

BILL

No. 63 of 1939.

An Act to Amend and Consolidate the Coal-mines
Regulation Act.

(Assented to _____, 1939.)

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 Mines Act.*"

2. The mines to which this Act applies are mines of coal, salt, stratified ironstone, shale, fire clay and clay and other minerals, and in this Act unless the context otherwise requires, means a mine to which this Act applies.

3. If any question arises as to whether a mine is a mine to which this Act applies unless such question arises in the course of any legal proceedings, the same shall be referred to the Minister whose decision thereon shall be final.

4. In this Act unless the context otherwise requires,—

- (a) "Agent" means any person having on behalf of the owner, the care and direction of any mine or part thereof, or who acts in any way on behalf of the owner;
- (b) "Bank" means the pithead or any surface entrance to a mine;
- (c) "Board" means the Board of Examiners appointed pursuant to this Act for the purpose of examinations for first, second and third class certificates, and mine surveyors' certificates;
- (d) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act.
- (e) "Coal miner" means a person employed underground at the face in any coal mine to cut, shear, break or loosen coal or rock, from the solid, either by hand or machinery and possessed of a certificate of competency as such, and includes a loader and any other workman employed at the coal face, and a timberman;
- (f) "Coal miner's helper" means a person employed underground in a coal-mine to load coal or rock at the working face, and includes a timberman's helper.

- (g) "District" or "split" means any part of a mine having an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway.
- (h) "District Inspector" means the District Inspector of Mines appointed under this Act;
- (i) "Electrician's Examination Board" means the Board of Examiners provided for under this Act to conduct examinations for mine electricians.
- (j) "Examiner" means a person who is the holder of a first, second or third class certificate, appointed to inspect the working places in a mine, and the roadways and approaches thereto, and other accessible parts of a mine, and to see that such are safe before a shift is allowed to enter such working places or other parts of the mine;
- (k) "Inspector" means a District Inspector and the Chief Inspector;
- (l) "Manager" means the chief officer having the control and daily supervision of any mine;
- (m) "Mine" means any mine from which shale, fire clay or salt is removed by underground mining methods and means a coal-mine and includes every place where any operations incidental to the extraction of coal by removing the over-lying strata are carried on, every shaft in the course of being sunk, every level or inclined plane in the course of being driven for commencing or opening any 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, sidings, both above and below 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.
- (n) "Miners' Board" means the Board of Examiners provided for under this Act to conduct examinations for miners' certificates;
- (o) "Mine Surveyor" means a person appointed to survey or supervise the surveying of the workings of any mine and who is responsible for the accuracy of the plans required under *The Mines Act*;
- (p) "Minister" means the Minister of the Executive Council for the time being charged with the administration of this Act;
- (q) "Outlet" includes any shaft, slope, incline, tunnel, level or any other means of access to or from a mine;
- (r) "Overman" means any person in daily charge of the underground workings of any mine or any portion of a mine, next in authority to the manager;

- (s) "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;
- (t) "Plan" includes a map or section or a copy or tracing of any original map or section, certified to be a correct copy by the manager or a duly qualified surveyor;
- (u) "Shaft" includes pit and means a vertical excavation through the strata which is or may be used for the purpose of ventilation or drainage, or for lowering or hoisting men or material into or from a mine, or for the ingress or egress of persons, animals or material to or from the mine or any part thereof;
- (v) "Shot-lighter" means a person employed to fire shots and to examine as to the safety of using and to supervise the use of explosives used in breaking coal or rock;
- (w) "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;
- (x) "Small mine" means a mine in which not more than thirty men are employed below ground in the space of a day;
- (y) "Supreme Court" means the Supreme Court of Alberta;
- (z) "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;
- (aa) "Working face" means any part of a coal seam in a mine from which coal or rock is being cut, removed, sheared or loosened, and includes any place on a roadway at which any brushing from the roof thereof is being done, or at which the floor thereof is being ripped up; and in relation to any long-wall operation includes all the area behind the face which is being supported and all coal cutters, conveyors, coal loaders and other machinery used for the purpose of long-wall operation;

- (bb) "Workman" means for the purposes of section 16, paragraphs 3 and 4 of this Act, any person employed in a mine below ground who is not an official of the mine, or a fan man, cager or onsetter, stableman or pumpman, and any body of workmen whose hours for beginning and terminating work in the mine, are approximately the same, shall be deemed to be a shift of workmen;

Provided, however, no person employed to act as an examiner or shot-firer shall be classified as an official unless he is on a monthly wage basis and no examiner or shot-lighter shall be permitted to be below ground for more than 60 hours in any one week.

AS TO THE CHIEF INSPECTOR, DISTRICT INSPECTORS
AND OTHER INSPECTORS, AND THEIR APPOINTMENTS.

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

this Act, and the Minister may cause any such report to be made public at such time and in such manner as he thinks expedient.

6.—(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.

7. 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.

8. 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.

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

(2) Every direction by an inspector for the withdrawal of men under this section shall be obeyed both by the workmen and the owner, agent and manager of the mine.

(3) If the owner, agent or manager of the mine objects to remedy the matter complained of, 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 Minister, and thereupon the matter shall be decided by arbitration.

10.—(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.

AS TO EMPLOYMENT IN ANY MINE.

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

12.—(1) No male under the age of seventeen years, and no female of any age, shall be employed or permitted to be in any mine for the purpose of employment therein.

(2) No male under the age of seventeen years of age, and no female 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 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.

(3) No person who has not been previously employed in a coal-mine in the Province shall be employed in a coal-mine unless and until he has furnished his employer with a certificate from a duly qualified medical practitioner to the effect that he is physically fit and is physically able to work in a coal-mine.

(4) No person having been previously employed as a miner elsewhere than in the Province shall be employed in a coal-mine unless and until he has furnished his employer with a certificate from a duly qualified medical practitioner to the effect that he is physically fit and is physically able to work in a coal-mine.

13.—(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 manual labour, used for conveying persons in any mine;

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

14. If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with,

any provision of this Act, with respect to the employment of females or of males under the age of seventeen years, or to the employment of persons about any engine, windlass or gin, he shall be guilty of an offence against this Act.

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

AS TO THE HOURS OF EMPLOYMENT.

16.—(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.

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

18.—(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.

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

20. 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.

AS TO WAGES.

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

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

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

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

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

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

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

23. Unless it is otherwise expressly provided to the contrary by an agreement between the employer and the employees at any time 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 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;

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

24.—(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;

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 persons so employed at the mine, who may be the check-weigher if any check-weigher has been appointed pursuant to this Act; or

(c) If the persons so appointed fail to agree then 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.

