

BILL

No. 62 of 1930.

An Act to Regulate the Working of Coal-mines.

(Assented to....., 1930.)

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

PRELIMINARY.

1. This Act may be cited as "*The Coal-mines Regulation Act.*"

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

- (a) "Agent" means any person having on behalf of the owner the care or direction of any mine, or part thereof;
- (b) "Bank" means the pit head or any surface entrance to a mine;
- (c) "Board" means the Board of Examiners appointed pursuant to this Act;
- (d) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act;
- (e) "Competent person" means a person holding a first class, second class or third class certificate of competency issued pursuant to this Act, and appointed for the purpose of doing the class of work specified in such appointment;
- (f) "District Inspector" means the district inspector of mines, appointed pursuant to this Act, and includes a deputy district inspector;
- (g) "Examiner" means a competent person appointed to inspect the working places in a mine, the roadways and approaches thereto and other accessible parts of the mine and includes a fireman and a fireboss;
- (h) "Inspector" means the Chief Inspector of Mines, or a district inspector;
- (i) "Manager" means the chief officer having the control and daily supervision of any mine;
- (j) "Mine" means a coal-mine and includes every place where any operations incidental to the extraction of coal by removing the overlying strata are carried on, every shaft in the course of being sunk,

every level and inclined plane in the course of being driven for commencing or opening any coal-mine, or for searching for or proving any coal or for the operation of the same, or the shafts, levels, planes, workings, machinery, tramways, railways and sidings, both below ground and above ground in and adjacent to a coal-mine, and all shafts and levels and inclined planes of and belonging to a coal-mine, but does not include open cut prospecting for coal;

- (*k*) "Minister" means such Minister as may be charged with the administration of this Act;
- (*l*) "Mine foreman" or "assistant overman" means any competent person in charge of any mine, or part of a mine, next under the overman;
- (*m*) "Outlet" includes any shaft, slope, incline, tunnel, level or any other means of access to a mine.
- (*n*) "Overman" means any person who has daily charge of the underground workings of a mine under the immediate control and daily supervision of the manager, and next in charge under the manager;
- (*o*) "Owner" when used in relation to any mine means any person or body corporate who is the immediate proprietor or lessee, or occupier of any mine or of any part thereof, and does not include a person or body corporate who merely receives a royalty or rent from a mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; and includes any contractor for the working of any mine or part thereof, but not so as to exempt the owner from liability;
- (*p*) "Plan" includes a map or section or a copy or tracing of an original map or section, certified to be a correct copy by the manager or a properly competent surveyor;
- (*q*) "Shaft" includes pit, and means the vertical excavation through the strata which is or may be used for the purpose of ventilation or drainage, or for lowering or hoisting men or material into or from a mine, or for the ingress or egress of persons, animals or material, to or from the mine or any part thereof;
- (*r*) "Shot-lighter" means a competent person employed to examine as to the safety of using, and to supervise the use of, the explosives used in breaking coal or rock;
- (*s*) "Slope" or "incline" means an excavation in the earth or strata driven at an oblique angle with the plane of the horizon, which is or may be used for ventilation purposes or drainage, or the ingress or egress of men, animals or material to or from a mine;

- (t) "Small mine" means a mine in which not more than thirty men are employed below ground in the space of a day;
- (u) "Supreme Court" means the Supreme Court of Alberta;
- (v) "Tunnel" or "level" means an excavation in the earth or strata driven horizontally, or at such an inclination as may be necessary, which is or may be used for drainage, ventilation or the ingress or egress of men, material or animals to or from a mine;
- (w) "Workman" shall mean, for the purpose of Part IV of this Act, 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.

PART I.

AS TO THE CHIEF INSPECTOR, DISTRICT INSPECTOR AND EXAMINING BOARDS.

- 3.—**(1) The Lieutenant Governor in Council may from time to time—
- (a) appoint a person who is the holder of a first class certificate of competency under this Act to be The Chief Inspector of Mines and prescribe his duties and fix his remuneration;
 - (b) appoint any persons who hold first class certificates of competency under this Act as District Inspectors of Mines, and may define the district within which any such person is to act, prescribe his duties and fix his remuneration.
 - (c) appoint any person who is the holder of a first class certificate of competency under this Act as a Deputy Chief Inspector, a Deputy District Inspector, or as an assistant to the Chief Inspector or to the District Inspector, and may define the district within which he is to act, prescribe his duties and fix his remuneration;
 - (d) appoint one or more inspectors of the electrical equipment of mines and prescribe the qualifications, duties and remuneration of any such inspector.
- (2) Notice of every such appointment shall be published in *The Alberta Gazette*,

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

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

- (a) the Chief Inspector or a District Inspector nominated from time to time by the Chief Inspector;
- (b) two managers;
- (c) two working miners holding miners' certificates—

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

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

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

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

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

(6) All examination papers shall be set, prescribed and examined by such person or persons as the Minister may appoint or nominate; and such person or persons shall submit to the board the result of the said examinations together with the papers so examined, and the successful applicants shall if they have fulfilled the conditions prescribed in Part VI of this Act be recommended by the Board to the Minister for certificates under this Act.

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

(8) The Chief Inspector shall issue to every applicant for any certificate who is recommended by the Board of Examiners or a District Board of Examiners, as the case may be, a certificate in conformity with such recommendation.

5.—(1) The Minister may appoint one or more District Boards of Examiners either for the Province or for any part or parts of the Province, from time to time designated by the Minister, whose duty it shall be to determine by examination as to the competency of applicants for a miner's certificate; and every such Board shall consist of a district inspector, a mine manager or overman, and a miner who is the holder of a coal miner's certificate.

(2) The Lieutenant Governor in Council may make regulations for the guidance of the District Board and for the performance of its duties, and may fix the amount of any fees, allowances or expenses payable to any member thereof, and the fee payable.

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

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

(5) The District Board shall meet at the call of the chairman.

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

PART II.

AS TO EMPLOYMENT IN ANY MINE.

7.—(1) No boy under the age of sixteen years, and no woman or girl of any age, shall be employed or permitted to be in any mine for the purpose of employment therein.

(2) No boy under the age of fourteen years of age, and no woman or girl of any age, shall be employed or permitted to be in or about the surface workings of a mine for the purpose of employment, and every manager shall on the request of an Inspector produce a copy of certificate of birth or an affidavit or statutory declaration made by some

person having a knowledge of the facts, setting forth the age of any boy employed in or about any mine or surface workings:

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

8.—(1) No person, unless he is a male of at least twenty-one years of age, shall have charge of or operate any engine, windlass or gin, or any part of the machinery, ropes, chains or tackle connected therewith, driven or worked by steam or any mechanical power or by animal or by manual labor, used for conveying persons in any mine:

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

9. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with, any provision of this Act, with respect to the employment of women, girls or boys, or to the employment of persons about any engine, windlass or gin, he shall be guilty of an offence against this Act.

