

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives.  
16th September, 1891.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Seddon.

COAL-MINES.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="text-align: center;">COAL-MINING LEASES.</p> <p>3. Leases in the Westland and Nelson Coal-fields to be granted subject to this Act.</p> <p>4. Warden or Commissioner of Crown Lands may grant leases for raising coal.</p> <p>5. May grant leases or licenses for raising lignite.</p> <p>6. Applications for leases. Priority.</p> <p>7. Person aggrieved may petition the Governor for a review of his case.</p> <p>8. Power to lessee to assign or surrender.</p> <p>9. Assignments, transfers, or leases to be sanctioned by Parliament.</p> <p>10. Leases may be amalgamated.</p> <p>11. Area, rent, and royalties of leases.</p> <p>12. Reservations and exceptions in leases.</p> <p>13. Power reserved to construct public works.</p> <p>14. Leases may be subject to prior existing rights.</p> <p>15. Rents and royalties to form part of Consolidated Fund.</p> <p>16. Monthly return of leases to be sent to Minister of Mines.</p> <p>17. Owners and lessees bound to supply coal.</p> <p style="text-align: center;">REGULATION OF MINES.</p> <p>18. Governor may appoint Inspectors. Concurrent powers of Inspectors of Machinery and Inspectors of Mines.</p> <p>19. Mining manager to be appointed. Deputy manager. Name of manager to be posted at mine.</p> <p>20. Board of Examiners. Application for certificates. Issue of certificates.</p> <p>21. Manager or other person in charge of underground workings to have certificate of competency.</p> <p>22. Engine-drivers to have certificate of competency.</p> <p>23. Certificates from beyond colony.</p> <p>24. Service certificates.</p> <p>25. Disqualification of engine-drivers.</p> <p>26. Penalty for acting without certificate.</p> <p>27. Certain persons not to be employed in mines.</p> <p>28. Youth not to be employed as lander or brace-</p> | <p>man at brace set over shaft. Hours of work for youths and boys.</p> <p>29. No person under eighteen years old to work engine, winding-gear, &amp;c.</p> <p>30. Hours of employment. Person in charge of steam machinery to be employed certain number of hours only.</p> <p>31. Register to be kept.</p> <p>32. Penalty for employing persons in contravention of Act.</p> <p>33. General rules: (1.) Ventilation. (2.) Gun-powder and blasting. (3.) Man-holes in self-acting or engine planes. (4.) Spaces in horse roads. (5.) Keeping spaces clear. (6.) Fencing off entrance to shafts. (7.) Horizontal bar to be provided where fence or cover is temporarily removed. (8.) Securing of shafts. (9.) Drive and excavation to be protected. (10.) Protected lights to be used in main drives. (11.) Division of shafts. (12.) Signalling. (13.) Clear view for engine-driver. (14.) All modes of signalling to be clear and distinct. (15.) Cover overhead. (16.) Descent of material. (17.) Braces to be covered overhead. (18.) Proper ladder or footway. (19.) Chains. (20.) Ropes and chains to be tested. (21.) Slipping of rope on drum. (22.) Brake. (23.) Cages to have suitable appliances. (24.) Spring catches or tumblers to be affixed to skids. (25.) Protection to persons ascending or descending shaft. (26.) Inclination of ladders. (27.) Dressing-rooms. (28.) Person in charge of machinery. (29.) Machinery to be examined. (30.) Machinery to be kept in good order and condition. (31.) Fencing machinery. (32.) Gauges to boiler and safety-valve. (33.) Vertical shafts to underground furnaces. (34.) Wilful damage. (35.) Protection of abandoned shafts. (36.) Water and bore-holes. (37.) Mines liable to flood to be provided with escape-drives. (38.) Ladders to be provided in up-casts. (39.) Manager in charge of mine to inspect. (40.) Examination of mine. (41.) Stations to be appointed. (42.) Fencing of places not in use. (43.) Withdrawal of workmen in case of danger. (44.) Safety-lamps and lights. (45.) Barometer and thermometer. (46.)</p> |
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- Miners may appoint two persons to inspect mine. (47.) Books and copy of Act to be kept at mine.
34. Special rules in Appendix to apply to all mines.
35. Additional rules for particular mines. Saving of existing special rules.
36. Publication of rules and provisions of Act.
37. Penalty for destroying or defacing rules when posted.
38. Rules certified by Inspector to be evidence.
39. False statement by owner, agent, or manager, as to posting up rules, deemed an offence.
40. Openings in mines to be provided. Penalty. Not to apply if more than ten persons employed.
41. No agreement to bar liability.
42. Shafts with vertical or over-hanging ladders to have platforms.
43. Persons employed in mines to satisfy themselves, and to report as to safety, of mine.
44. Inspector to make inquiry on complaint of miner.
45. Plans of mines to be kept. Penalty in default or if plan incorrect.
46. Plans of abandoned mines to be sent to Minister.
47. Notice to be given of abandonment or opening of mine.
48. Powers of Inspectors.
49. Inspector to give notice to owner of causes of danger not provided for by rules.
50. Failure by owner to comply with notice of danger an offence against the Act.
51. Person committing breach of Act by which any person injured or killed deemed guilty of an offence.
52. Accident deemed evidence of neglect.
53. Employer to compensate employé injured through non-observance of Act.
54. In case of proceedings against manager burden of proof to lie on defendant that he is not manager.
55. In case of accident in mine, manager to report to Inspector, who is to further report to Minister.
56. Inspector to attend inquest.
57. As to Coroners' inquests.
58. As to whether mine is coal-mine or not.
- RESUMPTION OF LAND OR MINES. ENCROACHMENTS.
59. Private lands may be resumed for coal-mining purposes.
60. Coal-mines on private lands or on Crown lands held under lease may be resumed. Compensation.
61. Works on private lands.
62. Interpretation of Public Works Act under this Act.
63. As to encroachment. Entry of adjoining mine.
- MISCELLANEOUS.
64. Arbitration. Conduct of arbitration.
65. Injury to adjoining mine by flood-water.
66. Power to make regulations.
67. Inspector to make annual report.
68. Annual returns by owners, &c., of mines.
69. Owner to make quarterly contribution to Coal-miners' Relief Fund.
70. Wages not to be paid at publichouse, &c.
71. As to payment of persons employed in mines, by weight or otherwise.
72. Appointment or removal of check-weigher on part of men.
73. Where persons employed to be paid by measure.
74. Weights and Measures Act to apply.
75. Penalties for offences against general or special rules by owner or agent.
76. Penalty for offences against special or general rules by miners.
77. Penalty for obstructing Inspectors.
78. Defacing notices.
79. What shall be offences against Act.
80. General penalty for offences against Act.
81. Penalty for offences not expressly provided for.
82. Penalties, how recoverable, and to be applied.
83. Governor may direct how penalty may be paid.
84. As to description of offence in legal proceedings.
85. Notices may be served by post.
86. Cost of working Act, how defrayed.
87. Repeal.  
Appendix. Special rules.

### A BILL INTITULED

Title,

AN ACT to amend the Law regulating the Granting of Coal-mines Leases, and to make better Provision for the Regulation and Inspection of Coal-mines.

BE IT ENACTED by the General Assembly of New Zealand in 5 Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Coal-mines Act 1891."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Agent" means any person having for the time being, on 10 behalf of the owner, the care and direction of the mine:

"A week" shall be deemed to begin at midnight on Saturday night, and to end at midnight on the succeeding Saturday night:

"Boy" means a male person not under the age of ~~twelve~~ *thirteen* 15 years: ~~and under the age of fourteen years:~~

"Coal" means anthracite, black coal, brown coal, and includes lignite and every other mineral used for fuel:

- “Certificate of competency” means a certificate granted by the Board of Examiners to a mine-manager or engine-driver :
- 5 “Coal-mine” or “mine” mean every colliery and coal or shale mine, whether in actual work, or discontinued, or exhausted, or abandoned; and every shaft, pit, level, and inclined plane in course of being made or driven for commencing or opening any such colliery or coal-mine, and all works belonging thereto respectively :
- 10 “Coal-mining lease” or “lease” means a lease of land granted under this Act for coal-mining purposes :
- “Commissioner of Crown Lands,” or “Commissioner,” means the Commissioner of Crown Lands for any land district exercising jurisdiction in such part thereof as is not included within any mining district :
- 15 “Engine-driver” means a person in the actual charge of the winding engine or winding machinery :
- “Inspector of Mines,” or “Inspector,” means an Inspector of Mines appointed for the purposes of this Act :
- 20 “Machinery” means and includes steam and other engines, boilers, furnaces, winding and pumping gear, whims, windlasses, chains, trucks, tramways, tackle, blocks, ropes, tools, and all appliances of whatsoever kind used for the extraction of coal, or for any coal-mining purpose :
- 25 “Manager” or “mining manager” means the person having the control and daily supervision of a mine :
- “Mining district” means a mining district constituted under “The Mining, Act, 1891 :”
- “Minister” means the Minister of Mines :
- 30 “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, rent, or fine from a mine, or is merely the proprietor of a mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil, and not interested in the minerals of the mine; and, in the case of a company incorporated under any Act for the registration of mining companies, or relating to joint-stock companies, shall include the manager of such company, and in any other case the person having the management of mining operations carried on in a mine; but any contractor for the working of any mine, or any part thereof, shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from any liability :
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- 45 “Permit” shall mean an authority in writing under the hand of the Inspector :
- “Plan” includes a map and section, and a correct copy or tracing of any original plan as so defined :

"Prescribed" means prescribed by this Act, or by any regulations made thereunder:

"Service-certificate manager" means a person who has not passed an examination, but has received a certificate as mine-manager through service only:

"Warden" means a Warden appointed under "The Mining Act, 1891," for any mining district:

"Youth" means a male person not under the age of fourteen *thirteen* years and under the age of eighteen years.

#### COAL-MINING LEASES.

Leases in the Westland and Nelson Coalfields to be granted subject to this Act.

3. All powers, authorities, and functions conferred upon the Minister of Lands or any Land Board by or in virtue of sections nine, ten, or eleven of "The Westland and Nelson Coalfields Administration Act, 1877," or in any other Act relating to the granting of leases of land for coal-mining purposes, or the extension of any such leases in the said coalfields, are hereby transferred to, and shall be exercised by, the Minister of Mines; but such powers and functions shall not be exercised by him in relation to the granting or extension of any lease as aforesaid unless the same respectively has been recommended by the Warden; and no such lease or extension of lease shall be granted until a copy of the application for the same has been lodged with the Greymouth or Westport Harbour Boards respectively having any interest in the land to be dealt with under the proposed lease, nor until such application has been advertised once at least in two successive weeks in a newspaper circulating in the district wherein the aforesaid land is situate.

Every lease or amalgamation of leases which may be granted under "The Westland and Nelson Coalfields Administration Act, 1877," shall be granted only by the Minister of Mines, or by the Warden or Commissioner of Crown Lands, as the case may be, respectively, subject to the provisions of this Act, and not otherwise:

Provided that before any amalgamation of lease shall take effect a return of such proposed amalgamation shall be laid upon the table of each House of the General Assembly.

(1.) The *Legislative Council and the House of Representatives* may, by resolution, refuse to permit any such amalgamation.

(2.) In the absence of any such resolution, such amalgamation shall take effect from the termination of the session.

All powers, authorities, and functions conferred upon the Minister of Lands, or a Land Board, or Commissioner of Crown Lands by or in virtue of section eight of "The Westland and Nelson Coalfields Administration Act, 1877," to dispose of other than alienate any of the lands respectively described in the First, Second, and Third Schedules thereof are hereby transferred to and shall be exercised by the Warden and Minister of Mines respectively, in manner hereinafter provided.

Nothing in this Act contained shall be construed to amend or affect "The Westland and Nelson Coalfields Administration Act, 1877," or any Act amending the same, otherwise than as is herein expressly provided, and all leases already amalgamated shall be valid and unaffected.

4. The Warden in every mining district, and the Commissioner of Crown Lands of a land district, in any portion thereof which is situate outside of a mining district, may, with the consent of the Minister, grant leases of land for raising coal subject to the provisions of this Act, and not otherwise :

Warden or Commissioner of Crown Lands may grant leases for raising coal.

Provided that no such lease shall be granted until the application therefor has been twice advertised at an interval of one week in some newspaper circulating in the district.

10 In the exercise of the aforesaid power the Warden or Commissioner, as the case may be, subject to the approval of the Governor, may grant leases for raising coal from any seam which may lie under the sea, or any part of the foreshore thereof below high-water mark, or under any tidal river, anything contained in "The Harbours Act, 1878," notwithstanding; and all persons taking coal from any such

15 seam as aforesaid, unless duly authorised in that behalf as herein provided, shall be deemed to be in the illegal occupation of Crown lands within the meaning of "~~The~~ any Land Act, 1885." for the time being in force.

20 5. Subject as mentioned in the *last-preceding* section, the aforesaid Warden or Commissioner may grant licenses to authorise the holders thereof to occupy, for any period not exceeding three years from the granting thereof, not more than twenty acres of Crown lands for the purpose of raising lignite; and may grant leases in substitution thereof if required for a further period.

May grant leases or licenses for raising lignite.

25 6. Applications for leases must be made in writing to the Warden or Commissioner, as the case may be, and accompanied by a deposit of three shillings for every acre applied for, which deposits shall be credited to the applicants respectively against any fees, rents, and royalties that may be or may thereafter become due in respect of their

30 said applications or leases.

Applications for leases.

Where more than one application is made for a lease of the same land, precedence shall be in the order of the receipt of the applications by the Warden or Commissioner; if made on the same day, the precedence shall be decided by lot.

Priority.

35 7. If any person shall feel himself aggrieved at the refusal of the Minister to sanction the grant to him of a lease under this Act, or as to the area to be comprised in any lease proposed to be granted to him with such sanction, he may petition the Governor for a review of his case, and the Governor may thereupon grant a lease under the

40 public seal of the colony or refuse such lease, or vary the terms of the lease proposed to be granted to the said person.

Person aggrieved may petition the Governor for a review of his case.

But previous to granting any lease under the authority of this section the Governor shall cancel any existing lease granted under sanction of the Minister of so much of the land comprised in the lease

45 as may be included in the lease proposed to be issued by him, and no person shall be entitled to claim or to receive compensation in respect of any lease being so cancelled.

8. On the recommendation of the Warden or Commissioner, as the case may be, the lessee of a coal-mining lease, with the consent in writing of the Minister first had and obtained,—

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Power to lessee to assign or surrender.

(1.) May assign or otherwise part with the possession of the demised premises or any part thereof, or his estate or

interest therein, notwithstanding there shall be contained in any such lease any provision to the contrary, and no other consent whatsoever shall be requisite; or

(2.) May surrender his lease.

Assignments, transfers, or leases to be sanctioned by Parliament.

