

BILL

No. 21 of 1913.

An Act respecting Mines.

(Assented to 1913.)

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 Mines Act*." Short title

APPLICATION.

2. This Act shall apply to mines of coal, stratified iron-stone, Application shale, clay and other minerals.

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

INTERPRETATIONS.

4. In this Act and in any regulations made thereunder, unless Interpretation the context otherwise requires—

- (a) "Mine" means a mine to which this Act applies, and Mine includes every shaft in the course of being sunk and every level and inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving any minerals, or for the operation of same and all the shafts, levels, planes, workings, machinery, tramways, railways and sidings, both below ground and above ground in and adjacent to a mine, and any such shaft, level and inclined plane of and belonging to the mine;
- (b) "Shaft" means a vertical opening through the strata Shaft that is or may be used for the purpose of ventilation or drainage or for the ingress or egress of persons, animals or materials to or from a mine or any part thereof;
- (c) "Inclined plane" includes a slope, and means an incline Inclined plane or opening driven on an angle through the strata and which is or may be used for the same purposes as a shaft;
- (d) "Tunnel or level" means an excavation in the earth Tunnel or level or strata driven horizontally or at such an inclination as may be necessary for drainage, ventilation or haulage purposes or which is or may be used for the ingress or egress of persons, animals or materials to or from a mine or any part thereof;
- (e) "Outlet" includes any shaft, inclined plane, tunnel, Outlet level or any other means of ingress or egress to or from a mine;

- (j) "Plan" includes a map and section or a correct copy Plan or tracing of any original plan as so defined;
- (g) "Minister" means the Minister of Public Works for Minister the province;
- (h) "Chief Inspector" means the Chief Inspector of Mines Chief Inspector appointed under this Act;
- (i) "District Inspector" means a District Inspector of District Mines appointed under this Act; Inspector
- (j) "Inspector" means the Chief Inspector of Mines or a Inspector District Inspector of Mines appointed under this Act;
- (k) "Owner" when used in relation to any mine, means Owner any person or body corporate who is the immediate proprietor or lessee, or occupier of any mine or of any part thereof and does not include a person or body corporate who merely receives a royalty or rent from a mine or is merely the proprietor of a mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of any mine or part thereof shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from liability;
- (l) "Agent" means any person having on behalf of the Agent owner, the care or direction of any mine or part thereof;
- (m) "Manager" means the chief officer having the control Manager and daily supervision of any mine;
- (n) "Overman" means any person in charge of any mine Overman or any portion of a mine next in authority to the manager;
- (o) "Examiner" means an examiner as provided for under Examiner this Act;
- (p) "Shot-lighter" means a shot-lighter as provided for Shot-lighter under this Act;
- (q) "Board" means a board of examiners as provided Board for under this Act;
- (r) "Workman" means for the purpose of Sections 9, 10, Workman 11 and 12, any person employed in a mine below ground who is not an official of the mine or a furnace man, fan man, cager or onsetter, horse keeper 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;
- (s) The "Supreme Court" means the Supreme Court of Supreme Court Alberta.

EMPLOYMENT OF PERSONS.

5. The owner, agent or manager of every mine to which this Act applies shall keep in the office at the mine a book (the form Register of employees of which to be prescribed by the Minister) 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.

6. No boy under the age of sixteen years shall be permitted or allowed to work in any mine below ground. Employment of boys, women and girls

(2) Where there is a shaft, an inclined plane or level in any mine whether for the purpose of entrance to same or for communication from one part to another part of same and persons are taken up or down or along such shaft, plane or level by means of an engine, windlass or gin, driven or worked by steam, manual labour or other power, no person shall have or be allowed to have charge of such engine, windlass or gin or any part of the machinery, ropes, chains or tackle connected therewith unless he is a male person of at least eighteen years of age:

Provided that when the engine, windlass or gin is worked by a horse, mule or other animal, the person under whose direction the driver of such animal acts, shall, for the purpose of this subsection, be deemed to be the person in charge of such engine, windlass or gin, but such driver shall not be under sixteen years of age.

(3) No boy under the age of fourteen years shall be employed or permitted to work in or about any mine above ground, and no boy under the age of sixteen years and over the age of fourteen years shall be employed or permitted to work in or about any mine above ground unless he is able to read and write and is familiar with the rules of arithmetic, and furnishes a certificate to that effect from a duly qualified school teacher in this province actually engaged as such at the time of granting such certificate.

(4) No woman or girl of any age shall be employed or permitted to work in or about any mine above or below ground.

(5) Nothing however contained in this section shall prevent any person from working in an office above ground connected with any mine.

7. Every such school teacher shall, without payment of any fee, upon application by any boy, examine him and grant such certificate if he is found to be entitled to the same and any such teacher refusing to make such examination and grant such certificate shall be liable to a penalty not exceeding ten dollars. Teacher required to grant certificate

8. If any boy has been employed on the representation of his parent or guardian, that he was of the proper age under this Act, the owner, agent or manager shall, notwithstanding that such boy was not of the proper age, be exempt from liability in respect of such employment; but the parent or guardian who made such misrepresentation shall be guilty of an offence against this Act. Misrepresentation of age by parent or guardian

9. Subject to the provisions of this Act, a workman shall not 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 consecutive twenty-four hours. Time persons may be employed below ground

(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.

(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 shall post at the pit-head, 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 approved by 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 same.

10. The owner, agent or manager of every mine shall appoint a person or persons to direct at the pit-head the lowering and raising of workmen to and from the mine, and shall cause a book (the form of which to be prescribed by the Minister) to be kept, in which shall be 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.

Register of
times of
lowering and
raising persons

(2) 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 pit-head 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 subsection.

(3) No person shall wilfully make a false entry in the said book which is to be kept under this section, nor wilfully cause, nor wilfully permit any such false entry to be made.

11. 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.

Power to
suspend
provisions of
Act relating
to time of
employment
below ground

12. In the application of this Act to mines which are entered otherwise than by shafts, and to 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 substituted for the words "the lowering of workmen to the mine," and the words "the return of workmen from the mine" shall be substituted for the words "the raising of workmen from the mine" and the times fixed by the owner, agent or manager of the mine, under Section 9 hereof shall be substituted for the times so fixed under this section.

Application to
mines entered
otherwise
than by shaft

SINGLE OUTLETS

13. 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:

Prohibition
of single
outlets

(2) Every seam which is for the time being at work shall have at least two outlets to afford proper means of egress available to the persons employed in such seam.

(3) 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 not less than four feet wide and four feet high:

Provided, however, that nothing in this subsection shall apply to mines in operation before the first day of March, 1908, which have outlets not at any point nearer to one another than forty-five feet.

(4) 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 constantly available for use.

(5) 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 Minister.

(6) 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.

(a) 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.

14. 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.

Agreements
not to pre-
clude
compliance
with Act

15. The foregoing provisions of this Act with respect to outlets shall not apply to—

Exceptions
to provisions
respecting
outlets

- (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; 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.
- (2) Any proved mine which is exempt by order of the Minister on the ground either—
- (a) That the quantity of 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
 - (b) 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; and so long as not more than twenty persons are employed underground at any one time in the whole of the different seams in connection with a single outlet.
- (3) Any mine while an outlet is being made therefrom or where one of the outlets of which has become by reason of some accident unavailable for the use of the persons employed in the mine so long as the mine is exempt by order of the Minister.