10. If it appears that a boy or a person was employed on the representation in writing of his parents or guardian that he was of an age at which his employment would not be a contravention of this Act, and that the owner, agent or manager of the mine and employer, so employed him believing in good faith that he was of the age so represented, then the owner, agent or manager of the mine and employer shall be exempt from any penalty, and the parent or guardian shall, for such misrepresentation, be deemed guilty of an offence against this Act.

PART III.

AS TO WAGES.

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

teenth day to the last day of each month, both days inclusive, shall be paid on the last Saturday after the ninth day of the following month:

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

- (2) (a) An agreement may be made between the employer and the employed as to the payment of wages at more frequent intervals than twice a month and with a waiting period between the agreed date for payment and the last day of the period for which wages are paid other than is prescribed in subsection (1) of this section.
- (b) A duplicate of every such agreement shall be filed with the Chief Inspector.
- (c) During the subsistence of any such agreement, the provisions thereof as to the periods for which wages are to be paid and the days upon which wages are to be paid shall be deemed to be substituted for the provisions of subsection (1) of this section and shall have the same force and effect as if such provisions had been enacted as a part of this Act.
- (d) Upon the production of any duplicate agreement filed in compliance with this section by the Chief Inspector or a District Inspector in any Court of any kind, such duplicate agreement shall be deemed and accepted by every such Court as conclusive evidence of the terms of such agreement.
- (e) Upon it being made to appear to the Minister that any agreement for the payment of wages does not conform to the provisions of this subsection, he may by order, of which notice shall be published in *The Alberta Gazette*, declare that any such agreement is null and void as and from the date of publication of notice of the order or any later date mentioned therein.

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

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

13.—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 admeasurement of the mineral gotten by

them, and such mineral shall be truly weighed accordingly at a place as near the mine entrance as reasonably possible, or measured at the working face.

14.—(1) Nothing in this Act contained shall preclude the owner, agent or manager of any mine from agreeing with the person employed and paid according to the amount of mineral gotten by him 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 on account of the improper filling of tubs or cars in those cases where tubs or cars are filled by the getter of the mineral or by the loader, or by any person immediately employed by the getter of the mineral:

Provided always that no such deduction shall be made unless an agreement in writing authorizing the same has been entered into by or on behalf of both parties.

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

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

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

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

15. Where it is proved to the satisfaction of the Minister by the parties interested that, by reason of any exigencies existing in the case of any mine or class of mines to which section 13 of this Act applies, it is requisite or expedient that the persons employed in such mine or class of mines should not be paid by the weight of the coal gotten by them, or that the beginning of such payment by weight

should be postponed, the Minister may, if he thinks fit, by order, exempt such mine or class of mines from the provisions of section 13 of this Act either without condition or during the time and upon the conditions specified in the order, or postpone in such mine or class of mines the beginning of such payment by weight, and may from time to time revoke or alter any such order.

16. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with the provisions of section 15 or of any order of the Minister made in pursuance thereof, he shall be guilty of an offence against this Act.

17.—(1) The persons who are employed in a mine and are paid according to the weight of the coal gotten by them may, at their own cost, station a person (in this Act referred to as a “checkweigher”) 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. The checkweigher may be appointed by the aforesaid persons employed from time to time in the mine.

(2) A checkweigher 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 fulfilment of his duties.

18. In any mine in which any persons employed therein are by mutual agreement paid otherwise than according to the weight of the mineral gotten by them such persons may, at their own cost, employ one or two persons (in this Act referred to as “checkers”), 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 the persons so employed may be ascertained.

19. Neither the checkweigher nor the checker shall be authorized in any way to impede or interrupt the working of the mine or to interfere with the weighing, but shall be

authorized only to take such account as aforesaid, and the absence of the checkweigher shall not be a reason for interrupting or delaying the weighing.

20. The checkweigher or checker shall be at the time of his appointment the holder of a miner's certificate granted pursuant to this Act, with three years' experience as a miner, and shall have been employed either as a miner at the coal face or as a checkweigher, or as a checker at a coal mine in the Province:

Provided that any person who was employed as a checkweigher or checker immediately before the passing of this Act, shall be qualified for appointment as a checkweigher or checker under this Act.

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

22.—(1) If an owner, agent, or manager of a mine desires the removal of a checkweigher or checker at his mine on the ground that the checkweigher or checker 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 for the judicial district in which the mine is situated, who, if of the opinion that the complaint should be investigated, shall issue a summons to the checkweigher or checker to appear at a certain time and place therein named.

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

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

(4) Whether the checkweigher or checker appears or not, the judge shall hear the case at the time fixed in the summons and if he thinks that grounds sufficient to justify the removal of the checkweigher or checker have been shown

by the owner, agent or manager, he shall make a summary order for his removal and the checkweigher or checker shall thereupon be removed and another checkweigher or checker may be appointed in his stead, and he may appoint a person qualified for such appointment to act as a checkweigher or checker, as the case may be, until a meeting has been held to make a new appointment, and may fix such person's wages, which shall be provided and paid in the same manner as is provided by subsection (2) of section 24 of this Act.

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

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

23. No owner, agent, manager, overman or other official of a mine shall, by himself, themselves or any other persons, influence or attempt to influence the choice or appointment of a checkweigher or a checker at that mine.

24.—(1) Every appointment of a checkweigher or a checker shall be made by the persons employed in the mine, who are by this Act empowered to make such appointment, attending a meeting called for that purpose by a notice setting out the day, time and place of meeting, posted at least forty-eight hours before the meeting in a conspicuous place upon the mine premises. The meeting shall first appoint a chairman and a secretary and shall then proceed to determine whether or not it is desired to appoint a checkweigher or checker, as the case may be; and if upon a vote being taken by secret ballot it is found that the majority of the persons attending the meeting are in favour of making the appointment, the meeting shall remain open for the purpose of receiving nominations for at least thirty minutes after the meeting 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. Immediately after the appointment of a checkweigher or a checker has been made, a notice in writing signed by the chairman and secretary of the meeting, in case there is no election, or in the event of an election by two of the officers charged with the duty of taking the ballot, shall be left at the office at the mine.