9. All assignments or transfers of any coal-mining lease shall be laid on the table of the House of Representatives forthwith if Parliament is in session, and, if not, then within ten days after the meeting of the first session of Parliament thereafter and no proposed assignment or transfer of any lease shall be deemed to be completed until ten days after the termination of such session. 5

Leases may be amalgamated.

10. Every lease may, with the consent in writing of the Minister, be amalgamated or consolidated with other coal-mining leases: 10

Provided that before any amalgamation of lease shall take effect a return of such proposed amalgamation shall be laid upon the Table of each House of the General Assembly. 15

(1.) The *Legislative Council and the House of Representatives* may, by resolution, refuse to permit any such amalgamation.

(2.) In the absence of any such resolution, such amalgamation shall take effect from the termination of the session. 20

Area, rent, and royalties of leases.

11. Every lease shall be made subject to such conditions as the Warden or Commissioner, with the sanction of the Minister, shall think fit, and shall contain covenants for securing the proper and effectual working of the coal within the land thereby demised, and for the surrender of the said land at the end or earlier determination of the lease. 25

(1.) Shall be for a term not exceeding sixty-six years.

(2.) Shall comprise an area not exceeding two thousand acres, and shall impose a dead-rent at the rate of not less than one shilling nor more than five shillings per acre, to be fixed by the Board. 30

(3.) Shall reserve a royalty on all coal raised under its powers at the rate of not less than threepence nor more than one shilling per ton.

(4.) Shall provide that when and so long as the amount of royalty on any coal-mining lease exceeds the sum paid as rent, the rent-charge shall cease. 35

Reservations and exceptions in leases.

12. Every lease granted under the authority of this Act for coal-mining purposes shall be deemed to have been granted subject to the following reservations and conditions:— 40

(1.) The surface of the soil, water and watercourses, shall be and be deemed to have been excepted from any demise thereby made, and such surface shall be and be deemed to have been and continue to be vested in Her Majesty, except in so far as may be necessary for the construction by the lessee of any tramways, or the erection of buildings, machinery, and plant, or the storing coal, or as spoil-banks for waste coal or other refuse. 45

(1A.) That any person, with the sanction of the Minister, on the recommendation of the Warden, made in conformity with section three, or Commissioner of Crown Lands, as the case may be, first obtained, shall have free access, egress, and regress upon the land demised for the purpose of construct- 50

ing any adit or tunnel through such land, so long as he does not interfere with the coal-mining works in operation, and also shall have at all times the right, subject always to non-interference with the coal-mining works as aforesaid, to use such adit or tunnel for any of his own purposes.

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- (2.) There shall be and be deemed to have been excepted out of any such demise unto Her Majesty, her successors and assigns, all timber trees and trees likely to be timber, standing, growing, or being, or which at any time during the term of any such lease shall stand, grow, or be in or upon the demised premises or any part thereof, together with free liberty of ingress, egress, and regress to and for Her Majesty, her successors and assigns, the Governor and the Minister, and all persons having her, his, or their authority so to do, to fell, cut, and carry away the same at fit and reasonable times.

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But, nevertheless, every lessee of a coal-mining lease shall and may cut down any timber trees for the purpose of constructing any tramway or railway thereon, or rolling-stock for such railway or tramway, or any buildings, or for prop-wood or firewood, or other necessary purposes incidental to the proper working of any coal-mine, railway, or tramway.

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- (3.) There shall be and be deemed to have been excepted out of any such demise unto Her Majesty, her successors and assigns, all metals and minerals other than coal that are, shall, or may be found upon the demised premises, with leave for Her Majesty, her successors and assigns, the Governor and the Minister, and all persons authorised by her, him, or them, at all reasonable times to enter into and upon the demised premises to search, dig, get, have, take, and carry away the same.

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- (4.) That the lessees shall and will permit the Queen, or the Governor, or the Minister, or his or their agents, inspectors, viewers, workmen, servants, or any other person or persons whom she, he, or they may appoint, to enter upon the demised land, mines, and premises at all reasonable times, and to survey and inspect and make plans of the said mines and works, and to see whether the said mines and works are in good and substantial order, condition, and repair, and are ventilated, worked, managed, and carried on in a proper and workmanlike manner, according to the true intent and meaning of such lease. And that the lessees shall and will help and assist such person or persons so entering as aforesaid by means of their agents and other workmen, and permit them to have the use of the engines, implements, and utensils for the purpose of such inspection as aforesaid.

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- (5.) That the Governor, on behalf of Her Majesty, may at any time during the term of the lease resume the land demised and premises *demised*, for coal-mining purposes, subject to compensation being paid for such resumption to the lessee or owner; such compensation to *shall* be determined as provided in Part III. of "The Public Works Act, 1882,"

*Addition to subsection 5.*

and shall include the value of the goodwill of any mine and premises taken, and such lessee or owner shall be indemnified and protected by Her Majesty against all contracts and engagements then existing in reference to the said mine and premises, or the supply of coal therefrom, and from all claims and demands in respect thereof respectively.

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*Struck out.*

(6.) That if the lessee suspend mining operations, or neglect to carry on such operations, except in the case of a strike, accidents, or other causes beyond the control of the lessee, in accordance with the conditions of his lease, for a period of three months, the Queen, or the Governor, or the Minister, or his or their agents, inspectors, or any other person or persons whom she, he, or they may appoint, may enter upon the demised land and take possession of all buildings, machinery, and plant erected thereon, and determine the lease. And in such event the lessee shall be allowed, within one month from the date of entry, to remove the machinery and plant, but not any building, or shall be paid such compensation for the same as shall be determined under Part III. of "The Public Works Act, 1882."

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*New Subclause.*

(6.) That if the lessee suspend mining operations or neglect to carry on such operations, except in the case of a strike, accident, or other unavoidable cause, in accordance with the terms of his lease, for a period of three months, the Queen or the Governor or the Minister may serve on the lessee a notice specifying the particular breach complained of, and requiring the lessee to remedy the breach; and if the lessee shall not, within three months after the service of such notice, remedy the breach, the Queen, the Governor, or the Minister may enter on the demised premises and take possession of all buildings and improvements thereon, and determine the lease.

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In any proceedings by action or otherwise to enforce such right of entry or forfeiture, the lessee may in the action, if any, or in any action brought by himself, apply to the Court for relief, and the Court may grant or refuse relief as the Court, having regard to the proceedings and conduct of the parties, and to all the other circumstances, thinks fit; and, in case of relief, may grant it on such terms as to compensation, costs, or otherwise as the Court in the circumstances of each case thinks fit. In the event of forfeiture and entry as aforesaid, the lessee shall be allowed two months from the date of entry to remove all machinery, plant, and trade-fixtures (but not buildings), or shall be entitled to receive and be paid compensation therefor, to be determined under Part III. of "The Public Works Act, 1882," the provisions whereof shall, *mutatis mutandis*, apply.

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(7.) That if at any time during the term of his lease the lessee neglects or refuses to pump the water out of any underground working for three days after the Inspector has given the lessee notice in writing to do so, the Inspector may, if it shall appear that such neglect or refusal to pump the water is likely to be prejudicial to the safety of any adjoining mines, or to the prejudice of the Crown as proprietor, enter upon the mine and take possession of the pumping machinery, and employ men to work such machinery for pumping out the said workings at the cost of the lessee; and any costs so incurred shall be deemed to be a debt due to Her Majesty by the lessee.

And every such lease *hereafter granted* shall be read and construed as if such exceptions, reservations, and conditions were set out in such lease in words at length.

13. Every lease shall be subject to the stipulation that the Governor may, if he shall think fit, authorise the construction, in or upon any land comprised in any lease under this Act, of any race, dam, road, canal, railway, tramway, or other works which may be required for public convenience.

Power reserved to construct public works.

14. In any case in which an application is made in pursuance of this Act for a lease of land, in any part of which any person other than the applicant or applicants may be entitled under any license to cut, construct, or use any race or dam, or to enjoy any other easement for mining or other purposes, the Governor may, if he shall think fit, authorise the issue of a lease of such land, subject to all existing rights in, to, or to the use of such race or dam or other easement, and impose such terms as the said Governor may think fit in order to secure the enjoyment of the same, or to secure compensation for any injury or inconvenience likely to arise to such person by reason of the issue of such lease.

Leases may be subject to prior existing rights.

15. All rents, royalties, fees, and other moneys arising from any lease granted under the authority of this Act shall be paid into the Public Account, and form part of the Consolidated Fund.

Rents and royalties to form part of Consolidated Fund.

16. Every Warden and Commissioner respectively shall, within the first seven days of each month, transmit particulars of the situation, terms, and conditions of every lease issued under this Act within his district during the last preceding month, and of every transfer, surrender, or forfeiture of any such lease, and shall also transmit to the Minister such other particulars in respect of the grant or refusal of any coal-mining leases within the jurisdiction of such Warden or Commissioner as the said Minister may require.

Monthly return of leases to be sent to Minister of Mines.

17. The owner or lessee of every coal-mine, whether situate on private lands or on Crown lands, and whether existing before or after the commencement of this Act, shall, *subject to all contracts and engagements for the time being of such owner or lessee*, be bound at all times, when so required, when the mine is being worked, to supply the Government railways, and all railways the property of railway companies situated in the vicinity of such mines, and all steamships, whether British or

Owners and lessees bound to supply coal.

foreign, visiting the port nearest to the mine, with coal at rates current for the time being, for the travelling requirements of such railways and for the travelling requirements for steam-vessels, not to exceed seven days' supply respectively, but not to a larger extent than the mine can supply during the ordinary working hours: Provided that all steamships shall be loaded *so supplied* in turn in order of arrival, as customary. 5

Nothing herein contained shall be construed to require any owner or lessee to supply coals to any vessel or steam-ship in contravention of international law or international treaties, *or during a strike, or for other reasonable cause.* 10

Every owner or lessee of a mine who refuses, fails, neglects, or prevents, or causes the refusal, failure, neglect, or prevention of the supply of coal ~~in accordance with any such requirement as aforesaid~~ *in contravention of this section*, shall be deemed guilty of an offence 15 against this Act, and shall be liable to a penalty of *not exceeding fifty* pounds for every day during which such refusal, failure, neglect, or prevention continues.

"Owner" and "lessee" in this section respectively include any one or more owners or lessees, and any company whether incorporated 20 or not.

#### REGULATION OF MINES.

Governor may  
appoint Inspectors.

18. The Governor may from time to time appoint such competent persons as he shall think fit to be Inspectors of Mines under this Act, and may from time to time allocate to such persons respectively 25 localities within which they shall exercise their functions.

All persons who at the date of the coming into operation of this Act may be Inspectors of Mines under "The Coal-mines Act, 1886," shall be and shall be deemed to be Inspectors of Mines under this 30 Act.

No Inspector under this Act shall be allowed to hold any interest whatever in any mine in the locality in which he is authorised to act.

No Inspector shall act or practice as a land agent or as a manager, viewer, or agent, or mining engineer, or a valuer of land, or arbitrator 35 in any matter of dispute arising between owners of mines, or be employed in any way in any mine otherwise than in his official capacity under this Act.

Concurrent powers  
of Inspectors of  
Machinery and  
Inspectors of Mines.

Nothing in this Act contained shall be deemed to abridge or annul any of the provisions of "The Inspection of Machinery Act, 1882," or any Act amending the same; nor to affect the duties of any Inspectors appointed under the said Acts in relation to the inspection in mines of machinery and boilers coming within the operation of the Acts last aforesaid; but every Inspector of Mines shall have the same powers as the aforesaid Inspectors, and it shall 45 be their duty regularly to inspect all machinery in mines, excepting

steam-engines and boilers, and to see that such machinery is safe in all its parts and in good working-order.

Every Inspector of Mines shall be the holder of a first-class mine-manager's certificate.

5 19. Every coal-mine shall be under the control and daily supervision of the manager, and the owner or agent of every such mine shall nominate himself or some other person (not being a contractor for getting the mineral in such mine, or a person in the employ of such contractor) to be the manager of such mine.

Mining manager to be appointed.

10 Every coal-mining company, whether registered or co-operative, shall appoint and continue to have a manager who shall be deemed the mining manager of the company under this Act.

The name and address of every manager for the time being shall be notified in writing to the Inspector, and also to the Minister, and 15 no person shall be so appointed who has not the management of the mining operations carried on by such company.

If any mine is worked for more than three days without there being such a manager for that mine as is required by this section the owner and agent of such mine shall each be liable to a penalty not 20 exceeding *fifty* pounds, and to a further penalty not exceeding *ten* pounds for every day during which such mine is so worked.

If any manager is incapacitated from performing his duties, or is about to be unavoidably absent for more than three days, he or the agent shall appoint some fit person to act as deputy manager during 25 such illness or absence; but no such deputy shall act for more than fourteen days unless authorised to do so by the Inspector.

Deputy manager.

The name of the manager of the mine, for the time being, shall be posted and kept posted at the pit-mouth of the mine.

Name of manager to be posted at mine.

30 20. The Director of the Geological Survey of New Zealand, the Surveyor-General, the Inspecting Engineer of Mines, an Inspector of Machinery, and three other persons, who shall be the holders of mine-managers' certificates, who shall have not less than ten years' experience in coal-mining, to be from time to time appointed by the Governor, shall form a Board of Examiners to conduct examina- 35 tions for the purposes of this Act; one of whom, to be named by the Governor, shall be Chairman. The Board shall conduct all examinations according to regulations to be prescribed by the Governor, who may also appoint a Secretary to the Board.

Board of Examiners.

40 Every applicant for any certificate of competency shall make his application in manner as may be prescribed by regulations, and shall forward with such application the sum of one pound sterling as a fee for such certificate; and such fee shall entitle the applicant to come up for another examination after a period of three months without further charge in the event of his failing to pass his first examination.

Application for certificates.

45 There shall be two grades of mine-managers' certificates; and every manager of a mine where more than twenty men are employed shall be the holder of a first-class certificate; and every manager of a mine where more than four and not more than twenty men are employed shall be the holder of a second-class certificate.

Issue of certificates.

50 Notwithstanding anything in this Act contained, the Board of Examiners may grant or refuse a certificate of competency or of service upon any grounds they may deem advisable.

Manager or other person in charge of underground workings to have certificate of competency.

21. Every person employed or acting in the capacity of a mine-manager where more than six men are employed shall be the holder of a mine-manager's certificate of competency, and where six men or less are employed the person acting in the capacity of mine-manager shall be the holder of a permit from the Inspector. 5

Every person who seeks to obtain a mine-manager's certificate shall pass an examination previous to obtaining such certificate, to show that he possesses the necessary knowledge and requirements in working a mine, and shall also be the holder of a certificate from his previous employers showing that he has been actually engaged in 10 underground workings in a mine for a period of not less than five years; and shall forward the last-mentioned certificate, together with his application for examination, as hereinbefore mentioned.