BOARD OF EXAMINERS.

16. For the purposes of this and the next succeeding section, Districts the province shall be divided into districts, the number and limits of which shall be fixed and defined from time to time by the Minister.

17. For the purpose of granting certificates under this Act, Appointment of Board the Lieutenant Governor in Council may appoint a District Board of Examiners for each district, or a Provincial Board having jurisdiction over all said districts.

(2) Such District Board shall consist of—

- (a) The Chief Inspector or a District Inspector appointed by him;
- (b) One manager of mines;
- (c) One working miner.

(3) If a Provincial Board is appointed under this section, it shall consist of—

- (a) The Chief Inspector, or a District Inspector appointed by him;
- (b) Two representatives of owners;
- (c) Two working miners;

and when said Provincial Board is appointed the functions and duties of the District Boards shall cease.

(4) The board shall conduct all examinations for the granting of certificates.

18. Each Board of Examiners shall prepare rules for its ^{Rules} guidance under this Act and may from time to time amend or revoke same for the conduct of such examinations and for determining the qualifications of all applicants, so, however, that in every such examination, regard shall be made to such knowledge as is necessary for the practical working of mines in the province and for the determination of the qualifications of applicants for certificates and shall do such other things as are necessary for the proper discharge of their duties under this Act.

(2) Such rules or regulations and all amendments thereto shall, before coming into operation, be submitted by each board respectively for the approval of the Minister.

(3) The Lieutenant Governor in Council may at any time alter or revoke any rules made by a Board of Examiners.

19. The fees and travelling expenses to be paid to the District ^{Fees and expenses to be determined} Boards or to the Provincial Board and the fees to be paid by applicants for certificates, may be determined by the Lieutenant Governor in Council.

20. In no case shall a certificate be granted to any applicant ^{Applicant eligible for certificate} until he has satisfied the Board of Examiners.

(2) If an applicant for a manager's certificate, that he has had at least five years' practical experience in a coal mine, either in Canada or partly in Canada and partly elsewhere, or is the holder of a diploma in scientific and mining training after a course of study of at least two years at an educational institute approved by the Minister, or has taken a degree in scientific and mining subjects at a university so approved, together with three years' practical experience in a coal mine, part of which has been in Canada, and that he is at least twenty-five years of age, and throughout this Act such certificate may be referred to as a first-class certificate.

(3) If an applicant for an overman's certificate, that he has had at least three years' practical experience in a coal mine and is at least twenty-five years of age, and throughout this Act such certificate may be referred to as a second-class certificate.

(4) If an applicant for an examiner's certificate, that he has had at least three years' practical experience in a coal mine and is at least twenty-three years of age, and throughout this Act such certificate may be referred to as a third class certificate.

(5) In addition thereto, every applicant mentioned in this section shall produce to the board, satisfactory evidence of sobriety, experience and general good conduct, and shall produce a certificate from a duly qualified practitioner, or from a recognized ambulance society showing that he has taken a course in ambulance work fitting him to give first aid to persons injured in or about a mine.

21. All examination papers shall be set, prescribed and ^{Result of examination} examined by such person or persons as the Minister may appoint or nominate; and such person or persons shall submit to the board the results of said examinations together with the papers so examined and the successful applicants shall be recommended by the board to the Minister for certificates under this Act.

(2) The Chief Inspector shall deliver to every successful ^{Issue of certificates} applicant the certificate to which he may be entitled.

(3) The Chief Inspector may deliver a certificate without examination to an applicant who is the holder of a certificate granted in this or any other country, 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.

22. The qualifications of applicants for second and third class certificates shall be of a standard suitable for practical working miners; examinations for second class certificates shall be partly written and partly oral and examinations for third class certificates shall be oral: ^{Nature of examinations}

Provided, however, that each applicant shall satisfy the board that he is able to read and write in the English language.

23. A register of the holders of certificates shall be kept by such person and in such manner as the Minister may direct. ^{Register of holders of certificates}

24. The Chief Inspector shall make a return and transmit ^{Fees} to the Minister all fees collected by him.

CERTIFICATED PERSONS.

25. No person shall act or be permitted to act as manager in any mine unless he is the holder of a first class certificate granted under this Act. ^{Manager}

26. No person shall act or be permitted to act as overman in any mine unless he is the holder of a first or second class certificate granted under this Act, or unless he is the holder of a provisional certificate granted by the Chief Inspector authorizing him to act in such capacity for a period not more than sixty days after the next examination is held for the district in which the mine is situated and for which the provisional certificate is granted. ^{Overman}

27. No person shall act or be permitted to act as examiner or shot-lighter in any mine where locked safety lamps are required to be used unless he is the holder of a certificate granted under this Act, or unless he is the holder of a provisional certificate granted by the Chief Inspector authorizing him to act in such capacity for a period not more than sixty days after the examination is held for the district in which the mine is situated and for which the provisional certificate is granted. ^{Examiner or shot-lighter}

28. Any person who has been granted a provisional certificate authorizing him to act as overman at any mine operated under this Act shall not be granted a renewal of such certificate nor shall he be granted a second provisional certificate.

(2) The Chief Inspector may, however, grant a provisional certificate for the period mentioned therein to any person who has had at least five years' practical experience authorizing him to act as overman in any mine.

29. Every mine shall be under the control and supervision of one manager who shall hold a first class certificate under this Act and who shall examine and initial at the mine all report books at least once in every ten days and the owner or agent of every mine shall nominate himself or some other person to be manager thereof, and shall within thirty days after such nomination is made, send written notice to the Minister and to the District Inspector of the name and address of such manager and the number of his certificate. ^{Manager to be appointed}

(2) The underground workings of every mine shall be under the daily charge of an overman holding a first or second class certificate under this Act. ^{Overman to be appointed}

(3) No mine shall be worked for more than thirty days without the appointment of a manager as provided in subsection 1 of this section, but such owner or agent shall not be guilty of an offence if he can prove that he has taken all reasonable means to appoint a manager under said subsection.

(4) If for any reasonable cause there is for the time being no manager of a mine qualified as required by this section, the owner or agent of such mine may, subject to the written approval of the Chief Inspector appoint any person holding a second class certificate under this Act to be manager for a period not exceeding thirty days or such longer period as elapses before such person has an opportunity of obtaining by examination a first class certificate under this Act, and the said owner or agent shall immediately send to the Minister and to the District Inspector a written notice of the name and address of such overman and the reason for such appointment.

(5) A mine in which less than thirty persons are employed under ground 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 unless permission is given by the Minister that the operations under ground may be under the daily charge of a competent person known to the Chief Inspector.

(6) 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 be taken to mean that he cannot do such acts as are necessary for the safety of the mine or of the persons employed therein.

(7) After the first day of January, 1914, no person who is manager of a mine shall, without the approval in writing of the Chief Inspector, be manager of any other mine required to be under the control of a manager unless all said mines are within a distance of ten miles of the mine for which he was first appointed.

(8) When any person is appointed to be manager of two or more mines required to be under the control of a manager, there shall be an overman appointed at each mine.

