly at a place as near the mine entrance as reasonably possible:

(2) Before weighing for the purpose of ascertaining the coal or other mineral gotten, the car shall be disconnected from any other car in the trip and shall be brought to a complete stop.

Provided, however, that where the conditions are such that the coal or other mineral from any individual working place cannot be weighed separately and where the production from a number of working places is taken from one central loading point or chute, the total tonnage shall be truly weighed and a *pro rata* distribution made to the workmen engaged in the getting thereof in accordance with the extraction made from each individual working place and such *pro rata* distribution shall be determined by measurement.

23.—(1) The owner, agent or manager of any mine may enter into an agreement which shall be in writing with any person employed and paid according to the amount of coal or other mineral gotten by him that deductions shall be made in respect of stones or material other than coal contracted to be gotten which are sent out of the mine with the coal contracted to be gotten, or on account of the improper filling of cars in those cases where cars are filled by the getter of coal or by the loader; and no such deduction shall be made unless such an agreement in writing has been entered into by or on behalf of both parties.

(2) If the agreement providing for the making of such deductions does not specifically provide the manner in which the same shall be determined, then such deductions shall be determined in one of the following ways, that is to say:

- (a) In any special manner agreed upon between the owner, agent or manager of the mine on the one hand and the persons at the mine so employed and paid on the other hand; or
- (b) By some person appointed for that purpose by the owner, agent or manager, and by a person appointed by such persons so employed at the mine, who may be the check-weigher if any check-weigher has been appointed pursuant to this Act; or
- (c) If the persons so appointed fail to agree, then by a third person to be chosen by the persons so appointed, and if they cannot agree upon such a third person, then by some person appointed by the Minister.

(3) If any owner, agent or manager, or the persons so employed in any mine fail to appoint a person to determine such deductions, the Minister may appoint a person for the purpose aforesaid on behalf of the owner, agent or manager or the persons so employed in the mine.

(4) Every person appointed pursuant to this section shall have every facility afforded him by the owner, agent or manager, to enable him to determine the amount of any and all such deductions.

24. Upon the Minister being satisfied that special circumstances prevail in the working of any mine or of any class of mines by reason of which the provisions of section 22 cannot conveniently be made applicable thereto, the Minister may from time to time, by order, exempt the mine or class of mines from the provisions of section 22, either unconditionally or subject to such conditions as may be specified in the order, and either for a specified period or until further order, and may from time to time by order revoke or alter any order previously made pursuant to this section.

CHECK-WEIGHER, CHECK-MEASURER, DUTIES, ETC.

25.—(1) The persons who are employed in a mine and are paid according to the weight of the coal or other mineral gotten by them may, at their own expense, station a person (in this Act referred to as a "check-weigher"), at the place appointed for the weighing of such coal in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed. The check-weigher may be appointed by the aforesaid persons employed from time to time in the mine.

(2) A check-weigher shall have every facility afforded him by the owner, agent or manager to take 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 tare weight of the cars when necessary; and also for counting cars and tallies in order that the number of cars, 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, all to be furnished by the owner, agent or manager, and he shall have access to all parts of the mine and bankhead necessary for the fulfilment of his duties.

26. In any mine in which any persons employed therein are by agreement paid by the measurement of the coal or other mineral gotten by them, they may at their own expense appoint and employ one or two check-measurers who shall at such times when the coal or other mineral is being measured by the officials of the mine, have the power and necessary facilities to check the manner, method, measure and measurements or quantities according to which persons are paid, on behalf of the persons by whom he is employed.

27. Neither the check-weigher nor the check-measurer shall be authorized in any way to impede or interrupt the working of the mine or to interfere with or impede the weighing or measuring, but shall be authorized only to take such account as aforesaid, and the absence of the check-weigher or check-measurer shall not be a reason for interrupting or delaying the weighing or measuring.

28. The check-weigher or check-measurer shall at the time of his appointment be the holder of a miner's certificate granted pursuant to this Act, with three years' experience as a coal miner, and shall have been employed either as a miner at the coal face or as a check-weigher, or as a check-measurer at any working mine in the Province.

29. When a check-weigher or a check-measurer has been appointed pursuant to this Act and has acted as such, he may recover from any person for the time being employed at such mine in whose interest he is appointed, his proportion of the check-weigher's or check-measurer's wages or recompense, notwithstanding that any of the persons by whom the check-weigher or check-measurer was appointed have left the mine or others have entered the same since the check-weigher's or check-measurer's appointment.

30.—(1) If an owner, agent or manager of a mine desires the removal of a check-weigher or check-measurer at his mine on the ground that the check-weigher or check-measurer has impeded or interrupted the working of the mine or improperly interfered with the weighing or measuring or has otherwise misconducted himself, he may complain in writing to a judge of the District Court having jurisdiction in the judicial district in which the mine is situated,

who, if of the opinion that the complaint should be investigated, shall issue a summons to the check-weigher or check-measurer to appear at a certain time and place therein named.

(2) The summons and a copy of the complaint shall be served personally on the check-weigher or check-measurer at least five days before the return of such summons or if, after diligent efforts, it is found impossible to so serve the check-weigher or check-measurer the said summons may be left with some grown-up person residing in the home or last known place of residence of the check-weigher or check-measurer at least five days before the return of the summons.

(3) In default of appearance of the check-weigher or check-measurer to answer the complaint, proof of service of the summons on him shall be furnished to the satisfaction of the judge.

(4) Whether the check-weigher or check-measurer appears or not, the judge shall hear the case at the time fixed in the summons and if he thinks that grounds sufficient to justify the removal of the check-weigher or check-measurer have been shown by the owner, agent or manager, he shall make a summary order for his removal and the check-weigher or check-measurer shall thereupon be removed and another check-weigher or check-measurer may be appointed in his place, and the judge may appoint a person qualified for such appointment to act as check-weigher or check-measurer, as the case may be, until a meeting has been held to make a new appointment, and may fix such person's wages, which shall be provided and paid in the same manner as is provided by subsection (3) of section 32 of this Act.

(5) The judge may in every case make such order as to the costs of the proceedings as he thinks just, and they may be recovered as if awarded by a judgment in the District Court.

(6) The judgment of the judge shall be final and there shall be no appeal therefrom.

(7) When a check-weigher or check-measurer has been removed from the office by order of the judge, he shall not be qualified to act as check-weigher or check-measurer at any mine in the Province for a period of one year from the date of order of the judge.

31. No owner, agent, manager, overman or other official of a mine shall, by himself or by any other person, influence or attempt to influence the choice or appointment of a check-weigher or a check-measurer at that mine.

32.—(1) Every appointment of a check-weigher or a check-measurer shall be made by the persons employed in the mine, who are by this Act empowered to make the appointment, attending a meeting called for that purpose by a notice setting out the day, time and place of meeting,

posted at least forty-eight hours before the meeting, in a conspicuous place upon the mine premises. The meeting shall first appoint a chairman and a secretary and then shall proceed to determine whether or not it is desired to appoint a check-weigher or check-measurer, as the case may be; and if upon a vote being taken by secret ballot it is found that the majority of the persons attending the meeting are in favour of making the appointment, the meeting shall remain open for the purpose of receiving nominations for at least thirty minutes after it has been called to order for the purpose, and every nomination shall be in writing, and, if more persons are then nominated than are to be appointed, an election shall be held by secret ballot at the mine on the third day after the meeting if that day is a working day at the mine, and if it is not, then upon the first working day at the mine after the last mentioned day. Immediately after the appointment of a check-weigher or check-measurer has been made, a notice in writing signed by the chairman and secretary of the meeting, in case there is no election, or in the event of an election by two of the officers charged with the duty of taking the ballot shall be left at the office of the mine.

(2) If the workmen employed at a mine desire to have a check-weigher or check-measurer removed from office, who has been properly appointed and is acting as such, the procedure to be followed in obtaining his removal shall be the same as that prescribed in subsection (1) in respect of the appointment of a check-weigher or check-measurer.

(3) Where the miners in any mine have appointed a check-weigher or check-measurer, and the majority of the miners at such mine for the time being in whose interest the check-weigher or check-measurer has been appointed may at a meeting called for the purpose, in the same manner as is prescribed by this Act for a meeting to make such appointment, resolve that the check-weigher or check-measurer be paid his wages direct from the office of the mine, and upon the delivery to the owner, agent or manager of a copy of such resolution, signed by the chairman and secretary of the meeting, the said owner, agent or manager shall withhold from the wages due the miners aforesaid, a *pro rata* amount sufficient from time to time to meet the wages due the check-weigher or check-measurer and shall pay the same to him in a like manner as the wages of the said miners are paid.

33. If the owner, agent or manager of any mine, or any person employed thereat and paid according to the weight or measurement of the coal or other mineral gotten by him, disputes the regularity of the appointment of any check-weigher or check-measurer at such mine, he may, within fourteen days of the date upon which notice in writing of any such appointment is left at the office at the mine, make a complaint in writing to the judge of the District Court having jurisdiction in the judicial district in which the mine is situated, who, if of the opinion that

the complaint should be investigated, shall proceed to investigate the complaint, upon notice to the person so appointed; and all the provisions of this Act contained as to the summons to be issued, the service thereof, the proof of service and the hearing in section 30 hereof, shall apply to any such proceeding; and if after due hearing of the complaint he finds that there has been any substantial irregularity in the proceedings leading up to the appointment or that the appointee is not duly qualified, he may by summary order declare the appointment to be null and void; and in such case he shall direct another meeting to be held pursuant to this Act and may order that such meeting and any vote taken in consequence thereof be called and conducted under the supervision of an inspector.

34.—(1) Any employer may without any order retain out of the moneys due any person employed in or about a mine any sums due by him in respect of powder, coal, oil or other supplies, or rent.

(2) Any person employed in or about a mine may by order in writing signed by him request the owner, agent or manager of the mine to apply the whole or any part of the moneys due to the person so employed, to the payment of any amount payable by him to any other person for hospital dues, sick and accident fund dues, or union dues; and the owner, agent or manager shall from the moneys so due make the payments as requested by the order, but such order shall be effective only for the amounts specified therein.

EXAMINATION BOARDS.

Central Board of Examiners.

35.—(1) The Lieutenant Governor in Council may appoint a Board of Examiners consisting of,—

(a) the Chief Inspector or a District Inspector nominated from time to time by the Chief Inspector;

(b) two managers; and

(c) two working miners who are the holders of Class A miners' certificates;

and it shall be the duty of such Board to provide for the examination of applicants for First Class, Second Class and Third Class certificates of competency and Mine Electricians' and Mine Surveyors' Certificates of competency under this Act and to determine as to their qualifications, and for that purpose the Board is empowered to prepare rules, and from time to time to amend, revoke and make new rules, and in so doing the Board shall have regard to the knowledge requisite for the practical working of mines in the Province and for the proper carrying out of the provisions of this Act.

(2) The Lieutenant Governor in Council may fix the amount of fees and travelling expenses payable to any member of the Board, and the fees payable by applicants for certificates.

(3) The member of the Board who is the Chief Inspector or a District Inspector, as the case may be, shall be the chairman of the Board, and shall be the chief executive officer thereof, and in the intervals between meetings shall exercise all the functions of the Board.

(4) The Board shall meet at the call of the chairman, and he shall call a meeting thereof at any time forthwith upon being required to do so by any three members of the Board in writing.

(5) The Lieutenant Governor in Council may at any time alter or revoke any rules or regulations made by the Board.

(6) All examination papers shall be set, prescribed and examined by such person or persons as the Minister may appoint or nominate; and such person or persons shall submit to the Board the result of the examinations together with the papers so examined, and the Board upon being satisfied that any applicant for a certificate is qualified to receive one and has by his examination shown that he is a fit and proper person to hold it, shall report its findings to the Minister.

(7) For the purpose of holding any examinations the Minister shall divide the Province into districts, and shall define the number and limits of such districts, with power from time to time to re-divide and re-define the same; and shall specify from time to time the place or places in each district at which examinations shall be held.

(8) The Chief Inspector shall issue to every applicant for any certificate who is recommended by the Board a certificate in conformity with such recommendation.

(9) The Chief Inspector may, where there is a reciprocal arrangement, sign and deliver a certificate without written examination to an applicant who, being a British subject, is the holder of a certificate granted in the United Kingdom, in any other Province of Canada or in any other British Dominion if the Board reports that the standard of training and examination required for the granting of such certificate is equivalent to that required for the granting of a corresponding certificate under this Act, and that after an oral examination by the Chief Inspector and one other inspector, they are satisfied with his qualifications.

Miners' Examination Boards.

36.—(1) The Chief Inspector may appoint one or more Miners' Boards of examiners either for the Province or for any part or parts of the Province, from time to time designated by the Chief Inspector, whose duty it shall be to determine by examination as to the competency of applicants for a miner's certificate; and every such Board shall consist of an inspector, a mine manager or overman, and a miner who is the holder of a miner's Class A certificate.

(2) The Lieutenant Governor in Council may make regulations for the guidance of Miners' Boards and for the performance of their duties, and may fix the amount of any fees, allowances or expenses payable to any member thereof, and the fee payable in respect of any examinations held by such Board.

(3) Every Miners' Board shall report in writing to the Chief Inspector immediately after any examination, the name, address and place of employment, if any, of every applicant to whom a certificate is granted under this section.

(4) The inspector who is the member of a Board shall be the chairman of the Board and its chief executive officer, and shall sign all certificates granted by the Board and in the intervals between meetings shall exercise all the functions of the Board.

(5) A Miners' Board shall meet at the call of the chairman thereof.

37. A register of the holders of all certificates under this Act shall be kept at the office of the Chief Inspector by such person or persons, and in such manner as he may direct.

QUALIFICATIONS FOR CERTIFICATES OF COMPETENCY AND COAL MINERS' CERTIFICATES.

38. No person shall be granted a first class certificate of competency or second class certificate of competency, unless,—

- (a) he is at least twenty-five years of age; and
- (b) he has had at least five years' experience in underground coal mining, of which he must have spent at least one year in work at the working face or in work elsewhere in a mine of such kind which in the opinion of the Board is sufficient to give him a practical knowledge of coal mining; or
- (c) he has had at least four years' experience in underground coal mining of which he must have spent at least one year in work at the working face or in work elsewhere in a mine of such kind which in the opinion of the Board is sufficient to give him a practical knowledge of coal mining, and in addition has spent at least one year in a machine shop or an engineering shop or an electric engineering shop; or
- (d) he is the holder of a diploma or degree in scientific and mining training granted by an educational institution approved by the Board, and has in addition gained experience by working at underground coal mining for a period of three years and during that period has worked at coal mining in Canada for at least two years, and has, during not less than one year been engaged in work at the working face or

in work elsewhere in a mine of such kind which in the opinion of the Board is sufficient to give him a practical knowledge of coal mining.

39. No person shall be granted a third class certificate of competency, unless,—

- (a) he is at least twenty-three years of age; and
- (b) he has had at least three years' practical experience in a coal mine; or
- (c) he is the holder of a diploma or degree in scientific and mining training granted by an educational institution approved by the Board and has in addition gained experience by working at underground mining for a period of at least two years, one year of which shall have been at the working face, or work equivalent thereto.

40.—(1) No person shall be granted a certificate of competency as a mine surveyor, unless,—

- (a) he has had two years' practical experience in the underground surveying of coal mines; or
- (b) he has had one year's practical experience in the underground surveying of coal mines and two years' practical experience in surveying with an Alberta land surveyor or a Dominion land surveyor; or
- (c) he is the holder of a diploma or degree in scientific and mining training after a course of study of at least two years at an educational institution or university approved by the Minister; or
- (d) He is an Alberta Land Surveyor or a Dominion Land Surveyor who has had three months' experience in mine surveying under a mine surveyor in Alberta; and

(2) He is also competent,—

- (a) to make an accurate survey of the workings of a coal mine, and to connect such survey with a surface survey; and
- (b) to make accurate surveys and levellings; and
- (c) to plot accurately surveys and levellings.

41.—(1) No person shall be granted a certificate of competency as a mine electrician unless,—

- (a) he is at least twenty-one years of age; and
- (b) he has had at least two years' electrical experience in a mine; or
- (c) he has had at least four years' practical electrical experience at other electrical work, together with six months' electrical experience in a mine; or
- (d) he is the holder of a degree or diploma from a recognized electrical school approved by the Board and two years' practical electrical experience, six months of which shall have been in a mine.

(2) The Board may from time to time prescribe the division of mine electricians' certificates into classes or grades, and prescribe the work which may be performed by each class or grade.

42.—(1) No first class, second class or third class certificate of competency and no certificate of competency as a mine surveyor or as a mine electrician shall be granted to any person who does not produce to the Board satisfactory evidence of his sobriety, experience and general good conduct.

