

BILL No. 20 OF 1925.

A BILL TO AMEND THE MINES ACT.

NOTE.

This Bill, with the object of ensuring the payment of wages to miners, provides for—

1. a record showing sums paid to workmen;
2. a monthly statement to the Chief Inspector as to whether wages have been paid or not;
3. the appointment of a receiver of the profits of the mine in the event of wages remaining unpaid;
4. the return of sums of money unfairly received to the detriment of the workmen. (Section 3 of the Bill adding subsection (6) to section 43 of the Act.)

WALTER S. SCOTT,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 20 of 1925.

An Act to amend The Mines Act.

(Assented to _____, 1925.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Mines Act Amendment Act, 1925.*"

2. *The Mines Act*, being chapter 190 of the Revised Statutes of Alberta, 1922, is amended by adding as section 34a, immediately after section 34 thereof, the following:

"**34a.**—(1) The manager, or if there is no manager, the overman, shall keep a record of all the workmen employed in the mine, in which there shall be set down the sum due to each workman upon each day upon which wages ought to be paid under the provisions of this Act and also the amount of that sum which has been actually paid to him.

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

3. Section 43 of the said Act is amended—

(a) as to subsection (1) thereof by striking out the words "owner, agent or" where they occur in the first line, and by inserting after the word "manager" the words "or where there is no manager, the overman";

(b) by adding as subsections (3), (4), (5), (6), (7), (8) and (9) thereof, the following:

"(3) The said form shall contain a question in Form B of the schedule hereto.

"(4) In the event of no answer being made to the said question, or of the answer showing that the wages of any workman remain unpaid, the chief inspector may apply by originating notice to a judge of the Supreme Court for an order for the appointment of a receiver by way of equitable execution of all the rents, profits and income including sums due from the sale of coal, of the mine and the order for the appointment of such receiver shall be granted together with all proper directions unless the judge is satisfied that all wages due and payable have been paid up to the date of the said application coming before him.

"(5) The order may contain a direction to deliver up possession of the mine and all books and documents relating thereto to the receiver and may appoint the receiver as both receiver and manager, in which event the receiver shall have a power of sale of the mine.

"(6) The judge may by the order appointing a receiver or by a subsequent order direct an accounting of all sums received during the six months immediately prior to the date of the order by any manager, director, owner, or other person in any way entitled to share in the direction or control of the conduct of the mine, and may require affidavits from all such persons in verification of the said accounting, and shall if in his uncontrolled discretion he considers such a course fair or equitable direct the return of such sums, or any part or parts thereof, to the receiver to be by him applied as if they were income of the mine.

"(7) The receiver shall discharge all debts due to workmen at the date of his appointment in priority to all other charges or claims whatsoever upon or to the said mine or the income derived therefrom, and if appointed receiver and manager shall in a similar manner discharge all debts accruing due to workmen during the period of his managership.

"(8) Any receiver so appointed shall continue as such until the time mentioned in the order made by the judge has elapsed or until any conditions specified in such order have been fulfilled.

"(9) The appointment of any person as receiver and manager shall not confer upon him any power to act as a manager, in the sense of the chief officer having the control and daily supervision of a mine."

4. Section 130 of the said Act is amended by adding as subsection (3) thereof, the following:

"(3) Every manager, or if there is no manager, overman, who does not reply to the question required by section 43 (3), or makes a false reply thereto, shall in addition to the penalty hereinbefore prescribed for violation of any of the provisions of this Act, and in lieu thereof, be liable to imprisonment for a period not exceeding one year."

5. The schedule to the said Act is amended by adding form B thereto as follows:

"FORM B.

"QUESTION AS TO WAGES.

(*Section 43 (3).*)

"Have all wages due and payable under the terms of *The Mines Act*, up to this date, been duly paid to all the workmen employed in or about the said mine?"

6. This Act shall come into force on the.....day of.....19....

No. 20.

FIFTH SESSION
FIFTH LEGISLATURE
15 GEORGE V
1925

BILL

An Act to amend The Mines Act.

Received and read the

First time.....

Second time.....

Third time.....

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1925