

there was a violation of the rule without waiting to interpret the meaning of the lines we have quoted. Several witnesses at the inquest gave it as their opinion that a thorough examination of the mine should have been made owing to the pit having been idle and the air changed. The inference from this is that the examination should have been of a different nature from the ordinary practice. In all large mines there are several sections, or stations, and several examiners.

The general practice is that each examiner reports to the men who work in his section, and not to report on the safety of the parts he has not examined. If it was reported to the men killed at the junction of the level and slope, or near it, that the place was safe, so far as ventilation is concerned, then there was no violation of Rule 2, unless, as we have stated, it was a part of the mine which fell to Ferguson to examine, and then there would be technically only a violation of the Rule. It would scarcely be practicable to report every part of the mine safe before allowing any man to go to work and there is no necessity for so construing the section. Suppose there are six stations in a mine, from No. 1 to No. 6. Nos. 1, 2, 3, 4, and 6 are reported safe and the workmen go to their places. In No. 5 the ventilation is not good, and there is gas found sufficient to show on a lamp. That fact need not and should not place the men in the other sections in danger, for the reason that men are not allowed to go to work in No. 5 until the ventilation is reported all right and the place has been freed from gas. We scarcely think the view the jury takes of the Rule is correct, and we would like to have fuller interpretation of it. Some may take objection to the finding of the jury, in reference to Rule 2, on the ground that the rule does not apply to men doing emergent or variable work, but to men who have set work and set times, or shifts, of work. We have our own idea of the intention of the Rule. Whether that intention is properly conveyed admits of argument, and of more argument if read in connection with Rule 5.

We may as well out with it and say that it is not the intention of the rule that all places of a mine shall be visited before men are admitted to any part of it, and if the jury made their finding of violation of Rule 2 on the ground that all places had not been inspected they are undoubtedly in error. Up till 1908, when the Mines Regulation Act underwent consolidation Rule 2, read that a person or persons were to inspect 'that part' of the mine intended to be worked, and this gives a reason for the appearance of the word 'such' in the third last line of the Rule as it now stands. It is quite evident that the omission of the words 'or persons' was an oversight of the Revisor, for it would be utter nonsense to expect that one person could examine a mine three hours before starting time. And it is also evident that the Revisor in 1908 came to the conclusion—though, perhaps wrongly—that 'every part of the mine' was a short way of getting around the phrase 'that part of the mine intended to be worked.'

It is said the jury had the intention in the act as promulgated. With all deference we are inclined to think they might have blamed the wording of the act rather than the company had they read page 2 of the act—its interpretation—and Rule 5 along with Rule 2.

THE DOCKING SYSTEM

There are those who assume that the docking

system at Springhill was unfair, even iniquitous, and some probably cannot understand why there should be docking at all. What is 'docking'? It is no new system but one legalized for three quarters of a century. The men at collieries are paid so much per ton for coal, for the cutting of the coal and for the loading of it into pit tubs. In mining, stone often gets mixed with the coal. It may be in the seam, or it may fall from the roof. If a man unintentionally sends up a few pounds of stone there is no dock or fine. If he sends up a specified quantity, say 28 lbs., he is fined so much; if 56 lbs. so much more, while if there is an undue quantity of stone indicating either gross carelessness or deliberate intention to defraud, the whole box is docked, or forfeited. The Springhill management have declared time and again that the system of docking in the strike was sanctioned by the Mines Department and acceded to formerly by the workmen. The trouble on this point arose over the question whether a new system under a new Mines Regulation Section should be substituted. We have never heard of a mine manager who desired to dock for either pleasure or profit. Docking is an evil, but a necessary one under present conditions. A 'dock' is a punishment, and its object to deter, to prevent a repetition of the offence, i. e. sending up stone with the coal. At some mines the operators allow the fines to go to charitable purposes; other operators appropriate the fines to recoup them from loss, for stone in coal involves serious loss, the loss in weight of coal being an insignificant matter. At Springhill there are layers of stone met with occasionally in the seam for which the miners are allowed so much per inch, paid for by the operator. It may be difficult to keep this stone out, and yet were there no penalty for filling stone with the coal it might soon follow that the article sent up as coal was not marketable, or if that is a little strong, that it required so close attention of the screenmen that the expense to the operator would render his business profitless. Stone in coal means no doubt a loss to both workmen and operators, the latter faring the worst. When the U. M. W. man spoke of 21,000 tons being taken from the men for which they did not receive one red cent, he did not speak truthfully. Suppose for arguments sake 21,000 tons were taken, why was it confiscated. For the reasons on and for no other that there was stone in the box with the coal. Now as stone over four inches thick in the coal is paid for, so much per inch, by the operators, on the understanding that the stone is to be kept out of the coal, much of the docking must have been for stone paid for. And then the docking could not have been done, unfairly as we see men had a check-weigher, whose duty it was to see that no advantage was taken of the men. And it should not be forgotten that the docking in many instances was not done by an official of the company. A fellow workman was directly responsible, the dockman acting merely in the capacity of a recorder. When a box of coal was dumped in the screen, which the screenmen thought too dirty to let go unchallenged, a gong or bell was sounded, or some, unchallenged, done to attract the attention of the dockman thing who, having made inspection, let the box pass or who, having made inspection, let the box pass or who docked it, probably generally the latter. The check weigher was there to see that the dockman did not do other than his duty. Docking, like punishment, is an evil, but how to get clear of it is the puzzle.