

# BILL

No. 92 of 1927.

An Act to amend The Mines Act.

(Assented to \_\_\_\_\_, 1927.)

**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, 1927.*"

2. *The Mines Act*, being chapter 190 of the Revised Statutes of Alberta, 1922, is amended by inserting as section 22a, immediately after section 22 thereof, the following:

"22a.—(1) The Minister may appoint for any district or districts one or more boards of examiners, consisting of a district inspector, a mine manager or overman and a working miner, whose duty it shall be to examine every person applying for a certificate of competency as a coal-miner.

"(2) The Lieutenant Governor in Council may make regulations for the guidance of such boards of examiners and for the performance of their duties.

"(3) Every board shall report in writing to the chief inspector, immediately after every examination held by the board, the name, address and place of employment, if any, of every applicant to whom a certificate of competency is granted under this section.

"(4) No person shall be granted a certificate of competency as a coal-miner who is not of the full age of eighteen years, and who has not been employed in some capacity underground for at least one year prior to his application for such certificate, and who fails to satisfy the board upon examination as to his ability as a coal-miner.

"(5) Every person who on the first day of May, 1927, shall be working in a mine at the working face, or who had at any time within the period of twelve months immediately preceding that date been so working, provided he submits himself for examination not later than the thirty-first day of December, 1927, shall be deemed to be a person who has been employed in some capacity underground in a coal-mine for at least a year.

"(6) An inspector of mines may grant a provisional coal-miner's certificate of competency to any person who has the qualifications for examination required by subsection (4) hereof. Such provisional certificate shall be for a period not exceeding sixty days, and unless the holder of the certificate

becomes a successful candidate for and obtains a coal-miner's certificate of competency from the board of examiners at the next examination held by the board, at the place designated for the holding of examinations at or nearest to the colliery at which the holder of the provisional certificate is employed, the provisional certificate shall become void."

**3.** Section 26 of the said Act is hereby struck out and the following substituted therefor:

"**26.**—(1) No person shall act or be permitted to act as overman in any mine other than the mines mentioned in this section, unless he is the holder of a first-class or second class certificate granted under this Act.

"(2) A provisional certificate may be granted by the chief inspector to the holder of a third-class certificate authorizing such person to act as an overman in a mine specified therein, in which not more than ten men are employed underground, for a period terminating not more than sixty days after the next examination, and during the period for which such certificate is granted such person may act as an overman in such mine.

"(3) In the case of mines in which not more than five men are employed underground, the chief inspector may grant a provisional certificate to any person, who has had at least five years' experience underground, authorizing him to act as overman for the time and in the mine specified in such certificate."

**4.** Section 27 of the said Act is amended by striking out all the words after the word "Act" where the same occurs therein.

**5.** Section 28 of the said Act is hereby struck out.

**6.** Section 29 of the said Act is amended—

(a) as to subsection (5) thereof by striking out all the words after the word "Act" in the eighth line thereof;

(b) as to subsection (7) thereof by striking out the same and substituting therefor the following:

"(7) The same person shall not be the manager of more than two mines required to be under the control of a manager, and shall only be the manager of two mines when such mines are not more than two miles apart, provided that in the case of mines of the same owner which are more than two miles apart the chief inspector may authorize the same person to act as the manager of two such mines";

(c) as to subsection (8) thereof by striking out the words "or more" where the same occur therein.

**7.** Section 29a is added to the said Act immediately after section 29 as follows:

"**29a.** From and after the thirtieth day of September, 1927, no person shall work at the working face in any mine unless he is the holder of a certificate of competency as a coal-miner."

**8.** Section 34 of the said Act is struck out and the following substituted therefor:

“**34.**—(1) All wages earned by any person or persons employed in or about a mine shall be paid at least twice a month.

“(2) The first payment shall be for wages earned during the period from the first to the fifteenth day of the month inclusive, and the second payment shall be for wages earned during the period from the sixteenth to the last day of the month inclusive.

“(3) Payment of wages shall in all cases be made not more than eight days after the last day of the period in which the wages have been earned.

“(4) If the eighth day falls on a Sunday or on a public holiday, payment shall be made on the nearest preceding day which is not a Sunday or a holiday.”

**9.** Section 37 of the said Act is amended—

(a) as to subsection (1) thereof by adding at the end thereof the following: “and such appointment shall be made by the persons employed in the mine whose wages are based upon the weight of mineral gotten by them, attending a meeting called for that purpose by a notice posted at least 48 hours before the meeting in a conspicuous place upon the mine premises; and every such meeting shall remain open for the purpose of receiving nominations for at least thirty minutes after the same shall have been called to order, and every nomination shall be in writing, and if more than one nomination shall be then made an election shall be held by secret ballot at the mine on the third day after the meeting if that day is a working day at the mine, and if it is not, then upon the first working day at the mine after the last-mentioned day.”