25. Upon the Minister being satisfied that special circumstances prevail in the working of any mine or of any class of mines by reason of which the provisions of section 23 cannot conveniently be made applicable thereto, the Minister may from time to time, by order, exempt any such mine or class of mines from the provisions of section 23, either unconditionally or subject to such conditions as may be specified in such order, and either for a specified period or until further order, and may from time to time, by order revoke or alter any order previously made pursuant to this section.

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

26.—(1) "A check-weigher" means a person appointed by the workmen where they are paid by the weight of the mineral gotten by them, to check the weights and perform other duties in connection with the weighing on their behalf or where they are paid by the car to check the number of cars sent out of the mine; and

"A check-measurer" means a person appointed by the workmen where they are paid by the measurement of the mineral gotten by them to check the measurement of such mineral on behalf of the workmen.

(2) 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 "check-weigher"), at the place appointed for the weighing of such mineral in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed. The check-weigher may be appointed by the aforesaid persons employed from time to time in the mine.

(3) A check-weigher shall have every facility afforded him by the owner, agent or manager to take correct account

of the weighing for the persons by whom he is so stationed, including facilities for examining and testing the weighing machine and checking the tare weight of the 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 bank-head necessary for the fulfilment of his duties.

(4) Where there is a check-weigher appointed as by this Act required, he shall not act as a check-measurer. Where a check-measurer is employed it shall not be permitted also to have a check-weigher.

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

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

29. The check-weigher or check-measurer 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 coal-miner, and shall have been employed either as a miner at the coal face or as a check-weigher, or as a check-measurer at a coal-mine in the Province and shall at the time of his appointment have been employed in the colliery at which he is to serve, for at least twelve months.

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

31.—(1) If an owner, agent or manager of a mine desires the removal of a check-weigher or check-measurer at

his mine on the ground that the check-weigher or check-measurer has impeded or interrupted the working of the mine or improperly interfered with the weighing or measuring or has otherwise misconducted himself, he may complain in writing to a judge of the District Court 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 check-weigher or check-measurer to appear at a certain time and place therein named.

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

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

(4) Whether the check-weigher or check-measurer appears or not, the judge shall hear the case at the time fixed in the summons and if he thinks that grounds sufficient to justify the removal of the check-weigher or check-measurer have been shown by the owner, agent or manager, he shall make a summary order for his removal and the check-weigher or check-measurer shall thereupon be removed and another check-weigher or check-measurer may be appointed in his stead, and he may appoint a person qualified for such appointment to act as a check-weigher or check-measurer, as the case may be, until a meeting has been held to make a new appointment, and may fix such person's wages, which shall be provided and paid in the same manner as is provided by subsection (3) of section 33 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.

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

32. 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 check-weigher or a check-measurer at that mine.

33.—(1) Every appointment of a check-weigher or a check-measurer shall be made by the persons employed in

the mine, who are by this Act empowered to make 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 then shall proceed to determine whether or not it is desired to appoint a check-weigher or check-measurer, as the case may be; and if upon a vote being taken by secret ballot it is found that the majority of the persons attending the meeting are in favour of making the appointment, the meeting shall remain open for the purpose of receiving nominations for at least thirty minutes after 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 check-weigher or check-measurer has been made, a notice in writing signed by the chairman and secretary of the meeting, in case there is no election, or in the event of an election by two of the officers charged with the duty of taking the ballot shall be left at the office of the mine.

(2) If the workmen employed at a coal-mine desire to have a check-weigher or check-measurer removed from office, who has been properly appointed and is acting as such, the procedure to be followed in obtaining his removal shall be the same as that prescribed in subsection (1) of section 33 in respect of the appointment of a check-weigher or check-measurer.

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

34. 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 check-weigher or check-measurer at such mine, he may, within fourteen days of the date upon which notice in writing of any such appointment is left at the

office at the mine, make a complaint in writing to the Judge of the District Court 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 of this Act contained as to the summons to be issued, the service thereof, the proof of service and the hearing in section 31 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.

35.—(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.

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

EXAMINATION BOARDS.

Central Board of Examiners.

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

- (a) the Chief Inspector or a District Inspector nominated from time to time by the Chief Inspector;
- (b) two managers; and
- (c) two working miners who are the holders of Class A miners' certificates;

and it shall be the duty of such Board to provide for the examination of applicants for First Class, Second Class, 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 Board upon being satisfied that any applicant for any certificate is qualified to receive such certificate by this Act and has by his examination shown that he is a fit and proper person to hold such certificate, shall recommend, to the Minister, the granting of such certificate to the applicant.

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

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

Miners' Examination Boards.

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

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

the fee payable in respect of any examinations held by such Board.

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

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

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

Board of Examiners for Mine Electricians.

38.—(1) The Minister may appoint one or more Boards of Examiners for mine electricians 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 mine electrician's certificate, and every such Board shall consist of a District Inspector and at least one other person with a specialized knowledge of mining electrical machinery.

(2) The Lieutenant Governor in Council may make regulations as to the manner in which any such Board shall perform its duties and may fix the amount of any fees, allowances or expenses payable to any member thereof, and the fees payable in respect of any examinations held by such Board.

(3) Every such 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 any such 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) Any such Board shall meet at the call of the chairman.

39. 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.

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

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

(a) he is at least twenty-five years of age; and

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

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

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

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

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

(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.

43.—(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.

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

- (1) Class "A" miners' certificate;
- (2) Class "B" miners' certificate.

45. No person shall be granted a Class A coal-miners' certificate unless,—

- (a) he is at least twenty years of age; and
- (b) he has sufficient knowledge of the English language to enable him to give and understand working directions and warnings in English; and
- (c) he is the holder of a Class B miners' certificate; and
- (d) he has had at least twelve months' experience at the working face in a coal-mine in Alberta or satisfies the District Board by written evidence that he has had charge of a working face in coal for at least two years outside of Alberta; and
- (e) he satisfies the District Board upon examination that he is competent to have the charge of a working face.

46. No person shall be qualified to be granted a Class B coal-miners' certificate unless,—

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

47.—(1) Every candidate for a A miner's certificate and every candidate for a B miner's certificate who has not previously done so, shall present a certificate from a properly qualified medical practitioner for the Province

of Alberta, to the Examination Board certifying as to his physical fitness to do the work required of a coal-miner.

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

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

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

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

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

SCHEDULE.