30. If at any time complaint is made to the Minister that any person holding a certificate under this Act is by reason of incompetency or gross negligence unfit to discharge his duty or has been convicted of an offence against this Act, the Minister may make enquiry touching the said complaint and for the purposes thereof, the following provisions shall have effect: ^{Inquiry into cases of incompetency}

1. The inquiry shall be public and shall be held at such place as the Minister directs.

2. The Minister shall, before commencing the inquiry furnish the person against whom the complaint is made with a statement of same and such person may attend the enquiry or be represented thereat by agent or solicitor, and he may, if desired, be sworn and examined as a witness in the case.

3. The Minister shall have power to cancel or suspend the certificate of the person against whom said complaint is made if he finds that he is by reason of incompetency or gross negligence or of his having been convicted of an offence against this Act unfit to discharge his duty.

4. The Minister may require the person against whom the complaint has been made to deliver up his certificate to the Minister; the Minister may hold said certificate until the conclusion of the inquiry and he may then either return, cancel or suspend the same.

5. The Minister may also by summons under his hand require the attendance of any person or persons and examine them for purpose of the enquiry, and every person so summoned shall be allowed such fees as are allowed to a witness attending on a subpoena in proceedings before the Supreme Court.

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

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

32. The Minister may, in his discretion at any time, renew, revive or restore on such terms as he may think fit, any certificate which has been cancelled or suspended in pursuance of this Act. Restoration of certificate

33. Whenever any person proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of any certificate previously granted to him, the Minister may 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. Loss of certificate

PAYMENT OF WAGES.

34. No wages shall be paid to any person employed in or about any mine at or within, any hotel or place where any spirituous or fermented liquor is authorized to be sold or in any house of entertainment, office, garden or place belonging thereto or connected therewith. Where wages cannot be paid

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

(2) Nothing in this section shall preclude the owner, agent or manager of any mine from agreeing with the persons so employed and paid that deductions shall be made in respect of stones or material other than mineral contracted to be gotten which are sent out of the mine with the mineral contracted to be gotten, or in respect to any tubs or cars being improperly filled in those cases where they are filled by the getter of the

mineral, or by the loader, or by any person immediately employed by him, and no such deductions shall be made until such agreement is made in writing on behalf of both parties.

(3) If such deductions are not mutually agreed upon, they shall be determined as follows:

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

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

CHECK-WEIGHER.

36. The persons who are employed in a mine and are paid according to the weight of the mineral gotten by them, may, Appointment of check-weigher at their own cost station a person (in this Act called a "check-weigher") at the place appointed for the weighing of such mineral in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed; a check-weigher must be a miner of at least three years' experience and be selected from the workmen at the mine at which he is to serve.

(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 taring of the tubs and boxes when necessary; and also for counting boxes and tallies in order that the number of boxes, weights or quantities credited to each person may be ascertained, and also including a shelter from the weather and a desk or table at which to write, 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 fulfillment of his duties.

37. The check-weigher shall not in any way impede or interrupt the working of the mine or interfere with the working of the mine or interfere with the weighing, his duty being to take such account as aforesaid only, and the absence of the check-weigher shall not be a reason for interrupting or delaying such weighing. Interference of check-weigher

38. When a check-weigher has been appointed by the persons employed in a mine who are paid according to the weight of mineral gotten out by them and has acted as such, he may recover from any person for the time being employed at such mine and so paid, his proportion of the check-weigher's wages or recompense, notwithstanding that any of the persons by whom the check-weigher was appointed have left the mine or others have entered the same since the check-weigher's appointment, any rule of law or equity to the contrary notwithstanding. Payment of check-weigher

(2) Whenever a majority of the miners who are employed in a mine to which this Act applies who have engaged a check-weigher shall request in writing of the owner, agent or manager, that the wages of such check-weigher be paid direct from the offices of the mine, 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, and shall pay the same to him in a like manner as the wages of the said miners are paid.

39. If an owner, agent or manager of a mine desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the mine or improperly interfered with the weighing or has otherwise misconducted himself, he may complain in writing to a Judge of the District Court, who, if of the opinion that said complaint should be investigated, shall summon the said check-weigher to appear at a certain time and place therein named.

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

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

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

(5) Said Judge may in every case make such order as to the costs of the proceedings he thinks just and such costs may be recovered as a judgment in the District Court.

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

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

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

ORDERS AND DEDUCTIONS.

41. Any person employed in or about a mine may, by order in writing authorize his employer to apply the whole or part of

the monies due to him to the payment of any debt due by such person employed in or about a mine, but any such order shall be effective only for an amount specified therein.

(2) Any such employer may, without any order retain out of the monies due any such person employed in or about a mine, any sums due by such person in respect of powder, coal, oil, rent, doctor's fees or other supplies.

RETURNS AND NOTICES.

42. The owner, agent or manager of every mine shall, on or before the twenty-first day of January in every year send ^{Annual return} to the Minister a correct return showing the quantity of coal, stratified iron-stone, shale, clay or other mineral wrought or mined in such mine for or during the year ending the preceding thirty-first day of December and the average number of persons ordinarily employed in or about such mine, together with such further information as the Minister may demand.

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

43. When any mine is abandoned, the owner of same shall ^{Return from abandoned mine} send to the Minister within twenty-one days thereafter a correct return showing the quantity of coal, stratified iron-stone, shale, clay or other mineral mined in such mine from the preceding thirty-first day of December to the date of abandonment and the average number of persons ordinarily employed in or about such mine during said period together with such further information as the Minister may demand.

44. In or about any mine whether above or below ground when— ^{Notice of accident}

1. Loss of life occurs to any person, the owner, agent or manager shall immediately thereafter send notice of the death by telegram to the Minister and to the District Inspector and within twenty-four hours thereafter shall make a return to the Minister and to the District Inspector according to schedule A;

2. Serious personal injury occurs to any person, the owner, agent or manager shall, within twenty-four hours thereafter make a return to the Minister and to the District Inspector according to schedule A;

3. Any personal injury whatever occurs to any person by reason of any explosion of gas or coal-dust or any explosive or any explosion whatever, the owner, agent or manager shall immediately thereafter send notice of such explosion by telegram to the Minister and to the District Inspector and within twenty-four hours thereafter shall make a return to the Minister and to the District Inspector according to schedule A;

4. Any personal injury whatever occurs to any person by electricity or by overwinding or by or from such other cause or means as the Minister may designate, the owner, agent or manager shall, within twenty-four hours thereafter make a return to the Minister and to the District Inspector according to schedule A;

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

6. 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 Minister and to the District Inspector or until the visit to the place by an Inspector, whichever event happens first, unless compliance with this subsection would tend to increase or continue a danger, or would impede the working of the mine.

45. A record of the amount of ventilation passing in every mine, required to be under the control of a manager, shall be sent monthly to the Minister and to the District Inspector on or before the twelfth day of each month.

46. When any change occurs in the name of any mine not exempt from compliance with this section by the Minister, or in the name of the owner, agent or manager of such mine, or in the officers of any incorporated owner of such mine, or when any working is commenced for opening a mine or seam, or when any mine is abandoned or the working thereof discontinued, or when 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 two months after such change, commencement, abandonment, discontinuance or recommencement truly and correctly advise the Minister and the District Inspector thereof in writing.