(2) Where the coal-miners in any mine have appointed a checkweigher or a checker, and the majority of the coal-miners at such mine for the time being in whose interest the checkweigher or checker has been appointed may at a meeting called for the purpose, in the same manner as is

prescribed by this Act for a meeting to make such appointment, resolve that the checkweigher or checker be paid his wages direct from the office of the mine, and upon the delivery to the owner, agent or manager of a copy of such resolution, signed by the chairman and secretary of the meeting, the said owner, agent or manager shall withhold from the wages due the miners aforesaid, a *pro rata* amount sufficient from time to time to meet the wages due the checkweigher or checker and shall pay the same to him in a like manner as the wages of the said miners are paid.

25. If the owner, agent or manager of any mine, or any person employed thereat and paid according to the weight of mineral gotten by him, disputes the regularity of the appointment of any checkweigher or checker at such mine, he may, within fourteen days of the date upon which notice in writing of any such appointment is left at the office at the mine, make a complaint in writing to the Judge of the District Court for the judicial district in which the mine is situated, who, if of the opinion that the complaint should be investigated, shall proceed to investigate the complaint, upon notice to the person so appointed; and all the provisions in this Act contained as to the summons to be issued, the service thereof, the proof of service and the hearing in section 22 hereof, shall apply to any such proceeding; and if after due hearing of the complaint he finds that there has been any substantial irregularity in the proceedings leading up to the appointment or that the appointee is not duly qualified, he may by summary order declare the appointment to be null and void; and in such case he shall direct another meeting to be held pursuant to this Act and may order that such meeting and any vote taken in consequence thereof be called and conducted under the supervision of an Inspector of Mines.

26.—(1) Any person employed in or about a mine may by order in writing authorize his employer to apply the whole or part of the moneys due to him to the payment of any debt due by him to any other person, 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 moneys due any such person any sums due by him in respect of powder, coal, oil, or other supplies, or rent.

PART IV.

AS TO THE HOURS OF EMPLOYMENT.

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

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

- (a) the period between the times at which the first workman in a shift leaves the surface and the first workman in the shift returns to the surface, and the period between the times at which the last workman in the shift leaves the surface and the last workman in the shift returns to the surface, do not exceed the time fixed by this section; or
- (b) a workman is below ground for the purpose of rendering assistance in the event of accident, or for meeting any danger, or for dealing with any emergency or exceptional work which requires to be dealt with without interruption in order to avoid serious interference with ordinary work in the mine.

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

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

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

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

30. The workmen in a mine may, at their own cost, appoint and station one or more persons whether holding the office of checkweigher or not, to be at the pithead 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 checkweigher, and to the relations of the owner, agent or manager of the mine to the checkweigher, shall apply to any person appointed under this section.

31. 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.

PART V.

AS TO THE EMPLOYMENT OF MANAGERS, OVERMEN, OTHER MINE OFFICIALS AND COAL-MINERS.

32.—(1) Every mine shall be under one manager, who shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person to be the manager of such mine.

(2) If the person appointed to be manager of a mine, by reason of his death, resignation or otherwise, ceases to be manager, nothing in this section shall prevent the mine being worked for a period (not exceeding thirty days) until a new manager is appointed, if in the meantime a person

holding a First Class or Second Class certificate of competency under this Act is temporarily appointed to perform the duties and exercise the powers of manager.

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

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

(5) The owner or agent of a mine shall not take any part in the technical management of the mine unless he is qualified to be the manager of such mine.

(6) For the purpose of this section, workings having a common system of ventilation, or any part of a system of ventilation in common, shall be deemed to form part of the same mine.

(7) The same person shall not be the manager of more than one mine, except only when two mines are operated by the same owner, and in such case the same person may be the manager of two such mines, unless the Chief Inspector by notice in writing, delivered at the office at one or both of such mines, addressed to the owner or agent or both, requires that each such mine be placed under a separate manager.

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

(9) No person who is the manager of any mine other than a small mine shall be appointed to act in any other capacity unless this Act specifically permits it.

(10) In every mine in which more than seventy-five men are employed in a calendar day there shall be an overman appointed who shall not be the manager.

33.—(1) Every mine shall at all times whilst being worked, be under the daily personal supervision of the manager.

(2) In the event of the absence for a period of not more than thirty days of the manager on leave or from sickness or other temporary cause, such daily personal supervision, as is required by this section to be exercised by the manager, shall be exercised by a person holding a First Class or Second Class Certificate of Competency under this Act.

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

34. A person shall not be qualified to be appointed or to be manager of any mine except a mine worked by removing the overlying strata or a small mine unless he is at least twenty-five years of age and is for the time being the registered holder of a First Class Certificate of Competency under this Act.

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

36.—(1) The underground workings of every mine shall so long as it is being worked be under the control and daily supervision of an overman.

(2) If more than one shift is worked in any mine in any one calendar day, the underground workings shall be in the continuous charge of an overman during each underground shift of more than fifty men, and such overman shall not act in any other capacity.

(3) No person shall act or be permitted to act as overman or assistant 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 of Competency granted under this Act.

(4) In the case of mines in which not more than ten men are employed underground in the space of a day, the overman may be a person being the holder of a Third Class Certificate to whom the Chief Inspector has issued a provisional certificate authorizing such person to act as overman for the time and at the mine specified in the provisional certificate.

(5) In the case of mines in which not more than five men are employed underground in the space of a day, the overman may be a person who has a miner's certificate with five years' underground experience, to whom the Chief Inspector has granted a provisional certificate authorizing such person to act as overman for the time and at the mine specified in such certificate.

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

37.—(1) The owner, agent, or manager of every mine shall appoint one or more examiners or firebosses who shall be the holder of a First, Second, or Third Class Certificate under this Act.

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

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

(4) The examiner shall not perform any other duties or work in a mine in addition to performing his duties as an examiner, if such other duties or work interfere with the due performance of the duties imposed upon him by this Act.

PART VI.

AS TO THE QUALIFICATIONS FOR CERTIFICATES OF COMPETENCY AND COAL-MINERS' CERTIFICATES.

38. No person shall be qualified to be granted a First Class Certificate of Competency or Second Class Certificate of Competency, unless—

- (a) he is at least twenty-five years of age;
- (b) he has had at least five years' experience in coal-mine working; or
- (c) he is the holder of a diploma or degree in scientific and mining training after a course of study at any educational institution or university approved by the Minister, and has had in addition at least three years' experience in coal-mine working, two of which have been in Canada.

39. No person shall be qualified to be granted a Third Class Certificate of Competency, unless—

- (a) he is at least twenty-three years of age; and
- (b) he has had at least three years' practical experience in a coal-mine.