(2) A first class, second class or third class certificate of competency or a mine electrician's certificate of competency shall not be granted to any person who does not produce to the Board a certificate from a recognized ambulance society, showing that he has taken a course in first aid and ambulance work, fitting him to give first aid.

(3) The holder of a mine electrician's certificate who at the time this Act is assented to is not the holder of a first aid certificate from a recognized ambulance society, shall within two years produce evidence to the Board that he is the holder of such certificate, and failure to produce such evidence may result in the cancellation by the Minister of his mine electrician's certificate.

43. There shall be two classes of miners' certificates,—

- (a) Class "A" miners' certificate;
- (b) Class "B" miners' certificate.

44. No person shall be granted a Class A miner's certificate unless,—

- (a) he is at least twenty years of age and
- (b) he has sufficient knowledge of the English language to enable him to give and understand working directions and warnings in English and
- (c) he is the holder of a Class B miner's certificate and
- (d) he has had at least six months' experience at the working face in a coal mine. If an applicant satisfies paragraphs (a) and (b) and is not the holder of a Class B miner's certificate, a Class A shall be granted on the production of sworn evidence that he has had twelve months' underground experience, six months of which shall have been at a working face; and
- (e) he satisfies the Miners' Board upon examination that he is competent to have the charge of a working face.

45. No person shall be granted a Class B miner's certificate unless,—

- (a) he is at least eighteen years of age and

- (b) he has a sufficient knowledge of the English language to enable him to understand working directions and warnings in English and
- (c) he has been employed underground in a coal mine in any capacity for at least six months; and
- (d) he satisfies the Miners' Board upon examination that he is competent to work at a working face under the supervision of the holder of a Class A miner's certificate.

46.—(1) Every candidate for an A miner's certificate and every candidate for a B miner's certificate who has not previously done so, shall present a certificate from a properly qualified medical practitioner for the Province in a form satisfactory to the Workmen's Compensation Board, to the Miners' Board certifying as to his physical fitness to do the work required of a coal miner.

(2) A Class A miner's certificate or a Class B miner's certificate shall not be granted to any person who does not produce to the Miner's Board satisfactory evidence of his experience and competency.

47. In any case where a person has made application for a Class A miner's certificate or a Class B miner's certificate, as the case may be, and satisfies the District Inspector that subject to his being examined he possesses all the qualifications required by this Act entitling him to be granted the certificate applied for, the District Inspector may grant a provisional certificate of the class applied for. Such provisional certificate shall be in effect until the expiration of sixty days from the date of its issue or until the next examination of candidates for Class A and Class B miners' certificates to be held at the designated place at or nearest to the mine at which the holder of such provisional certificate is employed, whichever event happens first; and whilst such provisional certificate is in effect, the holder thereof shall be deemed to be the holder of a Class A or Class B miner's certificate, as the case may be.

Provided always that the Chief Inspector may by order published in *The Alberta Gazette*, suspend the operation of this section from time to time, either as to the whole of the Province or as to any specified part or parts thereof, and for such time or times as he may prescribe in such order.

48. No person shall work at the working face as a miner in any mine unless he is the holder of a miner's certificate granted under this Act or is the holder of a first, second or third class certificate of competency under this Act.

49.—(1) No person shall be employed or work or be permitted to work in any class set out in the first column of the Schedule to this section unless he is the holder of a certificate of the description set out in the second column thereof, opposite the class so set out.

SCHEDULE.

<i>Class</i>	<i>Requisite Certificate</i>
Miner having charge of any working face.	Class A miner's certificate.
Miner at the working face under the supervision and direction of a Class A miner thereof.	Class A miner's certificate. or Class B miner's certificate.
Machineman.	Class A miner's certificate.
Machineman's helper.	Class B miner's certificate.
Machine scraper.	Class B miner's certificate.
Timberman in charge of timbering operations at a working face or on any roadway or in other place.	Class A miner's certificate.
Timberman's helper engaged in timbering operations at a working face.	Class B miner's certificate.
Brattice man.	Class A miner's certificate.
Loading machine runner, driller, brusher, ripper, tracklayer.	Class A miner's certificate.
Loading machine runner's helper, driller's helper.	Class B miner's certificate.
Loaders.	Class A miner's certificate.
Moving cogs and erecting cogs.	Class A miner's certificate.
Helping moving cogs and erecting cogs.	Class B miner's certificate.
Erecting and moving conveyor man.	Class A miner's certificate.
Conveyor man's helpers.	Class B miner's certificate.

Provided always that under no circumstances shall the number of the holders of Class B miner's certificates employed in any class mentioned in the foregoing Schedule exceed the number of holders of Class A miner's certificates with whom and under whose supervision they are so employed:

Provided further that nothing in this section shall prevent an electrician, mechanic, pipe fitter or any skilled employee from doing repair work at the working face on coal-cutters, machinery, cables, motors or other equipment, notwithstanding that he is not the holder of a Class A miner's certificate, but in any case where the mine or that section of the mine in which the repair work is required to be done is not in normal operation, he shall be accompanied at all times by a person who is the holder of a first class, second class or third class certificate of competency.

(2) If any dispute arises as to the class of certificate necessary for any particular kind or class of work, it shall be referred to the Chief Inspector whose decision shall be final.

(3) The Chief Inspector shall have power by order to suspend or cancel the certificate of any person holding an A or B miner's certificate upon being satisfied that such person is incompetent or has been guilty of any dangerous practice or improper conduct; provided always that such person shall have the right of appeal to the Minister to have the matter inquired into and the Minister may in his discretion set aside or vary or confirm any order of the Chief Inspector.

50. Upon the commencement of the employment at a mine of any person in a capacity for which he is required to have a Class A miner's certificate or a Class B miner's certificate, the employee shall deliver his certificate to the owner, agent or manager of the mine who shall safely keep the same, so long as the employment continues, at the office at the mine, and shall return the same to the employee immediately upon the termination of the employment; and in the event of the mine being closed down, or in the event of the death of the employee, any such certificates which have not been returned to employees shall be delivered up forthwith to the District Inspector.

MINE ELECTRICIANS.

51.—(1) When electricity exceeding in the aggregate fifteen kilowatts is used in or about any mine for power or lighting purposes, a competent person shall be appointed as mine electrician, who shall be subject to the authority of the manager, and in his absence, the overman and shall have charge of all electrical machinery and apparatus in or about the mine.

(2) A person shall not be qualified to act as a mine electrician unless he is for the time being registered as the holder of a certificate of competency as a mine electrician under this Act, provided, however, in the case of mines using electrical energy not exceeding thirty kilowatts the Chief Inspector may grant a provisional certificate to a person with electrical experience to act as a mine electrician for such time and under such conditions as he may prescribe.

(3) Any person who,—

- (a) not being registered under this Act as the holder of a certificate, or provisional certificate of competency as a mine electrician acts as a mine electrician in or about a mine where the electricity used for power or lighting exceeds fifteen kilowatts or so acts in any place in a mine where naked lights are prohibited, notwithstanding that the electricity used is less than fifteen kilowatts; or

- (b) knowing that such person is not so registered employs him as a mine electrician in or about such mine,—

shall be guilty of an offence against this Act:

Provided, however, it shall not be deemed to be an offence if by reason of illness, temporary absence or such cause the electrician is absent from duty, if the manager has appointed someone with technical knowledge to carry on temporarily with his work even if he is not the holder of a certificate as a mine electrician.

52. Upon the recommendation of the Chief Inspector, the Minister may by writing given under his hand, grant an exemption in respect of all or any of the provisions of section 51 and either absolutely or upon such terms and conditions as the Minister may impose.

53. Where a certificated mine electrician is required to be employed at any mine, the owner, agent or manager of the mine shall send to the inspector of the district wherein the mine is situated and the electrical inspector a written notice of such electrician's appointment, giving the name, address and number of his certificate, within fourteen days after the date of his appointment.

54. The preceding sections 51 to 53 shall not apply to electricians attending to lamp charging sets on the surface, electric signalling, telephones, or lighting on main intake travelling or haulage roads underground, provided such power does not exceed 15 kilowatts.

55. Every owner, agent and manager of a mine,—

- (a) which is worked without appointments having been made of manager, overman, examiner and electrician, which by this Act they are required to make; or
- (b) which is worked without any of the operations being under the supervision and control which this Act requires; or
- (c) which is worked without conforming to any of the requirements of this Act with reference to the appointment of any manager, overman, examiner or electrician; or
- (d) who permits any person to act as manager, overman, examiner or electrician who is not appointed and qualified so to act as is by this Act required; or
- (e) who permits or allows any person to work at the working face who is not qualified as is by this Act required,—

shall be in each such case guilty of an offence.

56. Every person who obtains or seeks to obtain employment at a mine in any capacity for which this Act requires him to be the holder of any certificate under this Act by

means of a false or fraudulent certificate or by falsely representing himself to be the holder of the requisite certificate, shall be guilty of an offence.

OWNER OR AGENT.

57.—(1) Any owner or agent taking part in the technical management of any mine shall be the holder of a first class certificate of competency for the Province, and subject to the same responsibilities and penalties under this Act as the mine manager.

(2) The owner or agent of a mine shall not interfere in the technical management of the mine in any way calculated to bring about any breach of any of the provisions of this Act, or of any of the regulations made hereunder.

(3) Immediately upon the appointment pursuant to this Act of a person to be manager, assistant manager or overman of a mine, or to perform temporarily the duties of manager or overman, the owner or, if an agent has been appointed, the agent, shall send to the Chief Inspector and to the Inspector of the District, notice of the name and address of that person, and the number and class of certificate held by him, and if he fails to do so he shall be guilty of an offence under this Act.

MANAGER.

58.—(1) Every mine shall be under one manager who shall be the holder of a first class certificate as mine manager for the Province unless otherwise provided for in this Act, who shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person to be manager of such mine.

(2) If any mine is worked without there being such a manager for the mine as is required by this section, the owner and agent shall each be guilty of an offence against this Act.

(3) If the person appointed to be manager of a mine, by reason of his death, resignation or otherwise, ceases to be manager, nothing in this section shall prevent the mine being worked for a period (not exceeding thirty days), until a new manager is appointed, if in the meantime a person holding a first or second class certificate of competency under this Act is temporarily appointed to perform the duties and exercise the powers of manager.

(4) In case one or more seams are being worked from separate openings, then notwithstanding that they are ventilated by a common system of ventilation or each by separate fans, the Chief Inspector may in his discretion order that the workings be under one manager and one or more assistant managers as he may deem fit, and his decision in the matter shall be final.

(5) No person being the manager, overman or examiner at any mine shall act as the overman or examiner of any other mine.

(6) No person who is the manager of any mine, other than a small mine, shall act in the same mine in any other capacity unless specifically authorized in writing by the Chief Inspector.

(7) In every mine in which more than fifty men are employed in a twenty-four hour period there shall be an overman appointed who shall not be the manager.

59.—(1) Every mine shall at all times whilst being worked, be under the daily personal supervision of the manager, who shall be in daily attendance at the mine while same is working.

(2) No mine shall be deemed to be managed in accordance with the requirements of *The Coal Mines Regulation Act* unless the mine manager or the assistant manager visits every working district once in every fourteen days.

(3) In the event of the absence for a period of not more than thirty days of the manager on leave or from sickness or other temporary cause, such daily personal supervision, as is required by this section to be exercised by the manager, shall be exercised by a person holding a first class or second class certificate of competency under this Act.

(4) Any person performing the duties of a manager shall have the same responsibility, and shall be subject to the same liability, as if he had been duly appointed as the manager.

(5) Any one person shall not be the manager of more than one mine at the same time unless written permission has been granted to him by the Chief Inspector to so act, and then only in the event that the mines are operated by the same owner or company.

60.—(1) No person shall be qualified to be appointed or to be manager or assistant manager of any mine except a mine worked by removing the overlying strata or a small mine unless he is for the time being the registered holder of a first class certificate of competency under this Act.

(2) A mine in which not more than thirty persons are employed underground in the space of a twenty-four hour day shall be exempt from the provisions of this Act in so far as it relates to the appointment of a manager, unless the Chief Inspector, by notice in writing served on the owner or agent, requires the same to be under the control of a manager; but the operations underground shall be under the daily charge of a person holding a second class certificate under this Act.

OVERMAN.

61.—(1) The underground workings of every mine shall so long as it is being worked be under the control and daily personal supervision of an overman, and the owner, agent or manager shall appoint him in writing and notice of the appointment shall be sent to the Chief Inspector and District Inspector.

(2) If more than one shift is worked in any mine in any one twenty-four hour day, the underground workings shall be in the continuous charge of an overman during each underground shift of more than fifty men, and such overman shall not perform any other duties if such duties interfere with the due performance of the duties imposed upon him by this Act.

(3) No person shall act or be permitted to act as overman in any mine unless he is the holder of a first class or second class certificate of competency granted under this Act, except in the absence of the overman for a period of not more than thirty days on leave or from sickness or other temporary cause in mines where there are no other persons available who are the holders of first or second class certificates of competency employed at the mine to replace him, such daily personal supervision may with the consent of the District Inspector be exercised by an examiner who is the holder of a third class certificate of competency and employed at the mine.

(4) In a mine other than a small mine, the overman is prohibited from performing the ordinary duties of an examiner or shot lighter except with the written approval of the District Inspector.

(5) Any person employed as an overman under this Act shall devote his whole time to the supervision of the mine or part thereof and the fulfilling of his statutory duties, but nothing in this section shall prevent him from doing such acts as are necessary for the safety of the mine or of the persons employed therein.

(6) In the case of a small mine the overman may also be the manager, unless and until the Chief Inspector by notice in writing addressed to the owner or agent of the mine, and delivered at the office at the mine, requires that the duties of manager and overman shall be discharged by separate persons.

(7) In the case of mines in which not more than ten men are employed underground in the space of a twenty-four hour day, the overman may be a person who is the holder of a third class certificate to whom the Chief Inspector has issued a provisional certificate authorizing such person to act as overman for the time and at the mine specified in the provisional certificate.

(8) In the case of mines in which not more than five men are employed underground in the space of a twenty-four

hour day, the overman may be a person who has a miner's certificate with five years' underground experience and who is a British subject, to whom the Chief Inspector has granted a provisional certificate authorizing him to act as overman for the time and at the mine specified in the certificate.

(9) The overman shall under the general direction of the manager, if any, have the general control and supervision of all the underground operations at the mine and the officials and men engaged therein.

(10) The wages of any person employed as an overman shall not depend upon the amount of any coal or other mineral gotten by him.

(11) Every person who contravenes any of the provisions of this section shall be guilty of an offence.

EXAMINERS

62.—(1) The owner, agent or manager of every mine shall appoint one or more examiners in writing, to make such inspections and carry out such duties as to the presence of gas, ventilation, state of roof and sides, and general safety and such other duties as are required by this Act and the regulations made thereunder; and such examiners shall be the holders of first, second or third class certificates under this Act.

(2) In case it is necessary on account of the size of the mine or other circumstances that whilst it is being normally operated there should be more than one examiner in the mine at the same time, the owner, agent or manager of a mine shall divide the mine into districts and shall provide that whilst it is being normally operated there shall be one examiner for each such district on each shift, within which the examiner shall discharge the duties imposed upon him by this Act; and every district shall be of such size that the examiner can properly discharge such duties.

(3) The manager or overman of a mine may act as an examiner at that mine, unless the size of the mine and the other circumstances are such that he cannot properly discharge all his duties as manager or overman and examiner.

(4) The Chief Inspector may in case of grave emergency issue a provisional third class certificate to any person he deems qualified to act as an examiner.

63.—(1) The size of a district of a mine assigned to any examiner shall not be so large as to prevent him from carrying out his inspection duties in a thorough manner.

(2) Every examiner shall devote his whole time to his inspection duties under this section, except where the duties assigned to or undertaken by him in addition to his inspection duties, are not such as to prevent him carrying out such inspection duties in a thorough manner, but this provision shall not prevent the examiner being employed in measur-

ing the work done by persons in his district or in firing shots in his district, nor shall this provision apply in respect of any mine in which the total number of men employed underground at one time does not exceed thirty.

(3) Where any question arises as to whether any additional duties are such as to prevent any examiner carrying out his duties in a thorough manner, the Inspector of the District shall decide the question, and his decision shall be final.

SHAFTS, MINE EQUIPMENT AND PROVISION FOR MINE OUTLETS.