<i>Capacity</i>	<i>Requisite Certificate</i>
Miner having charge of any working face.	Class A miner's certificate.
Miner at the working face under the supervision and direction of a coal-miner thereof.	Class A miner's certificate or Class B miner's certificate.
Machineman.	Class A miner's certificate.
Machineman's helper.	Class B miner's certificate.
Machine scraper.	Class B miner's certificate.

<i>Capacity</i>	<i>Requisite Certificate</i>
Timberman in charge of timbering operations at a working face or on any roadway or in other place.	Class A miner's certificate.
Timberman's helper engaged in timbering operations at a working face or on any roadways or in any other place under the supervision and direction of a timberman.	Class B miner's certificate.
Brattice man.	Class A miner's certificate.
Miner in charge of a working face in rock in a rock tunnel.	Class A miner's certificate.
Miner in charge of a working face in a shaft being sunk.	Class A miner's certificate.
Miner at a working face in a rock tunnel under the continuous supervision and direction of a miner in charge thereof.	Class B miner's certificate.
Miner at a working face in a shaft being sunk under the continuous supervision and direction of a miner in charge thereof.	Class B miner's certificate.
Loading - machine runner, driller, brusher, ripper, tracklayer.	Class A miner's certificate.
Loading-machine runner's helper, driller's helper, brusher's helper, ripper's helper, tracklayer's helper.	Class B miner's certificate.

<i>Longwall Face</i>	<i>Requisite Certificate</i>
All loaders.	Class A miner's certificate.
All timbermen.	Class A miner's certificate.
Moving cogs and erecting cogs.	Class A miner's certificate.
Back timbermen.	Class A miner's certificate.
Erecting and (Moving) conveyor man.	Class A miner's certificate.
Conveyor man's helpers.	Class B miner's certificate.
Conveyor end gate man.	Class B miner's certificate.

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

Provided, further, that nothing in this section shall prevent an electrician, mechanic, pipe fitter or any skilled employee from doing work at the face on coal-cutters, machinery, cables, motors, or other equipment, notwithstanding that he is not the holder of a miner's certificate.

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

(3) Any person who is the holder of a coal-miner's certificate for the Province of Alberta at the time of the coming into force of this Act shall be deemed to be the holder of a Class A miner's certificate.

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

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

MINE ELECTRICIANS.

52.—(1) For the purpose of ascertaining the persons who may be granted certificates of competency as mine electricians, the Board of Examiners shall hold examinations and examine applicants for such certificates at such times and places, and in such subjects as may be prescribed by the Minister;

(2) Every such applicant must have had at least two years' practical experience in the use of electrical machinery, apparatus and cables in a mine.

53. For all other purposes other than the examination of the candidates, such as the registration of the holders of

certificates, cancellation and suspension of same, the provisions of this Act relating to manager's certificates of competency shall, *mutatis, mutandis*, apply and have effect.

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

(2) A person shall not be qualified to act as mine electrician unless he is for the time being registered as the holder of a certificate of competency as mine electrician under this Act.

(3) Any person who,—

(a) not being registered under this Act as the holder of a certificate of competency as a mine electrician acts as a mine electrician in or about a mine where the electricity used for power (and) or lighting exceeds 15 kilowatts or so acts in any place in a mine where naked lights are prohibited, notwithstanding that the electricity used is less than 15 kilowatts, or;

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

shall be guilty of an offence against this Act;

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

55. Upon the recommendation of the Chief Inspector, the Minister may by writing given under his hand, **grant an exemption** in respect of all or any of the provisions of section 54 and either absolutely or upon such terms and conditions as the Minister may impose.

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

57. The preceding sections 52 to 56 shall not apply to electricians attending to lamp charging sets on the surface, electric signalling, telephones, or lighting on main intake travelling or haulage roads underground, provided such power does not exceed 15 kilowatts.

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

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

shall be in each such case guilty of an offence.

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

60.—(1) The agent is a person who may be appointed by, or who in any way acts as the representative of the owner of any mine or group of mines and superior to the mine manager.

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

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

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

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

(2) Such person shall be the holder of a first class certificate of competency as mine manager for the Province of Alberta unless as otherwise provided in this Act.

(3) If any mine is worked without there being such a manager for the mine as is required by this section, the

owner and agent shall each be guilty of an offence against this Act.

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

(5) 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.

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

(7) 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.

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

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

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

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

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

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

63.—(1) 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.

(2) A mine in which less than thirty persons are employed underground shall be exempt from the provisions of this Act in so far as it relates to the appointment of a manager, unless the Chief Inspector, by notice in writing served on the owner or agent, requires the same to be under the control of a manager; but the operations underground shall be under the daily charge of a person holding a second class certificate under this Act.

(3) 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.

OVERMAN.

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

(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 perform any other duties if such duties interfere with the due performance of the duties imposed upon him by this Act.

(3) No person shall act or be permitted to act as overman 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) Any person employed as an overman under this Act shall devote his whole time to the supervision of the mine or part thereof and the fulfilling of his statutory duties, but nothing in this section shall prevent him from doing such acts as are necessary for the safety of the mine or of the persons employed therein.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

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

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

EXAMINERS OR FIREBOSSSES.

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

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

(3) The manager 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.

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

(2) Every examiner shall devote his whole time to his inspection duties under this section, except where the duties assigned to or undertaken by him in addition to his inspection duties, are not such as to prevent him carrying out such inspection duties in a thorough manner, this provision shall not prevent the examiner being employed in measuring the work done by persons in his district or in firing shots in his district, nor shall this provision apply in respect of any mine in which the total number of men employed underground at one time does not exceed thirty.

(3) Where any question arises as to whether any additional duties are such as to prevent any examiner carrying

out his duties in a thorough manner, the Inspector of the District shall decide the question, and his decision shall be final.

AS TO SHAFTS AND MINE EQUIPMENT: OR PROVISION
OF MINE OUTLETS.

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

- (a) Every seam which is for the time being worked shall have at least two outlets to afford proper means of egress available to the persons employed in 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 road not less than five feet wide and five feet high, and every airway and travelling road shall be of the size herein specified unless exempted in writing by the District Inspector.
- (c) Proper apparatus or ladders for the descent and ascent of persons at such outlets shall be kept on the works belonging to the mine and such apparatus or ladders shall be 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;
- (e) In any shaft or slope where the same is liable to freeze, adequate precautions shall be taken to keep the same clear of ice at all times.

(2) The Supreme Court or any judge thereof, whether any other proceedings have been taken or not, may upon the application of the Attorney General prohibit by injunction the working of any mine in which any person is employed or is permitted to be for the purpose of employment, in contravention of this section, and may award such costs in the matter of the injunction as the Court or judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

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

68. 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.