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

- (a) he has had two years' practical experience in the surveying of mines; or

- (b) he has had one year's practical experience in mine surveying and two years' practical experience in surveying with an Alberta land surveyor or a Dominion land surveyor; or
- (c) he is the holder of a diploma or degree in scientific and mining training after a course of study at an educational institution or university approved by the Minister; or
- (d) he is an Alberta land surveyor or a Dominion land surveyor who has had three months' experience in mine surveying under a mine surveyor in Alberta—
- (2) he is also competent—
 - (a) to make an accurate survey of the workings of a coal mine, and to connect such survey with a surface survey; and
 - (b) to make accurate surveys and levellings; and
 - (c) to plot accurately surveys and levellings.

41.—(1) No First Class, Second Class or Third Class Certificate of Competency and no certificate of competency as a mine surveyor shall be granted to any person who does not produce to the Board of Examiners satisfactory evidence of his sobriety, experience and general good conduct.

(2) A First Class, Second Class or Third Class Certificate of Competency shall not be granted to any person who does not produce to the Board of Examiners a certificate from a duly qualified medical practitioner or from a recognized ambulance society, showing that he has taken a course in first aid and ambulance work, fitting him to give first aid to persons injured in or about a mine.

42. No person shall be qualified to be granted a miner's certificate, unless—

- (a) he is at least eighteen years of age; and
- (b) he has sufficient knowledge of the English language to enable him to give and understand working directions and warnings in English; and
- (c) he has been employed in some capacity underground in a coal mine for at least one year prior to his application for such certificate; and
- (d) he satisfies the District Board upon examination as to his ability as a coal-miner.

43. A miner's certificate shall not be granted to any person who does not produce to the District Board satisfactory evidence of his experience and ability.

44. In any case where a person has made application for a miner's certificate, and satisfies the District Inspector that subject to his being examined he possesses all the qualifications required by this Act entitling him to be examined for such certificate, the District Inspector may grant a pro-

visional certificate. Such provisional certificate shall be in effect until the expiration of sixty days from the date of its issue or until the next examination of candidates for miners' certificates to be held at the designated place at or nearest to the mine at which the holder of such provisional certificate is employed, whichever event happens first; and whilst such provisional certificate is in effect, the holder thereof shall be deemed to be the holder of a miner's certificate:

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

45. No person shall work at the working face in any mine unless he is the holder of a miner's certificate granted under this Act.

46. In the case of the introduction of any coal cutting, boring or loading shearing machine not in use in the Province before the passing of this Act, the Chief Inspector may, on the application of a mine manager, grant a special certificate of competency to the person operating any such machine. Such certificate shall not be good beyond three months from the date on which same was granted, and shall permit the holder to operate the machinery mentioned in the certificate at a working face so long as he is accompanied by a person holding a miner's certificate.

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

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

- (a) which is worked without appointments having been made of manager, overman and examiner, which by this Act they are required to make; or
- (b) which is worked without any of the operations being under the supervision and control which this Act requires; or
- (c) which is worked without conforming to any of the requirements of this Act with reference to the appointment of any manager, overman or examiner; or

- (d) who permits any person to act as manager, overman or examiner who is not appointed and qualified so to act as is by this Act required; or
- (e) who permits or allows any person to work at the working face who is not qualified as is by this Act required; or
- (f) who permits or allows any person to have charge of any working face who is not qualified as is by this Act required—

shall in each such case be guilty of an offence.

49. Every person who obtains or seeks to obtain employment at a mine in any capacity for which this Act requires him to be the holder of any certificate under this Act by means of any false or fraudulent certificate or by falsely representing himself to be the holder of the requisite certificate shall be guilty of an offence.

PART VII.

AS TO MINE EQUIPMENT.

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

- (a) Every seam which is for the time being at work shall have at least two outlets to afford proper means of egress available to the persons employed in such seam;
- (b) Such outlets shall not at any point be nearer to one another than one hundred feet and there shall be between such outlets a communication not less than four feet wide and four feet high:
 Provided, however, that nothing in this paragraph shall apply to mines in operation before the first day of March, one thousand nine hundred and eight, which have outlets not at any point nearer to one another than forty-five feet;
- (c) Proper apparatus or ladders for the descent and ascent of persons at such outlets shall be kept on the works belonging to the mine and such apparatus or ladders shall be constantly available for use;
- (d) Every part of a mine in which ten or more persons are employed at the same time shall be provided with at least two ways affording proper egress to the surface; but this provision shall not apply when the same is exempt by written order of the Minister.

(2) The Supreme Court or any judge thereof, whether any other proceedings have been taken or not, may upon

the application of the Attorney General prohibit by injunction the working of any mine in which any person is employed or is permitted to be for the purpose of employment, in contravention of this section, and may award such costs in the matter of the injunction as the Court or judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

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

51. 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.

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

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

- (a) a new mine or seam being opened;
- (b) any working for the purpose of making a communication between two or more outlets;
- (c) any working for the purpose of searching for or proving minerals;
- (d) any proved mine which is exempt by order of the Minister on the ground either—
 - (i) that the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second outlet, or by establishing communication with a second outlet in any case where such communication existed and has become unavailable; or
 - (ii) that the workings of any seam of the mine have reached the boundary of the property or the extremity of the mineral field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of ordinary working notwithstanding that one of the outlets may be cut off by so working away the pillars of the same;

- (e) any mine, while an outlet is being made therefrom, or where one of the outlets thereof has become, by reason of some accident, unavailable for the use of the persons employed in the mine, so long as the mine is exempt by order of the Minister.

(2) The provisions of paragraphs (a), (b), (c) and (d) of subsection (1) of this section shall only apply so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single outlet.

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

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

56. Unless there is a hospital at or in the immediate vicinity of the mine, there shall be provided and maintained at every mine in a convenient place at least two beds properly furnished and suitable for the use of persons injured at the mine until such time as such persons can be removed to a hospital.

57. Every mine shall be provided with sufficient buildings—

- (a) for a mine office;
- (b) for the storage and distribution of explosives;
- (c) for latrines;
- (d) for a lamphouse at mines where safety lamps are used.

58. Sufficient means for the production of mine ventilation shall be provided at every mine, and all machinery, apparatus and devices for that purpose shall be kept in good working order and condition at all times when the mine is being worked.

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

PART VIII.

AS TO THE KEEPING OF BOOKS, RECORDS AND PLANS
AND THE MAKING OF RETURNS.

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

61. 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.

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

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

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

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

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

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

(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 undertaking of the person or company who or which has made default in payment of wages.

(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:

Provided that any rent or royalty payable to the lessor of the mine which is or so much thereof as is determined by the Court to be a fair or equitable rent or royalty, shall be excepted from the operation of this subsection.

(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.