64.—(1) The owner, agent or manager of a mine shall not employ any person therein, nor permit any person to be therein for the purpose of employment unless the following conditions respecting outlets to the surface are complied with, that is to say:

- (a) Every seam which is for the time being worked shall have at least two outlets to afford proper means of egress available to the persons employed in the seam;
- (b) Such outlets shall not at any point be nearer to one another than one hundred feet and there shall be between such outlets a communication road not less than five feet wide and five feet high, and every airway and travelling road shall be of the size herein specified unless exempted in writing by the District Inspector;
- (c) Proper apparatus or ladders for the descent and ascent of persons at such outlets shall be kept on the works belonging to the mine and such apparatus or ladders shall be in good repair and constantly available for use;
- (d) Every part of a mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording proper egress to the surface; but this provision shall not apply when the same is exempt by written order of the Chief Inspector;
- (e) In any shaft or slope where the same is liable to freeze, adequate precautions shall be taken to keep the same clear of ice at all times.

(2) 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.

(3) 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.

65. No person shall be precluded by any agreement from doing such acts as are necessary for providing a second 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 outlets.

66.—(1) The foregoing provisions of this Act with respect to outlets shall not apply to, —

- (a) a new mine or seam being opened;
- (b) any working for the purpose of making a communication between two or more outlets;
- (c) any working for the purpose of searching for or proving minerals;
- (d) any proved mine which is exempt by order of the Minister on the ground either,—
 - (i) that the quantity of coal or other mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second outlet, or by establishing communication with a second outlet in any case where such communication existed and has become unavailable; or
 - (ii) 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 outlets may be cut off by so working away the pillars of the same;
- (e) any mine, while an outlet is being made therefrom, or where one of the outlets thereof has become by reason of some accident, unavailable for the use of the persons employed in the mine, so long as the mine is exempt by order of the Minister.

(2) The provisions of paragraphs (a), (b), (c) and (d) of this section shall only apply 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 outlet.

(3) Every person who contravenes any of the provisions of this section shall be guilty of an offence.

67.—(1) A fan and proper means for driving the same shall be provided at every mine for the production of ventilation and all the machinery, apparatus and devices for

that purpose shall be kept in good working order and condition at all times and the fan shall be kept in operation at all times when men are in the mine, unless adequate ventilation is maintained by some other means.

(2) No fan or other ventilating device which provides for the ventilation of any mine or any district thereof, shall be stopped without the consent of the manager.

68. Every mechanical contrivance for the production of mine ventilation other than an auxiliary contrivance shall be placed above ground.

69. If more than twenty persons are employed in any mine below ground, sufficient accommodation shall be provided for enabling the persons employed above and below ground at the mine to conveniently wash themselves and dry and change their clothes and the accommodation shall not be in the engine house or boiler house.

70. Properly constructed ambulances or stretchers with splints, bandages, and sufficient medical and other supplies necessary for the purpose of rendering first aid shall be kept at every mine ready for immediate use in case of accident.

71. Unless there is a hospital at or within two miles from the mine, or unless exemption has been granted by the Chief Inspector in writing, there shall be provided and maintained at every mine in a convenient place at least two beds properly furnished and suitable for the use of persons injured at the mine until such time as such persons can be removed to a hospital.

72. Every mine shall be provided with sufficient buildings,—

- (a) for a mine office;
- (b) for the storage and distribution of explosives;
- (c) for a washhouse;
- (d) for a bunk house or building frequented by any person or workmen;
- (e) for latrines;
- (f) for a lamp house at mines where safety lamps are used;
- (g) for a weight scale for weighing, and all coal shall be sold by weight on the basis of two thousand pounds per ton, and the giving of over-weight is prohibited.

Provided that the storage or keeping of explosives in any office, washhouse, lamp house, bunk house or building frequented by any person or workmen, is prohibited.

73. In every mine from which egress cannot readily be obtained, sufficient and convenient provision shall be made in the mine of suitable latrine accommodation for the

persons employed below ground and such accommodation shall be of such description that it shall be odourless and sanitary at all times and shall be so located as to be readily accessible to the persons employed in the mine.

74.—(1) No machinery, equipment, tool or appliance operated otherwise than by hand and no explosive or machinery shall be taken into any mine or used underground in any mine unless such machinery, equipment, tool, appliance or explosive is of a kind and description approved by the Chief Inspector.

(2) The Chief Inspector may if he thinks fit upon application being made to him for the purpose, issue a special permit authorizing the applicant to install and use below ground for demonstration or experimental purposes at such time, during such period or periods and subject to such conditions as he may prescribe, any specified machinery, equipment, tool, appliance or explosive which is not of a kind or description which has been approved by the Chief Inspector.

(3) Any such machinery, equipment, tool or appliance may be operated at the working face by a demonstrator who is not the holder of a miner's certificate if the demonstrator is accompanied by and is under the direction of a person who is the holder of a Class A miner's certificate, and not otherwise, and whilst the demonstrator is at the working face he shall obey the directions of the holder of the Class A miner's certificate accompanying him.

(4) Any such explosive may be used for the purpose of blasting by a demonstrator who is not the holder of a third class certificate, if the demonstrator is accompanied by and under the direction of a person who is the holder of a first, second or third class certificate of competency and not otherwise, and the demonstrator shall obey all directions given to him by such person.

BOOKS, RECORDS AND PLANS, AND THE MAKING OF RETURNS.

75.—(1) All books required to be kept pursuant to this Act or pursuant to any order or regulation made hereunder shall be provided by the owner, agent or manager and the same or a correct copy thereof shall be kept at the office of the mine or at such other places at the mine where the same are ordinarily and properly kept, and an inspector or any person employed in the mine, or anyone having the written authority of the Chief Inspector, may at all reasonable times inspect and take extracts or copies from such books.

(2) Every report required by this Act to be recorded in a book kept at the mine for that purpose shall be countersigned by the manager within three working days after the day on which the report is made.

76. Nothing in this Act shall be construed to impose an obligation to keep any book or copy thereof for more than twelve months after the same has ceased to be used for entries therein under this Act; and any report by this Act required to be recorded in a book may be partly in print or lithograph and partly in writing and no report book once used shall be again used for such purpose.

77. The owner, agent or manager of every mine shall keep in the office at the mine a book in which shall be entered the name, age, residence, the number of certificate, and date of first employment of every person employed in connection with the mine; and also a daily record in which shall be entered the time of checking in and checking out of every such person, and, if the time between the checking in and checking out of any such person or of the commencement and cessation of work exceeds the time permitted by this Act, the reason for the excess.

78. The owner, agent or manager of every mine shall provide suitable books for the purpose of entering therein all the records which are by this Act or by any regulations pursuant hereto required to be made, and shall cause all such records to be entered therein.

79. The owner, agent or manager of every mine shall at all times keep posted up in a conspicuous and convenient place at the mine,—

- (a) a notice setting out the name of the owner, agent and manager employed at the mine and of the District Inspector;
- (b) a copy of this Act, and all regulations, rules and orders made pursuant hereto.

80.—(1) The manager of every mine shall on or before the fifteenth day of each month send or cause to be sent to the Chief Inspector a correct return showing the quantity of coal or other material wrought or mined in such mine for the preceding calendar month, together with such other information as the Chief Inspector may demand.

(2) Such return shall be in such form as from time to time is prescribed by the Chief Inspector, who shall from time to time on application furnish forms for the purpose of the return.

NOTICE OF ACCIDENT AND REPORTING OF ACCIDENTS.

81. In or about any mine, whether above or below ground, when,—

- (a) loss of life occurs to any person, the owner, agent or manager shall immediately thereafter send notice of the death by telegram to the Chief Inspector and to the District Inspector and within twenty-four

hours thereafter shall make a return in the form set out in this section to the Chief Inspector and to the District Inspector;

- (b) serious personal injury occurs to any person, the owner, agent or manager shall within twenty-four hours thereafter make a return in the said form to the Chief Inspector and to the District Inspector;
- (c) any personal injury whatever occurs to any person by reason of any explosive or any explosion whatever, the owner, agent or manager shall immediately thereafter send notice of the explosion by telegram to the Chief Inspector and to the District Inspector and within twenty-four hours thereafter shall make a return in the said form to the Chief Inspector and to the District Inspector;
- (d) any personal injury, of which notice has been sent under this section, results in the death of the person injured, subsequent to the sending of the notice, then notice of the death by telegram shall be sent immediately to the Chief Inspector and to the District Inspector after knowledge of such death has reached the owner, agent or manager;
- (e) any personal injury whatever occurs to any person by electricity or by overwinding or by or from such other cause or means as the Chief Inspector may designate, the owner, agent or manager shall within twenty-four hours thereafter make a return in the said form to the Chief Inspector and to the District Inspector;
- (f) any injury is sustained by any person by reason of the breaking of any hoisting ropes, the owner, agent or manager shall within twenty-four hours thereafter make a return in the said form to the Chief Inspector and to the District Inspector;
- (g) any explosion of gas or coal dust occurs, or any explosives prematurely explode, or any gas is ignited, or any fire occurs, or any accident happens which might reasonably be expected to cause injury to any person, notice thereof in writing shall be sent to the Chief Inspector and to the District Inspector, by the owner, agent or manager immediately thereafter;
- (h) loss of life or serious personal injury has immediately resulted from an accident, the place where the accident occurred shall be left in the same condition as it was at the time of the accident for at least three days after sending notice as aforesaid to the Chief Inspector and to the District Inspector or until the visit to the place by an inspector, whichever event happens first, unless compliance with this provision would tend to increase or continue a danger, or would impede the working of the mine;
- (i) any inflammable gas has been found in any mine in which safety lamps are not required to be used,

the owner, agent or manager shall forthwith notify the Chief Inspector and the District Inspector, using for that purpose the most expeditious means available.

THE FORM.

Form of Notice of Explosion or Accident to be Sent to the Chief Inspector and District Inspector of Mines.

Name and postal address of owner.....
 Name of mine.....
 Date
 To the Chief Inspector, 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 Regulation Act*, I beg to give you notice that an explosion (or accident, *as the case may be*), has occurred at this mine, of which the following are the particulars:
 Name of person (s) killed.....
 Name of person (s) injured.....
 Occupation
 Age
 Date of accident.....
 Time of accident.....
 Place of accident.....
 Date of first employment.....
 Nature of injuries.....
 Causes with full description of accident.....
 Other remarks.....

.....
Owner, Agent or Manager.

SHAFTS FOR HOISTING.

82.—(1) 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 for the prevention of accidents.

(2) The top and all entrances between the top and bottom of every working, ventilating, or pumping shaft shall be properly fenced for the prevention of accidents, but this shall not prevent the temporary removal of the fence to make repairs or for other operations if proper precautions for safety are used in the meantime.

(3) Where one portion of a shaft is used for the lowering or raising of persons by ladders or otherwise, and another portion is used for raising the material gotten in the mine, no person shall travel or be permitted to travel in

the shaft when the same is in operation, unless the first mentioned portion is either cased or otherwise securely fenced from the last mentioned portion.

(4) Where the natural strata are not safe, every working, pumping or escapement shaft shall be securely cased, lined or otherwise made secure.

83.—(1) Every entrance to any place below ground in a mine not in actual use or in the 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.

(2) Proper apparatus for raising or lowering persons and for ingress or egress at each shaft or outlet, where necessary, shall be kept at each of the two shafts as are required by the foregoing provisions of this Act:

Provided that this subsection shall not apply to any outlet by which persons can walk into or out of the mine, or to any shaft not exceeding two hundred feet in depth provided it is equipped with a proper ladderway or stairway.

(3) Any ladder used permanently for ingress or egress in any such escapement shaft shall be set at an angle of not more than forty-five degrees, and shall be provided with hand rails and with platforms or landings at each turn of the stairway.

84.—(1) In the case of a mine operated by power obtained from any source not under the sole control of the owner of such mine and having two shafts more than two hundred feet deep, proper and separate apparatus for raising or lowering persons to or from the surface, actuated by an independent source of power, shall be kept at one of the two shafts or outlets required by the foregoing provisions of this Act, and such apparatus, if not in actual use, shall be constantly available for use.

(2) Every working shaft used for the purpose of drawing minerals or for the raising or lowering of persons, if of a greater depth than fifty feet, shall be provided with guides and some proper means of communicating distinct and definite signals from,—

- (a) the surface to the bottom of the shaft;
- (b) the bottom of the shaft to the surface;
- (c) every entrance for the time being in use off the shaft to the surface;
- (d) every entrance for the time being in use off the shaft to the bottom of the shaft.

(3) Every shaft if over fifty feet in depth, in which men are raised or lowered, must be equipped with a cage or cages fitted to guides running from the top to the bottom of the shaft.

(4) Every cage shall be provided with catches or other suitable device to prevent the cars falling out, and if used

for raising or lowering persons, shall be covered in completely at the top and closed at the sides in a sufficient manner to prevent persons or things from projecting beyond the sides and shall be provided with suitable gates, bars or chains and with suitable hand hold rods, or rails so they can be easily reached by all persons in the cage.

(5) Every cage shall be equipped with safety catches or safety dogs to prevent the cage from falling down the shaft in the event of the rope breaking, provided, however, that this shall not apply to any shaft in which steel wire rope guides are used.

(6) All shafts shall be provided with safety gates at the top and intermediate landings, such gates to be approved by the District Inspector.

(7) In all shafts over three hundred feet in depth or where the hoisting speed exceeds four hundred and fifty feet per minute where persons are being raised or lowered, detaching hooks or over-winding devices shall be provided unless such shafts are exempted from the operation of this subsection by the Chief Inspector in writing.

(8) No car either empty or loaded or other material and no implements or tools other than scientific instruments shall be raised or lowered whilst persons are being raised or lowered in the same shaft, whether on the same cage or not.

(9) The maximum number of men allowed to ride in each cage shall be approved by the District Inspector and the manager shall cause to be posted at the top and bottom of each shaft, a notice of the maximum number so approved.

SIGNALLING.

85.—(1) The code of signals shall be uniform for the Province and shall apply to any shaft where men or material are being raised or lowered:

Provided, however, that such code of signals may be added to by the mine manager to cover any additional purpose for which signals require to be transmitted but the general code shall not apply to any sinking shaft.

CODE OF SIGNALS.

(2) Signals shall be given by means of sound upon a gong or bell or any other device whereby an audible sound is made; and signals for any operation hereunder mentioned shall be given by making the number of separate sounds set opposite such operation as follows:

Operation	No. of Signals
Descent	
(a) When a person is about to descend, the banksman shall signal to the cager or onsetter and to the hoisting engineer	3
(b) Before the person enters the cage, the cager or onsetter shall signal to the banksman and hoisting engineer	3
(c) When the cage at the bottom is clear and ready to ascend, the cager or onsetter shall signal the banksman and hoisting engineer.....	1
(d) When the person is in the cage and ready to descend, the banksman shall signal to the hoisting engineer	2
Ascent	
(a) When a person is about to ascend, the cager or onsetter shall signal to the banksman and to the hoisting engineer	3
(b) Before the person enters the cage, the banksman shall signal to the cager or onsettler.....	3
(c) When the person is in the cage and ready to ascend, the cager or onsettler shall signal to the banksman and to the hoisting engineer.....	1
(d) When the banksman has received the signal from the onsetter or cager, he shall signal to the hoisting engineer	1
For hoisting otherwise than with persons:	
(a) To raise up.....	1
(b) To stop when in motion.....	1
(c) To lower down.....	2
(d) To raise steadily.....	4
(e) To lower steadily.....	5

(3) Notices containing the signals shall be posted in the engine room, at the pit bank and at each entrance into the workings from the shaft.

(4) The mine manager shall in addition, arrange for a code of signals for any sinking shaft, for the operation of any haulage, to be placed in the engine room and at other appropriate places.

HOISTING APPARATUS.

86.—(1) Hoisting apparatus worked by mechanical power shall be so designed, constructed and maintained, that with the power provided, the raising and lowering of persons can be carried out with ease, regularity and safety and shall be firmly connected to a rigid foundation so as to prevent any material movement as a whole.

(2) When hoisting apparatus is worked by other than mechanical power, it shall be efficiently constructed and maintained and provided with a locking device or brake sufficient in itself to hold the load at any point in the shaft.

(3) Every hoist used for the raising or lowering of persons shall be completely separated by a substantial partition from every other engine used for any purpose other than raising or lowering persons, unless a written exemption is given by the District Inspector.

87.—(1) Every hoisting engine used for raising or lowering persons, shall be provided with a good and sufficient brake on the drum so adjusted that it may be operated by the engineer without leaving his post at the levers.

(2) The drum thereof shall be provided with flanges of such size that when the whole rope is wound on the drum, there shall be not less than four inches between the outer layer of rope and the outer edge of the flange, except in the case of cylindric-conical drums.

(3) One end of each hoisting rope shall be well secured on the drum and at least three laps of the rope shall remain on the drum when the cage is at rest at the lowest caging place in the shaft, and the lower end of each rope shall be securely fastened to the cage by suitable capping, clamps, chains and any other approved means.

(4) An index dial or indicator which plainly shows the engineer at all times the true position of the cages in the shaft, in addition to any mark on the rope, shall be provided.

ROPES AND CHAINS.