69.—(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.

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

70.—(1) A fan and proper means for driving the same shall be provided at every mine for the production of ventilation and all the machinery, apparatus and devices for that purpose, shall be kept in good working order and condition at all times and such fan shall be kept in operation at all times when men are in the mine, unless adequate ventilation is maintained by some other means.

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

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

72. 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.

73. 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.

74. Unless there is a hospital at or within two miles from 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.

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

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

76. In every mine from which egress cannot readily be obtained, sufficient and convenient provision shall be made in the mine of suitable latrine accommodation for the persons employed below ground and such accommodation shall be of such description that it shall be odourless and sanitary at all times and shall be so located as to be readily accessible to the persons employed in the mine.

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

(2) The Chief Inspector may if he thinks fit upon application being made to him for the purpose, issue a special permit authorizing the applicant to install and use below ground for demonstration or experimental purposes at such time, during such period or periods and subject to such

conditions as he may prescribe, any specified machinery, equipment, tool, appliance or explosive which is not of a kind or description which has been approved by the Chief Inspector.

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

(4) Any such explosive may be used for the purpose of blasting or bringing down coal or rock or both by a demonstrator who is not the holder of a Class A miner's certificate in the presence and under the direction of a person who is the holder of a first, second or third class certificate of competency and not otherwise, and the demonstrator shall obey all directions given to him by such person.

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

78. All books required to be kept pursuant to this Act or pursuant to any order or regulation made thereunder 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.

79. Nothing in this Act shall be construed to impose an obligation to keep any book or copy thereof for more than twelve months after the same has ceased to be used for entries therein under this Act; and any report by this Act required to be recorded in a book may be partly in print or lithograph and partly in writing.

80. 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.

81. 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.

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

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

83.—(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.

NOTICE OF ACCIDENT AND REPORTING OF ACCIDENTS.

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

- (a) loss of life occurs to any person, the owner, agent or manager shall immediately thereafter send notice of the death by telegram to the Chief Inspector and to the District Inspector and within twenty-four hours thereafter shall make a return in the form set out in this section to the Chief Inspector and to the District Inspector;
- (b) serious personal injury occurs to any person, the owner, agent or manager shall within twenty-four hours thereafter make a return in the said form to the Chief Inspector and to the District Inspector;
- (c) any personal injury whatever occurs to any person by reason of any 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 the said form to the Chief Inspector and to the District Inspector;
- (d) any personal injury, of which notice has been sent under this section, results in the death of the person injured, subsequent to the sending of such notice, then notice of the death by telegram shall be sent immediately to the Chief Inspector and to the District Inspector after such death has reached the knowledge of the owner, agent or manager;

- (e) any personal injury whatever occurs to any person by electricity or by overwinding or by or from such other cause or means as the Chief Inspector may designate, the owner, agent or manager shall within twenty-four hours thereafter make a return in the said form to the Chief Inspector and to the District Inspector;
- (f) any injury is sustained by any person by reason of the breaking of any hoisting ropes, the owner, agent or manager shall within twenty-four hours thereafter make a return in the said form to the Chief Inspector and to the District Inspector;
- (g) any explosion of gas or coal dust occurs, or any explosives prematurely 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;
- (h) loss of life or serious personal injury has immediately resulted from an accident, the place where the accident occurred shall be left in the same condition as it was at the time of the accident for at least three days after sending notice as aforesaid to the Chief Inspector and to the District Inspector or until the visit to the place by an Inspector, whichever event happens first, unless compliance with this provision would tend to increase or continue a danger, or would impede the working of the mine;
- (i) any inflammable gas has been found in any mine in which safety lamps are not required to be used, the owner, agent or manager shall forthwith notify the Chief Inspector and the District Inspector, using for that purpose the most expeditious means available.

THE FORM.

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

Name and postal address of owner.....

Name of mine.....

Date

To the Chief Inspector, Edmonton, Alberta, or to the District Inspector (if to the District Inspector, insert the last known place of abode of such Inspector):

In pursuance of *The Mines Act*, I beg to give you notice that an explosion (or accident, as the case may be), has occurred at this mine, of which the following are the particulars:

Name of person(s) killed.....
 Name of person(s) injured.....
 Occupation,
 Age,
 Date of accident.....
 Time of accident.....
 Place of accident.....
 Date of first employment.....
 Nature of injuries.....
 Causes with full description of accident.....
 Other remarks.....

I am, Sir,

Your obedient servant,

.....
Owner, Agent or Manager.

SHAFTS FOR HOISTING.

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

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

(3) Where one portion of a shaft is used for the lowering or raising of persons by ladders or otherwise, and another portion is used for raising the material gotten in the mine, no person shall travel or be permitted to travel in the shaft when the same is in operation, unless the first mentioned portion is either cased or otherwise securely fenced from the last mentioned portion.

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

86.—(1) Every entrance to any place below ground in a mine not in actual use or in the course of working and extension, shall be properly fenced around the whole width of such entrance so as to prevent persons inadvertently entering the same.

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

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

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

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

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

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

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

(4) Every gate shall be provided with catches or other suitable device to prevent the cars falling out, and if used for raising or lowering persons, shall be covered in completely at the top and closed at the sides in a sufficient manner to prevent persons or things from projecting beyond the sides and shall be provided with suitable gates, bars or chains and with suitable hand hold rods, or rails so they can be easily reached by all persons in the cage.

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

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

(7) In all shafts over three hundred feet in depth or where the hoisting speed exceeds four hundred and fifty feet per minute, detaching hooks or over-winding hooks shall be provided.

(8) No car either empty or loaded or other material and no implements or tools other than scientific instruments

shall be raised or lowered whilst persons are being raised or lowered in the same, whether on the same cage or not.

(9) A notice shall be posted at the top of each hoisting shaft on which the mine manager shall specify the maximum number of men who shall ride in each cage.

SIGNALLING.

88. The general code of signals shall be uniform for the Province and shall apply to any shaft where men or material are being raised or lowered;

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

GENERAL CODE OF SIGNALS FOR ALBERTA.

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

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

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

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

HOISTING APPARATUS.

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

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

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

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

(2) The drum thereof shall be provided with flanges of such size that when the whole rope is wound on the drum, there shall be not less than four (4) inches between the outer layer of rope and the outer edge of the flange;

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

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

ROPES AND CHAINS.

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

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

93. When the rope end is babbitted into the rope capping or socket, the manager shall cause an examination to be made once in every succeeding three months of such hoisting rope or cable in use for hoisting men and materials, by cutting off the lower end of the rope, a section not less than five feet in length and having such section examined carefully both externally and internally for crystallization, corrosion and breaks.