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

- (a) loss of life occurs to any person, the owner, agent or manager shall immediately thereafter send notice of the death by telegram to the Chief Inspector and to the District Inspector and within twenty-four hours thereafter shall make a return in form A of the schedule hereto to the Chief Inspector and to the District Inspector;
- (b) serious personal injury occurs to any person, the owner, agent or manager shall within twenty-four hours thereafter make a return in form A of the schedule hereto to the Chief Inspector and to the District Inspector;
- (c) 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 Chief Inspector and to the District Inspector and within twenty-four hours thereafter shall make a return in form A of the schedule hereto to the Chief Inspector and to the District Inspector;
- (d) any personal injury whatever occurs to any person by electricity or by overwinding or by or from such other cause or means as the Chief Inspector may designate, the owner, agent or manager shall within twenty-four hours thereafter make a return in form A of the schedule hereto to the Chief Inspector and to the District Inspector;
- (e) 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 Chief Inspector and to the District Inspector within twenty-four hours after such death has reached the knowledge of the owner, agent or manager;
- (f) any explosion of gas or coal dust occurs, or any explosive is prematurely exploded, or any gas is ignited, or any fire occurs, or any accident happens which might reasonably be expected to cause injury to any person, notice thereof in writing shall be sent to the Chief Inspector of Mines and to the District Inspector by the owner, agent or manager immediately thereafter;
- (g) loss of life or serious personal injury has immediately resulted from an accident, the place where the accident occurred shall be left in the same condition as it was at the time of the accident for at least

three days after sending notice as aforesaid to the Chief Inspector and to the District Inspector or until the visit to the place by an inspector, whichever event happens first, unless compliance with this provision would tend to increase or continue a danger, or would impede the working of the mine;

- (h) any inflammable gas has been found in any mine in which safety lamps are not required to be used, the owner, agent or manager shall forthwith notify the Chief Inspector and the District Inspector, using for that purpose the most expeditious means available.

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

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

(2) Every such plan or copy thereof shall show the following:

- (a) The boundaries of the workings of the mine showing all working places;
- (b) The position, direction and extent of every known fault in the mine with its vertical throw, and of every known washout and dike;
- (c) The position of the workings with regard to the surface;
- (d) The general direction and rate of dip of the strata;
- (e) The depth of every shaft and the elevation of the floor of the coal at reasonable intervals on the main entries and slopes and at such other places as the District Inspector may require, from the entrance to the face of such places, such elevations shall be referred to a bench mark on the surface near the entrance to the mine;
- (f) A section of the seam;
- (g) A similar plan shall be made showing the workings of every seam on which operations are conducted;
- (h) All such plans shall be made of durable material and shall be prepared by or under the supervision of a person holding a certificate as a mine surveyor granted under this Act;
- (i) Every plan required to be kept under this Act or of any regulations, rules or orders made thereunder, shall have inserted on it the date on which the last survey was made and signed by the person making

the survey, if such person is the holder of a mine surveyor's certificate, and if he is not, then by the certificated person under whose supervision the survey was made.

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

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

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

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

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

(4) The said notices if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending, it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and put into the post.

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

70.—(1) When 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 minerals therein 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 person 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.

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

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

73. 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.

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

75.—(1) 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 the 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.

(2) A complaint or information for an offence under Section 71 of this Act may be made or laid within twelve months after abandonment of the mine or within six months

after service on the owner aforesaid of a notice to comply with the requirements of this section, whichever last happens.

(3) 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 and deliver the same to the Chief Inspector for the purpose of inspection and copying.

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

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

77. When any change occurs in the name of any mine not exempt from compliance with this section by the Chief Inspector, or in the name of the owner, agent, manager or overman 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 one month after such change, commencement, abandonment, discontinuance or recommencement truly and correctly advise the Chief Inspector and the District Inspector thereof in writing.

PART IX.

AS TO THE OFFICIAL INSPECTION OF MINES, ENQUIRIES AND INQUESTS.

78.—(1) An inspector shall visit every mine in his district as often as his duties permit, and the exigencies of the case require.

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

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

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

- (a) 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;
- (b) enter, inspect and examine any mine or any part thereof at all times by day or night;
- (c) 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;
- (d) exercise any such powers as are necessary to carry out his duties under this Act.

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

81.—(1) In every case which is not expressly provided for in this Act, if an 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 shall forthwith give notice in writing thereof to the owner, agent or manager of such mine and shall state in such notice the particulars in which he considers such mine or any part thereof or any matter, thing or practice to be dangerous or defective and require the same to be remedied; and if the same cannot be remedied he may require the men to be withdrawn from the mine or part thereof and unless the same is forthwith remedied or the men withdrawn he shall, unless he is the Chief Inspector, 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 forty-eight hours after the receipt of such notice from the Inspector forward his objections in writing stating the grounds thereof to the Chief Inspector who may within ten days after receipt thereof, forward the same by registered mail to the Chief Justice of the Trial Division of the Supreme Court 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.

(3) A copy of the award shall be sent by registered mail to the persons affected thereby.

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

(5) When no objection is forwarded as aforesaid by the owner, agent or manager, he shall proceed at once to take the necessary and proper steps to comply with the terms of the notice.

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

(7) 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.

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

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

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

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

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

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

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

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

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

83. If at any time representation is made to the Minister by an inspector or otherwise that any person holding any certificate under this Act is by reason of incompetency, misconduct, drunkenness or gross negligence unfit to discharge his duty, or has been convicted of an offence against this Act, the Minister may, if he thinks fit, cause inquiry to be made into the conduct of such person; and with respect to every such inquiry the following provisions shall apply:

- (a) The inquiry shall be public and shall be held at such time and place as the Minister directs and by the Minister or such person as the Minister may appoint;
- (b) The Minister shall, before the commencement of the inquiry, furnish the person into whose conduct the inquiry is to be made, with particulars of the representations which have been made against him;
- (c) The person into whose conduct the inquiry is to be made may attend the inquiry by himself, his solicitor or agent, and may, if he thinks fit, be sworn and examined as a witness in the case;
- (d) The Minister shall have the power to cancel or suspend the certificate of the person into whose conduct the inquiry has been made, if he finds that he is, by reason of incompetency, misconduct, drunkenness or gross negligence, unfit to discharge his duty, or has been convicted of an offence against this Act;
- (e) The Minister may, if he thinks fit, order the person into whose conduct the inquiry is to be made to deliver up his certificate to the Minister before the date fixed for such inquiry; and if such person fails, without sufficient cause to the satisfaction of the Minister, to comply with such requisition, he shall be deemed to be guilty of an offence against this Act, and the Minister may thereupon, in his discretion, suspend or cancel such certificate. The Minister shall hold the certificate so delivered up until the conclusion of the inquiry, and shall then either restore, cancel or suspend the same according to his judgment in the case;
- (f) For the purpose of any inquiry under this section the Minister and any person appointed by him to hold such an inquiry shall have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*;

- (g) The Minister may make such order as he thinks fit respecting the costs and expenses of inquiry, and upon such order being filed with any Clerk of the Supreme Court, the same shall have the same effect and shall be enforceable as if the same were a judgment of the Supreme Court;
- (h) 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, and notice thereof shall be published in *The Alberta Gazette*.