Engine-drivers to have certificate of competency.

22. Every person employed or acting in the capacity of engine-driver who is in charge of any engine, or any winding machinery by 15 means of which respectively persons are brought up or passed down or along any shaft, pit, or inclined plane, or level, shall be the holder of an engine-driver's certificate.

Every person who seeks to obtain an engine-driver's certificate shall pass an examination and obtain a certificate as an engine-driver 20 of competency as to his possessing the necessary knowledge and requirements in working such gear or winding machinery.

Certificates from beyond colony.

23. The Board of Examiners shall cause a certificate of competency as mine-manager or engine-driver respectively to be granted, 25 without previously undergoing an examination as aforesaid, to any person of good repute producing a certificate of competency from any duly-constituted and recognised authority outside the colony, and satisfying the Examiners of his *bona fides*, and on paying the fee of ten shillings for such certificate.

Service certificates

24. The Board of Examiners may cause certificates of service as 30 mine-manager or engine-driver respectively to be granted without undergoing any examination as aforesaid to any person of good repute who shall make, before the thirtieth day of June, one thousand eight hundred and ninety-two, application for the same to them in the 35 prescribed manner, and shall pay the sum of ten shillings as a fee for the said certificate, and shall produce a certificate from his former employer or employers,—

(1.) If a mine-manager, of his having had ten years' practical experience in coal-mining, and been actually employed in 40 underground workings of a coal-mine as a mine-manager or deputy mine-manager for three years, and shall produce from the Inspector a certificate that he is competent to take charge of the underground management of a coal-mine.

(2.) If an engine-driver, of his having been actually engaged 45 and acted continuously in working winding engines and winding machinery in a mine for a period of twelve months immediately previous to the date of his application.

Disqualification of engine-drivers.

25. Any person holding a certificate of competency or of service 50 as a mine-manager, or as an engine-driver, and who is charged with any offence or misconduct likely to be detrimental to the proper or

efficient discharge of his duties, may be called upon by the Board of Examiners to show cause why he should not be disqualified as a certified mine-manager or engine-driver, and if he fails to satisfy the said Board, he may, by an order of the Governor in Council published in the Government *Gazette*, be disqualified for any period from acting as a mine-manager or as an engine-driver.

No person shall after such order deliver into the charge of the said mine-manager any mine during the period of such disqualification, and no person shall, after such order, deliver into the charge of the said engine-driver during the period of his disqualification, and no such mine-manager or engine-driver shall, during the period of such disqualification, take charge of any mine or machinery in which steam, water, or air, or any two or more of them, are used as motive power.

26. Any person acting in the capacity of mine-manager, except as provided in this Act, or acting as engine-driver in charge of any winding engine or winding machinery for the descent or ascent of any persons to or from a mine, without a certificate of competency or of service obtained under, or while he is disqualified under, the provisions of this Act, shall be deemed guilty of an offence against this Act, and shall be liable to a penalty not exceeding *five* pounds for every day during which he shall act in such capacity. And any person who shall employ any uncertificated or disqualified mine-manager or engine-driver shall be deemed guilty of an offence against this Act, and shall be liable to a penalty not exceeding *five* pounds for every day during which he shall employ such uncertificated or disqualified mine-manager or engine-driver.

Penalty for acting without certificate.

Every person acting as manager or as engine-driver in charge of any winding gear or machinery shall, on demand of any Inspector of Mines, Inspector of Machinery, or other person authorised by the Minister, produce his certificate of competency or of service.

27. No female, and no ~~male child under the age of fourteen years,~~ boy shall be employed in any capacity in or about any mine.

Certain persons not to be employed in mines.

28. No youth shall be employed as lander or braceman at any time at a brace set over any shaft. No boy or youth shall be employed for more than forty-eight hours in any week, exclusive of the time allowed for meals, nor more than eight hours in any day, except in cases of emergency.

Youth not to be employed as lander or braceman at brace set over shaft  
Hours of work for youths and boys.

But no person shall be deemed guilty of an offence against this Act for a contravention of that part of this section relating to the time for which persons shall not be employed below ground, if he prove before any two Justices not being interested in any mine in which such person or persons are employed that there were special circumstances to render such contravention necessary for the proper working of the mine, and that such contravention was not injurious to the workmen employed in the mine.

29. Wherever any entrance to any mine or any communication within any part of any mine to any other part thereof shall be by means of a vertical shaft or pit or inclined plane or level, no person other than a properly competent person of the full age of eighteen years shall have charge of any engine, windlass, or gin (whether driven or worked by manual labour or any other power), or of any part of the machinery, ropes, chains, or other tackle by or by means of which

No person under eighteen years old to work engine, winding-gear, &c

persons are brought up or passed down or along any such vertical shaft or pit or inclined plane or level.

Every owner or agent or other person who shall knowingly employ or permit any person other than as aforesaid to have any such charge shall, for every such offence, be liable to a penalty not exceeding *fifty* 5 pounds.

Hours of employ-  
ment.

~~30. Eight hours' work shall constitute a day's work, and forty-eight hours' work a week's work; and~~

Person in charge of  
steam machinery to  
be employed certain  
number of hours  
only.

No person in charge of steam machinery used in connection with any mine, or for the treatment of the products of any mine, shall 10 be employed for more than eight consecutive hours at any time, and any person who has continually worked for eight hours shall not resume work until after an interval of not less than four hours; such period of eight hours shall be exclusive of any time occupied in raising steam and in drawing fires and exhausting steam in connection with 15 the machinery in charge of such person, and exclusive of meal-hours and of any time in which such person is employed in case of breakage or other emergency; and every employer or person employed who shall fail to comply with the provisions of this section shall be deemed guilty of an offence against this Act; and every person in charge as 20 aforesaid who is guilty of negligence by which any property is destroyed or damaged, shall be guilty of an offence against this Act.

If any such person as aforesaid shall be employed during seven consecutive days in every week, he shall be entitled to not less than twelve half-days or six full days of holidays during the year. 25

Register to be kept.

31. The owner, agent, or manager of every mine to which this Act applies shall keep a register, and shall cause to be entered in such register the name, age, residence, and date of first employment of all youths who are employed in the mine below ground, and of all boys ~~not under the age of twelve years and under the age of fourteen~~ 30 years employed ~~above ground~~ in connection with the mine, and shall produce such register to any Inspector under this Act at the mine at all reasonable times, and allow him to inspect and copy the same.

Penalty for employ-  
ing persons in con-  
travention of Act.

32. If any person fails to comply with, or permits any person to violate, any provision of this Act with respect to the employment of 35 youths or boys, or to the register of youths or boys, he shall be guilty of an offence against this Act.

In case of any such violation or non-compliance by any person whomsoever, the owner, agent, and manager shall each personally be guilty of an offence against this Act, unless he prove that he had taken 40 all reasonable means, by publishing, and to the best of his power enforcing the provisions of this Act, to prevent such violation or non-compliance.

If it appear that a youth or boy employed in a mine, or that a person employed about an engine, windlass, or gin, was employed on 45 the representation of his parent or guardian that he was of that age at which his employment would not be in violation of this Act, and under the belief in good faith that he was of that age, the owner, agent, or manager of the mine and employer shall be exempted from any penalty; and the parent or guardian shall, for such misrepresenta- 50 tion, be deemed guilty of an offence against this Act.

If it appear that any youth or boy, working for or with his parent, or guardian, or other person, or under his order or charge, be kept at

work for a longer period than is prescribed by this Act, such parent, guardian, or person shall be responsible therefor.

33. The following general rules shall, so far as may be reasonably practicable, be observed in every mine :—

5 (1.) An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables, and working-places of such mine, and the travelling roads to and from such working-places, shall be in a fit state for working and passing therein. Ventilation.

10 An adequate amount of ventilation shall mean not less than one hundred cubic feet of pure air per minute for each man and youth, and horse, pony, donkey, or mule which shall sweep undiminished along the airway through each working-place.

15 (2.) Gunpowder or other explosive or inflammable substance shall only be used in a mine as hereunder provided ; that is to say, — Gunpowder and blasting.

20 (a.) It shall not be stored on the surface of or adjacent to the mine unless in such magazine, and in such quantities as may in writing be approved by the Minister :

25 (b.) It shall not be stored in the mine in any quantity exceeding what would be required for use during one working-day for the purposes of the mine ; and, if stored in the mine, it shall be kept in a drive or chamber separated by a door fixed across such drive at least thirty feet from any travelling road :

30 (c.) Detonators for blasting shall be kept stored on the surface of the ground in a covered box placed in a separate magazine, apart from other explosives :

35 (d.) Not more than one hundred detonators for service shall be kept in any mine at one time, and these shall be kept in a covered box in the drive or chamber set apart for the purpose, and only taken out in such quantities as required for immediate use. Detonators shall not, on any pretence whatsoever, be stored near any travelling road, bored end, or working face :

40 (e.) No person shall enter with a naked light a powder-magazine or any excavation in a mine where powder or other explosive or inflammable substance is stored :

(f.) No iron or steel pricker shall be used in blasting in any mine, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any mine :

45 The proprietors of the mine shall provide copper prickers.

50 (g.) A charge which has missed fire may be drawn by a copper pricker, but shall not be visited until three hours have elapsed from the time of lighting the fuse of such charge ; but in no case shall an iron or steel drill be used for the purpose of drawing or drilling out such charge, nor shall any charge be drawn where nitro-glycerine compounds or detonators have been used :

~~This subsection shall not apply to charges fired by an electric current.~~

(h.) No person under the age of eighteen years shall be allowed to charge a hole with explosives, or to fire any charge of explosives : 5

(i.) No drill-hole shall be bored within a distance of one foot in any direction from the site of a previously-unexploded charge of any nitro-glycerine compound, and no drill-hole shall be bored in any remaining portion of a hole in which a charge of nitro-glycerine compound has been 10 previously exploded :

(j.) In all cases where the fumes arising from the explosion of any nitro-glycerine compound cannot be effectively dispersed by ventilation or spray of water from the mine, such fumes shall be neutralised or rendered in- 15 nocuous by the person in charge of the blasting operations by the use of a spray of solution of sulphate of iron before the miners are permitted to return to the sites of such blasting operations :

(k.) Mining companies or persons employing miners 20 in blasting with nitro-glycerine compounds shall supply such miners with the means of thawing such compounds, and with the means of producing sulphate of iron spray.

Man-holes in self-acting or engine planes.

(3.) Every underground plane on which persons travel which is self-acting or worked by an engine, windlass, or gin shall 25 be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping-places and the ends of the plane, and shall be provided in every case at intervals of not more than twenty yards with sufficient man-holes for places of refuge. 30

Spaces in horse roads.

(4.) Every road on which persons travel underground where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided at intervals of not more than one hundred yards with sufficient spaces 35 for places of refuge, each of which spaces shall be of sufficient length and of at least three feet in width between the wagons running on the tramroad and the side of the road.

Keeping spaces clear.

(5.) Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as prevent access thereto. 40

Fencing off entrance to shafts.

(6.) The top and all entrances between the top and bottom of every working or pumping-shaft shall be properly and securely fenced or securely covered; but this provision 45 shall not be taken to forbid the temporary removal of any fence or cover for the purpose of repairs or other operations if proper precautions are used.

Every abandoned or disused shaft shall be fenced or securely covered in by the lessee or registered owner there- 50 of, and its position indicated on the surface by a post or cairn of stones, or such other permanent distinguishing mark as the Inspector shall think sufficient.



- 5 (7.) When a fence or cover has been temporarily removed from any entrance to a shaft to admit of the performance of ordinary mining operations a strong horizontal bar shall be securely fixed across such entrance, not less than three nor more than four feet from the floor of the brace-chamber or drive, as the case may be. Horizontal bar to be provided where fence or cover is temporarily removed.
- 10 (8.) Where the natural strata are not safe every working or pumping-shaft shall be securely cased, lined, or otherwise made secure; for which purpose an ample supply of sound good timber or other necessary material shall be kept on the ground ready for immediate use. Securing of shafts.
- 15 (9.) Every drive and every excavation of any kind in connection with the working of a mine shall be securely protected and made safe for persons employed therein. Drive and excavation to be protected.
- 20 (10.) Safe and suitable lights, approved of by the Inspector, shall be provided for the use of miners when travelling in the main drives or roadways of any mine, and the upper entrance to every shaft or blind shaft in use, while open or unfenced, shall be illuminated by a fixed light. Protected lights to be used in main drives.
- 25 (11.) Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine, and another portion of the same shaft is used for raising material or pumping, the first-mentioned portion shall be cased or otherwise securely fenced off separate from the last-mentioned portion. Division of shafts.
- 30 (12.) Every working-shaft in which a cage is used, and every division of such shaft in which persons are raised and lowered, and every shaft in which appliances worked by steam or other machinery are used, shall be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in work between the top and the bottom of the shaft to the top, and thence to the engine-room, and from the engine-room and top to the bottom of the shaft and to every entrance for the time being in work between the top and the bottom of the shaft; and no verbal signals or communications shall be made up or down a shaft exceeding fifty yards in depth in which cages are used except through speaking tubes or telephones in the pump compartment of such shaft. Signalling.
- 35 Every person employed in a mine shall make himself acquainted with the system of signals used in such mine.
- 40 A line or some other appliance shall be provided in each shaft to admit of danger-signals being communicated to the engine-driver from any portion of such shaft.
- 45 (13.) A clear view shall be kept for the engine-driver between his station and the shaft at the surface-brace. Clear view for engine-driver.
- 50 (14.) All methods of signalling in mines to indicate that men or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted in a clear and legible form on framed boards, one of which shall be placed at the chamber at the bottom of the workings in the shaft, and the other at the brace at or near the top of the shaft. All modes of signalling to be clear and distinct.