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

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

PLANS OF MINES.

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

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

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

(3) Every such plan or copy thereof shall show 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 in feet and decimals thereof, at reasonable intervals on the main entries and slopes and at such other places as the District Inspector may require, from the entrance to the face of such places, such elevations shall be referred to a bench mark on the surface near the entrance to the mine which shall be in relation to sea level;
 - (f) A section of the seam;
 - (g) 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) Each plan of each survey of a mine shall show thereon by a line the outer boundary of the area comprised in the last preceding survey and shall show by a date referring to such line the date upon which the last survey was made. Every such plan shall be signed by the person making the survey, if such person is the holder of a mine surveyor's certificate, and if he is not, then by the certificated person under whose supervision the survey was made.
 - (j) Every plan of the mine, or a copy thereof, filed with the Chief Inspector shall show thereon the legal description of all land from which coal is being mined, or otherwise removed, together with the names of the owners of the coal.
- (4) 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.
- (5) 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.
- (6) The Chief Inspector may, whether or not a penalty for the violation of any of the provisions of this section has been inflicted, by notice in writing, require the owner, agent or manager, or any of them, within thirty days thereafter, to cause a correct plan of the mine to be made as prescribed by this section; and in the event of the non-compliance with this section, the Chief Inspector may cause a survey and a plan of the mine to be made, and the cost thereof shall be payable by the owner, agent or manager

and shall be recoverable from them, or any of them, by suit brought in the name of the Minister, in any Court of competent jurisdiction as a debt due to the Crown.

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

FORM OF STATUTORY DECLARATION.

Canada
Province of Alberta

The Mines Act.

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

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

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

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

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

Declared at	} <i>Declarant's Signature</i>
in the Province of Alberta,	
this.....day of.....19.....	
Before me	

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

(2) Any surveyor who shall knowingly make any such plan which does not correctly show the data required by section 96 or knowingly makes any false statement in connection therewith shall be guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars or a term in jail ranging from fourteen to sixty days.

(3) Every person who is the owner, agent, manager or overman of any mine or any person concerned therewith, who knowingly neglects or fails to furnish to the mine surveyor any information necessary for making any plan or gives false information regarding the distance any place

has been driven or size of same, or as to the tonnage extracted from the mine or any place in a mine shall be guilty of an offence against this Act.

NOTICES, ETC.

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

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

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

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

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

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

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

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

PROCEDURE ON THE ABANDONMENT OF A MINE.

100.—(1) No mine shall be abandoned by the owner thereof unless the agent, owner or manager thereof has given to the Chief Inspector notice in writing of intention

to abandon the mine and such abandonment shall not take place until the expiration of thirty days after the giving of the notice in case the cause of abandonment is in the nature of an unforeseeable catastrophe, and ninety days after the giving of the notice in all other cases.

(2) When any mine is abandoned or the working thereof permanently discontinued, at whatever time the abandonment or discontinuance occurs it shall be the duty of the owner thereof and of every other person interested in the minerals of the mine to cause the top of every shaft and every entrance from the surface to be adequately protected in any manner hereinafter mentioned—namely:

- (a) The shaft shall be filled up from top to bottom and packed with ashes, dirt or other debris; or
- (b) The shaft shall be covered with a concrete mat of properly reinforced and of sufficient strength and size so that it will remain unaffected should the shaft cave or fall in;

Provided, that the foregoing provisions shall not apply to any shaft less than thirty-six square feet in area if completely surrounded by a wall built of brick, masonry or concrete, but such wall must not be less than six feet in height and have no opening in the same;

Provided further, however, notwithstanding 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 into effect and to pay any costs, charges and expenses incurred by any other person interested in the minerals of the mine in carrying this section into effect.

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

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

(5) Where any slope, drift, tunnel or air hole has been abandoned it shall be filled up with debris or other material at its mouth or surrounded by a fence of strong material or in some manner to effectively prevent any person entering the same.

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

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

ABANDONMENT PLANS.

101. 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 and in the same manner and containing the same information and details as are by this Act required in the case of the plans required to be kept whilst the mine is being worked, and every such plan shall show the position of all workings up to the date of abandonment and shall be certified to be correct by a mine surveyor.

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

103. 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.

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

(2) When a mine has not been worked for a period of twelve months, it shall be deemed to have been abandoned unless the roadways and workings 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.

(3) A complaint or information for an offence under section 100 of this Act may be made or laid within twelve months after abandonment of the mine or within six months after service on the owner aforesaid of a notice to comply with the requirements of this section, whichever last happens;

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

105.—(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 abandon-

ment 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 returns.

PERMIT TO COMMENCE MINING OPERATIONS.

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

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

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

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

107.—(1) If at any time it is made to appear to the Chief Inspector by the written report of a District Inspector that the method of operation of any mine is of such a kind as to make not recoverable coal which can be recovered economically by methods of operation which are practical and reasonable the Chief

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

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

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

INQUESTS.

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

(8) If in the opinion of the inspector it will lead to a more thorough investigation and will be more conducive to the ends of justice he may require the coroner to summon as jurymen 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.

INQUIRY AS TO COMPETENCY AND FITNESS OF CERTIFICATED PERSONS.

110. If at any time representation is made to the Minister by an inspector or otherwise, that a person holding any certificate (other than a miner's certificate already referred to in this Act), 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 the Act, the Minister may if he thinks fit,—

- (a) call upon such person to surrender his certificate to be dealt with as the Minister at his discretion may determine and without any further inquiry;
- (b) if the person into whose conduct complaint has been made refuses to surrender his certificate upon request, the Minister may cause inquiry to be made and with respect to any such inquiry the following provisions shall apply:
- (c) 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;

- (d) 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;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) 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*;
- (i) 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;
- (j) 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*.

111. 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.

112. Whenever any person proves to the satisfaction of the Chief Inspector that he has, without fault on his part, lost or been deprived of any certificate previously granted to him under this Act, the Chief Inspector shall cause a copy of the certificate to which the applicant appears by

the register to be entitled, to be made out and certified by the person who keeps the register and delivered to the applicant, and every copy which purports to be so made and certified shall have all the effect of the original certificate.

VENTILATION.

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

(2) 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 circumstances may require;

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

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

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

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

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

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

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

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

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

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

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

118. All main doors except self acting doors of a description approved by the District Inspector shall have an attendant whose constant duty it shall be to open them for transportation and travel and prevent them from standing open longer than is necessary for persons or cars to pass through.