ABANDONED MINES.

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

Provided that subject to any contract to the contrary, the owner of the mine shall, as between himself and any other person interested in the minerals of the mine, be liable to carry out the provisions of this section and to pay any costs incurred by any other persons interested in the minerals of the mine in carrying out the provisions of this section.

(2) Nothing in this section shall exempt any person from liability under any other Act or otherwise.

48. When any mine is abandoned, the owner of the mine at the time of its abandonment, shall within three months thereafter forward to the Minister a proper and correct plan of the mine, showing—

- (a) The boundaries of the workings of the mine showing the working faces, up to the time of abandonment;
- (b) The pillars of coal or other mineral remaining unworked;
- (c) The position, direction and extent of every known fault of every seam in the mine with its vertical throw and of every known wash-out and dyke;
- (d) The position of the workings with regard to the surface;
- (e) The general direction and rate of dip of the strata;
- (f) The depth of every shaft and the depth from the surface to every seam;
- (g) A section of every seam in the mine.

(2) Every such plan shall be on a scale of not less than one hundred feet to the inch.

(3) When more than one seam has been worked, a separate plan of each seam shall be forwarded.

(4) Such plans and sections shall be kept by the Minister: Provided that if an abandoned mine is reopened, the owner shall be entitled to have the plans and sections returned to him on depositing with the Minister copies thereof or of such portions of same as the Minister may require, certified to be correct by a competent draughtsman.

(5) 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 Minister, to see any plan or section while in his possession but such authority shall not be given unless the Minister is satisfied that the inspection of such plan is necessary in the interests of safety.

(6) 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 of same are maintained in an accessible condition; if any dispute shall arise as to whether or not a mine is abandoned under this Act, the same shall be decided by the Minister whose decision shall be final and there shall be no appeal therefrom.

(7) A complaint or information for an offence under this section may be made or laid within six 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.

(8) 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 plan or section of an abandoned mine or seam, to produce same to the Minister for the purpose of inspection or copying.

INSPECTION.

49. The Lieutenant Governor in Council may from time to time appoint any person holding a first class certificate to be Chief Inspector under this Act and assign his duties and fix his remuneration. ^{Appointment of Inspectors}

(2) The Lieutenant Governor in Council may also from time to time appoint any person holding a first class certificate to be a District Inspector under this Act for the district specified in such appointment, and may assign his duties and fix his remuneration.

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

(4) Any person who practices as a mining engineer or mine manager in the province shall not act as an inspector under this Act.

50. An inspector shall visit every mine in his district as often ^{Duties} as his duties permit, or the exigencies of the case require.

(2) Every inspector shall make an annual report of his proceedings during the preceding year to the Minister.

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

51. In addition to any other powers or duties with which he ^{Powers} may be vested, an inspector shall have power to—

1. 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;

2. Enter, inspect and examine any mine or any part thereof at all reasonable times by day or night but in so doing he shall not impede or obstruct the working of the mine;

3. 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;

4. Exercise any such powers as are necessary for carrying this Act into effect.

52. No person shall wilfully obstruct an inspector in the ^{Obstruction of Inspector} execution of his duties under this Act and no owner, agent or manager of a mine shall refuse or neglect to furnish to an inspector the means necessary for making an entry, inspection, examination or inquiry under this Act in relation to any mine.

53. In every case which is not expressly provided against in this Act, if a District Inspector finds any mine or any part thereof or any matter, thing or practice in or connected with any mine to be dangerous or defective so as in his opinion to threaten or tend to the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of 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; if the same cannot be remedied he may require the men to be withdrawn from the mine or part thereof ^{Causes of danger not specially provided for} and unless the same is forthwith remedied or the men withdrawn he shall report the same to the Chief Inspector.

(2) If the owner, agent or manager of the mine objects to remedy the matter complained of or to withdraw the men, he shall within ten days after the receipt of such notice from the District Inspector forward his objection in writing, stating the grounds thereof to the Minister who may within ten days after receipt thereof, forward same by registered mail to the Chief Justice of Alberta and thereupon the matter including the costs in connection therewith shall be decided by arbitration by the said Chief Justice and two other arbitrators, one of whom shall be appointed by the Chief Inspector and the other by such owner, agent or manager and the award of the said Chief Justice with one of the other arbitrators shall be final; a copy of the award shall be sent by registered mail to the persons affected thereby.

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

(4) When no objection is forwarded as aforesaid by the owner, agent or manager, he shall comply with the terms of the notice within ten days after the expiration of the time for objection.

(5) When there has been an arbitration the owner, agent or manager shall forthwith comply with the terms of the award made thereunder.

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

54. 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 and with respect to same, the following provisions shall apply:

1. The Minister may appoint any person or persons possessing legal or special knowledge to act with the Inspector in holding the investigation.

2. The Inspector shall make said investigation in such manner and under such conditions as he thinks most effectual.

3. In addition to his other powers the Inspector shall for the purpose aforesaid have—

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

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

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

(d) Power to administer the oath.

(4) 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 subpoena before the Supreme Court.

(5) 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.

(6) 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.

(7) Any expenses incurred in connection with such investigation shall be paid out of the general revenue fund of the province by Order in Council.

PLANS.

55. The owner, agent or manager of every mine shall keep in the office at the mine a correct plan of the mine or copy thereof showing the workings of the mine on a scale of not less than one hundred feet to the inch or on the same scale as the plan then used at the mine and showing the workings up to a date not more than three months previously and showing the position of the entrances to the mine with regard to a section post on the surface.

(2) Said plan or copy shall also show the general direction and rate of dip of the strata and the depth of every shaft.

(3) 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.

(4) The owner, agent or manager of every mine shall 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 for his information a correct copy of such plan when requested by him.

(5) The Chief Inspector may in addition by notice in writing (whether a penalty for such offence has been inflicted or not) require the owner, agent or manager within thirty days thereafter to have made a correct plan as prescribed by this section.

CORONERS' INQUESTS.

56. 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 Minister or to the District Inspector, the coroner shall immediately notify the District Inspector of his intention to hold such inquest and in the absence, nonarrival or nonattendance 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 Minister and to the District Inspector notice in writing of the time and place of holding such adjourned inquest.

(4) The inspector or such 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 any such 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 such 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, or any official of any workman's or owner's association, or any relative of the deceased person upon whose body the inquest is to be held shall serve on the jury empanelled for such inquest or act as coroner thereat.

(7) 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 not more than three working men employed at any other mine than that at which the accident occurred and such working-men shall form part of the jury sworn for such inquest.

GENERAL PROVISIONS.

57. The provisions of sections 58 to 92 inclusive shall be observed so far as is reasonably practicable in or about every mine.

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

(2) An adequate amount of ventilation shall mean not less than one hundred cubic feet of pure air per minute for each person, horse and mule employed in a mine and as much more as the District Inspector may direct.

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

(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 amount of ventilation passing in every mine shall be measured at least once every week by the overman or his assistant and the same shall be recorded in a book kept at the mine for that purpose.

59. In every mine in which inflammable gas has been found within the preceding twelve months, an examiner appointed for that purpose, shall inspect with a locked 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 if inflammable gas has been found within the preceding three months, then within three hours before the time of 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; every such report shall be 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 such report shall be posted immediately in a conspicuous place at the mine.