- Such methods shall be subject to the approval of the Inspector, and shall also be subject to such alterations and amendments as may from time to time be indicated by the Minister on the report of the Inspector; and any neglect to carry out such indicated alterations or amendments shall be an offence against this Act. 5
- Cover overhead. (15.) A cage shall have a sufficient cover overhead when used for lowering or raising persons in any working-shaft; such cage cover shall be constructed of iron not less than one-quarter part of an inch thick, and shall be securely hung on hinges and fitted with sloping sides, so as to be readily lifted upwards by persons within the cage. Wherever practicable, all persons working in shafts shall be protected overhead from falls of material down such shafts by means of a roof or other suitable appliance. 10
- Descent of material. (16.) No iron, timber, tools, rails, sprags, or other material, except for repairing the shaft, shall be placed in the same cage in which men are being lowered or raised from their work. 15
- Braces to be covered overhead. (17.) Every brace or pit-bank shall be properly covered to protect the workmen from the inclemency of the weather. 20
- Proper ladder or footway. (18.) A proper ladder or footway shall be provided in every shaft in which a whim, whip, or windlass is used, and in every working pit or shaft where no machinery is used for lowering or raising persons employed therein. 25
- Chains. (19.) A single-linked chain shall not be used for lowering or raising persons in any working-shaft or plane except for the short coupling-chain attached to the cage or load. When chains are employed as couplings to cages two single-linked chains of uniform size shall be used to each coupling. 30
- Ropes and chains to be tested. (20.) Before any rope or chain is used in the shaft of a mine it shall be tested and proved to be equal to carrying twice the weight of the ordinary load; and in mines where men are lowered or raised in shafts the ropes and chains shall be periodically tested at intervals of not more than three months to carry twice the weight of the ordinary load. 35
- And such tests shall be made in the presence of some person appointed for that purpose by the miners engaged in the mine. 40
- Slipping of rope on drum. (21.) There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope from slipping. 40
- Brake. (22.) There shall be attached to every machine worked by steam, water, or mechanical power, and used for lowering or raising persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope) to show to the person who works the machine the position of the cage or load in the shaft. 45
- Cages to have suitable appliances. (23.) Every cage used in a mine shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, 50

and also to prevent it coming into contact with the poppet-heads.

- 5 (24.) Spring catches or automatic or self-acting doors or tumblers of a suitable kind shall be affixed to the skids or guides below the poppet-heads of every shaft in which a cage is used to prevent the fall of such cage down the shaft when detached from the rope or chain by overwinding.

Spring catches or tumblers to be affixed to skids.

- 10 (25.) In any shaft exceeding twenty feet in depth in which cages are not used, no person shall descend or ascend by the aid of machinery, unless, in addition to the use of the loop, crossbar, or other appliance, he be securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fastening passing round the body under the arms, and such method of staying shall be used by every person who finds it necessary, in the execution of his duty, to descend or ascend a shaft on top of the cage-covers.

Protection to persons ascending or descending shaft.

- 15 (26.) A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or overhanging position, unless in shafts used exclusively for pumping, and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows, and every such ladder shall have substantial platforms, at intervals of not more than thirty feet, and a suitable fixture for a hand-grip shall be placed above such ladder, for the use of persons ascending or descending such ladder.

Inclination of ladders.

- 20 (27.) If more than six persons are employed in the mine below ground in one shift, sufficient accommodation shall, if ordered by the Inspector, be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their dresses, and in no case shall men be allowed to change their dresses upon a boiler.

Dressing-rooms.

- 25 (28.) No person under the age of twenty-one years shall be placed in charge of or have the control of any steam-engine or boiler used in connection with the working of any mine. No person in charge of steam machinery in connection with the working of any mine shall, under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision of such machinery during the time it is used in working the mine.

Person in charge of machinery.

- 30 (29.) All machinery in which steam, water, or air, or any two or more of them are used as motive power, shall be subject to the provisions of "The Inspection of Machinery Act, 1882," so far as the same shall reasonably apply; and no such machinery, erected or fitted up, shall be employed until it has been examined by an Inspector appointed under the last-mentioned Act, and certified by him to be in proper and fit working condition.

Machinery to be examined.

- Machinery to be kept in good order and condition. (30.) All boilers, compressors, engines, gearing, and all other parts of machinery, when used for any mining purpose, or for the treatment of the products of any mine, shall be kept in a fit state and condition.
- Fencing machinery (31.) Every fly-wheel, and all exposed or dangerous parts of the machinery, and every tramway constructed on an elevated platform, shall be and be kept securely and safely fenced, except tramways worked by ropes or chains. 5
- Gauges to boiler and safety-valve. (32.) Every steam-boiler shall be provided with a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in the boiler, and with a proper safety-valve; and at least once in every six months, or oftener if required, every boiler shall be thoroughly cleansed; and once in every twelve months every such boiler shall be subjected to an hydraulic test, and the date and full description of every such test and cleansing shall be entered in a book to be kept by the mining manager or other person in charge of the mine, and the entries in such book shall, on demand, be open to the perusal of any Inspector under this Act, or under "The Inspection of Machinery Act, 1882." 10 15 20
- Vertical shafts to underground furnaces. (33.) The smoke from every boiler for generating steam, and from every furnace used in any part of the underground workings of a mine, shall not be allowed to escape into any part of such workings, nor in any manner other than by means of an air-tight flue conducting such smoke directly from the boiler or furnace into a vertical shaft cut in the rock up to the surface of the ground to the open air, or built up to the surface as aforesaid with bricks and cement, in manner as to be completely air-tight. 25 30
- Wilful damage. (34.) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signaling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act. 35
- Protection of abandoned shafts. (35.) No person shall, after any shaft has become disused for mining purposes, wilfully damage or render useless such shaft by the removal of any fencing, covering, casing, lining, ladder, platform, or other appliance provided in such shaft without the consent of the Minister. 40
- Water and bore-holes. (36.) Where a place is likely to contain a dangerous accumulation of water, the working approaching such place shall not exceed eight feet in width, and there shall be constantly kept, at a sufficient distance, not being less than twenty feet in advance, at least one bore-hole near the centre of the working, and flank bore-holes shall be put in not more than fifteen feet apart on each side. 45
- Mines liable to flood to be provided with escape-drives. (37.) In every mine which in the opinion of an Inspector is liable to an inundation or inburst of water, such addi- 50

- 5 tional rises, chambers, drives, and other workings, or any  
of them, shall be constructed as may seem necessary  
and as may be prescribed by the Minister for the escape  
of workmen from the lower workings, or to insure their  
safety in every such mine during the period of any inunda-  
tion or inburst of water in such mine.
- 10 (38.) Ladders and, when necessary, convenient platforms con-  
nected therewith, shall be provided in each rise, upcast,  
or passage giving access to workings at a higher level in  
a mine, and a notice shall be posted at the foot of each  
such rise, upcast, or passage, stating the height of such  
rise, upcast, or passage to the chamber or drive above. Ladders to be  
provided in upcasts.
- 15 (39.) The manager of every mine, or other competent per-  
son or persons appointed for such purpose, shall once  
at least in every twenty-four hours examine the state of  
all safety-appliances or gear connected with the cages,  
winding-ropes, or shafts in the mine, and shall once in  
each week carefully examine the buildings, machinery,  
shafts, levels, planes, and all places used in the working  
20 of such mine, and shall record in writing, in a book to be  
kept for that purpose, his opinion as to their condition  
and safety, and any repairs, and as to any alterations  
required to insure greater safety to the persons employed  
in the working of such mine, and such book shall, on  
25 demand, be open to perusal by any Inspector under this  
Act; and every such safety appliance or gear, if condemned  
by any Inspector of Mines or Inspector of Machinery, shall  
forthwith be removed or made fit.
- 30 (40.) In every mine once in every twenty-four hours, if one shift  
of workmen is employed, and once in every twelve hours,  
if two shifts are employed during any twenty-four hours,  
a competent person, or competent persons, who shall be  
appointed for the purpose, shall, before the time for com-  
mencing work in any part of the mine, inspect with a  
35 safety-lamp that part of the mine and the roadways lead-  
ing thereto, and shall make a true report of the condition  
thereof so far as ventilation is concerned; and the workmen  
shall not go to work in such part until the same and the  
roadways leading thereto are cleared from gas by ventila-  
40 tion and stated to be safe.
- Every such report shall be recorded without delay in  
a book, which shall be kept at the mine for the purpose,  
and shall be signed by the person making the same.
- 45 (41.) In every mine in which inflammable gas has been found  
within the preceding twelve months, a station or stations  
shall be appointed at the entrance to the mine, or to dif-  
ferent parts of the mine, as the case may require, and a  
workman shall not pass beyond any such station until the  
mine or part of the mine beyond the same has been cleared  
50 from gas by ventilation, and inspected and stated to be  
Manager in charge  
of mine to inspect.  
Examination of  
mine.  
Stations to be  
appointed.

Fencing of places  
not in use.

safe, and such inspection shall be made within two hours before the time fixed for the miners commencing work.

(42.) All entrances to any place, not in actual course of working and extension, shall be properly fenced across the whole width of such entrance, so as to prevent persons inadvertently entering the same. 5

Withdrawal of  
workmen in case of  
danger.

(43.) 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 of any cause whatever, the mine or the said part is dangerous, every workman shall be withdrawn from the mine, or such part thereof as is so found dangerous; and a competent person who shall be appointed for the purpose shall inspect the mine, or such part thereof as is so found dangerous, and, if the danger arises from inflammable gas, shall inspect the same with a locked safety-lamp, and in every case shall make a true report of the condition of such mine or part thereof: and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine, or such part thereof as was so found dangerous, until the same is stated by such report not to be dangerous. 10  
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Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person making the same. 25

Safety-lamps and  
lights.

(44.) Whenever safety-lamps are required by this Act, or by the special rules made in pursuance of this Act, to be used, such lamps shall be supplied by the owner, agent, or manager, of a pattern to be approved by the Inspector. A competent person who shall be appointed for the purpose shall examine every safety-lamp immediately before it is taken into the workings for use, and ascertain it to be secure and securely locked, and in any part of a mine in which safety-lamps are so required to be used, they shall not be used until they have been so examined and found secure and securely locked, and shall not be without due authority be unlocked; and in the said part of the mine a person shall not, unless he is appointed for the purpose, have in his possession any key or contrivance for opening the lock of any such safety-lamp, or any lucifer match or apparatus of any kind for striking a light, or tobacco-pipe or any contrivance for smoking. 30  
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Barometer and  
thermometer.

(45.) After inflammable gas has been found in any mine, it shall be cleared by ventilation, and a barometer and thermometer shall be placed above ground, in a conspicuous position, near the entrance to the mine. 45

Miners may appoint  
two persons to  
inspect mine.

(46.) The persons employed in a mine may, at their own cost, appoint two of their number to inspect the mine, and the persons so appointed shall be allowed once at least in every month to go to every part thereof, and to inspect the shafts, levels, planes, working places, return air-ways, ventilating 50

apparatus, old workings, and machinery; and the owner, agent, and manager (who may, if they think fit, accompany them), and all persons in the mine, shall afford every facility for the purpose of such inspection; and the persons so appointed shall make a true report of the result of such inspection, and such report shall be recorded in a book to be kept at the mine for the purpose, and shall be signed by the persons reporting.

(47.) The books mentioned in this section, or a copy thereof, and a copy of the Act, shall be kept at the office at the mine, and any Inspector under this Act, and any person employed in the mine, may at all reasonable times inspect and take copies from any such books, or extracts from such Act.

Books and copy of Act to be kept at mine.

Any manager, or any person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine, who contravenes or does not comply with any of the general rules in this section shall be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance.

A printed copy of the rules provided for in this section shall be posted in the office and on a building or board in some conspicuous place in connection with every mine.

34. The special rules set forth in the Appendix to this Act shall be the special rules for the conduct and guidance of persons acting or employed in or about every mine to insure the health and safety of such persons; and the owner or agent of every mine shall cause a copy of such special rules to be hung up in some conspicuous place in the mine.

Special rules in Appendix to apply to all mines.

35. The owner or agent of any mine may from time to time frame, alter, or revoke such additional special rules (hereinafter called "additional rules"), not in conflict with the special rules set forth in the Appendix, as may appear under the particular state and circumstances to be desirable for obtaining the above objects, shall at once be transmitted by the owner or agent to the local Inspector, who shall forthwith transmit them with a report of their respective fitness to the Minister; and if they are not objected to within one month after the receipt thereof by the Minister, they shall be the additional rules of the mine, and published in manner mentioned in the next following section.

Additional rules for particular mines.

40. So much of any special rules which at the commencement of this Act are in force in any mine under any Act hereby repealed, and which are not in conflict with the special rules contained in the Appendix to this Act, shall continue to be the additional rules in such mine until altered or revoked by additional rules made under this Act.

Saving of existing special rules.

36. For the purpose of making known the special rules, the additional rules, and the provisions of this Act to all persons employed in or about each mine to which this Act applies, an abstract of the a copy of the general rules contained in section thirty-three of this Act, supplied on the application of the owner, agent, or manager of the mine by the Inspector on behalf of the Governor, and an entire copy of the special rules and additional rules, shall be published as follows:—

Publication of rules and provisions of Act.

- (1.) The owner, agent, or manager of such mine shall cause such abstract *general* and *special* rules, with the name and address of the Inspector, and the name of the owner or agent, and of the manager, appended thereto, to be posted up in legible characters in some conspicuous place at or near the mine, where they may be conveniently read by the persons employed; and so often as the same become defaced, obliterated, or destroyed, shall cause them to be renewed with all reasonable despatch. 5
- (2.) The owner, agent, or manager shall supply a printed copy of the abstract *general* and the special rules and additional rules gratis to each person employed in or about the mine who applies for such copy at the office at which the persons immediately employed by such owner, agent, or manager are paid. 10 15
- (3.) Every copy of the special and additional rules shall be kept distinct from any rules which depend only on the contract between the employer and employed.

Penalty for destroying or defacing rules when posted.

37. Every person who pulls down, injures, or defaces any proposed rules, abstract, or any rules when posted up in pursuance of the provisions of this Act, or any notice posted up in pursuance of any rules, shall be guilty of an offence against this Act. 20

Rules certified by Inspector to be evidence.

38. An Inspector under this Act shall, when required, certify a copy, which is shown to his satisfaction to be a true copy, of any rules which for the time being are established under this Act in any mine; and a copy so certified shall be evidence (but not to the exclusion of other proof) of such rules, and of the fact that they are established under this Act, and have been signed by an Inspector. 25

False statement by owner, agent, or manager as to posting up rules, deemed an offence.

39. If the owner, agent, or manager of any mine makes any false statement with respect to the posting-up of any rules he shall be guilty of an offence against this Act; and if any additional rules for any mine are not transmitted within the time limited by this Act to the local Inspector, for the approval of the Governor, the owner, agent, and manager of such mine shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by enforcing to the best of his power the provisions of this section, to secure the transmission of such rules. 30 35

Openings in mines to be provided.

40. Within one year after commencing the working of any bords, stalls, or longwall workings in any mine, there shall be made and completed at least two separate and distinct shafts or outlets to the surface from such mine, intercommunicating with each other, so that such shafts or outlets shall afford a separate means of ingress or egress available to the persons employed in such mine. Such shafts must not, if made after the commencement of this Act, be nearer than fifty feet to each other. Proper apparatus for raising or lowering persons at each such shaft shall be kept on the works of the mine, and, if not in actual use at the shafts, shall be so kept as to be quickly available for use. 40 45

Penalty.

And the owner of any mine wherein such two openings shall not be completed as aforesaid shall be liable to a penalty not exceeding one hundred pounds for every week during which the same shall remain incomplete. 50

Not to apply if more than ten persons employed.

But this provision shall not apply so long as not more than ten persons are employed below ground at any one time in the whole



of the different seams in connection with each outlet in such mine or working.