88. No single link chain shall be used for raising or lowering persons in any working shaft or place save and except the short coupling chain attached to the cage or load and then safety chains or ropes shall be used of sufficient strength to take the load in case of failure of the coupling chain, and all cage chains shall be annealed once at least in every six months. The dates of annealings of the chains shall be recorded in a book to be kept for the purpose.

89. A competent person shall superintend the capping and recapping of hoisting ropes used for lowering or raising persons and see that it is properly carried out, and such person shall be appointed by the manager in writing, and the manager shall satisfy himself of the competency of the person so appointed.

90.—(1) Regardless of how the lower rope end is fastened, the manager shall cause an examination to be made by the persons appointed under section 89 once in every succeeding three months of such hoisting rope or cable in use for hoisting men and materials, by cutting a section off the lower end of the rope, not less than five feet in length and

having such section examined carefully both externally and internally for crystallization, corrosion and breaks.

(2) In the case of cylindric-conical drums where other than white metal caps are used, subsection (1) shall apply with the words "three months" changed to "six months" but the safety factor of the rope when new shall not be less than eight.

91. Where white metal is used in the capping or ropes, the untwisted wires shall be thoroughly cleaned and before the white metal is poured into the socket, the latter shall be heated or warmed.

92. In case any rope used as a hoisting rope in any shaft or slope shows signs of excessive wear or weakness, it shall be immediately replaced by another rope and the hoisting or lowering of men by such rope shall forthwith be prohibited until this is done.

PLANS OF MINES.

93.—(1) The owner, agent or manager shall appoint in writing a mine surveyor who is the holder of an Alberta Mine Surveyor's Certificate whose duty is shall be to make surveys of the mine and to make and maintain plans as required by this section.

(2) The owner, agent or manager of every mine shall keep in the office at the mine a correct plan of the mine made by a mine surveyor, or copy thereof, showing the workings of the mine on a scale of not more than two hundred feet to the inch and showing the workings up to a date not more than three months previous and showing the position of the entrances to the mine with regard to a section post on the surface:

Provided that in the case of any small mine the Chief Inspector may by writing extend the said period of three months to any period not exceeding twelve months.

- (3) Every such plan or copy thereof shall show,—
- (a) the boundaries of the workings of the mine showing all working places;
 - (b) the position, direction and extent of every known fault in the mine with its vertical throw, and of every known washout and dike;
 - (c) the position of the workings with regard to the surface;
 - (d) the general direction and rate of dip of the strata;
 - (e) the depth of every shaft and the elevation of the floor of the coal in feet and decimals thereof, at reasonable intervals on the main entries and slopes and at such other places as the District Inspector may require, from the entrance to the face of such places,

and such elevations shall be referred to a bench mark on the surface near the entrance to the mine which shall be in relation to sea level;

- (f) a section of the seam;
- (g) by a line, the outer boundary of the area comprised in the last preceding survey and shall show by a date referring to such line the date upon which the last survey was made. Every such plan shall be signed by the person making the survey, if such person is the holder of a mine surveyor's certificate, and if he is not, then by the certificated person under whose supervision the survey was made;
- (h) the legal description of all land from which coal is being mined, or otherwise removed, together with the names of the owners of the coal.

(4) A similar plan shall be made showing the workings of every seam on which operations are conducted.

(5) All such plans shall be made of durable material and shall be prepared by or under the supervision of a person holding a certificate as a mine surveyor granted under this Act.

(6) The owner, agent or manager of every mine shall post in some conspicuous place at the mine a plan showing the principal ways of ingress and egress to and from the various outlets with the travelling roads leading thereto.

(7) The owner, agent or manager of every mine shall, on demand, produce at the mine to an inspector the plan of the workings thereof and shall, if requested by him, mark on such plan the progress of the workings of the mine up to the time of such production and shall allow him to examine the same and shall furnish to the Chief Inspector and the District Inspector for their information a correct copy of such plan when requested so to do.

(8) The Chief Inspector may, whether or not a penalty for the violation of any of the provisions of this section has been inflicted, by notice in writing, require the owner, agent or manager, or any of them, within thirty days thereafter, to cause a correct plan of the mine to be made as prescribed by this section; and in the event of the non-compliance with this section, the Chief Inspector may cause a survey and a plan of the mine to be made, and the cost thereof shall be payable by the owner, agent or manager and shall be recoverable from them, or any of them, by suit brought in the name of the Minister in any court of competent jurisdiction as a debt due to the Crown.

94.—(1) Every plan prepared or kept pursuant to section 93 of this Act shall be verified by the statutory declaration of a person who is the holder of an Alberta Mine Surveyor's Certificate; such declaration shall be indorsed on or attached to the plan to which it relates and shall be in the following form:

FORM OF STATUTORY DECLARATION.

Canada,
Province of Alberta

The Coal Mines Regulation Act.

I,, of
..... in the Province of Alberta,
..... do hereby solemnly and sincerely
declare:

(1) That I am the holder of Alberta Mine Surveyor's
Certificate No.

(2) That the plan upon which this declaration is indorsed
(or to which this declaration is attached), is correct, and
shows thereon all the information required to be shown by
The Coal Mines Regulation Act as at the day of
....., 19.....

(3) That the said plan was prepared by me (or verified
by me).

And I make this solemn declaration of my own knowledge
and conscientiously believing the same to be true and know-
ing that the same has the same force and effect as if made
under oath and by virtue of *The Canada Evidence Act*.

Declared at
in the Province of Alberta, this }
..... day of, 19.... } *Declarant's Signature.*

Before me

.....
*A Justice of the Peace/Notary Public/
Commissioner for Oaths.*

(2) Any surveyor who knowingly makes such plan which
does not correctly show the data required by section 93 or
knowingly makes any false statement in connection there-
with shall be guilty of an offence and liable on summary
conviction to a fine of not less than fifty dollars or to
imprisonment for not less than fourteen nor more than
sixty days.

(3) Every person who is the owner, agent, manager or
overman of any mine or any person concerned therewith,
who knowingly neglects or fails to furnish to the mine
surveyor any information necessary for making any plan or
gives false information regarding the distance any place has
been driven or the size of the place, or as to the tonnage
extracted from the mine or any place in a mine shall be
guilty of an offence against this Act.

NOTICES, ETC.

95.—(1) All notices and documents required by this Act
shall be in writing, print or lithograph.

(2) All notices and documents required by this Act to be served on or sent to the Minister or Chief Inspector may be either delivered personally or sent addressed to him at the seat of government by prepaid registered letter, and all notices and documents required by this Act to be served on or sent to the District Inspector may be either delivered personally or sent by prepaid registered letter addressed to his last known place of abode.

(3) All notices and documents required by this Act to be sent by the Minister or an inspector, may be either served personally upon the parties affected thereby or sent by prepaid registered letter to their last known place of abode.

(4) The said notices 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, it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and put into the post.

96.—(1) Any certificate signed by the Chief Inspector as to whether or not any person named therein is the holder of any certificate which may be granted or issued pursuant to any of the provisions of this Act, either at the date of the certificate or at any time or times specified therein shall be evidence of the truth of the facts stated therein.

(2) Any extract from or copy of any book, document or plan in the office of the Chief Inspector which is certified by the Chief Inspector to be a true extract or copy shall be admissible in evidence without any further proof in any court as if such book, document or plan had been produced to the court by the Chief Inspector.

(3) Every such certificate purporting to be signed by the Chief Inspector shall be admissible in evidence without any proof of the signature or of the appointment of the Chief Inspector.

(4) All books, returns, notices, reports, forms and copies thereof required to be kept, posted or forwarded in accordance with this Act shall be in a form approved of by the Minister.

PROCEDURE ON THE ABANDONMENT OF A MINE.

97.—(1) No mine shall be abandoned by the owner thereof unless the agent, owner or manager thereof has given to the Chief Inspector notice in writing of intention to abandon the mine and such abandonment shall not take place without the consent of the Minister.

(2) When any mine is abandoned or the working thereof permanently discontinued, at whatever time the abandonment or discontinuance occurs it shall be the duty of the owner thereof and of every other person interested in the minerals of the mine to cause the top of every shaft and

every entrance from the surface to be adequately protected by filling the shaft from bottom to top and packed with ashes, dirt or other debris to the satisfaction of the Chief Inspector:

Provided that notwithstanding any contract to the contrary, the owner of the mine shall, as between himself and any other person interested in the coal or other minerals of the mine, be liable to carry the provisions of this section into effect and to pay any costs, charges and expenses incurred by any other person interested in the coal or other minerals of the mine in carrying this section into effect.

(3) No person shall be precluded by any agreement or otherwise from doing or be liable to any injunction, damages, penalty or forfeiture in respect of such acts as may be necessary in order to comply with the provisions of this section.

(4) Any shaft or outlet which is not protected as required by this section shall be deemed to be a nuisance.

(5) Where any slope, drift, tunnel or air hole has been abandoned it shall be filled up with debris or other material at its mouth, or as otherwise prescribed by the District Inspector.

(6) Nothing in this section shall exempt any person from any liability under any other Act or at common law.

(7) Any person who without authority so to do removes any protection provided to safeguard any slope, shaft, drift or any opening to a mine, shall be guilty of an offence and liable on summary conviction to imprisonment for a term of not more than six months.

ABANDONMENT PLANS.

98.—When any mine is abandoned either temporarily or permanently the owner thereof at the time of the abandonment shall within three months, or within such extended period as the Chief Inspector may allow, in writing, in any specific case, deposit with the Chief Inspector a plan or plans of the mine prepared on durable material upon the same scale and in the same manner and containing the same information and details as are by this Act required in the case of the plans required to be kept whilst the mine is being worked, and every such plan shall show the position of all workings up to the date of abandonment and shall be certified to be correct by a mine surveyor.

99. All plans and sections so deposited shall be kept by the Chief Inspector.

100. No person except an inspector shall be entitled, without the consent of the owner for the time being of a mine, or authority from the Chief Inspector, to see any plan or section while in the possession of the Chief Inspector, and such authority shall not be given unless the Chief Inspector is satisfied that the inspection of the plan is necessary in the interest of safety.

101.—(1) If an abandoned mine is reopened, the owner shall be entitled to have the plans and sections returned to him on depositing with the Chief Inspector copies thereof or of such portions of them as the Chief Inspector may require, certified to be correct by a mine surveyor.

(2) When a mine has not been worked for a period of twelve months, it shall be deemed to have been abandoned unless the roadways and workings are maintained in an accessible condition; if any dispute shall arise as to whether or not a mine is abandoned under this Act, it shall be decided by the Minister whose decision shall be final and there shall be no appeal therefrom.

(3) A complaint or information for an offence under section 97 of this Act may be made or laid within twelve months after abandonment of the mine or within six months after service on the owner aforesaid of a notice to comply with the requirements of this section, whichever last happens.

(4) A judge of the Supreme Court may, on application by or on behalf of the Minister, make an order requiring any person who has for the time being the custody or possession of any plans or section of an abandoned mine or seam to produce and deliver them to the Chief Inspector for the purpose of inspection and copying.

102.—(1) When any mine is abandoned, its owner shall send or cause to be sent to the Chief Inspector within fifteen days thereafter, correct returns showing the quantity of coal or other material wrought or mined in such mine, from the last day of the preceding month to the date of abandonment together with such other information as the Chief Inspector may demand.

(2) The returns shall be in such forms as are from time to time prescribed by the Minister, and may be obtained from the office of the Chief Inspector.

PERMIT TO COMMENCE MINING OPERATIONS.

103.—(1) No person shall commence any mining operations at any place at which mining operations have not been previously carried on in conformity with this Act, or recommence any mining operations at any place which is an abandoned mine or a mine at which mining operations have been discontinued for a period of more than twelve months, unless and until a permit has been issued by the Chief Inspector for commencement of or recommencement of operations.

(2) Where a change of ownership takes place, the Chief Inspector and District Inspector must be forthwith notified of such change of ownership and all mining operations shall be discontinued after ten days from the change of ownership unless a permit has been issued by the Chief Inspector for the continuation of operations.

(3) The Chief Inspector shall not grant any permit unless and until he is satisfied that proper provision has been made for the conduct of the proposed operations in conformity with the provisions of this Act and he has been provided with a certificate of the Board of Public Utility Commissioners issued pursuant to section 105.

(4) Every applicant for a permit shall submit to the Chief Inspector with his application a programme prepared by a person holding a first class or second class certificate of competency or who is a registered professional mining engineer setting out with sufficient particularity the proposed operations for the development of the mine; and the Chief Inspector shall not grant a permit in any case where he is of the opinion that the proposed operations are such as to make impossible the recovery of coal which could be recovered by the use of operations which are practical and reasonable, having regard to all the circumstances prevailing for the time being.

(5) In any case where mining operations at any mine have been commenced or recommenced after the issuance of a permit under this section, the owner, agent or manager of the mine shall not depart from or go beyond the programme of operations submitted with the application unless and until notice of intention to depart from or go beyond such programme, with particulars of the proposed departure or extension prepared by a person who is the holder of a first class or second class certificate of competency or who is a registered professional mining engineer has been submitted to the Chief Inspector and he has consented in writing thereto.

(6) When any change occurs,—

- (a) in the name of any mine; or
- (b) in the name of the owner, agent, manager, assistant manager, or overman of a mine; or
- (c) in the officers of any incorporated owner; or when
- (d) any working is commenced for opening a mine or seam; or
- (e) any mine is abandoned or the working thereof discontinued; or
- (f) 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 within ten days after starting such change, commencement, abandonment, discontinuance or recommencement truly and correctly advise the Chief Inspector and the District Inspector thereof in writing.

104.—(1) If at any time it is made to appear to the Chief Inspector by the written report of a District Inspector that the method of operation of any mine is such that the coal is not being recovered economically but that it can be recovered economically by methods of operation which are

practical and reasonable, the Chief Inspector may by order in writing require the owner or operator of the mine within ninety days of the day of the order to remedy the operation in such a manner as may be necessary to insure the economical recovery of the coal to the extent that it is practical and reasonable so to do, and to submit to the Chief Inspector a programme of future operations with particulars thereof for his approval; and if upon the expiration of the said period of ninety days the operation of the mine is not remedied and a programme for the future operation of the mine is not approved by the Chief Inspector, the Chief Inspector may upon the expiration of such period by order prohibit the future operation of the mine or such part or parts thereof as may be specified in the order until such time as the operation has been remedied and a programme of future operation has been approved by him.

(2) In case the owner, agent or manager of any mine disputes the reasonableness of any order made by the Chief Inspector under this section, he may give the Chief Inspector written notice or objection to such order, and thereupon the dispute shall be settled by arbitration pursuant to this Act; and pending the settlement of the dispute by arbitration, the order to which the notice of objection relates shall be suspended.

105. Any person desiring to commence or recommence any such operations may apply to the Board of Public Utility Commissioners for a certificate to the effect that the resources of the applicant are such that he can provide for the cost of carrying on the proposed operations for a period of at least twelve months; every such application shall be made in such manner as the said Board may prescribe and it shall proceed to inquire into every such application as and when the said Board deems proper and to grant or refuse the application having regard to the circumstances of the applicant.

INQUESTS

106. (1) When an inquest is to be held 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 Chief Inspector and to the 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 an inspector, the coroner shall adjourn such inquest whenever practicable to enable an inspector or some other properly qualified person appointed by the Minister to be present at the inquest.

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

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

(4) The inspector or other person appointed by the Minister and a person appointed by the workmen of the mine, and a person appointed by the owner, agent or manager of the mine at which the accident occurred, shall be at liberty at the inquest, to examine any witnesses.

(5) Where evidence is given at an inquest of any neglect or default as having caused or contributed to the explosion or accident, the coroner shall forthwith send to the District Inspector notice in writing of the neglect or default.

(6) No person having a personal interest in, or in the management of, the mine in which the explosion or accident occurred, as an owner, a partner, a shareholder, a stockholder or an official in respect of the mine, and no official of any workmen's or owners' association and no relative of the deceased person upon whose body the inquest is to be held, shall serve on the jury empannelled for the inquest, or act as coroner thereat.

(7) Every owner, agent or manager of a mine shall on the request of an inspector, furnish such plans as will show the locality of the accident and as may be required by the inspector for the use of the coroner and jury.

(8) If in the opinion of the inspector it will lead to a more thorough investigation and will be more conducive to the ends of justice, he may require the coroner to summon as jurymen three workmen employed at any other mine than that at which the accident occurred and the workmen shall form part of the jury sworn for the inquest.

INQUIRY AS TO COMPETENCY AND FITNESS OF CERTIFIED PERSONS.