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

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

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

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

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

(4) The Inspector or 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, as an owner, a partner, a shareholder, a stockholder, or an official in respect of such mine, and no official of any workmen's or owner's association, and no 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 workmen employed at any other mine than that at which the accident occurred and such workmen shall form part of the jury sworn for such inquest.

PART X.

RULES.

GENERAL RULES.

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

Rule 1—

(i) 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.

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

(iii) 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.

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

(v) 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.

(vi) The amount of ventilation passing in every mine and in each district or split therein shall be measured at least once every week by the overman or assistant overman, and the same shall be truly recorded in a book kept at the mine for that purpose, and be signed by the person making the measurement.

(vii) In every mine in which inflammable gas has not been found within the preceding twelve months, an adequate amount of ventilation shall be provided at all times when the mine is being worked, and at all such other times as the Inspector may by notice in writing left at the mine office direct.

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

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

(x) 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.

(xi) 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 the inspection.

(xii) In every mine in which inflammable gas has not been found within the preceding twelve months, an examiner or examiners appointed for that purpose shall inspect that part of the mine being or intended to be worked and the roadways leading thereto within four hours before the time of each shift commencing work; and he shall make a true report to the manager or overman, at the time in charge

of the mine, of the condition thereof as far as safety and ventilation is concerned, and every such report shall be truly recorded without delay in a book which shall be kept at the mine for that purpose and shall be signed by the person making the inspection and a copy of such report shall be posted immediately in a conspicuous place at the mine, and no workman shall go to work in any such part until the copy of such report has been posted up, stating that it and the roadways leading thereto are safe.

(xiii) No inflammable or noxious gas shall be allowed to accumulate in any working place or roadway, and as soon as any such gas is found to be present, effective means shall be taken to remove the same as soon as possible.

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

Rule 2—

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, and upon every such fence shall be marked the reason for the place being fenced.

Rule 3—

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

Rule 4—

(i) 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 flame type 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 truly recorded without delay in a book which shall be kept at the mine for that purpose and shall be signed by the person making inspection.

(ii) 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 copy of such report has been posted up stating that the said mine or part thereof is not dangerous.

Rule 5—

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

(ii) 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.

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

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

(v) No person shall, in any such place, have in his possession any key or contrivance for opening the lock of such safety lamp, unless he is a competent person and is authorized by the manager and overman in writing.

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

(vii) 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.

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

(ix) 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 the safety lamps are so used and the return airway.

(x) When safety lamps are used at any time in a mine, one or more 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.

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

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

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

(xiv) No safety lamp shall be lighted below ground except by a person who is the holder of a First, Second or Third Class Certificate under this Act or by a person appointed by the manager and approved of in writing by an Inspector of Mines, and such safety lamp shall not be lighted until it has been thoroughly examined, and found to be in a safe condition, and in good working order, and no person other than persons aforesaid shall have in his possession in or about a mine, any key or other contrivance for re-lighting any safety lamp.

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

Rule 6—

(i) No explosive shall be stored in any mine.

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

(iii) No person shall take into, or allow to remain in, any building about any mine any explosive or explosive substance, unless authorized to do so by the owner, agent or manager.

(iv) No person shall without authority have in his possession in any mine any explosive; and if any explosives

remain in 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.

(v) Every person authorized to use explosives shall use the greatest precaution in the care and handling of same; a workman when handling a cartridge shall not keep his lamp on his head, nor have a pipe, 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 away from him.

(vi) No explosives shall be taken underground except in cartridges and in a secure case or canister containing not more than five pounds, and such case or canister shall be kept closed until about to be used for the charging of a shot-hole, and shall be closed immediately after use; and no person shall have in his possession at any one time more than one of such cases or canisters, and if by reason of two or more persons working together in the same working place more than one case or canister is in any one working place the same shall be kept as far apart as possible; but for the driving of a rock tunnel, or where shot-firing in coal is done by a competent official of the mine at a time when the ordinary working of the mine is not being carried on, a sufficient amount of explosives may with the consent in writing of the Chief Inspector be taken into the mine by one or more persons in secure cases or canisters containing not more than twenty-five pounds in each case or canister.

(vii) Where the long-wall method for the extraction of coal is being adopted, and the shot-firing is being carried out by a person who is the holder of a First, Second or Third Class Certificate under this Act, it shall be permissible for one or more persons to take into such a place a sufficient amount of explosives in secure cases or canisters containing not more than five pounds in each and not in excess of five pounds for each and every twenty-five feet in length of the long-wall face, all such explosives being kept until about to be used in secure cases or canisters, and each case or canister shall be kept as far away from any other such case or canister as is reasonably practicable.

(viii) In driving rock tunnels in a coal-mine in fresh intake air, dynamite may be used if recommended by the District Inspector in writing and approved by the Chief Inspector, and subject to any conditions prescribed by the Chief Inspector in writing.

(ix) 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 non-inflammable substance or material shall be used for stemming, and a sufficient supply of such clay or other non-inflammable substance or materials shall be provided by the owner of the mine not further from the working face than the last cross-cut.

(x) 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.

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

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

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

(xiv) After a shot has been fired, the shot-lighter shall inspect the place to ascertain if work can be safely resumed, and if necessary shall take steps to have the place made safe before any other work is done.

(xv) Except in the case of shots fired by electricity not more than one shot shall be fired at any one time in coal; in the case of shots fired by electricity not more than two shots may be fired at any one time in coal, and then only if the firing of one shot is not dependent upon the firing of the other shot, and both shots are fired simultaneously. No shot shall be fired in loose rock or coal, except under the immediate supervision of the overman. Detonators shall be kept under the control of some person appointed in writing by the manager for the purpose, and may be issued to shot-lighters or other persons authorized by the owner, agent or manager in writing, and no other person shall take any detonator into a mine. Shot-lighters shall keep all detonators so issued to them in a locked case or box, of a pattern to be approved by the Chief Inspector of Mines, until about to be used, and no other explosive shall be carried in the same case or box with the detonators:

Provided, however, that the Inspector may grant permission in writing that such locked cases or boxes containing detonators may be issued to miners; but in a bituminous

mine no person other than an official of the mine who is a competent person, shall carry or use the key of such cases or boxes; and

Provided further, that where an electrical firer is used the miners may carry their own supply of detonators, but a shot-lighter shall be the only person in the mine who shall be permitted to carry or use an electric firer.