41. No person shall be precluded by any agreement from doing such acts as may be necessary for providing a second shaft or 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 may be necessary in order to comply with the provisions of this Act with respect to shafts or outlets.

No agreement to bar liability.

42. In every case where vertical or overhanging ladders are used in connection with the shaft of any mine, securely fixed platforms shall be constructed at intervals of not more than thirty feet from each other in such shaft, and such ladders shall have sufficient spaces for foot-holds of not less than six inches; but in no case shall new vertical or overhanging ladders be constructed either in substitution for old ones or otherwise.

Shafts with vertical or over-hanging ladders to have platforms.

Every person who contravenes or does not comply with this section shall be guilty of an offence against this Act.

43. Every person employed in or about any mine shall satisfy himself of the safety of any tubs, chains, tackle, windlass, ropes, or other appliances he may use before commencing and whilst at work, and in case of any defect or insecurity he shall cease to use anything unsafe; and every such person who witnesses in or about any such mine any circumstance, matter, or thing which may be likely to produce therein danger of any kind, and every person who may be notified by any such person of any such circumstance, matter, or thing, shall notify the same to the person (if any) under whose immediate directions or control he may be, and every such person in sub-charge of and employed in mining operations in any part of a mine shall, on changing his shift, inform the person appointed to relieve him of the state of the workings in the part of the mine in which he has been employed, or otherwise he shall be guilty of an offence against this Act.

Persons employed in mines to satisfy themselves, and to report as to safety of mine.

44. Immediately upon any miner working in the mine making a complaint under this Act to any Inspector, it shall be the duty of such Inspector to make inquiry into the matter of such complaint, and to take such other steps as he may deem necessary to investigate the matter, and the name of the informant shall not be divulged by the Inspector.

Inspector to make inquiry on complaint of miner.

45. The owner, agent, or manager of every mine where there are underground workings shall keep at the office at the mine an accurate plan of the workings of such mine, made by a certificated manager, a duly-qualified mining engineer, or by a surveyor authorised as such by the Surveyor-General, and a copy of such plan shall be forwarded to the Inspector once in every six months with the whole of the workings shown thereon up to one month previously. Every such plan shall be made to a scale of not less than two chains to an inch.

Plans of mines to be kept.

If the owner, agent, or manager of any mine fails, neglects, or refuses to forward to the Inspector a copy of such plan once in every six months, he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding *twenty* pounds for each offence.

Penalty in default or if plan incorrect.

If the Inspector have reason to think that any plan forwarded to him as aforesaid is incorrect he shall report the same to the Minister, who, if he thinks fit, may cause a check survey to be made, and if

thereupon the plan aforesaid prove to be incorrect in any material respect, the owner, agent, or manager of the mine in which the said check survey is made shall be liable to pay all costs and charges for making such check survey or in connection therewith, and such costs and charges may be recovered as a debt due to the Crown. 5

Plans of abandoned mines to be sent to Minister.

46. Where any mine is abandoned, the owner of such mine at the time of such abandonment shall, within one month after such abandonment, send to the Minister an accurate plan, on a scale of not less than a scale of two chains to one inch, or on such other scale as the plan used in the mine at the time of such abandonment is constructed on, showing the boundaries of the workings of such mine up to the time of the abandonment, with the view of its being preserved under care of the Minister. 10

Every person who fails to comply with this section shall be guilty of an offence against this Act. 15

Notice to be given of abandonment or opening of mine.

47. When any mine is abandoned, or the working thereof discontinued, or after any abandonment or discontinuance for more than one month the working thereof is recommenced, or when any workings are commenced for opening a new mine, the owner or agent shall give notice thereof in writing to the Inspector within one month after such abandonment, discontinuance, recommencement, or commencement. 20

In every case of abandonment or discontinuance the mine shall be and be kept securely fenced by the owner or agent; and all trial pits shall be fenced and kept secure by the owner of the land on which such trial pits are sunk. 25

Powers of Inspectors.

48. Every Inspector under this Act shall have power to do all or any of the following things, namely,—

- (1.) To make from time to time such examination and inquiry as may be necessary to ascertain whether the provisions of this Act relating to matters above ground or below ground are complied with; 30
- (2.) To enter, inspect, and examine any mine and every part thereof at all reasonable times, by day and night, but so as not to impede or obstruct the working of the said mine; 35
- (3.) To examine into and make inquiry respecting the state and condition of any mine or any part thereof, and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in 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; 40
- (4.) To exercise such other powers as may be necessary for carrying this Act into effect. 45

Inspector to give notice to owner of causes of danger not provided for by rules.

49. If in any respect (which is not provided against by any express provision of this Act, or by any special rule) any Inspector find any mine, or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as, in his opinion, to threaten or tend to the bodily injury of any persons, such Inspector may give notice in writing thereof to the owner or agent of the mine, and shall state in such notice the particulars in which he considers such mine, or any part thereof, or any matter, 50

thing, or practice, to be dangerous or defective, and require the same to be remedied, and unless the same be forthwith remedied the Inspector shall also report the same to the Minister.

50. If the owner or agent of the mine—

5 (1.) Objects to remedy the matter complained of in the notice he may, within seven days after the receipt of such notice, send his objection in writing, stating the grounds thereof, to the Minister, and shall also send a copy of the same to the Inspector, who shall report on the same to the Minister, and thereupon the matter shall be determined by arbitration in manner provided by this Act in relation to the special rules, and the date of the receipt of such objection shall be deemed to be the date of the reference;

Failure by owner to comply with notice of danger an offence against the Act.

10 (2.) Fail to comply with the requisition of the notice given by the Inspector, when no objection is sent within the time aforesaid, or with the award made on arbitration, within twenty days after the receipt of such notice or the making of the award (as the case may be), he shall be guilty of an offence against this Act, and the notice and award shall respectively be deemed to be written notice of such offence.

The Court, if satisfied that the owner or agent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn any proceedings taken before it for punishing such offence, and if the works are completed within a reasonable time no penalty shall be inflicted.

25 No persons shall be precluded by any agreement from doing such acts as may be necessary to comply with the provisions of this section, or be liable under any contract to any penalty or forfeiture for doing such acts.

30 51. Every person who contravenes or does not comply with any of the provisions of this Act, or who is guilty of negligence by which any person is injured or killed, either by himself, his agent, or servant, shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding, if he is the owner, mining manager, or underground manager, or person in charge of or giving orders or directions relating to the carrying-on of any mining operations in any mine, fifty pounds, and if he is any other person not exceeding ten pounds, for each offence; and further, if the underground manager is shown to have been guilty of carelessness or negligence, his certificate may be suspended for such time as the Minister shall think fit, or cancelled by the Minister.

Person committing breach of Act by which any person injured or killed deemed guilty of an offence

45 52. Any accident occurring in a mine shall be *prima facie* evidence that such accident occurred through some negligence on the part of the owner.

Accident deemed evidence of neglect.

50 53. If any person employed in or about any mine suffer any injury in person, or be killed, owing to the non-observance in such mine of any of the provisions of this Act, such non-observance not being solely due to the negligence of the person so injured or killed, or owing in any way to the negligence of the owner of such mine, his agents, or servants, the person so injured, or his personal representatives, or the personal representatives of the person so killed, may recover from the owner compensation by way of damages as for a tort committed by such owner; and the amount of such compensation, with the costs of recovering the same when determined, shall consti-

Employer to compensate employé injured through non-observance of Act.

tute a charge on the mine and mining plant in or about which such person was so employed, and all charges arising under the provisions of this section shall, as between themselves, be paid rateably.

Such compensation may be recovered under the provisions of "The Deaths by Accident Compensation Act, 1880," or "The Employers' Liability Act, 1882," which shall respectively be applicable, according to the circumstances of each particular case; subject, however, that notice of injury having been sustained may be given under the last-mentioned Act at any time within three months from the occurrence of the accident causing the injury, instead of within six weeks as in the said Act mentioned.

Nothing in this section contained shall take away from any person any right to take proceedings in respect of a claim for compensation for injury or death by accident which he may have under any Act other than this, if he prefer to proceed under such Act, but in such case he shall forfeit any right he may have to take proceedings under this section.

In case of proceedings against manager burden of proof to lie on defendant that he is not manager.

54. For the purpose of any proceeding taken under the provisions of this Act against any manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine, the burden shall lie on the defendant of proving he is not such manager or person.

In case of accident in mine, manager to report to Inspector, who is to further report to Minister.

55. The manager of every mine shall forthwith after the occurrence of any accident attended with serious injury to any person give a written notice thereof to the Inspector, and also shall forthwith report the same by telegraph message to the Minister, and any manager who omits to give such notice shall be guilty of an offence against this Act.

Any portion of a mine where a serious accident occurs shall not be interfered with until inspected by the Inspector or some other person appointed by the Minister or coroner's jury, unless with the view of saving life or preventing further injury.

Inspector to attend inquest.

56. Unless the Inspector or some person appointed by the Minister be present at an inquest holden upon the body of any person whose death may have been caused by any such accident, the Coroner shall adjourn the same, and by written notice delivered or sent four days at the least before holding the adjourned inquest give notice of the time and place of holding the same, but before such adjournment the Coroner may take evidence to identify the body and order the interment thereof. And the Inspector or other person authorised in that behalf, and also the owner, agent, or manager, either in person or by counsel, shall be at liberty to examine or cross-examine any witness at any such inquest: Provided that if the accident has not occasioned more than one death, and notice of the inquest has been given by the Coroner not less than forty-eight hours before the time of holding the same, it shall not be imperative on the Coroner to adjourn such inquest if the majority of the jury think it unnecessary.

As to Coroners' inquests.

57. With respect to coroners' inquests on the bodies of any persons whose death may have been caused by accidents in mines, the following provision shall have effect, that is to say,—

Any person having a personal interest in or employed in or in the management of the mine in which the accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or sit on the

jury; nevertheless, whenever it is practicable one-half the jurymen shall be miners.

58. If any question arise whether a mine is a coal-mine to which this Act applies, such question shall be referred to the Minister, whose decision thereon shall be final.

As to whether mine is coal-mine or not.

#### RESUMPTION OF LAND OR MINES. ENCROACHMENTS.

59. (1.) All lands which, previous to the commencement of this Act, have been alienated, or agreed to be alienated, from the Crown, whether by way of absolute sale, or lease, or for any lesser interest shall, with the consent of the owners or occupiers thereof respectively; and

Private lands may be resumed for coal-mining purposes.

(2.) All lands which, after the commencement of this Act, may be so alienated, or agreed to be so alienated, from the Crown as aforesaid, but not expressly for coal-mining purposes, shall, without the consent of the owners or occupiers thereof respectively; and

(3.) All Native lands which have been alienated since the thirtieth day of August, one thousand eight hundred and eighty-eight, or which hereafter may be alienated by the Native owners thereof to any person other than Her Majesty, except lands alienated expressly for mining or coal-mining purposes;

Shall be liable to be resumed by Her Majesty for coal-mining purposes (except lands alienated expressly for mining or coal-mining purposes) on paying full compensation to the owner and occupier thereof for the value of the lands and improvements so resumed.

Any resumption of lands as aforesaid may be made by the Governor under "The Public Works Act, 1882," as if it were a taking of land for a public work within the meaning of that Act, and the compensation to be paid shall be ascertained in manner provided by Part III. of that Act for the purposes of this Act.

60. The Governor, in the name and on behalf of Her Majesty,—

(1.) May contract with the owner or lessee of any coal-mine situate on private or Native lands for the acquisition of such lands and mine on such terms as he shall think fair and reasonable; or

Coal-mines on private lands or on Crown lands held under lease may be resumed.

(2.) May contract with the lessee or lessees of any coal-mine situate on Crown lands for the purchase of their respective interests therein, and the cancellation of the lease, on paying such compensation for the same, including value of goodwill, if any, as may be determined under "The Public Works Act, 1882."

Compensation:

Provided that resumption and acquisition under this and the preceding section shall not be complete nor take effect until a resolution of the Legislative Council and the House of Representatives shall have been passed sanctioning the same.

Any mine land so resumed or acquired may be worked by the Minister on behalf of Her Majesty unless the Legislative Council and the House of Representatives shall by resolution otherwise determine.

61. Where, for the purpose of working any mine, it is required to carry any work on, or over, or under any private land, or to take any such land, or any part thereof, for mining works in connection with such mine, the Governor, on the application and at the proper cost and charges of the owner of the said mine, may take such land, or any part thereof, under "The Public Works Act, 1882," as for a public work within the meaning of such Act.

Works on private lands.

All provisions of the said Act shall apply accordingly for the purpose, but the effect of the Proclamation taking the land shall be to

vest such land in the applicant instead of in Her Majesty, and all proceedings after the aforesaid Proclamation in respect of compensation and otherwise in respect of complying with the said Act shall be had against the applicant, who shall be deemed to be the respondent, and shall be liable in respect of such taking in the same manner and to the same extent as Her Majesty or the Minister for Public Works would be in respect of taking land for a Government work under the said Act. 5

Interpretation of  
Public Works Act  
under this Act.

62. For all purposes of this Act "The Public Works Act, 1882," shall be read as if the words "the Minister of Mines" had been inserted therein in lieu of the words "the Minister for Public Works." 10

As to encroachment.

63. Upon the affidavit of any person taken before any Justice of the Peace or solicitor of the Supreme Court, claiming to be legally or equitably interested in any mine, or in any land adjoining or near to any other mine, that the owner of such last-mentioned mine is or is by the person making such affidavit believed to be encroaching upon such first-mentioned mine or land, the Minister may, by writing under his hand, authorise the Inspector, together with a mining surveyor or experienced miner, to enter upon such last-mentioned mine or land for the purpose of ascertaining whether any such encroachment has been made, and, if so, the extent thereof. 15 20

Entry of adjoining  
mine.

- (1.) Before granting such authority the Minister shall require the person making or lodging the affidavit to deposit such a sum of money not exceeding one hundred pounds as shall be necessary to cover the cost of such inspection. 25
- (2.) The persons so authorised may thereupon enter on the mine or land described in such order, and descend any shaft or enter any mine, and for such purpose use the engines and other machinery ordinarily employed for that purpose by the persons whose shaft or mine shall be descended or entered, and make such plans and sections of the mine or land entered upon, and of any drives or other works therein, as shall be necessary for the purpose aforesaid: And the owner or agent of the mine to be entered upon shall render all necessary assistance to the persons so authorised. 30 35
- (3.) Every such Inspector, surveyor, or miner shall, before entering on such mine or land, make a statutory declaration before any person authorised to take the same that he will not (except as a witness in a Court of Justice, or in reporting on same to the Minister), without the consent in writing of the owner of the mine or land to be entered upon, divulge, or cause to be divulged, to any person whomsoever any information obtained upon or by such entry, save only as to whether such mine is safely worked, and whether such owner is encroaching on such first-mentioned mine or land; and every person who shall act contrary to such declaration, and any owner or agent who shall refuse such assistance as shall be necessary to enable the persons authorised by the Minister to descend the shaft or enter and examine the mine, shall forfeit and pay a sum not exceeding fifty pounds. 40 45 50
- (4.) If there be no encroachment the Minister may, out of the sum deposited as aforesaid, defray the cost of such inspection, and if such owner or agent render such 55

assistance as shall be necessary for the purposes aforesaid, may, out of such sum, award to such owner compensation for any loss or expense to which he may be put by reason of such inspection.