107.—(1) If at any time representation is made to the Minister by an inspector or otherwise, that a person holding any certificate (other than a miner's certificate) under this Act is by reason of incompetency, misconduct, drunkenness or gross negligence, unfit to discharge his duty, the Minister may if he thinks fit,—

- (a) cause an inquiry to be made into any such representations;
- (b) order the person into whose conduct the inquiry is to be made, to deliver up his certificate to the Minister before the date fixed for such inquiry; and if the person fails without sufficient cause to the satisfaction of the Minister, to comply with the requisition, he shall be deemed to be guilty of an offence against this Act, and the Minister may thereupon, in his discretion, suspend or cancel the certificate. 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 inquiry.

(2) The inquiry shall be public and shall be held at such time and place as the Minister directs and by the Minister or by such person as the Minister may appoint.

(3) The Minister shall, before the commencement of the inquiry, furnish the person into whose conduct the inquiry is to be made, with particulars of the representations which have been made against him.

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

(5) The Minister shall have the power to cancel or suspend the certificate of the person into whose conduct the inquiry has been made, if he finds that he is, by reason of incompetency, misconduct, drunkenness or gross negligence, unfit to discharge his duty.

(6) For the purpose of any inquiry under this section, the Minister or any person appointed by him to hold an inquiry, shall have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

(7) The Minister may make such order as he thinks fit respecting the costs and expenses of inquiry, and upon the order being filed with any clerk of the Supreme Court, it shall have the same effect and shall be enforceable as if it were a judgment of the Supreme Court.

(8) In any case where a conviction has been made against any certified person (other than a miner) for a contravention of this Act or the regulations made thereunder, the Minister where he considers the offence to be of a serious nature, may in his discretion require such person to deliver up his certificate or certificates to the Minister, who may cancel or suspend the certificate or certificates or deal with them in such other manner as he may deem proper.

(9) The certificate or certificates of competency to be surrendered or delivered to the Minister under the provisions of this section shall be that certificate under which the official was working at the time the offence was committed and any certificate of competency of a higher degree, but such surrender shall not impair or restrict his employment in respect of any lower certificate of competency which he holds under the provisions of this Act.

(10) When a certificate is cancelled or suspended pursuant to this Act, the Minister shall cause the cancellation or suspension to be recorded in the register of holders of certificates, and notice thereof shall be published in *The Alberta Gazette*.

108. 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 certificate which has been cancelled or suspended pursuant to this Act.

109. Whenever any person proves to the satisfaction of the Chief Inspector that he has, without fault on his part, lost or been deprived of any certificate previously granted

to him under this Act, the Chief Inspector 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.

VENTILATION.

110.—(1) An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless all noxious or inflammable 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.

(2) On any longwall face where by reason of the thinness of the seam and other conditions, the quantity of two hundred cubic feet per minute per person working on the face would create an excessive velocity or uncomfortable conditions would arise, the quantity on the face may be less than two hundred cubic feet per minute per person and animal if permission is obtained from the District Inspector who shall set out in writing the minimum amount of air for each man and animal on such face.

(3) Every mine shall be divided into districts or splits containing not more than seventy men in each district, at any one time and each district shall be supplied with a separate current of fresh air.

(4) All intake air shall travel free from all stagnant water, stables and old workings.

(5) On all main roads where a door is required the District Inspector may order that two doors shall be placed in order that while one is open, the other shall remain closed.

(6) The points at which the quantity of air shall be measured shall be as follows:

- (a) In the main airway of each mine as near as practicable to the points at which the air enters and leaves the mine;
- (b) In each district or split as near as practicable to the points at which the district or split commences, and where the air enters the main return;
- (c) In each district or split at a point as near as is reasonably practicable to where the air enters the first working room on the split and such other points as may be directed by the District Inspector;
- (d) These measurements shall be made at least once every week by the overman, and a record of each measurement, along with a record of the greatest number of men, horses and mules employed in each district or split on one shift, together with a record

of the greatest total number of men in the mine on one shift during the week previous to the date on which the measurement was made shall be forthwith entered in a book which shall be kept at the mine for that purpose, and signed by the person making the measurement. A copy of the record of these measurements shall be sent monthly to the District Inspector on or before the twelfth day of each month for the preceding calendar month;

- (e) The person taking air measurements shall immediately thereafter chalk his initials and date of measurement on the sides or roof of the roadway at or near the point at which such measurements were taken.

111.—(1) The air current shall be conducted and circulated to and along the face of each and every working place throughout the entire mine in sufficient quantities to dilute, render harmless and sweep away smoke and noxious gases or inflammable gases to such an extent that all working places and travelling roads shall be in a safe and fit state to work and travel therein and thereon.

(2) No person shall brush or waft out gas from any working place in the mine.

112. All worked out or abandoned parts of a mine in operation shall so far as practicable be kept free of dangerous bodies of gases or water and if it is found impracticable to keep the entire mine free from an accumulation of gases or water the District Inspector must be immediately notified.

113. Should the District Inspector find the sectional area of any airway in a mine to be such that to obtain the requisite quantity of air for ventilation, such a velocity of air current is or would be created as to raise and keep in suspension an undue amount of dust, or as to cause dust to be carried into the workings so as to be a source of danger or should he consider the cars, motors or other appliances passing along such airways materially interfere with the free passage and efficiency of the air current, the inspector may give notice in writing thereof to the owner, agent or manager of the mine, and unless the same shall be forthwith remedied, the District Inspector shall report the same to the Chief Inspector who shall forthwith take such steps as he considers necessary to deal with the matter.

114. All doors used in assisting or conducting the ventilation shall be hung and adjusted so that they will close automatically.

115.—(1) All doors on haulage roads, except self-acting doors of a description approved by the District Inspector shall have an attendant whose constant duty it shall be to

open them for transportation and travel and prevent them from standing open longer than is necessary for persons, cars or locomotives to pass through.

Provided, however, where trips are brought to a full stop at any door to enable the person in charge of such cars, locomotive or trips to open the door, the District Inspector may by order in writing grant exemption from compliance with this section.

(2) Where an attendant is required at a ventilating door, a place of refuge shall be provided close to the door, its position to be approved by the District Inspector.

116.—(1) All stoppings between intake and return airways shall be of substantial construction and built in such manner as to prevent any undue leakage of air.

(2) The space between the face of the stopping and the roadways shall be kept free of obstructions.

117. In case the size of the roadways or shafts be so restricted by the haulage of mine cars or in any other way, as to reduce the area of the road available for the free passage of the air current, the owner, agent or manager shall provide another airway or shaft to admit of the free passage of the air.

118. In all headways and fast ends the ventilation shall be conducted to the face of the working of the fast ends by means of brattice, air pipes or vent tubes.

119. Cross-cuts shall be put through between rooms and in entries at intervals of not more than sixty feet unless ventilated by means of fans and vent tube, air pipe or brattice, and not more than one working place and cross-cut shall be allowed to be driven beyond the last cross-cut connected with the general ventilation of the mine.

Provided, however, that in the case where special circumstances arise or where the multiple entry system is used, the above provisions shall not apply when a plan of the proposed workings has been submitted and approved in writing as to ventilation by the District Inspector.

120. All cross-cuts or break-throughs between entries and between rooms shall be securely stopped off except the one next or closest to the face.

121.—(1) No auxiliary or booster fan which is driven otherwise than by electricity or compressed air, shall be placed in any mine and if the fan be electrically driven, the motor, irrespective of its type, shall in all cases be placed in the intake airway.

(2) Auxiliary or booster fans underground shall be installed in such position that there shall be no re-circulation of return air within the fan.

122. All escape ways shall be ventilated and all shafts shall be kept free from vitiated air, accumulations of ice and obstructions of every kind, and proper precautions shall be taken to prevent ice from accumulating in wet shafts; and all surface or other water shall be conducted by rings or other means to receptacles so as to keep the stairways reasonably free from water.

123. At all mines using main and counter gangways with chutes passing from the main entry or gangway to the room above, the loaders shall keep the coal in the chutes above the bulkhead to prevent any short circuiting of the air.

INSPECTION OF MINES IN WHICH INFLAMMABLE GAS HAS BEEN FOUND.

124.—(1) In every mine in which inflammable gas has been found in the preceding twelve months, an examiner or examiners appointed for that purpose shall inspect with a locked flame type safety lamp that part of the mine being or intended to be worked and the roadways leading thereto within three hours before the time of each shift commencing work; and he shall make a true report to the manager or overman, at the time in charge of the mine, of the condition thereof as far as safety and ventilation is concerned, and every report shall be truly recorded without delay in a book which shall be kept at the mine for that purpose and shall be signed by the person making the inspection and a copy of the report shall be posted immediately in a conspicuous place at the mine, and no workman shall go to work in any such part until the copy of such report has been posted up, stating that it and the roadways leading thereto are safe.

(2) A similar inspection of all parts of the mine in which workmen are to work during that shift shall be made at least twice during each eight-hour shift, once during the first half of the shift and once during the second half of the shift, provided that there be an interval between inspections of at least one hour of any working place.

(3) A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine and the readings shall be taken every day before the commencement of inspection and a record of the readings made in a book kept at the mine for that purpose and it shall be signed by the person or persons making the inspections.

(4) Unless exemption has been granted by the Chief Inspector gas detector readings or observations shall be taken daily by a competent person (except on Sundays, idle days and holidays, in districts or splits in which no coal is being got and not more than ten men are employed in any such district or split), with a gas detector of a type approved by the Chief Inspector, in the return airways of each district or split, at a point not more than one hundred feet from the last working place in the district or split, and a record of the

readings or observations shall be made in a book kept at the mine for that purpose and shall be signed by the person taking the reading or observation.

125. If in the opinion of the District Inspector by reason of the quantity of inflammable gas given off, or the quantity of dust created by working or from any other reason, it is unsafe to work the rooms, entries or faces by two shifts in close succession, he may require that there shall be such interval as he thinks necessary between the finishing of work by one shift and the beginning of work by the next, and the inspector shall give notice in writing thereof to the owner, agent or manager as otherwise set out in this Act.

INSPECTION OF MINES IN WHICH INFLAMMABLE GAS HAS NOT BEEN FOUND

126.—(1) In every mine in which inflammable gas has not been found within the preceding twelve months, an examiner or examiners appointed for that purpose shall inspect with a locked flame safety lamp that part of the mine being or intended to be worked and the roadways leading thereto within four hours before the time of each shift commencing work; and he shall make a true report to the manager or overman, at the time in charge of the mine, of the condition thereof as far as safety and ventilation are concerned, and every report shall be truly recorded without delay in a book which shall be kept at the mine for that purpose and shall be signed by the person making the inspection and a copy of the report shall be posted immediately in a conspicuous place at the mine, and no workman shall go to work in any such part until the copy of the report has been posted up, stating that it and the roadways leading thereto are safe.

(2) Similar inspections of all parts of the mine in which workmen are to work during that shift shall be made at least twice during each eight-hour shift but not necessarily with a flame type safety lamp; provided that there be an interval between inspections of any working place of at least one hour.

127. Every precaution shall be taken to prevent the accumulation of noxious or inflammable gas in any working place or roadway, and as soon as any such gas is found to be present, safe and effective means shall be taken to remove it as soon as possible.

128. All airways in every mine which is being worked or is intended to be worked shall be inspected at least once in every twenty-four hours by an examiner, who shall, upon becoming aware of anything requiring attention, report the same to the manager or overman, and shall enter a true report of each inspection immediately in the daily report book.

129. One or more stations shall be appointed at the entrance to a mine and may with the consent in writing of the District Inspector, be appointed at underground points thereof as the case requires, and no workman shall pass beyond any station until the mine or part of the mine beyond the same has been inspected and reported to be safe.

130.—(1) 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 the mine or some part thereof, or from any cause whatever the mine or the said part is dangerous, every workman shall be withdrawn from the mine or such part thereof so found dangerous and if the danger arises from inflammable gas he shall inspect the mine with a locked flame type safety lamp and in every case shall make a true report of the condition of the mine or part thereof and every report shall be truly recorded without delay in a book which shall be kept at the mine for that purpose and shall be signed by the person making the inspection.

(2) Except when necessary for inquiring into the cause of danger or for the removal thereof or for exploration, no person shall be readmitted to the mine or such part thereof so found dangerous until a copy of the report has been posted up stating that the said mine or part thereof is not dangerous.

(3) For the purpose of this section, any part of the mine shall be deemed to be in a dangerous condition if the percentage of inflammable gas in the general body of the air in that part of the mine is found to be two and one-half per centum or upwards.

SAFETY LAMPS

131. No lamp or light other than a locked safety lamp of a pattern approved by the Chief Inspector shall be allowed or be permitted to be used underground by any mine manager in any mine if inflammable gas has been or is likely to be found in the mine, and if the Chief Inspector by notice in writing prohibits the use therein of any lamp or light other than a locked safety lamp, unless and until the Chief Inspector otherwise orders.

132.—(1) Where any new mine is being opened up in any district, area or seam where gas has been found previously, the owner, agent or manager shall not permit any other light than an approved safety lamp to be used in the mine.

(2) In every working approaching any place in a mine where there is likely to be an accumulation of inflammable gas or in any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous, no lamp or light other than a locked safety lamp shall be allowed or used.

(3) When safety lamps are so required to be used, a person holding a first, second or third class certificate under this Act and appointed for that purpose shall inspect every such lamp whether electric or flame type, immediately before it is taken into the workings, to ascertain if it is safe and securely locked.

(4) No safety lamp shall be used until it has been so examined and found safe and securely locked and the same shall not be unlocked without authority from the owner, agent or manager.

(5) No person shall, in any mine in which safety lamps only may be used, have in his possession any key or contrivance for opening the lock of any safety lamp, unless he is the holder of a first, second or third class certificate of competency and is authorized so to do by the manager or overman in writing, or is a person appointed by the manager and approved by the District Inspector as a person who may light safety lamps underground.

(6) Nothing in this section shall be construed to prevent the use of a safety lamp provided with a relighting apparatus within the tube thereof of a pattern approved by the Chief Inspector, nor to prevent the use of any shot-igniter, electrical firer or other appliance for such purpose of a pattern approved by the Chief Inspector.

(7) In any mine or part of a mine in which safety lamps are used no person shall carry or have in his possession any lucifer match or apparatus of any kind for making a light or any pipe for smoking tobacco, or any tobacco for smoking in any form.

(8) For the purpose of ascertaining whether any person is contravening any of the provisions of this section, the owner, agent or manager may appoint one or more persons to make such inspection as he deems necessary.

(9) Any person or persons appointed for the purpose of searching workmen to ascertain if they are in possession of matches, or other prohibited articles or materials, shall before proceeding to carry out this duty, first submit themselves to search by some official appointed by the manager.

(10) When safety lamps are in general use in any part of a mine no naked lights shall be used in any other part of the mine.

(11) When safety lamps are used at any time in a mine, one or more persons shall be appointed by the owner, agent or manager in writing, to see that the lamps are properly cleaned, put together and in good order before being given out to the workmen.

(12) When safety lamps are required to be used, a daily record shall be made in a book, to be kept at the mine for the purpose, of the names of all persons to whom safety lamps are given out, and a record of the return of each lamp shall be made in such book.

(13) A person appointed for the purpose shall receive and examine every safety lamp on its being returned to the lamp house and if, on examination, any lamp is found to be damaged, the damage shall be deemed to have been due to the neglect or the fault of the person to whom the lamp was given out, unless he proves that the damage was due to no fault of his own.

(14) Should a safety lamp be damaged, the person to whom the lamp was given out shall immediately notify the manager, overman, examiner or some other person in authority in the mine.

(15) No safety lamp shall be lighted below ground except by a person who is the holder of a first, second or third class certificate of competency under this Act or by a person appointed by the manager and approved of in writing by a District Inspector, and the safety lamp shall not be lighted until it has been thoroughly examined, and found to be in a safe condition, and in good working order, and no person other than persons aforesaid shall have in his possession in or about a mine, any key or other contrivance for re-lighting any safety lamp.

(16) The owner, agent or manager of any mine in which the use of lights other than safety lamps is prohibited shall appoint one or more persons whose duty it shall be to search for any article prohibited by this section every person at the mine before he begins his first shift upon his being newly engaged at the mine, and any or all employees at any time upon being directed to do so by the manager of the mine or by the District Inspector.

APPROACHING ACCUMULATIONS OF WATER, ETC., IN OLD WORKINGS.

133. When any working has approached within one hundred and twenty feet of a place which is likely to contain a dangerous accumulation of water or gas or of disused workings (not being workings which have been examined and found to be free from accumulations of water and gas), the working approaching such place shall not exceed eight feet in width or height or such greater width as may be permitted by the Chief Inspector, and there shall be constantly kept at a sufficient distance, not being less than fifteen feet in advance, at least one bore-hole near the centre of the working face and sufficient flank bore-holes on each side at intervals of not more than fifteen feet. In cases of overlying accumulations of water, the District Inspector, after consultation with the Engineer and the Mine Manager, may require that solid pillars be left in or the area dewatered. Every such direction in this connection by a District Inspector shall be complied with.