Inspection of
mines where
gas has been
found

(2) No workman shall go to work in such part until said part and the roadways leading thereto are reported to be safe.

(3) For the purpose of this section two or more shifts succeeding one another so that work is carried on without any interval, are to be deemed to be one shift and it shall not be considered an interval if the times fixed for a shift of workmen to return from work coincide with the times fixed for the oncoming shift to go to work in accordance with this Act.

(4) A similar inspection of all parts of the mine in which workmen are to work or pass during that shift shall be made at least once during each eight hour shift.

(5) After dangerous gas has been found in any mine, 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 such readings made in a book kept at the mine for that purpose and it shall be signed by the person or persons making said inspection.

60. In every mine in which inflammable gas has not been found within the preceding twelve months, a competent person or persons appointed for that purpose shall once in every twenty-four hours within four hours before the time of starting work inspect that part of the mine being or intended to be worked and the roadways leading thereto, and shall make a true report of the conditions thereof as far as safety and ventilation is concerned.

Inspection of
mines where
gas has not
been found

(2) No workman shall go to work in such part until the same and the roadways leading thereto are reported to be safe; every such report shall be recorded without delay in a book which shall be kept at the mine for that purpose and the same shall be signed by the person making the inspection and a copy of such report shall be posted immediately in a conspicuous place at the mine.

61. In every mine, all entrances to any place therein not in actual 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. ^{Places to be fenced}

62. One or more stations shall be appointed at the entrance to a mine or to the different parts thereof as the case requires and no workman shall pass beyond such station until the mine or part of the mine beyond the same has been inspected and reported to be safe. ^{Stations}

63. If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or such part thereof, or 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 to be dangerous and a competent person who shall be appointed for that purpose shall inspect 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 safety lamp and in every case shall make a true report of the condition of the mine or part thereof and every such report shall be recorded without delay in a book which shall be kept at the mine for that purpose and shall be signed by the person making said inspection. ^{Withdrawal of workmen in case of danger}

(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 the same is subsequently stated in said report not to be dangerous.

64. 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. ^{Safety lamps, etc.}

(2) When safety lamps are so required to be used, an examiner appointed for that purpose shall inspect every such lamp immediately before it is taken into the workings, to ascertain if it is secure and securely locked and no such safety lamp shall be used until it has been examined and found secure and securely locked and the same shall not be unlocked without authority from the owner, agent or manager and in the said part of the mine, no person shall, without authority from the owner, agent or manager have in his possession any key or contrivance for opening the lock of such safety lamp.

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

(4) Nothing in this rule shall be construed to prevent the use of a safety lamp provided with a relighting apparatus within the tube thereof of a pattern approved and permitted

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 and permitted by the Chief Inspector.

(5) For the purpose of ascertaining whether any person is contravening any of the provisions of subsections 2 and 3 hereof, the owner, agent or manager may appoint one or more persons to make such inspection as he deems necessary.

(6) When safety lamps are used in any part of a mine no naked lights shall be used in any other part of the mine situated between the place where said safety lamps are so used and the return airway.

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

65. No explosive shall be stored in any mine nor shall it be taken into any mine except in a secure case or canister containing not more than five pounds. ^{Explosives}

(2) There shall not be at any one time in any one place in a mine more than one case or canister; but for the driving of rock tunnels, the Chief Inspector may grant permission in writing for a sufficient amount of explosive to be taken into the mine by one or more persons in secure cases or canisters containing not more than twenty-five pounds in each such case or canister.

(3) In the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel to be used as a pricker, charger, tamping rod, scraper or stemmer and nothing but clay or other noninflammable substance or material shall be used for stemming and such clay or other noninflammable substance or material shall be provided by the owner of the mine.

(4) No explosive shall be forcibly pressed into a hole of insufficient size and when a hole has been charged the explosive shall not be unstemmed or unrammed and no hole shall be bored for a charge at a distance of less than twelve inches from any hole where a charge has missed fire.

(5) Every charge of explosive where possible shall be placed in a properly drilled shot-hole and shall be sufficiently stemmed.

(6) Only one class, grade or quality of explosive shall be used in any one shot.

(7) In any place, in which the use of a locked safety lamp is for the time being required under this Act or in any place which is dry and dusty, no shot shall be fired except by a shot-lighter appointed for the purpose and he shall immediately before charging any shot-hole, examine same and shall see that the coal is well prepared, the shot properly placed, and the bore-hole well cleaned; he shall examine the character of explosive and shall regulate the quantity of such explosive to be used in such hole, and such hole shall be loaded according to his instructions; he shall 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 the cables shall not be coupled up nor the shot fired except by him; the explosive shall not be fired except by some form of electrical firer or other means approved by the Chief Inspector.

(8) After a shot has been fired, the shot-lighter shall inspect the place and the workmen shall not resume work in such place

until it has been so inspected and pronounced safe by the shot-lighter.

(9) Not more than one shot shall be fired at any one time in any working face in coal unless such shots are fired simultaneously by electricity.

(10) Detonators shall not be used in any mine nor taken therein except under the following conditions—

- (a) Detonators shall be under the control of the owner, agent or manager of the mine or some person or persons appointed in writing by him for that purpose and they shall be given only to shot-lighters or other persons authorized by the owner, agent or manager in writing:

Provided, however, that where an electrical firer is used, the workmen may carry their own supply of detonators, but a shot-lighter shall be the only person in the mine who shall have in his possession or use, an electrical firer;

- (b) All detonators given or issued under this subsection shall, until they are about to be used, be kept in a secure case or box separate from any other explosive.

(11) No shot shall be fired in any place in which at the last inspection inflammable gas has been found—

- (a) Unless the person appointed under subsection 7 hereof has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place, sufficient gas issuing or accumulated to render it unsafe to fire the shot; or,

(12) No shot shall be fired in any place which is dry and dusty except one of the following conditions is observed, namely:

- (a) Unless the place where the shot is to be fired and all contiguous accessible places within a radius of sixty feet therefrom including roof, floor and sides are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering.

(13) Any mine which is divided into districts in such a manner that each district has an independent intake and return airway from the main air-course, for the purpose of this section, each of such districts shall be considered a separate mine.

(14) No explosive shall be thawed in any mine underground and when it is necessary to thaw same at any mine, a proper thawing apparatus on the surface shall be provided by the owner of the mine.

66. When any working has approached within one hundred ^{Bore holes} and twenty feet of a place which is likely to contain a dangerous accumulation of water, the working approaching such place shall not exceed eight feet in width or height and there shall be constantly kept at a sufficient distance not being less than fifteen feet in advance at least one bore-hole near the centre of the working face and sufficient flank bore-holes on each side.

67. Every working shaft used for the purpose of drawing ^{Signals and guides in} minerals or for the lowering or raising of persons, if of a greater ^{shafts} depth than one hundred and fifty feet and not exempt in writing by the Chief Inspector, 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.

68. Every underground plane on which persons travel 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, unless exempt in writing by the Chief Inspector shall be provided with some proper means of communicating distinct and definite signals between the lower end and between the entrance of every working place thereon for the time being in work and the upper end thereof.