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## MISCELLANEOUS.

**64.** In the event of any dispute arising between any miners and the owner or agent of any mine as to any general or special rules, or additional special rules, or between the parties aforesaid and the Inspector as to the administration of the rules, or upon any matter within the scope of this Act (not being an offence against this Act) and not otherwise provided for, the matter in dispute may be referred to the arbitration of one or more arbitrators appointed by the parties on each side respectively and an umpire to be appointed by such arbitrators. Arbitration.

15 (1.) The determination of such arbitrator, or of such arbitrators, or arbitrators and umpire, or of the majority thereof (if there be more than two), shall be final, and the award may be made a rule of the Supreme Court.

20 (2.) The costs of every arbitration under this Act shall be defrayed and paid as the arbitrators may award.

For the purposes of such arbitration, the Minister shall, on behalf of the Governor, be deemed to be a party to such arbitration within the meaning of the following provisions, unless otherwise specially provided by this Act in any particular case:— Conduct of arbitration.

25 (1.) If either party shall fail to appoint an arbitrator within twenty-one days after being requested in writing to do so by the other party, then the arbitrator appointed by the other party shall alone conduct the arbitration, and his decision shall be final and binding on both parties.

30 (2.) If the said arbitrators shall fail to act in the matter when referred to them within fourteen days after their appointment, or shall fail to agree upon the matter referred to them within twenty-eight days of the same having been so referred, then the matter so referred shall be decided by an umpire to be appointed by the said arbitrators, whose decision shall be final and binding on both parties.

35 (3.) Every such arbitration shall be carried on in the manner prescribed by "The Arbitration Act, 1890," and be subject to such last-mentioned Act in the same manner as if the reference to such arbitration had been made by consent of parties under a deed.

40 (4.) Each party shall pay his or its cost of such reference, and any costs incidental to the appointment of an umpire shall be paid equally by the parties to the arbitration.

45 (5.) Such arbitrators or umpire shall have all the powers vested in Commissioners by "The Commissioners' Powers Act, 1867."

50 (6.) Whenever the Minister is a party to an arbitration each party shall appoint their own arbitrator, and a Judge of the Supreme Court, to be nominated by the Governor, shall be the umpire between the said arbitrators.

**65.** Every owner of a mine, where there is an accumulation of water, who shall wilfully or negligently permit any water to overflow Injury to adjoining mine by flood-water.

or percolate into any adjoining mine to the injury thereof, or to the impeding of any working therein, shall be liable to pay to the owner of such adjoining mine a contribution towards the cost of draining the said last-mentioned mine, which shall be in proportion to the amount of water allowed to overflow or percolate into it, and such contribution, with costs, may be recovered by the owner of the said adjoining mine into which the water has been allowed to overflow or percolate in any Court of competent jurisdiction. 5

But no owner of any mine shall be entitled to claim or to recover any contribution as aforesaid under this section unless he shall have left a barrier of solid coal or unworked ground not less than thirty-three yards thick along the entire line of the boundary dividing his mine from any adjoining mine. 10

Power to make regulations.

66. The Governor may from time to time, by order in Council, make, alter, or revoke regulations for all matters concerning the administration of this Act, and the conduct of officers and persons engaged therein, and for securing safety and the prevention of accidents, and among other things for,— 15

(1.) Prescribing terms and conditions for the issue of certificates of competency for manager of a mine, and of engine-drivers in charge of any winding gear for letting down or bringing up persons from mines. 20

(2.) Regulating the examinations to be held with respect to the necessary knowledge and requirements in working a mine for the purpose of ascertaining the fitness of any person applying for any such certificate. 25

*New Subsection.*

(3.) Regulating the management and administration of the funds and moneys mentioned or referred to in section sixty-nine of this Act. 30

Inspector to make annual report.

67. Every Inspector shall, on or before the first day of April in every year, make a report in writing of his proceedings during the year ending on the preceding thirty-first day of December, and transmit the same to the Minister.

Annual returns by owners, &c., of mines.

68. The owner, agent, or manager of every mine shall, in the months of January and July, in every year, send to the Inspector, on behalf of the Minister, correct half-yearly returns for the preceding six months respectively ending on the last day of the previous months of December and June, specifying the quantity of coal or other mineral produced from such mine, and the number of persons ordinarily employed in or about such mine, below ground and above ground respectively, together with any other information connected with the mine the Minister may from time to time require. 35 40

The return shall be in such form as may be prescribed from time to time, and forms for the purpose of such returns shall be furnished on application to the Mines Department; and the Minister may publish the result of such returns. 45

Every owner, agent, or manager of a mine who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. 50

Owner to make quarterly contribution to Coal-miners' Relief Fund.

69. The owner of every coal-mine, whether situate on private lands or on Crown lands, in addition to the conditions for the payment of any royalty, shall contribute to a fund for the necessary relief of coal-miners who may be injured whilst working in coal-mines, and for the relief of the families of coal-miners who may be killed or injured whilst so working, and for the purpose of such fund shall, in the 55



months of January, April, July, and October in every year, pay a sum equivalent to one halfpenny per ton on the output of the bituminous coal and one farthing per ton on lignite in any coal-mine sold during the preceding three months respectively ending on the last day of the  
 5 previous months of December, March, June, and September, into the *Post-Office Savings-Bank which is nearest to the said mine to the credit of an account called "sick and accident fund"* in connection with the miners' association of the district where such mine is situated. In case there is no miners' association, the same shall be paid into the  
 10 Post-Office Savings-Bank which is nearest to the said mine, to the credit of the Minister of Mines and the Public Trustee, in an account to be called "The Coal-miners' Relief Fund."

All moneys so paid into the said sick and accident fund shall be operated upon only by the persons appointed in that behalf by the  
 15 miners' association of the district, *in accordance with regulations to be from time to time made by the Governor*, and all moneys so paid into the Post-Office Savings-Bank shall be operated on only by the aforesaid Minister and Public Trustee jointly for the purposes of the said relief.

20 Any Inspector of Mines is hereby authorised and empowered, at any reasonable time, to examine from time to time the books of any owner of a coal-mine for the purpose of ascertaining the quantity of coal raised from such mine during any period or periods; and also to ascertain from the proper officer having control of the sick and accident  
 25 fund of the miners' association of the district, and from the proper officer at any Post-Office Savings-Bank as aforesaid the amount paid to the credit of the aforesaid fund by any owner of a coal-mine from time to time, and to compare the amounts so paid by any such owner in respect of any quarter of a year with the quantity of coal sold  
 30 during such quarter as appearing in the books of such mine.

If on such comparison it shall appear that any such owner has not paid into the aforesaid sick and accident fund, or relief fund, any amount as hereby prescribed, or only a part thereof, such owner shall be deemed guilty of an offence against this Act, and shall be liable to  
 35 a penalty of *two pounds sterling* in respect of each and every pound sterling or fraction of a pound sterling which he should have paid into the said sick and accident or relief fund respectively; and all penalties recovered under this section, less the expenses incident to the recovery of the same, shall be paid by the Inspector of Mines into  
 40 the aforesaid sick and accident or relief fund respectively, and shall form part thereof.

Every owner of a coal-mine who refuses, obstructs, or prevents, or causes the refusal, obstruction, or prevention of the production of the books of the mine, and the free examination of such books for the  
 45 aforesaid purposes by any Inspector of Mines on his request for such production, shall be deemed guilty of an offence against this Act, and shall be liable to a penalty of *not exceeding fifty pounds* for every day during which such refusal, obstruction, or prevention continues.

*New Paragraph.*

50 In any action brought by a workman against the owner for injuries, the amount to which such workman may be entitled from the said fund shall be taken into consideration in assessing the damages.

"Owner" in this section includes any one or more owners, and any company whether incorporated or not.

55 70. No wages or contract money shall be paid to any person employed in or about any mine to which this Act applies at or within

Wages not to be paid at public-house, &c.

any publichouse, beer-shop, or place for the sale of any spirits, beer, wine, cider, or other spirituous or fermented liquor, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto or occupied therewith.

Every person who contravenes or fails to comply with, or permits any person to contravene or fail to comply with, this section shall be guilty of an offence against this Act; and, in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager shall each personally be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the provisions of this section, to prevent such contravention or non-compliance.

As to payment of persons employed in mines, by weight or otherwise.

**71.** Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, such person shall be paid according to the weight of the mineral gotten by them.

Nothing herein contained shall preclude the owner, agent, or manager of the mine from agreeing with the persons employed in such mine that deductions shall be made in respect of stones or materials other than mineral contracted to be gotten, which shall be sent out of the mine with such mineral, or in respect of any tubs, baskets, or hutches being improperly filled, in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him, such deductions being determined by the banksman or weigher and check-weigher (if there be one), or, in case of difference, by a third party to be mutually agreed on by the owner, agent, or manager of the mine on the one hand, and the person employed in the mine on the other.

If any person contravenes or fails to comply with or permits any person to contravene or fail to comply with this section he shall be guilty of an offence against this Act, and in the event of any contravention of or non-compliance with this section by any person whomsoever, the owner, agent, and manager shall each be guilty of an offence against this Act, unless he prove that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the provisions of this section, to prevent such contravention and non-compliance.

Appointment or removal of check-weigher on part of men.

**72.** The persons who are employed in a mine to which this Act applies, and are paid according to the weight of the mineral 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, and if in any mine reasonable facilities are not afforded to him for taking such account the owner and agent of such mine shall each be guilty of an offence against this Act. The check-weigher shall not be authorised in any way to impede or interrupt the working of the mine or to interfere with the weighing, but shall be authorised only to take such account as aforesaid, and his absence shall not be a reason for interrupting or delaying such weighing.

If a check-weigher shall impede or interrupt the working of the mine, or interfere with the weighing; or otherwise misconduct himself, such owner or agent may complain to the nearest Resident Magistrate's Court, which, if it shall think fit, may call upon the check-weigher to show cause against his removal. Such Court shall hear the parties, and, if it think that sufficient ground is shown to justify

the removal of the check-weigher, may make a summary order for his removal, and he shall thereupon be removed. The Court may in every case make such order as to the cost of the proceedings as it thinks just.

5 The payment of a check-weigher appointed by the persons employed in a mine shall be a charge upon every miner employed in such mine and hewing coal by weight in the said mine, and may be recovered from any such miner.

10 **73.** If the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of the *last-preceding* section shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

Where persons employed to be paid by measure.

15 **74.** "The Weights and Measures Act, 1868," shall apply to the weights and machines used in or at any mine for weighing mineral; and the Inspector shall, once at least in every three months, without unnecessarily impeding or interrupting the working of the mine, inspect and examine in manner directed by the said Act the weighing-machines and weights so used, or the measures or gauges used at or in  
20 such mines in lieu of weights.

Weights and Measures Act to apply.

**75.** If any mine be worked, and through the default of the owner or agent thereof special or additional rules have not been established for the same according to the provisions of this Act, or the general or special or *additional* rules have not been hung up or affixed, or have  
25 not after obliteration or destruction been renewed or restored, or if any of such general or special or *additional* rules which ought to have been observed by the owner or agent of such mine be neglected or wilfully violated by any such owner or agent, such person shall be liable to a penalty not exceeding *twenty* pounds; and also

Penalties for offences against general or special rules by owner or agent.

30 In case the default or neglect be not remedied with all reasonable despatch after notice in writing thereof given by the Inspector to the owner or agent of such mine, to a further penalty of *one* pound for every day during which the offence continues after such notice, or, in default of payment of any such penalty, to be imprisoned for  
35 any period not exceeding *one* month.

**76.** Every person, other than as mentioned in the *last-preceding* section, whether or not employed in or about any mine who neglects or wilfully violates any of the special or additional rules established for such mine shall for every such offence be liable to a penalty not  
40 exceeding *five* pounds, or, in default of payment, to be imprisoned for any period not exceeding *one* month.

Penalty for offences against special or general rules by miners.

**77.** Every person who wilfully obstructs any Inspector in the execution of this Act, and every owner, agent, or manager of any mine who refuses or neglects to make or produce as hereinbefore required  
45 a plan of the workings of the mine, or to furnish the means necessary for making any entry, inspection, examination, or inquiry under this Act, shall for every such offence be liable to a penalty not exceeding *fifty* pounds.

Penalty for obstructing Inspectors.

**78.** Every person who wilfully pulls down, injures, or defaces any notice hung up or affixed as required by this Act shall be guilty of an  
50 offence against this Act.

Defacing notices.

**79.** Every person employed in or about a mine other than an

What shall be offences against Act.

owner, agent, or manager, who is guilty of an 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.

General penalty for offences against Act.

80. Every person who is guilty of an offence against this Act shall, when no other penalty is fixed by this Act, be liable to a penalty not exceeding, if he is an owner, agent, or manager *fifty* pounds, and if he is any other person *ten* pounds, for each offence; and, if the Inspector has given written notice of any such offence, to a further penalty not exceeding *five* pounds for every day after such notice that such offence continues to be committed.

Penalty for offences not expressly provided for.

81. Every person who wilfully violates or neglects any provision of this Act, or any general or special rule established hereby or hereunder, for the violation or neglect of which no penalty is hereby expressly imposed, shall for every such offence be liable to a penalty not exceeding *ten* pounds.

Penalties how recoverable, and to be applied.

82. All penalties imposed by this Act may be recovered summarily before two or more Justices of the Peace under "The Justices of the Peace Act, 1882," at the suit of the Inspector or at the suit of any other officer authorised in that behalf by the Minister.

All penalties imposed by this Act shall, when recovered, be paid to the Public Account, and shall, except as mentioned in the *next succeeding* section, be carried to and form part of the Consolidated Fund.

Governor may direct how penalty may be paid.

83. The Governor may direct—

(1.) That any penalty imposed for neglecting to send or cause to be sent notice of any accident as required by this Act, or for any offence against this Act which may have occasioned loss of life or personal injury, shall be paid to any relative, or among any relatives of the deceased person, or to the injured person, not being a person who occasioned or contributed to the accident or committed the offence; or

(2.) That any portion of any penalty recovered under this Act shall be paid to the person giving the information whereby such penalty was recovered.

As to description of offence in legal proceedings.

84. The description of any offence under this Act in the words of this Act shall be sufficient in law.

The owner, agent, or manager may, if he think fit, be sworn and examined as an ordinary witness in the case where he is charged in respect of any contravention or non-compliance by another person.