FIRE PROTECTION AND OTHER PRECAUTIONS

134.—(1) The owner or agent of any mine shall provide and maintain at each mine in good condition efficient means of protection against fire at the main entrance to any hoist-

ing shaft, slope, permanent escapeways, hoist rooms, ventilating fans (unless the fan housing and drift are of fire proof construction), and at the bottom of all hoisting shafts; such means of fire protection shall consist of sufficient chemical extinguishers of a type approved by the Chief Inspector or of suitable fire hose of at least one and a half-inch internal diameter, with suitable hose connections and nozzles, and pipe lines of not less than two-inch internal diameter to convey water at a pressure of not less than twenty-five pounds per square inch from an adequate supply for each of the places in the mine hereinbefore mentioned.

(2) No oil, grease, canvas or other inflammable material shall be stored below ground in any mine except in a fire-proof receptacle or chamber.

(3) No inflammable material likely to cause danger from fire, to the persons employed below ground, shall be used in the construction of any engine room, motor room or room in which machinery is used below ground.

(4) No paper or material of any kind likely to cause a fire shall be permitted to accumulate below ground.

(5) (a) The use of tarred building paper or paper of any kind for brattice or purposes of ventilation is prohibited, and brattice cloth must be fire-resistant in places where shots are fired.

(b) The use of tarred building paper however may be used for the purpose of interlining doors and stoppings.

(6) Adequate means of extinguishing fire shall be provided at every part of a mine at which timber, grease or other inflammable material is stored and at all insets where timber is used for the construction of staging; and at every pithead, engine room, boiler house, motor room, in the construction of which timber is used.

STABLES, LOCATION AND CONSTRUCTION.

135.—(1) All underground stables shall be so located that the ventilation passing through the stables will pass directly into the return airway.

(2) The material used in the construction of stables in mines, shall, as near as practicable, be incombustible and such stables shall not be used as a place for storing any inflammable material, except such hay as may be reasonably necessary for immediate use.

(3) All manure shall be removed each working day from any mine or part of a mine.

(4) No person with an open light shall enter or remain in any stable in or about a mine, and any person who finds an open light in any such stable, shall at once extinguish it.

(5) Every person shall see that all unnecessary lights under his charge shall be extinguished.

(6) At stables underground at which four or more horses are accommodated, there shall be provided,—

- (a) a water pressure system with hose connections with hose suitable for dealing with any fire; or
- (b) an adequate supply of chemical fire extinguishers;
- (c) barrels of water which shall be constantly kept filled with water, with buckets ready and available for dealing with any fire at the stables.

MAN-HOLES ON HAULAGES, INCLINES, ETC.

136.—(1) Every underground plane which is self-acting or worked by an engine, windlass or gin shall be provided, if exceeding ninety feet in length, with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane and every back or counter-balance used for raising or lowering coal or other minerals if exceeding ninety feet in length, 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. This provision shall apply to all places worked on the McGinty System or any other gravity system where the loaded car raises the empty car.

(2) Every slope or incline which is self-acting or worked by an engine, windlass or gin, if exceeding sixty feet in length and on which persons normally travel shall be provided with sufficient man-holes or places of refuge at intervals of not more than sixty feet and in addition to the man-holes so specified there shall be at the landings on each slope, a man-hole or man-holes to give protection to any landing tender in the event of any car or cars running back.

(3) Every level, entry or tunnel underground where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall where there is not standing room of at least two feet between the side of the car and the side of the road, be provided with man-holes or places of refuge at intervals of not more than seventy-five feet.

(4) On every level, entry or tunnel on which persons normally travel where the haulage is worked by gravity or mechanical power at a speed not exceeding five miles per hour, and there is not standing room of at least two feet between the side of the car or locomotive and the side of the road, there shall be provided man-holes or places of refuge at intervals of not more than sixty feet; or where the load is drawn by rope haulage and the speed exceeds five miles per hour, man-holes shall be provided irrespective of the standing room available.

(5) Every man-hole or place of refuge shall be as nearly as possible three feet in width and not less than four feet in depth and not less than five feet in height.

(6) Every man-hole and place of refuge shall be constantly kept clear and shall be treated with whitewash or other colour so that the same are of a colour distinct from the colour of the surrounding walls at all times, and no person shall place anything in a man-hole or place of refuge so as to prevent access thereto.

(7) Whenever in the opinion of the Chief Inspector the provisions of this section are not sufficient for the safety of the persons travelling on such road he may require the owner, agent or manager of such mine to make such provisions as he may deem necessary for safety, and may require them to provide a separate travelling road.

(8) No repair work shall be done on any slope or incline where the haulage is worked by gravity or mechanical power while the haulage is in operation unless the place to be repaired is above the points where the cars are being moved, or if below such point, ample protection is provided to safeguard the workmen against runaway or derailed cars.

MANTRIPS.

137. It shall be permissible to run mantrips to convey workmen to or from their work in mines subject to the written approval of the Chief Inspector, and to any conditions he may prescribe, and in addition thereto the following conditions shall apply to mantrips on slopes:

- (a) On all slopes of twenty-degrees inclination or more, on which regular mantrips are being hoisted, each car or carriage shall be attached to the one ahead by two or more separate couplings or connections each of which must be of ample strength to hold any load placed upon it by the breaking of the other;
- (b) The first car shall be secured to the rope socket or capping and in addition the first car shall be secured by one or more extra cables or chains securely attached to the rope above the socket or capping;
- (c) The mantrip cars or carriages shall be so constructed and provided with safety devices that in the event of the rope breaking the trip shall be brought to a stop;
- (d) On all slopes of less than twenty degrees inclination the requirements of paragraph (a) may be dispensed with in the case of a mantrip which is coupled up in the ordinary manner if the mantrip is provided with a safety rope which extends from the main rope to the last car or if the mantrip is equipped with any other approved safety device that will answer the same purpose;
- (e) On all mantrips and other trips being raised on slopes when not more than fifteen degrees in inclination, a drag shall be attached to such trip to prevent cars or carriages running back.

LIGHTING OF LOCOMOTIVES AND OTHER TRIPS.

138.—(1) Every locomotive in use underground shall be provided with proper lamps or headlights and also a whistle or alarm which shall be sounded when any person is ahead and it shall also be sounded frequently when the locomotive is approaching or working near partings, switches, curves, doors or landings.

(2) On all main and tail rope haulages there shall be displayed a conspicuous light on the front and rear of every trip or train of cars when in motion in the mine and on any other trips when ordered in writing by the District Inspector

(3) No locomotive shall be operated underground at a speed exceeding six miles per hour without permission in writing from the District Inspector.

DRILLS.

139.—(1) No drill operated by mechanical power shall be used for drilling in rock or stone unless,—

- (a) Water is fed into the bottom of the hole; or
- (b) a jet or spray of water is directed and kept directed into or about the hole; or
- (c) other steps approved by the Chief Inspector are taken in such manner and to such extent as is necessary to prevent the issuance of dust from the hole during drilling.

Provided that where the drilling in stone or rock is done intermittently in a working place and in conjunction with coal getting operations, the Chief Inspector upon application, may by writing under his hand, grant an exemption in respect of the whole or any part of the provisions of this section.

(2) If any person contravenes or fails to comply with the provision of this section, he shall be guilty of an offence against this Act and in the event of such contravention or non-compliance by any person whomsoever, the owner, agent and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he has taken all reasonable means to prevent the contravention or non-compliance.

INSPECTORS APPOINTED BY WORKMEN.

140.—(1) The workmen employed in a mine may, at their own cost, appoint any two persons, resident in the Province and who are not mining engineers, and who are or have been practical working miners and have not had less than five years' experience of underground work, and who hold a Class A miner's certificate to inspect the mine, and the persons so appointed shall be allowed once at least in every month to go to every part of the mine, and to inspect

the shafts, roads, levels, workings, airways, ventilating apparatus, old workings, and machinery, and shall, where an accident has occurred in a mine of which notice is required under this Act to be given, be allowed to go to the place where the accident occurred and to make such inspection as may be necessary for ascertaining the cause of the accident, subject, however, to the provisions of this Act requiring the place where an accident has occurred to be left as it was immediately after the accident.

Provided, however, in cases of serious or fatal accidents or other emergency conditions, the Workmen's Inspection Committee may enter the mine as soon as they have presented themselves at the bank and an official is available to accompany them.

(2) Every facility shall be afforded by the owner, agent and manager and all persons in the mine for the purpose of the inspection, and the persons appointed shall, except where it is an inspection for the purpose of ascertaining the cause of an accident forthwith make and sign a full and accurate report of the result of the inspection in a book to be kept at the mine for the purpose and shall forthwith cause a true copy of the report to be sent to the District Inspector.

(3) The persons making the inspection shall be accompanied by an official of the mine who is the holder of a first, second or third class certificate of competency.

(4) In any mine where more than thirty men are employed underground and the workmen fail to appoint two of their number to so inspect, the Chief Inspector may select from the men in alphabetical order where possible two persons with the qualifications mentioned in subsection (1) of this section to make the inspections therein mentioned and the persons so appointed shall have the duties and powers conferred upon persons appointed pursuant to subsection (1), and the owner, agent or manager of the mine may withhold from the wages of the underground employees, a sufficient sum *pro rata* to remunerate the persons making the examination.

(5) Whenever so required by the owner, agent or manager, the workmen employed in a mine shall appoint an inspection committee to inspect the shafts, roads, levels, workings, airways, ventilating apparatus, old workings, and machinery, and the cost of such inspection shall be borne by the owner, and the provisions of subsections (1), (2) and (3) shall *mutatis mutandis* and except as herein otherwise provided, apply to the inspection.

CONVEYOR ROADS AND LONGWALL FACES.

141.—(1) Main conveyor roads shall not be less than four feet in height with a clear space of not less than two feet between the conveyor and one side of the road.

(2) Persons shall only travel in the clear space on the road and no person shall stand or travel in a moving con-

veyor either at the face or on a roadway. The provisions with respect to man-holes shall not apply to conveyor roads.

(3) On all longwall faces there shall be provided an escape road (or other road), at intervals of not more than four hundred and fifty feet, or at such less distance as may be ordered by the District Inspector.

(4) The size of the escape road shall not be less than four feet high and four feet wide to within twenty feet of the face where it may be the height of the seam.

(5) Where a face conveyor is used, which exceeds ninety feet in length, it shall be provided with some proper means of communicating distinct and definite signals from any point on the face to the person in charge of the engine or motor driving the conveyor.

MINE CARS, WOODEN TRACK AND TURN-TABLES.

142.—(1) No mine cars shall be used in any mine unless the bumpers are of sufficient length and width to keep the bodies of the cars separated by not less than twelve inches when the cars stand on a straight level road and the bumpers touch each other.

(2) No wooden track or wooden turn-table shall be used in any mine to which this Act applies except for a short set of temporary track next the working face.

HARD HATS AND OTHER PROTECTIVE CLOTHING.

143.—(1) In any mine, or any mines in any district where in the opinion of the District Inspector the number of accidents is excessive and where they are of such nature or class as could in his opinion be largely prevented by the adoption of hard hats or other forms of protection, he may if he thinks fit, issue an order requiring the owner, agent or manager of any mine in his district to equip their workmen with any form of protective clothing he considers necessary to reduce accidents, upon such terms and conditions as he may deem necessary, and may require the workmen so equipped to use the same, at such times and under such circumstances as he may prescribe.

(2) The owner, agent or manager of any mine, where the average of the seam of coal worked is less than three and one-half feet in height, shall furnish to each workman, free of charge, who by reason of the height of the seam is required to work on his knees, a pair of suitable knee caps or guards and as often as they require renewal due to ordinary wear and tear it shall be the obligation of the owner, agent or manager to supply and equip his workmen with kneecaps or guards. Any owner, agent or manager failing to supply this equipment and every workman who does not use the knee caps or guards whilst working on his knees shall be guilty of an offence against this Act.

(3) Should any dispute arise as to the applicability of this section to any mine the same shall be referred to the Chief Inspector who shall decide the same and his decision shall be final.

TIMBERING.

144.—(1) 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 and repairing, travel or work in any travelling road or working place which is not so made secure.

(2) Where props or props and booms, or cogs are used to support the roof at the working face, the roof under which any work of getting coal is carried on, shall be systematically and adequately supported and the props, booms or cogs shall be set at such regular intervals and in such manner as the manager by notice posted at or near the entrance of the mine shall specify.

(3) If the District Inspector considers the system of supporting the roof and sides adopted in any mine or part of a mine, unsatisfactory, either by reason of the distances between supports being excessive or otherwise, he may require the manager to fix some less distance, or otherwise modify the system.

(4) The requisition shall be in writing under the hand of the District Inspector and shall be delivered personally or sent by registered mail to the manager.

(5) If the manager objects to the reasonableness of the requisition he may, within ten days after its receipt, send his objection in writing stating the grounds thereof, to the Chief Inspector and thereupon the matter shall be decided by arbitration.

(6) If the manager does not send a notice of objection within the time aforesaid and does not comply with the order within ten days after the expiration of the time for objection, or, where the matter has been determined by arbitration, does not comply with any order sustained upon arbitration within ten days after he is notified of the decision of the arbitration board, he shall be guilty of an offence against this Act.

(7) A sufficient supply of suitable timber shall be constantly kept in each working place as near the working face as is practicable and in no case shall it be further away than the nearest cross-cut to the working face, or other convenient place in the vicinity thereof.

(8) In any part of a mine where any work is being carried out which necessitates the removal of roof supports, temporary props and other support shall in all cases, be set so as to secure the safety of the persons employed.

(9) Props shall not be withdrawn from the gob or under a roof which appears to the examiner or overman to be insecure, otherwise than by means of a safety contrivance

and it shall be the duty of the examiner or overman to examine all roofs from under which props are about to be withdrawn with a view to determining whether the props ought to be withdrawn with a safety contrivance.

(10) Nothing contained in this Act shall prevent a workman from setting timbers in his working place at more frequent intervals than are specified in any notice, where the same is necessary for safety.

BARRIER PILLARS

145.—(1) It shall be obligatory on the owners of adjoining coal properties, to leave or cause to be left, a pillar of coal in each seam of coal worked by them, along the boundary line of any adjoining property, of such width that, taken in connection with the pillar to be left by the adjoining property owner, it will be a sufficient barrier to insure the safety of the employees in a mine on one such property in case a mine on the other property is or may at any later date be abandoned and allowed to fill with water, such width of pillar to be determined by the engineers of the adjoining property owners together with the District Inspector of the district in which the mines are situated and the surveys of the face of the working along such pillars shall be made in duplicate and shall be in substantial agreement. A copy of the duplicate surveys shall be certified and filed with the owners of the adjoining properties and with the District Inspector of the district in which the mine or property is situated.

EXPLOSIVES.

146.—(1) No explosive shall be stored in any mine.

(2) No explosive shall be taken into or used in any mine, except explosives provided by the owner and permitted by the regulations made pursuant to this Act.

(3) All shots shall be fired electrically by a shot-firing device approved by the Chief Inspector, and not in any other manner.

(4) No person shall fire any shot without authority from the manager or overman, and no shot shall be fired except by a shot-lighter who shall be a certificated examiner appointed for the purpose, except with the written approval of the District Inspector, and he shall immediately before charging any shot-hole examine it and see that the shot is properly placed, and the bore-hole well cleaned; he shall also examine the character of the explosive and regulate the quantity of the explosive to be used in the hole, and it shall be loaded according to his instructions and under his supervision; he shall also examine all places contiguous thereto within a radius of sixty feet and shall not fire the shot unless he finds it safe to do so, and no shot shall be fired if gas is detected in such quantities as to make it unsafe to do so, and the cables shall not be coupled up either to the detonator nor to the firing apparatus, except by him.

INTERFERENCE WITH THE DUTIES OF EXAMINER OR SHOT-
LIGHTER.

147. It shall be unlawful for any person to influence, interfere or attempt in any way to cause or induce a shot-lighter or examiner to fail or neglect to perform any duty required of him by this Act.

PROHIBITION OF PAYMENTS FOR EMPLOYMENT.

148. Any mine manager, overman, official or other person who receives or solicits any sum of money or other valuable consideration from any person for the purpose of continuing him in his employment, or for the purpose of securing employment, shall be guilty of an offence.

149. Any person offering any mine manager, overman or official any sum of money or any other valuable consideration as a bribe for the purpose of obtaining employment or retaining employment, shall be guilty of an offence.

GENERAL RULES

150. The following rules shall be observed as far as is reasonably practicable, in or about every mine:

Rule 1.—During the operation of undercutting coal either by hand or machinery the working face shall be safely supported by sprags, wedges or wooden props, or other means of support.