(b) as to subsection (2) thereof by striking out the words “The checkweigher shall be a practical working miner” and substituting therefor the words “The checkweigher shall be a person who is or has been a practical working miner.”

(c) by inserting as subsection (3a) immediately after subsection (3) thereof the following:

“(3a) In the event of any dispute as to the regularity of any such election the chief inspector may by order declare any such election to be null and void, and in such case shall direct another election to be held and may supervise the holding of the same.”

**10.** Section 39 of the said Act is amended—

(a) as to subsection (1) thereof by striking out the words “by the persons employed in a mine who are paid according to the weight of mineral gotten out by them” where the same occur, and substituting therefor the following: “pursuant to section 37 of this Act”;

- (b) as to subsection (2) thereof by striking out the words "whenever a majority of the miners who are employed in a mine to which this Act applies have engaged a checkweigher" and substituting therefor the following: "whenever a committee of two appointed at a meeting of the miners who are employed in a mine to which this Act applies."

**11.** Section 41 of the said Act is amended—

- (a) as to subsection (1) thereof by striking out the words "practical working miners of at least three years' experience resident in the Province" where the same occur therein, and substituting therefor the words "persons who are resident in the Province and are or have been practical working miners of at least three years' experience."
- (b) by adding at the end of subsection (1) thereof the following: "and such appointment shall be made by the persons employed in the mine who are paid otherwise than according to the weight of mineral gotten by them attending a meeting called for that purpose by a notice posted at least forty-eight hours before the meeting in a conspicuous place upon the mine premises; and every such meeting shall remain open for the purpose of receiving nominations for at least thirty minutes after the same shall have been called to order, and every nomination shall be in writing, and if more persons are then nominated than are to be appointed an election shall be held by secret ballot at the mine on the third day after the meeting if that day is a working day at the mine, and if it is not then upon the first working day at the mine after the last-mentioned day."

**12.** Section 50 of the said Act is amended by adding as subsection (2a) immediately after subsection (2) thereof the following:

"(2a) The Lieutenant Governor in Council may also from time to time appoint any person holding a first-class certificate to be a deputy district inspector under this Act and may assign his duties and fix his remuneration."

**13.** Section 59 of the said Act is amended by adding as subsection (7) thereof the following:

"(7) In all mines where locked safety lamps are required to be used, gas detector readings or observations shall be taken daily, with a gas detector of a type approved by the chief inspector, in the return airways of each district or split at a point no more than one hundred feet from the last working place in such district or split, and a record of such readings or observations shall be made in a book kept at the mine for that purpose and shall be signed by the person taking the reading or observation."

**14.** Section 60 of the said Act is amended—

- (a) as to subsection (1) thereof by striking out the word “four” where the same occurs therein, and substituting therefor the word “three”; and by striking out the words “and if inflammable gas has been found within the preceding three months, then within three hours before commencing work”;
- (b) by striking out subsection (4) thereof;
- (c) by adding as subsection (7) thereof, the following:  
“(7) In all cases where by this Act an examination is required to be made with a safety lamp, such examination shall be made with a locked safety lamp of a flame type.”

**15.** Section 65 of the said Act is amended as to subsection (9) thereof by striking out the words “more than forty” where the same occur therein.

**16.** Section 66 of the said Act is amended by striking out subsection (9) thereof and substituting therefor the following:

“(9) Not more than one shot shall be fired at any one time in any mine except only in tunnels, shafts and slopes whilst being driven in rock.”

**17.** Section 68 of the said Act is amended by striking out the words “and not exempted in writing from this provision by the chief inspector” where the same occur therein.

**18.** Section 69 of the said Act is amended by striking out the words “unless exempt in writing by the chief inspector” where the same occur therein.

**19.** Section 91 of the said Act is amended by striking out the words “foregoing general provisions” where the same occur therein, and substituting therefor the words “pursuant to this Act or any regulations made hereunder.”

**20.** Section 121 of the said Act is amended as to paragraph (e) thereof by striking out the word “necessary” where the same occurs therein, and substituting therefor the word “unnecessary.”

**21.** This Act shall come into force on . . . . .

No. 92.

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FIRST SESSION  
SIXTH LEGISLATURE  
17 GEORGE V  
1927

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**BILL**

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. BROWNLEE.

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EDMONTON:  
W. D. McLEAN, ACTING KING'S PRINTER  
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