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

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

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

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

122. Cross-cuts shall be put through between rooms and in entries at intervals of not more than sixty feet unless ventilated by means of fans and vent tube, air pipe or brattice.

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

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

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

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

INSPECTION OF MINES IN WHICH INFLAMMABLE GAS HAS BEEN FOUND.

127. 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.

128. A similar inspection of all parts of the mine in which workmen are to work during that shift shall be made at least twice during each eight-hour shift, once during the first half of the shift and once during the second half of the shift.

129. After inflammable 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.

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

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

MINES IN WHICH INFLAMMABLE GAS HAS NOT BEEN FOUND.

132.—(1) In every mine in which inflammable gas has not been found within the preceding twelve months, an examiner or examiners appointed for that purpose shall inspect 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.

(2) Similar inspections of all parts of the mine in which workmen are to work during that shift shall be made at least twice during each eight-hour shift but not necessarily with a flame type safety lamp.

Provided, however, the inspection preceding the first shift entering the mine shall be made with a flame type safety lamp if so ordered in writing by the District Inspector.

133. 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.

134. 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.

135. 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.

136.—(1) If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in 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 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 the inspection.

(2) Except when necessary for inquiring into the cause of danger or for the removal thereof or for exploration, no

person shall be readmitted to the mine or such part thereof so found dangerous until the copy of such report has been posted up stating that the said mine or part thereof is not dangerous.

SAFETY LAMPS.

137. No lamp or light other than a locked safety lamp of a pattern approved by the Chief Inspector shall be allowed or be permitted to be used underground by any mine manager in any mine if inflammable gas has been or is likely to be found in 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.

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

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

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

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

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

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

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

or any pipe for smoking tobacco, or any tobacco for smoking in any form.

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

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

(10) When safety lamps are 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.

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

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

(13) A person appointed for the purpose shall receive and examine every safety lamp on its being returned to the lamp house and if, on 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.

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

(15) No safety lamp shall be lighted below ground except by a person who is the holder of a first, second or third class certificate of competency under this Act or by a person appointed by the manager and approved of in writing by a District Inspector, and 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.

(16) 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.

(17) In this section the term "safety lamp" shall mean not only a flame type safety lamp but also an approved miner's electric lamp.

CARE AND USE OF EXPLOSIVES.

139.—(1) No explosive shall be taken into or used in any anthracite or bituminous coal-mine, nor in any district in any mine where explosive gas has been found in dangerous quantities during the preceding twelve months, unless expressly authorized to do so by the Chief Inspector, other than "permitted explosives" as hereinafter defined.

(2) The term "permitted explosives" means such explosives as are named and defined from time to time by the Chief Inspector; provided that where the composition, quality or character of any explosive is defined by him, any article alleged to be such explosive which differs therefrom in composition, quality or character by reason of deterioration or otherwise, shall not be deemed to be the explosive so named and defined; provided further that an owner, agent or manager shall not be responsible for the composition, quality or character of an explosive, if he shows that he has in good faith obtained a written certificate from the maker of the explosive that it complies with the terms so named and defined and that he has taken all reasonable means to prevent deterioration of the explosive while stored.

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

(4) 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.

(5) 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.

(6) 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 the same out of the mine, and return the same at once to the place of storage provided for that purpose and the owner, agent or manager shall appoint some person to take charge of such explosives and put them back into storage.

(7) 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.

(8) 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 immediately before the charging of a shot-hole, and shall be closed immediately after; 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 certificated examiner 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.

(9) Where the longwall method for the extraction of coal is being adopted, all shot-firing on such longwall face shall be carried out by a person who is the holder of a first, second or third class certificate of competency under this Act. On such longwall face 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 longwall 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.

(10) On all longwall faces, all shots shall be fired electrically and not in any other manner.

(11) 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.

(12) 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.

(13) 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.

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

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

(16) 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 certificated examiner 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 bore-hole 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.

(17) 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.

(18) 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, 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 District 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 other than an official of the mine who is a certificated examiner, 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.

(19) 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.

(20) 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.

(21) 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.

(22) No black powder shall be taken into or used underground in any mine unless the same is compressed and made up in stick form.

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

140. When any working has approached within one hundred and twenty feet of a place which is likely to contain a dangerous accumulation of water or gas or of disused workings (not being workings which have been examined and found to be free from accumulations of water and gas), the working approaching such place shall not exceed eight feet in width or height or such greater width as may be permitted by the Chief Inspector, and there shall be constantly kept at a sufficient distance, not being less than fifteen feet in advance, at least one bore-hole near the centre of the working face and sufficient flank bore-holes on each side at intervals of not more than fifteen feet.

AS TO FIRE PROTECTION AND OTHER PRECAUTIONS.

141.—(1) At each and every coal-mine the owner, or agent thereof shall within twelve months after the coming into force of this Act provide and maintain in good condition efficient means of protection against fire at the main entrance to any hoisting shaft, slope, permanent escapeways, hoist rooms, ventilating fans (unless the fan housing and drift are of fire proof construction), and at the bottom of all hoisting shafts, such means of fire protection shall consist of sufficient chemical extinguishers of a type approved by the Chief Inspector or of suitable fire hose of at least one and a half-inch internal diameter, with suitable hose connections and nozzles, and pipe lines of not

less than two-inch internal diameter to convey water at a pressure of not less than twenty-five (25) pounds per square inch from an adequate supply for each of the places in the mine hereinbefore mentioned.

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

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

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

STABLES, LOCATION, CONSTRUCTION, USE AND FIRE PROTECTION FOR SAME.

142.—(1) All underground stables shall be so located that in the event of fire the fumes and gases from same will pass directly into the return airway.

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

(3) All manure shall be removed at regular intervals and shall not be allowed to accumulate in any stable, or in any mine or part of a mine.

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

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

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

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

MAN-HOLES ON HAULAGES, INCLINES, ETC.

143.—(1) Every underground plane which is self-acting or worked by an engine, windlass or gin shall be provided, if exceeding ninety feet in length, with some proper means

of communicating distinct and definite signals between the stopping places and the ends of the plane and every back or 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. This provision shall apply to all places worked on the McGinty System or any other gravity system where the loaded car raises the empty car.

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

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

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

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

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

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

(8) No repair work shall be done on any slope or incline where the haulage is worked by gravity or mechanical power while the haulage is in operation unless the place to be repaired is above the points where the cars are being moved,

or if below such point, ample protection is provided to safeguard the workmen against runaway or derailed cars.

MANTRIPS.