Rule 2.—(a) All gears shall be kept securely cased or guarded and every fly-wheel and all exposed and dangerous parts of the machinery used in or about any mine shall be kept securely fenced for the preventing of accidents.

(b) When any case, guard, fencing, or protective device has been removed for doing repairs or for any other purpose, it shall be replaced before any operation of the machinery has been resumed.

Rule 3.—All sides of stairs, trestles and platforms around mines shall be provided with safe hand and guard railings to prevent persons falling over the sides.

Rule 4.—(a) A qualified person or persons appointed by the manager for the purpose shall at least once in every twenty-four hours inspect the external parts of all machinery, headgear, ropes and chains of the mine which are in actual use and shall without delay make true reports of the inspections in a book which shall be kept at the mine for that purpose, a copy or duplicate of which shall be posted at the mine and the reports shall be signed by the person making the inspection.

(b) A qualified person appointed by the manager for the purpose shall at least once in every week inspect the shafts and the guides or conductors therein by which persons are lowered or raised, and shall without delay make true reports

of the inspections in a book which shall be kept at the mine for that purpose, and of which a copy or duplicate shall be posted at the mine and the reports shall be signed by the person making the inspections.

Rule 5.—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 at the mine.

Rule 6.—No person shall, without lawful authority, enter any mine, building or premises without first having obtained permission from the owner, agent or manager, overman or outside foreman.

Rule 7.—Before commencing work in or about any mine every person shall personally attend at the office and be registered in accordance with the provisions of this Act.

Rule 8.—Every person shall at all times obey the lawful demands or orders of the person under whose charge he may be.

Rule 9.—No person occupying a position of trust shall delegate his work to another person without the sanction of the person under whose charge he is and no person occupying a position of trust shall absent himself from duty without a legitimate cause or without having previously obtained permission from the person under whose charge he is.

Rule 10.—Where work is carried on continuously for more than one shift, no person having charge of other persons, machinery, signals, or ventilating apparatus shall leave work until relieved, unless authorized by the person under whose charge he is.

Rule 11.—No person in or about any mine shall commit an act likely to cause danger to the mine or to himself or to any person.

Rule 12.—(a) Any person receiving personal injury in or about any mine shall, if able, before leaving the mine, report the same to the manager, overman, examiner or outside foreman.

(b) All accidents occurring in or about any mine must be reported in detail by the examiner in whose district the accident occurred or by the outside foreman, if the accident occurred on the surface of the mine as soon thereafter as practicable, and a special book shall be kept at the mine for that purpose in which the reports shall be entered.

Rule 13.—When any person becomes aware of any contravention of this Act, he shall as soon as possible report it to the manager, overman, examiner or outside foreman.

Rule 14.—No person in a state of intoxication shall enter or be allowed to remain in or about any mine.

Rule 15.—No person without proper authority shall interfere with any notice, timber, door, fence, air-course, brattice,

stopping or other appliances nor shall he leave open any door which he found shut nor shall he do anything to interfere with the ventilation of the mine, impede the working thereof, or damage the property of the owner.

Rule 16.—No person shall enter or remain in any place in or about any mine where he is not absolutely required by duty to be.

Rule 17.—(a) No person shall ride on any car or locomotive in, on, or about any mine without the permission of the manager, overman or other proper official.

(b) No explosive shall be carried in any mine in any conveyance which is moved by electric locomotive or on any such locomotive unless with the permission of the Chief Inspector in writing and subject to any conditions he may prescribe.

Rule 18.—Every person shall use great care and precaution in handling cars so that no injury will occur.

Rule 19. (a) Every person on receiving a safety lamp shall inspect it to see that it is secure and securely locked.

(b) Every person who has a safety lamp in his possession shall pay frequent attention to the same and if oil is spilled on the gauze or glass, if the gauze is punctured so as to make a hole larger than that allowed in an ordinary safety lamp gauze, if the glass is cracked or if the lamp becomes unsafe from fire-damp or from the foregoing or any other cause, he shall at once extinguish the light by drawing the wick within the tube and forthwith take it to the overman, examiner or to the lamphouse outside.

(c) No person shall improperly use or damage any safety lamp or blow out or attempt to blow out any flame in any safety lamp.

(d) No person shall place a safety lamp on its bottom unless it is necessary to do so for the safe performance of his work and in all cases it shall be at least two feet from the swing of any tool.

(e) Every person receiving one or more safety lamps before going on shift shall personally return them at the end of the shift to the lamp house.

Rule 20.—(a) All persons employed underground shall be subject generally to the control of the manager, overman, examiner and any other person properly appointed.

(b) No person shall walk up or down a hoisting slope while hoisting is in progress without the permission of the manager, overman or other proper official, and every person in or about a slope or shaft bottom shall obey the orders of the onsetter or cager.

(c) No person in or about any mine shall improperly use or remove any signal, signal wire or signal apparatus and no person without proper authority shall give any signal.

(d) Every person in charge of a working place shall,—

- (i) before commencing work satisfy himself that the same is in a safe condition to work in;
- (ii) inspect his working place carefully at frequent intervals during his shift;
- (iii) set sufficient timber to safely support the roof and sides of his working place, and remove or renew the same when necessary and take down all dangerous or doubtful pieces of loose material, but if he finds it impossible to make the said place safe, he shall fence it off and at once report it to the manager, overman or examiner and shall at no time leave his working place until it is made safe or fenced off.

(e) When any person finds that he has not sufficient timber or other material to make his place safe, he shall immediately withdraw from the place and report it to the manager, overman or examiner.

(f) Any person in charge of a place shall see that the work is done therein according to the directions or orders of the manager, overman or examiner.

(g) When any person discovers any stoppage or disarrangement of ventilation, damage to any air-crossing, cloth, door, stopping, brattice or air-pipe, or observes any obstruction in any air-course, weakness in the roof, deficiency of timber weight or creeping of roof in any working place or roadway, accumulation of gas or water or any other danger, he shall immediately give notice to every person exposed to danger and to the manager, overman or examiner.

(h) When any person finds fire-damp or other noxious gases in dangerous quantities in any mine, he shall immediately report the same to the manager, overman or examiner before leaving the mine, and the manager, overman or examiner to whom such report is made shall, in the presence of the person so reporting, immediately make a record of the same in a book kept at the mine for that purpose.

Rule 21.—(a) Any person in charge of any haulage road, plane or incline, or any cars or machinery thereon, shall at all times pay strict attention to signals and to any deviation from the regular course of said cars or machinery and when he finds anything defective, he shall forthwith stop the cars and the machinery until the defect is repaired or remedied; he shall also report to the manager, overman or person under whose charge he may be, forthwith, any danger, weakness or defect he may find.

(b) Any person whose duty it is to couple any car to any rope or chain or to any other car, shall see that the couplings are secure, properly made, in good order and not twisted.

(c) Stop blocks or some other efficient appliance to prevent cars from accidentally going down, shall be provided and used at the top of all self-acting inclines, slopes and shafts.

(d) Where a drag or other appliance is required to be used by the manager or overman, the person in charge of it shall in all cases attach the drag or other appliance to the cars before hoisting begins.

Rule 22.—No fan or other ventilating device which provides for the ventilation of any mine, or any district thereof, shall be stopped without the consent of the manager.

Rule 23.—No person shall sleep whilst below ground, or whilst in charge of any winding, hauling, ventilating, pumping or signalling machinery apparatus.

Rule 24.—No men shall be employed at a working face at such distance from some other employee that his cries in case of need, cannot be heard, unless he is in communication with another employee once every two hours.

Rule 25.—(a) In every mine where by reason of its depth or extent of its workings, egress to the surface cannot conveniently be obtained, there shall be provided suitable places for sanitary uses, which shall be deodorized and constantly maintained in a sanitary condition, and suitable outhouses for sanitary purposes shall be similarly maintained in convenient positions contiguous to the surface works thereof.

(b) Every such convenience shall be kept in a clean and sanitary condition and in good repair, and shall be emptied not less than twice in every week. The place of every convenience below ground shall be located with due consideration to the direction of ventilation and the location of workmen, and they shall be indicated by having the roof and sides regularly coated with whitewash.

Rule 26.—No person shall guide any rope on to a drum, sheave, pulley, wheel or sprocket by hand or with a bar, while it is in motion.

Rule 27.—(a) Every road on which a horse or other animal is used underground or by which it has to pass or get to its work, shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing itself or its harness against the roof or sides.

(b) On all horse roads and haulage roads adequate clearance shall at all times be maintained between the sides of the cars and the sides of the roads, and between the top of the car or contents thereon and the roof.

(c) Every haulage and horse road shall be kept clear as far as possible of obstructions and no one shall place rails, pipes, props or other materials on one side of a haulage or horse road unless the opposite side at that part is kept clear of all obstructions.

Rule 28.—In all mines in which more than thirty men are employed below ground, telephone communication shall be provided,—

(a) between the top and the bottom of all shafts if over one hundred feet in depth;

- (b) between the top and bottom of all slopes, if over two hundred feet in length, and at all landings on slopes;
- (c) to and from the end of haulage roads if over two thousand feet in length.

Rule 29.—No person shall attempt to go on or across the uncovered space of the shaft bottom except for the purpose of working in the shaft bottom and no person shall be allowed to work in the bottom of the shaft unless the cages are stopped.

Rule 30.—Where brattice or air-pipes are required by the manager or overman to be used for the ventilation of the working places the examiner shall see that they are kept sufficiently advanced to insure that an adequate amount of air reaches the working faces.

Rule 31.—If the examiner finds any of the ropes, chains, signals, brakes, McGinty wheels and posts or other apparatus to be in an unsafe condition he shall stop the use thereof.

Rule 32.—(a) The stableman shall not allow any animal under his charge to do any work while not in proper condition, and he shall report to the manager or overman any injury received by any animal under his charge, and any person in charge of an animal who finds that it has become unfit for work shall return the animal to the stable and report the facts to the overman.

(b) The stableman shall see that all animals receive proper attention and he shall attend daily or when required by the overman or manager to all animals suffering from any cause or illness; he shall not administer any medicine to any animal except for sore shoulders, cuts or bruises unless authorized to do so by the manager or overman and shall have all animals harnessed with properly fitting harness and in good condition for their work before allowing them to leave the stable.

(c) Every person in charge of an animal shall take proper care of the same; he shall not abuse it or allow anyone else to do so and he shall not leave it at any time without securing or fastening it safely from any possible danger.

(d) When any person in charge of an animal finds that it cannot pass along any road without rubbing against the roof, sides or timbering, he shall at once report the matter to the manager, overman or examiner.

(e) Sufficient and suitable sprags shall be provided and every person shall exercise great care while running or drawing cars and if necessary shall use sufficient sprags to prevent the said cars from getting beyond control.

Rule 33.—When a trapper has charge of a door, he shall open it only for the passage of persons, animals, locomotives or cars and shall instantly close it when they have passed through; and he shall not allow the said door to remain open or to be propped or fastened back, nor leave it until the work of his shift is finished.

DUTIES OF OFFICIALS.

MANAGER AND ASSISTANT MANAGER.

151.—(1) It shall be the duty of the manager to carry out and to the best of his ability, enforce the provisions of this Act and Regulations or any order in force under this Act and Regulations including those relating to the use and storage of explosives, and it shall be the duty of all persons employed in or about any mine to comply with the provisions of the Act, Regulations or orders made thereunder.

(2) The manager shall,—

- (a) appoint in writing such number of qualified and competent persons to be officials, as will be sufficient to secure a thorough supervision of all operations in or about a mine and the enforcement of the provisions of this Act, and the Regulations and orders made thereunder;
- (b) assign their duties to the several officials of the mine and shall to the best of his ability, see that each official understands and carries out and enforces the provisions of this Act and Regulations and orders made thereunder, which relate to the duties which are assigned to him;
- (c) attend to and cause to be carefully investigated any representations or complaints that may be made to him as to any matters affecting the safety or health of persons in or about the mine;
- (d) appoint the stations at the entrance to and inside the mine beyond which workmen shall not pass until an inspection has been made;
- (e) make provision for the adequate supply of all material and apparatus required for the purpose of carrying out the provisions of this Act and for insuring the safety of the mine and persons employed therein and if he is not the owner or agent of the mine, he shall report in writing to the owner or agent when anything is required for the aforesaid purpose that is not within the scope of his authority to make provision for;
- (f) determine and report in a notice which shall be kept posted at the pit head or mine entrance the times of entering and leaving the mine of the various shifts and also the number of persons allowed to ride on a cage at one time;
- (g) in case he is also the overman, carry out the duties imposed by this Act and the Regulations on the overman;
- (h) appoint such persons as may be necessary for the keeping of a proper record of the number of persons going below ground and returning therefrom daily, and for directing at the surface the lowering and raising of men to and from the mine, and for the keeping of a register to be kept in proper form of

the time at which men are lowered into and raised from the mine, and the cases in which any man is below ground for more than the time fixed by this Act;

- (i) be responsible for seeing that all the requirements of this Act and of all Regulations and orders made pursuant thereto are carried out and for the safe operation of the mine.

(3) The assistant manager shall be under the direction and control of the manager, and he shall have the same powers and duties as the manager, and shall be subject to the same responsibilities and liabilities as the manager.

Overman.

152. The overman shall,—

- (a) be subject to the control of the manager and shall direct and supervise all work underground, and in the absence of the manager, shall have the same responsibility and be subject to the same liabilities as the manager;
- (b) examine all working places in the mine as often as possible, particularly with reference to safety and proper working, and generally he shall exercise that direction over the workmen and work that will conduce to their safety and the best interests of the mine;
- (c) see that all roadways, headings, airways and breasts are kept as straight as possible and that all pillars and stumps are of uniform and sufficient thickness.
- (d) see that all stoppings are properly built and kept in good repair;
- (e) immediately after it has come to his notice, cause all dangerous places to be made secure;
- (f) see that all doors are hung in such manner that they will close of their own accord and he shall see that all doors not in actual use are taken off their hinges and shall not allow any door to be propped or fastened back or opened except for the passage of persons, animals, cars or locomotives;
- (g) not allow a trapper while on duty to leave any door under his charge under any pretext whatever;
- (h) see that all entries are driven to the proper height and width, that all roads are kept properly cleaned and as well drained as possible and in a safe condition for all animals;
- (i) see that all horses and mules under his charge are not overworked or unnecessarily whipped or abused by the drivers, and that the stableman properly attends to his duties;
- (j) see that no coal or other material is lost by premature or improper drawing of pillars or stumps, and that the coal is properly recovered;

- (k) see that all tools and materials furnished to the workmen are properly used;
- (l) examine and initial daily at the mine, all report books in the department under his charge and see that all reports are properly recorded therein;
- (m) see that all airways and all accessible old workings are inspected once at least in every week and that reports of such inspections are recorded immediately in a book kept at the mine for that purpose, and that the same are signed by the person or persons making the inspections.

EXAMINER.

153. The examiner shall,—

- (a) be subject to the orders and control of the overman whose instructions shall not conflict with this Act;
- (b) when making his inspection before work commences, chalk his initials and date of inspection at the face of every working place in the district under his charge and shall see that all entrances to any place which may be found unsafe are fenced off at such a distance from the point of danger as will prevent any person inadvertently approaching the same;
- (c) make all inspections required by this Act of the airways in the mine, and if, on making any inspection, he becomes aware of anything requiring attention, he shall report the same to the manager or overman immediately;
- (d) keep a careful watch over all working places in the district under his charge and in the event of danger he shall withdraw all persons who may be exposed to such danger and immediately fence off the place and report the same to the manager or overman and shall also make and sign a report of the danger in a book kept at the mine for that purpose;
- (e) before commencing his shift read the reports of the last preceding inspection and insert his initials thereto and note if gas or any other dangerous condition has been reported to be present in any part of the district under his charge;
- (f) see that the provisions of this Act are strictly observed and shall report any non-observance of the same to the manager or overman immediately after it comes to his attention.

Shot-lighter.

154.—(1) The shot-lighter shall be subject to the control of the overman whose instructions shall not conflict with this Act.

(2) Before firing a shot, the shot-lighter about to fire it shall see that all persons are out of reach of danger from

the probable effect of such shot in that or any adjoining place and he shall take such precautions as may be necessary to prevent any person inadvertently approaching until the shot is fired.

(3) When a shot has missed fire, no person shall enter any place where the shot has missed until the battery has been disconnected and permission is given for such entry by the person in charge of the firing.

(4) A record of all shots which have missed fire shall be kept in a book provided at the mine for that purpose.

(5) The shot-lighter shall not be a contractor nor any person in the employ of a contractor unless permission in writing is first obtained from the Chief Inspector.

(6) After a shot has been fired, the shot-lighter who fired it shall, as soon as practicable thereafter, inspect the place and take all necessary steps to insure safety before work is resumed.

Lampman.