(xvi) If the place where the shot is to be fired is dry or dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say:

- (a) Unless the place of firing and all contiguous and accessible places within a radius of sixty feet are at the time of firing in a wet state from a thorough watering, or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor or sides; or
- (b) In the case of places in which watering would injure the roof or floor, unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust—

and all haulage or other roads that are dry or dusty shall, for a distance of one hundred and twenty feet from the place of firing, be watered sufficiently to allay dust.

(xvii) In 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, each of such districts shall, for the purposes of this section, be considered a separate mine.

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

Rule 7—

When any working has approached within one hundred and twenty feet of a place which is likely to contain a dangerous accumulation of water or gas, 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.

Rule 8—

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

- (a) the surface to the bottom of the shaft;
- (b) the bottom of the shaft to the surface;

(c) every entrance for the time being in use off the shaft to the surface;

(d) every entrance for the time being in use off the shaft to the bottom of the shaft.

(ii) 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 counterbalance used for raising or lowering coal or other minerals if exceeding ninety feet in length, shall be provided with some proper means of communicating distinct and definite signals between the lower end and between the entrance of every working place thereon for the time being in work and the upper end thereof.

(iii) Every slope or incline 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.

(iv) Every level, entry or tunnel 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.

(v) 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 be provided man-holes or places of refuge at intervals of not more than sixty feet.

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

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

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

Rule 9—

(i) The top of every shaft which for the time being is out of use or used only as an air shaft shall be kept securely fenced for the prevention of accidents.

(ii) 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.

(iii) 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.

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

Rule 10—

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.

Rule 11—

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.

Rule 12—

All coal during the operation of holing or undercutting shall be safely supported by sprags, wooden props or other means of support.

Rule 13—

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.

Rule 14—

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, and then safety chains or ropes shall be used of sufficient strength to take the load, in case of failure of the coupling chain, and all cage chains shall be annealed once at least in every six months.

Rule 15—

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.

Rule 16—

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.

Rule 17—

All cages on which men ride and which are not closed with suitable end gates shall be equipped with suitable hand-hold rods.

Rule 18—

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.

Rule 19—

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

(ii) A qualified person appointed by the manager for the purpose shall at least once in every week inspect the shafts and the guides or conductors therein by which persons are lowered or raised, and shall without delay make true reports of such inspection in a book which shall be kept at the mine for that purpose, and of which a copy or duplicate shall be posted at the mine and such reports shall be signed by the person making the inspections.

Rule 20—

A ladder used permanently for ingress or egress to or from 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 thirty feet.

Rule 21—

No person shall wilfully damage or without proper authority remove or render useless any fence, fencing, casing, lining, guides, means of signalling, signal, cover, chain,

flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve or other appliance or thing provided at the mine.

Rule 22—

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

Rule 23—

(i) The workmen employed in a mine may, at their own cost, appoint any two persons, resident in the Province and who are not mining engineers, and who are or have been practical working miners and have had not less than five years' experience of underground work, and who hold a Miner's Certificate to inspect the mine, and the persons so appointed shall be allowed once at least in every month to go to every part of the mine, and to inspect the shafts, roads, levels, workings, airways, ventilating apparatus, old workings, and machinery, and shall, where an accident has occurred in a mine of which notice is required under this Act to be given, be allowed to go to the place where the accident occurred, and to make such inspection as may be necessary for ascertaining the cause of the accident, subject, however, to the provisions of this Act requiring the place where an accident has occurred to be left as it was immediately after the accident.

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

(iii) The persons making such inspection shall be accompanied by an official of the mine who is the holder of a First Class, Second Class, or Third Class Certificate of Competency.

Rule 24—

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

Rule 25—

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

Rule 26—

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.

Rule 27—

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

Rule 28—

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

Rule 29—

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

Rule 30—

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.

Rule 31—

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

Rule 32—

No person without proper authority shall interfere with any notice, timber, door, fence, air-course, brattice, stopping or other appliances nor shall he leave open any door which he found shut nor shall he do anything to interfere with the ventilation of the mine, impede the working thereof, or damage the property of the owner.

Rule 33—

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

Rule 34—

(i) No person shall ride on any car or locomotive in, on, or about any mine without the permission of the manager or overman, and in the case of mantrips, such permission shall only be given with the written approval of the Chief Inspector and subject to any conditions he may prescribe.

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

Rule 35—

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

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

Rule 36—

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

Rule 37—

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

(ii) Every person who has a safety lamp in his possession shall pay frequent attention to the same and if oil is spilled on the gauze or glass, if the gauze is punctured so as to make a hole larger than that allowed in an ordinary safety lamp gauze, if the glass is cracked or if the lamp becomes unsafe from fire-damp or from the foregoing or any other 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.

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

(iv) 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.

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

Rule 38—

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

(ii) 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.

(iii) 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.

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

- (a) before commencing work satisfy himself that the same is in a safe condition to work in;
- (b) inspect his working place carefully at frequent intervals during his shift;

- (c) set sufficient timber to safely support the roof and sides of his working place, and remove or renew the same when necessary and take down all dangerous or doubtful pieces of loose material, but if he finds it impossible to make the said place safe, he shall fence it off and at once report it to the manager, overman or examiner and shall at no time leave his working place until it is made safe or fenced off.
- (v) 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.
- (vi) Any person in charge of a place shall see that the work is done therein according to the directions or orders of the manager, overman or examiner.
- (vii) 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.
- (viii) 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.

Rule 39—

- (i) The stableman shall not allow any animal under his charge to do any work while not in proper condition, and he shall report to the manager or overman any injury received by any animal under his charge, and any person in charge of an animal who finds that it has become unfit for work shall return the animal to the stable and report the facts to the overman.
- (ii) 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.
- (iii) Every person in charge of an animal shall take proper care of the same; he shall not abuse it or allow anyone else to do so and he shall not leave it at any time without securing or fastening it safely from any possible danger.

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

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

Rule 40—

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

Rule 41—

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

(ii) 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.

(iii) 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.

(iv) 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.

Rule 42—

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

Rule 43—

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

PART XI.

DUTIES OF MINE OFFICIALS.

88.—(1) The overman shall—

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

(2) The assistant overman shall be under the direction and control of the overman, and subject thereto shall have the same powers and duties and under the same liabilities as the overman.