69. Every underground plane on which persons travel which is self-acting or worked by an engine, windlass or gin, if exceeding sixty feet in length shall be provided with sufficient man-holes or places of refuge at intervals of not more than sixty feet.

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

(3) Where the load is drawn by machinery or other mechanical power at a speed exceeding two miles per hour and there is not standing room of at least two feet, there shall at intervals of not more than sixty feet be provided, manholes or places of refuge.

(4) Every manhole or place of refuge shall be at least three feet in depth between the sides of the cars running on the plane or road and the back of the manhole, three feet in width and four feet in height.

(5) Whenever in the opinion of the Chief Inspector the provisions of this section are not sufficient for the safety of the persons travelling thereon, he may require the owner, agent or manager of such mine to provide a separate travelling road.

(6) Every manhole and place of refuge shall be constantly kept clear and frequently whitewashed and no person shall place anything in a manhole or place of refuge so as to prevent access thereto.

70. The top of every shaft which for the time being is out of use or used only as an airshaft 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.

71. 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. Partitions in shafts

72. Where the natural strata is not safe, every working or pumping shaft shall be securely cased, lined or otherwise made secure. Shafts to be secured

73. The roof and sides of every travelling road or working place shall be made secure and no person except those appointed for the purpose of exploring or repairing shall travel or work in any such travelling road or working place which is not so made secure. Places to be made secure

74. 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 crosscut to the working face, or other convenient place in the vicinity thereof. Timber

75. All coal during the operation of holing or undercutting by hand shall be supported by coal or wooden props. Spragging

76. Every cage or tub employed in lowering or raising persons in any working shaft shall have a sufficient and proper covering overhead but this shall not apply where the cage or tub is worked by a windlass nor where persons are employed at work in the shaft nor where a written exemption is given by the Chief Inspector. Overhead cover

77. No single link chain shall be used for lowering or raising persons in any working shaft or place except for the short coupling chain attached to the cage or load. Chains

78. The drum of every machine used for lowering or raising persons shall have attached or fastened thereto proper flanges or horns and if the drum is conical in shape it shall have such other appliances as are sufficient to prevent the rope from slipping. Prevention of rope slipping

79. Every machine worked by steam, water or other mechanical power used for lowering or raising persons shall have attached thereto an adequate brake and in addition to any mark on the rope it shall also have a proper indicator showing the position of the cage or load at all times. Brake and indicator

80. 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 prevention of accidents. Securing of machinery

81. Every steam boiler shall be provided with a proper steam gauge, water gauge and safety valve.

82. A competent person or persons appointed 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 such inspections in a book which shall be kept at the mine for that purpose, and such reports shall be signed by the person making the inspections.

83. A competent person appointed 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 such inspection in a book which shall be kept at the mine for that purpose and such reports shall be signed by the person making the inspections.

84. A ladder used permanently for ingress or egress to or from ^{Ladders} a mine shall not be fixed in a vertical or overhanging position, but shall be inclined at the most convenient angle which the space in which the ladder is fixed allows and every such ladder shall have substantial platforms at intervals of not more than sixty feet.

85. Properly constructed ambulances or stretchers with ^{Ambulances, etc.} splints and bandages shall be kept at every mine ready for immediate use in case of accident.

86. No person shall wilfully damage or without proper author- ^{Willful damage} ity 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.

87. If more than twenty persons are employed in any mine ^{Wash-house} below ground, sufficient accommodation shall be provided for enabling the persons employed in the mine to conveniently wash themselves and dry and change their clothes and such accommodation shall not be in the engine house or boiler house.

88. No person shall, without lawful authority enter any mine, ^{Authority to enter} building or premises without first having obtained permission from the owner, agent or manager, overman or outside foreman.

89. For the purpose of complying with the provisions of this ^{Directions to be observed} Act, every person shall observe such directions with respect to working as are given to him.

90. The persons employed in a mine may from time to time ^{Committee may be appointed by workmen} appoint two of their number to inspect the mine at their own cost and said persons shall be allowed at least once in every month, to inspect the mine, shafts, levels, planes, working places, return airways, ventilating apparatus, old workings and machinery and shall be afforded every facility for the purpose of such inspection and they shall make a true report of such inspection, and such report shall be recorded in a book to be kept at the mine for that purpose and shall be signed by the persons making the same and a true copy of the report shall be sent immediately to the District Inspector by the persons making the same.

(2) If the owner, agent or manager so desires, he, or some person appointed by him may be present at the whole of said inspections.

91. The persons employed at any mine may appoint two of ^{Committee of inquiry in case of accident} their number to inquire into an accident resulting in death or injury to any person or persons.

92. All books required to be kept by the foregoing ^{How books mentioned in these rules are to be kept} general provisions 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 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; but nothing in this Act shall be construed to impose an obligation to keep any book or copy thereof for more than twelve months after 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.

SPECIAL PROVISIONS.

93. The provisions of sections 94 to 128 inclusive shall be observed as far as is reasonably practicable in or about every mine.

94. 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. To be registered

95. Every person, shall at all times, obey the lawful demands or orders of the person under whose charge he may be. Orders to be observed

96. 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 legitimate cause or without having previously obtained permission from the person under whose charge he is. Sanction must be obtained

97. 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 persons under whose charge he is. Obtain authority before leaving work

98. No person in or about any mine shall commit an act likely to cause danger to the mine or to any person. No acts to endanger safety

99. Any person receiving personal injury in or about any mine shall, if able, before leaving the mine, report same to the manager, overman, examiner or outside foreman. Report of injury

100. When any person becomes aware of any contravention of this Act, he shall as soon as possible report same to the manager, overman, examiner or outside foreman. Report of breach of discipline

101. Intoxicating liquor shall not be taken in or about any mine without the consent of the manager, nor shall any person in a state of intoxication enter or be allowed to remain in or about any mine. Intoxicating drinks not allowed

102. No person without proper authority shall interfere with any notice, timber, door, fence, aircourse, 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, to impede the working thereof or damage the property of the owner. Interference with notices etc.

103. No person shall enter or remain in any place in or about any mine where he is not absolutely required by duty to be. No person to be in any place without authority

104. No person shall ride on any car in or about any mine without the permission of the manager. Riding on cars not allowed

105. No person with an open light shall enter or remain in Care of lights any stable and any person who finds an open light in a stable shall at once extinguish it.

(2) Every person shall see that all unnecessary lights under his charge are extinguished.

106. Every person shall use great care and precaution in Care of cars handling cars so that no injury will occur.

107. A workman shall use great care and precaution in Care of explosives handling explosives and when making a cartridge he shall not keep his lamp on his head nor have a pipe or cigarette or cigar in his mouth; he shall place his lamp at least four feet away and at a point where the air will carry a spark from him.

108. No person shall take into or allow to remain in any Explosives, building about any mine any explosive or explosive substance, where not to be unless authorized to do so by the owner, agent or manager.

MANAGER.

109. The manager shall take all reasonable means to enforce the provisions of this Act; he shall have supervision and control of the mine and shall be responsible for the appointment of a sufficient number of persons whose duty it shall be to carry out the provisions of this Act and to see that the mine is worked with all reasonable provisions for safety.

OVERMAN.