155.—(1) The lampman shall see that every safety lamp given out for use in the mine is thoroughly cleaned and properly put together in safe working order and securely locked, and he shall also see that no safety lamp gauze is used with less than twenty-eight parallel wires to the inch with equal spaces between.

(2) He shall see that all oil, gasoline, naphtha, spirits or other inflammable materials are carefully and properly stored and used and that no greasy waste or other refuse is allowed to accumulate in or about the lamp house.

(3) He shall not allow any person to be in the lamp house except those whose business requires them to be there and he shall keep the lamp house neat and clean and all appliances in proper working order.

(4) Whenever the lampman receives any defective or damaged lamp from any person, he shall report it to the manager or overman and he shall keep it in the state in which it was received by him until inspected by the manager or overman.

(5) No one except a person authorized by the manager or overman shall take a safety lamp from the lamp house or give one out for use in the mine.

Cager or Onsetter.

156.—(1) The cager or onsetter shall, subject to the control of the overman, have the general direction of the work at the pit bottom and he shall see that all persons, animals, cars and material are properly caged consistent with safety.

(2) He shall also see that no person is allowed to be raised in or on any cage or trip if the opposite cage or trip contains material of any description, nor shall he allow

any person to ascend in or on any cage which contains any car; but nothing in this subsection shall prevent a person from being raised in a cage or trip where material is required to be placed on the opposite cage or trip, for the purpose of acting as a back balance; provided that such material is securely fixed in such a manner that it cannot move on such cage or trip.

Outside Foreman.

157. The outside foreman shall,—

- (a) be subject to the control of the manager or a person appointed by him, and shall direct and supervise all operations outside the mine;
- (b) see that every person under his charge performs his duty in a manner to insure the greatest possible safety to others and to the property of the owner;
- (c) unless some other person is appointed for the purpose, receive all orders for supplies and see that they are properly filled;
- (d) see that all explosives and other inflammable materials are handled with the greatest possible care, and at no time allow a naked light to be in the powder magazine;
- (e) see that all unnecessary fires are extinguished or properly damped before he leaves the mine at the close of each day.

Driver Boss.

158. In case a driver boss is appointed, he shall be subject to the control of the overman and he shall, inside the mine, have charge of all drivers, chute loaders, spraggers, trappers and others engaged in hauling coal.

Bankman.

159.—(1) The bankman shall have the general direction of the work at the bank and he shall see that all persons, animals, cars and materials are properly caged consistent with safety.

(2) He shall also see that no person is allowed to be lowered in or on any cage or trip if the opposite cage or trip contains material of any description nor shall he allow any person to descend on any cage which contains any car; but nothing in this subsection shall prevent a person from being lowered in a cage or trip where material is required to be placed on the opposite cage or trip for the purpose of acting as a back balance, provided that the material used for the purpose of a back balance is securely fixed in such manner that it cannot move on the cage or trip.

(3) He shall report to the manager any defect he may notice in the stop-blocks or other appliances.

Hoisting Engineer or Hoistman.

160. The following rules shall be observed by every hoisting engineer employed at a mine:

- (a) He shall keep a careful watch over his hoist and all machinery under his charge;
- (b) He shall at all times be in immediate charge of his hoist and shall at no time delegate any of his duties to any other person, except to some other engineer properly appointed to relieve him, or to any person who may be an apprentice duly assigned or appointed by the manager to run the hoist if he is attended by the engineer in charge until he is certified, in writing by the engineer, to be competent to run such hoist without further guidance by any person;
- (c) He shall familiarize himself with and use all the signal codes for raising and lowering as directed to be used at the mine;
- (d) He shall not run his hoist unless it is properly provided with brakes, indicators and all necessary control appliances;
- (e) He shall exclude any person from his hoist room except any one whose duties require his presence in the engine room or visitors properly authorized by the manager;
- (f) He shall hold no conversation with anyone while his hoist is in motion or while attending to signals;
- (g) He shall run his hoist with extreme caution whenever men are raised or lowered;
- (h) He shall not raise men from or lower men into any mine or shaft at an excessive speed;
- (i) He shall at intervals inspect the hoisting machinery and safety appliances connected therewith and all ropes and hoisting apparatus when and as directed by the manager and shall report to him any defects found therein.

161. Hoisting engineers who shall be properly qualified and competent shall be appointed in writing by the manager (or by the master mechanic with the manager's approval), and such persons shall be familiar with the details and working of hoisting engines.

162. No person shall carry any explosives on a cage in any shaft or on a mantrip on any slope, level or incline while the men are being hoisted or lowered and the owner, agent or manager shall make proper arrangements for the safe transportation and distribution of explosives in such shafts or slopes.

SHAFT SINKING.

163. When shaft sinking is being carried on, the following rules shall be observed:

- (a) The banksman shall in all cases steady the tub, or anything about to be lowered before it leaves the top of the shaft and shall see that all bricks and other small materials are kept below the level of the top of the tub; he shall see that nothing is sticking to the bottom of the tub, and that all tools, gear or timber are properly placed and secured, and in no case shall he permit any material to be filled into a tub hanging over an uncovered shaft;
- (b) The banksman shall in every case see that the tub is lifted by the engine off the landing wagon or other cover and that it is steadied over and into the shaft;
- (c) When a landing wagon is used, the banksman shall secure it by a catch when "off" and "on"; when landing he shall not signal to lower the tub on to the wagon until the latter is in position over the shaft and properly secured, and when work has ceased the landing wagon shall be left so that it will not impede the ventilation nor leave the shaft unfenced;
- (d) The banksman shall not leave the top of the shaft while men are ascending or descending it;
- (e) The shift boss shall be the holder of a first, second or third class certificate and shall be under the control of the manager or overman and he shall have full charge of the sinking operations; he shall at least once in every shift or more frequently if necessary inspect the shaft and remove any loose stones and if anything is found to be unsafe he shall stop sinking until everything is made secure; and he shall immediately after such inspection make and sign a true report of the condition of the shaft in a book provided for that purpose;
- (f) When lowering the bucket, kettle or tub in a sinking shaft the hoistman shall stop it when it has reached a point which is not more than twenty feet and not less than eighteen feet above the bottom of the shaft, or above any sinking cradle or platform upon which the bucket, kettle or tub is to alight and shall await the signal of the shift boss to let it down. When raising, the hoistman shall stop the hoist as soon as the bucket, kettle or tub has been raised to a point not more than five feet from the bottom in order that the shift boss may see that the rope is steadied and the hoistman shall not again move his engine until he has received the signal from the banksman or shift boss;
- (g) The shift boss shall see that the tub at the bottom of the shaft is so filled that the contents, if consisting of brick or other small materials, shall be below the level of the top of the tub; he shall see that stones are properly packed therein and that nothing is sticking to the bottom thereof; he shall also see

- that all tools, gear and timber are properly placed and secured and that the tubs are in a line with the rope and properly steadied before being sent away;
- (h) Every shot shall be fired under the supervision of the shift boss only, and he shall see that it is fired by an electric battery from the surface and that such battery is not coupled to the cables until every person is out of the shaft;
 - (i) After every cessation of work, whether caused by the withdrawal of the workmen for shot-firing or other purposes, the shift boss, accompanied by at least one other person, shall descend and inspect the shaft and he shall satisfy himself that it is safe before allowing any other person to descend; after firing any shot, when inflammable gas is likely to be present, such inspection shall be made with a locked safety lamp, and after an intermission of four hours in working, the shaft shall not be entered until a safety lamp has been lowered and it has been found that no gas is present;
 - (j) The shift boss shall descend in the first tub and shall ascend in the last tub in each shift;
 - (k) When walling or bricking is being done, the shift boss shall see that the shaft under the bricking scaffold is properly ventilated, and that the scaffold is not overweighed with material;
 - (l) Explosives shall not be taken into or kept in a shaft until immediately before they are required to be used;
 - (m) When directed by the manager or overman, no lamp but a locked safety lamp shall be used in the shaft;
 - (n) When ascending or descending by a tub, every person shall keep within the tub and no person shall ascend or descend on a loaded tub.

GENERAL PROVISIONS.

164. The owner, agent or manager or a person appointed by him may give any orders or instructions not expressly provided for by this Act, provided that the orders do not in any way conflict with the provisions of this Act or any regulation made pursuant to this Act.

165. Where a master mechanic or steam engineer has been appointed to supervise any work in or about any mine, he shall be subject to the control of the manager whose instructions shall not conflict with *The Boilers Act*.

166.—(1) Any Board appointed under this Act to arbitrate any matter or thing shall consist of a person appointed by the Chief Inspector and a person appointed by the owner or operator, who shall appoint a third person as an arbitrator and failing on their part so to do the matter shall be referred to a District Court Judge having jurisdiction in the judicial

district in which the mine is situated, for the appointment of the third arbitrator, and the decision of such Board shall be final.

(2) Five days' notice shall be given to the parties interested therein by the Chief Inspector of the time and place at which any board of arbitration will sit for the purpose of hearing and deciding any such matter.

(3) Any arbitrator appointed pursuant to this section shall receive such remuneration as may be prescribed by the Lieutenant Governor in Council out of the General Revenue Fund.

(4) Every arbitration board may upon determining any matter, order that the costs of the arbitration including the remuneration of the arbitrators shall be paid by the person requiring the arbitration, and may fix the amount thereof at such sum as to the board seems proper, and every sum so ordered to be paid shall be recoverable by the Minister from the persons ordered to pay the same as a debt in any court of competent jurisdiction.

167.—(1) The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of any regulations, rules or orders made hereunder.

(2) In the event of any contravention of any provisions by any person whomsoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention:

Provided that the owner or agent shall not be so deemed if he proves,—

- (a) that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine; and
- (b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties; and
- (c) that the offence was committed without his knowledge, consent or connivance.

(3) Save as hereinbefore provided, it shall not be a defence in any proceedings brought against an owner or agent of a mine under this section that a manager of a mine has been appointed in accordance with the provisions of this Act.

168.—(1) 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 shall be deemed to be guilty of an offence against this Act.

(2) Every person who,—

- (a) knowingly makes any false statement in any report or entry required under this Act to be recorded in any book kept at a mine; or
- (b) does not reply to the question provided for in section 80 of this Act; or
- (c) knowingly makes a false statement in replying to such question,—

shall be liable, on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one year.

169. Every person who contravenes any of the provisions of this Act or of any regulation, rule or order made pursuant to this Act, shall be guilty of an offence, and unless a penalty is expressly provided by this Act for any such contravention, the person by whom such contravention is committed, shall be liable on summary conviction therefor,—

- (a) if such person is an owner, agent or manager to a penalty in the case of a first offence not exceeding two hundred dollars and costs, and in default of payment to imprisonment for a term of not more than sixty days, and in the case of a second or any subsequent offence of not less than fifty dollars and not more than five hundred dollars and costs, and in default of payment to imprisonment for a term of not more than ninety days;
- (b) if such person is any person other than an owner, agent or manager, to a penalty in the case of a first offence not exceeding fifty dollars and costs and in default of payment to imprisonment for a term of not more than thirty days, and in the case of a second or subsequent offence of not less than ten dollars and not more than one hundred dollars and costs and in default of payment to imprisonment for a term of not more than sixty days;
- (c) in the case of an offence continuing for more than one day to an additional penalty of fifty dollars for each day during which contravention is continued after the first day.

170. Where a person who is an owner, agent or manager of or a person employed in or about a mine, is guilty of any offence against this Act which in the opinion of the justice of the peace or District Court Judge, as the case may be, who hears and determines the complaint, is one which was reasonably calculated to endanger the safety of the persons employed in or about the mine, or to cause personal injury to any of such persons, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the justice of the peace or District Court Judge, as the case may be, is of the opinion that a

pecuniary penalty will not meet the circumstances of the case, to imprisonment for a period not exceeding three months.

171. The penalties imposed for a breach of any of the provisions of this Act shall be in addition to any penalty imposed by any other Act for the same offence or matter.

172. Except only in cases where the information or complaint is made by an inspector or electrical inspector, no justice of the peace other than a District Court Judge acting as a justice of the peace, and no police magistrate, shall receive any information or complaint respecting any offence under this Act, nor shall such justice of the peace or police magistrate issue any process whatsoever thereon without the consent in writing of the Chief Inspector.

173. Where any prosecution is instituted for the violation of any of the provisions of this Act or of the rules, regulations or orders made hereunder, the person instituting such prosecution shall within fifteen days after the hearing of the case report the result thereof to the Chief Inspector.

174. Subject to any special provision in this behalf in this Act contained, any complaint or suit made or brought in pursuance of this Act shall be made or brought within twelve months from the time when the matter of such complaint or suit came to the knowledge of the prosecutor or complainant.

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

176.—(1) The Lieutenant Governor in Council may prescribe regulations and forms not inconsistent with the provisions of this Act for the purpose of insuring that all or any of the operations in any mine shall be carried out in such a way as to insure as far as possible the safety of the mine and all the persons working therein, and in particular without restricting the generality of the foregoing, may from time to time make regulations providing for the care, handling and use of explosives in or about any mine.

(2) All regulations made under the authority of this Act shall be published in *The Alberta Gazette*, and upon publication the same shall have the same force and effect as if they had been enacted as a part of this Act.

(3) All regulations made under the authority of this Act shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof next after the date of publication in *The Alberta Gazette* of any such regulations.

(4) The Lieutenant Governor in Council may, from time to time, by order, declare that the whole or any specified part or parts of this Act, or of any regulations made thereunder, shall apply to any mine or mines which are not coal mines; and thereupon and to the extent mentioned in any order, and so long as the order remains in force, this Act shall be read and construed as if it had been provided therein that such mines were subject to this Act and the regulations made hereunder.

(5) The Lieutenant Governor in Council may, upon the recommendation of the Minister in case any code of electrical rules has been promulgated by any association or body of persons, and is available in printed form, declare any such code to be in force either in whole or in part, or with such variations as may be specified in the order, and upon publication in *The Alberta Gazette* of any such order, the rules thereby declared to be in force, subject to such variations as may be specified in the order shall take effect and shall have the same force as if the same were rules and regulations made pursuant to this Act, upon the date upon which the order is so published, or upon such date as may be designated for that purpose.

(6) The Lieutenant Governor in Council may by order fix the amount of any fees and allowances for any service in connection with the administration of this Act, and authorize the payment of all costs, expenses and remuneration of and incidental to the carrying out of the provisions of this Act from the General Revenue Fund.

177. The Lieutenant Governor in Council may by order from time to time suspend the operation of all or any of the provisions of this Act relating to the examination of applicants for miners' certificates and to the granting of certificates, and all or any of the provisions of this Act relating to the granting of provisional certificates to any applicants for miners' certificates and every such order shall be published in *The Alberta Gazette* and upon the publication the provisions thereby suspended shall cease to be in force for the period of time mentioned in the order or until the suspension is determined by any subsequent order, as the case may be.

178. The Lieutenant Governor in Council may from time to time,—

- (a) make arrangements for the installation and operation of mine rescue stations and cars;
- (b) determine what is sufficient accommodation as provided for in section 71 of this Act, and make regulations in regard thereto and for the provision of emergency hospitals by the owner, agent or manager of any mine.

179. Every certificate of competency issued by the Commissioner of Public Works for the North-West Territories or by the Minister or Chief Inspector pursuant to any

ordinance in that behalf which was valid and subsisting immediately before the date of the coming into force of this Act, shall have effect as if made or granted under this Act, and the registers of holders of certificates, and other registers which prior to the said date were kept pursuant to the Act hereby repealed shall be deemed to be registers or parts of registers kept pursuant to this Act.

180.—(1) Any person who immediately before the date of the coming into force of this Act was the holder of a valid and subsisting first class certificate, second class certificate, third class certificate, mine electrician's certificate, or mine surveyor's certificate granted pursuant to any statute of Alberta shall be deemed to be the holder of a similar certificate under this Act.

(2) Any person who immediately before the first day of July, 1939, was the holder of a valid and subsisting certificate of competency as a coal miner granted pursuant to any statute of Alberta shall be deemed to be the holder of a Class A miner's certificate under this Act.

181. The Minister may, where a shortage of experienced mine officials occurs in the Province, authorize the Chief Inspector to grant provisional certificates to persons of adequate experience to act temporarily as overmen, examiners, or shot-lighters, upon such terms and conditions as the Chief Inspector may consider necessary.

182. The Lieutenant Governor in Council may from time to time make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent, or to meet cases which may arise and for which no provision is made by this Act.

183. *The Mines Act*, being chapter 314 of the Revised Statutes of Alberta, 1942, is hereby repealed.

184. This Act shall come into force on the day upon which it is assented to.

FIRST SESSION
TENTH LEGISLATURE
9 GEORGE VI
1945

BILL

An Act to Regulate the Working of
Coal Mines.

Received and read the

First time.....

Second time.....

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HON. MR. TANNER.

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