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

- (a) On all slopes of twenty (20) degrees inclination or more, on which regular mantrips are being hoisted, each car or carriage shall be attached to the one ahead by two or more separate couplings or connections each of which must be of ample strength to hold any load placed upon it by the breaking of the other;
- (b) The first car shall be secured to the rope socket or capping and in addition the first car shall be secured by one or more extra cables or chains securely attached to the rope above the socket or capping;
- (c) The mantrip cars or carriages shall be so constructed and provided with safety devices that in the event of the rope breaking the trip shall be brought to a stop;
- (d) On all slopes of less than twenty (20) degrees inclination the requirements of paragraph (a) may be dispensed with in the case of a mantrip which is coupled up in the ordinary manner if the mantrip is provided with a safety rope which extends from the main rope to the last car or if the mantrip is equipped with any other approved safety device that will answer the same purpose;
- (e) On all mantrips and other trips being raised on slopes when not more than fifteen (15) degrees in inclination, a drag shall be attached to such trip to prevent cars or carriages running back.

LIGHTING OF LOCOMOTIVES AND OTHER TRIPS.

145.—(1) Every locomotive in use underground shall be provided with proper lamps or head lights and also a whistle or alarm which shall be sounded when any person is ahead and it shall also be sounded frequently when the locomotive is working near parting switches or landings.

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

(3) On and after August 1st, 1939, no locomotive shall be operated underground at a speed exceeding six miles per hour.

DRILLS.

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

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

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

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

INSPECTORS APPOINTED BY WORKMEN.

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

(2) 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.

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

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

CONVEYOR ROADS AND LONGWALL FACES.

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

(2) Persons shall only travel in the clear space on the road and no person shall stand or travel in a moving conveyor either at the face or on a roadway. The provisions with respect to man-holes shall not apply to conveyor roads.

(3) On all longwall faces there shall be provided an escape road (or other road), at intervals of not more than four hundred and fifty feet (450), or at such less distance as may be ordered by the District Inspector.

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

(5) Where a face conveyor is used, if same exceeds ninety (90) feet in length, it shall be provided with some proper means of communicating distinct and definite signals from any point on the face to the person in charge of the engine or motor driving the conveyor.

MINE CARS, WOODEN TRACK AND TURN-TABLES.

149.—(1) On and after the first day of August, 1940, no mine cars shall be used in any mine unless the bumpers are of sufficient length and width to keep the bodies of the cars separated by not less than 12 inches when the cars stand on a straight level road and the bumpers touch each other.

(2) No wooden track or turn-table shall be used in any mine to which this Act applies after the first day of August, 1940, except for a short set of temporary track next the working face.

POWERS TO ORDER HARD HATS AND OTHER
PROTECTIVE CLOTHING.

150.—(1) In any mine, or any mines in any district where in the opinion of the Chief Inspector the number of accidents is excessive and where they are of such a nature or class as could in his opinion be largely prevented by the adoption of hard hats or other forms of protection, he shall report the matter to the Minister.

(2) The Minister, may if he thinks fit, issue an order requiring the owner or agent of any mine in a district to equip their workmen with any form of protective clothing he considers necessary to reduce such accidents, upon such terms and conditions as he may deem necessary, and may require the workmen so equipped to use the same, at such times and under such circumstances as he may prescribe.

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

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

TIMBERING.

151.—(1) The roof and sides of every travelling road and working place shall be made secure and a person shall not, unless appointed for the purpose of exploring and repairing, travel or work in any such travelling road or working place which is not so made secure.

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

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

(4) The requisition shall be in writing under the hand of the District Inspector and shall be delivered personally

or sent by mail by a registered letter to the manager.

(5) If the manager objects to the reasonableness of the requisition he may, within ten (10) days after the receipt of the requisition, send his objection in writing stating the grounds thereof, to the Minister and thereupon the matter shall be decided by arbitration.

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

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

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

(9) Props shall not be withdrawn from the gob or under a roof which appears to the examiner or overman to be insecure, otherwise than by means of a safety contrivance and it shall be the duty of the examiner or overman to examine all roofs from under which props are about to be withdrawn with a view to determining whether the props ought to be withdrawn with a safety contrivance.

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

BARRIER PILLARS.

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

INTERFERENCE WITH THE DUTIES OF FIRE BOSS OR
EXAMINER.

153. It shall be unlawful for any person, owning or operating any mine in the Province, or any officer, agent, representative, manager, or overman of such company or corporation or labour official or labour organization, to interfere or attempt to interfere with the fireboss or examiner of any mine in the Province in the performance of his duties; or by any threat or threats or duress to intimidate or attempt to intimidate any fireboss or examiner, in the performance of his duties; or by persuasion or promise or of extending hope of reward in any way, to influence any fireboss or examiner in the performance of his duties, or to attempt in any way to cause or induce such fireboss or examiner to fail or neglect to perform any duty required of him by this Act.

PROHIBITION OF PAYMENTS FOR EMPLOYMENT.

154. Any mine manager, overman, official or other person or persons who receive or solicit any sum of money or other valuable consideration from any person for the purpose of continuing in his or their employ, or for the purpose of securing employment, shall be guilty of an offence.

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

GENERAL RULES.

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

Rule 1.—All coal during the operation of holing or undercutting shall be safely supported by sprags, wooden props or other means of support.

Rule 2.—(1) All gears shall be kept securely cased or guarded and every fly-wheel and all exposed and dangerous parts of the machinery used in or about any mine shall be kept securely fenced for the preventing of accidents.

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

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

Rule 4.—(1) 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.

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

Rule 5.—No person shall wilfully damage or without proper authority remove or render useless any fence, fencing, casing, lining, guides, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder platform, steam gauge, water gauge, safety valve or other appliance or thing provided at the mine.

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

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

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

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

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

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

Rule 12.—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 13.—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 14.—No person in a state of intoxication shall enter or be allowed to remain in or about any mine.

Rule 15.—No person without proper authority shall interfere with any notice, timber, door, fence, air-course, brattice, stopping or other appliances nor shall he leave open any door which he found shut nor shall he do anything to interfere with the ventilation of the mine, impede the working thereof, or damage the property of the owner.

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

Rule 17.—(1) No person shall ride on any car or locomotive in, on, or about any mine without the permission of the manager or overman.

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

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

Rule 19.—(1) Every person on receiving a safety lamp shall inspect it to see that it is secure and securely locked.

(2) Every person who has a safety lamp in his possession shall pay frequent attention to 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.

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

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

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

Rule 20.—(1) All persons employed underground shall be subject generally to the control of the manager, overman, examiner and any other person properly appointed.

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

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

(4) 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.