89. The examiner shall—

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

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

(2) Before firing a shot, the 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 a 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 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.

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

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

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

(4) Whenever the lampman receives any defective or damaged lamp from any person, he shall report 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.

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

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

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

93. The outside foreman shall—

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

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

95.—(1) 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; but nothing in this subsection shall prevent a person from being lowered in a cage or trip where material is required to be placed on the opposite cage or trip for the purpose of acting as a back balance, provided that such material used for the purpose of a back balance is securely fixed in such manner that it cannot move on such cage or trip.

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

PART XII.

SHAFT-SINKING.

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

(i) The banksman shall in all cases steady the tub, or anything about to be lowered before it leaves the top of the shaft and shall see that all bricks and other small materials are kept below the level of the top of the tub; he shall see that nothing is sticking to the bottom of the tub, and that all tools, gear or timber are properly placed and secured, and in no case shall he permit any material to be filled into a tub hanging over an uncovered shaft.

(ii) 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.

(iii) 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.

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

(v) 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; and he shall immediately after such inspection make and sign a true report of the condition of the shaft in a book provided for that purpose.

(vi) 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.

(vii) 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.

(viii) 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.

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

(x) 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 overweighted with material, and that the brickwork is of the strength specified by the manager.

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

(xii) When directed by the manager or overman, no lamp but a locked safety lamp shall be used in the shaft.

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

PART XIII.

GENERAL PROVISIONS.

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

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

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

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

- (a) that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine; and
- (b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties; and

(c) that the offence was committed without his knowledge, consent or connivance.

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

99.—(1) Every person employed in or about a mine, other than an owner, agent or manager, who is guilty of any act or omission which in the case of an owner, agent or manager would be an offence against this Act shall be deemed to be guilty of an offence against this Act.

(2) Every person who—

- (a) knowingly makes any false statement in any report or entry required under this Act to be recorded in any book kept at a mine; or
- (b) does not reply to the question provided for in Section 65 of this Act; or
- (c) knowingly makes a false statement in replying to such question—

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

100. Every person who is guilty of any offence against this Act shall, if no other penalty is prescribed elsewhere in this Act, be liable to a penalty not exceeding, if he is an owner, agent, or manager, five hundred dollars, or if he is any other person, one hundred dollars for each offence, and if the Inspector has given written notice of any such offence, then in case of an owner, agent or manager to a further penalty not exceeding two hundred and fifty dollars for every day after such notice that the offence continues to be committed, and in cases of other persons, to a further penalty not exceeding fifty dollars for every day after such notice that the offence continues to be committed.

101. Where a person who is an owner, agent or manager of or a person employed in or about a mine is guilty of any offence against this Act which in the opinion of the Justice of the Peace or District Court Judge, as the case may be, who hears and determines the complaint, is one which was reasonably calculated to endanger the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if such Justice of the Peace or District Court Judge, as the case may be, is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment with or without hard labour for a period not exceeding three months.

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

(2) All penalties imposed by this Act shall when collected form part of the general revenue fund of the Province.

103.—(1) Where any prosecution is instituted for violation of any of the provisions of this Act by or with the consent in writing of the Chief Inspector, the provisions of Part XV of *The Criminal Code* in reference to summary convictions shall be applicable.

(2) In case any prosecution is instituted for violation of any of the provisions of this Act without the consent in writing of the Chief Inspector, such proceedings shall be brought summarily before a judge of the District Court of the judicial district in which such violation was committed, sitting and acting as a justice of the peace under the provisions of Part XV of *The Criminal Code*, which provisions shall apply *mutatis mutandis* to such proceedings.

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

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

106. 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 he may be asked for.

107. The Minister may publish the aggregate results of any returns made to him.

108.—(1) The Lieutenant Governor in Council shall have the power to prescribe regulations and forms not inconsistent with the provisions of this Act for the purpose of ensuring that all or any of the operations in any mine shall be carried out in such a way as to ensure as far as possible the safety of the mine and all the persons working therein, and further shall have the power to revoke, alter and vary any or all such regulations from time to time.

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

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

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

109. The Lieutenant Governor in Council may from time to time—

- (a) grant leases to any person covering the rights for mining coal under road allowances;
- (b) make arrangements for the installation and operation of mine rescue stations and cars;
- (c) determine what is sufficient accommodation as provided for in section 55 of this Act, and make regulations in regard thereto and for the provision of emergency hospitals by the owner, agent or manager of any mine.

110. Every certificate of competency issued by the Commissioner of Public Works for the North-West Territories or by the Minister or Chief Inspector pursuant to any statute in that behalf which was valid and subsisting immediately before the coming into force of this Act shall have effect as if made or granted under this Act, and the registers of holders of such certificates, and other registers which prior to the said date were kept in pursuance of the Acts hereby repealed shall be deemed to be registers or parts of registers kept in pursuance of this Act.

111.—(1) Any person who immediately before this Act comes into force is the holder of a valid and subsisting First Class Certificate, Second Class Certificate, Third Class Certificate, or Mine Surveyor's Certificate granted pursuant to any statute of Alberta shall, upon this Act coming into force, be deemed to be the holder of a similar certificate under this Act.

(2) Any person who immediately before this Act comes into force is the holder of a valid and subsisting certificate of competency as a coal-miner granted pursuant to any statute of Alberta shall, upon this Act coming into force, be deemed to be the holder of a miner's certificate under this Act.

112. *The Mines Act*, being chapter 190 of the Revised Statutes of Alberta, 1922, is hereby repealed.

SCHEDULE.

FORM A.

(Section 66)

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

Name and postal address of owner.....
Name of mine.....
Date
To the Minister, Edmonton, Alberta, or to the District In-
spector (if to the District Inspector, insert the last known
place of abode of such Inspector.)
In pursuance of *The Coal-mines Regulation Act*, I beg to
give you notice that an explosion (or accident, as the case
may be) has occurred at this mine, of which the following
are the particulars:
Name of person(s) killed.....
Name of person(s) injured.....
Occupation
Age
Date of accident.....
Time of accident.....
Place of accident.....
Date of first employment.....
Nature of injuries.....
Causes with full description of accident.....
Other remarks.....

I am, Sir,
Your obedient servant,
.....*Owner, Agent or Manager.*

FORM B.

QUESTION AS TO WAGES.

(Section 65)

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

No. 62.

FOURTH SESSION
SIXTH LEGISLATURE
20 GEORGE V
1930

BILL

An Act to regulate the Working of
Coal-mines.

Received and read the

First time

Second time.....

Third time.....

HON. MR. BROWNLEE

EDMONTON:
W. D. McLEAN, KING'S PRINTER
A.D. 1930