The Court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

Notices may be served by post.

85. Except as hereinbefore mentioned in section *fifty-five*, all notices under this Act may be in writing or print, or partly in writing and partly in print, and all notices and documents required by this Act to be served or sent by or to the Minister or an Inspector may be either delivered personally or served and sent by post as a registered letter, and, if served or sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to produce the receipt for the registration of such letter.

**86.** All costs and expenses incident to carrying the provisions of this Act into effect shall be defrayed out of moneys to be from time to time appropriated by the General Assembly for the purpose. Cost of working Act, how defrayed.

**87.** "The Coal-mines Act, 1886," and "The Coal-mines Act Amendment Act, 1890," and section eight of "The Westport-Ngakawau Railway Extension Act, 1890," are hereby repealed: But such repeal shall not effect anything done or suffered before the commencement of this Act, and all penalties incurred under the said repealed Acts may be proceeded for and recovered and applied as if this Act had not been passed. Repeal.

Notwithstanding the said repeal, all Orders in Council, Proclamations, appointments, awards, orders, and rules or regulations made under the said Acts or either of them, and in force at the time of the commencement of this Act, shall continue and be in force until new Orders in Council, Proclamations, appointments, awards, orders, and rules or regulations shall be made under the provisions of this Act.

*New Clause.*

**88.** There shall be implied in every agreement with an owner for the sale or supply of coal by him from a mine a condition that such agreement shall not be binding on him, but shall be suspended during a strike in such mine. Contracts suspended during strikes.

APPENDIX.

Appendix.

SPECIAL RULES APPLICABLE TO ALL COAL-MINES.

Special rules.

MANAGER.

THE mine, and all the operative details of the management thereof, shall be under the control and daily supervision of the manager, whose duty it shall be to carry out, and see carried out, the various provisions of any Act for the time being in force for the regulation of mines, so far as incumbent upon him or those acting under his control or direction, and to see that the mine is properly ventilated, and that sufficient materials and appliances are always provided for the proper carrying-out of all necessary operations. He shall be responsible for the appointment of a sufficient number of competent persons to carry out the requirements of the Act and the special rules, and also to see that the working of the mine is carried on with all reasonable provisions for the safety of the persons employed.

2. The manager shall take all reasonable means for carrying out the requirements of the Act and special rules by publishing and, to the best of his power, enforcing them.

3. The manager shall see that an adequate amount of ventilation is constantly produced in the mine, to dilute and render harmless noxious gases to such an extent that the working-places of the shafts, levels, stables, and workings of the mine, and the travelling-roads to and from such working-places, shall, so far as is reasonably practicable, be in a fit state for working and passing therein.

4. The manager shall see that an ample supply of timber, props, sprags, bricks, lime, sand, ropes, brattice-cloth, and other requisite materials are always on the premises, and the underviewer shall see that the same are distributed, and also report any deficiency.

5. The manager shall see that all the provisions contained in this Act as to the employment of boys and male young persons are strictly enforced.

6. The manager must see that the signals for moving the cages are painted upon a board and placed in a conspicuous position.

UNDERVIEWER.

7. The manager may appoint one or more underviewers to assist him in the performance of his general and the above special duties, subject, however, to his own general supervision and control.

8. In addition to and without in any way restricting his general duties, the underviewer shall examine all parts of the mine daily, and also all the air-courses of the mine, and all stoppings and brattices connected with the same, and cause remedies to be provided immediately for all defects that may be found on such examinations.

9. The underviewer, whenever practicable, must personally attend to the matters and duties required by the following rules; and the performance and observance of such matters and duties shall not be intrusted to a deputy, except in cases in which the

underviewer cannot reasonably perform them, or during his lawful absence. In these cases he may require his deputy or deputies to act for him, and they shall be bound to do and perform all acts, matters, and duties deputed to him or them by the underviewer according to these rules. The authority for deputy to act for underviewer must be in writing.

10. A safety-lamp shall be used in making all such examinations as aforesaid.

11. He shall see that a sufficient quantity of timber for props and other purposes is daily supplied to the workmen, and cause the same to be cut in proper lengths and laid down in the working-places. He shall see that all the roads and tramways throughout the mine are kept in a safe and workable state.

12. He shall give all necessary instructions to the men or boys in the mine respecting their work, and shall see daily that these rules are duly observed.

13. He shall daily make a correct entry of the readings of the barometer and thermometer in the mine-register, and shall use additional care with the ventilating apparatus and examination of the works during any unusual indications.

14. The underviewer, under the directions of the manager, shall see that locked safety-lamps are used, and naked lights excluded wheresoever and whensoever danger from firedamp is apprehended, and shall see that proper caution-boards or signals are placed and maintained for the purpose. He shall also examine the lamps, and shall immediately withdraw any that he may find unsafe. The underviewer or his deputy shall see that the roof and the sides in all working-places are properly secured by the persons working in them, and that the roof and sides of every travelling-road be made and kept secure. The underviewer or his deputy shall visit every working-place as often as is practicable during each shift.

15. The underviewer shall not make nor allow any change to be made in the direction of the ventilation of the mine when any person is in the mine beyond the place where such change is proposed; and he shall, where practicable, cause the stables to be ventilated into the return air from the mine.

16. The underviewer or his deputy shall inspect daily the doors in the main airways, and see that they are checked or doubled. No door must be propped or fastened back whilst on its hinges. The underviewer must appoint doorkeepers whenever necessary. Doors only used occasionally by the underviewer or his deputy must be kept securely locked, and only opened by properly-authorized persons. All doors must be kept in good repair, and hung so that they will close automatically.

17. The underviewer or his deputy shall see that the airways and air-crossings are kept properly opened, and shall travel through the airways at least once a week; and shall see that the regulators, tight-stoppings, doors, sheets, brattices, and danger-signals are immediately put where required. He shall see that the ventilating furnaces and other ventilating apparatus are properly attended to. The underviewer or his deputy must remain underground until the day's work is finished, and see that the doors and sheets are closed, and all the men and boys are out of the mine.

18. The underviewer, acting under the direction of the manager, shall see that all places not in actual use are properly fenced across the whole width, so as to prevent persons inadvertently entering the same.

19. The underviewer shall see that all the provisions contained in the Act and in these special rules relating to the use of gunpowder and other explosive substances used in the mine are strictly enforced.

20. The underviewer or his deputy shall see that proper man-holes and signals which are made or provided are kept in good order, according to the provisions of the Act.

21. The underviewer shall withdraw men from working-places which are in any way unsafe, and shall report the same.

#### FIREMEN AND DEPUTIES.

22. The manager shall appoint one or more competent persons to act as firemen or deputies of the mine.

23. In making the examinations provided for by the foregoing rules, the fireman shall mark with chalk the day of the month upon the face of each working-place, as 1, 5, 10, 25, or other numbers, as the case may be. He shall pay particular attention to the edges of the goaves and the gate-end lips. He shall be careful to ascertain that every part of the mine and roadways so to be examined are free from firedamp, choke damp, or other impurities, and are safe for workmen to enter and work therein; and, in case firedamp or other impure air shall be discovered in any working-place, road, or level, the fireman shall, in the first instance, thoroughly clear the same of such impurity, if that can be done easily, and shall thereupon report to the miners and

## Coal-mines.

other workmen that the same are safe; but if the impurity cannot be readily or at once cleared out the miners and workmen shall not be permitted to enter such working-places, roads, or levels until the impure air shall have been, by further appliances, entirely dispelled. He shall prevent miners or other workmen entering the roads or working-places until a report shall have been made that they are safe, and shall see that proper caution-boards are put up when necessary. If no firedamp, chokedamp, or other impurity shall be discovered or suspected to remain after such inspection the fireman shall so report to the miners and workmen, and allow them to proceed to work, and shall thereupon without delay enter such report in the mine report-book.

24. If, from any cause, the operations of the mine shall have been discontinued for an unusual length of time and thereafter resumed no workmen shall be allowed to enter the mine until the manager or fireman shall have first entered and reported on the state of the workings; and in discharging this duty the manager or fireman must proceed with great caution, and shall not go further into the workings than he, from his own experience, shall deem safe; and, in case there are reasonable grounds for apprehending the presence of impure air, he shall return to the mine-mouth and remain there until precautionary measures shall have been applied to restore the proper ventilation of the mine.

25. He shall report to the manager—

- (a.) Any deficiency in the amount of ventilation;
- (b.) Any violation by workmen of the rule as to entering the mine before inspection;
- (c.) Any use or attempted use of gunpowder or other blasting material without permission;
- (d.) Any damage done to fences, signals, or marks in the mine;

and he shall fire all shots in every mine in which firedamp has been met with, or in which dry coal-dust exists in dangerous quantities, unless he has written authority to depute the duty to another person.

### ROADSMEN.

26. The roadsmen, in their different divisions and shifts, shall daily make careful inspection of the whole drawing-roads and headings from the mine-mouth and throughout the mine, and shall keep the same free of all obstructions and of the fixed height and width necessary for proper passage and ventilation.

27. They shall repair and remedy all damages and defects in the roads, and shall examine, put, and keep in proper condition all trap-doors and sheets, and shall see and enforce that the same be kept close, and, wherever practicable, shall make and keep all trap-doors self-acting.

28. They shall report daily to the mine-manager at the termination of each shift. They shall also report daily to the mine-manager any instance of neglect on the part of the miners in not carrying on their coal-faces or walls in accordance with the plan pursued in working the mine, or in not propping up and securing the roof in those parts of the workings under their care.

29. As removing falls from the roofs of drawing-roadways and air-courses, repairing defects and supporting loose strata are within the roadmen's duties, and as they are charged with the maintenance of all drawing-roads and passages in the mine, they are enjoined to proceed with the greatest caution, both for their own safety and the successful execution of their duties. In their operations they must exercise the greatest care, and are required to prevent all other workmen coming near any defective places, or interfering with them when at work. They are required to undertake no repairs of unusual magnitude or danger without sufficient assistance and until provided with every necessary material, which shall be supplied to them on application to the mine-manager.

### MINERS AND WORKMEN.

30. Every workman now or hereafter employed in any of the company's works or workings, whether on surface or underground, shall be subject to these rules, and shall obey the commands or instructions of the manager, or of the underviewer, if any, in charge of the mine or part of the mine in which he is working.

31. Miners and other workmen are expressly forbidden to proceed towards or into their working-places at the commencement of any shift until it shall have been intimated to them by the fireman that the travelling-roads and working-places have been examined and are apparently safe to enter.

32. Till such intimation of apparent safety shall have been made, miners and workmen shall either remain at the pit-head or mouth of the mine, or at some other place assigned to them for the purpose. If no such place shall have been assigned at which

to remain they shall always understand that the pit-head or mine-mouth, whichever it may in their case be, is the proper place at which they are required to wait the requisite intimation.

33. On beginning work at every shift miners and others shall be bound to satisfy themselves concerning the safety of their working-places, independently of such intimation as aforesaid, and they shall thereupon work at their appointed coal-faces or other work continuously, industriously, and without unnecessary intermission while the shift continues, and shall obey the orders applicable to the safe and proper prosecution of the colliery works given them by the mine-manager, overman, or other person for the time being placed over them.

34. If while at work, or at any other time, miners shall discover or be informed of the existence of any obstruction in the ventilation, or stagnation or impurity of the air of the mine, accumulation of gas or water, or of the existence of any defects in the walls, roofs, or any other part of the mine, they shall be bound to give instant information to the mine-manager, overman, or the person in charge of the mine for the time being, so that these defects may be remedied and danger therefrom averted.

35. Miners are expressly forbidden to go into or improperly near any place throughout the whole mine where danger is known or supposed to exist, except for the purpose of effecting repairs or other necessary work directed by the manager or his overman. They are forbidden to continue working in any part of the coal-face where a sudden outburst of firedamp shall happen, or where danger from any cause shall apparently threaten, until the same shall have been examined by the manager or overman in charge and reported safe, or the impurity obviated.

36. Miners shall, before commencing holing, when the face of coal does not exceed ten feet in width, set at least one sprag, and one additional sprag, for every additional five feet or part of five feet, and shall afterwards keep them set during holing. After taking out the sprags or holing-props, if the coal or other mineral will not fall with wedging or from the effects of the shot, they shall not hole further until they have reset the sprags or holing-props.

37. Every collier shall, under the direction of the underviewer or his deputy, set a sufficient quantity of props and bars for safely supporting the roof and sides in his working-place. The timber shall be properly set.

38. No collier shall use or allow to be used any gunpowder, except in conformity with the general rules for its use.

39. If from any accident or other cause miners are at any time unable to find a sufficient supply of props when it is unsafe to continue their work without them they are forbidden to remain at their working-faces; and no workman shall commence or continue to work in any place where he may consider the timber insufficient to support the roof of the mine, or discover any other cause that may render the place unsafe, until such defects have been put right by the person in charge.

#### TRUCKERS AND DRIVERS.

40. Truckers and drivers shall not be permitted to approach or to enter the working-places until the miners shall have proceeded to work. Truckers shall carefully convey their loaded trucks to the place of delivery pointed out to them for the reception thereof, and shall place them securely under the supervision of those appointed to take charge.

#### MISCELLANEOUS REGULATIONS.

41. As a matter of common safety, miners, truckers, and all other workmen in the mine who shall observe or come to know of any defect in any road, roof, or air-course, or in any stopping or permanent or temporary brattice, or other appliances or work devised for making, maintaining, and promoting effective ventilation of the mine, shall give notice thereof to the manager or overman, or other person in charge, so that the same may be forthwith repaired or rectified.

42. In like manner every miner, trucker, and other workman engaged in the mine who shall observe or come to know of any defect or flaw in the working machinery and gearing used in and about the mine, whereby the efficiency thereof may be impaired, shall be bound to communicate the same as above.

43. No workman shall on any pretence whatever be allowed to introduce into the mine any stranger without the sanction of the mine-manager.

44. Miners, truckers, and all others in the mine who shall have occasion to pass through any trap-door or sheet shall thereupon closely shut the same, and shall on no account leave it open. On discontinuing work at the end of a shift, care must be taken by every workman closely to shut all trap-doors and sheets, and thereby allow of the proper current of air necessary for ventilation being constantly circulated, and no



person shall injure a door or leave it open, break down or interfere with a stopping or a brattice, obstruct or damage an air-course, air-crossing, or air-pipe, or remove a caution-board or danger-signal, or do anything to interfere with the proper working of the mine, without an order from the underviewer or his deputy.

45. All workmen are especially forbidden to throw into, deposit, or leave coal, wood, stone, rubbish, or materials of any kind in any air-course or road so as to interfere with or hinder the air passing into and through the mine.

46. All workmen are prohibited from entering or remaining in any place throughout the whole mine where not absolutely required by duty at the time.