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

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

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

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

Rule 21.—(1) 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.

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

(3) Stop blocks or some other efficient appliance to prevent cars from accidentally going down, shall be provided

and used at the top of all self-acting inclines, slopes and shafts.

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

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

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

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

Rule 25.—(1) In every mine where by reason of its depth or extent of its workings, egress to the surface cannot conveniently be obtained, there shall be provided suitable places for sanitary uses, which shall be de-odorized and constantly maintained in a sanitary condition, and suitable outhouses for sanitary purposes shall be similarly maintained in convenient positions contiguous to the surface works thereof.

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

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

Rule 27.—(1) Every road on which a horse or other animal is used underground or by which it has to pass or get to its work, shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing itself or its harness against the roof or sides;

(2) On all such horse roads and haulage roads adequate clearance shall at all times be maintained between the sides of the cars and the sides of the roads, and between the top of the car or coal on same, and the roof.

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

Rule 28.—(1) In all mines in which more than thirty men are employed below ground, telephone communication shall be provided from the top to the bottom of all shafts if over one hundred (100) feet in depth;

(2) Between the top and bottom of all slopes, if over two hundred (200) feet in length, and at all landings or slopes;

(3) To and from the end of haulage roads if over two thousand (2,000) feet in length.

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

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

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

Rule 32.—(1) 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.

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

(3) Every person in charge of an animal shall take proper care of 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.

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

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

Rule 33.—When a trapper has charge of a door, he shall open it only for the passage of persons, animals, locomotives or cars and shall instantly close it when they have passed through; and he shall not allow the said door to remain open

or to be propped or fastened back, nor leave it until the work of his shift is finished.

Rule 34.—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.

DUTIES OF OFFICIALS.

Manager.

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

(2) The manager shall,—

- (a) appoint in writing such number of qualified and competent persons to be officials, as will be sufficient to secure a thorough supervision of all operations in or about a mine and the enforcement of the provisions of the Act, and the Regulations and Orders made thereunder;
- (b) assign the duties to the several officials of the mine and shall to the best of his ability, see that each understands and carries out and enforces the provisions of the Act, Regulations and Orders made thereunder, which relate to matters of which duties are assigned by him;
- (c) attend to and cause to be carefully investigated any representations or complaints that may be made to him as to any matters affecting the safety or health of persons in or about the mine;
- (d) appoint the stations at the entrance to and inside the mine beyond which workmen shall not pass until an inspection has been made;
- (e) make provision for the adequate supply of all material and apparatus required for the purpose of carrying out the provisions of this Act and for insuring the safety of the mine and persons employed therein and if he is not the owner, or agent of the mine, he shall report in writing to the owner, or agent when anything is required for the aforesaid purpose that is not within the scope of his authority to enter;
- (f) determine and report in a notice which shall be kept posted at the pit head or mine entrance, the times

of entering and leaving the mine of the various shifts and also the number of persons allowed to ride on a cage at one time;

- (g) in case he is also the overman, carry out the duties imposed by this Act and Regulations on the overman;
- (h) appoint such persons as may be necessary for the keeping of a proper record of the number of persons going below ground and returning therefrom daily, and for directing at the surface the lowering and raising of men to and from the mine, and for the keeping of a register to be kept in proper form of the time at which men are lowered into and raised from the mine, and the cases in which any man is below ground for more than the time fixed by this Act;
- (i) shall be responsible for seeing that all the requirements of this Act, and of all Regulations and Orders made pursuant thereto are carried out and for the safe operation of the mine.

OVERMAN.

158.—(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.

EXAMINER.

159. 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.

160.—(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 insure safety before work is resumed.

161.—(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.

162.—(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.

163. 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.

164. 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.

165.—(1) The bankman 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.

DUTIES OF HOISTING ENGINEER OR HOISTMEN.

166. (a) The following rules shall be observed by every hoisting engineer employed at a coal-mine within the Province:

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

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

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

SHAFT SINKING.

169. 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) When lowering the bucket, kettle or tub in a sinking shaft the hoistman shall stop it when it has reached a point which is not more than twenty

feet and not less than eighteen feet above the bottom of the shaft, or above any sinking cradle or platform upon which the bucket, kettle or tub is to alight and shall await the signal of the shift boss to let it down. When raising, the hoistman shall stop the hoist as soon as the bucket, kettle or tub has been raised to a point not more than five feet from the bottom in order that the shift boss may see that the rope is steadied and the hoistman shall not again move his engine until he has received the signal from the banksman or shift boss.

- (vii) 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.
- (viii) 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.
- (ix) 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.
- (x) The shift boss shall descend in the first tub and shall ascend in the last tub in each shift.
- (xi) When walling or bricking is being done, the shift boss shall see that the shaft under the bricking scaffold is properly ventilated, and that the scaffold is not overweighted with material.
- (xii) Explosives shall not be taken into or kept in a shaft until immediately before they are required to be used.
- (xiii) When directed by the manager or overman, no lamp but a locked safety lamp shall be used in the shaft.
- (xiv) When ascending by a tub, every person shall keep within the same and no person shall ascend or descend on a loaded tub.

GENERAL PROVISIONS.

170. 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.

171. In any case where it is provided in this Act that any matter shall be decided by arbitration, the same shall be referred to and decided by a board of arbitrators consisting of the Chief Inspector or arbitrator appointed by the person requiring the arbitration and an arbitrator appointed by the Minister, and the decision thereon of the Chief Inspector and one arbitrator shall be final.

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

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

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

172.—(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.

173.—(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 83 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.

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

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

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

176. 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.

177. Except only in cases where the information or complaint is made by a District Inspector, no Justice of the Peace other than a District Court Judge acting as a Justice of the Peace, and no police magistrate, shall receive any information or complaint respecting any offence under this Act, nor shall such Justice of the Peace or police magistrate issue any process whatsoever thereon unless with the consent in writing of the Chief Inspector.

178. 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.

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

180. 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.

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

182.—(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 insuring that all or any of the operations in any mine

shall be carried out in such a way as to insure as far as possible the safety of the mine and all the persons working therein, and further shall have the power to revoke, alter and vary any or all such regulations from time to time.

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

(3) 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.

(4) 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.

(5) 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.

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

184. 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 74 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.

185. 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.

186.—(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 Class A miners' certificate under this Act.

187. *The Coal-mines Regulation Act*, being chapter 24 of the Statutes of Alberta, 1930, is hereby repealed.

188. This Act shall come into force on the first day of July, 1939.

No. 63.

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act to Amend and Consolidate
The Coal-mines Regulation
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TANNER.

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1939