110. The overman shall—

(1) Be subject to the control of the manager and shall direct and supervise all work underground; in the absence of the manager, or at any mine where a manager is not required by this Act, he shall have the same responsibility and be subject to the same liabilities as the manager.

(2) He shall 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.

(3) He shall 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.

(4) He shall see that all stoppings are properly built and kept in good repair.

(5) Immediately after it has come to his notice, he shall cause all dangerous places to be made secure.

(6) He shall see that all doors are hung in such a manner that they will close of their own accord and he shall see that all doors are in good repair and are kept in that condition and shall not allow any door to be propped or fastened back or opened except for the passage of persons, animals, cars or locomotives.

(7) He shall not allow trappers while on duty to leave the doors under his charge under any pretext whatever.

(8) He shall see that all entries are driven 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.

(9) He shall 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.

(10) He shall see that no coal or other material is lost by premature or improper drawing of pillars or stumps and that the coal is properly mined.

(11) He shall see that all tools and materials furnished to the workmen are properly used.

(12) He shall examine and initial daily at the mine, all report books in the department under his charge and shall see that all reports are properly recorded therein.

(13) He shall 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 said inspections.

EXAMINER.

111. The examiner shall—

(1) Be subject to the orders and control of the overman whose instructions shall not conflict with this Act.

(2) He shall 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 so as to prevent any person inadvertently approaching same.

(3) He shall inspect at least once in every twenty-four hours all airways in the district under his charge and on his becoming aware of anything requiring attention shall report the same to the manager or overman.

(4) He shall 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 report the same to the manager or overman and shall also make and sign a report of such danger in a book kept at the mine for that purpose.

(5) He shall 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.

(6) He shall see that the provisions of this Act are strictly observed and shall report any nonobservance of the same to the manager or overman immediately after the same comes to his attention.

SHOT-LIGHTER.

112. 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 person about to fire the same 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 electric batteries are used for firing shots and 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) Where fuse is used for firing shots, no person shall enter any place where a shot has missed without authority or permission from the manager, overman or examiner.

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

(6) In all places where locked safety lamps are required to be used, 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.

(7) Before leaving a place where a shot has missed fire, a warning board or fence shall be erected or fixed across the whole width of said place by the person who attempted to fire same and to prevent anyone inadvertently entering said place.

(8) After a shot has been fired, the person who fired same shall, as soon as practicable thereafter, inspect the place and take all necessary steps to ensure safety before work is resumed.

LAMPMAN.

113. 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 same to the manager or overman and he shall keep same 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.

SAFETY LAMPS.

114. Every person on receiving a safety lamp shall inspect it to see that it is secure and securely locked.

(2) Every person who has a safety lamp in his possession shall pay frequent attention to 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 said lamp becomes unsafe from fire-damp or from the foregoing or any other causes, 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 lamp house outside.

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

(4) 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.

(5) 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.

(6) No person shall without authority have in his possession in any mine, any explosive and in mines where locked safety lamps are required to be used if any explosive remains in the possession of a workman at the end of his shift he shall bring same out of the mine and return it at once to the place of storage provided for that purpose.

(7) Every person authorized to use explosives shall use the greatest precaution in the care and handling same.

(8) No person shall fire any shot without authority from the manager or overman.

UNDERGROUND WORK.

115. All persons employed underground shall be subject generally to the control of the manager, overman, examiner and any other person properly appointed. ^{Duties and instructions}

(2) No person shall walk up or down a hoisting slope without permission from the manager or overman and every person in or about a slope or shaft bottom shall obey the orders of the onsetter or cager.

(3) 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.

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

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

(6) Any person in charge of a place shall work same according to the directions or orders of the manager, overman or examiner.

(7) 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 such danger and to the manager, overman, or examiner.

(8) 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 before leaving the mine he shall see that a record of the same is made in a book kept at the mine for that purpose

STABLEMEN AND DRIVERS.

116. The stableman shall not allow any animal under his ^{Duties} 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.

(2) 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 animals except for sore shoulders, cuts or bruises unless authorized to do so by the manager or overman and shall have all animals harnessed with proper fitting harness and in good condition for their work before allowing them to leave the stable.

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

(4) 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 same to the manager, overman or examiner.

(5) Every person shall exercise great care while running or drawing cars and if necessary shall use sufficient sprags to prevent said cars from getting beyond control.

DRIVER BOSS.

117. A driver boss (if one is appointed) shall, inside the ^{Duties} mine, have charge of all drivers, chute-loaders, spraggers, trappers and others engaged in hauling coal.

TRAPPERS.

118. When a trapper has charge of a door, he shall open ^{Duties} same only for the passage of persons, animals, locomotives or cars and he shall instantly close the same when they have passed through; he shall not allow said door to remain open or to be propped or fastened back and he shall not leave same until the work of his shift is finished.

HAULAGE ROADS.

119. Any person in charge of any haulage road, plane or ^{Instruction for the operation of} 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.

(2) 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.

(3) 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.

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

CAGERS AND ONSETTERS.

120. The cager or onsetter shall have the general direction ^{Authority and duties} 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; nothing in this subsection shall, however, be taken to mean that a person may not be 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 such material is securely fixed in such a manner that it cannot move on such cage or trip.

OUTSIDE FOREMAN.

121. The outside foreman shall be subject to the control of ^{Duties} the manager or a person appointed by him, and he shall direct and supervise all operations outside the mine.

(2) He shall 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.

(3) Unless some other person is appointed for the purpose, he shall receive all orders for supplies and shall see that they are properly filled.

(4) He shall see that all explosives and other inflammable materials are handled with the greatest possible care, and at no time shall he allow a naked light to be in the powder magazine.

(5) He shall see that all unnecessary fires are extinguished or properly damped before he leaves the mine at the close of each day.

MASTER MECHANIC.

122. Subject to the control of the manager the master mechanic shall have charge of all machinery and appliances about the mine; he shall see that the same are in good working order and shall conduct the operations under his charge in a manner to insure the greatest possible safety.

123. Where no master mechanic or outside foreman is appointed, their duties shall be performed by the manager, overman or some other person appointed by either of them.

VENTILATING FANS.

124. Notwithstanding anything contained in the *Boilers Act* to the contrary, no person shall, under any circumstances stop any ventilating fan without first having obtained permission in writing from the manager or overman.

(2) The person in charge of any ventilating fan shall immediately notify the manager or overman when it becomes necessary to change the speed of said fan; and no person shall change said speed unless he has first obtained written instructions from the manager or overman.

ENGINEERS AND FIREMEN.

125. Every engineer shall, before commencing work, inspect the machinery under his charge and all appliances connected therewith and he shall immediately report any defect he may find to the master mechanic.

(2) Every engineer in charge of any machinery used for transportation purposes shall operate same according to the master mechanic's directions and the master mechanic shall be subject to the control of the manager.

(3) Every engineer shall carefully start and operate all machinery under his charge and shall remain with same while it is in motion, and if a signal is misunderstood he shall not proceed until the same has been distinctly repeated and if the signal apparatus fails to work, he shall forthwith notify the master mechanic.

(4) Every fireman shall be subject to the control of the master mechanic; he shall see that the water is maintained at the proper level in the boilers and frequently blow out the water column to see that it is working properly; if he observe any derangement or defect in the boilers or in their connections or fittings, he shall immediately report the same to the master mechanic or to the engineer in charge of the power house.