47. Miners and all others are prohibited from defacing or removing marks which may be made in any part of the workings in connection with the survey of the mine, or for the guidance of the workmen in their operations. All workers are forbidden to displace, injure, or damage in any way the coal-pillars, props, trucks, rails, or any part of the machinery, gearing, or apparatus.

48. Blasting is strictly prohibited, unless with the express permission of the manager or underviewer.

49. No person shall leave any light in any part of the mine when leaving his work.

50. Shots must be rammed with soft material not likely to strike fire, and in no case shall coal-dust be used for the ramming.

51. When a shot has missed fire it shall not be unrammed, but shall be reported to the underviewer or his deputy, and the place shall not be approached without the permission of the underviewer or his deputy.

52. Meetings of miners and other workmen in a body within the workings, or in any of the roads or air-courses of the mine are strictly prohibited.

53. No person shall be permitted to enter or to continue in or about the mine or works while in a state of intoxication. No intoxicating liquor, on any pretence whatever, except in cases of necessity and with the consent of the manager, shall be taken into the mine.

54. No person shall ride upon any truck without the permission of the manager. No person shall go before any truck on any incline, brow, or slope unless duly authorised. Every person working on any incline, brow, or slope shall secure his truck from getting loose, and, before he attempts to take a truck down, shall ascertain that he has proper scotches or other means for stopping it on the way when required. He shall not take more than one truck down at a time unless he has the means of holding them, and when on the way he shall keep behind. When machinery is used he shall not, without hooking or otherwise securing it, place a truck on the plates or rails so that it could run down. The taker-off at the bottom of a steep incline or jig should not be in front of the tub when it is in motion.

55. The furnaceman shall constantly keep clean brisk fires; ashes shall not be allowed to accumulate upon or under the bars, but when cold they must be removed.

56. The ventilating furnace or apparatus shall not be left, either day or night without the order of the manager. In changing shifts the man in charge of the ventilating apparatus shall not leave his place before the arrival of a substitute. In case of sickness or lawful absence, a furnaceman or an engineman must give early and sufficient notice to the manager, so that a substitute may be provided.

57. No person shall use threatening or abusive language towards the manager or other official of the mine.

#### RULES DESIGNED TO PREVENT ACCIDENTS FROM FIREDAMP.

58. The common but highly dangerous practice among miners of testing firedamp escaping from a blower by igniting it with their lamps is peremptorily forbidden.

59. The manager may at any time order that work in the mine, or in any particular portion thereof, shall be carried on with safety-lamps only, and in such cases stations will be fixed upon by the manager where the safety-lamps will be examined. From these stations no workman is to take a safety-lamp without its having been examined by the person appointed for that purpose.

60. The manager shall appoint a competent person or persons who shall examine every safety-lamp immediately before it is taken into the workings for use and ascertain it to be secure and securely locked; and, in any part of a mine in which the safety-lamps are so required to be used, they shall not be used until they have been so examined and found secure, and securely locked, and shall not without due authority be unlocked; and in the said part of the mine a person shall not, unless he is appointed for the purpose, have in his possession any key or contrivance for opening the lock of any such safety-lamp, or any lucifer match or apparatus of any kind for striking a light. He shall not allow any unlocked lamp to be in any part of the mine, excepting in a lamp-

cabin or other station properly appointed for lighting lamps. He must also see that no safety-lamp gauze is used with less than twenty-eight parallel wires to the inch, or less than 784 apertures to the square inch, and that a sufficient number of approved safety-lamps are provided.

61. No person shall try for firedamp with a naked light, or brush out or baffle gas. (See Rule 74.)

62. Where safety-lamps are used they shall be used with the greatest care. Every person must examine his lamp to see that it is clean and securely locked on taking it from the lamp-keeper.

63. No one shall place a safety-lamp on the floor except when holing, and in all cases at least 2ft. from the swing of the pick.

64. No one shall have in the mine any unlocked safety-lamp in his possession, or a key or any contrivance for opening the same, except properly-authorised persons.

65. No person shall work with his safety-lamp full of fire, or unlock or unscrew the same, or blow out the flame, or light tobacco or other substance at the gauze, or damage or improperly use the lamp.

66. When a person is using a safety-lamp his putter or trucker must not bring a naked light into the place where a safety-lamp is used.

67. The lamp-keeper must not deliver out a safety-lamp to be used that has less than twenty-eight parallel wires in an inch of the gauze, or which is not furnished with a proper lock and wire-pricker. He must see that each safety-lamp, when given out for use, is in good working-order, clean, well-trimmed, securely locked; and must not allow any greasy waste to accumulate in the lamp-cabin, and must inform the underviewer whenever he finds that a safety-lamp has been wilfully or negligently damaged or carelessly used.

68. The manager and underviewer shall have full power to direct the workmen how to use their safety-lamps during the time of working, and every workman shall strictly attend to such directions.

69. Should any workman using a safety-lamp detect by the usual indications the appearance or presence of firedamp he is first to pull down the wick with the pricker, or otherwise lower the flame, and then retreat to the lamp-station and give information to the manager, underviewer, or fireman.

70. Workmen are strictly prohibited from continuing to work in a place where such indications have been observed by them, and should the flame continue in the interior of the lamp after the wick has been drawn down, the lamp must then be cautiously removed, and no attempt made to extinguish the flame by any other means.

71. Every miner, hewer, trucker, or other person whatever in charge of a safety lamp losing his light is to proceed to the station where the lamps are examined to have his lamp relighted and examined before being again used.

72. It is expressly directed that any person witnessing any improper treatment of the safety-lamps by any one shall give immediate information to the manager in charge of the mine, so that a recurrence of such conduct may be prevented by the offending party being brought to justice.

73. Any person found smoking tobacco in any part of the mine where the safety-lamp is used, or found with a tobacco-pipe or lucifer matches in his possession, shall be liable to be taken before a Magistrate.

74. In places where safety-lamps are used no person shall use or have in his possession a naked light; and matches shall not be taken into any part of the mine where gas or firedamp is known to exist under any pretence whatever.

75. If at any time it is found that the mine or any part thereof, by reason of fire-damp or any other cause whatever, is dangerous, the manager, underviewer, or fireman, whichever shall first be made aware of the same, shall immediately order all workmen to withdraw from the mine, or such part thereof as is so found dangerous; and the manager, underviewer, or fireman shall inspect the same with a safety-lamp, and make a true report of the condition of such mine or part thereof; and workmen shall not, except so far as may be necessary for inquiring into the cause of danger, or for the removal thereof, or for examination, be readmitted into the mine or such part thereof as may be so found to be dangerous until the same is reported not to be dangerous. Every such report shall be entered in the mine report-book, and signed by the person making the same.

76. No officer in a place of trust shall depute another person to do his work without the sanction of his superior; and no person in a place of trust shall absent himself without having previously obtained the permission of his superior officer for his term of absence.

## UNDERGROUND WORKMEN AND BOYS.

77. During the time of the mine-drawing every person in descending the shaft shall be under the direction of the banksman, and in ascending the shaft shall be under the direction of the onsetter, and no other person than the banksman and onsetter shall give any signal during such time. No person shall get on or off the cage after the signal to go on has been given, nor until it has settled on the props or reached the bottom. No person shall take with him down or up the shaft tools, rails, props, sprags, or other bulky material, except for repairing the shafts. No person shall get on the cage after the number of persons stated on the board at the pit top and bottom are on. Every workman and boy shall leave the cage immediately when ordered to do so by the banksman or onsetter.

## BANKSMAN AND ONSETTER.

78. The head banksman, subject to the manager's or underviewer's directions, shall have full control over the pit-top and over all persons engaged under him. The onsetter, subject to the manager's or underviewer's directions, shall have full control over the pit-bottom and all persons employed there. No person under the age of eighteen years shall have charge of the pit top or bottom.

79. The head banksman or other appointed person shall be at the mine at the appointed time in the morning, and shall provide a sufficient number of lights on the bank; and before the engine is started, and from time to time during the day, he shall see that the pulleys, ropes, cages, chains, and landing-doors or frames are in safe working condition; and he shall not allow any person to descend the shaft until he has put the loaded tubs into the cage, and the ropes and loaded cages have been run up and down the shaft, and the ropes, chains, cappings, and cages carefully examined by him. If any weakness or defect is found in anything belonging to the pit-top, or in the engine or machinery, he must not permit any person to descend or ascend until it is made secure. The banksman shall also attend to the proper signals. The head banksman shall not allow any boy under thirteen to work on the bank excepting with an order from the manager.

80. The banksman in charge of the pit-top shall not let a stranger go down the shaft without the authority of the manager. The banksman, when he is informed of danger in the shaft, shall not allow any person to go down unless for the purpose of repairing the shaft. He shall not allow any intoxicated person to descend. He shall himself give the signals, and let no other than appointed persons land the trucks or put them into the cages. He shall listen at the pit-top when any person is in the shaft, and instantly signal the engineman to stop the engine in case of alarm. He shall remain at the pit-top until all the men and boys are drawn out.

81. The banksman or onsetter shall not let a boy under sixteen years of age go up or down the shaft unless accompanied by a man, and shall not permit more than the number of persons stated on the board at the pit top and bottom to descend or ascend at one time. The banksman and onsetter shall not allow a person to go down or up against a loaded cage in the same shaft unless it is bratticed, and shall not allow any person to take with him rails, props, sprags, tools, trucks, or other bulky materials, or to get on or off the cage until it has settled upon the props or reached the pit-bottom. The banksman shall send all tools down the shaft in a truck, and props, rails, brattice-boards, and other bulky materials shall be tied securely to the cage or rope by the banksman or onsetter when being sent down or up the shaft. If a rope is working in the shaft for underground planes no person shall ride in the cage whilst this is running unless the rope be cased.

82. The head banksman shall see that the fencing is placed securely round the top of every shaft when it is not at work.

83. The onsetter shall be in the mine at the appointed time in the morning. He shall be at his station and give signals and perform his other duties under these rules, and he shall remain there to see the men and boys all safely into the cage and up the shaft at the close of the day.

84. The onsetter shall report to the underviewer any person that gives a signal or disobeys his directions. He shall remain at the bell-handle and give cautionary signals if necessary when any person ascends or descends the shaft. He shall only allow appointed persons to put trucks into or take them out of the cages; and he shall see that the coals or materials do not project over the cage.

85. The onsetter shall see that the water-sump is never uncovered when any person is ascending or descending the shaft.

86. The banksman shall keep the cages and pit-top clear.

## SIGNALS.

87. The banksman and onsetter shall alone give the signals for moving the cages, which are as follows:—

When the cage is to be raised from the pit-bottom the bell is to be struck... ..	Once.
When men are about to ascend ... ..	Three times.
Which the banksman shall answer before men get on the cage	Once.
When men are about to descend, the banksman shall signal	Three times.
Which the onsetter shall answer by signalling	Once.
When men are ready, the signal to "Go on"	Once.
To "Stop the cage"	Once.
To "Lower the cage"	Twice.
To "Raise up," after being stopped	Four times.

The banksman and onsetter shall not allow any person to ride on the cage without the cover unless by special permission.

## BRAKESMAN ON INCLINE AND ENGINE-PLANES.

88. The brakesman shall, during work, see that the machinery, ropes, signals, &c., are in proper working-order, and if he perceive anything wrong, at once report the same to the underviewer or his deputy. He must be cautious in conducting the trucks, and see that they are securely coupled. He shall pay attention to giving and receiving the necessary signals.

89. The underviewer or his deputy shall see that proper stops and block are fixed at the top of each incline. No person shall walk on any surface-incline or railway, or ride on any truck or wagon thereon, without permission of the manager; and no person shall walk on any underground incline while the set is in motion.

## ENGINEWRIGHT.

90. The enginewright or some competent person shall daily inspect the engines, boilers, steam-gauges, water-gauges, feed-pumps, safety-valves, indicators, brakes, drums, ropes, chains, cages, and all other machinery used for the purpose of raising men or materials from the mine, and shall cause the same to be in a state of efficient repair.

91. The enginewright or some competent person appointed must daily examine the state of the shaft by which persons ascend or descend, and the guides and conductors therein, and shall make a written report thereon.

92. The enginewright shall see that the walling and timbering of the pumping-shaft and the pumping apparatus are frequently examined. The fixed and suspended stages, cradles, land-loops, ropes, chains, gin, and capstan shall be examined before being used.

93. The enginewright shall see that competent persons of not less than twenty-one years of age are employed for working the machinery used in lowering and raising persons employed in the mine.

94. The enginewright shall see that the bells and signals required by the Act are fixed and maintained in working-order, and that the engineman understands the code of signals.

95. The enginewright shall see that every cage used for the purpose of raising and lowering persons in the shaft shall have a proper covering overhead.

96. The enginewright shall see that all ropes are carefully attached to the drum, and when the cage is at the pit-bottom there must not be less than two rounds of rope on the drum.

97. When a winding-shaft rope requires "capping" or "splicing" it shall be done under the direction of the enginewright or a competent person appointed by the manager.

98. The enginewright shall report any breakage or derangement of machinery to the manager or engineer.

99. The enginewright or some competent person shall see that each boiler is laid off and cleaned when required; he shall make a careful examination of the same and all its connections, and not allow it to work unless in good working-order.

100. The enginewright shall see that every fly-wheel, and all exposed and dangerous parts of the machinery, shall be securely fenced.

## ENGINEMEN AND STOKERS.

101. Each engineman shall, every morning before commencing work, examine his engine and all the machinery connected therewith, and immediately report any defect to the manager or enginewright.

102. The engineman must run the ropes and loaded cages slowly up and down the pit before any person ascends or descends.

103. No one shall interfere with the engine except the engineman. He shall at all times gently lift the cage from the pit-bottom, and carefully drive the engine, and not leave the handle while persons are in the shaft, and shall not allow any person to remain in the engine-house. He shall pay particular attention to the indicators and signals, and shall stop the engine if any defect is perceived.

104. The engineman shall not leave his work whilst any person is underground, except when he is relieved by the engineman coming on the next shift; and, in case of sickness or lawful absence, he must give early and sufficient notice to the enginewright, so that a substitute may be provided.

105. The engineman shall make himself thoroughly acquainted, and act in accordance, with the signals laid down in these rules.

106. When work is suspended the engineman shall leave the cages in such a position that they do not impede the ventilation, and so as not to leave the pit-top unfenced.

107. Whilst any person is in the shaft the engineman shall drive the engine at a reduced speed.

108. The engineman or stoker shall from time to time during the day examine the fittings of the boilers, and at once report any defects to the manager or enginewright. The stoker shall from time to time examine the water-gauge, safety-valves, and steam-gauges, so as to ascertain the level of the water and pressure of the steam.

109. Any one infringing these special rules will render themselves liable to prosecution, and for the payment of such penalties as provided by the Coal-mines Act.