(5) No engineer or fireman shall leave his place of duty until he is relieved by the oncoming shift or by permission of the person under whose charge he is.

(6) All persons in charge of engine-rooms or boiler-houses shall see that all oily or greasy waste, inflammable or other material is kept in a receptacle provided for that purpose and the same shall not be allowed to lie around.

BANKSMEN.

126. The banksman shall have the general direction of the work at the bankhead 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; nothing in this subsection shall however, be taken to mean that a person may not be lowered against 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 used for the purpose of a back balance is securely fixed in such a manner that it cannot move on such cage or trip.

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

WASH-HOUSE.

127. No person shall at any time take explosives, detonators, igniters or any explosive substance of any kind into any wash-house.

(2) Every person shall leave his clothes where directed by the manager or some person appointed by him.

SHAFT SINKING.

128. The banksman shall in all cases steady the tub, or any-^{Shaft sinking} thing 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.

(2) 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.

(3) When a landing wagon is used, the banksman shall secure same 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 is ceased the landing wagon shall be left so that it will not impede the ventilation nor leave the shaft unfenced.

(4) The banksman shall not leave the top of the shaft while men are ascending or descending same.

(5) The shift boss 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, 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.

(6) 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.

(7) Every shot shall be fired under the supervision of the shift boss only and he shall see that the same 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.

(8) After every cessation of work, whether caused by the withdrawal of the workmen for shot-firing or other purposes, the shift boss, accompanied at least by one other person shall descend and inspect the shaft and he shall satisfy himself that the same 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.

(9) The shift boss shall descend in the first tub and shall ascend in the last tub in each shift.

(10) When walling or bricking is being done, the shift boss shall see that the shaft under the bricking scaffold is properly

ventilated, that the scaffold is not over-weighted with it and that the brickwork is of the strength specified by the manager.

(11) Explosives shall not be taken into or kept in until immediately before they are required to be used.

(12) When directed by the manager or overman, but a locked safety lamp shall be used in the shaft.

(13) When ascending or descending by a tub, every person shall keep within same and no person shall ascend or descend on a loaded tub.

ORDERS NOT PROVIDED FOR.

129. The owner, agent or manager or a person appointed by him may give any orders or instructions not expressed or provided for by this Act:

Provided that such orders or instructions do not in any way conflict with the provisions of this Act.

130. The owner, agent or manager shall cause a copy of this Act with the name of the mine and the name and address of the Chief Inspector and of the District Inspector, and the name of the owner or agent, and of the manager appended thereto, to be posted up in some conspicuous place at or near the mine, and the same may be conveniently read or seen by any person employed; and so often as the same becomes defaced, altered or destroyed shall cause them to be renewed or replaced with all reasonable despatch.

(2) Said copy of this Act shall be kept separate from the regulations which refer to any contract made between the agent or manager and any person or persons employed about a mine.

(3) If an owner, agent or manager has taken all reasonable means in his power to comply with this section, he shall not be guilty of an offence against same.

NOTICES: HOW TO BE SENT.

131. 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 sent to the Minister or Chief Inspector may be either delivered personally or sent addressed to him to the Department of Mines at the seat of government by prepaid registered letter, and all notices and documents required by this Act to be 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 served upon the parties affected thereby or sent by prepaid registered letter to their last known place of abode.

(4) 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 receipt it shall be sufficient to prove that the letter containing the same was properly addressed, registered and put into the post.

PENALTIES.

132. Every owner, agent, manager, overman or examiner who violates any of the provisions of this Act shall on summary conviction be liable to a penalty not exceeding one hundred dollars and costs. Owner, agent or manager, pit boss or fire boss

(2) Every other person who violates any of the provisions of this Act shall on summary conviction be liable to a penalty not exceeding fifty dollars and costs. Persons other than owner, agent, manager, pit boss or fire boss

133. When any person is found guilty of an offence against this Act which might reasonably have been expected to cause a serious accident or to result in personal injury, the tribunal adjudicating thereon shall be entitled to impose imprisonment with hard labour for a period not exceeding three months in addition to any other penalty imposed if it is shown that the offence was committed either wilfully or so negligently as to amount to a wilful violation of this Act. Penalty for wilful violation

PROSECUTIONS.

134. All penalties imposed by this Act shall, when collected form part of the general revenue fund of the province. Application

135. The provisions of part XV of chapter 146 of the Statutes of Canada (The Criminal Code) in reference to summary convictions shall be applicable to all prosecutions under this Act. Summary trial

136. 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 law, Statute or Ordinance for the same offence or matter.

137. No prosecution shall be instituted against any owner, agent, manager, overman or examiner for a violation against this Act, except— Prosecutions, how instituted

1. By the Chief Inspector; or
2. With the consent in writing of the Minister; or
3. By some person appointed by the Minister.

138. In any prosecution or other proceedings against an owner, agent, manager, overman or examiner for an offence against this Act, such alleged offender shall be discharged if he proves to the satisfaction of the tribunal before which the same is tried that he took all reasonable means to prevent the commission of such offence. Defence

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

INFORMATION FOR MINISTER.

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

141. The Minister may publish the aggregate results of any returns made to him and so much of any individual returns as does not relate to the quantity or value of mineral gotten,

but the portion of any individual returns relating to the quantity or value of mineral gotten shall not be published without the consent of the owner of the mine to which it relates.

PREFERENCE OF ACT.

142. When any Act or law heretofore or hereafter in force conflicts with any of the provisions of this Act, then, and in every such case this Act shall prevail. This Act to prevail

REGULATIONS AND FORMS.

143. The Lieutenant Governor in Council may from time to time prescribe such forms and make such additional regulations or provisions as he may deem necessary in the interests of safety. Additional regulations how made

REPEAL.

144. All laws and all rules, orders and regulations made thereunder repugnant to or inconsistent with the provisions of this Act are hereby repealed. Repeal of former Acts

(2) Nothing in this repeal, however, shall affect any certificate of competency issued by the Commissioner of Public Works for the North-West Territories or by the Minister or Provincial Inspector previous to the coming into force of this Act, but every such certificate shall have effect as if made or granted under this Act, and the register of holders of certificates, and other registers which at the commencement of this Act are kept in pursuance of the Acts hereby repealed shall be deemed to be registers or parts of registers kept in pursuance of this Act.

145. Nothing in this Act shall be construed to mean that any work done or performed according to any law in force at the time of the coming into force of this Act shall by reason of the passing of this Act be required to be done over again.

COMMENCEMENT OF ACT.

146. This Act shall, except as otherwise provided, come into operation on the first day of August, nineteen hundred and thirteen. Time Act comes into force

SCHEDULE "A."

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

Name and postal address of owner.....
Name of mine.....
Date.....
To the Minister of Public Works, 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 Mines 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.....

I am, Sir,

Your obedient servant,

Other remarks..... <i>Owner, Agent or Manager.</i>
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No. 21

FOURTH SESSION
SECOND LEGISLATURE
3 GEORGE V
1913

BILL

An Act respecting Mines.

Received and read the

First time.....

Second time.....

Third time.....

EDMONTON:
J. W. JEFFERY, Government Printer
A.D. 1913